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131st General Assembly

Regular Session

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Am. Sub. H. B. No. 64

Representative Smith, R.

**Cosponsors: Representatives Amstutz, Anielski, Baker, Blessing, Boose,
Brown, Buchy, Burkley, Dovilla, Ginter, Green, Hackett, Hagan, Hambley, Hill,
Kraus, Maag, McClain, Perales, Reineke, Romanchuk, Scherer, Sears,
Sprague, Speaker Rosenberger
Senators Oelslager, Balderson, Beagle, Burke, Coley, Eklund, Faber, Hite,
Lehner, Manning, Peterson, Uecker, Widener**

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General Assembly, as subsequently amended, to 332
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General Assembly, to amend Section 9 of Am. Sub. 334
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amended, and to amend Section 20.15 of H.B. 215 of 341
the 122nd General Assembly; to repeal Sections 342
701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th 343
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the 130th General Assembly, Sections 551.10 and 345
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130th General Assembly, and Section 13 of Am. Sub. 348

H.B. 487 of the 130th General Assembly; to amend 349
section 118.023 of the Revised Code as amended by 350
this act to terminate certain of its amendments by 351
this act two years after their effective date; to 352
amend the versions of sections 340.01, 340.03, 353
340.15, and 5119.21 of the Revised Code that are 354
scheduled to take effect September 15, 2016, to 355
continue the provisions of this act on and after 356
the effective date, to amend the version of 357
section 4501.01 of the Revised Code that is 358
scheduled to take effect January 1, 2017, to 359
continue the provisions of this act on and after 360
the effective date, to make operating 361
appropriations for the biennium beginning July 1, 362
2015, and ending June 30, 2017, to provide 363
authorization and conditions for the operation of 364
state programs, to amend section 102.01 and to 365
repeal sections 103.61, 103.62, 103.63, 103.64, 366
103.65, 103.66, and 103.67 of the Revised Code on 367
January 1, 2016, to terminate those laws on that 368
date, and to provide that the amendments by this 369
act to section 5124.67 of the Revised Code 370
terminate on July 1, 2018, when section 5124.67 of 371
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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 101.01. That sections 1.05, 9.312, 9.333, 9.83, 373
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(940.06), 1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 536
1515.092 (940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 537
(940.13), 1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 538

1515.16 (940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 539
(940.20), 1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 540
1515.185 (940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 541
(940.27), 1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 542
1515.22 (940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 543
(940.34), 1515.29 (940.35), 3333.031 (3333.012), 5123.1610 544
(5123.1611), and 5101.98 (5902.05) be amended for the purpose of 545
adopting new section numbers as indicated in parentheses; new 546
sections 2323.44, 3109.171, 3109.172, 5123.1610, and 5165.25 and 547
sections 5.2298, 9.318, 9.483, 101.60, 101.61, 103.42, 109.747, 548
111.31, 117.54, 118.041, 122.641, 125.035, 125.061, 131.025, 549
133.083, 135.182, 135.731, 145.364, 153.83, 164.13, 167.041, 550
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6112.06, 6117.021, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, 589
6119.602, and 6301.16 of the Revised Code be enacted to read as 590
follows: 591

Sec. 1.05. (A) As used in the Revised Code, unless the 592
context otherwise requires, "imprisoned" or "imprisonment" means 593
being imprisoned under a sentence imposed for an offense or 594
serving a term of imprisonment, prison term, jail term, term of 595
local incarceration, or other term under a sentence imposed for an 596
offense in an institution under the control of the department of 597
rehabilitation and correction, a county, multicounty, municipal, 598
municipal-county, or multicounty-municipal jail or workhouse, a 599
minimum security jail, a community-based correctional facility, a 600
~~halfway house, an alternative residential facility,~~ or another 601

facility described or referred to in section 2929.34 of the Revised Code for the type of criminal offense and under the circumstances specified or referred to in that section.

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

Sec. 5.2298. The month of April is designated as "Eastern European Month." The people of Ohio are called upon to observe this month with appropriate educational opportunities, ceremonies, and activities.

Sec. 9.312. (A) If a state agency or political subdivision is required by law or by an ordinance or resolution adopted under division (C) of this section to award a contract to the lowest responsive and responsible bidder, a bidder on the contract shall be considered responsive if the bidder's proposal responds to bid specifications in all material respects and contains no irregularities or deviations from the specifications which would affect the amount of the bid or otherwise give the bidder a competitive advantage. The factors that the state agency or political subdivision shall consider in determining whether a bidder on the contract is responsible include the experience of the bidder, the bidder's financial condition, conduct and performance on previous contracts, facilities, management skills, and ability to execute the contract properly.

For purposes of this division, the provision of a bid guaranty in accordance with divisions (A)(1) and (B) of section 153.54 of the Revised Code issued by a surety licensed to do business in this state is evidence of financial responsibility, but a state agency or political subdivision may request additional

financial information for review from an apparent low bidder after 632
it opens all submitted bids. A state agency or political 633
subdivision shall keep additional financial information it 634
receives pursuant to a request under this division confidential, 635
except under proper order of a court. The additional financial 636
information is not a public record under section 149.43 of the 637
Revised Code. 638

An apparent low bidder found not to be responsive and 639
responsible shall be notified by the state agency or political 640
subdivision of that finding and the reasons for it. Except for 641
contracts awarded by the department of administrative services 642
pursuant to section 125.11 of the Revised Code, the notification 643
shall be given in writing and by certified mail. When awarding 644
contracts pursuant to section 125.11 of the Revised Code, the 645
department may send such notice in writing by first class mail or 646
by electronic means. 647

(B) Where a state agency or a political subdivision that has 648
adopted an ordinance or resolution under division (C) of this 649
section determines to award a contract to a bidder other than the 650
apparent low bidder or bidders for the construction, 651
reconstruction, improvement, enlargement, alteration, repair, 652
painting, or decoration of a public improvement, it shall meet 653
with the apparent low bidder or bidders upon a filing of a timely 654
written protest. The protest must be received within five days of 655
the notification required in division (A) of this section. No 656
final award shall be made until the state agency or political 657
subdivision either affirms or reverses its earlier determination. 658
Notwithstanding any other provisions of the Revised Code, the 659
procedure described in this division is not subject to Chapter 660
119. of the Revised Code. 661

(C) A municipal corporation, township, school district, board 662
of county commissioners, any other county board or commission, or 663

any other political subdivision required by law to award contracts 664
by competitive bidding may by ordinance or resolution adopt a 665
policy of requiring each competitively bid contract it awards to 666
be awarded to the lowest responsive and responsible bidder in 667
accordance with this section. 668

Sec. 9.318. (A) As used in this section: 669

"Armed forces" means the armed forces of the United States, 670
including the army, navy, air force, marine corps, coast guard, or 671
any reserve component of those forces; the national guard of any 672
state; the commissioned corps of the United States public health 673
service; the merchant marine service during wartime; such other 674
service as may be designated by congress; and the Ohio organized 675
militia when engaged in full-time national guard duty for a period 676
of more than thirty days. 677

"State agency" has the meaning defined in section 1.60 of the 678
Revised Code. 679

"Veteran" means any person who has completed service in the 680
armed forces, including the national guard of any state, or a 681
reserve component of the armed forces, who has been honorably 682
discharged or discharged under honorable conditions from the armed 683
forces or who has been transferred to the reserve with evidence of 684
satisfactory service. 685

"Veteran-friendly business enterprise" means a sole 686
proprietorship, association, partnership, corporation, limited 687
liability company, or joint venture that meets veteran employment 688
standards established by the director of administrative services 689
and the director of transportation under this section. 690

(B) The director of administrative services and the director 691
of transportation shall establish and maintain the 692
veteran-friendly business procurement program. The director of 693

administrative services shall adopt rules to administer the 694
program for all state agencies except the department of 695
transportation, and the director of transportation shall adopt 696
rules to administer the program for the department of 697
transportation. The rules shall be adopted under Chapter 119. of 698
the Revised Code. The rules, as adopted separately by but with the 699
greatest degree of consistency possible between the two directors, 700
shall do all of the following: 701

(1) Establish criteria, based on the percentage of an 702
applicant's employees who are veterans, that qualifies an 703
applicant for certification as a veteran-friendly business 704
enterprise; 705

(2) Establish procedures by which a sole proprietorship, 706
association, partnership, corporation, limited liability company, 707
or joint venture may apply for certification as a veteran-friendly 708
business enterprise; 709

(3) Establish procedures for certifying a sole 710
proprietorship, association, partnership, corporation, limited 711
liability company, or joint venture as a veteran-friendly business 712
enterprise; 713

(4) Establish standards for determining when a 714
veteran-friendly business enterprise no longer qualifies for 715
certification as a veteran-friendly business enterprise; 716

(5) Establish procedures, to be used by state agencies or the 717
department of transportation, for the evaluation and ranking of 718
proposals, which provide preference or bonus points to each 719
certified veteran-friendly business enterprise that submits a bid 720
or other proposal for a contract with the state or an agency of 721
the state other than the department of transportation, or with the 722
department of transportation, for the rendering of services, or 723
the supplying of materials, or for the construction, demolition, 724

alteration, repair, or reconstruction of any public building, 725
structure, highway, or other improvement; 726

(6) Implement an outreach program to educate potential 727
participants about the veteran-friendly business procurement 728
program; and 729

(7) Establish a process for monitoring overall performance of 730
the veteran-friendly business procurement program. 731

Sec. 9.333. (A) No public authority shall enter into a 732
construction management contract with a construction manager 733
unless the construction manager provides a letter of credit 734
pursuant to Chapter 1305. of the Revised Code, a surety bond 735
pursuant to sections 153.54 and 153.57 of the Revised Code, a 736
certified check or cashier's check in an amount equal to the value 737
of the construction management contract for the project, or 738
provides other reasonable financial assurance of a nature and in 739
an amount satisfactory to the public authority. The public 740
authority may waive this requirement for good cause. 741

(B) Before construction begins pursuant to a construction 742
management contract with a construction manager at risk, the 743
construction manager at risk shall provide a surety bond to the 744
public authority in accordance with rules adopted by the executive 745
director of ~~administrative services~~ the Ohio facilities 746
construction commission under Chapter 119. of the Revised Code. 747

Sec. 9.483. Notwithstanding limitations imposed by the 748
Revised Code to the contrary, a political subdivision may enter 749
into a sale and leaseback agreement under which the legislative 750
authority agrees to convey a building owned by the political 751
subdivision to a purchaser who is obligated, immediately upon 752
closing, to lease all or portions of the building back to the 753
legislative authority. The sale and leaseback agreement shall 754

obligate the lessor to make public improvements to all or portions 755
of the building subject to the lease, including renovations, 756
energy conservation measures, and other measures that are 757
necessary to improve the functionality and reduce the operating 758
costs of the portions of the building that are subject to the 759
lease. 760

Sec. 9.83. (A) The state and any political subdivision may 761
procure a policy or policies of insurance insuring its officers 762
and employees against liability for injury, death, or loss to 763
person or property that arises out of the operation of an 764
automobile, truck, motor vehicle with auxiliary equipment, 765
self-propelling equipment or trailer, aircraft, or watercraft by 766
the officers or employees while engaged in the course of their 767
employment or official responsibilities for the state or the 768
political subdivision. The state is authorized to expend funds to 769
pay judgments that are rendered in any court against its officers 770
or employees and that result from such operation, and is 771
authorized to expend funds to compromise claims for liability 772
against its officers or employees that result from such operation. 773
No insurer shall deny coverage under such a policy, and the state 774
shall not refuse to pay judgments or compromise claims, on the 775
ground that an automobile, truck, motor vehicle with auxiliary 776
equipment, self-propelling equipment or trailer, aircraft, or 777
watercraft was not being used in the course of an officer's or 778
employee's employment or official responsibilities for the state 779
or a political subdivision unless the officer or employee who was 780
operating an automobile, truck, motor vehicle with auxiliary 781
equipment, or self-propelling equipment or trailer is convicted of 782
a violation of section 124.71 of the Revised Code as a result of 783
the same events. 784

(B) Funds shall be reserved as necessary, in the exercise of 785
sound and prudent actuarial judgment, to cover potential expense, 786

fees, damage, loss, or other liability. The office of risk 787
management may recommend or, if the state requests of the office 788
of risk management, shall recommend a specific amount for any 789
period of time that, in the opinion of the office of risk 790
management, represents such a judgment. 791

(C) Nothing in this section shall be construed to require the 792
department of administrative services to purchase liability 793
insurance for all state vehicles in a single policy of insurance 794
or to cover all state vehicles under a single plan of 795
self-insurance. 796

(D) Insurance procured by the state pursuant to this section 797
shall be procured as provided in division (G) of section ~~125.03~~ 798
125.02 of the Revised Code. 799

(E) For purposes of liability insurance procured under this 800
section to cover the operation of a motor vehicle by a prisoner 801
for whom the insurance is procured, "employee" includes a prisoner 802
in the custody of the department of rehabilitation and correction 803
who is enrolled in a work program that is established by the 804
department pursuant to section 5145.16 of the Revised Code and in 805
which the prisoner is required to operate a motor vehicle, as 806
defined in section 4509.01 of the Revised Code, and who is engaged 807
in the operation of a motor vehicle in the course of the work 808
program. 809

(F) All contributions collected by the director of 810
administrative services under division (H) of this section shall 811
be deposited into the risk management reserve fund created in 812
section 9.823 of the Revised Code to the credit of the vehicle 813
liability program. 814

(G) Reserves shall be maintained in the risk management 815
reserve fund to the credit of the vehicle liability program in any 816
amount that is necessary and adequate, in the exercise of sound 817

and prudent actuarial judgment, to cover potential liability 818
claims, expenses, fees, or damages. Money in the fund may be 819
applied to the payment of liability claims that are filed against 820
the state in the court of claims and determined in the manner 821
provided in Chapter 2743. of the Revised Code. The director of 822
administrative services may procure the services of a qualified 823
actuarial firm for the purpose of recommending the specific amount 824
of money that is required to maintain adequate reserves for a 825
specified period of time. 826

(H) The director of administrative services shall collect 827
from each state agency or any participating state body its 828
contribution to the vehicle liability program for the purpose of 829
purchasing insurance or administering self-insurance programs for 830
coverage authorized under this section. The amount of the 831
contribution shall be determined by the director, with the 832
approval of the director of budget and management. It shall be 833
based upon actuarial assumptions and the relative risk and loss 834
experience of each state agency or participating state body. The 835
amount of the contribution also shall include a reasonable sum to 836
cover administrative costs of the department of administrative 837
services. The amounts collected pursuant to this division shall be 838
deposited in the risk management reserve fund to the credit of the 839
vehicle liability program. 840

Sec. 9.833. (A) As used in this section, "political 841
subdivision" has the meaning defined in sections 2744.01 and 842
3905.36 of the Revised Code. For purposes of this section, 843
"political subdivision" includes municipal corporations as defined 844
in section 5705.01 of the Revised Code. 845

(B) Political subdivisions that provide health care benefits 846
for their officers or employees may do any of the following: 847

(1) Establish and maintain an individual self-insurance 848

program with public moneys to provide authorized health care 849
benefits, including but not limited to, health care, prescription 850
drugs, dental care, and vision care, in accordance with division 851
(C) of this section; 852

(2) Establish and maintain a health savings account program 853
whereby employees or officers may establish and maintain health 854
savings accounts in accordance with section 223 of the Internal 855
Revenue Code. Public moneys may be used to pay for or fund 856
federally qualified high deductible health plans that are linked 857
to health savings accounts or to make contributions to health 858
savings accounts. A health savings account program may be a part 859
of a self-insurance program. 860

(3) After establishing an individual self-insurance program, 861
agree with other political subdivisions that have established 862
individual self-insurance programs for health care benefits, that 863
their programs will be jointly administered in a manner specified 864
in the agreement; 865

(4) Pursuant to a written agreement and in accordance with 866
division (C) of this section, join in any combination with other 867
political subdivisions to establish and maintain a joint 868
self-insurance program to provide health care benefits; 869

(5) Pursuant to a written agreement, join in any combination 870
with other political subdivisions to procure or contract for 871
policies, contracts, or plans of insurance to provide health care 872
benefits, which may include a health savings account program for 873
their officers and employees subject to the agreement; 874

(6) Use in any combination any of the policies, contracts, 875
plans, or programs authorized under this division. 876

(7) Any agreement made under division (B)(3), (4), (5), or 877
(6) of this section shall be in writing, comply with division (C) 878
of this section, and contain best practices established in 879

consultation with and approved by the department of administrative 880
services. The best practices may be reviewed and amended at the 881
discretion of the political subdivisions in consultation with the 882
department. Detailed information regarding the best practices 883
shall be made available to any employee upon that employee's 884
request. 885

(8) Purchase plans containing best practices ~~established~~ 886
identified by the department of administrative services under 887
section 9.901 of the Revised Code. 888

(C) Except as otherwise provided in division (E) of this 889
section, the following apply to individual or joint self-insurance 890
programs established pursuant to this section: 891

(1) Such funds shall be reserved as are necessary, in the 892
exercise of sound and prudent actuarial judgment, to cover 893
potential cost of health care benefits for the officers and 894
employees of the political subdivision. A certified audited 895
financial statement and a report of aggregate amounts so reserved 896
and aggregate disbursements made from such funds, together with a 897
written report of a member of the American academy of actuaries 898
certifying whether the amounts reserved conform to the 899
requirements of this division, are computed in accordance with 900
accepted loss reserving standards, and are fairly stated in 901
accordance with sound loss reserving principles, shall be prepared 902
and maintained, within ninety days after the last day of the 903
fiscal year of the entity for which the report is provided for 904
that fiscal year, in the office of the program administrator 905
described in division (C)(3) of this section. 906

The report required by division (C)(1) of this section shall 907
include, but not be limited to, the aggregate of disbursements 908
made for the administration of the program, including claims paid, 909
costs of the legal representation of political subdivisions and 910
employees, and fees paid to consultants. 911

The program administrator described in division (C)(3) of 912
this section shall make the report required by this division 913
available for inspection by any person at all reasonable times 914
during regular business hours, and, upon the request of such 915
person, shall make copies of the report available at cost within a 916
reasonable period of time. The program administrator shall further 917
provide the report to the auditor of state under Chapter 117. of 918
the Revised Code. The report required by this division is in lieu 919
of the records required by division (A) of section 149.431 of the 920
Revised Code. 921

(2) Each political subdivision shall reserve funds necessary 922
for an individual or joint self-insurance program in a special 923
fund that may be established for political subdivisions other than 924
an agency or instrumentality pursuant to an ordinance or 925
resolution of the political subdivision and not subject to section 926
5705.12 of the Revised Code. An agency or instrumentality shall 927
reserve the funds necessary for an individual or joint 928
self-insurance program in a special fund established pursuant to a 929
resolution duly adopted by the agency's or instrumentality's 930
governing board. The political subdivision may allocate the costs 931
of insurance or any self-insurance program, or both, among the 932
funds or accounts established under this division on the basis of 933
relative exposure and loss experience. 934

(3) A contract may be awarded, without the necessity of 935
competitive bidding, to any person, political subdivision, 936
nonprofit corporation organized under Chapter 1702. of the Revised 937
Code, or regional council of governments created under Chapter 938
167. of the Revised Code for purposes of administration of an 939
individual or joint self-insurance program. No such contract shall 940
be entered into without full, prior, public disclosure of all 941
terms and conditions. The disclosure shall include, at a minimum, 942
a statement listing all representations made in connection with 943

any possible savings and losses resulting from the contract, and 944
potential liability of any political subdivision or employee. The 945
proposed contract and statement shall be disclosed and presented 946
at a meeting of the political subdivision not less than one week 947
prior to the meeting at which the political subdivision authorizes 948
the contract. 949

A contract awarded to a nonprofit corporation or a regional 950
council of governments under this division may provide that all 951
employees of the nonprofit corporation or regional council of 952
governments, the employees of all entities related to the 953
nonprofit corporation or regional council of governments, and the 954
employees of other nonprofit corporations that have fifty or fewer 955
employees and have been organized for the primary purpose of 956
representing the interests of political subdivisions, may be 957
covered by the individual or joint self-insurance program under 958
the terms and conditions set forth in the contract. 959

(4) The individual or joint self-insurance program shall 960
include a contract with a certified public accountant and a member 961
of the American academy of actuaries for the preparation of the 962
written evaluations required under division (C)(1) of this 963
section. 964

(5) A joint self-insurance program may allocate the costs of 965
funding the program among the funds or accounts established under 966
this division to the participating political subdivisions on the 967
basis of their relative exposure and loss experience. 968

(6) An individual self-insurance program may allocate the 969
costs of funding the program among the funds or accounts 970
established under this division to the political subdivision that 971
established the program. 972

(7) Two or more political subdivisions may also authorize the 973
establishment and maintenance of a joint health care cost 974

containment program, including, but not limited to, the employment 975
of risk managers, health care cost containment specialists, and 976
consultants, for the purpose of preventing and reducing health 977
care costs covered by insurance, individual self-insurance, or 978
joint self-insurance programs. 979

(8) A political subdivision is not liable under a joint 980
self-insurance program for any amount in excess of amounts payable 981
pursuant to the written agreement for the participation of the 982
political subdivision in the joint self-insurance program. Under a 983
joint self-insurance program agreement, a political subdivision 984
may, to the extent permitted under the written agreement, assume 985
the risks of any other political subdivision. A joint 986
self-insurance program established under this section is deemed a 987
separate legal entity for the public purpose of enabling the 988
members of the joint self-insurance program to obtain insurance or 989
to provide for a formalized, jointly administered self-insurance 990
fund for its members. An entity created pursuant to this section 991
is exempt from all state and local taxes. 992

(9) Any political subdivision, other than an agency or 993
instrumentality, may issue general obligation bonds, or special 994
obligation bonds that are not payable from real or personal 995
property taxes, and may also issue notes in anticipation of such 996
bonds, pursuant to an ordinance or resolution of its legislative 997
authority or other governing body for the purpose of providing 998
funds to pay expenses associated with the settlement of claims, 999
whether by way of a reserve or otherwise, and to pay the political 1000
subdivision's portion of the cost of establishing and maintaining 1001
an individual or joint self-insurance program or to provide for 1002
the reserve in the special fund authorized by division (C)(2) of 1003
this section. 1004

In its ordinance or resolution authorizing bonds or notes 1005
under this section, a political subdivision may elect to issue 1006

such bonds or notes under the procedures set forth in Chapter 133. 1007
of the Revised Code. In the event of such an election, 1008
notwithstanding Chapter 133. of the Revised Code, the maturity of 1009
the bonds may be for any period authorized in the ordinance or 1010
resolution not exceeding twenty years, which period shall be the 1011
maximum maturity of the bonds for purposes of section 133.22 of 1012
the Revised Code. 1013

Bonds and notes issued under this section shall not be 1014
considered in calculating the net indebtedness of the political 1015
subdivision under sections 133.04, 133.05, 133.06, and 133.07 of 1016
the Revised Code. Sections 9.98 to 9.983 of the Revised Code are 1017
hereby made applicable to bonds or notes authorized under this 1018
section. 1019

(10) A joint self-insurance program is not an insurance 1020
company. Its operation does not constitute doing an insurance 1021
business and is not subject to the insurance laws of this state. 1022

(11) A joint self-insurance program shall pay the run-off 1023
expenses of a participating political subdivision that terminates 1024
its participation in the program if the political subdivision has 1025
accumulated funds in the reserves for incurred but not reported 1026
claims. The run-off payment, at minimum, shall be limited to an 1027
actuarially determined cap or sixty days, whichever is reached 1028
first. This provision shall not apply during the term of a 1029
specific, separate agreement with a political subdivision to 1030
maintain enrollment for a specified period, not to exceed three 1031
years. 1032

(D) A political subdivision may procure group life insurance 1033
for its employees in conjunction with an individual or joint 1034
self-insurance program authorized by this section, provided that 1035
the policy of group life insurance is not self-insured. 1036

(E) This section does not apply to individual self-insurance 1037

programs created solely by municipal corporations as defined in 1038
section 5705.01 of the Revised Code. 1039

(F) A public official or employee of a political subdivision 1040
who is or becomes a member of the governing body of the program 1041
administrator of a joint self-insurance program in which the 1042
political subdivision participates is not in violation of division 1043
(D) or (E) of section 102.03, division (C) of section 102.04, or 1044
section 2921.42 of the Revised Code as a result of either of the 1045
following: 1046

(1) The political subdivision's entering under this section 1047
into the written agreement to participate in the joint 1048
self-insurance program; 1049

(2) The political subdivision's entering under this section 1050
into any other contract with the joint self-insurance program. 1051

Sec. 9.90. (A) The board of trustees or other governing body 1052
of a state institution of higher education, as defined in section 1053
3345.011 of the Revised Code, board of education of a school 1054
district, or governing board of an educational service center may, 1055
in addition to all other powers provided in the Revised Code: 1056

(1) Contract for, purchase, or otherwise procure from an 1057
insurer or insurers licensed to do business by the state of Ohio 1058
for or on behalf of such of its employees as it may determine, 1059
life insurance, or sickness, accident, annuity, endowment, health, 1060
medical, hospital, dental, or surgical coverage and benefits, or 1061
any combination thereof, by means of insurance plans or other 1062
types of coverage, family, group or otherwise, and may pay from 1063
funds under its control and available for such purpose all or any 1064
portion of the cost, premium, or charge for such insurance, 1065
coverage, or benefits. However, the governing board, in addition 1066
to or as an alternative to the authority otherwise granted by 1067
division (A)(1) of this section, may elect to procure coverage for 1068

health care services, for or on behalf of such of its employees as 1069
it may determine, by means of policies, contracts, certificates, 1070
or agreements issued by at least two health insuring corporations 1071
holding a certificate of authority under Chapter 1751. of the 1072
Revised Code and may pay from funds under the governing board's 1073
control and available for such purpose all or any portion of the 1074
cost of such coverage. 1075

(2) Make payments to a custodial account for investment in 1076
regulated investment company stock that is treated as an annuity 1077
under Internal Revenue Code section 403(b). 1078

Any income of an employee deferred under divisions (A)(1) and 1079
(2) of this section in a deferred compensation program eligible 1080
for favorable tax treatment under the Internal Revenue Code shall 1081
continue to be included as regular compensation for the purpose of 1082
computing the contributions to and benefits from the retirement 1083
system of such employee. Any sum so deferred shall not be included 1084
in the computation of any federal and state income taxes withheld 1085
on behalf of any such employee. 1086

(B) All or any portion of the cost, premium, or charge 1087
therefor may be paid in such other manner or combination of 1088
manners as the board or governing body may determine, including 1089
direct payment by the employee in cases under division (A)(1) of 1090
this section, and, if authorized in writing by the employee in 1091
cases under division (A)(1) or (2) of this section, by the board 1092
or governing body with moneys made available by deduction from or 1093
reduction in salary or wages or by the foregoing of a salary or 1094
wage increase. Nothing in section 3917.01 or section 3917.06 of 1095
the Revised Code shall prohibit the issuance or purchase of group 1096
life insurance authorized by this section by reason of payment of 1097
premiums therefor by the board or governing body from its funds, 1098
and such group life insurance may be so issued and purchased if 1099
otherwise consistent with the provisions of sections 3917.01 to 1100

3917.07 of the Revised Code. 1101

(C) The board of education of any school district may 1102
exercise any of the powers granted to the governing boards of 1103
public institutions of higher education under divisions (A) and 1104
(B) of this section. All health care benefits provided to persons 1105
employed by the public schools of this state shall be through 1106
health care plans that contain best practices ~~established~~ 1107
identified by the department of administrative services ~~pursuant~~ 1108
~~to~~ under section 9.901 of the Revised Code. 1109

Sec. 9.901. (A)(1) ~~All health~~ Health care plans that provide 1110
benefits ~~provided~~ to persons employed by public employers as 1111
defined by this section ~~shall be provided by health care plans~~ 1112
~~that contain~~ may consider best practices established by the former 1113
school employees health care board or identified by the department 1114
of administrative services. All policies or contracts for health 1115
care benefits that are issued or renewed after the expiration of 1116
any applicable collective bargaining agreement ~~must contain all~~ 1117
may consider any best practices ~~established pursuant to~~ identified 1118
under this section at the time of renewal. Health care plans that 1119
contain the best practices may be self-insured. 1120

(2) ~~Upon consulting with the department of administrative~~ 1121
~~services, a political subdivision may adopt a delivery system of~~ 1122
~~benefits that is not in accordance with the department's adopted~~ 1123
~~best practices if it is considered by the department to be most~~ 1124
~~financially advantageous to the political subdivision.~~ 1125

~~(3)~~ As used in this section: 1126

(a) "Public employer" means political subdivisions, public 1127
school districts, or state institutions of higher education. 1128

(b) "Public school district" means a city, local, exempted 1129
village, or joint vocational school district; a STEM school 1130

established under Chapter 3326. of the Revised Code; or an 1131
educational service center. "Public school district" does not mean 1132
a community school established under Chapter 3314. of the Revised 1133
Code. 1134

(c) "State institution of higher education" or "state 1135
institution" means a state institution of higher education as 1136
defined in section 3345.011 of the Revised Code. 1137

(d) "Political subdivision" has the same meaning as defined 1138
in section 9.833 of the Revised Code. 1139

(e) A "health care plan" includes group policies, contracts, 1140
and agreements that provide hospital, surgical, or medical expense 1141
coverage, including self-insured plans. A "health care plan" does 1142
not include an individual plan offered to the employees of a 1143
political subdivision, public school district, or state 1144
institution, or a plan that provides coverage only for specific 1145
disease or accidents, or a hospital indemnity, medicare 1146
supplement, or other plan that provides only supplemental 1147
benefits, paid for by the employees of a political subdivision, 1148
public school district, or state institution. 1149

(f) A "health plan sponsor" means a political subdivision, 1150
public school district, a state institution of higher education, a 1151
consortium of political subdivisions, public school districts, or 1152
state institutions, or a council of governments. 1153

~~(4) The public employees health care fund is hereby created 1154
in the state treasury. The department shall use all funds in the 1155
public employees health care fund solely to carry out the 1156
provisions of this section and related administrative costs. 1157~~

(B) The department of administrative services shall do all of 1158
the following: 1159

(1) Identify strategies to manage health care costs; 1160

- (2) Study the potential benefits of state or regional consortiums of public employers' health care plans; 1161
1162
- (3) ~~Publish~~ Study information regarding the health care plans offered by political subdivisions, public school districts, state institutions, and existing consortiums; 1163
1164
1165
- (4) ~~Assist in the design~~ Provide representative cost estimates of options for health care plans for political subdivisions, public school districts, and state institutions of higher education in accordance with division (A) of this section separate from the plans for state agencies; 1166
1167
1168
1169
1170
- (5) ~~Adopt~~ Study and release ~~a set of~~ standards that ~~shall~~ may be considered the best practices for health care plans offered to employees of political subdivisions, public school districts, and state institutions; 1171
1172
1173
1174
- (6) Require that plans the health plan sponsors administer make readily available to the public all cost and design elements of the plan; 1175
1176
1177
- (7) Promote cooperation among all organizations affected by this section in identifying the elements for successful implementation of this section; and 1178
1179
1180
- (8) Promote cost containment measures aligned with patient, plan, and provider management strategies in developing and managing health care plans; ~~and~~ 1181
1182
1183
- ~~(9) Prepare and disseminate to the public an annual report on the status of health plan sponsors' effectiveness in complying with best practices and making progress to reduce the rate of increase in insurance premiums and employee out of pocket expenses, as well as progress in improving the health status of employees and their families.~~ 1184
1185
1186
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1189
- (C) The director of administrative services may convene a 1190

public health care advisory committee to assist in studying the 1191
issues discussed in this section. ~~The committee shall make~~ 1192
~~recommendations to the director of administrative services or the~~ 1193
~~director's designee on the development and adoption of best~~ 1194
~~practices under this section. The committee shall consist of~~ 1195
~~fifteen members: five members appointed by the speaker of the~~ 1196
~~house of representatives; five members appointed by the president~~ 1197
~~of the senate; and five members appointed by the governor and~~ 1198
~~shall include representatives from state and local government~~ 1199
~~employers, state and local government employees, insurance agents,~~ 1200
~~health insurance companies, and joint purchasing arrangements~~ 1201
~~currently in existence. Members shall serve without compensation.~~ 1202

~~(D) The department may adopt rules for the enforcement of~~ 1203
~~health plan sponsors' compliance with the best practices standards~~ 1204
~~adopted by the department pursuant to this section.~~ 1205

~~(E)~~ Any health care plan providing coverage for the employees 1206
of political subdivisions, public school districts, or state 1207
institutions of higher education, or that have provided coverage 1208
within two years before ~~the effective date of this amendment~~ June 1209
30, 2011, shall provide nonidentifiable aggregate claims and 1210
administrative data for the coverage provided as required by the 1211
department, without charge, within thirty days after receiving a 1212
written request from the department. The claims data shall include 1213
data relating to employee group benefit sets, demographics, and 1214
claims experience. 1215

~~(F)~~(E) The department may work with other state agencies to 1216
obtain services as the department deems necessary for the 1217
implementation and operation of this section, based on 1218
demonstrated experience and expertise in administration, 1219
management, data handling, actuarial studies, quality assurance, 1220
or for other needed services. 1221

~~(G)~~(F) The department shall hire staff as necessary to 1222

provide administrative support to the department and the public 1223
employee health care plan program established by this section. 1224

~~(H)~~(G) Nothing in this section shall be construed as 1225
prohibiting political subdivisions, public school districts, or 1226
state institutions from consulting with and compensating insurance 1227
agents and brokers for professional services or from establishing 1228
a self-insurance program. 1229

~~(I)~~(H) Pursuant to Chapter 117. of the Revised Code, the 1230
auditor of state shall conduct all necessary and required audits 1231
of the department. The auditor of state, upon request, also shall 1232
furnish to the department copies of audits of political 1233
subdivisions, public school districts, or consortia performed by 1234
the auditor of state. 1235

Sec. 101.60. A state agency, its officers, employees, and 1236
contractors, shall recognize the state identification card of an 1237
individual who is a member, officer who is not a member, or 1238
employee of the general assembly as a form of identification at 1239
all entry points and check points within the state agency's 1240
building or office and may not require any additional credential 1241
or photograph. 1242

Sec. 101.61. Not later than the first day of January and the 1243
fourth day of July each year, an executive agency, mayor's court, 1244
municipal court, county court, court of common pleas, including a 1245
probate court and a juvenile court, court of appeals, and the 1246
supreme court shall submit to the general assembly a report of all 1247
nongeneral revenue funds the agency or court administers. The 1248
report shall contain information regarding the amounts contained 1249
in the fund and an itemized statement as to the manner in which 1250
the fund has been expended. 1251

As used in this section, "executive agency" means the office 1252

of an elected executive official, a department created under 1253
section 121.02 of the Revised Code, or any other state agency, 1254
department, board, or commission controlled or directed by an 1255
elected executive official or otherwise subject to an elected 1256
executive official's authority. "Executive agency" does not 1257
include the nonprofit corporation formed under section 187.01 of 1258
the Revised Code. 1259

Sec. 102.02. (A)(1) Except as otherwise provided in division 1260
(H) of this section, all of the following shall file with the 1261
appropriate ethics commission the disclosure statement described 1262
in this division on a form prescribed by the appropriate 1263
commission: every person who is elected to or is a candidate for a 1264
state, county, or city office and every person who is appointed to 1265
fill a vacancy for an unexpired term in such an elective office; 1266
all members of the state board of education; the director, 1267
assistant directors, deputy directors, division chiefs, or persons 1268
of equivalent rank of any administrative department of the state; 1269
the president or other chief administrative officer of every state 1270
institution of higher education as defined in section 3345.011 of 1271
the Revised Code; the executive director and the members of the 1272
capitol square review and advisory board appointed or employed 1273
pursuant to section 105.41 of the Revised Code; all members of the 1274
Ohio casino control commission, the executive director of the 1275
commission, all professional employees of the commission, and all 1276
technical employees of the commission who perform an internal 1277
audit function; the individuals set forth in division (B)(2) of 1278
section 187.03 of the Revised Code; the chief executive officer 1279
and the members of the board of each state retirement system; each 1280
employee of a state retirement board who is a state retirement 1281
system investment officer licensed pursuant to section 1707.163 of 1282
the Revised Code; the members of the Ohio retirement study council 1283
appointed pursuant to division (C) of section 171.01 of the 1284

Revised Code; employees of the Ohio retirement study council, 1285
other than employees who perform purely administrative or clerical 1286
functions; the administrator of workers' compensation and each 1287
member of the bureau of workers' compensation board of directors; 1288
the bureau of workers' compensation director of investments; the 1289
chief investment officer of the bureau of workers' compensation; 1290
all members of the board of commissioners on grievances and 1291
discipline of the supreme court and the ethics commission created 1292
under section 102.05 of the Revised Code; every business manager, 1293
treasurer, or superintendent of a city, local, exempted village, 1294
joint vocational, or cooperative education school district or an 1295
educational service center; every person who is elected to or is a 1296
candidate for the office of member of a board of education of a 1297
city, local, exempted village, joint vocational, or cooperative 1298
education school district or of a governing board of an 1299
educational service center that has a total student count of 1300
twelve thousand or more as most recently determined by the 1301
department of education pursuant to section 3317.03 of the Revised 1302
Code; every person who is appointed to the board of education of a 1303
municipal school district pursuant to division (B) or (F) of 1304
section 3311.71 of the Revised Code; all members of the board of 1305
directors of a sanitary district that is established under Chapter 1306
6115. of the Revised Code and organized wholly for the purpose of 1307
providing a water supply for domestic, municipal, and public use, 1308
and that includes two municipal corporations in two counties; 1309
every public official or employee who is paid a salary or wage in 1310
accordance with schedule C of section 124.15 or schedule E-2 of 1311
section 124.152 of the Revised Code; members of the board of 1312
trustees and the executive director of the southern Ohio 1313
agricultural and community development foundation; all members 1314
appointed to the Ohio livestock care standards board under section 1315
904.02 of the Revised Code; all entrepreneurs in residence 1316
assigned by the LeanOhio office in the department of 1317

administrative services under section 125.65 of the Revised Code 1318
and every other public official or employee who is designated by 1319
the appropriate ethics commission pursuant to division (B) of this 1320
section. 1321

(2) The disclosure statement shall include all of the 1322
following: 1323

~~(1)~~(a) The name of the person filing the statement and each 1324
member of the person's immediate family and all names under which 1325
the person or members of the person's immediate family do 1326
business; 1327

~~(2)~~(a)(b)(i) Subject to divisions (A)(2)(b)(ii) and ~~(e)~~(iii) 1328
of this section and except as otherwise provided in section 1329
102.022 of the Revised Code, identification of every source of 1330
income, other than income from a legislative agent identified in 1331
division (A)(2)(b)(ii) of this section, received during the 1332
preceding calendar year, in the person's own name or by any other 1333
person for the person's use or benefit, by the person filing the 1334
statement, and a brief description of the nature of the services 1335
for which the income was received. If the person filing the 1336
statement is a member of the general assembly, the statement shall 1337
identify the amount of every source of income received in 1338
accordance with the following ranges of amounts: zero or more, but 1339
less than one thousand dollars; one thousand dollars or more, but 1340
less than ten thousand dollars; ten thousand dollars or more, but 1341
less than twenty-five thousand dollars; twenty-five thousand 1342
dollars or more, but less than fifty thousand dollars; fifty 1343
thousand dollars or more, but less than one hundred thousand 1344
dollars; and one hundred thousand dollars or more. Division 1345
(A)(2)~~(a)~~(b)(i) of this section shall not be construed to require 1346
a person filing the statement who derives income from a business 1347
or profession to disclose the individual items of income that 1348
constitute the gross income of that business or profession, except 1349

for those individual items of income that are attributable to the 1350
person's or, if the income is shared with the person, the 1351
partner's, solicitation of services or goods or performance, 1352
arrangement, or facilitation of services or provision of goods on 1353
behalf of the business or profession of clients, including 1354
corporate clients, who are legislative agents. A person who files 1355
the statement under this section shall disclose the identity of 1356
and the amount of income received from a person who the public 1357
official or employee knows or has reason to know is doing or 1358
seeking to do business of any kind with the public official's or 1359
employee's agency. 1360

~~(b)~~(ii) If the person filing the statement is a member of the 1361
general assembly, the statement shall identify every source of 1362
income and the amount of that income that was received from a 1363
legislative agent during the preceding calendar year, in the 1364
person's own name or by any other person for the person's use or 1365
benefit, by the person filing the statement, and a brief 1366
description of the nature of the services for which the income was 1367
received. Division (A)(2)(b)(ii) of this section requires the 1368
disclosure of clients of attorneys or persons licensed under 1369
section 4732.12 of the Revised Code, or patients of persons 1370
certified under section 4731.14 of the Revised Code, if those 1371
clients or patients are legislative agents. Division (A)(2)(b)(ii) 1372
of this section requires a person filing the statement who derives 1373
income from a business or profession to disclose those individual 1374
items of income that constitute the gross income of that business 1375
or profession that are received from legislative agents. 1376

~~(e)~~(iii) Except as otherwise provided in division 1377
(A)(2)~~(e)~~(b)(iii) of this section, division (A)(2)~~(a)~~(b)(i) of 1378
this section applies to attorneys, physicians, and other persons 1379
who engage in the practice of a profession and who, pursuant to a 1380
section of the Revised Code, the common law of this state, a code 1381

of ethics applicable to the profession, or otherwise, generally 1382
are required not to reveal, disclose, or use confidences of 1383
clients, patients, or other recipients of professional services 1384
except under specified circumstances or generally are required to 1385
maintain those types of confidences as privileged communications 1386
except under specified circumstances. Division (A)(2)~~(a)~~(b)(i) of 1387
this section does not require an attorney, physician, or other 1388
professional subject to a confidentiality requirement as described 1389
in division (A)(2)~~(e)~~(b)(iii) of this section to disclose the 1390
name, other identity, or address of a client, patient, or other 1391
recipient of professional services if the disclosure would 1392
threaten the client, patient, or other recipient of professional 1393
services, would reveal details of the subject matter for which 1394
legal, medical, or professional advice or other services were 1395
sought, or would reveal an otherwise privileged communication 1396
involving the client, patient, or other recipient of professional 1397
services. Division (A)(2)~~(a)~~(b)(i) of this section does not 1398
require an attorney, physician, or other professional subject to a 1399
confidentiality requirement as described in division 1400
(A)(2)~~(e)~~(b)(iii) of this section to disclose in the brief 1401
description of the nature of services required by division 1402
(A)(2)~~(a)~~(b)(i) of this section any information pertaining to 1403
specific professional services rendered for a client, patient, or 1404
other recipient of professional services that would reveal details 1405
of the subject matter for which legal, medical, or professional 1406
advice was sought or would reveal an otherwise privileged 1407
communication involving the client, patient, or other recipient of 1408
professional services. 1409

~~(3)~~(c) The name of every corporation on file with the 1410
secretary of state that is incorporated in this state or holds a 1411
certificate of compliance authorizing it to do business in this 1412
state, trust, business trust, partnership, or association that 1413
transacts business in this state in which the person filing the 1414

statement or any other person for the person's use and benefit had 1415
during the preceding calendar year an investment of over one 1416
thousand dollars at fair market value as of the thirty-first day 1417
of December of the preceding calendar year, or the date of 1418
disposition, whichever is earlier, or in which the person holds 1419
any office or has a fiduciary relationship, and a description of 1420
the nature of the investment, office, or relationship. Division 1421
(A)~~(3)~~(2)(c) of this section does not require disclosure of the 1422
name of any bank, savings and loan association, credit union, or 1423
building and loan association with which the person filing the 1424
statement has a deposit or a withdrawable share account. 1425

~~(4)~~(d) All fee simple and leasehold interests to which the 1426
person filing the statement holds legal title to or a beneficial 1427
interest in real property located within the state, excluding the 1428
person's residence and property used primarily for personal 1429
recreation; 1430

~~(5)~~(e) The names of all persons residing or transacting 1431
business in the state to whom the person filing the statement 1432
owes, in the person's own name or in the name of any other person, 1433
more than one thousand dollars. Division (A)~~(5)~~(2)(e) of this 1434
section shall not be construed to require the disclosure of debts 1435
owed by the person resulting from the ordinary conduct of a 1436
business or profession or debts on the person's residence or real 1437
property used primarily for personal recreation, except that the 1438
superintendent of financial institutions shall disclose the names 1439
of all state-chartered savings and loan associations and of all 1440
service corporations subject to regulation under division (E)(2) 1441
of section 1151.34 of the Revised Code to whom the superintendent 1442
in the superintendent's own name or in the name of any other 1443
person owes any money, and that the superintendent and any deputy 1444
superintendent of banks shall disclose the names of all 1445
state-chartered banks and all bank subsidiary corporations subject 1446

to regulation under section 1109.44 of the Revised Code to whom 1447
the superintendent or deputy superintendent owes any money. 1448

~~(6)~~(f) The names of all persons residing or transacting 1449
business in the state, other than a depository excluded under 1450
division (A)~~(3)~~(2)~~(c)~~ of this section, who owe more than one 1451
thousand dollars to the person filing the statement, either in the 1452
person's own name or to any person for the person's use or 1453
benefit. Division (A)~~(6)~~(2)~~(f)~~ of this section shall not be 1454
construed to require the disclosure of clients of attorneys or 1455
persons licensed under section 4732.12 of the Revised Code, or 1456
patients of persons certified under section 4731.14 of the Revised 1457
Code, nor the disclosure of debts owed to the person resulting 1458
from the ordinary conduct of a business or profession. 1459

~~(7)~~(g) Except as otherwise provided in section 102.022 of the 1460
Revised Code, the source of each gift of over seventy-five 1461
dollars, or of each gift of over twenty-five dollars received by a 1462
member of the general assembly from a legislative agent, received 1463
by the person in the person's own name or by any other person for 1464
the person's use or benefit during the preceding calendar year, 1465
except gifts received by will or by virtue of section 2105.06 of 1466
the Revised Code, or received from spouses, parents, grandparents, 1467
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 1468
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 1469
fathers-in-law, mothers-in-law, or any person to whom the person 1470
filing the statement stands in loco parentis, or received by way 1471
of distribution from any inter vivos or testamentary trust 1472
established by a spouse or by an ancestor; 1473

~~(8)~~(h) Except as otherwise provided in section 102.022 of the 1474
Revised Code, identification of the source and amount of every 1475
payment of expenses incurred for travel to destinations inside or 1476
outside this state that is received by the person in the person's 1477
own name or by any other person for the person's use or benefit 1478

and that is incurred in connection with the person's official 1479
duties, except for expenses for travel to meetings or conventions 1480
of a national or state organization to which any state agency, 1481
including, but not limited to, any legislative agency or state 1482
institution of higher education as defined in section 3345.011 of 1483
the Revised Code, pays membership dues, or any political 1484
subdivision or any office or agency of a political subdivision 1485
pays membership dues; 1486

~~(9)~~(i) Except as otherwise provided in section 102.022 of the 1487
Revised Code, identification of the source of payment of expenses 1488
for meals and other food and beverages, other than for meals and 1489
other food and beverages provided at a meeting at which the person 1490
participated in a panel, seminar, or speaking engagement or at a 1491
meeting or convention of a national or state organization to which 1492
any state agency, including, but not limited to, any legislative 1493
agency or state institution of higher education as defined in 1494
section 3345.011 of the Revised Code, pays membership dues, or any 1495
political subdivision or any office or agency of a political 1496
subdivision pays membership dues, that are incurred in connection 1497
with the person's official duties and that exceed one hundred 1498
dollars aggregated per calendar year; 1499

~~(10)~~(j) If the disclosure statement is filed by a public 1500
official or employee described in division (B)(2) of section 1501
101.73 of the Revised Code or division (B)(2) of section 121.63 of 1502
the Revised Code who receives a statement from a legislative 1503
agent, executive agency lobbyist, or employer that contains the 1504
information described in division (F)(2) of section 101.73 of the 1505
Revised Code or division (G)(2) of section 121.63 of the Revised 1506
Code, all of the nondisputed information contained in the 1507
statement delivered to that public official or employee by the 1508
legislative agent, executive agency lobbyist, or employer under 1509
division (F)(2) of section 101.73 or (G)(2) of section 121.63 of 1510

the Revised Code. 1511

(3) A person may file a statement required by this section in 1512
person, by mail, or by electronic means. ~~A~~ 1513

(4) A person who is required to file a statement under this 1514
section shall file that statement according to the following 1515
deadlines, as applicable: 1516

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 1517
and (d) of this section, the person shall file the statement not 1518
later than the fifteenth day of May of each year. 1519

(b) A person who is a candidate for elective office shall 1520
file the statement no later than the thirtieth day before the 1521
primary, special, or general election at which the candidacy is to 1522
be voted on, whichever election occurs soonest, except that a 1523
person who is a write-in candidate shall file the statement no 1524
later than the twentieth day before the earliest election at which 1525
the person's candidacy is to be voted on. ~~A person who holds~~ 1526
~~elective office shall file the statement on or before the~~ 1527
~~fifteenth day of April of each year unless the person is a~~ 1528
~~candidate for office. A~~ 1529

(c) A person who is appointed to fill a vacancy for an 1530
unexpired term in an elective office shall file the statement 1531
within fifteen days after the person qualifies for office. ~~Other~~ 1532
~~persons~~ 1533

(d) A person who is appointed or employed after the fifteenth 1534
day of May, other than a person described in division (A)(4)(c) of 1535
this section, shall file an annual statement on or before the 1536
fifteenth day of April or, if appointed or employed after that 1537
date, within ninety days after appointment or employment. ~~No~~ 1538

(5) No person shall be required to file with the appropriate 1539
ethics commission more than one statement or pay more than one 1540
filing fee for any one calendar year. 1541

(6) The appropriate ethics commission, for good cause, may extend for a reasonable time the deadline for filing a statement under this section.

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

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

~~Except for disclosure statements filed by members of the board of trustees and the executive director of the southern Ohio agricultural and community development foundation, disclosure~~ Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential.

Disclosure statements filed with the Ohio ethics commission under 1574
division (A) of this section by business managers, treasurers, and 1575
superintendents of city, local, exempted village, joint 1576
vocational, or cooperative education school districts or 1577
educational service centers shall be kept confidential, except 1578
that any person conducting an audit of any such school district or 1579
educational service center pursuant to section 115.56 or Chapter 1580
117. of the Revised Code may examine the disclosure statement of 1581
any business manager, treasurer, or superintendent of that school 1582
district or educational service center. Disclosure statements 1583
filed with the Ohio ethics commission under division (A) of this 1584
section by the individuals set forth in division (B)(2) of section 1585
187.03 of the Revised Code shall be kept confidential. The Ohio 1586
ethics commission shall examine each disclosure statement required 1587
to be kept confidential to determine whether a potential conflict 1588
of interest exists for the person who filed the disclosure 1589
statement. A potential conflict of interest exists if the private 1590
interests of the person, as indicated by the person's disclosure 1591
statement, might interfere with the public interests the person is 1592
required to serve in the exercise of the person's authority and 1593
duties in the person's office or position of employment. If the 1594
commission determines that a potential conflict of interest 1595
exists, it shall notify the person who filed the disclosure 1596
statement and shall make the portions of the disclosure statement 1597
that indicate a potential conflict of interest subject to public 1598
inspection in the same manner as is provided for other disclosure 1599
statements. Any portion of the disclosure statement that the 1600
commission determines does not indicate a potential conflict of 1601
interest shall be kept confidential by the commission and shall 1602
not be made subject to public inspection, except as is necessary 1603
for the enforcement of Chapters 102. and 2921. of the Revised Code 1604
and except as otherwise provided in this division. 1605

(C) No person shall knowingly fail to file, on or before the 1606

applicable filing deadline established under this section, a 1607
statement that is required by this section. 1608

(D) No person shall knowingly file a false statement that is 1609
required to be filed under this section. 1610

(E)(1) Except as provided in divisions (E)(2) and (3) of this 1611
section, the statement required by division (A) or (B) of this 1612
section shall be accompanied by a filing fee of sixty dollars. 1613

(2) The statement required by division (A) of this section 1614
shall be accompanied by the following filing fee to be paid by the 1615
person who is elected or appointed to, or is a candidate for, any 1616
of the following offices: 1617

For state office, except member of the		1618
state board of education	\$95	1619
For office of member of general assembly	\$40	1620
For county office	\$60	1621
For city office	\$35	1622
For office of member of the state board		1623
of education	\$35	1624
For office of member of a city, local,		1625
exempted village, or cooperative		1626
education board of		1627
education or educational service		1628
center governing board	\$30	1629
For position of business manager,		1630
treasurer, or superintendent of a		1631
city, local, exempted village, joint		1632
vocational, or cooperative education		1633
school district or		1634
educational service center	\$30	1635

(3) No judge of a court of record or candidate for judge of a 1636
court of record, and no referee or magistrate serving a court of 1637
record, shall be required to pay the fee required under division 1638

(E)(1) or (2) or (F) of this section. 1639

(4) For any public official who is appointed to a nonelective 1640
office of the state and for any employee who holds a nonelective 1641
position in a public agency of the state, the state agency that is 1642
the primary employer of the state official or employee shall pay 1643
the fee required under division (E)(1) or (F) of this section. 1644

(F) If a statement required to be filed under this section is 1645
not filed by the date on which it is required to be filed, the 1646
appropriate ethics commission shall assess the person required to 1647
file the statement a late filing fee of ten dollars for each day 1648
the statement is not filed, except that the total amount of the 1649
late filing fee shall not exceed two hundred fifty dollars. 1650

(G)(1) The appropriate ethics commission other than the Ohio 1651
ethics commission and the joint legislative ethics committee shall 1652
deposit all fees it receives under divisions (E) and (F) of this 1653
section into the general revenue fund of the state. 1654

(2) The Ohio ethics commission shall deposit all receipts, 1655
including, but not limited to, fees it receives under divisions 1656
(E) and (F) of this section, investigative or other fees, costs, 1657
or other funds it receives as a result of court orders, and all 1658
moneys it receives from settlements under division (G) of section 1659
102.06 of the Revised Code, into the Ohio ethics commission fund, 1660
which is hereby created in the state treasury. All moneys credited 1661
to the fund shall be used solely for expenses related to the 1662
operation and statutory functions of the commission. 1663

(3) The joint legislative ethics committee shall deposit all 1664
receipts it receives from the payment of financial disclosure 1665
statement filing fees under divisions (E) and (F) of this section 1666
into the joint legislative ethics committee investigative fund. 1667

(H) Division (A) of this section does not apply to a person 1668
elected or appointed to the office of precinct, ward, or district 1669

committee member under Chapter 3517. of the Revised Code; a 1670
presidential elector; a delegate to a national convention; village 1671
or township officials and employees; any physician or psychiatrist 1672
who is paid a salary or wage in accordance with schedule C of 1673
section 124.15 or schedule E-2 of section 124.152 of the Revised 1674
Code and whose primary duties do not require the exercise of 1675
administrative discretion; or any member of a board, commission, 1676
or bureau of any county or city who receives less than one 1677
thousand dollars per year for serving in that position. 1678

Sec. 102.022. Each person who is an officer or employee of a 1679
political subdivision, who receives compensation of less than 1680
sixteen thousand dollars a year for holding an office or position 1681
of employment with that political subdivision, and who is required 1682
to file a statement under section 102.02 of the Revised Code; each 1683
member of the board of trustees of a state institution of higher 1684
education as defined in section 3345.011 of the Revised Code who 1685
is required to file a statement under section 102.02 of the 1686
Revised Code; and each individual set forth in division (B)(2) of 1687
section 187.03 of the Revised Code who is required to file a 1688
statement under section 102.02 of the Revised Code, shall include 1689
in that statement, in place of the information required by 1690
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 1691
the following information: 1692

(A) Exclusive of reasonable expenses, identification of every 1693
source of income over five hundred dollars received during the 1694
preceding calendar year, in the officer's or employee's own name 1695
or by any other person for the officer's or employee's use or 1696
benefit, by the person filing the statement, and a brief 1697
description of the nature of the services for which the income was 1698
received. This division shall not be construed to require the 1699
disclosure of clients of attorneys or persons licensed under 1700
section 4732.12 of the Revised Code or patients of persons 1701

certified under section 4731.14 of the Revised Code. This division 1702
shall not be construed to require a person filing the statement 1703
who derives income from a business or profession to disclose the 1704
individual items of income that constitute the gross income of the 1705
business or profession. 1706

(B) The source of each gift of over five hundred dollars 1707
received by the person in the officer's or employee's own name or 1708
by any other person for the officer's or employee's use or benefit 1709
during the preceding calendar year, except gifts received by will 1710
or by virtue of section 2105.06 of the Revised Code, received from 1711
parents, grandparents, children, grandchildren, siblings, nephews, 1712
nieces, uncles, aunts, brothers-in-law, sisters-in-law, 1713
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, or 1714
any person to whom the person filing the statement stands in loco 1715
parentis, or received by way of distribution from any inter vivos 1716
or testamentary trust established by a spouse or by an ancestor. 1717

Sec. 103.412. (A) JMOC shall oversee the medicaid program on 1718
a continuing basis. As part of its oversight, JMOC shall do all of 1719
the following: 1720

(1) Review how the medicaid program relates to the public and 1721
private provision of health care coverage in this state and the 1722
United States; 1723

(2) Review the reforms implemented under section 5162.70 of 1724
the Revised Code and evaluate the reforms' successes in achieving 1725
their objectives; 1726

(3) Recommend policies and strategies to encourage both of 1727
the following: 1728

(a) Medicaid recipients being physically and mentally able to 1729
join and stay in the workforce and ultimately becoming 1730
self-sufficient; 1731

(b) Less use of the medicaid program.	1732
(4) Recommend, to the extent JMOC determines appropriate, improvements in statutes and rules concerning the medicaid program;	1733 1734 1735
(5) Develop a plan of action for the future of the medicaid program;	1736 1737
(6) Receive and consider reports submitted by county <u>local</u> healthier buckeye councils under section 355.04 of the Revised Code.	1738 1739 1740
(B) JMOC may do all of the following:	1741
(1) Plan, advertise, organize, and conduct forums, conferences, and other meetings at which representatives of state agencies and other individuals having expertise in the medicaid program may participate to increase knowledge and understanding of, and to develop and propose improvements in, the medicaid program;	1742 1743 1744 1745 1746 1747
(2) Prepare and issue reports on the medicaid program;	1748
(3) Solicit written comments on, and conduct public hearings at which persons may offer verbal comments on, drafts of its reports.	1749 1750 1751
<u>Sec. 103.42. (A) During the period beginning July 1, 2015, and ending June 30, 2018, the joint medicaid oversight committee on a quarterly basis shall monitor the actions of the department of medicaid under section 5167.04 of the Revised Code in preparing to implement and implementing inclusion of alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	1752 1753 1754 1755 1756 1757 1758 1759
<u>Beginning July 1, 2018, the committee on a periodic basis shall monitor the department's inclusion of the services in the</u>	1760 1761

system. 1762

(B) With respect to any proposal by the department to include 1763
all or part of the services in all or part of the system before 1764
January 1, 2018, the committee shall review the proposal and vote 1765
on whether to approve or disapprove the proposal. If a majority of 1766
the committee members approve the proposal, the committee shall 1767
notify the department and the proposal may be implemented. 1768

Sec. 109.57. (A)(1) The superintendent of the bureau of 1769
criminal identification and investigation shall procure from 1770
wherever procurable and file for record photographs, pictures, 1771
descriptions, fingerprints, measurements, and other information 1772
that may be pertinent of all persons who have been convicted of 1773
committing within this state a felony, any crime constituting a 1774
misdemeanor on the first offense and a felony on subsequent 1775
offenses, or any misdemeanor described in division (A)(1)(a), 1776
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, of 1777
all children under eighteen years of age who have been adjudicated 1778
delinquent children for committing within this state an act that 1779
would be a felony or an offense of violence if committed by an 1780
adult or who have been convicted of or pleaded guilty to 1781
committing within this state a felony or an offense of violence, 1782
and of all well-known and habitual criminals. The person in charge 1783
of any county, multicounty, municipal, municipal-county, or 1784
multicounty-municipal jail or workhouse, community-based 1785
correctional facility, halfway house, alternative residential 1786
facility, or state correctional institution and the person in 1787
charge of any state institution having custody of a person 1788
suspected of having committed a felony, any crime constituting a 1789
misdemeanor on the first offense and a felony on subsequent 1790
offenses, or any misdemeanor described in division (A)(1)(a), 1791
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code or 1792
having custody of a child under eighteen years of age with respect 1793

to whom there is probable cause to believe that the child may have 1794
committed an act that would be a felony or an offense of violence 1795
if committed by an adult shall furnish such material to the 1796
superintendent of the bureau. Fingerprints, photographs, or other 1797
descriptive information of a child who is under eighteen years of 1798
age, has not been arrested or otherwise taken into custody for 1799
committing an act that would be a felony or an offense of violence 1800
who is not in any other category of child specified in this 1801
division, if committed by an adult, has not been adjudicated a 1802
delinquent child for committing an act that would be a felony or 1803
an offense of violence if committed by an adult, has not been 1804
convicted of or pleaded guilty to committing a felony or an 1805
offense of violence, and is not a child with respect to whom there 1806
is probable cause to believe that the child may have committed an 1807
act that would be a felony or an offense of violence if committed 1808
by an adult shall not be procured by the superintendent or 1809
furnished by any person in charge of any county, multicounty, 1810
municipal, municipal-county, or multicounty-municipal jail or 1811
workhouse, community-based correctional facility, halfway house, 1812
alternative residential facility, or state correctional 1813
institution, except as authorized in section 2151.313 of the 1814
Revised Code. 1815

(2) Every clerk of a court of record in this state, other 1816
than the supreme court or a court of appeals, shall send to the 1817
superintendent of the bureau a weekly report containing a summary 1818
of each case involving a felony, involving any crime constituting 1819
a misdemeanor on the first offense and a felony on subsequent 1820
offenses, involving a misdemeanor described in division (A)(1)(a), 1821
(A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code, or 1822
involving an adjudication in a case in which a child under 1823
eighteen years of age was alleged to be a delinquent child for 1824
committing an act that would be a felony or an offense of violence 1825

if committed by an adult. The clerk of the court of common pleas 1826
shall include in the report and summary the clerk sends under this 1827
division all information described in divisions (A)(2)(a) to (f) 1828
of this section regarding a case before the court of appeals that 1829
is served by that clerk. The summary shall be written on the 1830
standard forms furnished by the superintendent pursuant to 1831
division (B) of this section and shall include the following 1832
information: 1833

(a) The incident tracking number contained on the standard 1834
forms furnished by the superintendent pursuant to division (B) of 1835
this section; 1836

(b) The style and number of the case; 1837

(c) The date of arrest, offense, summons, or arraignment; 1838

(d) The date that the person was convicted of or pleaded 1839
guilty to the offense, adjudicated a delinquent child for 1840
committing the act that would be a felony or an offense of 1841
violence if committed by an adult, found not guilty of the 1842
offense, or found not to be a delinquent child for committing an 1843
act that would be a felony or an offense of violence if committed 1844
by an adult, the date of an entry dismissing the charge, an entry 1845
declaring a mistrial of the offense in which the person is 1846
discharged, an entry finding that the person or child is not 1847
competent to stand trial, or an entry of a nolle prosequi, or the 1848
date of any other determination that constitutes final resolution 1849
of the case; 1850

(e) A statement of the original charge with the section of 1851
the Revised Code that was alleged to be violated; 1852

(f) If the person or child was convicted, pleaded guilty, or 1853
was adjudicated a delinquent child, the sentence or terms of 1854
probation imposed or any other disposition of the offender or the 1855
delinquent child. 1856

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

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in division (A)(1)(a), (A)(5)(a), or (A)(7)(a) of section 109.572 of the Revised Code and of all children under eighteen years of age arrested or otherwise taken into custody for committing an act that would be a felony or an offense of violence if committed by an adult. The superintendent also shall file for record the fingerprint impressions of all persons confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution for the violation of state laws and of all children under eighteen years of age who are confined in a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, community-based correctional facility, halfway house, alternative residential facility, or state correctional institution or in any facility for delinquent children for committing an act that would be a felony or an offense of violence if committed by an adult, and any other information that the superintendent may receive from law enforcement officials of the state and its political subdivisions.

(4) The superintendent shall carry out Chapter 2950. of the

Revised Code with respect to the registration of persons who are 1889
convicted of or plead guilty to a sexually oriented offense or a 1890
child-victim oriented offense and with respect to all other duties 1891
imposed on the bureau under that chapter. 1892

(5) The bureau shall perform centralized recordkeeping 1893
functions for criminal history records and services in this state 1894
for purposes of the national crime prevention and privacy compact 1895
set forth in section 109.571 of the Revised Code and is the 1896
criminal history record repository as defined in that section for 1897
purposes of that compact. The superintendent or the 1898
superintendent's designee is the compact officer for purposes of 1899
that compact and shall carry out the responsibilities of the 1900
compact officer specified in that compact. 1901

(B) The superintendent shall prepare and furnish to every 1902
county, multicounty, municipal, municipal-county, or 1903
multicounty-municipal jail or workhouse, community-based 1904
correctional facility, halfway house, alternative residential 1905
facility, or state correctional institution and to every clerk of 1906
a court in this state specified in division (A)(2) of this section 1907
standard forms for reporting the information required under 1908
division (A) of this section. The standard forms that the 1909
superintendent prepares pursuant to this division may be in a 1910
tangible format, in an electronic format, or in both tangible 1911
formats and electronic formats. 1912

(C)(1) The superintendent may operate a center for 1913
electronic, automated, or other data processing for the storage 1914
and retrieval of information, data, and statistics pertaining to 1915
criminals and to children under eighteen years of age who are 1916
adjudicated delinquent children for committing an act that would 1917
be a felony or an offense of violence if committed by an adult, 1918
criminal activity, crime prevention, law enforcement, and criminal 1919
justice, and may establish and operate a statewide communications 1920

network to be known as the Ohio law enforcement gateway to gather 1921
and disseminate information, data, and statistics for the use of 1922
law enforcement agencies and for other uses specified in this 1923
division. The superintendent may gather, store, retrieve, and 1924
disseminate information, data, and statistics that pertain to 1925
children who are under eighteen years of age and that are gathered 1926
pursuant to sections 109.57 to 109.61 of the Revised Code together 1927
with information, data, and statistics that pertain to adults and 1928
that are gathered pursuant to those sections. 1929

(2) The superintendent or the superintendent's designee shall 1930
gather information of the nature described in division (C)(1) of 1931
this section that pertains to the offense and delinquency history 1932
of a person who has been convicted of, pleaded guilty to, or been 1933
adjudicated a delinquent child for committing a sexually oriented 1934
offense or a child-victim oriented offense for inclusion in the 1935
state registry of sex offenders and child-victim offenders 1936
maintained pursuant to division (A)(1) of section 2950.13 of the 1937
Revised Code and in the internet database operated pursuant to 1938
division (A)(13) of that section and for possible inclusion in the 1939
internet database operated pursuant to division (A)(11) of that 1940
section. 1941

(3) In addition to any other authorized use of information, 1942
data, and statistics of the nature described in division (C)(1) of 1943
this section, the superintendent or the superintendent's designee 1944
may provide and exchange the information, data, and statistics 1945
pursuant to the national crime prevention and privacy compact as 1946
described in division (A)(5) of this section. 1947

(4) The attorney general may adopt rules under Chapter 119. 1948
of the Revised Code establishing guidelines for the operation of 1949
and participation in the Ohio law enforcement gateway. The rules 1950
may include criteria for granting and restricting access to 1951
information gathered and disseminated through the Ohio law 1952

enforcement gateway. The attorney general shall permit the state 1953
medical board and board of nursing to access and view, but not 1954
alter, information gathered and disseminated through the Ohio law 1955
enforcement gateway. 1956

The attorney general may appoint a steering committee to 1957
advise the attorney general in the operation of the Ohio law 1958
enforcement gateway that is comprised of persons who are 1959
representatives of the criminal justice agencies in this state 1960
that use the Ohio law enforcement gateway and is chaired by the 1961
superintendent or the superintendent's designee. 1962

(D)(1) The following are not public records under section 1963
149.43 of the Revised Code: 1964

(a) Information and materials furnished to the superintendent 1965
pursuant to division (A) of this section; 1966

(b) Information, data, and statistics gathered or 1967
disseminated through the Ohio law enforcement gateway pursuant to 1968
division (C)(1) of this section; 1969

(c) Information and materials furnished to any board or 1970
person under division (F) or (G) of this section. 1971

(2) The superintendent or the superintendent's designee shall 1972
gather and retain information so furnished under division (A) of 1973
this section that pertains to the offense and delinquency history 1974
of a person who has been convicted of, pleaded guilty to, or been 1975
adjudicated a delinquent child for committing a sexually oriented 1976
offense or a child-victim oriented offense for the purposes 1977
described in division (C)(2) of this section. 1978

(E)(1) The attorney general shall adopt rules, in accordance 1979
with Chapter 119. of the Revised Code and subject to division 1980
(E)(2) of this section, setting forth the procedure by which a 1981
person may receive or release information gathered by the 1982
superintendent pursuant to division (A) of this section. A 1983

reasonable fee may be charged for this service. If a temporary 1984
employment service submits a request for a determination of 1985
whether a person the service plans to refer to an employment 1986
position has been convicted of or pleaded guilty to an offense 1987
listed or described in division (A)(1), (2), or (3) of section 1988
109.572 of the Revised Code, the request shall be treated as a 1989
single request and only one fee shall be charged. 1990

(2) Except as otherwise provided in this division or division 1991
(E)(3) or (4) of this section, a rule adopted under division 1992
(E)(1) of this section may provide only for the release of 1993
information gathered pursuant to division (A) of this section that 1994
relates to the conviction of a person, or a person's plea of 1995
guilty to, a criminal offense or to the arrest of a person as 1996
provided in division (E)(3) of this section. The superintendent 1997
shall not release, and the attorney general shall not adopt any 1998
rule under division (E)(1) of this section that permits the 1999
release of, any information gathered pursuant to division (A) of 2000
this section that relates to an adjudication of a child as a 2001
delinquent child, or that relates to a criminal conviction of a 2002
person under eighteen years of age if the person's case was 2003
transferred back to a juvenile court under division (B)(2) or (3) 2004
of section 2152.121 of the Revised Code and the juvenile court 2005
imposed a disposition or serious youthful offender disposition 2006
upon the person under either division, unless either of the 2007
following applies with respect to the adjudication or conviction: 2008

(a) The adjudication or conviction was for a violation of 2009
section 2903.01 or 2903.02 of the Revised Code. 2010

(b) The adjudication or conviction was for a sexually 2011
oriented offense, the juvenile court was required to classify the 2012
child a juvenile offender registrant for that offense under 2013
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 2014
classification has not been removed, and the records of the 2015

adjudication or conviction have not been sealed or expunged 2016
pursuant to sections 2151.355 to 2151.358 or sealed pursuant to 2017
section 2952.32 of the Revised Code. 2018

(3) A rule adopted under division (E)(1) of this section may 2019
provide for the release of information gathered pursuant to 2020
division (A) of this section that relates to the arrest of a 2021
person who is eighteen years of age or older when the person has 2022
not been convicted as a result of that arrest if any of the 2023
following applies: 2024

(a) The arrest was made outside of this state. 2025

(b) A criminal action resulting from the arrest is pending, 2026
and the superintendent confirms that the criminal action has not 2027
been resolved at the time the criminal records check is performed. 2028

(c) The bureau cannot reasonably determine whether a criminal 2029
action resulting from the arrest is pending, and not more than one 2030
year has elapsed since the date of the arrest. 2031

(4) A rule adopted under division (E)(1) of this section may 2032
provide for the release of information gathered pursuant to 2033
division (A) of this section that relates to an adjudication of a 2034
child as a delinquent child if not more than five years have 2035
elapsed since the date of the adjudication, the adjudication was 2036
for an act that would have been a felony if committed by an adult, 2037
the records of the adjudication have not been sealed or expunged 2038
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 2039
the request for information is made under division (F) of this 2040
section or under section 109.572 of the Revised Code. In the case 2041
of an adjudication for a violation of the terms of community 2042
control or supervised release, the five-year period shall be 2043
calculated from the date of the adjudication to which the 2044
community control or supervised release pertains. 2045

(F)(1) As used in division (F)(2) of this section, "head 2046

start agency" means an entity in this state that has been approved 2047
to be an agency for purposes of subchapter II of the "Community 2048
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 2049
as amended. 2050

(2)(a) In addition to or in conjunction with any request that 2051
is required to be made under section 109.572, 2151.86, 3301.32, 2052
3301.541, division (C) of section 3310.58, or section 3319.39, 2053
3319.391, 3327.10, 3701.881, ~~5104.012~~, 5104.013, 5123.081, or 2054
5153.111 of the Revised Code or that is made under section 2055
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 2056
board of education of any school district; the director of 2057
developmental disabilities; any county board of developmental 2058
disabilities; any provider or subcontractor as defined in section 2059
5123.081 of the Revised Code; the chief administrator of any 2060
chartered nonpublic school; the chief administrator of a 2061
registered private provider that is not also a chartered nonpublic 2062
school; the chief administrator of any home health agency; the 2063
chief administrator of or person operating any child day-care 2064
center, type A family day-care home, or type B family day-care 2065
home licensed under Chapter 5104. of the Revised Code; the chief 2066
administrator of any head start agency; the executive director of 2067
a public children services agency; a private company described in 2068
section 3314.41, 3319.392, 3326.25, or 3328.20 of the Revised 2069
Code; or an employer described in division (J)(2) of section 2070
3327.10 of the Revised Code may request that the superintendent of 2071
the bureau investigate and determine, with respect to any 2072
individual who has applied for employment in any position after 2073
October 2, 1989, or any individual wishing to apply for employment 2074
with a board of education may request, with regard to the 2075
individual, whether the bureau has any information gathered under 2076
division (A) of this section that pertains to that individual. On 2077
receipt of the request, subject to division (E)(2) of this 2078
section, the superintendent shall determine whether that 2079

information exists and, upon request of the person, board, or 2080
entity requesting information, also shall request from the federal 2081
bureau of investigation any criminal records it has pertaining to 2082
that individual. The superintendent or the superintendent's 2083
designee also may request criminal history records from other 2084
states or the federal government pursuant to the national crime 2085
prevention and privacy compact set forth in section 109.571 of the 2086
Revised Code. Within thirty days of the date that the 2087
superintendent receives a request, subject to division (E)(2) of 2088
this section, the superintendent shall send to the board, entity, 2089
or person a report of any information that the superintendent 2090
determines exists, including information contained in records that 2091
have been sealed under section 2953.32 of the Revised Code, and, 2092
within thirty days of its receipt, subject to division (E)(2) of 2093
this section, shall send the board, entity, or person a report of 2094
any information received from the federal bureau of investigation, 2095
other than information the dissemination of which is prohibited by 2096
federal law. 2097

(b) When a board of education or a registered private 2098
provider is required to receive information under this section as 2099
a prerequisite to employment of an individual pursuant to division 2100
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 2101
may accept a certified copy of records that were issued by the 2102
bureau of criminal identification and investigation and that are 2103
presented by an individual applying for employment with the 2104
district in lieu of requesting that information itself. In such a 2105
case, the board shall accept the certified copy issued by the 2106
bureau in order to make a photocopy of it for that individual's 2107
employment application documents and shall return the certified 2108
copy to the individual. In a case of that nature, a district or 2109
provider only shall accept a certified copy of records of that 2110
nature within one year after the date of their issuance by the 2111
bureau. 2112

(c) Notwithstanding division (F)(2)(a) of this section, in 2113
the case of a request under section 3319.39, 3319.391, or 3327.10 2114
of the Revised Code only for criminal records maintained by the 2115
federal bureau of investigation, the superintendent shall not 2116
determine whether any information gathered under division (A) of 2117
this section exists on the person for whom the request is made. 2118

(3) The state board of education may request, with respect to 2119
any individual who has applied for employment after October 2, 2120
1989, in any position with the state board or the department of 2121
education, any information that a school district board of 2122
education is authorized to request under division (F)(2) of this 2123
section, and the superintendent of the bureau shall proceed as if 2124
the request has been received from a school district board of 2125
education under division (F)(2) of this section. 2126

(4) When the superintendent of the bureau receives a request 2127
for information under section 3319.291 of the Revised Code, the 2128
superintendent shall proceed as if the request has been received 2129
from a school district board of education and shall comply with 2130
divisions (F)(2)(a) and (c) of this section. 2131

(5) When a recipient of a classroom reading improvement grant 2132
paid under section 3301.86 of the Revised Code requests, with 2133
respect to any individual who applies to participate in providing 2134
any program or service funded in whole or in part by the grant, 2135
the information that a school district board of education is 2136
authorized to request under division (F)(2)(a) of this section, 2137
the superintendent of the bureau shall proceed as if the request 2138
has been received from a school district board of education under 2139
division (F)(2)(a) of this section. 2140

(G) In addition to or in conjunction with any request that is 2141
required to be made under section 3701.881, 3712.09, or 3721.121 2142
of the Revised Code with respect to an individual who has applied 2143
for employment in a position that involves providing direct care 2144

to an older adult or adult resident, the chief administrator of a 2145
home health agency, hospice care program, home licensed under 2146
Chapter 3721. of the Revised Code, or adult day-care program 2147
operated pursuant to rules adopted under section 3721.04 of the 2148
Revised Code may request that the superintendent of the bureau 2149
investigate and determine, with respect to any individual who has 2150
applied after January 27, 1997, for employment in a position that 2151
does not involve providing direct care to an older adult or adult 2152
resident, whether the bureau has any information gathered under 2153
division (A) of this section that pertains to that individual. 2154

In addition to or in conjunction with any request that is 2155
required to be made under section 173.27 of the Revised Code with 2156
respect to an individual who has applied for employment in a 2157
position that involves providing ombudsman services to residents 2158
of long-term care facilities or recipients of community-based 2159
long-term care services, the state long-term care ombudsman, the 2160
director of aging, a regional long-term care ombudsman program, or 2161
the designee of the ombudsman, director, or program may request 2162
that the superintendent investigate and determine, with respect to 2163
any individual who has applied for employment in a position that 2164
does not involve providing such ombudsman services, whether the 2165
bureau has any information gathered under division (A) of this 2166
section that pertains to that applicant. 2167

In addition to or in conjunction with any request that is 2168
required to be made under section 173.38 of the Revised Code with 2169
respect to an individual who has applied for employment in a 2170
direct-care position, the chief administrator of a provider, as 2171
defined in section 173.39 of the Revised Code, may request that 2172
the superintendent investigate and determine, with respect to any 2173
individual who has applied for employment in a position that is 2174
not a direct-care position, whether the bureau has any information 2175
gathered under division (A) of this section that pertains to that 2176

applicant. 2177

In addition to or in conjunction with any request that is 2178
required to be made under section 3712.09 of the Revised Code with 2179
respect to an individual who has applied for employment in a 2180
position that involves providing direct care to a pediatric 2181
respite care patient, the chief administrator of a pediatric 2182
respite care program may request that the superintendent of the 2183
bureau investigate and determine, with respect to any individual 2184
who has applied for employment in a position that does not involve 2185
providing direct care to a pediatric respite care patient, whether 2186
the bureau has any information gathered under division (A) of this 2187
section that pertains to that individual. 2188

On receipt of a request under this division, the 2189
superintendent shall determine whether that information exists 2190
and, on request of the individual requesting information, shall 2191
also request from the federal bureau of investigation any criminal 2192
records it has pertaining to the applicant. The superintendent or 2193
the superintendent's designee also may request criminal history 2194
records from other states or the federal government pursuant to 2195
the national crime prevention and privacy compact set forth in 2196
section 109.571 of the Revised Code. Within thirty days of the 2197
date a request is received, subject to division (E)(2) of this 2198
section, the superintendent shall send to the requester a report 2199
of any information determined to exist, including information 2200
contained in records that have been sealed under section 2953.32 2201
of the Revised Code, and, within thirty days of its receipt, shall 2202
send the requester a report of any information received from the 2203
federal bureau of investigation, other than information the 2204
dissemination of which is prohibited by federal law. 2205

(H) Information obtained by a government entity or person 2206
under this section is confidential and shall not be released or 2207
disseminated. 2208

(I) The superintendent may charge a reasonable fee for 2209
providing information or criminal records under division (F)(2) or 2210
(G) of this section. 2211

(J) As used in this section: 2212

(1) "Pediatric respite care program" and "pediatric care 2213
patient" have the same meanings as in section 3712.01 of the 2214
Revised Code. 2215

(2) "Sexually oriented offense" and "child-victim oriented 2216
offense" have the same meanings as in section 2950.01 of the 2217
Revised Code. 2218

(3) "Registered private provider" means a nonpublic school or 2219
entity registered with the superintendent of public instruction 2220
under section 3310.41 of the Revised Code to participate in the 2221
autism scholarship program or section 3310.58 of the Revised Code 2222
to participate in the Jon Peterson special needs scholarship 2223
program. 2224

Sec. 109.572. (A)(1) Upon receipt of a request pursuant to 2225
section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 2226
a completed form prescribed pursuant to division (C)(1) of this 2227
section, and a set of fingerprint impressions obtained in the 2228
manner described in division (C)(2) of this section, the 2229
superintendent of the bureau of criminal identification and 2230
investigation shall conduct a criminal records check in the manner 2231
described in division (B) of this section to determine whether any 2232
information exists that indicates that the person who is the 2233
subject of the request previously has been convicted of or pleaded 2234
guilty to any of the following: 2235

(a) A violation of section 2903.01, 2903.02, 2903.03, 2236
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2237
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2238

2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2239
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2240
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2241
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2242
2925.06, or 3716.11 of the Revised Code, felonious sexual 2243
penetration in violation of former section 2907.12 of the Revised 2244
Code, a violation of section 2905.04 of the Revised Code as it 2245
existed prior to July 1, 1996, a violation of section 2919.23 of 2246
the Revised Code that would have been a violation of section 2247
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2248
had the violation been committed prior to that date, or a 2249
violation of section 2925.11 of the Revised Code that is not a 2250
minor drug possession offense; 2251

(b) A violation of an existing or former law of this state, 2252
any other state, or the United States that is substantially 2253
equivalent to any of the offenses listed in division (A)(1)(a) of 2254
this section; 2255

(c) If the request is made pursuant to section 3319.39 of the 2256
Revised Code for an applicant who is a teacher, any offense 2257
specified in section 3319.31 of the Revised Code. 2258

(2) On receipt of a request pursuant to section 3712.09 or 2259
3721.121 of the Revised Code, a completed form prescribed pursuant 2260
to division (C)(1) of this section, and a set of fingerprint 2261
impressions obtained in the manner described in division (C)(2) of 2262
this section, the superintendent of the bureau of criminal 2263
identification and investigation shall conduct a criminal records 2264
check with respect to any person who has applied for employment in 2265
a position for which a criminal records check is required by those 2266
sections. The superintendent shall conduct the criminal records 2267
check in the manner described in division (B) of this section to 2268
determine whether any information exists that indicates that the 2269
person who is the subject of the request previously has been 2270

convicted of or pleaded guilty to any of the following: 2271

(a) A violation of section 2903.01, 2903.02, 2903.03, 2272
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2273
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2274
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2275
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2276
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2277
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2278
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2279
2925.22, 2925.23, or 3716.11 of the Revised Code; 2280

(b) An existing or former law of this state, any other state, 2281
or the United States that is substantially equivalent to any of 2282
the offenses listed in division (A)(2)(a) of this section. 2283

(3) On receipt of a request pursuant to section 173.27, 2284
173.38, 173.381, 3701.881, 5164.34, 5164.341, 5164.342, 5123.081, 2285
or 5123.169 of the Revised Code, a completed form prescribed 2286
pursuant to division (C)(1) of this section, and a set of 2287
fingerprint impressions obtained in the manner described in 2288
division (C)(2) of this section, the superintendent of the bureau 2289
of criminal identification and investigation shall conduct a 2290
criminal records check of the person for whom the request is made. 2291
The superintendent shall conduct the criminal records check in the 2292
manner described in division (B) of this section to determine 2293
whether any information exists that indicates that the person who 2294
is the subject of the request previously has been convicted of, 2295
has pleaded guilty to, or (except in the case of a request 2296
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 2297
Code) has been found eligible for intervention in lieu of 2298
conviction for any of the following, regardless of the date of the 2299
conviction, the date of entry of the guilty plea, or (except in 2300
the case of a request pursuant to section 5164.34, 5164.341, or 2301
5164.342 of the Revised Code) the date the person was found 2302

eligible for intervention in lieu of conviction:	2303
(a) A violation of section 959.13, 959.131, 2903.01, 2903.02,	2304
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15,	2305
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01,	2306
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02,	2307
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09,	2308
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32,	2309
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04,	2310
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12,	2311
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21,	2312
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44,	2313
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51,	2314
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123,	2315
2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12,	2316
2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35,	2317
2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161,	2318
2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04,	2319
2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14,	2320
2925.141, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56,	2321
2927.12, or 3716.11 of the Revised Code;	2322
(b) Felonious sexual penetration in violation of former	2323
section 2907.12 of the Revised Code;	2324
(c) A violation of section 2905.04 of the Revised Code as it	2325
existed prior to July 1, 1996;	2326
(d) A violation of section 2923.01, 2923.02, or 2923.03 of	2327
the Revised Code when the underlying offense that is the object of	2328
the conspiracy, attempt, or complicity is one of the offenses	2329
listed in divisions (A)(3)(a) to (c) of this section;	2330
(e) A violation of an existing or former municipal ordinance	2331
or law of this state, any other state, or the United States that	2332
is substantially equivalent to any of the offenses listed in	2333

divisions (A)(3)(a) to (d) of this section. 2334

(4) On receipt of a request pursuant to section 2151.86 of 2335
the Revised Code, a completed form prescribed pursuant to division 2336
(C)(1) of this section, and a set of fingerprint impressions 2337
obtained in the manner described in division (C)(2) of this 2338
section, the superintendent of the bureau of criminal 2339
identification and investigation shall conduct a criminal records 2340
check in the manner described in division (B) of this section to 2341
determine whether any information exists that indicates that the 2342
person who is the subject of the request previously has been 2343
convicted of or pleaded guilty to any of the following: 2344

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 2345
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2346
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2347
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2348
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2349
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 2350
2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 2351
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2352
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 2353
of the Revised Code, a violation of section 2905.04 of the Revised 2354
Code as it existed prior to July 1, 1996, a violation of section 2355
2919.23 of the Revised Code that would have been a violation of 2356
section 2905.04 of the Revised Code as it existed prior to July 1, 2357
1996, had the violation been committed prior to that date, a 2358
violation of section 2925.11 of the Revised Code that is not a 2359
minor drug possession offense, two or more OVI or OVUAC violations 2360
committed within the three years immediately preceding the 2361
submission of the application or petition that is the basis of the 2362
request, or felonious sexual penetration in violation of former 2363
section 2907.12 of the Revised Code; 2364

(b) A violation of an existing or former law of this state, 2365

any other state, or the United States that is substantially 2366
equivalent to any of the offenses listed in division (A)(4)(a) of 2367
this section. 2368

(5) Upon receipt of a request pursuant to section ~~5104.012~~ or 2369
5104.013 of the Revised Code, a completed form prescribed pursuant 2370
to division (C)(1) of this section, and a set of fingerprint 2371
impressions obtained in the manner described in division (C)(2) of 2372
this section, the superintendent of the bureau of criminal 2373
identification and investigation shall conduct a criminal records 2374
check in the manner described in division (B) of this section to 2375
determine whether any information exists that indicates that the 2376
person who is the subject of the request has been convicted of or 2377
pleaded guilty to any of the following: 2378

(a) A violation of section 2151.421, 2903.01, 2903.02, 2379
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2380
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2381
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2382
2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2383
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2384
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 2385
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 2386
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 2387
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2388
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 2389
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 2390
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 2391
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 2392
Revised Code, felonious sexual penetration in violation of former 2393
section 2907.12 of the Revised Code, a violation of section 2394
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2395
violation of section 2919.23 of the Revised Code that would have 2396
been a violation of section 2905.04 of the Revised Code as it 2397

existed prior to July 1, 1996, had the violation been committed 2398
prior to that date, a violation of section 2925.11 of the Revised 2399
Code that is not a minor drug possession offense, a violation of 2400
section 2923.02 or 2923.03 of the Revised Code that relates to a 2401
crime specified in this division, or a second violation of section 2402
4511.19 of the Revised Code within five years of the date of 2403
application for licensure or certification. 2404

(b) A violation of an existing or former law of this state, 2405
any other state, or the United States that is substantially 2406
equivalent to any of the offenses or violations described in 2407
division (A)(5)(a) of this section. 2408

(6) Upon receipt of a request pursuant to section 5153.111 of 2409
the Revised Code, a completed form prescribed pursuant to division 2410
(C)(1) of this section, and a set of fingerprint impressions 2411
obtained in the manner described in division (C)(2) of this 2412
section, the superintendent of the bureau of criminal 2413
identification and investigation shall conduct a criminal records 2414
check in the manner described in division (B) of this section to 2415
determine whether any information exists that indicates that the 2416
person who is the subject of the request previously has been 2417
convicted of or pleaded guilty to any of the following: 2418

(a) A violation of section 2903.01, 2903.02, 2903.03, 2419
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2420
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2421
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2422
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2423
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2424
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2425
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 2426
felonious sexual penetration in violation of former section 2427
2907.12 of the Revised Code, a violation of section 2905.04 of the 2428
Revised Code as it existed prior to July 1, 1996, a violation of 2429

section 2919.23 of the Revised Code that would have been a 2430
violation of section 2905.04 of the Revised Code as it existed 2431
prior to July 1, 1996, had the violation been committed prior to 2432
that date, or a violation of section 2925.11 of the Revised Code 2433
that is not a minor drug possession offense; 2434

(b) A violation of an existing or former law of this state, 2435
any other state, or the United States that is substantially 2436
equivalent to any of the offenses listed in division (A)(6)(a) of 2437
this section. 2438

(7) On receipt of a request for a criminal records check from 2439
an individual pursuant to section 4749.03 or 4749.06 of the 2440
Revised Code, accompanied by a completed copy of the form 2441
prescribed in division (C)(1) of this section and a set of 2442
fingerprint impressions obtained in a manner described in division 2443
(C)(2) of this section, the superintendent of the bureau of 2444
criminal identification and investigation shall conduct a criminal 2445
records check in the manner described in division (B) of this 2446
section to determine whether any information exists indicating 2447
that the person who is the subject of the request has been 2448
convicted of or pleaded guilty to a felony in this state or in any 2449
other state. If the individual indicates that a firearm will be 2450
carried in the course of business, the superintendent shall 2451
require information from the federal bureau of investigation as 2452
described in division (B)(2) of this section. Subject to division 2453
(F) of this section, the superintendent shall report the findings 2454
of the criminal records check and any information the federal 2455
bureau of investigation provides to the director of public safety. 2456

(8) On receipt of a request pursuant to section 1321.37, 2457
1321.53, 1321.531, 1322.03, 1322.031, or 4763.05 of the Revised 2458
Code, a completed form prescribed pursuant to division (C)(1) of 2459
this section, and a set of fingerprint impressions obtained in the 2460
manner described in division (C)(2) of this section, the 2461

superintendent of the bureau of criminal identification and 2462
investigation shall conduct a criminal records check with respect 2463
to any person who has applied for a license, permit, or 2464
certification from the department of commerce or a division in the 2465
department. The superintendent shall conduct the criminal records 2466
check in the manner described in division (B) of this section to 2467
determine whether any information exists that indicates that the 2468
person who is the subject of the request previously has been 2469
convicted of or pleaded guilty to any of the following: a 2470
violation of section 2913.02, 2913.11, 2913.31, 2913.51, or 2471
2925.03 of the Revised Code; any other criminal offense involving 2472
theft, receiving stolen property, embezzlement, forgery, fraud, 2473
passing bad checks, money laundering, or drug trafficking, or any 2474
criminal offense involving money or securities, as set forth in 2475
Chapters 2909., 2911., 2913., 2915., 2921., 2923., and 2925. of 2476
the Revised Code; or any existing or former law of this state, any 2477
other state, or the United States that is substantially equivalent 2478
to those offenses. 2479

(9) On receipt of a request for a criminal records check from 2480
the treasurer of state under section 113.041 of the Revised Code 2481
or from an individual under section 4701.08, 4715.101, 4717.061, 2482
4725.121, ~~4725.501~~ 4725.46, 4729.071, 4730.101, 4730.14, 4730.28, 2483
4731.081, 4731.15, 4731.171, 4731.222, 4731.281, 4731.296, 2484
4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 4755.70, 2485
4757.101, 4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 2486
4762.06, 4776.021, 4779.091, or 4783.04 of the Revised Code, 2487
accompanied by a completed form prescribed under division (C)(1) 2488
of this section and a set of fingerprint impressions obtained in 2489
the manner described in division (C)(2) of this section, the 2490
superintendent of the bureau of criminal identification and 2491
investigation shall conduct a criminal records check in the manner 2492
described in division (B) of this section to determine whether any 2493
information exists that indicates that the person who is the 2494

subject of the request has been convicted of or pleaded guilty to 2495
any criminal offense in this state or any other state. Subject to 2496
division (F) of this section, the superintendent shall send the 2497
results of a check requested under section 113.041 of the Revised 2498
Code to the treasurer of state and shall send the results of a 2499
check requested under any of the other listed sections to the 2500
licensing board specified by the individual in the request. 2501

(10) On receipt of a request pursuant to section 1121.23, 2502
1155.03, 1163.05, 1315.141, 1733.47, or 1761.26 of the Revised 2503
Code, a completed form prescribed pursuant to division (C)(1) of 2504
this section, and a set of fingerprint impressions obtained in the 2505
manner described in division (C)(2) of this section, the 2506
superintendent of the bureau of criminal identification and 2507
investigation shall conduct a criminal records check in the manner 2508
described in division (B) of this section to determine whether any 2509
information exists that indicates that the person who is the 2510
subject of the request previously has been convicted of or pleaded 2511
guilty to any criminal offense under any existing or former law of 2512
this state, any other state, or the United States. 2513

(11) On receipt of a request for a criminal records check 2514
from an appointing or licensing authority under section 3772.07 of 2515
the Revised Code, a completed form prescribed under division 2516
(C)(1) of this section, and a set of fingerprint impressions 2517
obtained in the manner prescribed in division (C)(2) of this 2518
section, the superintendent of the bureau of criminal 2519
identification and investigation shall conduct a criminal records 2520
check in the manner described in division (B) of this section to 2521
determine whether any information exists that indicates that the 2522
person who is the subject of the request previously has been 2523
convicted of or pleaded guilty or no contest to any offense under 2524
any existing or former law of this state, any other state, or the 2525
United States that is a disqualifying offense as defined in 2526

section 3772.07 of the Revised Code or substantially equivalent to 2527
such an offense. 2528

(12) On receipt of a request pursuant to section 2151.33 or 2529
2151.412 of the Revised Code, a completed form prescribed pursuant 2530
to division (C)(1) of this section, and a set of fingerprint 2531
impressions obtained in the manner described in division (C)(2) of 2532
this section, the superintendent of the bureau of criminal 2533
identification and investigation shall conduct a criminal records 2534
check with respect to any person for whom a criminal records check 2535
is required by that section. The superintendent shall conduct the 2536
criminal records check in the manner described in division (B) of 2537
this section to determine whether any information exists that 2538
indicates that the person who is the subject of the request 2539
previously has been convicted of or pleaded guilty to any of the 2540
following: 2541

(a) A violation of section 2903.01, 2903.02, 2903.03, 2542
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2543
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2544
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2545
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2546
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2547
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2548
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2549
2925.22, 2925.23, or 3716.11 of the Revised Code; 2550

(b) An existing or former law of this state, any other state, 2551
or the United States that is substantially equivalent to any of 2552
the offenses listed in division (A)(12)(a) of this section. 2553

(B) Subject to division (F) of this section, the 2554
superintendent shall conduct any criminal records check to be 2555
conducted under this section as follows: 2556

(1) The superintendent shall review or cause to be reviewed 2557

any relevant information gathered and compiled by the bureau under 2558
division (A) of section 109.57 of the Revised Code that relates to 2559
the person who is the subject of the criminal records check, 2560
including, if the criminal records check was requested under 2561
section 113.041, 121.08, 173.27, 173.38, 173.381, 1121.23, 2562
1155.03, 1163.05, 1315.141, 1321.37, 1321.53, 1321.531, 1322.03, 2563
1322.031, 1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 2564
3701.881, 3712.09, 3721.121, 3772.07, 4749.03, 4749.06, 4763.05, 2565
~~5104.012~~, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 2566
5123.169, or 5153.111 of the Revised Code, any relevant 2567
information contained in records that have been sealed under 2568
section 2953.32 of the Revised Code; 2569

(2) If the request received by the superintendent asks for 2570
information from the federal bureau of investigation, the 2571
superintendent shall request from the federal bureau of 2572
investigation any information it has with respect to the person 2573
who is the subject of the criminal records check, including 2574
fingerprint-based checks of national crime information databases 2575
as described in 42 U.S.C. 671 if the request is made pursuant to 2576
section 2151.86, ~~5104.012~~, or 5104.013 of the Revised Code or if 2577
any other Revised Code section requires fingerprint-based checks 2578
of that nature, and shall review or cause to be reviewed any 2579
information the superintendent receives from that bureau. If a 2580
request under section 3319.39 of the Revised Code asks only for 2581
information from the federal bureau of investigation, the 2582
superintendent shall not conduct the review prescribed by division 2583
(B)(1) of this section. 2584

(3) The superintendent or the superintendent's designee may 2585
request criminal history records from other states or the federal 2586
government pursuant to the national crime prevention and privacy 2587
compact set forth in section 109.571 of the Revised Code. 2588

(4) The superintendent shall include in the results of the 2589

criminal records check a list or description of the offenses 2590
listed or described in division (A)(1), (2), (3), (4), (5), (6), 2591
(7), (8), (9), (10), (11), or (12) of this section, whichever 2592
division requires the superintendent to conduct the criminal 2593
records check. The superintendent shall exclude from the results 2594
any information the dissemination of which is prohibited by 2595
federal law. 2596

(5) The superintendent shall send the results of the criminal 2597
records check to the person to whom it is to be sent not later 2598
than the following number of days after the date the 2599
superintendent receives the request for the criminal records 2600
check, the completed form prescribed under division (C)(1) of this 2601
section, and the set of fingerprint impressions obtained in the 2602
manner described in division (C)(2) of this section: 2603

(a) If the superintendent is required by division (A) of this 2604
section (other than division (A)(3) of this section) to conduct 2605
the criminal records check, thirty; 2606

(b) If the superintendent is required by division (A)(3) of 2607
this section to conduct the criminal records check, sixty. 2608

(C)(1) The superintendent shall prescribe a form to obtain 2609
the information necessary to conduct a criminal records check from 2610
any person for whom a criminal records check is to be conducted 2611
under this section. The form that the superintendent prescribes 2612
pursuant to this division may be in a tangible format, in an 2613
electronic format, or in both tangible and electronic formats. 2614

(2) The superintendent shall prescribe standard impression 2615
sheets to obtain the fingerprint impressions of any person for 2616
whom a criminal records check is to be conducted under this 2617
section. Any person for whom a records check is to be conducted 2618
under this section shall obtain the fingerprint impressions at a 2619
county sheriff's office, municipal police department, or any other 2620

entity with the ability to make fingerprint impressions on the 2621
standard impression sheets prescribed by the superintendent. The 2622
office, department, or entity may charge the person a reasonable 2623
fee for making the impressions. The standard impression sheets the 2624
superintendent prescribes pursuant to this division may be in a 2625
tangible format, in an electronic format, or in both tangible and 2626
electronic formats. 2627

(3) Subject to division (D) of this section, the 2628
superintendent shall prescribe and charge a reasonable fee for 2629
providing a criminal records check under this section. The person 2630
requesting the criminal records check shall pay the fee prescribed 2631
pursuant to this division. In the case of a request under section 2632
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 2633
2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 2634
the manner specified in that section. 2635

(4) The superintendent of the bureau of criminal 2636
identification and investigation may prescribe methods of 2637
forwarding fingerprint impressions and information necessary to 2638
conduct a criminal records check, which methods shall include, but 2639
not be limited to, an electronic method. 2640

(D) The results of a criminal records check conducted under 2641
this section, other than a criminal records check specified in 2642
division (A)(7) of this section, are valid for the person who is 2643
the subject of the criminal records check for a period of one year 2644
from the date upon which the superintendent completes the criminal 2645
records check. If during that period the superintendent receives 2646
another request for a criminal records check to be conducted under 2647
this section for that person, the superintendent shall provide the 2648
results from the previous criminal records check of the person at 2649
a lower fee than the fee prescribed for the initial criminal 2650
records check. 2651

(E) When the superintendent receives a request for 2652

information from a registered private provider, the superintendent 2653
shall proceed as if the request was received from a school 2654
district board of education under section 3319.39 of the Revised 2655
Code. The superintendent shall apply division (A)(1)(c) of this 2656
section to any such request for an applicant who is a teacher. 2657

(F)(1) All information regarding the results of a criminal 2658
records check conducted under this section that the superintendent 2659
reports or sends under division (A)(7) or (9) of this section to 2660
the director of public safety, the treasurer of state, or the 2661
person, board, or entity that made the request for the criminal 2662
records check shall relate to the conviction of the subject 2663
person, or the subject person's plea of guilty to, a criminal 2664
offense. 2665

(2) Division (F)(1) of this section does not limit, restrict, 2666
or preclude the superintendent's release of information that 2667
relates to the arrest of a person who is eighteen years of age or 2668
older, to an adjudication of a child as a delinquent child, or to 2669
a criminal conviction of a person under eighteen years of age in 2670
circumstances in which a release of that nature is authorized 2671
under division (E)(2), (3), or (4) of section 109.57 of the 2672
Revised Code pursuant to a rule adopted under division (E)(1) of 2673
that section. 2674

(G) As used in this section: 2675

(1) "Criminal records check" means any criminal records check 2676
conducted by the superintendent of the bureau of criminal 2677
identification and investigation in accordance with division (B) 2678
of this section. 2679

(2) "Minor drug possession offense" has the same meaning as 2680
in section 2925.01 of the Revised Code. 2681

(3) "OVI or OVUAC violation" means a violation of section 2682
4511.19 of the Revised Code or a violation of an existing or 2683

former law of this state, any other state, or the United States 2684
that is substantially equivalent to section 4511.19 of the Revised 2685
Code. 2686

(4) "Registered private provider" means a nonpublic school or 2687
entity registered with the superintendent of public instruction 2688
under section 3310.41 of the Revised Code to participate in the 2689
autism scholarship program or section 3310.58 of the Revised Code 2690
to participate in the Jon Peterson special needs scholarship 2691
program. 2692

Sec. 109.747. The attorney general shall adopt, in accordance 2693
with Chapter 119. of the Revised Code or pursuant to section 2694
109.74 of the Revised Code, rules governing the training of peace 2695
officers on companion animal encounters and companion animal 2696
behavior. The provisions of the rules shall include all of the 2697
following: 2698

(A) A specified amount of training that is necessary for 2699
satisfactory completion of basic training programs at approved 2700
peace officer training schools, other than the Ohio peace officer 2701
training academy; 2702

(B) The time within which a peace officer is required to 2703
receive that training, if the peace officer is appointed as a 2704
peace officer before receiving that training; 2705

(C) A requirement that the training include training in all 2706
of the following: 2707

(1) Handling companion animal-related calls or unplanned 2708
encounters with companion animals, with an emphasis on 2709
canine-related incidents and the use of nonlethal methods and 2710
tools in handling an encounter with a canine; 2711

(2) Identifying and understanding companion animal behavior; 2712

(3) State laws and municipal ordinances related to companion 2713

<u>animals;</u>	2714
<u>(4) Avoiding a companion animal attack;</u>	2715
<u>(5) Using nonlethal methods to defend against a companion animal attack.</u>	2716 2717
<u>(D) As used in this section, "companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2718 2719
Sec. 109.77. (A) As used in this section, "felony" :	2720
<u>(1) "Felony" has the same meaning as in section 109.511 of the Revised Code.</u>	2721 2722
<u>(2) "Companion animal" has the same meaning as in section 959.131 of the Revised Code.</u>	2723 2724
(B)(1) Notwithstanding any general, special, or local law or charter to the contrary, and except as otherwise provided in this section, no person shall receive an original appointment on a permanent basis as any of the following unless the person previously has been awarded a certificate by the executive director of the Ohio peace officer training commission attesting to the person's satisfactory completion of an approved state, county, municipal, or department of natural resources peace officer basic training program:	2725 2726 2727 2728 2729 2730 2731 2732 2733
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	2734 2735 2736
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	2737 2738 2739
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	2740 2741
(d) An employee of a conservancy district who is designated	2742

pursuant to section 6101.75 of the Revised Code; 2743

(e) A state university law enforcement officer; 2744

(f) A special police officer employed by the department of 2745
mental health and addiction services pursuant to section 5119.08 2746
of the Revised Code or the department of developmental 2747
disabilities pursuant to section 5123.13 of the Revised Code; 2748

(g) An enforcement agent of the department of public safety 2749
whom the director of public safety designates under section 2750
5502.14 of the Revised Code; 2751

(h) A special police officer employed by a port authority 2752
under section 4582.04 or 4582.28 of the Revised Code; 2753

(i) A special police officer employed by a municipal 2754
corporation at a municipal airport, or other municipal air 2755
navigation facility, that has scheduled operations, as defined in 2756
section 119.3 of Title 14 of the Code of Federal Regulations, 14 2757
C.F.R. 119.3, as amended, and that is required to be under a 2758
security program and is governed by aviation security rules of the 2759
transportation security administration of the United States 2760
department of transportation as provided in Parts 1542. and 1544. 2761
of Title 49 of the Code of Federal Regulations, as amended; 2762

(j) A gaming agent employed under section 3772.03 of the 2763
Revised Code. 2764

(2) Every person who is appointed on a temporary basis or for 2765
a probationary term or on other than a permanent basis as any of 2766
the following shall forfeit the appointed position unless the 2767
person previously has completed satisfactorily or, within the time 2768
prescribed by rules adopted by the attorney general pursuant to 2769
section 109.74 of the Revised Code, satisfactorily completes a 2770
state, county, municipal, or department of natural resources peace 2771
officer basic training program for temporary or probationary 2772
officers and is awarded a certificate by the director attesting to 2773

the satisfactory completion of the program:	2774
(a) A peace officer of any county, township, municipal corporation, regional transit authority, or metropolitan housing authority;	2775 2776 2777
(b) A natural resources law enforcement staff officer, park officer, forest officer, preserve officer, wildlife officer, or state watercraft officer of the department of natural resources;	2778 2779 2780
(c) An employee of a park district under section 511.232 or 1545.13 of the Revised Code;	2781 2782
(d) An employee of a conservancy district who is designated pursuant to section 6101.75 of the Revised Code;	2783 2784
(e) A special police officer employed by the department of mental health and addiction services pursuant to section 5119.08 of the Revised Code or the department of developmental disabilities pursuant to section 5123.13 of the Revised Code;	2785 2786 2787 2788
(f) An enforcement agent of the department of public safety whom the director of public safety designates under section 5502.14 of the Revised Code;	2789 2790 2791
(g) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;	2792 2793
(h) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended.	2794 2795 2796 2797 2798 2799 2800 2801 2802
(3) For purposes of division (B) of this section, a state,	2803

county, municipal, or department of natural resources peace 2804
officer basic training program, regardless of whether the program 2805
is to be completed by peace officers appointed on a permanent or 2806
temporary, probationary, or other nonpermanent basis, shall 2807
include training in the handling of the offense of domestic 2808
violence, other types of domestic violence-related offenses and 2809
incidents, ~~and~~ protection orders and consent agreements issued or 2810
approved under section 2919.26 or 3113.31 of the Revised Code ~~and~~, 2811
crisis intervention training, and training on companion animal 2812
encounters and companion animal behavior. The requirement to 2813
complete training in the handling of the offense of domestic 2814
violence, other types of domestic violence-related offenses and 2815
incidents, and protection orders and consent agreements issued or 2816
approved under section 2919.26 or 3113.31 of the Revised Code does 2817
not apply to any person serving as a peace officer on March 27, 2818
1979, and the requirement to complete training in crisis 2819
intervention does not apply to any person serving as a peace 2820
officer on April 4, 1985. Any person who is serving as a peace 2821
officer on April 4, 1985, who terminates that employment after 2822
that date, and who subsequently is hired as a peace officer by the 2823
same or another law enforcement agency shall complete training in 2824
crisis intervention as prescribed by rules adopted by the attorney 2825
general pursuant to section 109.742 of the Revised Code. No peace 2826
officer shall have employment as a peace officer terminated and 2827
then be reinstated with intent to circumvent this section. 2828

(4) Division (B) of this section does not apply to any person 2829
serving on a permanent basis on March 28, 1985, as a park officer, 2830
forest officer, preserve officer, wildlife officer, or state 2831
watercraft officer of the department of natural resources or as an 2832
employee of a park district under section 511.232 or 1545.13 of 2833
the Revised Code, to any person serving on a permanent basis on 2834
March 6, 1986, as an employee of a conservancy district designated 2835
pursuant to section 6101.75 of the Revised Code, to any person 2836

serving on a permanent basis on January 10, 1991, as a preserve 2837
officer of the department of natural resources, to any person 2838
employed on a permanent basis on July 2, 1992, as a special police 2839
officer by the department of mental health and addiction services 2840
pursuant to section 5119.08 of the Revised Code or by the 2841
department of developmental disabilities pursuant to section 2842
5123.13 of the Revised Code, to any person serving on a permanent 2843
basis on May 17, 2000, as a special police officer employed by a 2844
port authority under section 4582.04 or 4582.28 of the Revised 2845
Code, to any person serving on a permanent basis on March 19, 2846
2003, as a special police officer employed by a municipal 2847
corporation at a municipal airport or other municipal air 2848
navigation facility described in division (A)(19) of section 2849
109.71 of the Revised Code, to any person serving on a permanent 2850
basis on June 19, 1978, as a state university law enforcement 2851
officer pursuant to section 3345.04 of the Revised Code and who, 2852
immediately prior to June 19, 1978, was serving as a special 2853
police officer designated under authority of that section, or to 2854
any person serving on a permanent basis on September 20, 1984, as 2855
a liquor control investigator, known after June 30, 1999, as an 2856
enforcement agent of the department of public safety, engaged in 2857
the enforcement of Chapters 4301. and 4303. of the Revised Code. 2858

(5) Division (B) of this section does not apply to any person 2859
who is appointed as a regional transit authority police officer 2860
pursuant to division (Y) of section 306.35 of the Revised Code if, 2861
on or before July 1, 1996, the person has completed satisfactorily 2862
an approved state, county, municipal, or department of natural 2863
resources peace officer basic training program and has been 2864
awarded a certificate by the executive director of the Ohio peace 2865
officer training commission attesting to the person's satisfactory 2866
completion of such an approved program and if, on July 1, 1996, 2867
the person is performing peace officer functions for a regional 2868
transit authority. 2869

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

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

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

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

(3) Prior to June 6, 1986, was authorized to carry a firearm by the court that employed the bailiff or deputy bailiff or, in

the case of a criminal investigator, by the state public defender 2902
and has received training in the use of firearms that the Ohio 2903
peace officer training commission determines is equivalent to the 2904
training that otherwise is required by division (D) of this 2905
section. 2906

(E)(1) Before a person seeking a certificate completes an 2907
approved peace officer basic training program, the executive 2908
director of the Ohio peace officer training commission shall 2909
request the person to disclose, and the person shall disclose, any 2910
previous criminal conviction of or plea of guilty of that person 2911
to a felony. 2912

(2) Before a person seeking a certificate completes an 2913
approved peace officer basic training program, the executive 2914
director shall request a criminal history records check on the 2915
person. The executive director shall submit the person's 2916
fingerprints to the bureau of criminal identification and 2917
investigation, which shall submit the fingerprints to the federal 2918
bureau of investigation for a national criminal history records 2919
check. 2920

Upon receipt of the executive director's request, the bureau 2921
of criminal identification and investigation and the federal 2922
bureau of investigation shall conduct a criminal history records 2923
check on the person and, upon completion of the check, shall 2924
provide a copy of the criminal history records check to the 2925
executive director. The executive director shall not award any 2926
certificate prescribed in this section unless the executive 2927
director has received a copy of the criminal history records check 2928
on the person to whom the certificate is to be awarded. 2929

(3) The executive director of the commission shall not award 2930
a certificate prescribed in this section to a person who has been 2931
convicted of or has pleaded guilty to a felony or who fails to 2932
disclose any previous criminal conviction of or plea of guilty to 2933

a felony as required under division (E)(1) of this section. 2934

(4) The executive director of the commission shall revoke the 2935
certificate awarded to a person as prescribed in this section, and 2936
that person shall forfeit all of the benefits derived from being 2937
certified as a peace officer under this section, if the person, 2938
before completion of an approved peace officer basic training 2939
program, failed to disclose any previous criminal conviction of or 2940
plea of guilty to a felony as required under division (E)(1) of 2941
this section. 2942

(F)(1) Regardless of whether the person has been awarded the 2943
certificate or has been classified as a peace officer prior to, 2944
on, or after October 16, 1996, the executive director of the Ohio 2945
peace officer training commission shall revoke any certificate 2946
that has been awarded to a person as prescribed in this section if 2947
the person does either of the following: 2948

(a) Pleads guilty to a felony committed on or after January 2949
1, 1997; 2950

(b) Pleads guilty to a misdemeanor committed on or after 2951
January 1, 1997, pursuant to a negotiated plea agreement as 2952
provided in division (D) of section 2929.43 of the Revised Code in 2953
which the person agrees to surrender the certificate awarded to 2954
the person under this section. 2955

(2) The executive director of the commission shall suspend 2956
any certificate that has been awarded to a person as prescribed in 2957
this section if the person is convicted, after trial, of a felony 2958
committed on or after January 1, 1997. The executive director 2959
shall suspend the certificate pursuant to division (F)(2) of this 2960
section pending the outcome of an appeal by the person from that 2961
conviction to the highest court to which the appeal is taken or 2962
until the expiration of the period in which an appeal is required 2963
to be filed. If the person files an appeal that results in that 2964

person's acquittal of the felony or conviction of a misdemeanor, 2965
or in the dismissal of the felony charge against that person, the 2966
executive director shall reinstate the certificate awarded to the 2967
person under this section. If the person files an appeal from that 2968
person's conviction of the felony and the conviction is upheld by 2969
the highest court to which the appeal is taken or if the person 2970
does not file a timely appeal, the executive director shall revoke 2971
the certificate awarded to the person under this section. 2972

(G)(1) If a person is awarded a certificate under this 2973
section and the certificate is revoked pursuant to division (E)(4) 2974
or (F) of this section, the person shall not be eligible to 2975
receive, at any time, a certificate attesting to the person's 2976
satisfactory completion of a peace officer basic training program. 2977

(2) The revocation or suspension of a certificate under 2978
division (E)(4) or (F) of this section shall be in accordance with 2979
Chapter 119. of the Revised Code. 2980

(H)(1) A person who was employed as a peace officer of a 2981
county, township, or municipal corporation of the state on January 2982
1, 1966, and who has completed at least sixteen years of full-time 2983
active service as such a peace officer, or equivalent service as 2984
determined by the executive director of the Ohio peace officer 2985
training commission, may receive an original appointment on a 2986
permanent basis and serve as a peace officer of a county, 2987
township, or municipal corporation, or as a state university law 2988
enforcement officer, without complying with the requirements of 2989
division (B) of this section. 2990

(2) Any person who held an appointment as a state highway 2991
trooper on January 1, 1966, may receive an original appointment on 2992
a permanent basis and serve as a peace officer of a county, 2993
township, or municipal corporation, or as a state university law 2994
enforcement officer, without complying with the requirements of 2995
division (B) of this section. 2996

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

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

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

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

applicable, has authorized the bailiff, deputy bailiff, or 3028
investigator to attend the academy. 3029

The Ohio peace officer training commission shall develop the 3030
training program, which shall include courses in both the civil 3031
and criminal functions of law enforcement officers, a course in 3032
crisis intervention with six or more hours of training, ~~and~~ 3033
training in the handling of missing children and child abuse and 3034
neglect cases, and training on companion animal encounters and 3035
companion animal behavior, and shall establish rules governing 3036
qualifications for admission to the academy. The commission may 3037
require competitive examinations to determine fitness of 3038
prospective trainees, so long as the examinations or other 3039
criteria for admission to the academy are consistent with the 3040
provisions of Chapter 124. of the Revised Code. 3041

The Ohio peace officer training commission shall determine 3042
tuition costs sufficient in the aggregate to pay the costs of 3043
operating the academy. The costs of acquiring and equipping the 3044
academy shall be paid from appropriations made by the general 3045
assembly to the Ohio peace officer training commission for that 3046
purpose, from gifts or grants received for that purpose, or from 3047
fees for goods related to the academy. 3048

The Ohio peace officer training commission shall create a 3049
gaming-related curriculum for gaming agents. The Ohio peace 3050
officer training commission shall use money distributed to the 3051
Ohio peace officer training academy from the Ohio law enforcement 3052
training fund to first support the academy's training programs for 3053
gaming agents and gaming-related curriculum. The Ohio peace 3054
officer training commission may utilize existing training programs 3055
in other states that specialize in training gaming agents. 3056

The law enforcement officers, during the period of their 3057
training, shall receive compensation as determined by the 3058
political subdivision that sponsors them or, if the officer is a 3059

criminal investigator employed by the state public defender, as 3060
determined by the state public defender. The political subdivision 3061
may pay the tuition costs of the law enforcement officers they 3062
sponsor and the state public defender may pay the tuition costs of 3063
criminal investigators of that office who attend the academy. 3064

If trainee vacancies exist, the academy may train and issue 3065
certificates of satisfactory completion to peace officers who are 3066
employed by a campus police department pursuant to section 1713.50 3067
of the Revised Code, by a qualified nonprofit corporation police 3068
department pursuant to section 1702.80 of the Revised Code, or by 3069
a railroad company, who are amusement park police officers 3070
appointed and commissioned by a judge of the appropriate municipal 3071
court or county court pursuant to section 4973.17 of the Revised 3072
Code, or who are bank, savings and loan association, savings bank, 3073
credit union, or association of banks, savings and loan 3074
associations, savings banks, or credit unions, or hospital police 3075
officers appointed and commissioned by the secretary of state 3076
pursuant to sections 4973.17 to 4973.22 of the Revised Code, 3077
provided that no such officer shall be trained at the academy 3078
unless the officer meets the qualifications established for 3079
admission to the academy and the qualified nonprofit corporation 3080
police department; bank, savings and loan association, savings 3081
bank, credit union, or association of banks, savings and loan 3082
associations, savings banks, or credit unions; railroad company; 3083
hospital; or amusement park or the private college or university 3084
that established the campus police department prepays the entire 3085
cost of the training. A qualified nonprofit corporation police 3086
department; bank, savings and loan association, savings bank, 3087
credit union, or association of banks, savings and loan 3088
associations, savings banks, or credit unions; railroad company; 3089
hospital; or amusement park or a private college or university 3090
that has established a campus police department is not entitled to 3091
reimbursement from the state for any amount paid for the cost of 3092

training the bank, savings and loan association, savings bank, 3093
credit union, or association of banks, savings and loan 3094
associations, savings banks, or credit unions peace officers; the 3095
railroad company's peace officers; or the peace officers of the 3096
qualified nonprofit corporation police department, campus police 3097
department, hospital, or amusement park. 3098

The academy shall permit investigators employed by the state 3099
medical board to take selected courses that the board determines 3100
are consistent with its responsibilities for initial and 3101
continuing training of investigators as required under sections 3102
4730.26 and 4731.05 of the Revised Code. The board shall pay the 3103
entire cost of training that investigators receive at the academy. 3104

(B) As used in this section: 3105

(1) "Law enforcement officers" include any undercover drug 3106
agent, any bailiff or deputy bailiff of a court of record, and any 3107
criminal investigator who is employed by the state public 3108
defender. 3109

(2) "Undercover drug agent" means any person who: 3110

(a) Is employed by a county, township, or municipal 3111
corporation for the purposes set forth in division (B)(2)(b) of 3112
this section but who is not an employee of a county sheriff's 3113
department, of a township constable, or of the police department 3114
of a municipal corporation or township; 3115

(b) In the course of the person's employment by a county, 3116
township, or municipal corporation, investigates and gathers 3117
information pertaining to persons who are suspected of violating 3118
Chapter 2925. or 3719. of the Revised Code, and generally does not 3119
wear a uniform in the performance of the person's duties. 3120

(3) "Crisis intervention training" has the same meaning as in 3121
section 109.71 of the Revised Code. 3122

(4) "Missing children" has the same meaning as in section 3123
2901.30 of the Revised Code. 3124

(5) "Companion animal" has the same meaning as in section 3125
959.131 of the Revised Code. 3126

Sec. 111.31. (A) There is hereby created in the state 3127
treasury the absent voter's ballot application mailing fund. The 3128
secretary of state shall use the fund to pay the cost of printing 3129
and mailing unsolicited applications for absent voter's ballots in 3130
accordance with section 3501.05 of the Revised Code if the general 3131
assembly has appropriated funds to the controlling board for such 3132
a mailing. 3133

(B) The fund shall consist of moneys transferred to it by the 3134
controlling board upon the request of the secretary of state. The 3135
controlling board shall transfer any unused moneys in the fund to 3136
the proper appropriation item. 3137

Sec. 113.06. (A) Subject to the provisions of this section, 3138
the treasurer of state may open as many receiving offices as are 3139
necessary for the expedient collection of taxes and fees. The 3140
treasurer of state or ~~his~~ the treasurer of state's deputies may 3141
attend at such offices and receive payment of all taxes and fees 3142
or, if adequate security protection is afforded all funds 3143
involved, ~~he~~ the treasurer of state may appoint a financial 3144
institution or a cashier thereof as ~~his~~ the treasurer of state's 3145
agent or deputy for the collection of taxes and fees. The 3146
treasurer of state may fix the time and place at which taxes and 3147
fees will be received in such receiving offices. Except for 3148
financial institutions or cashiers thereof appointed as agents or 3149
deputies for the collection of taxes and fees, the treasurer of 3150
state may operate receiving offices only in counties exceeding one 3151
million in population. 3152

(B) The reasonable and necessary expenses incurred by the 3153
treasurer of state in the collection of taxes and fees at such 3154
receiving offices may be paid as other expenses of the treasurer 3155
of state's office from funds appropriated for such purposes. 3156

(C) The treasurer of state may deposit in any financial 3157
institution located at a place of collection any money received in 3158
the payment of taxes and fees, as provided in division (A) of this 3159
section. A financial institution receiving any such deposits shall 3160
deposit with or pledge to the treasurer of state such securities 3161
as ~~he~~ the treasurer of state considers sufficient to meet the 3162
requirements of section 135.18 ~~or~~, 135.181, or 135.182 of the 3163
Revised Code. The liability of the treasurer of state for any 3164
losses of money so collected or deposited shall be the same as 3165
provided in section 135.19 of the Revised Code. 3166

Sec. 113.07. The treasurer of state may enter into a contract 3167
with any financial institution under which the financial 3168
institution, in accordance with the terms of the contract, 3169
receives tax and fee payments at a post office box, opens the mail 3170
delivered to that box, processes the checks and other payments 3171
received in such mail and deposits them into the treasurer of 3172
state's account, and provides the treasurer of state daily receipt 3173
information with respect to such payments. The contract shall not 3174
be entered into unless: 3175

(A) There is attached to the contract a certification by the 3176
auditor of state that the financial institution and the treasurer 3177
of state have given assurances satisfactory to the auditor of 3178
state that the records of the financial institution which relate 3179
to tax and fee payments covered by the contract, and only such 3180
records, shall be subject to audit by the auditor of state to the 3181
same extent as if the services which the financial institution has 3182
agreed to perform were being performed by the treasurer of state; 3183

(B) The contract is awarded in accordance with ~~section 125.07~~ 3184
Chapter 125. of the Revised Code; 3185

(C) The treasurer of state's surety bond includes within its 3186
coverage any loss that may occur as the result of the contract; 3187

(D) The contract does not conflict with the requirements for 3188
accounting and financial reporting for public offices prescribed 3189
by the auditor of state. 3190

Sec. 117.54. There is in the state treasury the auditor of 3191
state investigation and forfeiture trust fund. The fund shall 3192
consist of moneys received under sections 2981.13 and 2981.14 and 3193
division (B)(3) of section 2923.32 of the Revised Code, and the 3194
auditor of state shall use those moneys in accordance with those 3195
sections. Interest earned on moneys in the fund shall be credited 3196
to the fund. 3197

Sec. 118.023. (A) Upon determining that one or more of the 3198
conditions described in section 118.022 of the Revised Code are 3199
present, the auditor of state shall issue a written declaration of 3200
the existence of a fiscal watch to the municipal corporation, 3201
county, or township and the county budget commission. The fiscal 3202
watch shall be in effect until the auditor of state determines 3203
that none of the conditions are any longer present and cancels the 3204
watch, or until the auditor of state determines that a state of 3205
fiscal emergency exists. The auditor of state, or a designee, 3206
shall provide such technical and support services to the municipal 3207
corporation, county, or township after a fiscal watch has been 3208
declared to exist as the auditor of state considers necessary. 3209

(B) Within ~~one hundred twenty~~ ninety days after the day a 3210
written declaration of the existence of a fiscal watch is issued 3211
under division (A) of this section, the mayor of the municipal 3212
corporation, the board of county commissioners of the county, or 3213

the board of township trustees of the township for which a fiscal 3214
watch was declared shall submit to the auditor of state a 3215
financial recovery plan that shall identify actions to be taken to 3216
eliminate all of the conditions described in section 118.022 of 3217
the Revised Code, and shall include a schedule detailing the 3218
approximate dates for beginning and completing the actions and a 3219
five-year forecast reflecting the effects of the actions. The 3220
financial recovery plan also shall evaluate the feasibility of 3221
entering into shared services agreements with other political 3222
subdivisions for the joint exercise of any power, performance of 3223
any function, or rendering of any service, if so authorized by 3224
statute. The financial recovery plan is subject to review and 3225
approval by the auditor of state. The auditor of state may extend 3226
the amount of time by which a financial recovery plan is required 3227
to be filed, for good cause shown. 3228

~~(C) If a feasible financial recovery plan for a municipal 3229
corporation, county, or township for which a fiscal watch was 3230
declared is not submitted within the time period prescribed by 3231
division (B) of this section, or within any extension of time 3232
thereof, the~~ The auditor of state shall declare that a fiscal 3233
emergency condition exists under section 118.04 of the Revised 3234
Code in the municipal corporation, county, or township if either 3235
of the following applies: 3236

(1) A feasible financial recovery plan for a municipal 3237
corporation, county, or township for which a fiscal watch was 3238
declared is not submitted within the time period prescribed by 3239
division (B) of this section, or within any extension of time 3240
thereof; or 3241

(2) The auditor of state finds that a municipal corporation, 3242
county, or township for which a fiscal watch has been declared has 3243
not made reasonable proposals or otherwise taken action to 3244
discontinue or correct the fiscal practices or budgetary 3245

conditions that prompted the declaration of fiscal watch, and the 3246
auditor determines a fiscal emergency declaration is necessary to 3247
prevent further decline. 3248

Sec. 118.04. (A) The existence of a fiscal emergency 3249
condition constitutes a fiscal emergency. The existence of fiscal 3250
emergency conditions shall be determined by the auditor of state. 3251
Such determination, for purposes of this chapter, may be made only 3252
upon the filing with the auditor of state of a written request for 3253
such a determination by the governor, by the county budget 3254
commission, by the mayor of the municipal corporation, or by the 3255
presiding officer of the legislative authority of the municipal 3256
corporation when authorized by a majority of the members of such 3257
legislative authority, by the board of county commissioners, or by 3258
the board of township trustees, or upon initiation by the auditor 3259
of state. The request may designate in general or specific terms, 3260
but without thereby limiting the determination thereto, the 3261
condition or conditions to be examined to determine whether they 3262
constitute fiscal emergency conditions. Promptly upon receipt of 3263
such written request, or upon initiation by the auditor of state, 3264
the auditor of state shall transmit copies of such request or a 3265
written notice of such initiation to the mayor and the presiding 3266
officer of the legislative authority of the municipal corporation 3267
or to the board of county commissioners or the board of township 3268
trustees by personal service or certified mail. Such 3269
determinations shall be set forth in written reports and 3270
supplemental reports, which shall be filed with the mayor, fiscal 3271
officer, and presiding officer of the legislative authority of the 3272
municipal corporation, or with the board of county commissioners 3273
or the board of township trustees, and with the treasurer of 3274
state, secretary of state, governor, director of budget and 3275
management, and county budget commission, within thirty days after 3276
the request. The auditor of state shall so file an initial report 3277

immediately upon determining the existence of any fiscal emergency 3278
condition. 3279

(B) In making such determination, the auditor of state may 3280
rely on reports or other information filed or otherwise made 3281
available by the municipal corporation, county, or township, 3282
accountants' reports, or other sources and data the auditor of 3283
state considers reliable for such purpose. As to the status of 3284
funds or accounts, a determination that the amounts stated in 3285
section 118.03 of the Revised Code are exceeded may be made 3286
without need for determination of the specific amount of the 3287
excess. The auditor of state may engage the services of 3288
independent certified or registered public accountants, including 3289
public accountants engaged or previously engaged by the municipal 3290
corporation, county, or township, to conduct audits or make 3291
reports or render such opinions as the auditor of state considers 3292
desirable with respect to any aspect of the determinations to be 3293
made by the auditor of state. 3294

(C) A determination by the auditor of state under this 3295
section that a fiscal emergency condition does not exist is final 3296
and conclusive and not appealable. A determination by the auditor 3297
of state under this section that a fiscal emergency exists is 3298
final, except that the mayor of any municipal corporation affected 3299
by a determination of the existence of a fiscal emergency 3300
condition under this section, when authorized by a majority of the 3301
members of the legislative authority, or the board of county 3302
commissioners or board of township trustees, may appeal the 3303
determination of the existence of a fiscal emergency condition to 3304
the court of appeals having territorial jurisdiction over the 3305
municipal corporation, county, or township. The appeal shall be 3306
heard expeditiously by the court of appeals and for good cause 3307
shown shall take precedence over all other civil matters except 3308
earlier matters of the same character. Notice of such appeal must 3309

be filed with the auditor of state and such court within thirty 3310
days after certification by the auditor of state to the mayor and 3311
presiding officer of the legislative authority of the municipal 3312
corporation or to the board of county commissioners or board of 3313
township trustees as provided for in division (A) of this section. 3314
In such appeal, determinations of the auditor of state shall be 3315
presumed to be valid and the municipal corporation, county, or 3316
township shall have the burden of proving, by clear and convincing 3317
evidence, that each of the determinations made by the auditor of 3318
state as to the existence of a fiscal emergency condition under 3319
section 118.03 of the Revised Code was in error. If the municipal 3320
corporation, county, or township fails, upon presentation of its 3321
case, to prove by clear and convincing evidence that each such 3322
determination by the auditor of state was in error, the court 3323
shall dismiss the appeal. The municipal corporation, county, or 3324
township and the auditor of state may introduce any evidence 3325
relevant to the existence or nonexistence of such fiscal emergency 3326
conditions at the times indicated in the applicable provisions of 3327
divisions (A) and (B) of section 118.03 of the Revised Code. The 3328
pendency of any such appeal shall not affect or impede the 3329
operations of this chapter; no restraining order, temporary 3330
injunction, or other similar restraint upon actions consistent 3331
with this chapter shall be imposed by the court or any court 3332
pending determination of such appeal; and all things may be done 3333
under this chapter that may be done regardless of the pendency of 3334
any such appeal. Any action taken or contract executed pursuant to 3335
this chapter during the pendency of such appeal is valid and 3336
enforceable among all parties, notwithstanding the decision in 3337
such appeal. If the court of appeals reverses the determination of 3338
the existence of a fiscal emergency condition by the auditor of 3339
state, the determination no longer has any effect, and any 3340
procedures undertaken as a result of the determination shall be 3341
terminated. 3342

(D) All expenses incurred by the auditor of state relating to 3343
a determination or termination of a fiscal emergency under this 3344
section, a fiscal watch under section 118.021 of the Revised Code, 3345
or a fiscal caution under section 118.025 of the Revised Code, 3346
including providing technical and support services, or for 3347
conducting a performance audit under section 118.041 of the 3348
Revised Code, shall be reimbursed from an appropriation for that 3349
purpose. If necessary, the controlling board may provide 3350
sufficient funds for these purposes. 3351

Sec. 118.041. The auditor of state, on the auditor of state's 3352
initiative, may conduct a performance audit of a municipal 3353
corporation, county, or township that is under a fiscal caution, a 3354
fiscal watch, or a fiscal emergency. 3355

Sec. 119.04. (A)(1) Any rule adopted by any agency shall be 3356
effective on the tenth day after the day on which the rule in 3357
final form and in compliance with division (A)(2) of this section 3358
is filed as follows: 3359

(a) The rule shall be filed in electronic form with both the 3360
secretary of state and the director of the legislative service 3361
commission; 3362

(b) The rule shall be filed in electronic form with the joint 3363
committee on agency rule review. Division (A)(1)(b) of this 3364
section does not apply to any rule to which division (C) of 3365
section 119.03 of the Revised Code does not apply. 3366

If an agency in adopting a rule designates an effective date 3367
that is later than the effective date provided for by this 3368
division, the rule if filed as required by this division shall 3369
become effective on the later date designated by the agency. 3370

An agency that adopts or amends a rule that is subject to 3371
section 106.03 of the Revised Code shall assign a review date to 3372

the rule that is not later than five years after its effective 3373
date. If a review date assigned to a rule exceeds the five-year 3374
maximum, the review date for the rule is five years after its 3375
effective date. A rule with a review date is subject to review 3376
under section 106.03 of the Revised Code. ~~This paragraph does not 3377
apply to the department of taxation.~~ 3378

(2) The agency shall file the rule in compliance with the 3379
following standards and procedures: 3380

(a) The rule shall be numbered in accordance with the 3381
numbering system devised by the director for the Ohio 3382
administrative code. 3383

(b) The rule shall be prepared and submitted in compliance 3384
with the rules of the legislative service commission. 3385

(c) The rule shall clearly state the date on which it is to 3386
be effective and the date on which it will expire, if known. 3387

(d) Each rule that amends or rescinds another rule shall 3388
clearly refer to the rule that is amended or rescinded. Each 3389
amendment shall fully restate the rule as amended. 3390

If the director of the legislative service commission or the 3391
director's designee gives an agency notice pursuant to section 3392
103.05 of the Revised Code that a rule filed by the agency is not 3393
in compliance with the rules of the commission, the agency shall 3394
within thirty days after receipt of the notice conform the rule to 3395
the rules of the commission as directed in the notice. 3396

(3) As used in this section, "rule" includes an amendment or 3397
rescission of a rule. 3398

(B) The secretary of state and the director shall preserve 3399
the rules filed under division (A)(1)(a) of this section in an 3400
accessible manner. Each such rule shall be a public record open to 3401
public inspection and may be transmitted to any law publishing 3402

company that wishes to reproduce it. 3403

Sec. 119.12. Any party adversely affected by any order of an 3404
agency issued pursuant to an adjudication denying an applicant 3405
admission to an examination, or denying the issuance or renewal of 3406
a license or registration of a licensee, or revoking or suspending 3407
a license, or allowing the payment of a forfeiture under section 3408
4301.252 of the Revised Code may appeal from the order of the 3409
agency to the court of common pleas of the county in which the 3410
place of business of the licensee is located or the county in 3411
which the licensee is a resident, except that appeals from 3412
decisions of the liquor control commission, the Ohio casino 3413
control commission, the state medical board, the state 3414
chiropractic board, and the board of nursing shall be to the court 3415
of common pleas of Franklin county. If any party appealing from 3416
the order is not a resident of and has no place of business in 3417
this state, the party may appeal to the court of common pleas of 3418
Franklin county. 3419

Any party adversely affected by any order of an agency issued 3420
pursuant to any other adjudication may appeal to the court of 3421
common pleas of Franklin county, except that appeals from orders 3422
of the fire marshal issued under Chapter 3737. of the Revised Code 3423
may be to the court of common pleas of the county in which the 3424
building of the aggrieved person is located and except that 3425
appeals under division (B) of section 124.34 of the Revised Code 3426
from a decision of the state personnel board of review or a 3427
municipal or civil service township civil service commission shall 3428
be taken to the court of common pleas of the county in which the 3429
appointing authority is located or, in the case of an appeal by 3430
the department of rehabilitation and correction, to the court of 3431
common pleas of Franklin county. 3432

This section does not apply to appeals from the department of 3433

taxation. 3434

Any party desiring to appeal shall file a notice of appeal 3435
with the agency setting forth the order appealed from and stating 3436
that the agency's order is not supported by reliable, probative, 3437
and substantial evidence and is not in accordance with law. The 3438
notice of appeal may, but need not, set forth the specific grounds 3439
of the party's appeal beyond the statement that the agency's order 3440
is not supported by reliable, probative, and substantial evidence 3441
and is not in accordance with law. The notice of appeal shall also 3442
be filed by the appellant with the court. In filing a notice of 3443
appeal with the agency or court, the notice that is filed may be 3444
either the original notice or a copy of the original notice. 3445
Unless otherwise provided by law relating to a particular agency, 3446
notices of appeal shall be filed within fifteen days after the 3447
mailing of the notice of the agency's order as provided in this 3448
section. For purposes of this paragraph, an order includes a 3449
determination appealed pursuant to division (C) of section 119.092 3450
of the Revised Code. The amendments made to this paragraph by Sub. 3451
H.B. 215 of the 128th general assembly are procedural, and this 3452
paragraph as amended by those amendments shall be applied 3453
retrospectively to all appeals pursuant to this paragraph filed 3454
before ~~the effective date of those amendments~~ September 13, 2010, 3455
but not earlier than May 7, 2009, which was the date the supreme 3456
court of Ohio released its opinion and judgment in *Medcorp, Inc.* 3457
v. Ohio Dep't. of Job and Family Servs. (2009), 121 Ohio St.3d 3458
622. 3459

The filing of a notice of appeal shall not automatically 3460
operate as a suspension of the order of an agency. If it appears 3461
to the court that an unusual hardship to the appellant will result 3462
from the execution of the agency's order pending determination of 3463
the appeal, the court may grant a suspension and fix its terms. If 3464
an appeal is taken from the judgment of the court and the court 3465

has previously granted a suspension of the agency's order as 3466
provided in this section, the suspension of the agency's order 3467
shall not be vacated and shall be given full force and effect 3468
until the matter is finally adjudicated. No renewal of a license 3469
or permit shall be denied by reason of the suspended order during 3470
the period of the appeal from the decision of the court of common 3471
pleas. In the case of an appeal from the Ohio casino control 3472
commission, the state medical board, or the state chiropractic 3473
board, the court may grant a suspension and fix its terms if it 3474
appears to the court that an unusual hardship to the appellant 3475
will result from the execution of the agency's order pending 3476
determination of the appeal and the health, safety, and welfare of 3477
the public will not be threatened by suspension of the order. This 3478
provision shall not be construed to limit the factors the court 3479
may consider in determining whether to suspend an order of any 3480
other agency pending determination of an appeal. 3481

The final order of adjudication may apply to any renewal of a 3482
license or permit which has been granted during the period of the 3483
appeal. 3484

Notwithstanding any other provision of this section, any 3485
order issued by a court of common pleas or a court of appeals 3486
suspending the effect of an order of the liquor control commission 3487
issued pursuant to Chapter 4301. or 4303. of the Revised Code that 3488
suspends, revokes, or cancels a permit issued under Chapter 4303. 3489
of the Revised Code or that allows the payment of a forfeiture 3490
under section 4301.252 of the Revised Code shall terminate not 3491
more than six months after the date of the filing of the record of 3492
the liquor control commission with the clerk of the court of 3493
common pleas and shall not be extended. The court of common pleas, 3494
or the court of appeals on appeal, shall render a judgment in that 3495
matter within six months after the date of the filing of the 3496
record of the liquor control commission with the clerk of the 3497

court of common pleas. A court of appeals shall not issue an order 3498
suspending the effect of an order of the liquor control commission 3499
that extends beyond six months after the date on which the record 3500
of the liquor control commission is filed with a court of common 3501
pleas. 3502

Notwithstanding any other provision of this section, any 3503
order issued by a court of common pleas or a court of appeals 3504
suspending the effect of an order of the Ohio casino control 3505
commission issued under Chapter 3772. of the Revised Code that 3506
limits, conditions, restricts, suspends, revokes, denies, not 3507
renews, fines, or otherwise penalizes an applicant, licensee, or 3508
person excluded or ejected from a casino facility in accordance 3509
with section 3772.031 of the Revised Code shall terminate not more 3510
than six months after the date of the filing of the record of the 3511
Ohio casino control commission with the clerk of the court of 3512
common pleas and shall not be extended. The court of common pleas, 3513
or the court of appeals on appeal, shall render a judgment in that 3514
matter within six months after the date of the filing of the 3515
record of the Ohio casino control commission with the clerk of the 3516
court of common pleas. A court of appeals shall not issue an order 3517
suspending the effect of an order of the Ohio casino control 3518
commission that extends beyond six months after the date on which 3519
the record of the Ohio casino control commission is filed with the 3520
clerk of a court of common pleas. 3521

Notwithstanding any other provision of this section, any 3522
order issued by a court of common pleas suspending the effect of 3523
an order of the state medical board or state chiropractic board 3524
that limits, revokes, suspends, places on probation, or refuses to 3525
register or reinstate a certificate issued by the board or 3526
reprimands the holder of the certificate shall terminate not more 3527
than fifteen months after the date of the filing of a notice of 3528
appeal in the court of common pleas, or upon the rendering of a 3529

final decision or order in the appeal by the court of common 3530
pleas, whichever occurs first. 3531

Within thirty days after receipt of a notice of appeal from 3532
an order in any case in which a hearing is required by sections 3533
119.01 to 119.13 of the Revised Code, the agency shall prepare and 3534
certify to the court a complete record of the proceedings in the 3535
case. Failure of the agency to comply within the time allowed, 3536
upon motion, shall cause the court to enter a finding in favor of 3537
the party adversely affected. Additional time, however, may be 3538
granted by the court, not to exceed thirty days, when it is shown 3539
that the agency has made substantial effort to comply. The record 3540
shall be prepared and transcribed, and the expense of it shall be 3541
taxed as a part of the costs on the appeal. The appellant shall 3542
provide security for costs satisfactory to the court of common 3543
pleas. Upon demand by any interested party, the agency shall 3544
furnish at the cost of the party requesting it a copy of the 3545
stenographic report of testimony offered and evidence submitted at 3546
any hearing and a copy of the complete record. 3547

Notwithstanding any other provision of this section, any 3548
party desiring to appeal an order or decision of the state 3549
personnel board of review shall, at the time of filing a notice of 3550
appeal with the board, provide a security deposit in an amount and 3551
manner prescribed in rules that the board shall adopt in 3552
accordance with this chapter. In addition, the board is not 3553
required to prepare or transcribe the record of any of its 3554
proceedings unless the appellant has provided the deposit 3555
described above. The failure of the board to prepare or transcribe 3556
a record for an appellant who has not provided a security deposit 3557
shall not cause a court to enter a finding adverse to the board. 3558

Unless otherwise provided by law, in the hearing of the 3559
appeal, the court is confined to the record as certified to it by 3560
the agency. Unless otherwise provided by law, the court may grant 3561

a request for the admission of additional evidence when satisfied 3562
that the additional evidence is newly discovered and could not 3563
with reasonable diligence have been ascertained prior to the 3564
hearing before the agency. 3565

The court shall conduct a hearing on the appeal and shall 3566
give preference to all proceedings under sections 119.01 to 119.13 3567
of the Revised Code, over all other civil cases, irrespective of 3568
the position of the proceedings on the calendar of the court. An 3569
appeal from an order of the state medical board issued pursuant to 3570
division (G) of either section 4730.25 or 4731.22 of the Revised 3571
Code, ~~or~~ the state chiropractic board issued pursuant to section 3572
4734.37 of the Revised Code, ~~or~~ the liquor control commission 3573
issued pursuant to Chapter 4301. or 4303. of the Revised Code, or 3574
the Ohio casino control commission issued pursuant to Chapter 3575
3772. of the Revised Code shall be set down for hearing at the 3576
earliest possible time and takes precedence over all other 3577
actions. The hearing in the court of common pleas shall proceed as 3578
in the trial of a civil action, and the court shall determine the 3579
rights of the parties in accordance with the laws applicable to a 3580
civil action. At the hearing, counsel may be heard on oral 3581
argument, briefs may be submitted, and evidence may be introduced 3582
if the court has granted a request for the presentation of 3583
additional evidence. 3584

The court may affirm the order of the agency complained of in 3585
the appeal if it finds, upon consideration of the entire record 3586
and any additional evidence the court has admitted, that the order 3587
is supported by reliable, probative, and substantial evidence and 3588
is in accordance with law. In the absence of this finding, it may 3589
reverse, vacate, or modify the order or make such other ruling as 3590
is supported by reliable, probative, and substantial evidence and 3591
is in accordance with law. The court shall award compensation for 3592
fees in accordance with section 2335.39 of the Revised Code to a 3593

prevailing party, other than an agency, in an appeal filed 3594
pursuant to this section. 3595

The judgment of the court shall be final and conclusive 3596
unless reversed, vacated, or modified on appeal. These appeals may 3597
be taken either by the party or the agency, shall proceed as in 3598
the case of appeals in civil actions, and shall be pursuant to the 3599
Rules of Appellate Procedure and, to the extent not in conflict 3600
with those rules, Chapter 2505. of the Revised Code. An appeal by 3601
the agency shall be taken on questions of law relating to the 3602
constitutionality, construction, or interpretation of statutes and 3603
rules of the agency, and, in the appeal, the court may also review 3604
and determine the correctness of the judgment of the court of 3605
common pleas that the order of the agency is not supported by any 3606
reliable, probative, and substantial evidence in the entire 3607
record. 3608

The court shall certify its judgment to the agency or take 3609
any other action necessary to give its judgment effect. 3610

Sec. 120.33. (A) In lieu of using a county public defender or 3611
joint county public defender to represent indigent persons in the 3612
proceedings set forth in division (A) of section 120.16 of the 3613
Revised Code, the board of county commissioners of any county may 3614
adopt a resolution to pay counsel who are either personally 3615
selected by the indigent person or appointed by the court. The 3616
resolution shall include those provisions the board of county 3617
commissioners considers necessary to provide effective 3618
representation of indigent persons in any proceeding for which 3619
counsel is provided under this section. The resolution shall 3620
include provisions for contracts with any municipal corporation 3621
under which the municipal corporation shall reimburse the county 3622
for counsel appointed to represent indigent persons charged with 3623
violations of the ordinances of the municipal corporation. 3624

(1) In a county that adopts a resolution to pay counsel, an indigent person shall have the right to do either of the following:

(a) To select the person's own personal counsel to represent the person in any proceeding included within the provisions of the resolution;

(b) To request the court to appoint counsel to represent the person in such a proceeding.

(2) The court having jurisdiction over the proceeding in a county that adopts a resolution to pay counsel shall, after determining that the person is indigent and entitled to legal representation under this section, do either of the following:

(a) By signed journal entry recorded on its docket, enter the name of the lawyer selected by the indigent person as counsel of record;

(b) Appoint counsel for the indigent person if the person has requested the court to appoint counsel and, by signed journal entry recorded on its dockets, enter the name of the lawyer appointed for the indigent person as counsel of record.

(3) The board of county commissioners shall establish a schedule of fees by case or on an hourly basis to be paid to counsel for legal services provided pursuant to a resolution adopted under this section. Prior to establishing the schedule, the board of county commissioners shall request the bar association or associations of the county to submit a proposed schedule for cases other than capital cases. The schedule submitted shall be subject to the review, amendment, and approval of the board of county commissioners, except with respect to capital cases. With respect to capital cases, the schedule shall provide for fees by case or on an hourly basis to be paid to counsel in the amount or at the rate set by the supreme court

pursuant to division (D) of this section, and the board of county commissioners shall approve that amount or rate. 3656
3657

(4)(a) Counsel selected by the indigent person or appointed 3658
by the court at the request of an indigent person in a county that 3659
adopts a resolution to pay counsel, except for counsel appointed 3660
to represent a person charged with any violation of an ordinance 3661
of a municipal corporation that has not contracted with the county 3662
commissioners for the payment of appointed counsel, shall be paid 3663
by the county and shall receive the compensation and expenses the 3664
court approves. With respect to capital cases, the court shall 3665
approve compensation and expenses in accordance with the amount or 3666
at the rate set by the supreme court pursuant to division (D) of 3667
this section. Each request for payment shall be accompanied by a 3668
financial disclosure form and an affidavit of indigency that are 3669
completed by the indigent person on forms prescribed by the state 3670
public defender. Compensation and expenses shall not exceed the 3671
amounts fixed by the board of county commissioners in the schedule 3672
adopted pursuant to division (A)(3) of this section. No court 3673
shall approve compensation and expenses that exceed the amount 3674
fixed pursuant to division (A)(3) of this section. 3675

(b) The fees and expenses approved by the court shall not be 3676
taxed as part of the costs and shall be paid by the county. 3677
However, if the person represented has, or may reasonably be 3678
expected to have, the means to meet some part of the cost of the 3679
services rendered to the person, the person shall pay the county 3680
an amount that the person reasonably can be expected to pay. 3681
Pursuant to section 120.04 of the Revised Code, the county shall 3682
pay to the state public defender a percentage of the payment 3683
received from the person in an amount proportionate to the 3684
percentage of the costs of the person's case that were paid to the 3685
county by the state public defender pursuant to this section. The 3686
money paid to the state public defender shall be credited to the 3687

client payment fund created pursuant to division (B)(5) of section 3688
120.04 of the Revised Code. 3689

(c) The county auditor shall draw a warrant on the county 3690
treasurer for the payment of counsel in the amount fixed by the 3691
court, plus the expenses the court fixes and certifies to the 3692
auditor. The county auditor shall report periodically, but not 3693
less than annually, to the board of county commissioners and to 3694
the state public defender the amounts paid out pursuant to the 3695
approval of the court. The board of county commissioners, after 3696
review and approval of the auditor's report, or the county 3697
auditor, with permission from and notice to the board of county 3698
commissioners, may then certify it to the state public defender 3699
for reimbursement. The state public defender may pay a requested 3700
reimbursement only if the request for reimbursement is accompanied 3701
by a financial disclosure form and an affidavit of indigency 3702
completed by the indigent person on forms prescribed by the state 3703
public defender or if the court certifies by electronic signature 3704
as prescribed by the state public defender that a financial 3705
disclosure form and affidavit of indigency have been completed by 3706
the indigent person and are available for inspection. If a request 3707
for the reimbursement of the cost of counsel in any case is not 3708
received by the state public defender within ninety days after the 3709
end of the calendar month in which the case is finally disposed of 3710
by the court, unless the county has requested and the state public 3711
defender has granted an extension of the ninety-day limit, the 3712
state public defender shall not pay the requested reimbursement. 3713
The state public defender shall also review the report and, in 3714
accordance with the standards, guidelines, and maximums 3715
established pursuant to divisions (B)(7) and (8) of section 120.04 3716
of the Revised Code, prepare a voucher for fifty per cent of the 3717
total cost of each county appointed counsel system in the period 3718
of time covered by the certified report and a voucher for fifty 3719
per cent of the costs and expenses that are reimbursable under 3720

section 120.35 of the Revised Code, if any, or, if the amount of 3721
money appropriated by the general assembly to reimburse counties 3722
for the operation of county public defender offices, joint county 3723
public defender offices, and county appointed counsel systems is 3724
not sufficient to pay fifty per cent of the total cost of all of 3725
the offices and systems other than costs and expenses that are 3726
reimbursable under section 120.35 of the Revised Code, for the 3727
lesser amount required by section 120.34 of the Revised Code. 3728

(d) If the board of county commissioners establishes a 3729
schedule of fees on an hourly basis under division (A)(3) of this 3730
section that exceeds fifty dollars per hour, the county shall 3731
receive a supplemental amount that constitutes five per cent of 3732
the total reimbursement the county received from the state public 3733
defender for appointed counsel. 3734

(5) If any county appointed counsel system fails to maintain 3735
the standards for the conduct of the system established by the 3736
rules of the Ohio public defender commission pursuant to divisions 3737
(B) and (C) of section 120.03 or the standards established by the 3738
state public defender pursuant to division (B)(7) of section 3739
120.04 of the Revised Code, the Ohio public defender commission 3740
shall notify the board of county commissioners of the county that 3741
the county appointed counsel system has failed to comply with its 3742
rules or the standards of the state public defender. Unless the 3743
board of county commissioners corrects the conduct of its 3744
appointed counsel system to comply with the rules and standards 3745
within ninety days after the date of the notice, the state public 3746
defender may deny all or part of the county's reimbursement from 3747
the state provided for in division (A)(4) of this section. 3748

(B) In lieu of using a county public defender or joint county 3749
public defender to represent indigent persons in the proceedings 3750
set forth in division (A) of section 120.16 of the Revised Code, 3751
and in lieu of adopting the resolution and following the procedure 3752

described in division (A) of this section, the board of county 3753
commissioners of any county may contract with the state public 3754
defender for the state public defender's legal representation of 3755
indigent persons. A contract entered into pursuant to this 3756
division may provide for payment for the services provided on a 3757
per case, hourly, or fixed contract basis. 3758

(C) If a court appoints an attorney pursuant to this section 3759
to represent a petitioner in a postconviction relief proceeding 3760
under section 2953.21 of the Revised Code, the petitioner has 3761
received a sentence of death, and the proceeding relates to that 3762
sentence, the attorney who represents the petitioner in the 3763
proceeding pursuant to the appointment shall be certified under 3764
Rule 20 of the Rules of Superintendence for the Courts of Ohio to 3765
represent indigent defendants charged with or convicted of an 3766
offense for which the death penalty can be or has been imposed. 3767

(D) The supreme court shall set an amount by case, or a rate 3768
on an hourly basis, to be paid under this section to counsel in a 3769
capital case. 3770

Sec. 121.03. The following administrative department heads 3771
shall be appointed by the governor, with the advice and consent of 3772
the senate, and shall hold their offices during the term of the 3773
appointing governor, and are subject to removal at the pleasure of 3774
the governor. 3775

(A) The director of budget and management; 3776

(B) The director of commerce; 3777

(C) The director of transportation; 3778

(D) The director of agriculture; 3779

(E) The director of job and family services; 3780

(F) Until July 1, 1997, the director of liquor control; 3781

(G) The director of public safety;	3782
(H) The superintendent of insurance;	3783
(I) The director of development services;	3784
(J) The tax commissioner;	3785
(K) The director of administrative services;	3786
(L) The director of natural resources;	3787
(M) The director of mental health and addiction services;	3788
(N) The director of developmental disabilities;	3789
(O) The director of health;	3790
(P) The director of youth services;	3791
(Q) The director of rehabilitation and correction;	3792
(R) The director of environmental protection;	3793
(S) The director of aging;	3794
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	3795 3796 3797
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	3798 3799
(V) The chancellor of the Ohio board of regents <u>higher education</u> ;	3800 3801
(W) The medicaid director.	3802
Sec. 121.04. Offices are created within the several departments as follows:	3803 3804
In the department of commerce:	3805
Commissioner of securities;	3806
Superintendent of real estate and professional licensing;	3807

Superintendent of financial institutions;	3808
State fire marshal;	3809
Superintendent of industrial compliance;	3810
Superintendent of liquor control;	3811
Superintendent of unclaimed funds.	3812
In the department of administrative services:	3813
Equal employment opportunity coordinator.	3814
In the department of agriculture:	3815
Chiefs of divisions as follows:	3816
Administration;	3817
Animal health;	3818
Livestock environmental permitting;	3819
<u>Soil and water conservation;</u>	3820
Dairy;	3821
Food safety;	3822
Plant health;	3823
Markets;	3824
Meat inspection;	3825
Consumer protection laboratory;	3826
Amusement ride safety;	3827
Enforcement;	3828
Weights and measures.	3829
In the department of natural resources:	3830
Chiefs of divisions as follows:	3831
Mineral resources management;	3832
Oil and gas resources management;	3833
Forestry;	3834
Natural areas and preserves;	3835
Wildlife;	3836
Geological survey;	3837
Parks and recreation;	3838

Watercraft;	3839
Soil and water <u>Water</u> resources;	3840
Engineering.	3841
In the department of insurance:	3842
Deputy superintendent of insurance;	3843
Assistant superintendent of insurance, technical;	3844
Assistant superintendent of insurance, administrative;	3845
Assistant superintendent of insurance, research.	3846
Sec. 121.22. (A) This section shall be liberally construed to	3847
require public officials to take official action and to conduct	3848
all deliberations upon official business only in open meetings	3849
unless the subject matter is specifically excepted by law.	3850
(B) As used in this section:	3851
(1) "Public body" means any of the following:	3852
(a) Any board, commission, committee, council, or similar	3853
decision-making body of a state agency, institution, or authority,	3854
and any legislative authority or board, commission, committee,	3855
council, agency, authority, or similar decision-making body of any	3856
county, township, municipal corporation, school district, or other	3857
political subdivision or local public institution;	3858
(b) Any committee or subcommittee of a body described in	3859
division (B)(1)(a) of this section;	3860
(c) A court of jurisdiction of a sanitary district organized	3861
wholly for the purpose of providing a water supply for domestic,	3862
municipal, and public use when meeting for the purpose of the	3863
appointment, removal, or reappointment of a member of the board of	3864
directors of such a district pursuant to section 6115.10 of the	3865
Revised Code, if applicable, or for any other matter related to	3866
such a district other than litigation involving the district. As	3867
used in division (B)(1)(c) of this section, "court of	3868

jurisdiction" has the same meaning as "court" in section 6115.01 3869
of the Revised Code. 3870

(2) "Meeting" means any prearranged discussion of the public 3871
business of the public body by a majority of its members. 3872

(3) "Regulated individual" means either of the following: 3873

(a) A student in a state or local public educational 3874
institution; 3875

(b) A person who is, voluntarily or involuntarily, an inmate, 3876
patient, or resident of a state or local institution because of 3877
criminal behavior, mental illness or retardation, disease, 3878
disability, age, or other condition requiring custodial care. 3879

(4) "Public office" has the same meaning as in section 3880
149.011 of the Revised Code. 3881

(C) All meetings of any public body are declared to be public 3882
meetings open to the public at all times. A member of a public 3883
body shall be present in person at a meeting open to the public to 3884
be considered present or to vote at the meeting and for purposes 3885
of determining whether a quorum is present at the meeting. 3886

The minutes of a regular or special meeting of any public 3887
body shall be promptly prepared, filed, and maintained and shall 3888
be open to public inspection. The minutes need only reflect the 3889
general subject matter of discussions in executive sessions 3890
authorized under division (G) or (J) of this section. 3891

(D) This section does not apply to any of the following: 3892

(1) A grand jury; 3893

(2) An audit conference conducted by the auditor of state or 3894
independent certified public accountants with officials of the 3895
public office that is the subject of the audit; 3896

(3) The adult parole authority when its hearings are 3897
conducted at a correctional institution for the sole purpose of 3898

interviewing inmates to determine parole or pardon;	3899
(4) The organized crime investigations commission established	3900
under section 177.01 of the Revised Code;	3901
(5) Meetings of a child fatality review board established	3902
under section 307.621 of the Revised Code, <u>meetings related to a</u>	3903
<u>review conducted pursuant to guidelines established by the</u>	3904
<u>director of health under section 3701.70 of the Revised Code,</u> and	3905
meetings conducted pursuant to sections 5153.171 to 5153.173 of	3906
the Revised Code;	3907
(6) The state medical board when determining whether to	3908
suspend a certificate without a prior hearing pursuant to division	3909
(G) of either section 4730.25 or 4731.22 of the Revised Code;	3910
(7) The board of nursing when determining whether to suspend	3911
a license or certificate without a prior hearing pursuant to	3912
division (B) of section 4723.281 of the Revised Code;	3913
(8) The state board of pharmacy when determining whether to	3914
suspend a license without a prior hearing pursuant to division (D)	3915
of section 4729.16 of the Revised Code;	3916
(9) The state chiropractic board when determining whether to	3917
suspend a license without a hearing pursuant to section 4734.37 of	3918
the Revised Code;	3919
(10) The executive committee of the emergency response	3920
commission when determining whether to issue an enforcement order	3921
or request that a civil action, civil penalty action, or criminal	3922
action be brought to enforce Chapter 3750. of the Revised Code;	3923
(11) The board of directors of the nonprofit corporation	3924
formed under section 187.01 of the Revised Code or any committee	3925
thereof, and the board of directors of any subsidiary of that	3926
corporation or a committee thereof;	3927
(12) An audit conference conducted by the audit staff of the	3928

department of job and family services with officials of the public 3929
office that is the subject of that audit under section 5101.37 of 3930
the Revised Code; 3931

(13) The occupational therapy section of the occupational 3932
therapy, physical therapy, and athletic trainers board when 3933
determining whether to suspend a license or limited permit without 3934
a hearing pursuant to division (D) of section 4755.11 of the 3935
Revised Code; 3936

(14) The physical therapy section of the occupational 3937
therapy, physical therapy, and athletic trainers board when 3938
determining whether to suspend a license without a hearing 3939
pursuant to division (E) of section 4755.47 of the Revised Code; 3940

(15) The athletic trainers section of the occupational 3941
therapy, physical therapy, and athletic trainers board when 3942
determining whether to suspend a license without a hearing 3943
pursuant to division (D) of section 4755.64 of the Revised Code. 3944

(E) The controlling board, the tax credit authority, or the 3945
minority development financing advisory board, when meeting to 3946
consider granting assistance pursuant to Chapter 122. or 166. of 3947
the Revised Code, in order to protect the interest of the 3948
applicant or the possible investment of public funds, by unanimous 3949
vote of all board or authority members present, may close the 3950
meeting during consideration of the following information 3951
confidentially received by the authority or board from the 3952
applicant: 3953

(1) Marketing plans; 3954

(2) Specific business strategy; 3955

(3) Production techniques and trade secrets; 3956

(4) Financial projections; 3957

(5) Personal financial statements of the applicant or members 3958

of the applicant's immediate family, including, but not limited 3959
to, tax records or other similar information not open to public 3960
inspection. 3961

The vote by the authority or board to accept or reject the 3962
application, as well as all proceedings of the authority or board 3963
not subject to this division, shall be open to the public and 3964
governed by this section. 3965

(F) Every public body, by rule, shall establish a reasonable 3966
method whereby any person may determine the time and place of all 3967
regularly scheduled meetings and the time, place, and purpose of 3968
all special meetings. A public body shall not hold a special 3969
meeting unless it gives at least twenty-four hours' advance notice 3970
to the news media that have requested notification, except in the 3971
event of an emergency requiring immediate official action. In the 3972
event of an emergency, the member or members calling the meeting 3973
shall notify the news media that have requested notification 3974
immediately of the time, place, and purpose of the meeting. 3975

The rule shall provide that any person, upon request and 3976
payment of a reasonable fee, may obtain reasonable advance 3977
notification of all meetings at which any specific type of public 3978
business is to be discussed. Provisions for advance notification 3979
may include, but are not limited to, mailing the agenda of 3980
meetings to all subscribers on a mailing list or mailing notices 3981
in self-addressed, stamped envelopes provided by the person. 3982

(G) Except as provided in divisions (G)(8) and (J) of this 3983
section, the members of a public body may hold an executive 3984
session only after a majority of a quorum of the public body 3985
determines, by a roll call vote, to hold an executive session and 3986
only at a regular or special meeting for the sole purpose of the 3987
consideration of any of the following matters: 3988

(1) To consider the appointment, employment, dismissal, 3989

discipline, promotion, demotion, or compensation of a public 3990
employee or official, or the investigation of charges or 3991
complaints against a public employee, official, licensee, or 3992
regulated individual, unless the public employee, official, 3993
licensee, or regulated individual requests a public hearing. 3994
Except as otherwise provided by law, no public body shall hold an 3995
executive session for the discipline of an elected official for 3996
conduct related to the performance of the elected official's 3997
official duties or for the elected official's removal from office. 3998
If a public body holds an executive session pursuant to division 3999
(G)(1) of this section, the motion and vote to hold that executive 4000
session shall state which one or more of the approved purposes 4001
listed in division (G)(1) of this section are the purposes for 4002
which the executive session is to be held, but need not include 4003
the name of any person to be considered at the meeting. 4004

(2) To consider the purchase of property for public purposes, 4005
or for the sale of property at competitive bidding, if premature 4006
disclosure of information would give an unfair competitive or 4007
bargaining advantage to a person whose personal, private interest 4008
is adverse to the general public interest. No member of a public 4009
body shall use division (G)(2) of this section as a subterfuge for 4010
providing covert information to prospective buyers or sellers. A 4011
purchase or sale of public property is void if the seller or buyer 4012
of the public property has received covert information from a 4013
member of a public body that has not been disclosed to the general 4014
public in sufficient time for other prospective buyers and sellers 4015
to prepare and submit offers. 4016

If the minutes of the public body show that all meetings and 4017
deliberations of the public body have been conducted in compliance 4018
with this section, any instrument executed by the public body 4019
purporting to convey, lease, or otherwise dispose of any right, 4020
title, or interest in any public property shall be conclusively 4021

presumed to have been executed in compliance with this section 4022
insofar as title or other interest of any bona fide purchasers, 4023
lessees, or transferees of the property is concerned. 4024

(3) Conferences with an attorney for the public body 4025
concerning disputes involving the public body that are the subject 4026
of pending or imminent court action; 4027

(4) Preparing for, conducting, or reviewing negotiations or 4028
bargaining sessions with public employees concerning their 4029
compensation or other terms and conditions of their employment; 4030

(5) Matters required to be kept confidential by federal law 4031
or regulations or state statutes; 4032

(6) Details relative to the security arrangements and 4033
emergency response protocols for a public body or a public office, 4034
if disclosure of the matters discussed could reasonably be 4035
expected to jeopardize the security of the public body or public 4036
office; 4037

(7) In the case of a county hospital operated pursuant to 4038
Chapter 339. of the Revised Code, a joint township hospital 4039
operated pursuant to Chapter 513. of the Revised Code, or a 4040
municipal hospital operated pursuant to Chapter 749. of the 4041
Revised Code, to consider trade secrets, as defined in section 4042
1333.61 of the Revised Code; 4043

(8) To consider confidential information related to the 4044
marketing plans, specific business strategy, production 4045
techniques, trade secrets, or personal financial statements of an 4046
applicant for economic development assistance, or to negotiations 4047
with other political subdivisions respecting requests for economic 4048
development assistance, provided that both of the following 4049
conditions apply: 4050

~~(1)~~(a) The information is directly related to a request for 4051
economic development assistance that is to be provided or 4052

administered under any provision of Chapter 715., 725., 1724., or 4053
1728. or sections 701.07, 3735.67 to 3735.70, 5709.40 to 5709.43, 4054
5709.61 to 5709.69, 5709.73 to 5709.75, or 5709.77 to 5709.81 of 4055
the Revised Code, or that involves public infrastructure 4056
improvements or the extension of utility services that are 4057
directly related to an economic development project. 4058

~~(2)~~(b) A unanimous quorum of the public body determines, by a 4059
roll call vote, that the executive session is necessary to protect 4060
the interests of the applicant or the possible investment or 4061
expenditure of public funds to be made in connection with the 4062
economic development project. 4063

If a public body holds an executive session to consider any 4064
of the matters listed in divisions (G)(2) to (8) of this section, 4065
the motion and vote to hold that executive session shall state 4066
which one or more of the approved matters listed in those 4067
divisions are to be considered at the executive session. 4068

A public body specified in division (B)(1)(c) of this section 4069
shall not hold an executive session when meeting for the purposes 4070
specified in that division. 4071

(H) A resolution, rule, or formal action of any kind is 4072
invalid unless adopted in an open meeting of the public body. A 4073
resolution, rule, or formal action adopted in an open meeting that 4074
results from deliberations in a meeting not open to the public is 4075
invalid unless the deliberations were for a purpose specifically 4076
authorized in division (G) or (J) of this section and conducted at 4077
an executive session held in compliance with this section. A 4078
resolution, rule, or formal action adopted in an open meeting is 4079
invalid if the public body that adopted the resolution, rule, or 4080
formal action violated division (F) of this section. 4081

(I)(1) Any person may bring an action to enforce this 4082
section. An action under division (I)(1) of this section shall be 4083

brought within two years after the date of the alleged violation 4084
or threatened violation. Upon proof of a violation or threatened 4085
violation of this section in an action brought by any person, the 4086
court of common pleas shall issue an injunction to compel the 4087
members of the public body to comply with its provisions. 4088

(2)(a) If the court of common pleas issues an injunction 4089
pursuant to division (I)(1) of this section, the court shall order 4090
the public body that it enjoins to pay a civil forfeiture of five 4091
hundred dollars to the party that sought the injunction and shall 4092
award to that party all court costs and, subject to reduction as 4093
described in division (I)(2) of this section, reasonable 4094
attorney's fees. The court, in its discretion, may reduce an award 4095
of attorney's fees to the party that sought the injunction or not 4096
award attorney's fees to that party if the court determines both 4097
of the following: 4098

(i) That, based on the ordinary application of statutory law 4099
and case law as it existed at the time of violation or threatened 4100
violation that was the basis of the injunction, a well-informed 4101
public body reasonably would believe that the public body was not 4102
violating or threatening to violate this section; 4103

(ii) That a well-informed public body reasonably would 4104
believe that the conduct or threatened conduct that was the basis 4105
of the injunction would serve the public policy that underlies the 4106
authority that is asserted as permitting that conduct or 4107
threatened conduct. 4108

(b) If the court of common pleas does not issue an injunction 4109
pursuant to division (I)(1) of this section and the court 4110
determines at that time that the bringing of the action was 4111
frivolous conduct, as defined in division (A) of section 2323.51 4112
of the Revised Code, the court shall award to the public body all 4113
court costs and reasonable attorney's fees, as determined by the 4114
court. 4115

(3) Irreparable harm and prejudice to the party that sought 4116
the injunction shall be conclusively and irrebuttably presumed 4117
upon proof of a violation or threatened violation of this section. 4118

(4) A member of a public body who knowingly violates an 4119
injunction issued pursuant to division (I)(1) of this section may 4120
be removed from office by an action brought in the court of common 4121
pleas for that purpose by the prosecuting attorney or the attorney 4122
general. 4123

(J)(1) Pursuant to division (C) of section 5901.09 of the 4124
Revised Code, a veterans service commission shall hold an 4125
executive session for one or more of the following purposes unless 4126
an applicant requests a public hearing: 4127

(a) Interviewing an applicant for financial assistance under 4128
sections 5901.01 to 5901.15 of the Revised Code; 4129

(b) Discussing applications, statements, and other documents 4130
described in division (B) of section 5901.09 of the Revised Code; 4131

(c) Reviewing matters relating to an applicant's request for 4132
financial assistance under sections 5901.01 to 5901.15 of the 4133
Revised Code. 4134

(2) A veterans service commission shall not exclude an 4135
applicant for, recipient of, or former recipient of financial 4136
assistance under sections 5901.01 to 5901.15 of the Revised Code, 4137
and shall not exclude representatives selected by the applicant, 4138
recipient, or former recipient, from a meeting that the commission 4139
conducts as an executive session that pertains to the applicant's, 4140
recipient's, or former recipient's application for financial 4141
assistance. 4142

(3) A veterans service commission shall vote on the grant or 4143
denial of financial assistance under sections 5901.01 to 5901.15 4144
of the Revised Code only in an open meeting of the commission. The 4145
minutes of the meeting shall indicate the name, address, and 4146

occupation of the applicant, whether the assistance was granted or 4147
denied, the amount of the assistance if assistance is granted, and 4148
the votes for and against the granting of assistance. 4149

Sec. 121.372. (A) As used in this section, "substitute care 4150
provider" means any of the following: 4151

(1) A community addiction services provider ~~subject to~~ 4152
~~certification under section 5119.36, as defined in section 5119.01~~ 4153
of the Revised Code; 4154

(2) An institution or association subject to certification 4155
under section 5103.03 of the Revised Code; 4156

(3) A residential facility subject to licensure under section 4157
5119.34 of the Revised Code; 4158

(4) A residential facility subject to licensure under section 4159
5123.19 of the Revised Code. 4160

(B) Not later than ninety days after March 18, 1999, the 4161
members of the Ohio family and children first cabinet council, 4162
other than the director of budget and management, shall enter into 4163
an agreement to establish an office to perform the duties 4164
prescribed by division (C) of this section. The agreement shall 4165
specify one of the departments represented on the council as the 4166
department responsible for housing and supervising the office. The 4167
agreement shall include the recommendation of the council for 4168
funding the office. 4169

(C) The office established pursuant to the agreement entered 4170
into under this section shall review rules governing the 4171
certification and licensure of substitute care providers and 4172
determine which of the rules can be made substantively identical 4173
or more similar in order to minimize the number of differing 4174
certification and licensure standards and simplify the 4175
certification or licensure process for substitute care providers 4176

seeking certification or licensure from two or more of the 4177
departments represented on the council. The office shall provide 4178
county family and children first councils, substitute care 4179
providers, and persons interested in substitute care providers the 4180
opportunity to help the office with the review and determination. 4181
The office shall report its findings to the council. Each of the 4182
departments represented on the council that has adopted rules 4183
governing the certification or licensure of substitute care 4184
providers shall review the report and amend the rules as that 4185
department considers appropriate, except that no rule shall be 4186
amended so as to make it inconsistent with substitute care 4187
provider certification or licensure procedures and standards 4188
established by federal or state law. A department shall give 4189
priority to amendments that will not increase the department's 4190
administrative costs. In amending a rule, a department shall 4191
comply with Chapter 119. or section 111.15 of the Revised Code, as 4192
required by the Revised Code section governing the adoption of the 4193
particular rule. 4194

(D) In accordance with section 124.27 of the Revised Code, 4195
the council shall select a coordinator to oversee the office 4196
established pursuant to the agreement entered into under this 4197
section. The coordinator shall be in the classified service. In 4198
addition to overseeing the office, the coordinator shall perform 4199
any other duties the council assigns to the coordinator. The 4200
duties the council assigns to the coordinator shall be related to 4201
the duties of the office under division (C) of this section. 4202

Sec. 121.40. (A) There is hereby created the Ohio commission 4203
on service and volunteerism consisting of twenty-one voting 4204
members including the superintendent of public instruction or the 4205
superintendent's designee, the chancellor of ~~the Ohio board of~~ 4206
~~regents~~ higher education or the chancellor's designee, the 4207
director of youth services or the director's designee, the 4208

director of aging or the director's designee, the chairperson of 4209
the committee of the house of representatives dealing with 4210
education or the chairperson's designee, the chairperson of the 4211
committee of the senate dealing with education or the 4212
chairperson's designee, and fifteen members who shall be appointed 4213
by the governor with the advice and consent of the senate and who 4214
shall serve terms of office of three years. The appointees shall 4215
include educators, including teachers and administrators; 4216
representatives of youth organizations; students and parents; 4217
representatives of organizations engaged in volunteer program 4218
development and management throughout the state, including youth 4219
and conservation programs; and representatives of business, 4220
government, nonprofit organizations, social service agencies, 4221
veterans organizations, religious organizations, or philanthropies 4222
that support or encourage volunteerism within the state. The 4223
director of the governor's office of faith-based and community 4224
initiatives shall serve as a nonvoting ex officio member of the 4225
commission. Members of the commission shall receive no 4226
compensation, but shall be reimbursed for actual and necessary 4227
expenses incurred in the performance of their official duties. 4228

(B) The commission shall appoint an executive director for 4229
the commission, who shall be in the unclassified civil service. 4230
The governor shall be informed of the appointment of an executive 4231
director before such an appointment is made. The executive 4232
director shall supervise the commission's activities and report to 4233
the commission on the progress of those activities. The executive 4234
director shall do all things necessary for the efficient and 4235
effective implementation of the duties of the commission. 4236

The responsibilities assigned to the executive director do 4237
not relieve the members of the commission from final 4238
responsibility for the proper performance of the requirements of 4239
this section. 4240

(C) The commission or its designee shall do all of the 4241
following: 4242

(1) Employ, promote, supervise, and remove all employees as 4243
needed in connection with the performance of its duties under this 4244
section and may assign duties to those employees as necessary to 4245
achieve the most efficient performance of its functions, and to 4246
that end may establish, change, or abolish positions, and assign 4247
and reassign duties and responsibilities of any employee of the 4248
commission. Personnel employed by the commission who are subject 4249
to Chapter 4117. of the Revised Code shall retain all of their 4250
rights and benefits conferred pursuant to that chapter. Nothing in 4251
this chapter shall be construed as eliminating or interfering with 4252
Chapter 4117. of the Revised Code or the rights and benefits 4253
conferred under that chapter to public employees or to any 4254
bargaining unit. 4255

(2) Maintain its office in Columbus, and may hold sessions at 4256
any place within the state; 4257

(3) Acquire facilities, equipment, and supplies necessary to 4258
house the commission, its employees, and files and records under 4259
its control, and to discharge any duty imposed upon it by law. The 4260
expense of these acquisitions shall be audited and paid for in the 4261
same manner as other state expenses. For that purpose, the 4262
commission shall prepare and submit to the office of budget and 4263
management a budget for each biennium according to sections 4264
101.532 and 107.03 of the Revised Code. The budget submitted shall 4265
cover the costs of the commission and its staff in the discharge 4266
of any duty imposed upon the commission by law. The commission 4267
shall not delegate any authority to obligate funds. 4268

(4) Pay its own payroll and other operating expenses from 4269
line items designated by the general assembly; 4270

(5) Retain its fiduciary responsibility as appointing 4271

authority. Any transaction instructions shall be certified by the 4272
appointing authority or its designee. 4273

(6) Establish the overall policy and management of the 4274
commission in accordance with this chapter; 4275

(7) Assist in coordinating and preparing the state 4276
application for funds under sections 101 to 184 of the "National 4277
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 4278
U.S.C.A. 12411 to 12544, as amended, assist in administering and 4279
overseeing the "National and Community Service Trust Act of 1993," 4280
P.L. 103-82, 107 Stat. 785, and the americorps program in this 4281
state, and assist in developing objectives for a comprehensive 4282
strategy to encourage and expand community service programs 4283
throughout the state; 4284

(8) Assist the state board of education, school districts, 4285
the chancellor of ~~the board of regents~~ higher education, and 4286
institutions of higher education in coordinating community service 4287
education programs through cooperative efforts between 4288
institutions and organizations in the public and private sectors; 4289

(9) Assist the departments of natural resources, youth 4290
services, aging, and job and family services in coordinating 4291
community service programs through cooperative efforts between 4292
institutions and organizations in the public and private sectors; 4293

(10) Suggest individuals and organizations that are available 4294
to assist school districts, institutions of higher education, and 4295
the departments of natural resources, youth services, aging, and 4296
job and family services in the establishment of community service 4297
programs and assist in investigating sources of funding for 4298
implementing these programs; 4299

(11) Assist in evaluating the state's efforts in providing 4300
community service programs using standards and methods that are 4301
consistent with any statewide objectives for these programs and 4302

provide information to the state board of education, school 4303
districts, the chancellor of ~~the board of regents~~ higher 4304
education, institutions of higher education, and the departments 4305
of natural resources, youth services, aging, and job and family 4306
services to guide them in making decisions about these programs; 4307

(12) Assist the state board of education in complying with 4308
section 3301.70 of the Revised Code and the chancellor of ~~the~~ 4309
~~board of regents~~ higher education in complying with division 4310
(B)(2) of section 3333.043 of the Revised Code. 4311

(D) The commission shall in writing enter into an agreement 4312
with another state agency to serve as the commission's fiscal 4313
agent. Before entering into such an agreement, the commission 4314
shall inform the governor of the terms of the agreement and of the 4315
state agency designated to serve as the commission's fiscal agent. 4316
The fiscal agent shall be responsible for all the commission's 4317
fiscal matters and financial transactions, as specified in the 4318
agreement. Services to be provided by the fiscal agent include, 4319
but are not limited to, the following: 4320

(1) Preparing and processing payroll and other personnel 4321
documents that the commission executes as the appointing 4322
authority; 4323

(2) Maintaining ledgers of accounts and reports of account 4324
balances, and monitoring budgets and allotment plans in 4325
consultation with the commission; and 4326

(3) Performing other routine support services that the fiscal 4327
agent considers appropriate to achieve efficiency. 4328

(E)(1) The commission, in conjunction and consultation with 4329
the fiscal agent, has the following authority and responsibility 4330
relative to fiscal matters: 4331

(a) Sole authority to draw funds for any and all federal 4332
programs in which the commission is authorized to participate; 4333

(b) Sole authority to expend funds from their accounts for 4334
programs and any other necessary expenses the commission may incur 4335
and its subgrantees may incur; and 4336

(c) Responsibility to cooperate with and inform the fiscal 4337
agent fully of all financial transactions. 4338

(2) The commission shall follow all state procurement, 4339
fiscal, human resources, statutory, and administrative rule 4340
requirements. 4341

(3) The fiscal agent shall determine fees to be charged to 4342
the commission, which shall be in proportion to the services 4343
performed for the commission. 4344

(4) The commission shall pay fees owed to the fiscal agent 4345
from a general revenue fund of the commission or from any other 4346
fund from which the operating expenses of the commission are paid. 4347
Any amounts set aside for a fiscal year for the payment of these 4348
fees shall be used only for the services performed for the 4349
commission by the fiscal agent in that fiscal year. 4350

(F) The commission may accept and administer grants from any 4351
source, public or private, to carry out any of the commission's 4352
functions this section establishes. 4353

Sec. 122.17. (A) As used in this section: 4354

(1) "~~Income tax revenue Payroll~~" means the total amount 4355
~~withheld under section 5747.06 of the Revised Code~~ taxable income 4356
paid by the ~~taxpayer~~ employer during the employer's taxable year, 4357
or during the calendar year that includes the employer's tax 4358
period, ~~from the compensation of~~ to each employee or each 4359
home-based employee employed in the project to the extent ~~the~~ 4360
~~employee's withholdings are~~ such payroll is not used to determine 4361
the credit under section 122.171 of the Revised Code. "~~Income tax~~ 4362
revenue Payroll" excludes amounts ~~withheld~~ paid before the day the 4363

taxpayer becomes eligible for the credit and retirement or other 4364
benefits paid or contributed by the employer to or on behalf of 4365
employees. 4366

(2) "Baseline ~~income tax revenue payroll~~" means ~~income tax~~ 4367
~~revenue~~ Ohio employee payroll, except that the applicable 4368
~~withholding~~ measurement period is the twelve months immediately 4369
preceding the date the tax credit authority approves the 4370
taxpayer's application or the date the tax credit authority 4371
receives the recommendation described in division (C)(2)(a) of 4372
this section, whichever occurs first, multiplied by the sum of one 4373
plus an annual pay increase factor to be determined by the tax 4374
credit authority. 4375

(3) "Ohio employee payroll" means the amount of compensation 4376
used to determine the withholding obligations in division (A) of 4377
section 5747.06 of the Revised Code and paid by the employer 4378
during the employer's taxable year, or during the calendar year 4379
that includes the employer's tax period, to each employee employed 4380
in the project who is a resident of this state, as defined in 4381
section 5747.01 of the Revised Code, to each employee employed at 4382
the project site who is not a resident and whose compensation is 4383
not exempt from the tax imposed under section 5747.02 of the 4384
Revised Code pursuant to a reciprocity agreement with another 4385
state under division (A)(3) of section 5747.05 of the Revised 4386
Code, or to each home-based employee employed in the project, to 4387
the extent such compensation is not used to determine the credit 4388
under section 122.171 of the Revised Code. "Ohio employee payroll" 4389
excludes amounts paid before the day the taxpayer becomes eligible 4390
for the credit. 4391

(4) "Excess ~~income tax revenue payroll~~" means ~~income tax~~ 4392
~~revenue~~ Ohio employee payroll minus baseline ~~income tax revenue~~ 4393
payroll. 4394

~~(4)~~(5) "Home-based employee" means an employee whose services 4395

are performed primarily from the employee's residence in this 4396
state exclusively for the benefit of the project and whose rate of 4397
pay is at least one hundred thirty-one per cent of the federal 4398
minimum wage under 29 U.S.C. 206. 4399

(6) "Full-time equivalent employees" means the quotient 4400
obtained by dividing the total number of hours for which employees 4401
were compensated for employment in the project by two thousand 4402
eighty. "Full-time equivalent employees" excludes hours that are 4403
counted for a credit under section 122.171 of the Revised Code. 4404

(7) "Metric evaluation date" means the date by which the 4405
taxpayer must meet all of the commitments included in the 4406
agreement. 4407

(B) The tax credit authority may make grants under this 4408
section to foster job creation in this state. Such a grant shall 4409
take the form of a refundable credit allowed against the tax 4410
imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 4411
5747.02 or levied under Chapter 5751. of the Revised Code. The 4412
credit shall be claimed for the taxable years or tax periods 4413
specified in the taxpayer's agreement with the tax credit 4414
authority under division (D) of this section. With respect to 4415
taxes imposed under section 5726.02, 5733.06, or 5747.02 or 4416
Chapter 5751. of the Revised Code, the credit shall be claimed in 4417
the order required under section 5726.98, 5733.98, 5747.98, or 4418
5751.98 of the Revised Code. The amount of the credit available 4419
for a taxable year or for a calendar year that includes a tax 4420
period equals the excess ~~income tax revenue~~ payroll for that year 4421
multiplied by the percentage specified in the agreement with the 4422
tax credit authority. ~~Any credit granted under this section 4423
against the tax imposed by section 5733.06 or 5747.02 of the 4424
Revised Code, to the extent not fully utilized against such tax 4425
for taxable years ending prior to 2008, shall automatically be 4426
converted without any action taken by the tax credit authority to 4427~~

~~a credit against the tax levied under Chapter 5751. of the Revised Code for tax periods beginning on or after July 1, 2008, provided that the person to whom the credit was granted is subject to such tax. The converted credit shall apply to those calendar years in which the remaining taxable years specified in the agreement end.~~

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

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

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

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

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

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

(2)(a) A taxpayer that chooses to begin the project prior to 4459
receiving the determination of the authority may, upon submitting 4460
the taxpayer's application to the authority, request that the 4461
chief investment officer of the nonprofit corporation formed under 4462
section 187.01 of the Revised Code and the director review the 4463
taxpayer's application and recommend to the authority that the 4464
taxpayer's application be considered. As soon as possible after 4465
receiving such a request, the chief investment officer and the 4466
director shall review the taxpayer's application and, if they 4467
determine that the application warrants consideration by the 4468
authority, make that recommendation to the authority not later 4469
than six months after the application is received by the 4470
authority. 4471

(b) The authority shall consider any taxpayer's application 4472
for which it receives a recommendation under division (C)(2)(a) of 4473
this section. If the authority determines that the taxpayer does 4474
not meet all of the criteria set forth in division (C)(1) of this 4475
section, the authority and the development services agency shall 4476
proceed in accordance with rules adopted by the director pursuant 4477
to division (I) of this section. 4478

(D) An agreement under this section shall include all of the 4479
following: 4480

(1) A detailed description of the project that is the subject 4481
of the agreement; 4482

(2)(a) The term of the tax credit, which, except as provided 4483
in division (D)(2)(b) of this section, shall not exceed fifteen 4484
years, and the first taxable year, or first calendar year that 4485
includes a tax period, for which the credit may be claimed; 4486

(b) If the tax credit is computed on the basis of home-based 4487
employees, the term of the credit shall expire on or before the 4488
last day of the taxable or calendar year ending before the 4489

beginning of the seventh year after September 6, 2012, the 4490
effective date of H.B. 327 of the 129th general assembly. 4491

(3) A requirement that the taxpayer shall maintain operations 4492
at the project location for at least the greater of seven years or 4493
the term of the credit plus three years; 4494

(4) The percentage, as determined by the tax credit 4495
authority, of excess ~~income tax revenue~~ payroll that will be 4496
allowed as the amount of the credit for each taxable year or for 4497
each calendar year that includes a tax period; 4498

(5) The pay increase factor to be applied to the taxpayer's 4499
baseline ~~income tax revenue~~ payroll; 4500

(6) A requirement that the taxpayer annually shall report to 4501
the director of development services ~~employment, tax withholding~~ 4502
full-time equivalent employees, payroll, Ohio employee payroll, 4503
investment, the provision of health care benefits and tuition 4504
reimbursement if required in the agreement, and other information 4505
the director needs to perform the director's duties under this 4506
section; 4507

(7) A requirement that the director of development services 4508
annually review the information reported under division (D)(6) of 4509
this section and verify compliance with the agreement; if the 4510
taxpayer is in compliance, a requirement that the director issue a 4511
certificate to the taxpayer stating that the information has been 4512
verified and identifying the amount of the credit that may be 4513
claimed for the taxable or calendar year; 4514

(8) A provision providing that the taxpayer may not relocate 4515
a substantial number of employment positions from elsewhere in 4516
this state to the project location unless the director of 4517
development services determines that the legislative authority of 4518
the county, township, or municipal corporation from which the 4519
employment positions would be relocated has been notified by the 4520

taxpayer of the relocation. 4521

For purposes of this section, the movement of an employment 4522
position from one political subdivision to another political 4523
subdivision shall be considered a relocation of an employment 4524
position unless the employment position in the first political 4525
subdivision is replaced. 4526

(9) If the tax credit is computed on the basis of home-based 4527
employees, that the tax credit may not be claimed by the taxpayer 4528
until the taxable year or tax period in which the taxpayer employs 4529
at least two hundred employees more than the number of employees 4530
the taxpayer employed on June 30, 2011. 4531

(E) If a taxpayer fails to meet or comply with any condition 4532
or requirement set forth in a tax credit agreement, the tax credit 4533
authority may amend the agreement to reduce the percentage or term 4534
of the tax credit. The reduction of the percentage or term may 4535
take effect in the current taxable or calendar year. 4536

(F) Projects that consist solely of point-of-final-purchase 4537
retail facilities are not eligible for a tax credit under this 4538
section. If a project consists of both point-of-final-purchase 4539
retail facilities and nonretail facilities, only the portion of 4540
the project consisting of the nonretail facilities is eligible for 4541
a tax credit and only the excess ~~income tax revenue~~ payroll from 4542
the nonretail facilities shall be considered when computing the 4543
amount of the tax credit. If a warehouse facility is part of a 4544
point-of-final-purchase retail facility and supplies only that 4545
facility, the warehouse facility is not eligible for a tax credit. 4546
Catalog distribution centers are not considered 4547
point-of-final-purchase retail facilities for the purposes of this 4548
division, and are eligible for tax credits under this section. 4549

(G) Financial statements and other information submitted to 4550
the development services agency or the tax credit authority by an 4551

applicant or recipient of a tax credit under this section, and any 4552
information taken for any purpose from such statements or 4553
information, are not public records subject to section 149.43 of 4554
the Revised Code. However, the chairperson of the authority may 4555
make use of the statements and other information for purposes of 4556
issuing public reports or in connection with court proceedings 4557
concerning tax credit agreements under this section. Upon the 4558
request of the tax commissioner or, if the applicant or recipient 4559
is an insurance company, upon the request of the superintendent of 4560
insurance, the chairperson of the authority shall provide to the 4561
commissioner or superintendent any statement or information 4562
submitted by an applicant or recipient of a tax credit in 4563
connection with the credit. The commissioner or superintendent 4564
shall preserve the confidentiality of the statement or 4565
information. 4566

(H) A taxpayer claiming a credit under this section shall 4567
submit to the tax commissioner or, if the taxpayer is an insurance 4568
company, to the superintendent of insurance, a copy of the 4569
director of development services' certificate of verification 4570
under division (D)(7) of this section with the taxpayer's tax 4571
report or return for the taxable year or for the calendar year 4572
that includes the tax period. Failure to submit a copy of the 4573
certificate with the report or return does not invalidate a claim 4574
for a credit if the taxpayer submits a copy of the certificate to 4575
the commissioner or superintendent within ~~sixty~~ thirty days after 4576
the commissioner or superintendent requests it. 4577

(I) The director of development services, after consultation 4578
with the tax commissioner and the superintendent of insurance and 4579
in accordance with Chapter 119. of the Revised Code, shall adopt 4580
rules necessary to implement this section, including rules that 4581
establish a procedure to be followed by the tax credit authority 4582
and the development services agency in the event the authority 4583

considers a taxpayer's application for which it receives a 4584
recommendation under division (C)(2)(a) of this section but does 4585
not approve it. The rules may provide for recipients of tax 4586
credits under this section to be charged fees to cover 4587
administrative costs of the tax credit program. The fees collected 4588
shall be credited to the business assistance fund created in 4589
section 122.174 of the Revised Code. At the time the director 4590
gives public notice under division (A) of section 119.03 of the 4591
Revised Code of the adoption of the rules, the director shall 4592
submit copies of the proposed rules to the chairpersons of the 4593
standing committees on economic development in the senate and the 4594
house of representatives. 4595

(J) For the purposes of this section, a taxpayer may include 4596
a partnership, a corporation that has made an election under 4597
subchapter S of chapter one of subtitle A of the Internal Revenue 4598
Code, or any other business entity through which income flows as a 4599
distributive share to its owners. A partnership, S-corporation, or 4600
other such business entity may elect to pass the credit received 4601
under this section through to the persons to whom the income or 4602
profit of the partnership, S-corporation, or other entity is 4603
distributed. The election shall be made on the annual report 4604
required under division (D)(6) of this section. The election 4605
applies to and is irrevocable for the credit for which the report 4606
is submitted. If the election is made, the credit shall be 4607
apportioned among those persons in the same proportions as those 4608
in which the income or profit is distributed. 4609

(K)(1) If the director of development services determines 4610
that a taxpayer who has received a credit under this section is 4611
not complying with the ~~requirement under division (D)(3) of this~~ 4612
~~section~~ requirements of the agreement, the director shall notify 4613
the tax credit authority of the noncompliance. After receiving 4614
such a notice, and after giving the taxpayer an opportunity to 4615

explain the noncompliance, the tax credit authority may require 4616
the taxpayer to refund to this state a portion of the credit in 4617
accordance with the following: 4618

+1)(a) If the taxpayer fails to comply with the requirement 4619
under division (D)(3) of this section, an amount determined in 4620
accordance with the following: 4621

(i) If the taxpayer maintained operations at the project 4622
location for a period less than or equal to the term of the 4623
credit, an amount not exceeding one hundred per cent of the sum of 4624
any credits allowed and received under this section; 4625

+2)(ii) If the taxpayer maintained operations at the project 4626
location for a period longer than the term of the credit, but less 4627
than the greater of seven years or the term of the credit plus 4628
three years, an amount not exceeding seventy-five per cent of the 4629
sum of any credits allowed and received under this section. 4630

(b) If, on the metric evaluation date, the taxpayer fails to 4631
substantially meet the job creation, payroll, or investment 4632
requirements included in the agreement, an amount determined at 4633
the discretion of the authority; 4634

(c) If the taxpayer fails to substantially maintain the 4635
number of new full-time equivalent employees or amount of payroll 4636
required under the agreement at any time during the term of the 4637
agreement after the metric evaluation date, an amount determined 4638
at the discretion of the authority. 4639

(2) If a taxpayer files for bankruptcy and fails as described 4640
in division (K)(1)(a), (b), or (c) of this section, the director 4641
may immediately commence an action to recoup an amount not 4642
exceeding one hundred per cent of the sum of any credits received 4643
by the taxpayer under this section. 4644

(3) In determining the portion of the tax credit to be 4645
refunded to this state, the tax credit authority shall consider 4646

the effect of market conditions on the taxpayer's project and 4647
whether the taxpayer continues to maintain other operations in 4648
this state. After making the determination, the authority shall 4649
certify the amount to be refunded to the tax commissioner or 4650
superintendent of insurance, as appropriate. If the amount is 4651
certified to the commissioner, the commissioner shall make an 4652
assessment for that amount against the taxpayer under Chapter 4653
5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the 4654
amount is certified to the superintendent, the superintendent 4655
shall make an assessment for that amount against the taxpayer 4656
under Chapter 5725. or 5729. of the Revised Code. The time 4657
limitations on assessments under those chapters do not apply to an 4658
assessment under this division, but the commissioner or 4659
superintendent, as appropriate, shall make the assessment within 4660
one year after the date the authority certifies to the 4661
commissioner or superintendent the amount to be refunded. 4662

(L) On or before the first day of August each year, the 4663
director of development services shall submit a report to the 4664
governor, the president of the senate, and the speaker of the 4665
house of representatives on the tax credit program under this 4666
section. The report shall include information on the number of 4667
agreements that were entered into under this section during the 4668
preceding calendar year, a description of the project that is the 4669
subject of each such agreement, and an update on the status of 4670
projects under agreements entered into before the preceding 4671
calendar year. 4672

(M) There is hereby created the tax credit authority, which 4673
consists of the director of development services and four other 4674
members appointed as follows: the governor, the president of the 4675
senate, and the speaker of the house of representatives each shall 4676
appoint one member who shall be a specialist in economic 4677
development; the governor also shall appoint a member who is a 4678

specialist in taxation. ~~Of the initial appointees, the members~~ 4679
~~appointed by the governor shall serve a term of two years; the~~ 4680
~~members appointed by the president of the senate and the speaker~~ 4681
~~of the house of representatives shall serve a term of four years.~~ 4682
~~Thereafter, terms~~ Terms of office shall be for four years. ~~Initial~~ 4683
~~appointments to the authority shall be made within thirty days~~ 4684
~~after January 13, 1993.~~ Each member shall serve on the authority 4685
until the end of the term for which the member was appointed. 4686
Vacancies shall be filled in the same manner provided for original 4687
appointments. Any member appointed to fill a vacancy occurring 4688
prior to the expiration of the term for which the member's 4689
predecessor was appointed shall hold office for the remainder of 4690
that term. Members may be reappointed to the authority. Members of 4691
the authority shall receive their necessary and actual expenses 4692
while engaged in the business of the authority. The director of 4693
development services shall serve as chairperson of the authority, 4694
and the members annually shall elect a vice-chairperson from among 4695
themselves. Three members of the authority constitute a quorum to 4696
transact and vote on the business of the authority. The majority 4697
vote of the membership of the authority is necessary to approve 4698
any such business, including the election of the vice-chairperson. 4699

The director of development services may appoint a 4700
professional employee of the development services agency to serve 4701
as the director's substitute at a meeting of the authority. The 4702
director shall make the appointment in writing. In the absence of 4703
the director from a meeting of the authority, the appointed 4704
substitute shall serve as chairperson. In the absence of both the 4705
director and the director's substitute from a meeting, the 4706
vice-chairperson shall serve as chairperson. 4707

(N) For purposes of the credits granted by this section 4708
against the taxes imposed under sections 5725.18 and 5729.03 of 4709
the Revised Code, "taxable year" means the period covered by the 4710

taxpayer's annual statement to the superintendent of insurance. 4711

(O) On or before the first day of March of each of the five 4712
calendar years beginning with 2014, each taxpayer subject to an 4713
agreement with the tax credit authority under this section on the 4714
basis of home-based employees shall report the number of 4715
home-based employees and other employees employed by the taxpayer 4716
in this state to the development services agency. 4717

(P) On or before the first day of January of 2019, the 4718
director of development services shall submit a report to the 4719
governor, the president of the senate, and the speaker of the 4720
house of representatives on the effect of agreements entered into 4721
under this section in which the taxpayer included home-based 4722
employees in the computation of income tax revenue, as that term 4723
was defined in this section prior to the amendment of this section 4724
by H.B. 64 of the 131st general assembly. The report shall include 4725
information on the number of such agreements that were entered 4726
into in the preceding six years, a description of the projects 4727
that were the subjects of such agreements, and an analysis of 4728
nationwide home-based employment trends, including the number of 4729
home-based jobs created from July 1, 2011, through June 30, 2017, 4730
and a description of any home-based employment tax incentives 4731
provided by other states during that time. 4732

(Q) The director of development services may require any 4733
agreement entered into under this section for a tax credit 4734
computed on the basis of home-based employees to contain a 4735
provision that the taxpayer makes available health care benefits 4736
and tuition reimbursement to all employees. 4737

(R) Original agreements approved by the tax credit authority 4738
under this section in 2014 or 2015 before the effective date of 4739
this division may be revised at the request of the taxpayer to 4740
conform with the amendments to this section and sections 4741
5733.0610, 5736.50, 5747.058, and 5751.50 of the Revised Code by 4742

H.B. 64 of the 131st general assembly, upon mutual agreement of 4743
the taxpayer and the development services agency, and approval by 4744
the tax credit authority. 4745

(S)(1) As used in division (S) of this section: 4746

(a) "Eligible agreement" means an agreement approved by the 4747
tax credit authority under this section on or before December 31, 4748
2013. 4749

(b) "Reporting period" means a period corresponding to the 4750
annual report required under division (D)(6) of this section. 4751

(c) "Income tax revenue" has the same meaning as under this 4752
section as it existed before the effective date of the amendment 4753
of this section by H.B. 64 of the 131st general assembly. 4754

(2) In calendar year 2016 and thereafter, the tax credit 4755
authority shall annually determine a withholding adjustment factor 4756
to be used in the computation of income tax revenue for eligible 4757
agreements. The withholding adjustment factor shall be a numerical 4758
percentage that equals the percentage that employer income tax 4759
withholding rates have been increased or decreased as a result of 4760
changes in the income tax rates prescribed by section 5747.02 of 4761
the Revised Code by amendment of that section taking effect on or 4762
after June 29, 2013. 4763

(3) Except as provided in division (S)(4) of this section, 4764
for reporting periods ending in 2015 and thereafter for taxpayers 4765
subject to eligible agreements, the tax credit authority shall 4766
adjust the income tax revenue reported on the taxpayer's annual 4767
report by multiplying the withholding adjustment factor by the 4768
taxpayer's income tax revenue and doing one of the following: 4769

(a) If the income tax rates prescribed by section 5747.02 of 4770
the Revised Code have decreased by amendment of that section 4771
taking effect on or after June 29, 2013, add the product to the 4772
taxpayer's income tax revenue. 4773

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue. 4774
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(4) Division (S)(3) of this section shall not apply unless all of the following apply for the reporting period with respect to the eligible agreement: (a) The taxpayer has achieved one hundred per cent of the new employment commitment identified in the agreement. 4778
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(b) If applicable, the taxpayer has achieved one hundred per cent of the new payroll commitment identified in the agreement. 4783
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(c) If applicable, the taxpayer has achieved one hundred per cent of the investment commitment identified in the agreement. 4785
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(5) Failure by a taxpayer to have achieved any of the applicable commitments described in divisions (S)(4)(a) to (c) of this section in a reporting period does not disqualify the taxpayer for the adjustment under division (S) of this section for an ensuing reporting period. 4787
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Sec. 122.171. (A) As used in this section: 4792

(1) "Capital investment project" means a plan of investment at a project site for the acquisition, construction, renovation, or repair of buildings, machinery, or equipment, or for capitalized costs of basic research and new product development determined in accordance with generally accepted accounting principles, but does not include any of the following: 4793
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(a) Payments made for the acquisition of personal property through operating leases; 4799
4800

(b) Project costs paid before January 1, 2002; 4801

(c) Payments made to a related member as defined in section 5733.042 of the Revised Code or to a consolidated elected taxpayer 4802
4803

or a combined taxpayer as defined in section 5751.01 of the Revised Code.

(2) "Eligible business" means a taxpayer and its related members with Ohio operations satisfying all of the following:

(a) The taxpayer employs at least five hundred full-time equivalent employees or has an annual Ohio employee payroll of at least thirty-five million dollars at the time the tax credit authority grants the tax credit under this section;

(b) The taxpayer makes or causes to be made payments for the capital investment project of one of the following:

(i) If the taxpayer is engaged at the project site primarily as a manufacturer, at least fifty million dollars in the aggregate at the project site during a period of three consecutive calendar years, including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

(ii) If the taxpayer is engaged at the project site primarily in significant corporate administrative functions, as defined by the director of development services by rule, at least twenty million dollars in the aggregate at the project site during a period of three consecutive calendar years including the calendar year that includes a day of the taxpayer's taxable year or tax period with respect to which the credit is granted;

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

(c) The taxpayer had a capital investment project reviewed and approved by the tax credit authority as provided in divisions

(C), (D), and (E) of this section. 4835

(3) "Full-time equivalent employees" means the quotient 4836
obtained by dividing the total number of hours for which employees 4837
were compensated for employment in the project by two thousand 4838
eighty. "Full-time equivalent employees" shall exclude hours that 4839
are counted for a credit under section 122.17 of the Revised Code. 4840

(4) "~~Income tax revenue Ohio employee payroll~~" ~~means the~~ 4841
~~total amount withheld under section 5747.06 of the Revised Code by~~ 4842
~~the taxpayer during the taxable year, or during the calendar year~~ 4843
~~that includes the tax period, from the compensation of all~~ 4844
~~employees employed in the project whose hours of compensation are~~ 4845
~~included in calculating the number of full-time equivalent~~ 4846
~~employees~~ has the same meaning as in section 122.17 of the Revised 4847
Code. 4848

(5) "Manufacturer" has the same meaning as in section 4849
5739.011 of the Revised Code. 4850

(6) "Project site" means an integrated complex of facilities 4851
in this state, as specified by the tax credit authority under this 4852
section, within a fifteen-mile radius where a taxpayer is 4853
primarily operating as an eligible business. 4854

(7) "Related member" has the same meaning as in section 4855
5733.042 of the Revised Code as that section existed on the 4856
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 4857
general assembly, September 29, 1997. 4858

(8) "Taxable year" includes, in the case of a domestic or 4859
foreign insurance company, the calendar year ending on the 4860
thirty-first day of December preceding the day the superintendent 4861
of insurance is required to certify to the treasurer of state 4862
under section 5725.20 or 5729.05 of the Revised Code the amount of 4863
taxes due from insurance companies. 4864

(B) The tax credit authority created under section 122.17 of 4865

the Revised Code may grant a nonrefundable tax credits credit to 4866
an eligible business under this section for the purpose of 4867
fostering job retention in this state. Upon application by an 4868
eligible business and upon consideration of the ~~recommendation~~ 4869
determination of the director of budget and management, tax 4870
commissioner, and the superintendent of insurance in the case of 4871
an insurance company, and the recommendation and determination of 4872
the director of development services under division (C) of this 4873
section, the tax credit authority may grant the ~~following credits~~ 4874
credit against the tax imposed by section 5725.18, 5726.02, 4875
5729.03, 5733.06, 5736.02, 5747.02, or 5751.02 of the Revised 4876
Code:- 4877

~~(1) A nonrefundable credit to an eligible business:-~~ 4878

~~(2) A refundable credit to an eligible business meeting the 4879
following conditions, provided that the director of budget and 4880
management, tax commissioner, superintendent of insurance in the 4881
case of an insurance company, and director of development services 4882
have recommended the granting of the credit to the tax credit 4883
authority before July 1, 2011:-~~ 4884

~~(a) The business retains at least one thousand full time 4885
equivalent employees at the project site.~~ 4886

~~(b) The business makes or causes to be made payments for a 4887
capital investment project of at least twenty five million dollars 4888
in the aggregate at the project site during a period of three 4889
consecutive calendar years, including the calendar year that 4890
includes a day of the business' taxable year or tax period with 4891
respect to which the credit is granted.~~ 4892

~~(c) In 2010, the business received a written offer of 4893
financial incentives from another state of the United States that 4894
the director determines to be sufficient inducement for the 4895
business to relocate the business' operations from this state to 4896~~

~~that state.~~ 4897

~~(3) A refundable credit to an eligible business with a total 4898
annual payroll of at least twenty million dollars, provided that 4899
the tax credit authority grants the tax credit on or after July 1, 4900
2011, and before January 1, 2014. 4901~~

The ~~credits~~ credit authorized in ~~divisions (B)(1), (2), and 4902
(3)~~ of this section may be granted for a period up to fifteen 4903
taxable years or, in the case of the tax levied by section 5736.02 4904
or 5751.02 of the Revised Code, for a period of up to fifteen 4905
calendar years. The credit amount for a taxable year or a calendar 4906
year that includes the tax period for which a credit may be 4907
claimed equals the ~~income tax revenue~~ Ohio employee payroll for 4908
that year multiplied by the percentage specified in the agreement 4909
with the tax credit authority. ~~The percentage may not exceed 4910
seventy five per cent.~~ The credit shall be claimed in the order 4911
required under section 5725.98, 5726.98, 5729.98, 5733.98, 4912
5747.98, or 5751.98 of the Revised Code. In determining the 4913
percentage and term of the credit, the tax credit authority shall 4914
consider both the number of full-time equivalent employees and the 4915
value of the capital investment project. The credit amount may not 4916
be based on the ~~income tax revenue~~ Ohio employee payroll for a 4917
calendar year before the calendar year in which the tax credit 4918
authority specifies the tax credit is to begin, and the credit 4919
shall be claimed only for the taxable years or tax periods 4920
specified in the eligible business' agreement with the tax credit 4921
authority. In no event shall the credit be claimed for a taxable 4922
year or tax period terminating before the date specified in the 4923
agreement. ~~Any credit granted under this section against the tax 4924
imposed by section 5733.06 or 5747.02 of the Revised Code, to the 4925
extent not fully utilized against such tax for taxable years 4926
ending prior to 2008, shall automatically be converted without any 4927
action taken by the tax credit authority to a credit against the 4928~~

~~tax levied under Chapter 5751. of the Revised Code for tax periods 4929
beginning on or after July 1, 2008, provided that the person to 4930
whom the credit was granted is subject to such tax. The converted 4931
credit shall apply to those calendar years in which the remaining 4932
taxable years specified in the agreement end. 4933~~

If a nonrefundable credit allowed under ~~division (B)(1) of 4934
this section for a taxable year or tax period exceeds the 4935
taxpayer's tax liability for that year or period, the excess may 4936
be carried forward for the three succeeding taxable or calendar 4937
years, but the amount of any excess credit allowed in any taxable 4938
year or tax period shall be deducted from the balance carried 4939
forward to the succeeding year or period. 4940~~

(C) A taxpayer that proposes a capital investment project to 4941
retain jobs in this state may apply to the tax credit authority to 4942
enter into an agreement for a tax credit under this section. The 4943
director of development services shall prescribe the form of the 4944
application. After receipt of an application, the authority shall 4945
forward copies of the application to the director of budget and 4946
management, the tax commissioner, and the superintendent of 4947
insurance in the case of an insurance company, ~~and the director of 4948
development services~~, each of whom shall review the application to 4949
determine the economic impact the proposed project would have on 4950
the state and the affected political subdivisions and shall submit 4951
a summary of their determinations and recommendations to the 4952
authority. The authority shall also forward a copy of the 4953
application to the director of development services, who shall 4954
review the application to determine the economic impact the 4955
proposed project would have on the state and the affected 4956
political subdivisions and shall submit a summary of their 4957
determinations and recommendations to the authority. 4958

(D) Upon review and consideration of the determinations and 4959
recommendations described in division (C) of this section, the tax 4960

credit authority may enter into an agreement with the taxpayer for 4961
a credit under this section if the authority determines all of the 4962
following: 4963

(1) The taxpayer's capital investment project will result in 4964
the retention of employment in this state. 4965

(2) The taxpayer is economically sound and has the ability to 4966
complete the proposed capital investment project. 4967

(3) The taxpayer intends to and has the ability to maintain 4968
operations at the project site for at least the greater of (a) the 4969
term of the credit plus three years, or (b) seven years. 4970

(4) Receiving the credit is a major factor in the taxpayer's 4971
decision to begin, continue with, or complete the project. 4972

~~(5) If the taxpayer is applying to enter into an agreement 4973
for a tax credit authorized under division (B)(3) of this section, 4974
the taxpayer's capital investment project will be located in the 4975
political subdivision in which the taxpayer maintains its 4976
principal place of business or maintains a unit or division with 4977
at least four thousand two hundred employees at the project site. 4978~~

(E) An agreement under this section shall include all of the 4979
following: 4980

(1) A detailed description of the project that is the subject 4981
of the agreement, including the amount of the investment, the 4982
period over which the investment has been or is being made, the 4983
number of full-time equivalent employees at the project site, and 4984
the anticipated ~~income tax revenue~~ Ohio employee payroll to be 4985
generated. 4986

(2) The term of the credit, the percentage of the tax credit, 4987
the maximum annual value of tax credits that may be allowed each 4988
year, and the first year for which the credit may be claimed. 4989

(3) A requirement that the taxpayer maintain operations at 4990

the project site for at least the greater of (a) the term of the 4991
credit plus three years, or (b) seven years. 4992

~~(4)(a) In the case of a credit granted under division (B)(1)~~ 4993
~~of this section, a~~ A requirement that the taxpayer retain at least 4994
five hundred full-time equivalent employees at the project site 4995
and within this state for the entire term of the credit, or a 4996
requirement that the taxpayer maintain an annual Ohio employee 4997
payroll of at least thirty-five million dollars for the entire 4998
term of the credit. 4999

~~(b) In the case of a credit granted under division (B)(2) of~~ 5000
~~this section, a requirement that the taxpayer retain at least one~~ 5001
~~thousand full-time equivalent employees at the project site and~~ 5002
~~within this state for the entire term of the credit.~~ 5003

~~(c) In the case of a credit granted under division (B)(3) of~~ 5004
~~this section, either of the following:~~ 5005

~~(i) A requirement that the taxpayer retain at least five~~ 5006
~~hundred full-time equivalent employees at the project site and~~ 5007
~~within this state for the entire term of the credit and a~~ 5008
~~requirement that the taxpayer maintain an annual payroll of at~~ 5009
~~least twenty million dollars for the entire term of the credit.~~ 5010

~~(ii) A requirement that the taxpayer maintain an annual~~ 5011
~~payroll of at least thirty-five million dollars for the entire~~ 5012
~~term of the credit.~~ 5013

(5) A requirement that the taxpayer annually report to the 5014
director of development services ~~employment, tax withholding~~ 5015
full-time equivalent employees, Ohio employee payroll, capital 5016
investment, and other information the director needs to perform 5017
the director's duties under this section. 5018

(6) A requirement that the director of development services 5019
annually review the annual reports of the taxpayer to verify the 5020
information reported under division (E)(5) of this section and 5021

compliance with the agreement. Upon verification, the director 5022
shall issue a certificate to the taxpayer stating that the 5023
information has been verified and identifying the amount of the 5024
credit for the taxable year or calendar year that includes the tax 5025
period. In determining the number of full-time equivalent 5026
employees, no position shall be counted that is filled by an 5027
employee who is included in the calculation of a tax credit under 5028
section 122.17 of the Revised Code. 5029

(7) A provision providing that the taxpayer may not relocate 5030
a substantial number of employment positions from elsewhere in 5031
this state to the project site unless the director of development 5032
services determines that the taxpayer notified the legislative 5033
authority of the county, township, or municipal corporation from 5034
which the employment positions would be relocated. 5035

For purposes of this section, the movement of an employment 5036
position from one political subdivision to another political 5037
subdivision shall be considered a relocation of an employment 5038
position unless the movement is confined to the project site. The 5039
transfer of an employment position from one political subdivision 5040
to another political subdivision shall not be considered a 5041
relocation of an employment position if the employment position in 5042
the first political subdivision is replaced by another employment 5043
position. 5044

(8) A waiver by the taxpayer of any limitations periods 5045
relating to assessments or adjustments resulting from the 5046
taxpayer's failure to comply with the agreement. 5047

(F) If a taxpayer fails to meet or comply with any condition 5048
or requirement set forth in a tax credit agreement, the tax credit 5049
authority may amend the agreement to reduce the percentage or term 5050
of the credit. The reduction of the percentage or term may take 5051
effect in the current taxable or calendar year. 5052

(G) Financial statements and other information submitted to 5053
the department of development services or the tax credit authority 5054
by an applicant for or recipient of a tax credit under this 5055
section, and any information taken for any purpose from such 5056
statements or information, are not public records subject to 5057
section 149.43 of the Revised Code. However, the chairperson of 5058
the authority may make use of the statements and other information 5059
for purposes of issuing public reports or in connection with court 5060
proceedings concerning tax credit agreements under this section. 5061
Upon the request of the tax commissioner, or the superintendent of 5062
insurance in the case of an insurance company, the chairperson of 5063
the authority shall provide to the commissioner or superintendent 5064
any statement or other information submitted by an applicant for 5065
or recipient of a tax credit in connection with the credit. The 5066
commissioner or superintendent shall preserve the confidentiality 5067
of the statement or other information. 5068

(H) A taxpayer claiming a tax credit under this section shall 5069
submit to the tax commissioner or, in the case of an insurance 5070
company, to the superintendent of insurance, a copy of the 5071
director of development services' certificate of verification 5072
under division (E)(6) of this section with the taxpayer's tax 5073
report or return for the taxable year or for the calendar year 5074
that includes the tax period. Failure to submit a copy of the 5075
certificate with the report or return does not invalidate a claim 5076
for a credit if the taxpayer submits a copy of the certificate to 5077
the commissioner or superintendent within ~~sixty~~ thirty days after 5078
the commissioner or superintendent requests it. 5079

(I) For the purposes of this section, a taxpayer may include 5080
a partnership, a corporation that has made an election under 5081
subchapter S of chapter one of subtitle A of the Internal Revenue 5082
Code, or any other business entity through which income flows as a 5083
distributive share to its owners. A partnership, S-corporation, or 5084

other such business entity may elect to pass the credit received 5085
under this section through to the persons to whom the income or 5086
profit of the partnership, S-corporation, or other entity is 5087
distributed. The election shall be made on the annual report 5088
required under division (E)(5) of this section. The election 5089
applies to and is irrevocable for the credit for which the report 5090
is submitted. If the election is made, the credit shall be 5091
apportioned among those persons in the same proportions as those 5092
in which the income or profit is distributed. 5093

(J)(1) If the director of development services determines 5094
that a taxpayer that received a certificate under division (E)(6) 5095
of this section is not complying with the ~~requirement under~~ 5096
~~division (E)(3) of this section~~ requirements of the agreement, the 5097
director shall notify the tax credit authority of the 5098
noncompliance. After receiving such a notice, and after giving the 5099
taxpayer an opportunity to explain the noncompliance, the 5100
authority may terminate the agreement and require the taxpayer, or 5101
any related member or members that claimed the tax credit under 5102
division (N) of this section, to refund to the state all or a 5103
portion of the credit claimed in previous years, as follows: 5104

~~(1)~~(a) If the taxpayer fails to comply with the requirement 5105
under division (E)(3) of this section, an amount determined in 5106
accordance with the following: 5107

(i) If the taxpayer maintained operations at the project site 5108
for less than or equal to the term of the credit, an amount not to 5109
exceed one hundred per cent of the sum of any tax credits allowed 5110
and received under this section. 5111

~~(2)~~(ii) If the taxpayer maintained operations at the project 5112
site longer than the term of the credit, but less than the greater 5113
of ~~(a)~~ seven years or the term of the credit plus three years, ~~or~~ 5114
~~(b) seven years~~, the amount required to be refunded shall not 5115
exceed seventy-five per cent of the sum of any tax credits allowed 5116

and received under this section. 5117

(b) If the taxpayer fails to substantially maintain both the number of full-time equivalent employees and the amount of Ohio employee payroll required under the agreement at any time during the term of the agreement or during the post-term reporting period, an amount determined at the discretion of the authority. 5118
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(2) If a taxpayer files for bankruptcy and fails as described in division (J)(1)(a) or (b) of this section, the director may immediately commence an action to recoup an amount not exceeding one hundred per cent of the sum of any credits received by the taxpayer under this section. 5123
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(3) In determining the portion of the credit to be refunded to this state, the authority shall consider the effect of market conditions on the taxpayer's project and whether the taxpayer continues to maintain other operations in this state. After making the determination, the authority shall certify the amount to be refunded to the tax commissioner or the superintendent of insurance. If the taxpayer, or any related member or members who claimed the tax credit under division (N) of this section, is not an insurance company, the commissioner shall make an assessment for that amount against the taxpayer under Chapter 5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the taxpayer, or any related member or members that claimed the tax credit under division (N) of this section, is an insurance company, the superintendent of insurance shall make an assessment under section 5725.222 or 5729.102 of the Revised Code. The time limitations on assessments under those chapters and sections do not apply to an assessment under this division, but the commissioner or superintendent shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. 5128
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(K) The director of development services, after consultation 5148

with the tax commissioner and the superintendent of insurance and 5149
in accordance with Chapter 119. of the Revised Code, shall adopt 5150
rules necessary to implement this section. The rules may provide 5151
for recipients of tax credits under this section to be charged 5152
fees to cover administrative costs of the tax credit program. The 5153
fees collected shall be credited to the business assistance fund 5154
created in section 122.174 of the Revised Code. At the time the 5155
director gives public notice under division (A) of section 119.03 5156
of the Revised Code of the adoption of the rules, the director 5157
shall submit copies of the proposed rules to the chairpersons of 5158
the standing committees on economic development in the senate and 5159
the house of representatives. 5160

(L) On or before the first day of August of each year, the 5161
director of development services shall submit a report to the 5162
governor, the president of the senate, and the speaker of the 5163
house of representatives on the tax credit program under this 5164
section. The report shall include information on the number of 5165
agreements that were entered into under this section during the 5166
preceding calendar year, a description of the project that is the 5167
subject of each such agreement, and an update on the status of 5168
projects under agreements entered into before the preceding 5169
calendar year. 5170

(M)~~(1)~~ The aggregate amount of nonrefundable tax credits 5171
issued under ~~division (B)(1)~~ of this section during any calendar 5172
year for capital investment projects reviewed and approved by the 5173
tax credit authority may not exceed the following amounts: 5174

~~(a)~~(1) For 2010, thirteen million dollars; 5175

~~(b)~~(2) For 2011 through 2023, the amount of the limit for the 5176
preceding calendar year plus thirteen million dollars; 5177

~~(c)~~(3) For 2024 and each year thereafter, one hundred 5178
ninety-five million dollars. 5179

~~(2) The aggregate amount of tax credits authorized under 5180
divisions (B)(2) and (3) of this section and allowed to be claimed 5181
by taxpayers in any calendar year for capital improvement projects 5182
reviewed and approved by the tax credit authority in 2011, 2012, 5183
and 2013 combined shall not exceed twenty five million dollars. An 5184
amount equal to the aggregate amount of credits first authorized 5185
in calendar year 2011, 2012, and 2013 may be claimed over the 5186
ensuing period up to fifteen years, subject to the terms of 5187
individual tax credit agreements. 5188~~

The limitations in division (M) of this section do not apply 5189
to credits for capital investment projects approved by the tax 5190
credit authority before July 1, 2009. 5191

(N) This division applies only to an eligible business that 5192
is part of an affiliated group that includes a diversified savings 5193
and loan holding company or a grandfathered unitary savings and 5194
loan holding company, as those terms are defined in section 5195
5726.01 of the Revised Code. Notwithstanding any contrary 5196
provision of the agreement between such an eligible business and 5197
the tax credit authority, any credit granted under this section 5198
against the tax imposed by section 5725.18, 5729.03, 5733.06, 5199
5747.02, or 5751.02 of the Revised Code to the eligible business, 5200
at the election of the eligible business and without any action by 5201
the tax credit authority, may be shared with any member or members 5202
of the affiliated group that includes the eligible business, which 5203
member or members may claim the credit against the taxes imposed 5204
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 5205
of the Revised Code. Credits shall be claimed by the eligible 5206
business in sequential order, as applicable, first claiming the 5207
credits to the fullest extent possible against the tax that the 5208
certificate holder is subject to, then against the tax imposed by, 5209
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 5210
lastly 5726.02 of the Revised Code. The credits may be allocated 5211

among the members of the affiliated group in such manner as the 5212
eligible business elects, but subject to the sequential order 5213
required under this division. This division applies to credits 5214
granted before, on, or after March 27, 2013, the effective date of 5215
H.B. 510 of the 129th general assembly. Credits granted before 5216
that effective date that are shared and allocated under this 5217
division may be claimed in those calendar years in which the 5218
remaining taxable years specified in the agreement end. 5219

As used in this division, "affiliated group" means a group of 5220
two or more persons with fifty per cent or greater of the value of 5221
each person's ownership interests owned or controlled directly, 5222
indirectly, or constructively through related interests by common 5223
owners during all or any portion of the taxable year, and the 5224
common owners. "Affiliated group" includes, but is not limited to, 5225
any person eligible to be included in a consolidated elected 5226
taxpayer group under section 5751.011 of the Revised Code or a 5227
combined taxpayer group under section 5751.012 of the Revised 5228
Code. 5229

(O)(1) As used in division (O) of this section: 5230

(a) "Eligible agreement" means an agreement approved by the 5231
tax credit authority under this section on or before December 31, 5232
2013. 5233

(b) "Reporting period" means a period corresponding to the 5234
annual report required under division (E)(5) of this section. 5235

(c) "Income tax revenue" has the same meaning as under 5236
division (S) of section 122.17 of the Revised Code. 5237

(2) In calendar year 2016 and thereafter, the tax credit 5238
authority shall annually determine a withholding adjustment factor 5239
to be used in the computation of income tax revenue for eligible 5240
agreements. The withholding adjustment factor shall be a numerical 5241
percentage that equals the percentage that employer income tax 5242

withholding rates have been increased or decreased as a result of 5243
changes in the income tax rates prescribed by section 5747.02 of 5244
the Revised Code by amendment of that section taking effect on or 5245
after June 29, 2013. 5246

(3) Except as provided in division (O)(4) of this section, 5247
for reporting periods ending in 2015 and thereafter for taxpayers 5248
subject to eligible agreements, the tax credit authority shall 5249
adjust the income tax revenue reported on the taxpayer's annual 5250
report by multiplying the withholding adjustment factor by the 5251
taxpayer's income tax revenue and doing one of the following: 5252

(a) If the income tax rates prescribed by section 5747.02 of 5253
the Revised Code have decreased by amendment of this section 5254
taking effect on or after June 29, 2013, add the product to the 5255
taxpayer's income tax revenue. 5256

(b) If the income tax rates prescribed by section 5747.02 of 5257
the Revised Code have increased by amendment of this section 5258
taking effect on or after June 29, 2013, subtract the product from 5259
the taxpayer's income tax revenue. 5260

(4) Division (O)(3) of this section shall not apply unless 5261
all of the following apply with respect to the eligible agreement: 5262

(a) The taxpayer has achieved one hundred per cent of the job 5263
retention commitment identified in the agreement. 5264

(b) If applicable, the taxpayer has achieved one hundred per 5265
cent of the payroll retention commitment identified in the 5266
agreement. 5267

(c) If applicable, the taxpayer has achieved one hundred per 5268
cent of the investment commitment identified in the agreement. 5269

(5) Failure by a taxpayer to have achieved any of the 5270
applicable commitments described in divisions (O)(4)(a) to (c) of 5271
this section in a reporting period does not disqualify the 5272

taxpayer for the adjustment under division (O) of this section for 5273
an ensuing reporting period. 5274

Sec. 122.174. There is hereby created in the state treasury 5275
the business assistance fund. The fund shall consist of any 5276
amounts appropriated to it and money credited to the fund pursuant 5277
to division (I) of section 121.17, division (K) of section 5278
122.171, division (K) of section 122.175, division (G)(2) of 5279
section 122.85, division (C) of section 3735.672, and division (C) 5280
of section 5709.68 of the Revised Code. The director of 5281
development services shall use money in the fund to pay expenses 5282
related to the administration of the business services division of 5283
the development services agency. 5284

Sec. 122.175. (A) As used in this section: 5285

(1) "Capital investment project" means a plan of investment 5286
at a project site for the acquisition, construction, renovation, 5287
expansion, replacement, or repair of a computer data center or of 5288
computer data center equipment, but does not include any of the 5289
following: 5290

(a) Project costs paid before a date determined by the tax 5291
credit authority for each capital investment project; 5292

(b) Payments made to a related member as defined in section 5293
5733.042 of the Revised Code or to a consolidated elected taxpayer 5294
or a combined taxpayer as defined in section 5751.01 of the 5295
Revised Code. 5296

(2) "Computer data center" means a facility used or to be 5297
used primarily to house computer data center equipment used or to 5298
be used in conducting one or more computer data center businesses, 5299
as determined by the tax credit authority. 5300

(3) "Computer data center business" means, as may be further 5301
determined by the tax credit authority, a business that provides 5302

electronic information services as defined in division (Y)(1)(c) 5303
of section 5739.01 of the Revised Code, or that leases a facility 5304
to one or more such businesses. "Computer data center business" 5305
does not include providing electronic publishing as defined in 5306
division (LLL) of that section. 5307

(4) "Computer data center equipment" means tangible personal 5308
property used or to be used for any of the following: 5309

(a) To conduct a computer data center business, including 5310
equipment cooling systems to manage the performance of computer 5311
data center equipment; 5312

(b) To generate, transform, transmit, distribute, or manage 5313
electricity necessary to operate the tangible personal property 5314
used or to be used in conducting a computer data center business; 5315

(c) As building and construction materials sold to 5316
construction contractors for incorporation into a computer data 5317
center. 5318

(5) "Eligible computer data center" means a computer data 5319
center that satisfies all of the following requirements: 5320

(a) One or more taxpayers operating a computer data center 5321
business at the project site will, in the aggregate, make payments 5322
for a capital investment project of at least one hundred million 5323
dollars at the project site during one of the following cumulative 5324
periods: 5325

(i) For projects beginning in 2013, five consecutive calendar 5326
years; 5327

(ii) For projects beginning in 2014, four consecutive 5328
calendar years; 5329

(iii) For projects beginning in or after 2015, three 5330
consecutive calendar years. 5331

(b) One or more taxpayers operating a computer data center 5332

business at the project site will, in the aggregate, pay annual 5333
compensation that is subject to the withholding obligation imposed 5334
under section 5747.06 of the Revised Code of at least one million 5335
five hundred thousand dollars to employees employed at the project 5336
site for each year of the agreement beginning on or after the 5337
first day of the twenty-fifth month after the agreement was 5338
entered into under this section. 5339

(6) "Person" has the same meaning as in section 5701.01 of 5340
the Revised Code. 5341

(7) "Project site," "related member," and "tax credit 5342
authority" have the same meanings as in sections 122.17 and 5343
122.171 of the Revised Code. 5344

(8) "Taxpayer" means any person subject to the taxes imposed 5345
under Chapters 5739. and 5741. of the Revised Code. 5346

(B) The tax credit authority may completely or partially 5347
exempt from the taxes levied under Chapters 5739. and 5741. of the 5348
Revised Code the sale, storage, use, or other consumption of 5349
computer data center equipment used or to be used at an eligible 5350
computer data center. Any such exemption shall extend to charges 5351
for the delivery, installation, or repair of the computer data 5352
center equipment subject to the exemption under this section. 5353

(C) A taxpayer that proposes a capital improvement project 5354
for an eligible computer data center in this state may apply to 5355
the tax credit authority to enter into an agreement under this 5356
section authorizing a complete or partial exemption from the taxes 5357
imposed under Chapters 5739. and 5741. of the Revised Code on 5358
computer data center equipment purchased by the applicant or any 5359
other taxpayer that operates a computer data center business at 5360
the project site and used or to be used at the eligible computer 5361
data center. The director of development services shall prescribe 5362
the form of the application. After receipt of an application, the 5363

authority shall forward copies of the application to the director 5364
of budget and management, ~~and the tax commissioner, and the~~ 5365
~~director of development services~~, each of whom shall review the 5366
application to determine the economic impact that the proposed 5367
eligible computer data center would have on the state and any 5368
affected political subdivisions and submit to the authority a 5369
summary of their determinations ~~and recommendations~~. The authority 5370
shall also forward a copy of the application to the director of 5371
development services who shall review the application to determine 5372
the economic impact that the proposed eligible computer data 5373
center would have on the state and the affected political 5374
subdivisions and shall submit a summary of their determinations 5375
and recommendations to the authority. 5376

(D) Upon review and consideration of such determinations and 5377
recommendations, the tax credit authority may enter into an 5378
agreement with the applicant and any other taxpayer that operates 5379
a computer data center business at the project site for a complete 5380
or partial exemption from the taxes imposed under Chapters 5739. 5381
and 5741. of the Revised Code on computer data center equipment 5382
used or to be used at an eligible computer data center if the 5383
authority determines all of the following: 5384

(1) The capital investment project for the eligible computer 5385
data center will increase payroll and the amount of income taxes 5386
to be withheld from employee compensation pursuant to section 5387
5747.06 of the Revised Code. 5388

(2) The applicant is economically sound and has the ability 5389
to complete or effect the completion of the proposed capital 5390
investment project. 5391

(3) The applicant intends to and has the ability to maintain 5392
operations at the project site for the term of the agreement. 5393

(4) Receiving the exemption is a major factor in the 5394

applicant's decision to begin, continue with, or complete the 5395
capital investment project. 5396

(E) An agreement entered into under this section shall 5397
include all of the following: 5398

(1) A detailed description of the capital investment project 5399
that is the subject of the agreement, including the amount of the 5400
investment, the period over which the investment has been or is 5401
being made, the annual compensation to be paid by each taxpayer 5402
subject to the agreement to its employees at the project site, and 5403
the anticipated amount of income taxes to be withheld from 5404
employee compensation pursuant to section 5747.06 of the Revised 5405
Code. 5406

(2) The percentage of the exemption from the taxes imposed 5407
under Chapters 5739. and 5741. of the Revised Code for the 5408
computer data center equipment used or to be used at the eligible 5409
computer data center, the length of time the computer data center 5410
equipment will be exempted, and the first date on which the 5411
exemption applies. 5412

(3) A requirement that the computer data center remain an 5413
eligible computer data center during the term of the agreement and 5414
that the applicant maintain operations at the eligible computer 5415
data center during that term. An applicant does not violate the 5416
requirement described in division (E)(3) of this section if the 5417
applicant ceases operations at the eligible computer data center 5418
during the term of the agreement but resumes those operations 5419
within eighteen months after the date of cessation. The agreement 5420
shall provide that, in such a case, the applicant and any other 5421
taxpayer that operates a computer data center business at the 5422
project site shall not claim the tax exemption authorized in the 5423
agreement for any purchase of computer data center equipment made 5424
during the period in which the applicant did not maintain 5425
operations at the eligible computer data center. 5426

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

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

(6) A requirement that the director of development services annually review the annual reports of each taxpayer subject to the agreement to verify the information reported under division (E)(5) of this section and compliance with the agreement. Upon verification, the director shall issue a certificate to each such taxpayer stating that the information has been verified and that the taxpayer remains eligible for the exemption specified in the agreement.

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

movement is confined to the project site. The transfer of an 5459
employment position from one political subdivision to another 5460
political subdivision shall not be considered a relocation of an 5461
employment position if the employment position in the first 5462
political subdivision is replaced by another employment position. 5463

(8) A waiver by each taxpayer subject to the agreement of any 5464
limitations periods relating to assessments or adjustments 5465
resulting from the taxpayer's failure to comply with the 5466
agreement. 5467

(F) The term of an agreement under this section shall be 5468
determined by the tax credit authority, and the amount of the 5469
exemption shall not exceed one hundred per cent of such taxes that 5470
would otherwise be owed in respect to the exempted computer data 5471
center equipment. 5472

(G) If any taxpayer subject to an agreement under this 5473
section fails to meet or comply with any condition or requirement 5474
set forth in the agreement, the tax credit authority may amend the 5475
agreement to reduce the percentage of the exemption or term during 5476
which the exemption applies to the computer data center equipment 5477
used or to be used by the noncompliant taxpayer at an eligible 5478
computer data center. The reduction of the percentage or term may 5479
take effect in the current calendar year. 5480

(H) Financial statements and other information submitted to 5481
the department of development services or the tax credit authority 5482
by an applicant for or recipient of an exemption under this 5483
section, and any information taken for any purpose from such 5484
statements or information, are not public records subject to 5485
section 149.43 of the Revised Code. However, the chairperson of 5486
the authority may make use of the statements and other information 5487
for purposes of issuing public reports or in connection with court 5488
proceedings concerning tax exemption agreements under this 5489
section. Upon the request of the tax commissioner, the chairperson 5490

of the authority shall provide to the tax commissioner any 5491
statement or other information submitted by an applicant for or 5492
recipient of an exemption under this section. The tax commissioner 5493
shall preserve the confidentiality of the statement or other 5494
information. 5495

(I) The tax commissioner shall issue a direct payment permit 5496
under section 5739.031 of the Revised Code to each taxpayer 5497
subject to an agreement under this section. Such direct payment 5498
permit shall authorize the taxpayer to pay any sales and use taxes 5499
due on purchases of computer data center equipment used or to be 5500
used in an eligible computer data center and to pay any sales and 5501
use taxes due on purchases of tangible personal property or 5502
taxable services other than computer data center equipment used or 5503
to be used in an eligible computer data center directly to the tax 5504
commissioner. Each such taxpayer shall pay pursuant to such direct 5505
payment permit all sales tax levied on such purchases under 5506
sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised 5507
Code and all use tax levied on such purchases under sections 5508
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code, 5509
consistent with the terms of the agreement entered into under this 5510
section. 5511

During the term of an agreement under this section each 5512
taxpayer subject to the agreement shall submit to the tax 5513
commissioner a return that shows the amount of computer data 5514
center equipment purchased for use at the eligible computer data 5515
center, the amount of tangible personal property and taxable 5516
services other than computer data center equipment purchased for 5517
use at the eligible computer data center, the amount of tax under 5518
Chapter 5739. or 5741. of the Revised Code that would be due in 5519
the absence of the agreement under this section, the exemption 5520
percentage for computer data center equipment specified in the 5521
agreement, and the amount of tax due under Chapter 5739. or 5741. 5522

of the Revised Code as a result of the agreement under this 5523
section. Each such taxpayer shall pay the tax shown on the return 5524
to be due in the manner and at the times as may be further 5525
prescribed by the tax commissioner. Each such taxpayer shall 5526
include a copy of the director of development services' 5527
certificate of verification issued under division (E)(6) of this 5528
section. Failure to submit a copy of the certificate with the 5529
return does not invalidate the claim for exemption if the taxpayer 5530
submits a copy of the certificate to the tax commissioner within 5531
sixty days after the tax commissioner requests it. 5532

(J) If the director of development services determines that 5533
one or more taxpayers received an exemption from taxes due on the 5534
purchase of computer data center equipment purchased for use at a 5535
computer data center that no longer complies with the requirement 5536
under division (E)(3) of this section, the director shall notify 5537
the tax credit authority and, if applicable, the taxpayer that 5538
applied to enter the agreement for the exemption under division 5539
(C) of this section of the noncompliance. After receiving such a 5540
notice, and after giving each taxpayer subject to the agreement an 5541
opportunity to explain the noncompliance, the authority may 5542
terminate the agreement and require each such taxpayer to pay to 5543
the state all or a portion of the taxes that would have been owed 5544
in regards to the exempt equipment in previous years, all as 5545
determined under rules adopted pursuant to division (K) of this 5546
section. In determining the portion of the taxes that would have 5547
been owed on the previously exempted equipment to be paid to this 5548
state by a taxpayer, the authority shall consider the effect of 5549
market conditions on the eligible computer data center, whether 5550
the taxpayer continues to maintain other operations in this state, 5551
and, with respect to agreements involving multiple taxpayers, the 5552
taxpayer's level of responsibility for the noncompliance. After 5553
making the determination, the authority shall certify to the tax 5554
commissioner the amount to be paid by each taxpayer subject to the 5555

agreement. The tax commissioner shall make an assessment for that 5556
amount against each such taxpayer under Chapter 5739. or 5741. of 5557
the Revised Code. The time limitations on assessments under those 5558
chapters do not apply to an assessment under this division, but 5559
the tax commissioner shall make the assessment within one year 5560
after the date the authority certifies to the tax commissioner the 5561
amount to be paid by the taxpayer. 5562

(K) The director of development services, after consultation 5563
with the tax commissioner and in accordance with Chapter 119. of 5564
the Revised Code, shall adopt rules necessary to implement this 5565
section. The rules may provide for recipients of tax exemptions 5566
under this section to be charged fees to cover administrative 5567
costs incurred in the administration of this section. The fees 5568
collected shall be credited to the business assistance fund 5569
created in section 122.174 of the Revised Code. At the time the 5570
director gives public notice under division (A) of section 119.03 5571
of the Revised Code of the adoption of the rules, the director 5572
shall submit copies of the proposed rules to the chairpersons of 5573
the standing committees on economic development in the senate and 5574
the house of representatives. 5575

(L) On or before the first day of August of each year, the 5576
director of development services shall submit a report to the 5577
governor, the president of the senate, and the speaker of the 5578
house of representatives on the tax exemption authorized under 5579
this section. The report shall include information on the number 5580
of agreements that were entered into under this section during the 5581
preceding calendar year, a description of the eligible computer 5582
data center that is the subject of each such agreement, and an 5583
update on the status of eligible computer data centers under 5584
agreements entered into before the preceding calendar year. 5585

(M) A taxpayer may be made a party to an existing agreement 5586
entered into under this section by the tax credit authority and 5587

another taxpayer or group of taxpayers. In such a case, the 5588
taxpayer shall be entitled to all benefits and bound by all 5589
obligations contained in the agreement and all requirements 5590
described in this section. When an agreement includes multiple 5591
taxpayers, each taxpayer shall be entitled to a direct payment 5592
permit as authorized in division (I) of this section. 5593

Sec. 122.177. (A) As used in this section: 5594

(1) "Business" means a sole proprietorship, a corporation for 5595
profit, or a pass-through entity as defined in section 5733.04 of 5596
the Revised Code. 5597

(2) "Career exploration internship" means a paid employment 5598
relationship between a student intern and a business in which the 5599
student intern acquires education, instruction, and experience 5600
relevant to the student intern's career aspirations. 5601

(3) "Student intern" means an individual who, at the time the 5602
business applies for a grant under division (B) of this section, 5603
meets both of the following criteria: 5604

(a) The individual is entitled to attend school in this 5605
state. 5606

(b) The individual is either between sixteen and eighteen 5607
years of age or is enrolled in grade eleven or twelve. 5608

(B) There is hereby created in the development services 5609
agency the career exploration internship program to award grants 5610
to businesses that employ a student intern in a career exploration 5611
internship. To qualify for a grant under the program, the career 5612
exploration internship shall be at least twenty weeks in duration 5613
and include at least two hundred hours of paid work and 5614
instruction in this state. To obtain a grant, the business shall 5615
apply to the development services agency before the starting date 5616
of the career exploration internship. The application shall 5617

include all of the following: 5618

(1) A brief description of the career exploration internship; 5619

(2) A signed statement by the student intern briefly 5620
describing the student intern's career aspirations and how the 5621
student intern believes this career exploration internship may 5622
help achieve those aspirations; 5623

(3) A signed statement by a principal or guidance counselor 5624
at the student intern's school or, in the case of a home schooled 5625
student, an individual responsible for administering instruction 5626
to the student intern, acknowledging that the employment 5627
opportunity qualifies as a career exploration internship and 5628
expressing intent to advise the student intern as provided in 5629
division (E) of this section; 5630

(4) The name, address, and telephone number of the business; 5631

(5) Any other information required by the development 5632
services agency. 5633

(C)(1) The development services agency shall review and make 5634
a determination with respect to each application submitted under 5635
division (B) of this section in the order in which the application 5636
is received. The agency shall not approve any application under 5637
this section that is received by the agency ~~more than three years~~ 5638
~~after the effective date of H.B. 107 of the 130th general assembly~~ 5639
later than June 25, 2017, or that was submitted by a business that 5640
does not have substantial operations in this state. The agency may 5641
not otherwise deny an application unless the application is 5642
incomplete, the proposed employment relationship does not qualify 5643
as a career exploration internship for which a grant may be 5644
awarded under this section, the business is ineligible to receive 5645
a grant under division (D)(1) of this section, or the agency 5646
determines that approving the application would cause the amount 5647
that could be awarded to exceed the amount of money in the career 5648

exploration internship fund. 5649

(2) The agency shall send written notice of its determination 5650
to the applicant within thirty days after receiving the 5651
application. If the agency determines that the application shall 5652
not be approved, the notice shall include the reasons for such 5653
determination. 5654

(3) The agency's determination is final and may not be 5655
appealed for any reason. A business may submit a new or amended 5656
application under division (B) of this section at any time before 5657
or after receiving notice under division (C)(2) of this section. 5658

(D)(1) In any calendar year, the development services agency 5659
shall not award grants under this section to any business that has 5660
received grants for three career exploration internships in that 5661
calendar year. The agency shall not award a grant to a business 5662
unless the agency receives a report from the business within 5663
thirty days after the end of the career exploration internship or 5664
thirteen months after the approval of the application, whichever 5665
comes first, that includes all of the following: 5666

(a) The date the student intern began the internship; 5667

(b) The date the internship ended or a statement that the 5668
student will continue to be employed by the business; 5669

(c) The total number of hours during the internship that the 5670
student intern was employed by the business; 5671

(d) The total wages paid by the business to the student 5672
intern during the internship; 5673

(e) A signed statement by the student intern briefly 5674
describing the duties performed during the internship and the 5675
skills and experiences gained throughout the internship; 5676

(f) Any other information required by the agency. 5677

(2) If the agency receives the report and determines that it 5678

contains all of the information and the statement required by 5679
division (D)(1) of this section and that the career exploration 5680
internship described in the report complies with all the 5681
provisions of this section, the agency shall award a grant to the 5682
business. The amount of the grant shall equal the lesser of the 5683
following: 5684

(a) Fifty per cent of the wages paid by the business to the 5685
student intern for the first twelve months following the date the 5686
application was approved; 5687

(b) Five thousand dollars. 5688

(E) The student intern and the principal, guidance counselor, 5689
or other qualified individual who signed the statement described 5690
in division (B)(3) of this section shall meet at least once in the 5691
thirty days following the end of the career exploration internship 5692
or in the thirteenth month following the start of the career 5693
exploration internship, whichever comes first. The purpose of the 5694
meeting is to discuss the student intern's experiences during the 5695
career exploration internship, consider the practical applications 5696
of these experiences to the student intern's career aspirations, 5697
and to establish or confirm goals for the student intern. If 5698
practicable, the meeting shall be in person. Otherwise, the 5699
meeting may be conducted over the telephone. 5700

(F) A business that receives a grant under this section may 5701
submit a new application under division (B) of this section for 5702
another career exploration internship with the same student 5703
intern. Such an application does not have to include the 5704
statements otherwise required by divisions (B)(2) and (3) of this 5705
section. 5706

(G) Annually, ~~before on the seventh first~~ day of ~~January~~ 5707
~~August~~ until the ~~January of the third year that follows the year~~ 5708
~~that includes the effective date of H.B. 107 of the 130th general~~ 5709

assembly August 2017, the development services agency shall 5710
compile a report indicating the number of career exploration 5711
internships approved by the agency under this section, the 5712
statements issued by the student interns under divisions (B)(2) 5713
and (D)(1)(e) of this section, the number of student interns that 5714
continued employment with the business after the termination of 5715
the career exploration internship, and the total amount of grants 5716
awarded under this section. The report shall not disclose any 5717
student interns' personally identifiable information. The agency 5718
shall provide copies of the report to the governor, the speaker 5719
and minority leader of the house of representatives, and the 5720
president and minority leader of the senate. 5721

(H) The development services agency may adopt rules necessary 5722
to administer this section in accordance with Chapter 119. of the 5723
Revised Code. 5724

(I) The career exploration internship fund is hereby created 5725
in the state treasury. The fund shall consist of a portion of the 5726
proceeds from the upfront license fees paid for the casino 5727
facilities authorized under Section 6(C) of Article XV, Ohio 5728
Constitution. Money in the fund shall be used by the development 5729
services agency to provide grants under this section. 5730

Sec. 122.64. (A) There is hereby established in the 5731
development services agency a business services division. The 5732
division shall be supervised by a deputy director appointed by the 5733
director of development services. 5734

The division is responsible for the administration of the 5735
state economic development financing programs established pursuant 5736
to sections 122.17 and 122.18, sections 122.39 and 122.41 to 5737
122.62, and Chapter 166. of the Revised Code. 5738

(B) The director of development services shall: 5739

(1) Receive applications for assistance pursuant to sections 5740
122.39 and 122.41 to 122.62 and Chapter 166. of the Revised Code. 5741
The director shall process the applications. 5742

(2) With the approval of the director of administrative 5743
services, establish salary schedules for employees of the various 5744
positions of employment with the division and assign the various 5745
positions to those salary schedules; 5746

(3) Employ and fix the compensation of financial consultants, 5747
appraisers, consulting engineers, superintendents, managers, 5748
construction and accounting experts, attorneys, and other agents 5749
for the assistance programs authorized pursuant to sections 122.17 5750
and 122.18, sections 122.39 and 122.41 to 122.62, and Chapter 166. 5751
of the Revised Code as are necessary; 5752

(4) Supervise the administrative operations of the division; 5753

(5) On or before the first day of ~~August~~ October in each 5754
year, make an annual report of the activities and operations under 5755
assistance programs authorized pursuant to sections 122.39 and 5756
122.41 to 122.62 and Chapter 166. of the Revised Code for the 5757
preceding fiscal year to the governor and the general assembly. 5758
Each such report shall set forth a complete operating and 5759
financial statement covering such activities and operations during 5760
the year in accordance with generally accepted accounting 5761
principles and shall be audited by a certified public accountant. 5762
The director of development services shall transmit a copy of the 5763
audited financial report to the office of budget and management. 5764

Sec. 122.641. (A)(1) There is hereby created the lakes in 5765
economic distress revolving loan program to assist businesses and 5766
other entities that are adversely affected due to economic 5767
circumstances that result in the declaration of a lake as an area 5768
under economic distress by the director of natural resources under 5769
division (A)(2) of this section. The director of development 5770

services shall administer the program. 5771

(2) The director of natural resources shall do both of the following: 5772
5773

(a) Declare a lake as an area under economic distress. The director shall declare a lake as an area under economic distress based solely on environmental or safety issues, including the closure of a dam for safety reasons. 5774
5775
5776
5777

(b) Subsequently declare a lake as an area no longer under economic distress when the environmental or safety issues, as applicable, have been resolved. 5778
5779
5780

(B) There is hereby created in the state treasury the lakes in economic distress revolving loan fund. The fund shall consist of money appropriated to it, all payments of principal and interest on loans made from the fund, and all investment earnings on money in the fund. The director of development services shall use money in the fund to make loans under this section, provided that the loans shall be zero interest loans during the time that an applicable lake has been declared an area under economic distress under division (A)(2)(a) of this section. 5781
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(C) The director shall adopt rules in accordance with Chapter 119. of the Revised that do both of the following: 5790
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(1) Establish requirements and procedures for the making of loans under this section, including all of the following: 5792
5793

(a) Eligibility criteria; 5794

(b) Application procedures; 5795

(c) Criteria for approval or disapproval of loans, including a stipulation that an applicant must demonstrate that the loan will help to achieve long-term economic stability in the area; 5796
5797
5798

(d) Criteria for repayment of the loans, including the establishment of an interest rate that does not exceed two points 5799
5800

less than prime after an applicable lake has been declared as an 5801
area no longer under economic distress under division (A)(2)(b) of 5802
this section. 5803

(2) Establish any other provisions necessary to administer 5804
this section. 5805

(D) In administering the program, the director shall assist 5806
businesses and other entities in determining the amount of loans 5807
needed. 5808

Sec. 122.85. (A) As used in this section and in sections 5809
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 5810

(1) "Tax credit-eligible production" means a motion picture 5811
production certified by the director of development services under 5812
division (B) of this section as qualifying the motion picture 5813
company for a tax credit under section 5726.55, 5733.59, 5747.66, 5814
or 5751.54 of the Revised Code. 5815

(2) "Certificate owner" means a motion picture company to 5816
which a tax credit certificate is issued. 5817

(3) "Motion picture company" means an individual, 5818
corporation, partnership, limited liability company, or other form 5819
of business association producing a motion picture. 5820

(4) "Eligible production expenditures" means expenditures 5821
made after June 30, 2009, for goods or services purchased and 5822
consumed in this state by a motion picture company directly for 5823
the production of a tax credit-eligible production. 5824

"Eligible production expenditures" includes, but is not 5825
limited to, expenditures for resident and nonresident cast and 5826
crew wages, accommodations, costs of set construction and 5827
operations, editing and related services, photography, sound 5828
synchronization, lighting, wardrobe, makeup and accessories, film 5829
processing, transfer, sound mixing, special and visual effects, 5830

music, location fees, and the purchase or rental of facilities and 5831
equipment. 5832

(5) "Motion picture" means entertainment content created in 5833
whole or in part within this state for distribution or exhibition 5834
to the general public, including, but not limited to, 5835
feature-length films; documentaries; long-form, specials, 5836
miniseries, series, and interstitial television programming; 5837
interactive web sites; sound recordings; videos; music videos; 5838
interactive television; interactive games; video games; 5839
commercials; any format of digital media; and any trailer, pilot, 5840
video teaser, or demo created primarily to stimulate the sale, 5841
marketing, promotion, or exploitation of future investment in 5842
either a product or a motion picture by any means and media in any 5843
digital media format, film, or videotape, provided the motion 5844
picture qualifies as a motion picture. "Motion picture" does not 5845
include any television program created primarily as news, weather, 5846
or financial market reports, a production featuring current events 5847
or sporting events, an awards show or other gala event, a 5848
production whose sole purpose is fundraising, a long-form 5849
production that primarily markets a product or service or in-house 5850
corporate advertising or other similar productions, a production 5851
for purposes of political advocacy, or any production for which 5852
records are required to be maintained under 18 U.S.C. 2257 with 5853
respect to sexually explicit content. 5854

(B) For the purpose of encouraging and developing a strong 5855
film industry in this state, the director of development services 5856
may certify a motion picture produced by a motion picture company 5857
as a tax credit-eligible production. In the case of a television 5858
series, the director may certify the production of each episode of 5859
the series as a separate tax credit-eligible production. A motion 5860
picture company shall apply for certification of a motion picture 5861
as a tax credit-eligible production on a form and in the manner 5862

prescribed by the director. Each application shall include the	5863
following information:	5864
(1) The name and telephone number of the motion picture	5865
production company;	5866
(2) The name and telephone number of the company's contact	5867
person;	5868
(3) A list of the first preproduction date through the last	5869
production date in Ohio;	5870
(4) The Ohio production office address and telephone number;	5871
(5) The total production budget of the motion picture;	5872
(6) The total budgeted eligible production expenditures and	5873
the percentage that amount is of the total production budget of	5874
the motion picture;	5875
(7) The total percentage of the motion picture being shot in	5876
Ohio;	5877
(8) The level of employment of cast and crew who reside in	5878
Ohio;	5879
(9) A synopsis of the script;	5880
(10) The shooting script;	5881
(11) A creative elements list that includes the names of the	5882
principal cast and crew and the producer and director;	5883
(12) Documentation of financial ability to undertake and	5884
complete the motion picture;	5885
(13) Estimated value of the tax credit based upon total	5886
budgeted eligible production expenditures;	5887
(14) Any other information considered necessary by the	5888
director.	5889
Within ninety days after certification of a motion picture as	5890

a tax credit-eligible production, and any time thereafter upon the 5891
~~director of development services~~ request of the director of 5892
development services, the motion picture company shall present to 5893
the director sufficient evidence of reviewable progress. If the 5894
motion picture company fails to present sufficient evidence, the 5895
director may rescind the certification. Upon rescission, the 5896
director shall notify the applicant that the certification has 5897
been rescinded. Nothing in this section prohibits an applicant 5898
whose tax credit-eligible production certification has been 5899
rescinded from submitting a subsequent application for 5900
certification. 5901

(C)(1) A motion picture company whose motion picture has been 5902
certified as a tax credit-eligible production may apply to the 5903
director of development services on or after July 1, 2009, for a 5904
refundable credit against the tax imposed by section 5726.02, 5905
5733.06, 5747.02, or 5751.02 of the Revised Code. The director in 5906
consultation with the tax commissioner shall prescribe the form 5907
and manner of the application and the information or documentation 5908
required to be submitted with the application. 5909

The credit is determined as follows: 5910

(a) If the total budgeted eligible production expenditures 5911
stated in the application submitted under division (B) of this 5912
section or the actual eligible production expenditures as finally 5913
determined under division (D) of this section, whichever is least, 5914
is less than or equal to three hundred thousand dollars, no credit 5915
is allowed; 5916

(b) If the total budgeted eligible production expenditures 5917
stated in the application submitted under division (B) of this 5918
section or the actual eligible production expenditures as finally 5919
determined under division (D) of this section, whichever is least, 5920
is greater than three hundred thousand dollars, the credit equals 5921
the sum of the following, subject to the limitation in division 5922

(C)(4) of this section: 5923

(i) Twenty-five per cent of the least of such budgeted or 5924
actual eligible expenditure amounts excluding budgeted or actual 5925
eligible expenditures for resident cast and crew wages; 5926

(ii) Thirty-five per cent of budgeted or actual eligible 5927
expenditures for resident cast and crew wages. 5928

(2) Except as provided in division (C)(4) of this section, if 5929
the director of development services approves a motion picture 5930
company's application for a credit, the director shall issue a tax 5931
credit certificate to the company. The director in consultation 5932
with the tax commissioner shall prescribe the form and manner of 5933
issuing certificates. The director shall assign a unique 5934
identifying number to each tax credit certificate and shall record 5935
the certificate in a register devised and maintained by the 5936
director for that purpose. The certificate shall state the amount 5937
of the eligible production expenditures on which the credit is 5938
based and the amount of the credit. Upon the issuance of a 5939
certificate, the director shall certify to the tax commissioner 5940
the name of the applicant, the amount of eligible production 5941
expenditures shown on the certificate, and any other information 5942
required by the rules adopted to administer this section. 5943

(3) The amount of eligible production expenditures for which 5944
a tax credit may be claimed is subject to inspection and 5945
examination by the tax commissioner or employees of the 5946
commissioner under section 5703.19 of the Revised Code and any 5947
other applicable law. Once the eligible production expenditures 5948
are finally determined under section 5703.19 of the Revised Code 5949
and division (D) of this section, the credit amount is not subject 5950
to adjustment unless the director determines an error was 5951
committed in the computation of the credit amount. 5952

(4) No tax credit certificate may be issued before the 5953

completion of the tax credit-eligible production. Not more than 5954
forty million dollars of tax credit may be allowed per fiscal 5955
biennium beginning on or after July 1, 2011, and not more than 5956
twenty million dollars may be allowed in the first year of the 5957
biennium. At any time, not more than five million dollars of tax 5958
credit may be allowed per tax credit-eligible production. 5959

(D) A motion picture company whose motion picture has been 5960
certified as a tax credit-eligible production shall engage, at the 5961
company's expense, an independent certified public accountant to 5962
examine the company's production expenditures to identify the 5963
expenditures that qualify as eligible production expenditures. The 5964
certified public accountant shall issue a report to the company 5965
and to the director of development services certifying the 5966
company's eligible production expenditures and any other 5967
information required by the director. Upon receiving and examining 5968
the report, the director may disallow any expenditure the director 5969
determines is not an eligible production expenditure. If the 5970
director disallows an expenditure, the director shall issue a 5971
written notice to the motion picture production company stating 5972
that the expenditure is disallowed and the reason for the 5973
disallowance. Upon examination of the report and disallowance of 5974
any expenditures, the director shall determine finally the lesser 5975
of the total budgeted eligible production expenditures stated in 5976
the application submitted under division (B) of this section or 5977
the actual eligible production expenditures for the purpose of 5978
computing the amount of the credit. 5979

(E) No credit shall be allowed under section 5726.55, 5980
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 5981
director has reviewed the report and made the determination 5982
prescribed by division (D) of this section. 5983

(F) This state reserves the right to refuse the use of this 5984
state's name in the credits of any tax credit-eligible motion 5985

picture production. 5986

(G)(1) The director of development services in consultation 5987
with the tax commissioner shall adopt rules for the administration 5988
of this section, including rules setting forth and governing the 5989
criteria for determining whether a motion picture production is a 5990
tax credit-eligible production; activities that constitute the 5991
production of a motion picture; reporting sufficient evidence of 5992
reviewable progress; expenditures that qualify as eligible 5993
production expenditures; a competitive process for approving 5994
credits; and consideration of geographic distribution of credits. 5995
The rules shall be adopted under Chapter 119. of the Revised Code. 5996

(2) The director may require a reasonable application fee to 5997
cover administrative costs of the tax credit program. The fees 5998
collected shall be credited to the ~~motion picture tax credit~~ 5999
~~program operating~~ business assistance fund, ~~which is hereby~~ 6000
created in the ~~state treasury~~ section 122.174 of the Revised Code. 6001
~~The motion picture tax credit program operating fund shall consist~~ 6002
~~of all~~ All grants, gifts, fees, and contributions made to the 6003
director for marketing and promotion of the motion picture 6004
industry within this state shall also be credited to the fund. The 6005
director shall use money in the fund to pay expenses related to 6006
the administration of the Ohio film office and the credit 6007
authorized by this section and sections 5726.55-, 5733.59, 6008
5747.66, and 5751.54 of the Revised Code. 6009

Sec. 122.87. As used in sections 122.87 to 122.90 of the 6010
Revised Code: 6011

(A) "Surety company" means a company that is authorized by 6012
the department of insurance to issue bonds as surety. 6013

(B) "Minority business" means any of the following 6014
occupations: 6015

(1) Minority construction contractor; 6016

(2) Minority seller; 6017

(3) Minority service vendor. 6018

(C) "Minority construction contractor" means a person who is 6019
both a construction contractor and an owner of a minority business 6020
enterprise certified under division (B) of section 123.151 of the 6021
Revised Code. 6022

(D) "Minority seller" means a person who is both a seller of 6023
goods and an owner of a minority business enterprise listed on the 6024
special minority business enterprise bid notification list under 6025
~~division (B) of~~ section 125.08 of the Revised Code. 6026

(E) "Minority service vendor" means a person who is both a 6027
vendor of services and an owner of a minority business enterprise 6028
listed on the special minority business enterprise bid 6029
notification list under ~~division (B) of~~ section 125.08 of the 6030
Revised Code. 6031

(F) "Minority business enterprise" has the meaning given in 6032
section 122.71 of the Revised Code. 6033

(G) "EDGE business enterprise" means a sole proprietorship, 6034
association, partnership, corporation, limited liability 6035
corporation, or joint venture certified as a participant in the 6036
encouraging diversity, growth, and equity program by the director 6037
of administrative services under section 123.152 of the Revised 6038
Code. 6039

Sec. 122.942. (A) The director of development services shall, 6040
with respect to each project for which a loan, grant, tax credit, 6041
or other state-funded financial assistance is awarded by the 6042
development services agency, make all of the following information 6043
available to the public within thirty days after the agency enters 6044
into a contract with the recipient: 6045

(A) <u>(1)</u> A summary of the project that includes all of the following:	6046 6047
(1) <u>(a)</u> A breakdown of the sources of the funds for each aspect of the project, such as state or federal programs, the operating company or entity itself, or any private financing, and a complete description of how each type of funds is to be used;	6048 6049 6050 6051
(2) <u>(b)</u> The total amount of assistance awarded;	6052
(3) <u>(c)</u> A brief description of the project;	6053
(4) <u>(d)</u> The following information regarding the project:	6054
(a) <u>(i)</u> The operating company or entity that is awarded the assistance;	6055 6056
(b) <u>(ii)</u> The products or services provided by the operating company or entity;	6057 6058
(c) <u>(iii)</u> The number of new jobs, at-risk jobs, and retained jobs anticipated; the hourly wages and hourly benefits of those jobs; and the dollar amount of assistance per job affected.	6059 6060 6061
(5) <u>(e)</u> The strengths and weaknesses of the project;	6062
(6) <u>(f)</u> The location of the project, the location of the operating company or entity, and whether relocation is involved;	6063 6064
(7) <u>(g)</u> The Ohio house district and Ohio senate district in which the project is located;	6065 6066
(8) <u>(h)</u> The payment terms and conditions of the assistance awarded;	6067 6068
(9) <u>(i)</u> The collateral or security required;	6069
(10) <u>(j)</u> The recommendation of the staff assigned to the project.	6070 6071
(B) <u>(2)</u> A comprehensive report that provides a description of the operating company or entity; all relevant information regarding the project; an analysis of the operating company or	6072 6073 6074

entity and the goods or services it provides; the explicit terms 6075
of any collateral or security required; and the reasoning behind 6076
the staffs' recommendation. 6077

~~(C)~~(3) Any other relevant information the controlling board 6078
may request, or the director may consider necessary to more fully 6079
describe the details of the assistance or the operating company or 6080
entity, that is provided before the controlling board approves the 6081
assistance. 6082

(B)(1) As used in this division, "tax incentive" means any 6083
exemption, either in whole or in part, of the income, goods, 6084
services, or property of a taxpayer from the effect of taxes 6085
levied by or under the Revised Code. "Tax incentive" includes, but 6086
is not limited to, tax exemptions, deferrals, exclusions, 6087
allowances, credits, deductions, reimbursements, and preferential 6088
tax rates. 6089

(2) The director of development services shall estimate the 6090
total revenue that will be forgone by the state as a result of 6091
each tax incentive approved by the tax credit authority created 6092
under section 122.17 of the Revised Code. The estimate shall be 6093
based on the monetary value of the tax incentive and not on 6094
potential economic growth. The director shall make each estimate, 6095
along with the name and address of the taxpayer that will receive 6096
the tax incentive, available to the public within thirty days 6097
after the date the tax incentive is approved by the tax credit 6098
authority. 6099

Nothing in this division precludes the director of 6100
development services from making other information regarding tax 6101
incentives available to the public unless disclosure of such 6102
information is prohibited by any other section of the Revised 6103
Code. 6104

(3) The director may adopt rules in accordance with Chapter 6105

119. of the Revised Code to effectuate this division. 6106

(C) Nothing in this section shall be construed as requiring 6107
the disclosure of information that is not a public record under 6108
section 149.43 of the Revised Code. 6109

Sec. 122.95. As used in ~~sections 122.95 to 122.952~~ this 6110
section and section 122.951 of the Revised Code: 6111

(A) "Commercial or industrial areas" means areas zoned either 6112
commercial or industrial by the local zoning authority or an area 6113
not zoned, but in which there is located one or more commercial or 6114
industrial activities. 6115

(B) "Eligible county" means any of the following: 6116

(1) A county designated as being in the "Appalachian region" 6117
under the "Appalachian Regional Development Act of 1965," 79 Stat. 6118
5, 40 U.S.C. App. 403; 6119

(2) A county that is a "distressed area" as defined in 6120
section 122.16 of the Revised Code; 6121

(3) A county that within the previous calendar year has had a 6122
job loss numbering two hundred or more of which one hundred or 6123
more are manufacturing-related as reported in the notices prepared 6124
by the department of job and family services pursuant to the 6125
"Worker Adjustment and Retraining Notification Act," 102 Stat. 890 6126
(1988), 29 U.S.C. 2101 et seq., as amended. 6127

Sec. 122.951. (A) If the director of development services 6128
determines that a grant ~~from the industrial site improvement fund~~ 6129
may create new jobs or preserve existing jobs and employment 6130
opportunities in an eligible county, the director may grant up to 6131
seven hundred fifty thousand dollars ~~from the fund~~ to the eligible 6132
county for the purpose of acquiring commercial or industrial land 6133
or buildings and making improvements to commercial or industrial 6134

areas within the eligible county, including, but not limited to: 6135

(1) Expanding, remodeling, renovating, and modernizing 6136
buildings, structures, and other improvements; 6137

(2) Remediating environmentally contaminated property on 6138
which hazardous substances exist under conditions that have caused 6139
or would cause the property to be identified as contaminated by 6140
the Ohio or United States environmental protection agency; and 6141

(3) Infrastructure improvements, including, but not limited 6142
to, site preparation, including building demolition and removal; 6143
streets, roads, bridges, and traffic control devices; parking lots 6144
and facilities; water and sewer lines and treatment plants; gas, 6145
electric, and telecommunications, including broadband, hook-ups; 6146
and water and railway access improvements. 6147

A grant awarded under this section shall provide not more 6148
than seventy-five per cent of the estimated total cost of the 6149
project for which an application is submitted under this section. 6150
In addition, not more than ten per cent of the amount of the grant 6151
shall be used to pay the costs of professional services related to 6152
the project. 6153

(B) An eligible county may apply to the director for a grant 6154
under this section in the form and manner prescribed by the 6155
director. The eligible county shall include on the application all 6156
information required by the director. The application shall 6157
require the eligible county to provide a detailed description of 6158
how the eligible county would use a grant to improve commercial or 6159
industrial areas within the eligible county, and to specify how a 6160
grant will lead to the creation of new jobs or the preservation of 6161
existing jobs and employment opportunities in the eligible county. 6162
The eligible county shall specify in the application the amount of 6163
the grant for which the eligible county is applying. 6164

~~(C) An eligible county that receives a grant under this 6165~~

~~section is not eligible for any additional grants from the 6166
industrial site improvement fund in the fiscal year in which the 6167
grant is received and in the subsequent fiscal year. 6168~~

(D) An eligible county may designate a port authority, 6169
community improvement corporation as defined in section 122.71 of 6170
the Revised Code, or other economic development entity that is 6171
located in the county to apply for a grant under this section. If 6172
a port authority, community improvement corporation, or other 6173
economic development entity is so designated, references to an 6174
eligible county in this section include references to the 6175
authority, corporation, or other entity. 6176

Sec. 123.10. (A) As used in this section and section 123.11 6177
of the Revised Code, "public exigency" means an injury or 6178
obstruction that occurs in any public works of the state 6179
~~maintained by the director of administrative services~~ and that 6180
materially impairs its immediate use or places in jeopardy 6181
property adjacent to it; an immediate danger of such an injury or 6182
obstruction; or an injury or obstruction, or an immediate danger 6183
of an injury or obstruction, that occurs in any public works of 6184
the state ~~maintained by the director of administrative services~~ 6185
and that materially impairs its immediate use or places in 6186
jeopardy property adjacent to it. 6187

(B) When a declaration of public exigency is issued pursuant 6188
to division (C) of this section, the Ohio facilities construction 6189
commission shall enter into contracts with proper persons for the 6190
performance of labor, the furnishing of materials, or the 6191
construction of any structures and buildings necessary to the 6192
maintenance, control, and management of the public works of the 6193
state or any part of those public works. Any contracts awarded for 6194
the work performed pursuant to the declaration of a public 6195
exigency may be awarded without competitive bidding or selection 6196

as set forth in Chapter 153. of the Revised Code. 6197

(C) The executive director of the Ohio facilities 6198
construction commission may issue a declaration of a public 6199
exigency on the executive director's own initiative or upon the 6200
request of the director of any state agency, a state institution 6201
of higher education as defined in division (A)(1) of section 6202
3345.12 of the Revised Code, or any other state instrumentality. 6203
The executive director's declaration shall identify the specific 6204
injury, obstruction, or danger that is the subject of the 6205
declaration and shall set forth a dollar limitation for the 6206
repair, removal, or prevention of that exigency under the 6207
declaration. 6208

Before any project to repair, remove, or prevent a public 6209
exigency under the executive director's declaration may begin, the 6210
executive director shall send notice of the project, in writing, 6211
to the director of budget and management and to the members of the 6212
controlling board. That notice shall detail the project to be 6213
undertaken to address the public exigency and shall include a copy 6214
of the executive director's declaration that establishes the 6215
monetary limitations on that project. 6216

Sec. 123.28. As used in this section and in section 123.281 6217
of the Revised Code: 6218

(A) "Culture" means any of the following: 6219

(1) Visual, musical, dramatic, graphic, design, and other 6220
arts, including, but not limited to, architecture, dance, 6221
literature, motion pictures, music, painting, photography, 6222
sculpture, and theater, and the provision of training or education 6223
in these arts; 6224

(2) The presentation or making available, in museums or other 6225
indoor or outdoor facilities, of principles of science and their 6226

development, use, or application in business, industry, or 6227
commerce or of the history, heritage, development, presentation, 6228
and uses of the arts described in division (A)(1) of this section 6229
and of transportation; 6230

(3) The preservation, presentation, or making available of 6231
features of archaeological, architectural, environmental, or 6232
historical interest or significance in a state historical facility 6233
or a local historical facility. 6234

(B) "Cultural organization" means either of the following: 6235

(1) A governmental agency or Ohio nonprofit corporation, 6236
including the Ohio historical society, that provides programs or 6237
activities in areas directly concerned with culture; 6238

(2) A regional arts and cultural district as defined in 6239
section 3381.01 of the Revised Code. 6240

(C) "Cultural project" means all or any portion of an Ohio 6241
cultural facility for which the general assembly has made an 6242
appropriation or has specifically authorized the spending of money 6243
or the making of rental payments relating to the financing of 6244
construction. 6245

(D) "Cooperative ~~contract~~ use agreement" means a contract 6246
between the Ohio facilities construction commission and a cultural 6247
organization providing the terms and conditions of the cooperative 6248
use of an Ohio cultural facility. 6249

(E) "Costs of operation" means amounts required to manage an 6250
Ohio cultural facility that are incurred following the completion 6251
of construction of its cultural project, provided that both of the 6252
following apply: 6253

(1) Those amounts either: 6254

(a) Have been committed to a fund dedicated to that purpose; 6255

(b) Equal the principal of any endowment fund, the income 6256

from which is dedicated to that purpose. 6257

(2) The commission and the cultural organization have 6258
executed an agreement with respect to either of those funds. 6259

(F) "Governmental agency" means a state agency, a state 6260
institution of higher education as defined in section 3345.12 of 6261
the Revised Code, a municipal corporation, county, township, or 6262
school district, a port authority created under Chapter 4582. of 6263
the Revised Code, any other political subdivision or special 6264
district in this state established by or pursuant to law, or any 6265
combination of these entities; except where otherwise indicated, 6266
the United States or any department, division, or agency of the 6267
United States, or any agency, commission, or authority established 6268
pursuant to an interstate compact or agreement. 6269

(G) "Local contributions" means the value of an asset 6270
provided by or on behalf of a cultural organization from sources 6271
other than the state, the value and nature of which shall be 6272
approved by the Ohio facilities construction commission, in its 6273
sole discretion. "Local contributions" may include the value of 6274
the site where a cultural project is to be constructed. All "local 6275
contributions," except a contribution attributable to such a site, 6276
shall be for the costs of construction of a cultural project or 6277
the creation or expansion of an endowment for the costs of 6278
operation of a cultural facility. 6279

(H) "Local historical facility" means a site or facility, 6280
other than a state historical facility, of archaeological, 6281
architectural, environmental, or historical interest or 6282
significance, or a facility, including a storage facility, 6283
appurtenant to the operations of such a site or facility, that is 6284
owned by a cultural organization and is used for or in connection 6285
with cultural activities, including the presentation or making 6286
available of culture to the public. 6287

(I) "Manage," "operate," or "management" means the provision of, or the exercise of control over the provision of, activities:	6288
	6289
(1) Relating to culture for an Ohio cultural facility, including as applicable, but not limited to, providing for displays, exhibitions, specimens, and models; booking of artists, performances, or presentations; scheduling; and hiring or contracting for directors, curators, technical and scientific staff, ushers, stage managers, and others directly related to the cultural activities in the facility; but not including general building services;	6290
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(2) Relating to sports and athletic events for an Ohio sports facility, including as applicable, but not limited to, providing for booking of athletes, teams, and events; scheduling; and hiring or contracting for staff, ushers, managers, and others directly related to the sports and athletic events in the facility; but not including general building services.	6298
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	6301
	6302
	6303
(J) "Ohio cultural facility" means any of the following:	6304
(1) The theaters located in the state office tower at 77 South High street in Columbus;	6305
	6306
(2) Any cultural facility in this state that is managed directly by, or is subject to a cooperative <u>use</u> or management contract <u>agreement</u> with, the Ohio facilities construction commission.	6307
	6308
	6309
	6310
(3) A state historical facility or a local historical facility.	6311
	6312
(K) "Construction" includes acquisition, including acquisition by lease-purchase, demolition, reconstruction, alteration, renovation, remodeling, enlargement, improvement, site improvements, and related equipping and furnishing.	6313
	6314
	6315
	6316
(L) "State historical facility" means a site or facility that	6317

has all of the following characteristics: 6318

(1) It is created, supervised, operated, protected, 6319
maintained, and promoted by the Ohio historical society pursuant 6320
to the society's performance of public functions under sections 6321
149.30 and 149.302 of the Revised Code. 6322

(2) Its title must reside wholly or in part with the state, 6323
the society, or both the state and the society. 6324

(3) It is managed directly by or is subject to a cooperative 6325
use or management ~~contract~~ agreement with the Ohio facilities 6326
construction commission and is used for or in connection with 6327
cultural activities, including the presentation or making 6328
available of culture to the public. 6329

(M) "Ohio sports facility" means all or a portion of a 6330
stadium, arena, tennis facility, motorsports complex, or other 6331
capital facility in this state. A primary purpose of the facility 6332
shall be to provide a site or venue for the presentation to the 6333
public of motorsports events, professional tennis tournaments, or 6334
events of one or more major or minor league professional athletic 6335
or sports teams that are associated with the state or with a city 6336
or region of the state. The facility shall be, in the case of a 6337
motorsports complex, owned by the state or governmental agency, or 6338
in all other instances, owned by or located on real property owned 6339
by the state or a governmental agency, and includes all parking 6340
facilities, walkways, and other auxiliary facilities, equipment, 6341
furnishings, and real and personal property and interests and 6342
rights therein, that may be appropriate for or used for or in 6343
connection with the facility or its operation, for capital costs 6344
of which state funds are spent pursuant to this section and 6345
section 123.281 of the Revised Code. A facility constructed as an 6346
Ohio sports facility may be both an Ohio cultural facility and an 6347
Ohio sports facility. 6348

(N) "Motorsports" means sporting events in which motor 6349
vehicles are driven on a clearly demarcated tracked surface. 6350

Sec. 123.281. (A) The Ohio facilities construction commission 6351
shall provide for the construction of a cultural project in 6352
conformity with Chapter 153. of the Revised Code, except for 6353
construction services provided on behalf of the state by a 6354
governmental agency or a cultural organization in accordance with 6355
divisions (B) and (C) of this section. 6356

(B) In order for a governmental agency or a cultural 6357
organization to provide construction services on behalf of the 6358
state for a cultural project, other than a state historical 6359
facility, for which the general assembly has made an appropriation 6360
or specifically authorized the spending of money or the making of 6361
rental payments relating to the financing of the construction, the 6362
governmental agency or cultural organization shall submit to the 6363
Ohio facilities construction commission a cooperative use 6364
agreement that includes, but is not limited to, provisions that: 6365

(1) Specify how the proposed project will support culture, ~~as~~ 6366
~~defined in section 123.28 of the Revised Code;~~ 6367

(2) Specify that the governmental agency or cultural 6368
organization has local contributions amounting to not less than 6369
fifty per cent of the total state funding for the cultural 6370
project; 6371

(3) Specify that the funds shall be used only for 6372
~~construction, as defined in section 123.28 of the Revised Code;~~ 6373

(4) Identify the facility to be constructed, renovated, 6374
remodeled, or improved; 6375

(5) Specify that the project scope meets the intent and 6376
purpose of the project appropriation and that the project can be 6377
completed and ready ~~for full occupancy~~ to support culture without 6378

exceeding appropriated funds; 6379

(6) Specify that the governmental agency or cultural 6380
organization shall hold the Ohio facilities construction 6381
commission harmless from all liability for the operation and 6382
maintenance costs of the facility; 6383

(7) Specify that the agreement or any actions taken under it 6384
are not subject to ~~Chapters~~ Chapter 123. or 153. of the Revised 6385
Code, except for ~~section~~ sections 123.20, 123.201, 123.21, 123.28, 6386
123.281, and 153.011 of the Revised Code, and are subject to 6387
Chapter 4115. of the Revised Code; and 6388

(8) Provide that amendments to the agreement shall require 6389
the approval of the Ohio facilities construction commission. 6390

(C) In order for a cultural organization to provide 6391
construction services on behalf of the state for a state 6392
historical facility for which the general assembly has made an 6393
appropriation or specifically authorized the spending of money or 6394
the making of rental payments relating to the financing of the 6395
construction, the cultural organization shall submit to the Ohio 6396
facilities construction commission a cooperative use agreement 6397
that includes, but is not limited to, provisions that: 6398

(1) Specify how the proposed project will support culture, ~~as~~ 6399
~~defined in section 123.28 of the Revised Code;~~ 6400

(2) Specify that the funds shall be used only for 6401
construction, ~~as defined in section 123.28 of the Revised Code;~~ 6402

(3) Specify that not more than three per cent of the funds 6403
may be used by the cultural organization to administer the 6404
project; 6405

(4) Identify the facility to be constructed, renovated, 6406
remodeled, or improved; 6407

~~(4)~~(5) Specify that the project scope meets the intent and 6408

purpose of the project appropriation and that the project can be 6409
completed and ready ~~for full occupancy~~ to support culture without 6410
exceeding appropriated funds; 6411

~~(5)~~(6) Specify that the cultural organization shall hold the 6412
Ohio facilities construction commission harmless from all 6413
liability for the operation and maintenance costs of the facility; 6414

~~(6)~~(7) Specify that the agreement or any actions taken under 6415
it are not subject to ~~Chapters~~ Chapter 123., 153., or 4115. of the 6416
Revised Code, except for sections 123.20, 123.201, 123.21, 123.28, 6417
and 123.281 of the Revised Code; and 6418

~~(7)~~(8) Provide that amendments to the agreement shall require 6419
the approval of the Ohio facilities construction commission. 6420

(D) For an Ohio sports facility that is financed in part by 6421
obligations issued under Chapter 154. of the Revised Code, 6422
construction services shall be provided on behalf of the state by 6423
or at the direction of the governmental agency or nonprofit 6424
corporation that will own or be responsible for the management of 6425
the facility. Any construction services to be provided by a 6426
governmental agency or nonprofit corporation shall be specified in 6427
a cooperative use agreement between the Ohio facilities 6428
construction commission and the governmental agency or nonprofit 6429
corporation. The agreement and any actions taken under it are not 6430
subject to Chapter 123. or 153. of the Revised Code, except for 6431
sections 123.20, 123.201, 123.21, 123.28, 123.281, and 153.011 of 6432
the Revised Code, and are subject to Chapter 4115. of the Revised 6433
Code. 6434

(E) State funds shall not be used to pay or reimburse more 6435
than fifteen per cent of the initial estimated construction cost 6436
of an Ohio sports facility, excluding any site acquisition cost, 6437
and no state funds, including any state bond proceeds, shall be 6438
spent on any Ohio sports facility under this chapter unless, with 6439

respect to that facility, all of the following apply: 6440

(1) The Ohio facilities construction commission has received 6441
a financial and development plan satisfactory to it, and provision 6442
has been made, by agreement or otherwise, satisfactory to the 6443
commission, for a contribution amounting to not less than 6444
eighty-five per cent of the total estimated construction cost of 6445
the facility, excluding any site acquisition cost, from sources 6446
other than the state. 6447

(2) The general assembly has specifically authorized the 6448
spending of money on, or made an appropriation for, the 6449
construction of the facility, or for rental payments relating to 6450
state financing of all or a portion of the costs of constructing 6451
the facility. Authorization to spend money, or an appropriation, 6452
for planning or determining the feasibility of or need for the 6453
facility does not constitute authorization to spend money on, or 6454
an appropriation for, costs of constructing the facility. 6455

(3) If state bond proceeds are being used for the Ohio sports 6456
facility, the state or a governmental agency owns or has 6457
sufficient property interests in the facility or in the site of 6458
the facility or in the portion or portions of the facility 6459
financed from proceeds of state bonds, which may include, but is 6460
not limited to, the right to use or to require the use of the 6461
facility for the presentation of sport and athletic events to the 6462
public at the facility. 6463

~~(E)~~(F) In addition to the requirements of division ~~(D)~~(E) of 6464
this section, no state funds, including any state bond proceeds, 6465
shall be spent on any Ohio sports facility that is a motorsports 6466
complex, unless, with respect to that facility, both of the 6467
following apply: 6468

(1) Motorsports events shall be presented at the facility 6469
pursuant to a lease entered into with the owner of the facility. 6470

The term of the lease shall be for a period of not less than the 6471
greater of the useful life of the portion of the facility financed 6472
from proceeds of state bonds as determined using the guidelines 6473
for maximum maturities as provided under divisions (B) and (C) of 6474
section 133.20 of the Revised Code, or the period of time 6475
remaining to the date of payment or provision for payment of 6476
outstanding state bonds allocable to costs of the facility, all as 6477
determined by the director of budget and management and certified 6478
by the executive director of the Ohio facilities construction 6479
commission and to the treasurer of state. 6480

(2) Any motorsports organization that commits to using the 6481
facility for an established period of time shall give the 6482
political subdivision in which the facility is located not less 6483
than six months' advance notice if the organization intends to 6484
cease utilizing the facility prior to the expiration of that 6485
established period. Such a motorsports organization shall be 6486
liable to the state for any state funds used on the construction 6487
costs of the facility. 6488

~~(F)~~(G) In addition to the requirements of division ~~(D)~~(E) of 6489
this section, no state bond proceeds shall be spent on any Ohio 6490
sports facility that is a tennis facility, unless the owner or 6491
manager of the facility provides contractual commitments from a 6492
national or international professional tennis organization in a 6493
form acceptable to the Ohio facilities construction commission 6494
that assures that one or more sanctioned professional tennis 6495
events will be presented at the facility during each year that the 6496
bonds remain outstanding. 6497

Sec. 124.14. (A)(1) The director of administrative services 6498
shall establish, and may modify or rescind, ~~by rule,~~ a job 6499
classification plan for all positions, offices, and employments in 6500
the service of the state. The director shall group jobs within a 6501

classification so that the positions are similar enough in duties 6502
and responsibilities to be described by the same title, to have 6503
the same pay assigned with equity, and to have the same 6504
qualifications for selection applied. The director shall, ~~by rule,~~ 6505
assign a classification title to each classification within the 6506
classification plan. However, the director shall consider in 6507
establishing classifications, including classifications with 6508
parenthetical titles, and assigning pay ranges such factors as 6509
duties performed only on one shift, special skills in short supply 6510
in the labor market, recruitment problems, separation rates, 6511
comparative salary rates, the amount of training required, and 6512
other conditions affecting employment. The director shall describe 6513
the duties and responsibilities of the class, establish the 6514
qualifications for being employed in each position in the class, 6515
and file with the secretary of state a copy of specifications for 6516
all of the classifications. The director shall file new, 6517
additional, or revised specifications with the secretary of state 6518
before they are used. 6519

The director shall, ~~by rule,~~ assign each classification, 6520
either on a statewide basis or in particular counties or state 6521
institutions, to a pay range established under section 124.15 or 6522
section 124.152 of the Revised Code. The director may assign a 6523
classification to a pay range on a temporary basis for a period of 6524
six months. The director may establish, ~~by rule adopted under~~ 6525
~~Chapter 119. of the Revised Code,~~ experimental classification 6526
plans for some or all employees paid directly by warrant of the 6527
director of budget and management. ~~The rule~~ Any such experimental 6528
classification plan shall include specifications for each 6529
classification within the plan and shall specifically address 6530
compensation ranges, and methods for advancing within the ranges, 6531
for the classifications, which may be assigned to pay ranges other 6532
than the pay ranges established under section 124.15 or 124.152 of 6533
the Revised Code. 6534

(2) The director of administrative services may reassign to a 6535
proper classification those positions that have been assigned to 6536
an improper classification. If the compensation of an employee in 6537
such a reassigned position exceeds the maximum rate of pay for the 6538
employee's new classification, the employee shall be placed in pay 6539
step X and shall not receive an increase in compensation until the 6540
maximum rate of pay for that classification exceeds the employee's 6541
compensation. 6542

(3) The director may reassign an exempt employee, as defined 6543
in section 124.152 of the Revised Code, to a bargaining unit 6544
classification if the director determines that the bargaining unit 6545
classification is the proper classification for that employee. 6546
Notwithstanding Chapter 4117. of the Revised Code or instruments 6547
and contracts negotiated under it, these placements are at the 6548
director's discretion. 6549

(4) The director shall, ~~by rule,~~ assign related 6550
classifications, which form a career progression, to a 6551
classification series. The director shall, ~~by rule,~~ assign each 6552
classification in the classification plan a five-digit number, the 6553
first four digits of which shall denote the classification series 6554
to which the classification is assigned. When a career progression 6555
encompasses more than ten classifications, the director shall, ~~by~~ 6556
~~rule,~~ identify the additional classifications belonging to a 6557
classification series. The additional classifications shall be 6558
part of the classification series, notwithstanding the fact that 6559
the first four digits of the number assigned to the additional 6560
classifications do not correspond to the first four digits of the 6561
numbers assigned to other classifications in the classification 6562
series. 6563

(B) Division (A) of this section and sections 124.15 and 6564
124.152 of the Revised Code do not apply to the following persons, 6565
positions, offices, and employments: 6566

- (1) Elected officials; 6567
- (2) Legislative employees, employees of the legislative 6568
service commission, employees in the office of the governor, 6569
employees who are in the unclassified civil service and exempt 6570
from collective bargaining coverage in the office of the secretary 6571
of state, auditor of state, treasurer of state, and attorney 6572
general, and employees of the supreme court; 6573
- (3) Any position for which the authority to determine 6574
compensation is given by law to another individual or entity; 6575
- (4) Employees of the bureau of workers' compensation whose 6576
compensation the administrator of workers' compensation 6577
establishes under division (B) of section 4121.121 of the Revised 6578
Code. 6579
- (C) The director may employ a consulting agency to aid and 6580
assist the director in carrying out this section. 6581
- (D)(1) When the director proposes to modify a classification 6582
or the assignment of classes to appropriate pay ranges, the 6583
director shall ~~send written notice of the proposed rule to~~ notify 6584
the appointing authorities of the affected employees ~~thirty days~~ 6585
~~before a hearing on implementing the proposed rule modification.~~ 6586
The director's notice shall include the effective date of the 6587
modification. The appointing authorities shall notify the affected 6588
employees regarding the ~~proposed rule modification.~~ The director 6589
~~also shall send those appointing authorities notice of any final~~ 6590
~~rule that is adopted within ten days after adoption.~~ 6591
- (2) When the director proposes to reclassify any employee in 6592
the service of the state so that the employee is adversely 6593
affected, the director shall give to the employee affected and to 6594
the employee's appointing authority a written notice setting forth 6595
the proposed new classification, pay range, and salary. Upon the 6596
request of any classified employee in the service of the state who 6597

is not serving in a probationary period, the director shall 6598
perform a job audit to review the classification of the employee's 6599
position to determine whether the position is properly classified. 6600
The director shall give to the employee affected and to the 6601
employee's appointing authority a written notice of the director's 6602
determination whether or not to reclassify the position or to 6603
reassign the employee to another classification. An employee or 6604
appointing authority desiring a hearing shall file a written 6605
request for the hearing with the state personnel board of review 6606
within thirty days after receiving the notice. The board shall set 6607
the matter for a hearing and notify the employee and appointing 6608
authority of the time and place of the hearing. The employee, the 6609
appointing authority, or any authorized representative of the 6610
employee who wishes to submit facts for the consideration of the 6611
board shall be afforded reasonable opportunity to do so. After the 6612
hearing, the board shall consider anew the reclassification and 6613
may order the reclassification of the employee and require the 6614
director to assign the employee to such appropriate classification 6615
as the facts and evidence warrant. As provided in division (A)(1) 6616
of section 124.03 of the Revised Code, the board may determine the 6617
most appropriate classification for the position of any employee 6618
coming before the board, with or without a job audit. The board 6619
shall disallow any reclassification or reassignment classification 6620
of any employee when it finds that changes have been made in the 6621
duties and responsibilities of any particular employee for 6622
political, religious, or other unjust reasons. 6623

(E)(1) Employees of each county department of job and family 6624
services shall be paid a salary or wage established by the board 6625
of county commissioners. The provisions of section 124.18 of the 6626
Revised Code concerning the standard work week apply to employees 6627
of county departments of job and family services. A board of 6628
county commissioners may do either of the following: 6629

(a) Notwithstanding any other section of the Revised Code, 6630
supplement the sick leave, vacation leave, personal leave, and 6631
other benefits of any employee of the county department of job and 6632
family services of that county, if the employee is eligible for 6633
the supplement under a written policy providing for the 6634
supplement; 6635

(b) Notwithstanding any other section of the Revised Code, 6636
establish alternative schedules of sick leave, vacation leave, 6637
personal leave, or other benefits for employees not inconsistent 6638
with the provisions of a collective bargaining agreement covering 6639
the affected employees. 6640

(2) Division (E)(1) of this section does not apply to 6641
employees for whom the state employment relations board 6642
establishes appropriate bargaining units pursuant to section 6643
4117.06 of the Revised Code, except in either of the following 6644
situations: 6645

(a) The employees for whom the state employment relations 6646
board establishes appropriate bargaining units elect no 6647
representative in a board-conducted representation election. 6648

(b) After the state employment relations board establishes 6649
appropriate bargaining units for such employees, all employee 6650
organizations withdraw from a representation election. 6651

(F)(1) Notwithstanding any contrary provision of sections 6652
124.01 to 124.64 of the Revised Code, the board of trustees of 6653
each state university or college, as defined in section 3345.12 of 6654
the Revised Code, shall carry out all matters of governance 6655
involving the officers and employees of the university or college, 6656
including, but not limited to, the powers, duties, and functions 6657
of the department of administrative services and the director of 6658
administrative services specified in this chapter. Officers and 6659
employees of a state university or college shall have the right of 6660

appeal to the state personnel board of review as provided in this 6661
chapter. 6662

(2) Each board of trustees shall adopt rules under section 6663
111.15 of the Revised Code to carry out the matters of governance 6664
described in division (F)(1) of this section. Until the board of 6665
trustees adopts those rules, a state university or college shall 6666
continue to operate pursuant to the applicable rules adopted by 6667
the director of administrative services under this chapter. 6668

(G)(1) Each board of county commissioners may, by a 6669
resolution adopted by a majority of its members, establish a 6670
county personnel department to exercise the powers, duties, and 6671
functions specified in division (G) of this section. As used in 6672
division (G) of this section, "county personnel department" means 6673
a county personnel department established by a board of county 6674
commissioners under division (G)(1) of this section. 6675

(2)(a) Each board of county commissioners, by a resolution 6676
adopted by a majority of its members, may designate the county 6677
personnel department of the county to exercise the powers, duties, 6678
and functions specified in sections 124.01 to 124.64 and Chapter 6679
325. of the Revised Code with regard to employees in the service 6680
of the county, except for the powers and duties of the state 6681
personnel board of review, which powers and duties shall not be 6682
construed as having been modified or diminished in any manner by 6683
division (G)(2) of this section, with respect to the employees for 6684
whom the board of county commissioners is the appointing authority 6685
or co-appointing authority. 6686

(b) Nothing in division (G)(2) of this section shall be 6687
construed to limit the right of any employee who possesses the 6688
right of appeal to the state personnel board of review to continue 6689
to possess that right of appeal. 6690

(c) Any board of county commissioners that has established a 6691

county personnel department may contract with the department of 6692
administrative services, in accordance with division (H) of this 6693
section, another political subdivision, or an appropriate public 6694
or private entity to provide competitive testing services or other 6695
appropriate services. 6696

(3) After the county personnel department of a county has 6697
been established as described in division (G)(2) of this section, 6698
any elected official, board, agency, or other appointing authority 6699
of that county, upon written notification to the county personnel 6700
department, may elect to use the services and facilities of the 6701
county personnel department. Upon receipt of the notification by 6702
the county personnel department, the county personnel department 6703
shall exercise the powers, duties, and functions as described in 6704
division (G)(2) of this section with respect to the employees of 6705
that elected official, board, agency, or other appointing 6706
authority. 6707

(4) Each board of county commissioners, by a resolution 6708
adopted by a majority of its members, may disband the county 6709
personnel department. 6710

(5) Any elected official, board, agency, or appointing 6711
authority of a county may end its involvement with a county 6712
personnel department upon actual receipt by the department of a 6713
certified copy of the notification that contains the decision to 6714
no longer participate. 6715

(6) A county personnel department, in carrying out its 6716
duties, shall adhere to merit system principles with regard to 6717
employees of county departments of job and family services, child 6718
support enforcement agencies, and public child welfare agencies so 6719
that there is no threatened loss of federal funding for these 6720
agencies, and the county is financially liable to the state for 6721
any loss of federal funds due to the action or inaction of the 6722
county personnel department. 6723

(H) County agencies may contract with the department of 6724
administrative services for any human resources services, 6725
including, but not limited to, establishment and modification of 6726
job classification plans, competitive testing services, and 6727
periodic audits and reviews of the county's uniform application of 6728
the powers, duties, and functions specified in sections 124.01 to 6729
124.64 and Chapter 325. of the Revised Code with regard to 6730
employees in the service of the county. Nothing in this division 6731
modifies the powers and duties of the state personnel board of 6732
review with respect to employees in the service of the county. 6733
Nothing in this division limits the right of any employee who 6734
possesses the right of appeal to the state personnel board of 6735
review to continue to possess that right of appeal. 6736

(I) The director of administrative services shall establish 6737
the rate and method of compensation for all employees who are paid 6738
directly by warrant of the director of budget and management and 6739
who are serving in positions that the director of administrative 6740
services has determined impracticable to include in the state job 6741
classification plan. This division does not apply to elected 6742
officials, legislative employees, employees of the legislative 6743
service commission, employees who are in the unclassified civil 6744
service and exempt from collective bargaining coverage in the 6745
office of the secretary of state, auditor of state, treasurer of 6746
state, and attorney general, employees of the courts, employees of 6747
the bureau of workers' compensation whose compensation the 6748
administrator of workers' compensation establishes under division 6749
(B) of section 4121.121 of the Revised Code, or employees of an 6750
appointing authority authorized by law to fix the compensation of 6751
those employees. 6752

(J) The director of administrative services shall set the 6753
rate of compensation for all intermittent, seasonal, temporary, 6754
emergency, and casual employees in the service of the state who 6755

are not considered public employees under section 4117.01 of the Revised Code. Those employees are not entitled to receive employee benefits. This rate of compensation shall be equitable in terms of the rate of employees serving in the same or similar classifications. This division does not apply to elected officials, legislative employees, employees of the legislative service commission, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, employees of the courts, employees of the bureau of workers' compensation whose compensation the administrator establishes under division (B) of section 4121.121 of the Revised Code, or employees of an appointing authority authorized by law to fix the compensation of those employees.

Sec. 124.15. (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates:

Schedule B

Pay Ranges and Step Values

Range	Step 1	Step 2	Step 3	Step 4
23 Hourly	5.72	5.91	6.10	6.31
Annually	11897.60	12292.80	12688.00	13124.80
	Step 5	Step 6		
Hourly	6.52	6.75		
Annually	13561.60	14040.00		
	Step 1	Step 2	Step 3	Step 4
24 Hourly	6.00	6.20	6.41	6.63
Annually	12480.00	12896.00	13332.80	13790.40
	Step 5	Step 6		
Hourly	6.87	7.10		
Annually	14289.60	14768.00		

		Step 1	Step 2	Step 3	Step 4	6787
25	Hourly	6.31	6.52	6.75	6.99	6788
	Annually	13124.80	13561.60	14040.00	14539.20	6789
		Step 5	Step 6			6790
	Hourly	7.23	7.41			6791
	Annually	15038.40	15412.80			6792
		Step 1	Step 2	Step 3	Step 4	6793
26	Hourly	6.63	6.87	7.10	7.32	6794
	Annually	13790.40	14289.60	14768.00	15225.60	6795
		Step 5	Step 6			6796
	Hourly	7.53	7.77			6797
	Annually	15662.40	16161.60			6798
		Step 1	Step 2	Step 3	Step 4	6799
27	Hourly	6.99	7.23	7.41	7.64	6800
	Annually	14534.20	15038.40	15412.80	15891.20	6801
		Step 5	Step 6	Step 7		6802
	Hourly	7.88	8.15	8.46		6803
	Annually	16390.40	16952.00	17596.80		6804
		Step 1	Step 2	Step 3	Step 4	6805
28	Hourly	7.41	7.64	7.88	8.15	6806
	Annually	15412.80	15891.20	16390.40	16952.00	6807
		Step 5	Step 6	Step 7		6808
	Hourly	8.46	8.79	9.15		6809
	Annually	17596.80	18283.20	19032.00		6810
		Step 1	Step 2	Step 3	Step 4	6811
29	Hourly	7.88	8.15	8.46	8.79	6812
	Annually	16390.40	16952.00	17596.80	18283.20	6813
		Step 5	Step 6	Step 7		6814
	Hourly	9.15	9.58	10.01		6815
	Annually	19032.00	19926.40	20820.80		6816
		Step 1	Step 2	Step 3	Step 4	6817
30	Hourly	8.46	8.79	9.15	9.58	6818
	Annually	17596.80	18283.20	19032.00	19926.40	6819

		Step 5	Step 6	Step 7		6820
	Hourly	10.01	10.46	10.99		6821
	Annually	20820.80	21756.80	22859.20		6822
		Step 1	Step 2	Step 3	Step 4	6823
31	Hourly	9.15	9.58	10.01	10.46	6824
	Annually	19032.00	19962.40	20820.80	21756.80	6825
		Step 5	Step 6	Step 7		6826
	Hourly	10.99	11.52	12.09		6827
	Annually	22859.20	23961.60	25147.20		6828
		Step 1	Step 2	Step 3	Step 4	6829
32	Hourly	10.01	10.46	10.99	11.52	6830
	Annually	20820.80	21756.80	22859.20	23961.60	6831
		Step 5	Step 6	Step 7	Step 8	6832
	Hourly	12.09	12.68	13.29	13.94	6833
	Annually	25147.20	26374.40	27643.20	28995.20	6834
		Step 1	Step 2	Step 3	Step 4	6835
33	Hourly	10.99	11.52	12.09	12.68	6836
	Annually	22859.20	23961.60	25147.20	26374.40	6837
		Step 5	Step 6	Step 7	Step 8	6838
	Hourly	13.29	13.94	14.63	15.35	6839
	Annually	27643.20	28995.20	30430.40	31928.00	6840
		Step 1	Step 2	Step 3	Step 4	6841
34	Hourly	12.09	12.68	13.29	13.94	6842
	Annually	25147.20	26374.40	27643.20	28995.20	6843
		Step 5	Step 6	Step 7	Step 8	6844
	Hourly	14.63	15.35	16.11	16.91	6845
	Annually	30430.40	31928.00	33508.80	35172.80	6846
		Step 1	Step 2	Step 3	Step 4	6847
35	Hourly	13.29	13.94	14.63	15.35	6848
	Annually	27643.20	28995.20	30430.40	31928.00	6849
		Step 5	Step 6	Step 7	Step 8	6850
	Hourly	16.11	16.91	17.73	18.62	6851
	Annually	33508.80	35172.80	36878.40	38729.60	6852

		Step 1	Step 2	Step 3	Step 4	6853
36	Hourly	14.63	15.35	16.11	16.91	6854
	Annually	30430.40	31928.00	33508.80	35172.80	6855
		Step 5	Step 6	Step 7	Step 8	6856
	Hourly	17.73	18.62	19.54	20.51	6857
	Annually	36878.40	38729.60	40643.20	42660.80	6858
Schedule C						6859
Pay Range and Values						6860
Range		Minimum		Maximum		6861
41	Hourly	10.44		15.72		6862
	Annually	21715.20		32697.60		6863
42	Hourly	11.51		17.35		6864
	Annually	23940.80		36088.00		6865
43	Hourly	12.68		19.12		6866
	Annually	26374.40		39769.60		6867
44	Hourly	13.99		20.87		6868
	Annually	29099.20		43409.60		6869
45	Hourly	15.44		22.80		6870
	Annually	32115.20		47424.00		6871
46	Hourly	17.01		24.90		6872
	Annually	35380.80		51792.00		6873
47	Hourly	18.75		27.18		6874
	Annually	39000.00		56534.40		6875
48	Hourly	20.67		29.69		6876
	Annually	42993.60		61755.20		6877
49	Hourly	22.80		32.06		6878
	Annually	47424.00		66684.80		6879
(B) The pay schedule of all employees shall be on a biweekly						6880
basis, with amounts computed on an hourly basis.						6881
(C) Part-time employees shall be compensated on an hourly						6882
basis for time worked, at the rates shown in division (A) of this						6883
section or in section 124.152 of the Revised Code.						6884

(D) The salary and wage rates in division (A) of this section 6885
or in section 124.152 of the Revised Code represent base rates of 6886
compensation and may be augmented by the provisions of section 6887
124.181 of the Revised Code. In those cases where lodging, meals, 6888
laundry, or other personal services are furnished an employee in 6889
the service of the state, the actual costs or fair market value of 6890
the personal services shall be paid by the employee in such 6891
amounts and manner as determined by the director of administrative 6892
services and approved by the director of budget and management, 6893
and those personal services shall not be considered as a part of 6894
the employee's compensation. An appointing authority that appoints 6895
employees in the service of the state, with the approval of the 6896
director of administrative services and the director of budget and 6897
management, may establish payments to employees for uniforms, 6898
tools, equipment, and other requirements of the department and 6899
payments for the maintenance of them. 6900

The director of administrative services may review collective 6901
bargaining agreements entered into under Chapter 4117. of the 6902
Revised Code that cover employees in the service of the state and 6903
determine whether certain benefits or payments provided to the 6904
employees covered by those agreements should also be provided to 6905
employees in the service of the state who are exempt from 6906
collective bargaining coverage and are paid in accordance with 6907
section 124.152 of the Revised Code or are listed in division 6908
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 6909
the review, the director of administrative services, with the 6910
approval of the director of budget and management, may provide to 6911
some or all of these employees any payment or benefit, except for 6912
salary, contained in such a collective bargaining agreement even 6913
if it is similar to a payment or benefit already provided by law 6914
to some or all of these employees. Any payment or benefit so 6915
provided shall not exceed the highest level for that payment or 6916
benefit specified in such a collective bargaining agreement. The 6917

director of administrative services shall not provide, and the 6918
director of budget and management shall not approve, any payment 6919
or benefit to such an employee under this division unless the 6920
payment or benefit is provided pursuant to a collective bargaining 6921
agreement to a state employee who is in a position with similar 6922
duties as, is supervised by, or is employed by the same appointing 6923
authority as, the employee to whom the benefit or payment is to be 6924
provided. 6925

As used in this division, "payment or benefit already 6926
provided by law" includes, but is not limited to, bereavement, 6927
personal, vacation, administrative, and sick leave, disability 6928
benefits, holiday pay, and pay supplements provided under the 6929
Revised Code, but does not include wages or salary. 6930

(E) New employees paid in accordance with schedule B of 6931
division (A) of this section or schedule E-1 of section 124.152 of 6932
the Revised Code shall be employed at the minimum rate established 6933
for the range unless otherwise provided. Employees with 6934
qualifications that are beyond the minimum normally required for 6935
the position and that are determined by the director to be 6936
exceptional may be employed in, or may be transferred or promoted 6937
to, a position at an advanced step of the range. Further, in time 6938
of a serious labor market condition when it is relatively 6939
impossible to recruit employees at the minimum rate for a 6940
particular classification, the entrance rate may be set at an 6941
advanced step in the range by the director of administrative 6942
services. This rate may be limited to geographical regions of the 6943
state. Appointments made to an advanced step under the provision 6944
regarding exceptional qualifications shall not affect the step 6945
assignment of employees already serving. However, anytime the 6946
hiring rate of an entire classification is advanced to a higher 6947
step, all incumbents of that classification being paid at a step 6948
lower than that being used for hiring, shall be advanced beginning 6949

at the start of the first pay period thereafter to the new hiring 6950
rate, and any time accrued at the lower step will be used to 6951
calculate advancement to a succeeding step. If the hiring rate of 6952
a classification is increased for only a geographical region of 6953
the state, only incumbents who work in that geographical region 6954
shall be advanced to a higher step. When an employee in the 6955
unclassified service changes from one state position to another or 6956
is appointed to a position in the classified service, or if an 6957
employee in the classified service is appointed to a position in 6958
the unclassified service, the employee's salary or wage in the new 6959
position shall be determined in the same manner as if the employee 6960
were an employee in the classified service. When an employee in 6961
the unclassified service who is not eligible for step increases is 6962
appointed to a classification in the classified service under 6963
which step increases are provided, future step increases shall be 6964
based on the date on which the employee last received a pay 6965
increase. If the employee has not received an increase during the 6966
previous year, the date of the appointment to the classified 6967
service shall be used to determine the employee's annual step 6968
advancement eligibility date. In reassigning any employee to a 6969
classification resulting in a pay range increase or to a new pay 6970
range as a result of a promotion, an increase pay range 6971
adjustment, or other classification change resulting in a pay 6972
range increase, the director shall assign such employee to the 6973
step in the new pay range that will provide an increase of 6974
approximately four per cent if the new pay range can accommodate 6975
the increase. When an employee is being assigned to a 6976
classification or new pay range as the result of a class plan 6977
change, if the employee has completed a probationary period, the 6978
employee shall be placed in a step no lower than step two of the 6979
new pay range. If the employee has not completed a probationary 6980
period, the employee may be placed in step one of the new pay 6981
range. Such new salary or wage shall become effective on such date 6982

as the director determines. 6983

(F) If employment conditions and the urgency of the work 6984
require such action, the director of administrative services may, 6985
upon the application of a department head, authorize payment at 6986
any rate established within the range for the class of work, for 6987
work of a casual or intermittent nature or on a project basis. 6988
Payment at such rates shall not be made to the same individual for 6989
more than three calendar months in any one calendar year. Any such 6990
action shall be subject to the approval of the director of budget 6991
and management as to the availability of funds. This section and 6992
sections 124.14 and 124.152 of the Revised Code do not repeal any 6993
authority of any department or public official to contract with or 6994
fix the compensation of professional persons who may be employed 6995
temporarily for work of a casual nature or for work on a project 6996
basis. 6997

(G)(1) Except as provided in divisions (G)(2) and (3) of this 6998
section, each state employee paid in accordance with schedule B of 6999
this section or schedule E-1 of section 124.152 of the Revised 7000
Code shall be eligible for advancement to succeeding steps in the 7001
range for the employee's class or grade according to the schedule 7002
established in this division. Beginning on the first day of the 7003
pay period within which the employee completes the prescribed 7004
probationary period in the employee's classification with the 7005
state, each employee shall receive an automatic salary adjustment 7006
equivalent to the next higher step within the pay range for the 7007
employee's class or grade. 7008

Except as provided in divisions (G)(2) and (3) of this 7009
section, each employee paid in accordance with schedule E-1 of 7010
section 124.152 of the Revised Code shall be eligible to advance 7011
to the next higher step until the employee reaches the top step in 7012
the range for the employee's class or grade, if the employee has 7013
maintained satisfactory performance in accordance with criteria 7014

established by the employee's appointing authority. Those step 7015
advancements shall not occur more frequently than once in any 7016
twelve-month period. 7017

When an employee is promoted, the step entry date shall be 7018
set to account for a probationary period. When an employee is 7019
reassigned to a higher pay range, the step entry date shall be set 7020
to allow an employee who is not at the highest step of the range 7021
to receive a step advancement one year from the reassignment date. 7022
Step advancement shall not be affected by demotion. A promoted 7023
employee shall advance to the next higher step of the pay range on 7024
the first day of the pay period in which the required probationary 7025
period is completed. Step advancement shall become effective at 7026
the beginning of the pay period within which the employee attains 7027
the necessary length of service. Time spent on authorized leave of 7028
absence shall be counted for this purpose. 7029

If determined to be in the best interest of the state 7030
service, the director of administrative services may, either 7031
statewide or in selected agencies, adjust the dates on which 7032
annual step advancements are received by employees paid in 7033
accordance with schedule E-1 of section 124.152 of the Revised 7034
Code. 7035

(2)(a) There shall be a moratorium on annual step 7036
advancements under division (G)(1) of this section beginning June 7037
21, 2009, through June 20, 2011. Step advancements shall resume 7038
with the pay period beginning June 21, 2011. Upon the resumption 7039
of step advancements, there shall be no retroactive step 7040
advancements for the period the moratorium was in effect. The 7041
moratorium shall not affect an employee's performance evaluation 7042
schedule. 7043

An employee who begins a probationary period before June 21, 7044
2009, shall advance to the next step in the employee's pay range 7045
at the end of probation, and then become subject to the 7046

moratorium. An employee who is hired, promoted, or reassigned to a higher pay range between June 21, 2009, through June 20, 2011, shall not advance to the next step in the employee's pay range until the next anniversary of the employee's date of hire, promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section shall apply to the employees of the secretary of state, the auditor of state, the treasurer of state, and the attorney general, who are subject to this section unless the secretary of state, the auditor of state, the treasurer of state, or the attorney general decides to exempt the office's employees from the moratorium and so notifies the director of administrative services in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at the minimum rate established for the pay range for their classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional positions paid in accordance with schedule C of this section or schedule E-2 of section 124.152 of the Revised Code may be appointed at any rate within the appropriate pay range. This rate of pay may be adjusted higher or lower within the respective pay range at any time the appointing authority so desires as long as the adjustment is based on the employee's ability to successfully administer those duties assigned to the employee. Salary adjustments shall not be made more frequently than once in any six-month period under this provision to incumbents holding the same position and classification.

(I) When an employee is assigned to duty outside this state, the employee may be compensated, upon request of the department head and with the approval of the director of administrative services, at a rate not to exceed fifty per cent in excess of the employee's current base rate for the period of time spent on that

duty. 7079

(J) Unless compensation for members of a board or commission 7080
is otherwise specifically provided by law, the director of 7081
administrative services shall establish the rate and method of 7082
payment for members of boards and commissions pursuant to the pay 7083
schedules listed in section 124.152 of the Revised Code. 7084

(K) Regular full-time employees in positions assigned to 7085
classes within the instruction and education administration series 7086
under the ~~rules~~ job classification plans of the director of 7087
administrative services, except certificated employees on the 7088
instructional staff of the state school for the blind or the state 7089
school for the deaf, whose positions are scheduled to work on the 7090
basis of an academic year rather than a full calendar year, shall 7091
be paid according to the pay range assigned by ~~such rules~~ the 7092
applicable job classification plan, but only during those pay 7093
periods included in the academic year of the school where the 7094
employee is located. 7095

(1) Part-time or substitute teachers or those whose period of 7096
employment is other than the full academic year shall be 7097
compensated for the actual time worked at the rate established by 7098
this section. 7099

(2) Employees governed by this division are exempt from 7100
sections 124.13 and 124.19 of the Revised Code. 7101

(3) Length of service for the purpose of determining 7102
eligibility for step advancements as provided by division (G) of 7103
this section and for the purpose of determining eligibility for 7104
longevity pay supplements as provided by division (E) of section 7105
124.181 of the Revised Code shall be computed on the basis of one 7106
full year of service for the completion of each academic year. 7107

(L) The superintendent of the state school for the deaf and 7108
the superintendent of the state school for the blind shall, 7109

subject to the approval of the superintendent of public 7110
instruction, carry out both of the following: 7111

(1) Annually, between the first day of April and the last day 7112
of June, establish for the ensuing fiscal year a schedule of 7113
hourly rates for the compensation of each certificated employee on 7114
the instructional staff of that superintendent's respective school 7115
constructed as follows: 7116

(a) Determine for each level of training, experience, and 7117
other professional qualification for which an hourly rate is set 7118
forth in the current schedule, the per cent that rate is of the 7119
rate set forth in such schedule for a teacher with a bachelor's 7120
degree and no experience. If there is more than one such rate for 7121
such a teacher, the lowest rate shall be used to make the 7122
computation. 7123

(b) Determine which six city, local, and exempted village 7124
school districts with territory in Franklin county have in effect 7125
on, or have adopted by, the first day of April for the school year 7126
that begins on the ensuing first day of July, teacher salary 7127
schedules with the highest minimum salaries for a teacher with a 7128
bachelor's degree and no experience; 7129

(c) Divide the sum of such six highest minimum salaries by 7130
ten thousand five hundred sixty; 7131

(d) Multiply each per cent determined in division (L)(1)(a) 7132
of this section by the quotient obtained in division (L)(1)(c) of 7133
this section; 7134

(e) One hundred five per cent of each product thus obtained 7135
shall be the hourly rate for the corresponding level of training, 7136
experience, or other professional qualification in the schedule 7137
for the ensuing fiscal year. 7138

(2) Annually, assign each certificated employee on the 7139
instructional staff of the superintendent's respective school to 7140

an hourly rate on the schedule that is commensurate with the 7141
employee's training, experience, and other professional 7142
qualifications. 7143

If an employee is employed on the basis of an academic year, 7144
the employee's annual salary shall be calculated by multiplying 7145
the employee's assigned hourly rate times one thousand seven 7146
hundred sixty. If an employee is not employed on the basis of an 7147
academic year, the employee's annual salary shall be calculated in 7148
accordance with the following formula: 7149

(a) Multiply the number of days the employee is required to 7150
work pursuant to the employee's contract by eight; 7151

(b) Multiply the product of division (L)(2)(a) of this 7152
section by the employee's assigned hourly rate. 7153

Each employee shall be paid an annual salary in biweekly 7154
installments. The amount of each installment shall be calculated 7155
by dividing the employee's annual salary by the number of biweekly 7156
installments to be paid during the year. 7157

Sections 124.13 and 124.19 of the Revised Code do not apply 7158
to an employee who is paid under this division. 7159

As used in this division, "academic year" means the number of 7160
days in each school year that the schools are required to be open 7161
for instruction with pupils in attendance. Upon completing an 7162
academic year, an employee paid under this division shall be 7163
deemed to have completed one year of service. An employee paid 7164
under this division is eligible to receive a pay supplement under 7165
division (L)(1), (2), or (3) of section 124.181 of the Revised 7166
Code for which the employee qualifies, but is not eligible to 7167
receive a pay supplement under division (L)(4) or (5) of that 7168
section. An employee paid under this division is eligible to 7169
receive a pay supplement under division (L)(6) of section 124.181 7170
of the Revised Code for which the employee qualifies, except that 7171

the supplement is not limited to a maximum of five per cent of the 7172
employee's regular base salary in a calendar year. 7173

(M) Division (A) of this section does not apply to "exempt 7174
employees," as defined in section 124.152 of the Revised Code, who 7175
are paid under that section. 7176

Notwithstanding any other provisions of this chapter, when an 7177
employee transfers between bargaining units or transfers out of or 7178
into a bargaining unit, the director of administrative services 7179
shall establish the employee's compensation and adjust the maximum 7180
leave accrual schedule as the director deems equitable. 7181

Sec. 124.181. (A) Except as provided in divisions (M) and (P) 7182
of this section, any employee paid in accordance with schedule B 7183
of section 124.15 or schedule E-1 or schedule E-1 for step seven 7184
only of section 124.152 of the Revised Code is eligible for the 7185
pay supplements provided in this section upon application by the 7186
appointing authority substantiating the employee's qualifications 7187
for the supplement and with the approval of the director of 7188
administrative services except as provided in division (E) of this 7189
section. 7190

(B)(1) Except as provided in section 124.183 of the Revised 7191
Code, in computing any of the pay supplements provided in this 7192
section for an employee paid in accordance with schedule B of 7193
section 124.15 of the Revised Code, the classification salary base 7194
shall be the minimum hourly rate of the pay range, provided in 7195
that section, in which the employee is assigned at the time of 7196
computation. 7197

(2) Except as provided in section 124.183 of the Revised 7198
Code, in computing any of the pay supplements provided in this 7199
section for an employee paid in accordance with schedule E-1 of 7200
section 124.152 of the Revised Code, the classification salary 7201
base shall be the minimum hourly rate of the pay range, provided 7202

in that section, in which the employee is assigned at the time of 7203
computation. 7204

(3) Except as provided in section 124.183 of the Revised 7205
Code, in computing any of the pay supplements provided in this 7206
section for an employee paid in accordance with schedule E-1 for 7207
step seven only of section 124.152 of the Revised Code, the 7208
classification salary base shall be the minimum hourly rate in the 7209
corresponding pay range, provided in schedule E-1 of that section, 7210
to which the employee is assigned at the time of the computation. 7211

(C) The effective date of any pay supplement, except as 7212
provided in section 124.183 of the Revised Code or unless 7213
otherwise provided in this section, shall be determined by the 7214
director. 7215

(D) The director shall, by rule, establish standards 7216
regarding the administration of this section. 7217

(E)(1) Except as otherwise provided in this division, 7218
beginning on the first day of the pay period within which the 7219
employee completes five years of total service with the state 7220
government or any of its political subdivisions, each employee in 7221
positions paid in accordance with schedule B of section 124.15 of 7222
the Revised Code or in accordance with schedule E-1 or schedule 7223
E-1 for step seven only of section 124.152 of the Revised Code 7224
shall receive an automatic salary adjustment equivalent to two and 7225
one-half per cent of the classification salary base, to the 7226
nearest whole cent. Each employee shall receive thereafter an 7227
annual adjustment equivalent to one-half of one per cent of the 7228
employee's classification salary base, to the nearest whole cent, 7229
for each additional year of qualified employment until a maximum 7230
of ten per cent of the employee's classification salary base is 7231
reached. The granting of longevity adjustments shall not be 7232
affected by promotion, demotion, or other changes in 7233
classification held by the employee, nor by any change in pay 7234

range for the employee's class or grade. Longevity pay adjustments 7235
shall become effective at the beginning of the pay period within 7236
which the employee completes the necessary length of service, 7237
except that when an employee requests credit for prior service, 7238
the effective date of the prior service credit and of any 7239
longevity adjustment shall be the first day of the pay period 7240
following approval of the credit by the director of administrative 7241
services. No employee, other than an employee who submits proof of 7242
prior service within ninety days after the date of the employee's 7243
hiring, shall receive any longevity adjustment for the period 7244
prior to the director's approval of a prior service credit. Time 7245
spent on authorized leave of absence shall be counted for this 7246
purpose. 7247

(2) An employee who has retired in accordance with the 7248
provisions of any retirement system offered by the state and who 7249
is employed by the state or any political subdivision of the state 7250
on or after June 24, 1987, shall not have prior service with the 7251
state or any political subdivision of the state counted for the 7252
purpose of determining the amount of the salary adjustment 7253
provided under this division. 7254

(3) There shall be a moratorium on employees' receipt under 7255
this division of credit for service with the state government or 7256
any of its political subdivisions during the period from July 1, 7257
2003, through June 30, 2005. In calculating the number of years of 7258
total service under this division, no credit shall be included for 7259
service during the moratorium. The moratorium shall apply to the 7260
employees of the secretary of state, the auditor of state, the 7261
treasurer of state, and the attorney general, who are subject to 7262
this section unless the secretary of state, the auditor of state, 7263
the treasurer of state, or the attorney general decides to exempt 7264
the office's employees from the moratorium and so notifies the 7265
director of administrative services in writing on or before July 7266

1, 2003. 7267

If an employee is exempt from the moratorium, receives credit 7268
for a period of service during the moratorium, and takes a 7269
position with another entity in the state government or any of its 7270
political subdivisions, either during or after the moratorium, and 7271
if that entity's employees are or were subject to the moratorium, 7272
the employee shall continue to retain the credit. However, if the 7273
moratorium is in effect upon the taking of the new position, the 7274
employee shall cease receiving additional credit as long as the 7275
employee is in the position, until the moratorium expires. 7276

(F) When an exceptional condition exists that creates a 7277
temporary or a permanent hazard for one or more positions in a 7278
class paid in accordance with schedule B of section 124.15 of the 7279
Revised Code or in accordance with schedule E-1 or schedule E-1 7280
for step seven only of section 124.152 of the Revised Code, a 7281
special hazard salary adjustment may be granted for the time the 7282
employee is subjected to the hazardous condition. All special 7283
hazard conditions shall be identified for each position and 7284
incidence from information submitted to the director on an 7285
appropriate form provided by the director and categorized into 7286
standard conditions of: some unusual hazard not common to the 7287
class; considerable unusual hazard not common to the class; and 7288
exceptional hazard not common to the class. 7289

(1) A hazardous salary adjustment of five per cent of the 7290
employee's classification salary base may be applied in the case 7291
of some unusual hazardous condition not common to the class for 7292
those hours worked, or a fraction of those hours worked, while the 7293
employee was subject to the unusual hazard condition. 7294

(2) A hazardous salary adjustment of seven and one-half per 7295
cent of the employee's classification salary base may be applied 7296
in the case of some considerable hazardous condition not common to 7297
the class for those hours worked, or a fraction of those hours 7298

worked, while the employee was subject to the considerable hazard 7299
condition. 7300

(3) A hazardous salary adjustment of ten per cent of the 7301
employee's classification salary base may be applied in the case 7302
of some exceptional hazardous condition not common to the class 7303
for those hours worked, or a fraction of those hours worked, when 7304
the employee was subject to the exceptional hazard condition. 7305

(4) Each claim for temporary hazard pay shall be submitted as 7306
a separate payment and shall be subject to an administrative audit 7307
by the director as to the extent and duration of the employee's 7308
exposure to the hazardous condition. 7309

(G) When a full-time employee whose salary or wage is paid 7310
directly by warrant of the director of budget and management and 7311
who also is eligible for overtime under the "Fair Labor Standards 7312
Act of 1938," 52 Stat. 1060, 29 U.S.C.A. 207, 213, as amended, is 7313
ordered by the appointing authority to report back to work after 7314
termination of the employee's regular work schedule and the 7315
employee reports, the employee shall be paid for such time. The 7316
employee shall be entitled to four hours at the employee's total 7317
rate of pay or overtime compensation for the actual hours worked, 7318
whichever is greater. This division does not apply to work that is 7319
a continuation of or immediately preceding an employee's regular 7320
work schedule. 7321

(H) When a certain position or positions paid in accordance 7322
with schedule B of section 124.15 of the Revised Code or in 7323
accordance with schedule E-1 or schedule E-1 for step seven only 7324
of section 124.152 of the Revised Code require the ability to 7325
speak or write a language other than English, a special pay 7326
supplement may be granted to attract bilingual individuals, to 7327
encourage present employees to become proficient in other 7328
languages, or to retain qualified bilingual employees. The 7329
bilingual pay supplement provided in this division may be granted 7330

in the amount of five per cent of the employee's classification 7331
salary base for each required foreign language and shall remain in 7332
effect as long as the bilingual requirement exists. 7333

(I) The director of administrative services may establish a 7334
shift differential for employees. The differential shall be paid 7335
to employees in positions working in other than the regular or 7336
first shift. In those divisions or agencies where only one shift 7337
prevails, no shift differential shall be paid regardless of the 7338
hours of the day that are worked. The director and the appointing 7339
authority shall designate which positions shall be covered by this 7340
division. 7341

(J) ~~Whenever an employee is assigned to work~~ An appointing 7342
authority may assign an employee to work in a higher level 7343
position for a continuous period of more than two weeks but no 7344
more than two years ~~because of a vacancy, the~~. The employee's pay 7345
~~may~~ shall be established at a rate that is approximately four per 7346
cent above the employee's current base rate for the period the 7347
employee occupies the position, provided that this temporary 7348
~~occupancy~~ assignment is approved by the director. Employees paid 7349
under this division shall continue to receive any of the pay 7350
supplements due them under other divisions of this section based 7351
on the step one base rate for their normal classification. 7352

(K) If a certain position, or positions, within a class paid 7353
in accordance with schedule B of section 124.15 of the Revised 7354
Code or in accordance with schedule E-1 or schedule E-1 for step 7355
seven only of section 124.152 of the Revised Code are mandated by 7356
state or federal law or regulation or other regulatory agency or 7357
other certification authority to have special technical 7358
certification, registration, or licensing to perform the functions 7359
which are under the mandate, a special professional achievement 7360
pay supplement may be granted. This special professional 7361
achievement pay supplement shall not be granted when all 7362

incumbents in all positions in a class require a license as 7363
provided in the classification description published by the 7364
department of administrative services; to licensees where no 7365
special or extensive training is required; when certification is 7366
granted upon completion of a stipulated term of in-service 7367
training; when an appointing authority has required certification; 7368
or any other condition prescribed by the director. 7369

(1) Before this supplement may be applied, evidence as to the 7370
requirement must be provided by the agency for each position 7371
involved, and certification must be received from the director as 7372
to the director's concurrence for each of the positions so 7373
affected. 7374

(2) The professional achievement pay supplement provided in 7375
this division shall be granted in an amount up to ten per cent of 7376
the employee's classification salary base and shall remain in 7377
effect as long as the mandate exists. 7378

(L) Those employees assigned to teaching supervisory, 7379
principal, assistant principal, or superintendent positions who 7380
have attained a higher educational level than a basic bachelor's 7381
degree may receive an educational pay supplement to remain in 7382
effect as long as the employee's assignment and classification 7383
remain the same. 7384

(1) An educational pay supplement of two and one-half per 7385
cent of the employee's classification salary base may be applied 7386
upon the achievement of a bachelor's degree plus twenty quarter 7387
hours of postgraduate work. 7388

(2) An educational pay supplement of an additional five per 7389
cent of the employee's classification salary base may be applied 7390
upon achievement of a master's degree. 7391

(3) An educational pay supplement of an additional two and 7392
one-half per cent of the employee's classification salary base may 7393

be applied upon achievement of a master's degree plus thirty 7394
quarter hours of postgraduate work. 7395

(4) An educational pay supplement of five per cent of the 7396
employee's classification salary base may be applied when the 7397
employee is performing as a master teacher. 7398

(5) An educational pay supplement of five per cent of the 7399
employee's classification salary base may be applied when the 7400
employee is performing as a special education teacher. 7401

(6) Those employees in teaching supervisory, principal, 7402
assistant principal, or superintendent positions who are 7403
responsible for specific extracurricular activity programs shall 7404
receive overtime pay for those hours worked in excess of their 7405
normal schedule, at their straight time hourly rate up to a 7406
maximum of five per cent of their regular base salary in any 7407
calendar year. 7408

(M)(1) A state agency, board, or commission may establish a 7409
supplementary compensation schedule for those licensed physicians 7410
employed by the agency, board, or commission in positions 7411
requiring a licensed physician. The supplementary compensation 7412
schedule, together with the compensation otherwise authorized by 7413
this chapter, shall provide for the total compensation for these 7414
employees to range appropriately, but not necessarily uniformly, 7415
for each classification title requiring a licensed physician, in 7416
accordance with a schedule approved by the state controlling 7417
board. The individual salary levels recommended for each such 7418
physician employed shall be approved by the director. 7419
Notwithstanding section 124.11 of the Revised Code, such personnel 7420
are in the unclassified civil service. 7421

(2) The director of administrative services may approve 7422
supplementary compensation for the director of health, if the 7423
director is a licensed physician, in accordance with a 7424

supplementary compensation schedule approved under division (M)(1) 7425
of this section or in accordance with another supplementary 7426
compensation schedule the director of administrative services 7427
considers appropriate. The supplementary compensation shall not 7428
exceed twenty per cent of the director of health's base rate of 7429
pay. 7430

(N) Notwithstanding sections 117.28, 117.30, 117.33, 117.36, 7431
117.42, and 131.02 of the Revised Code, the state shall not 7432
institute any civil action to recover and shall not seek 7433
reimbursement for overpayments made in violation of division (E) 7434
of this section or division (C) of section 9.44 of the Revised 7435
Code for the period starting after June 24, 1987, and ending on 7436
October 31, 1993. 7437

(O) Employees of the office of the treasurer of state who are 7438
exempt from collective bargaining coverage may be granted a merit 7439
pay supplement of up to one and one-half per cent of their step 7440
rate. The rate at which this supplement is granted shall be based 7441
on performance standards established by the treasurer of state. 7442
Any supplements granted under this division shall be administered 7443
on an annual basis. 7444

(P) Intermittent employees appointed under section 124.30 of 7445
the Revised Code are not eligible for the pay supplements provided 7446
by this section. 7447

(Q) Employees of the office of the auditor of state who are 7448
exempt from collective bargaining and who are paid in accordance 7449
with schedule E-1 or in accordance with schedule E-1 for step 7 7450
only and are paid a salary or wage in accordance with the schedule 7451
of rates in division (B) or (C) of section 124.152 of the Revised 7452
Code shall receive a reduction of two per cent in their hourly and 7453
annual pay calculation beginning with the pay period that 7454
immediately follows July 1, 2009. 7455

Sec. 124.392. (A) As used in this section: 7456

(1) "Exempt employee" has the same meaning as in section 7457
124.152 of the Revised Code. 7458

(2) "Fiscal emergency" means a fiscal emergency declared by 7459
the governor under section 126.05 of the Revised Code. 7460

(B) The director of administrative services may establish a 7461
voluntary cost savings program for exempt employees. 7462

(C) The director of administrative services shall establish a 7463
mandatory cost savings program applicable to exempt employees. 7464
Subject to division (C)(1) of this section, the program may 7465
include, but is not limited to, a loss of pay or loss of holiday 7466
pay as determined by the director. The program may be administered 7467
differently among exempt employees based on their classifications, 7468
appointment categories, appointing authorities, or other relevant 7469
distinctions. 7470

(1) Each full-time exempt employee shall participate in the 7471
program for a total of eighty hours of mandatory cost savings in 7472
both fiscal year 2010 and fiscal year 2011. Each part-time exempt 7473
employee shall participate in the program by not receiving holiday 7474
pay during both fiscal year 2010 and fiscal year 2011. Each 7475
employee of the secretary of state, auditor of state, treasurer of 7476
state, and attorney general shall participate in the program 7477
unless the secretary of state, auditor of state, treasurer of 7478
state, or attorney general decides to exempt the officer's 7479
employees from the program and so notifies the director of 7480
administrative services in writing on or before July 1, 2009. 7481

After July 1, 2009, the secretary of state, auditor of state, 7482
treasurer of state, or attorney general may decide to begin 7483
participation in the program for eighty hours or less and shall 7484
notify the director of administrative services in writing. The 7485

secretary of state, auditor of state, treasurer of state, or 7486
attorney general and the director shall mutually agree upon an 7487
implementation date. 7488

(2) After June 30, 2011, the director of administrative 7489
services, in consultation with the director of budget and 7490
management, may implement mandatory cost savings days applicable 7491
to exempt employees in the event of a fiscal emergency. Each 7492
employee of the secretary of state, auditor of state, treasurer of 7493
state, and attorney general shall participate in the mandatory 7494
cost savings days unless the secretary of state, auditor of state, 7495
treasurer of state, or attorney general decides to exempt the 7496
officer's employees from the mandatory cost savings days and so 7497
notifies the director of administrative services in the manner the 7498
director of administrative services prescribes by rule adopted 7499
under this section. 7500

(D) The director shall adopt rules in accordance with Chapter 7501
119. of the Revised Code to provide for the administration of the 7502
voluntary cost savings program and the mandatory cost savings 7503
program ~~and days~~. 7504

(E) Cost savings days provided pursuant to this section or by 7505
a labor-management contract or agreement shall be considered 7506
remuneration for purposes of section 4141.31 of the Revised Code. 7507

~~(F) The cost savings fund is hereby created in the state 7508
treasury. Savings accrued through employee participation in the 7509
mandatory cost savings program and in mandatory cost savings days 7510
shall be allocated to the fund. The fund may be used to pay 7511
employees who participated in the mandatory cost savings program 7512
or in mandatory cost savings days. Any investment earnings of the 7513
fund shall be credited to the fund. 7514~~

~~Sec. 125.02. Except as to the adjutant general for military 7515
supplies and services, the capital square review and advisory 7516~~

~~board, the general assembly, the judicial branch, and institutions administered by boards of trustees, the (A) The department of administrative services may shall~~ establish contracts for supplies and services, including telephone, other telecommunications, and computer services, for the use of state agencies, ~~or and may~~ establish such contracts for the use of any political subdivision as described in division (B) of section 125.04 of the Revised Code, except for the following:

(1) The adjutant general for military supplies and services;

(2) The general assembly;

(3) The judicial branch;

(4) State institutions of higher education;

(5) State elected officials as set forth in section 125.041 of the Revised Code;

(6) The capitol square review and advisory board.

~~The department~~ The entities set forth in divisions (A)(1) to (6) of this section may request the department of administrative services' assistance in the procurement of supplies and services for their respective offices and, upon the department's approval, may participate in contracts awarded by the department.

(B) For purchases under division (C) of section 125.05 of the Revised Code, the department shall grant a state agency a release and permit to make the purchase if the department determines that it is not possible or advantageous for the department to make a purchase.

(C) Upon request, the department may grant a blanket release and permit to a state agency for specific purchases. The department may grant the blanket release and permit for a fiscal year or for a biennium as determined by the director of administrative services.

(D) The director of administrative services shall adopt rules 7547
regarding circumstances and criteria for obtaining a release and 7548
permit under this section. The director of administrative services 7549
shall prescribe uniform rules governing forms of specifications, 7550
advertisements for proposals, the opening of bids, the making of 7551
awards and contracts, and the purchase of supplies and performance 7552
of work. 7553

(E) The director may enter into cooperative purchasing 7554
agreements to purchase supplies or services with the following: 7555

(1) The entities set forth in divisions (A)(1) to (5) of this 7556
section; 7557

(2) One or more other states; 7558

(3) Groups of states; 7559

(4) The United States or any department, division, or agency 7560
of the United States; 7561

(5) Other purchasing consortia; 7562

(6) The department of transportation; or 7563

(7) Any political subdivision of this state described in 7564
division (B) of section 125.04 of the Revised Code. 7565

(F) The United States or any department, division, or agency 7566
of the United States, one or more other states, groups of states, 7567
other purchasing consortia, or any agency, commission, or 7568
authority established under an interstate compact or agreement may 7569
purchase supplies and services from contracts established by the 7570
department of administrative services. 7571

(G) Except as provided in section 125.04 of the Revised Code, 7572
the department of administrative services shall purchase any 7573
policy of insurance, including a surety or fidelity bond, covering 7574
officers or employees of a state agency, for which the annual 7575
premium is more than one thousand dollars and which the state may 7576

procure. The department shall purchase the insurance in conformity 7577
with sections 125.04 to 125.15 of the Revised Code. As used in 7578
this division, "annual premium" means the total premium for one 7579
year for one type of insurance regardless of the number of 7580
policies. 7581

Sec. 125.035. (A) Except as otherwise provided in the Revised 7582
Code, a state agency wanting to purchase supplies or services 7583
shall make the purchase subject to the requirements of an 7584
applicable first or second requisite procurement program described 7585
in this section, or obtain a determination from the department of 7586
administrative services that the purchase is not subject to a 7587
first or second requisite procurement program. State agencies 7588
shall submit a purchase request to the department of 7589
administrative services unless the department has determined the 7590
request does not require a review. The director of administrative 7591
services shall adopt rules under Chapter 119. of the Revised Code 7592
to provide for the manner of carrying out the function and the 7593
power and duties imposed upon and vested in the director by this 7594
section. 7595

(B) The following programs are first requisite procurement 7596
programs that shall be given preference in the following order in 7597
fulfilling a purchase request: 7598

(1) Ohio penal industries within the department of 7599
rehabilitation and correction; and 7600

(2) Community rehabilitation programs administered by the 7601
department of administrative services under sections 125.601 to 7602
125.6012 of the Revised Code. 7603

(C) The following programs are second requisite procurement 7604
programs that may be able to fulfill the purchase request if the 7605
first requisite procurement programs are unable to do so: 7606

(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code; 7607
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(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code; 7610
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(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code; 7613
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(4) Office of support services at the department of mental health as prescribed in section 5119.44 of the Revised Code; 7616
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(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and 7618
7619

(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency. 7620
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(D) Upon receipt of a purchase request, the department of administrative services shall provide the requesting agency a notification of receipt of the purchase request. The department then shall determine whether the request can be fulfilled through a first requisite procurement program. In making the determination, the department may consult with each of the first requisite procurement programs. When the department has made its determination, it shall: 7623
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(1) Direct the requesting agency to obtain the desired supplies or services through the proper first requisite procurement program; 7631
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(2) Provide the agency with a waiver from the use of the applicable first requisite procurement programs under sections 125.609 or 5147.07 of the Revised Code; or 7634
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(3) Determine whether the purchase can be fulfilled through a second requisite procurement program under division (E) of this section. 7637
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(E) In making the determination that a purchase is subject to a second requisite procurement program, the department shall identify potentially applicable programs and notify each program of the requested purchase. The notified second requisite procurement program shall respond to the department within two business days with regard to its ability to provide the requested purchase. If the second requisite procurement program can provide the requested purchase, the department shall direct the requesting agency to make the requested purchase from the appropriate second requisite procurement program. If the department has not received notification from a second requisite procurement program within two business days and the department has made the determination that the purchase is not subject to a second requisite procurement program, the department shall provide a waiver to the requesting agency. 7640
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(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section and section 127.16 of the Revised Code. 7655
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(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the 7664
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time during which it is operative, and the reason for its 7669
issuance. A release and permit for telephone, other 7670
telecommunications, and computer services shall be provided in 7671
accordance with section 125.18 of the Revised Code and shall 7672
specify the type of services to be rendered, the number and type 7673
of hardware to be used, and may specify the amount of such 7674
services to be performed. No requesting agency shall proceed with 7675
such purchase until it has received an approved release and permit 7676
from the director of administrative services or the director's 7677
designee. 7678

Sec. 125.04. (A) ~~Except as provided in division (D) of this~~ 7679
~~section, the department of administrative services shall determine~~ 7680
~~what supplies and services are purchased by or for state agencies.~~ 7681
~~Whenever the department of administrative services makes any~~ 7682
~~change or addition to the lists of supplies and services that it~~ 7683
~~determines to purchase for state agencies, it shall provide a list~~ 7684
~~to the agencies of the changes or additions.~~ Except for the 7685
requirements of division (B) of this section, section 125.092, and 7686
division (B) of section 125.11 of the Revised Code, sections 7687
125.04 to 125.08 and 125.09 to 125.15 of the Revised Code do not 7688
apply to or affect ~~the educational~~ state institutions of ~~the state~~ 7689
higher education. 7690

(B)(1) As used in this division: 7691

(a) "Chartered nonpublic school" has the same meaning as in 7692
section 3310.01 of the Revised Code. 7693

(b) "Emergency medical service organization" has the same 7694
meaning as in section 4765.01 of the Revised Code. 7695

(c) "Governmental agency" means a political subdivision or 7696
special district in this state established by or under law, or any 7697
combination of these entities; the United States or any 7698
department, division, or agency of the United States; one or more 7699

other states or groups of states; other purchasing consortia; and 7700
any agency, commission, or authority established under an 7701
interstate compact or agreement. 7702

(d) "Political subdivision" means any county, township, 7703
municipal corporation, school district, conservancy district, 7704
township park district, park district created under Chapter 1545. 7705
of the Revised Code, regional transit authority, regional airport 7706
authority, regional water and sewer district, or port authority. 7707
"Political subdivision" also includes any other political 7708
subdivision described in the Revised Code that has been approved 7709
by the department to participate in the department's contracts 7710
under this division. 7711

~~(d)~~(e) "Private fire company" has the same meaning as in 7712
section 9.60 of the Revised Code. 7713

(f) "State institution of higher education" has the meaning 7714
defined in section 3345.011 of the Revised Code. 7715

(2) Subject to division (C) of this section, the department 7716
of administrative services may permit a state institution of 7717
higher education, governmental agency, political subdivision, 7718
county board of elections, private fire company, private, 7719
nonprofit emergency medical service organization, or chartered 7720
nonpublic school to participate in contracts into which the 7721
department has entered for the purchase of supplies and services. 7722
The department may charge the entity a reasonable fee to cover the 7723
administrative costs the department incurs as a result of 7724
participation by the entity in such a purchase contract. 7725

A political subdivision desiring to participate in such 7726
purchase contracts shall file with the department a certified copy 7727
of an ordinance or resolution of the legislative authority or 7728
governing board of the political subdivision. The resolution or 7729
ordinance shall request that the political subdivision be 7730

authorized to participate in such contracts and shall agree that 7731
the political subdivision will be bound by such terms and 7732
conditions as the department prescribes and that it will directly 7733
pay the vendor under each purchase contract. A board of elections 7734
desiring to participate in such purchase contracts shall file with 7735
the purchasing authority a written request for inclusion in the 7736
program. A private fire company, private, nonprofit emergency 7737
medical service organization, or chartered nonpublic school 7738
desiring to participate in such purchase contracts shall file with 7739
the department a written request for inclusion in the program 7740
signed by the chief officer of the company, organization, or 7741
chartered nonpublic school. A governmental agency desiring to 7742
participate in such purchase contracts shall file with the 7743
department a written request for inclusion in the program. A state 7744
institution of higher education desiring to participate in such 7745
purchase contracts shall file with the department a certified copy 7746
of resolution of the board of trustees or similar authorizing 7747
body. The resolution shall request that the state institution of 7748
higher education be authorized to participate in such contracts. 7749

A request for inclusion shall include an agreement to be 7750
bound by such terms and conditions as the department prescribes 7751
and to make direct payments to the vendor under each purchase 7752
contract. 7753

The department shall include in its annual report, an 7754
estimate of the ~~cost it incurs by permitting~~ purchases made by 7755
state institutions of higher education, governmental agencies, 7756
political subdivisions, county boards of elections, private fire 7757
companies, private, nonprofit emergency medical service 7758
organizations, and chartered nonpublic schools ~~to participate in 7759~~
from contracts pursuant to this division. The department may 7760
require such entities to file a report with the department, as 7761
often as it finds necessary, stating how many such contracts the 7762

entities participated in within a specified period of time, and 7763
any other information the department requires. 7764

(3) Purchases made by a political subdivision or a county 7765
board of elections under this division are exempt from any 7766
competitive selection procedures otherwise required by law. No 7767
political subdivision shall make any purchase under this division 7768
when bids have been received for such purchase by the subdivision, 7769
unless such purchase can be made upon the same terms, conditions, 7770
and specifications at a lower price under this division. 7771

(C) A political subdivision as defined in division (B) of 7772
this section or a county board of elections may purchase supplies 7773
or services from another party, including a political subdivision, 7774
instead of through participation in contracts described in 7775
division (B) of this section if the political subdivision or 7776
county board of elections can purchase those supplies or services 7777
from the other party upon equivalent terms, conditions, and 7778
specifications but at a lower price than it can through those 7779
contracts. Purchases that a political subdivision or county board 7780
of elections makes under this division are exempt from any 7781
competitive selection procedures otherwise required by law. A 7782
political subdivision or county board of elections that makes any 7783
purchase under this division shall maintain sufficient information 7784
regarding the purchase to verify that the political subdivision or 7785
county board of elections satisfied the conditions for making a 7786
purchase under this division. Nothing in this division restricts 7787
any action taken by a county or township as authorized by division 7788
(B)(1) of section 9.48 of the Revised Code. 7789

(D) This section does not apply to supplies or services 7790
~~required by the legislative or judicial branches, the capitol~~ 7791
~~square review and advisory board, the adjutant general for~~ 7792
~~military supplies and services, to supplies or services purchased~~ 7793
by a state agency directly as provided in ~~division (A), (B), or~~ 7794

~~(F)~~ of section 125.05 of the Revised Code, or to purchases of 7795
supplies or services for the emergency management agency as 7796
provided in section ~~125.023~~ 125.061 of the Revised Code. 7797

Sec. 125.041. (A) Nothing in sections 125.02, ~~125.03~~ 125.04 7798
to 125.08, 125.12 to 125.16, 125.18, 125.31 to 125.76, or 125.831 7799
of the Revised Code shall be construed as limiting the attorney 7800
general, auditor of state, secretary of state, or treasurer of 7801
state in any of the following: 7802

~~(A)~~(1) Purchases for less than the dollar amounts for the 7803
purchase of supplies or services determined ~~pursuant to division~~ 7804
~~(E)~~ of under section 125.05 of the Revised Code; 7805

~~(B)~~(2) Purchases that equal or exceed the dollar amounts for 7806
the purchase of supplies or services determined ~~pursuant to~~ 7807
~~division (E)~~ of under section 125.05 of the Revised Code with the 7808
approval of the controlling board, if that approval is required by 7809
section 127.16 of the Revised Code; 7810

~~(C)~~(3) The final determination of the nature or quantity 7811
~~making of~~ any purchase of supplies or services ~~to be purchased~~ 7812
~~pursuant to~~ under division (B) of section 125.06 125.02 or under 7813
division (G) of section 125.035 of the Revised Code; 7814

~~(D)~~(4) The final determination and disposal of excess and 7815
surplus supplies; 7816

~~(E)~~(5) The inventory of state property; 7817

~~(F)~~(6) The purchase of printing; 7818

~~(G)~~(7) Activities related to information technology 7819
development and use; 7820

~~(H)~~(8) The fleet management program. 7821

(B) Nothing in this section shall be construed as preventing 7822
the attorney general, auditor of state, secretary of state, or 7823

treasurer of state from complying with or participating in any 7824
aspect of Chapter 125. of the Revised Code through the department 7825
of administrative services. 7826

Sec. 125.05. Except as provided in division ~~(F)~~(D) of this 7827
section, no state agency shall purchase any supplies or services 7828
except as provided in divisions (A) to ~~(D)~~(C) of this section. 7829

~~(A) Subject to division (E) of this section, a~~ A state agency 7830
may, without competitive selection, make any purchase of supplies 7831
or services that cost ~~twenty five~~ less than fifty thousand dollars 7832
~~or less after complying with divisions (A) to (E) of section~~ 7833
125.035 of the Revised Code. The agency may make the purchase 7834
directly or may make the purchase from or through the department 7835
of administrative services, whichever the agency determines. The 7836
agency shall adopt written procedures consistent with the 7837
department's purchasing procedures and shall use those procedures 7838
when making purchases under this division. 7839

~~(B) Subject to division (E) of this section and in accordance~~ 7840
~~with section 125.051 of the Revised Code, a state agency may make~~ 7841
~~purchases of supplies and services that cost more than twenty five~~ 7842
~~thousand dollars but less than fifty thousand dollars if the~~ 7843
~~purchases are made under the direction of an employee of the~~ 7844
~~agency who is certified by the department to make purchases and if~~ 7845
~~the purchases comply with the department's purchasing procedures.~~ 7846
Section 127.16 of the Revised Code does not apply to purchases 7847
made under this division. ~~Until the certification effective date~~ 7848
~~established by the department in rules adopted under section~~ 7849
~~125.051 of the Revised Code, state agencies may make purchases of~~ 7850
~~supplies and services that cost more than twenty five thousand~~ 7851
~~dollars but less than fifty thousand dollars in the same manner as~~ 7852
~~provided in division (A) of this section.~~ 7853

(B) A state agency shall make purchases of supplies and 7854

services that cost fifty thousand dollars or more through the 7855
department of administrative services and the process provided in 7856
section 125.035 of the Revised Code, unless the department grants 7857
a waiver under divisions (D) or (E) of that section and a release 7858
and permit under division (G) of that section. 7859

~~(C) Subject to division (E) of this section, a state agency~~ 7860
~~wanting to purchase supplies or services that cost more than~~ 7861
~~twenty five thousand dollars shall, unless otherwise authorized by~~ 7862
~~law, make the purchase from or through the department. The~~ 7863
~~department shall make the purchase by competitive selection. If~~ 7864
~~the director of administrative services determines that it is not~~ 7865
~~possible or not advantageous to the state for the department to~~ 7866
~~make the purchase, the department shall grant the agency a release~~ 7867
~~and permit under section 125.06 of the Revised Code to make the~~ 7868
~~purchase. Section 127.16 of the Revised Code does not apply to~~ 7869
~~purchases the department makes under this section.~~ 7870

~~(D)~~ An agency that has been granted a release and permit 7871
under division (G) of section 125.035 of the Revised Code to make 7872
a purchase may make the purchase without competitive selection if 7873
after making the purchase the cumulative purchase threshold as 7874
computed under division (E) of section 127.16 of the Revised Code 7875
would: 7876

(1) Be exceeded and the controlling board approves the 7877
purchase; 7878

(2) Not be exceeded and the department of administrative 7879
services approves the purchase. 7880

~~(E) Not later than the thirty first day of January of each~~ 7881
~~even numbered year, the directors of administrative services and~~ 7882
~~budget and management shall review and recommend to the general~~ 7883
~~assembly, if necessary, adjustments to the amounts specified in~~ 7884
~~divisions (A) to (C) of this section and division (B) of section~~ 7885

~~127.16 of the Revised Code.~~ 7886

~~(F)~~(D) If the department of education or the Ohio education 7887
computer network determines that it can purchase software services 7888
or supplies for specified school districts at a price less than 7889
the price for which the districts could purchase the same software 7890
services or supplies for themselves, the department or network 7891
shall certify that fact to the department of administrative 7892
services and, acting as an agent for the specified school 7893
districts, shall make that purchase without following the 7894
provisions in divisions (A) to (D) of this section. 7895

Sec. 125.061. (A) During the period of an emergency as 7896
defined in section 5502.21 of the Revised Code, the department of 7897
administrative services may suspend, for the emergency management 7898
agency established in section 5502.22 of the Revised Code or any 7899
other state agency participating in response and recovery 7900
activities as defined in section 5502.21 of the Revised Code, the 7901
purchasing and contracting requirements contained in Chapter 125. 7902
and any requirement of Chapter 153. of the Revised Code that 7903
otherwise would apply to the agency. The director of public safety 7904
or the executive director of the emergency management agency shall 7905
make the request for the suspension of these requirements to the 7906
department of administrative services concurrently with the 7907
request to the governor or the president of the United States for 7908
the declaration of an emergency. The governor also shall include 7909
in any proclamation the governor issues declaring an emergency 7910
language requesting the suspension of those requirements during 7911
the period of the emergency. 7912

(B) Before any purchase may be made under a suspension 7913
authorized by this section, the director of administrative 7914
services shall send notice of the suspension as approved under 7915
division (A) of this section to the director of budget and 7916

management and to the members of the controlling board. The notice 7917
shall provide details of the request for suspension and shall 7918
include a copy of the director's approval. 7919

(C) Purchases made by state agencies under this section are 7920
exempt from the requirements of section 127.16 of the Revised 7921
Code, except that state agencies making purchases under this 7922
section shall file a report with the president of the controlling 7923
board describing all such purchases made by the agency during the 7924
period covered by the emergency declaration. The report shall be 7925
filed within ninety days after the declaration expires. 7926

Sec. 125.07. (A) In accordance with rules the director shall 7927
adopt under Chapter 119. of the Revised Code, the director of 7928
administrative services may make purchases by competitive sealed 7929
bid. The competitive sealed bid, at a minimum, shall contain a 7930
detailed description of the supplies or services to be purchased, 7931
terms and conditions of the sale, and any other information the 7932
director considers to be necessary for the intended purchase. 7933
Competitive sealed bids shall be awarded as provided in section 7934
125.11 of the Revised Code. 7935

(B) The department of administrative services, in making a 7936
purchase by competitive ~~selection pursuant to division (C) of~~ 7937
~~section 125.05 of the Revised Code~~ sealed bid, shall give notice 7938
in the following manner: 7939

~~(A)(1) The department shall advertise the intended purchases~~ 7940
~~by notice that is posted by mail or electronic means and that is~~ 7941
~~for the benefit of competing persons producing or dealing in the~~ 7942
~~supplies or services to be purchased, including, but not limited~~ 7943
~~to, the persons whose names appear on the appropriate list~~ 7944
~~provided for in section 125.08 of the Revised Code. The notice may~~ 7945
~~be in the form of the bid or proposal document or of a listing in~~ 7946
~~a periodic bulletin, or in any other electronic form the director~~ 7947

of administrative services considers appropriate to sufficiently 7948
notify ~~qualified~~ competing persons of the intended purchases. 7949

~~(B)(2)~~ The notice required under this division ~~(A) of this~~ 7950
~~section~~ shall include the time and place where bids ~~or proposals~~ 7951
will be accepted and opened, or, when bids are made in a reverse 7952
auction, the time when bids will be accepted; the conditions under 7953
which bids ~~or proposals~~ will be received; the terms of the 7954
proposed purchases; and an itemized list of the supplies or 7955
services to be purchased and the estimated quantities or amounts 7956
of them. 7957

~~(C)(3)~~ The ~~posting of the~~ notice required under this division 7958
~~(A) of this section~~ shall be ~~completed by~~ posted the number of 7959
days ~~the director determines~~ preceding the day when the bids ~~or~~ 7960
~~proposals~~ will be opened or accepted that the director determines 7961
sufficient to enable interested bidders to prepare their bids. 7962

~~(D)~~ The department also shall maintain, in a public place in 7963
~~its office,~~ a bulletin board upon which it shall post and maintain 7964
a copy of the notice required under division (A) of this section 7965
for at least the number of days the director determines under 7966
division (C) of this section preceding the day of the opening or 7967
acceptance of the bids or proposals. The failure to so 7968
additionally post the notice shall invalidate all proceedings had 7969
and any contract entered into pursuant to the proceedings. 7970

Sec. 125.08. (A) The department of administrative services 7971
~~may divide the state into purchasing districts wherein supplies or~~ 7972
~~services are to be delivered and shall describe those districts on~~ 7973
~~all applications for the notification list provided for in this~~ 7974
~~section.~~ 7975

Any person may have that person's name and address, or the 7976
name and address of an agent, placed on the competitive selection 7977
notification list of the department of administrative services by 7978

~~sending to the department the person's name and address, together 7979
with a list of the supplies or services described in the manner 7980
prescribed by the department produced or dealt in by the person 7981
with a request for such listing, a list of the districts in which 7982
the person desires to participate, and all other information the 7983
director of administrative services may prescribe. Whenever any 7984
name and address together with a list of the supplies or services 7985
produced or dealt in is so listed, the department shall post 7986
notice, as provided in division (A) of section 125.07 of the 7987
Revised Code, for the benefit of the persons listed on the 7988
notification list that are qualified Ohio business enterprises, 7989
which shall include Ohio penal industries as defined by rule of 7990
the director of administrative services, or have a significant 7991
Ohio presence in this state's economy, except that, in those 7992
circumstances in which the director considers it in the best 7993
interest of this state, the director shall post notice, as 7994
provided in division (A) of section 125.07 of the Revised Code, 7995
for the benefit of all persons listed on the notification list. 7996
The department need only provide competitive selection documents 7997
for a proposed contract to persons who specifically request the 7998
documents. 7999~~

~~The director may remove a person from the notification list 8000
and place the person on an inactive list if the person fails to 8001
respond to any notices of proposed purchases that appear in four 8002
consecutive bulletins or other forms of notification that list 8003
those notices. Upon written request to the director by the person 8004
so removed, the director may return the person to the notification 8005
list if the person provides sufficient evidence regarding intent 8006
to offer bids or proposals to the state. The director shall not 8007
remove any person from the list without notice to the person. The 8008
notice may be a part of the notices of proposed purchase. 8009~~

~~(B) Any person who is certified by the equal employment 8010~~

opportunity coordinator of the department of administrative 8011
services in accordance with the rules adopted under division 8012
(B)(1) of section 123.151 of the Revised Code as a minority 8013
business enterprise may have that person's name placed on a 8014
special minority business enterprise notification list to be used 8015
in connection with contracts awarded under section 125.081 of the 8016
Revised Code. The minority business enterprise notification list 8017
shall be used for bidding on contracts set aside for minority 8018
business enterprises only. ~~In all other respects, the list shall~~ 8019
~~be maintained and used in the same manner and according to the~~ 8020
~~same procedures as the notification list provided for under~~ 8021
~~division (A) of this section, except that a firm shall not be~~ 8022
~~removed from the list unless the coordinator determines that the~~ 8023
~~firm is no longer a minority business enterprise. A minority~~ 8024
~~business enterprise may have its name placed on both the~~ 8025
~~notification lists provided for in this section.~~ 8026

~~(C) The director of administrative services may require an~~ 8027
~~annual registration fee for the listings provided for in division~~ 8028
~~(A) or (B) of this section. This fee shall not be more than ten~~ 8029
~~dollars. The department may charge a fee for any compilation of~~ 8030
~~descriptions of supplies or services. This fee shall be reasonable~~ 8031
~~and shall not exceed the cost required to maintain the~~ 8032
~~notification lists and provide for the distribution of the~~ 8033
~~proposed purchase to the persons whose names appear on the lists.~~ 8034

Sec. 125.081. (A) From the purchases that the department of 8035
administrative services is required by law to make through 8036
competitive selection, the director of administrative services 8037
shall select a number of such purchases, the aggregate value of 8038
which equals approximately fifteen per cent of the estimated total 8039
value of all such purchases to be made in the current fiscal year. 8040
The director shall set aside the purchases selected for 8041
competition only by minority business enterprises, as defined in 8042

division (E)(1) of section 122.71 of the Revised Code. The 8043
competitive selection procedures for such purchases set aside 8044
shall be the same as for all other purchases the department is 8045
required to make through competitive selection, except that only 8046
minority business enterprises certified by the equal employment 8047
opportunity coordinator of the department of administrative 8048
services in accordance with the rules adopted under division 8049
(B)(1) of section 123.151 of the Revised Code and listed by the 8050
director under ~~division (B)~~ of section 125.08 of the Revised Code 8051
shall be qualified to compete. 8052

(B) To the extent that any agency of the state, other than 8053
the department of administrative services, the legislative and 8054
judicial branches, boards of elections, and the adjutant general, 8055
is authorized to make purchases, the agency shall set aside a 8056
number of purchases, the aggregate value of which equals 8057
approximately fifteen per cent of the aggregate value of such 8058
purchases for the current fiscal year for competition by minority 8059
business enterprises only. The procedures for such purchases shall 8060
be the same as for all other such purchases made by the agency, 8061
except that only minority business enterprises certified by the 8062
equal employment opportunity coordinator in accordance with rules 8063
adopted under division (B)(1) of section 123.151 of the Revised 8064
Code shall be qualified to compete. 8065

(C) In the case of purchases set aside under division (A) or 8066
(B) of this section, if no bid is submitted by a minority business 8067
enterprise, the purchase shall be made according to usual 8068
procedures. The contracting agency shall from time to time set 8069
aside such additional purchases for which only minority business 8070
enterprises may compete, as are necessary to replace those 8071
purchases previously set aside for which no minority business 8072
enterprises bid and to ensure that, in any fiscal year, the 8073
aggregate amount of contracts awarded to minority business 8074

enterprises will equal approximately fifteen per cent of the total amount of contracts awarded by the agency.

(D) The provisions of this section shall not preclude any minority business enterprise from competing for any other state purchases that are not specifically set aside for minority business enterprises.

(E) No funds of any state agency shall be expended in any fiscal year for any purchase for which competitive selection is required, until the director of the department of administrative services certifies to the equal employment opportunity coordinator, the clerk of the senate, and the clerk of the house of representatives of the general assembly that approximately fifteen per cent of the aggregate amount of the projected expenditure for such purchases in the fiscal year has been set aside as provided for in this section.

(F) Any person who intentionally misrepresents self as owning, controlling, operating, or participating in a minority business enterprise for the purpose of obtaining contracts, subcontracts, or any other benefits under this section shall be guilty of theft by deception as provided for in section 2913.02 of the Revised Code.

Sec. 125.082. (A) When purchasing equipment, materials, or supplies, the general assembly; the offices of all elected state officers; all departments, boards, offices, commissions, agencies, institutions, including, without limitation, state-supported institutions of higher education, and other instrumentalities of this state; the supreme court; all courts of appeals; and all courts of common pleas, may purchase recycled products in accordance with ~~the guidelines adopted under division (B) of this section if the products are available and meet the performance specifications of the procuring entities. Purchases of recycled~~

~~products shall comply with any rules adopted under division (C) of
this section by the director of administrative services.~~ 8106
8107

(B) ~~The director of administrative services shall adopt rules
in accordance with Chapter 119. of the Revised Code establishing
guidelines for the procurement of recycled products pursuant to
division (A) of this section. To the extent practicable, the
guidelines shall do all of the following:~~ 8108
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~~(1) Be consistent with and substantially equivalent to any
relevant regulations adopted by the administrator of the United
States environmental protection agency pursuant to the "Resource
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A.
6921, as amended;~~ 8113
8114
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~~(2) Establish the minimum percentage of recycled materials
the various products shall contain in order to be considered
"recycled" for the purposes of division (A) of this section;~~ 8118
8119
8120

~~(3) So far as practicable and economically feasible,
incorporate specifications for recycled content materials to
promote the use and purchase of recycled products by state
agencies.~~ 8121
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~~(C) The director may adopt rules in accordance with Chapter
119. of the Revised Code establishing a maximum percentage by
which the cost of recycled products purchased under division (A)
of this section may exceed the cost of comparable products made of
virgin materials.~~ 8125
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~~(D) The department of administrative services and the
environmental protection agency annually shall prepare and submit
to the governor, president of the senate, and speaker of the house
of representatives a report that describes, so far as practicable,
the value and types of recycled products that are purchased with
moneys disbursed from the state treasury by the general assembly;
the offices of all elected state officers; and all departments,~~ 8130
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~~boards, offices, commissions, agencies, and institutions of this~~ 8137
~~state.~~ 8138

Sec. 125.10. (A) The department of administrative services 8139
may require that all competitive sealed bids, competitive sealed 8140
proposals, and bids received in a reverse auction be accompanied 8141
by a performance bond or other ~~cash surety~~ financial assurance 8142
acceptable to the director of administrative services, in the sum 8143
and with the sureties it prescribes, payable to the state, and 8144
conditioned that the person submitting the bid or proposal, if 8145
that person's bid or proposal is accepted, will faithfully execute 8146
the terms of the contract and promptly make deliveries of the 8147
supplies purchased. 8148

(B) A sealed copy of each competitive sealed bid or 8149
competitive sealed proposal shall be filed with the department 8150
prior to the time specified in the notice for opening of the bids 8151
or proposals. All competitive sealed bids and competitive sealed 8152
proposals shall be publicly opened in the office of the department 8153
at the time specified in the notice. A representative of the 8154
auditor of state shall be present at the opening of all 8155
competitive sealed bids and competitive sealed proposals, and 8156
shall certify the opening of each competitive sealed bid and 8157
competitive sealed proposal. No competitive sealed bid or 8158
competitive sealed proposal shall be considered valid unless it is 8159
so certified. 8160

Sec. 125.11. (A) Subject to division (B) of this section, 8161
contracts awarded pursuant to a reverse auction under section 8162
125.072 of the Revised Code or pursuant to competitive sealed 8163
bidding, including contracts awarded under section 125.081 of the 8164
Revised Code, shall be awarded to the lowest responsive and 8165
responsible bidder ~~on each item~~ in accordance with section 9.312 8166
of the Revised Code. When the contract is for meat products as 8167

defined in section 918.01 of the Revised Code or poultry products 8168
as defined in section 918.21 of the Revised Code, only those bids 8169
received from vendors ~~offering products from establishments on the~~ 8170
~~current list of meat and poultry vendors established and~~ 8171
~~maintained by the director of administrative services under~~ 8172
~~section 125.17 of the Revised Code~~ under inspection of the United 8173
States department of agriculture or who are licensed by the Ohio 8174
department of agriculture shall be eligible for acceptance. The 8175
department of administrative services may accept or reject any or 8176
all bids in whole or by items, except that when the contract is 8177
for services or products available from a qualified nonprofit 8178
agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 8179
4115.35 of the Revised Code, the contract shall be awarded to that 8180
agency. 8181

(B) Prior to awarding a contract under division (A) of this 8182
section, the department of administrative services or the state 8183
agency responsible for evaluating a contract for the purchase of 8184
products shall evaluate the bids received according to the 8185
criteria and procedures established pursuant to divisions (C)(1) 8186
and (2) of section 125.09 of the Revised Code for determining if a 8187
product is produced or mined in the United States and if a product 8188
is produced or mined in this state. The department or other state 8189
agency shall first ~~remove~~ consider bids that offer products that 8190
have ~~not~~ been or that will ~~not~~ be produced or mined in the United 8191
States. From among the remaining bids, the department or other 8192
state agency shall select the lowest responsive and responsible 8193
bid, in accordance with section 9.312 of the Revised Code, from 8194
among the bids that offer products that have been produced or 8195
mined in this state where sufficient competition can be generated 8196
within this state to ensure that compliance with these 8197
requirements will not result in an excessive price for the product 8198
or acquiring a disproportionately inferior product. 8199

(C) Division (B) of this section applies to contracts for 8200
which competitive bidding is waived by the controlling board. 8201

(D) Division (B) of this section does not apply to the 8202
purchase by the division of liquor control of spirituous liquor. 8203

(E) The director of administrative services shall publish in 8204
the form of a model act for use by counties, townships, municipal 8205
corporations, or any other political subdivision described in 8206
division (B) of section 125.04 of the Revised Code, a system of 8207
preferences for products mined and produced in this state and in 8208
the United States and for Ohio-based contractors. The model act 8209
shall reflect substantial equivalence to the system of preferences 8210
in purchasing and public improvement contracting procedures under 8211
which the state operates pursuant to this chapter and section 8212
153.012 of the Revised Code. To the maximum extent possible, 8213
consistent with the Ohio system of preferences in purchasing and 8214
public improvement contracting procedures, the model act shall 8215
incorporate all of the requirements of the federal "Buy America 8216
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and 8217
the rules adopted under that act. 8218

Before and during the development and promulgation of the 8219
model act, the director shall consult with appropriate statewide 8220
organizations representing counties, townships, and municipal 8221
corporations so as to identify the special requirements and 8222
concerns these political subdivisions have in their purchasing and 8223
public improvement contracting procedures. The director shall 8224
promulgate the model act by rule adopted pursuant to Chapter 119. 8225
of the Revised Code and shall revise the act as necessary to 8226
reflect changes in this chapter or section 153.012 of the Revised 8227
Code. 8228

The director shall make available copies of the model act, 8229
supporting information, and technical assistance to any township, 8230
county, or municipal corporation wishing to incorporate the 8231

provisions of the act into its purchasing or public improvement 8232
contracting procedure. 8233

Sec. 125.112. (A) As used in this section: 8234

(1) "Agency" means a department created under section 121.02 8235
of the Revised Code. 8236

(2) "Entity" means, whether for profit or nonprofit, a 8237
corporation, association, partnership, limited liability company, 8238
sole proprietorship, or other business entity. "Entity" does not 8239
include an individual who receives state assistance that is not 8240
related to the individual's business. 8241

(3)(a) "State award" means a contract awarded by the state 8242
costing over twenty-five thousand dollars. 8243

(b) "State award" does not include compensation received as 8244
an employee of the state or any state financial assistance and 8245
expenditure received from the general assembly or any legislative 8246
agency, any court or judicial agency, the secretary of state, 8247
auditor of state, treasurer of state, or attorney general and 8248
their respective offices. 8249

(B) The department of administrative services shall establish 8250
and maintain a single searchable web site, accessible by the 8251
public at no cost, that includes all of the following information 8252
for each state award: 8253

(1) The name of the entity receiving the award; 8254

(2) The amount of the award; 8255

(3) Information on the award, the agency or other 8256
instrumentality of the state that is providing the award, and the 8257
commodity code; 8258

(4) Any other relevant information determined by the 8259
department of administrative services. 8260

(C) The department of administrative services may consult 8261
with other state agencies in the development, establishment, 8262
operation, and support of the web site required by division (B) of 8263
this section. State awards shall be posted on the web site within 8264
thirty days after being made. The department of administrative 8265
services shall provide an opportunity for public comment as to the 8266
utility of the web site required by division (B) of this section 8267
and any suggested improvements. 8268

(D) The web site required by division (B) of this section 8269
shall be fully operational not later than one year after ~~the~~ 8270
~~effective date of this section~~ December 30, 2008, and shall 8271
include information on state awards made in fiscal year 2008 and 8272
thereafter. It shall also provide an electronic link to the daily 8273
journals of the senate and house of representatives. 8274

(E) The director of administrative services shall submit to 8275
the general assembly an annual report regarding the implementation 8276
of the web site established pursuant to division (B) of this 8277
section. The report shall include data regarding the usage of the 8278
web site and any public comments on the utility of the site, 8279
including recommendations for improving data quality and 8280
collection. The director shall post each report on the web site. 8281

(F) Each agency awarding a grant to an entity in fiscal year 8282
2008 and thereafter shall establish and maintain a separate web 8283
site listing the name of the entity receiving each grant, the 8284
grant amount, information on each grant, and any other relevant 8285
information determined by the department of administrative 8286
services. Each agency shall provide the link to such a web site to 8287
the department of administrative services within a reasonable time 8288
after ~~the effective date of this section~~ December 30, 2008, and 8289
shall thereafter update its web site within thirty days of 8290
awarding a new grant. Not later than one year after ~~the effective~~ 8291
~~date of this section~~ December 30, 2008, the department of 8292

administrative services shall establish and maintain a separate 8293
web site, accessible to the public at no cost, which contains the 8294
links to the agency web sites required by this division. 8295

(G) ~~The~~ At the end of the closeout year, the attorney general 8296
shall ~~monitor the compliance of~~ determine the extent to which an 8297
entity has complied with the terms and conditions, including 8298
performance metrics, ~~if any,~~ of a state award for economic 8299
development received by that entity. As necessary, the agency that 8300
makes and administers the state award for economic development 8301
shall assist the attorney general with that ~~monitoring~~ 8302
determination. The attorney general shall submit to the general 8303
assembly pursuant to section 101.68 of the Revised Code an annual 8304
report regarding the level of compliance of each such ~~entities~~ 8305
entity with the terms and conditions, including ~~any~~ performance 8306
metrics, of their state awards for economic development. When the 8307
attorney general determines appropriate and to the extent that an 8308
entity that receives or has received a state award for economic 8309
development does not comply with a performance metric that is 8310
specified in the terms and conditions of the award, the attorney 8311
general shall pursue against and from that entity such remedies 8312
and recoveries as are available under law. For purposes of this 8313
division, "state Closeout year" means the calendar year by which 8314
an entity that receives a state award for economic development 8315
must comply with a performance metric specified in the terms and 8316
conditions of the award. "State award for economic development" 8317
means state financial assistance and expenditure in any of the 8318
following forms: grants, subgrants, loans, awards, cooperative 8319
agreements, or other similar and related forms of financial 8320
assistance and contracts, subcontracts, purchase orders, task 8321
orders, delivery orders, or other similar and related 8322
transactions. "State award for economic development" does not 8323
include compensation received as an employee of the state or any 8324
state financial assistance and expenditure received from the 8325

general assembly or any legislative agency, any court or judicial 8326
agency, the secretary of state, auditor of state, treasurer of 8327
state, or attorney general and their respective offices. 8328

(H) Nothing in this section shall be construed as requiring 8329
the disclosure of information that is not a public record under 8330
section 149.43 of the Revised Code. 8331

Sec. 125.13. (A) As used in this section: 8332

(1) "Emergency medical service organization" has the same 8333
meaning as in section 4765.01 of the Revised Code. 8334

(2) "Private fire company" has the same meaning as in section 8335
9.60 of the Revised Code. 8336

(B) ~~Except as otherwise provided in section 5139.03 of the~~ 8337
~~Revised Code, whenever~~ Whenever a state agency determines that it 8338
has excess or surplus supplies, it shall notify the director of 8339
administrative services. ~~Upon request by the director and on~~ On 8340
forms provided by the director, the state agency shall furnish to 8341
the director a list of ~~all those~~ its excess and surplus supplies 8342
~~and an appraisal of their value, including the location of the~~ 8343
supplies and whether the supplies are currently in the agency's 8344
control. 8345

(C) ~~The~~ Upon receipt of notification and at no cost to the 8346
state agency, the director of administrative services shall make 8347
arrangements for their disposition and shall take immediate 8348
control of a state agency's excess and surplus supplies, except 8349
for the following excess and surplus supplies: 8350

(1) Excess or surplus supplies that have a value below the 8351
minimum value that the director establishes for excess and surplus 8352
supplies under division (F) of this section; 8353

(2) Excess or surplus supplies that the director has 8354
authorized an agency to donate to a ~~public entity~~ governmental 8355

agency, including, but not limited to, public schools and surplus computers and computer equipment transferred to a public school under division ~~(H)~~(G) of this section;

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

(4) Hazardous property;

(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;

(6) Excess or surplus supplies that are donated under division (H) of this section.

(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.

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

(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following ~~order of priority~~ manners:

(a) To state agencies or by interagency trade;

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

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

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

(e) To a nonprofit organization that is both exempt from federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that receives funds from the state or has a contract with the state; 8386
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(f) To the general public by auction, sealed bid, sale, or negotiation. 8389
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(2) If the director has attempted to dispose of any declared surplus or excess motor vehicle that does not exceed four thousand five hundred dollars in value pursuant to divisions (E)(1)(a) to (c) of this section, donate the motor vehicle to a nonprofit organization exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3) for the purpose of meeting the transportation needs of participants in the Ohio works first program established under Chapter 5107. of the Revised Code and participants in the prevention, retention, and contingency program established under Chapter 5108. of the Revised Code. The director may not donate a motor vehicle furnished to the state highway patrol to a nonprofit organization pursuant to this division. 8391
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(F) The director may adopt rules governing the sale, lease, or transfer of surplus and excess supplies in the director's control by public auction, sealed bid, sale, or negotiation, except that no employee of the disposing agency shall be allowed to purchase, lease, or receive any such supplies. The director may dispose of declared surplus or excess supplies, including motor vehicles, in the director's control as the director determines proper if such supplies cannot be disposed of pursuant to division (E) of this section. The director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director. 8403
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(G) ~~No state supported or state assisted institution of higher education, tax supported agency, municipal corporation, or~~ 8416
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~~other political subdivision of this state, private fire company,
or private, nonprofit emergency medical service organization shall
sell, lease, or transfer excess or surplus supplies acquired under
this section to private entities or the general public at a price
greater than the price it originally paid for those supplies.~~

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

(H) Excess and surplus supplies of food shall be exempt from
this section and may be donated directly to nonprofit food
pantries and institutions without notification to the director of
administrative services.

Sec. 125.22. (A) The department of administrative services
shall establish the central service agency to perform routine
support for the following boards and commissions:

- (1) Architects board;
- (2) ~~Barber board;~~
- ~~(3)~~ State chiropractic board;
- ~~(4)~~(3) State board of barbers and cosmetology;
- ~~(5)~~(4) Accountancy board;
- ~~(6)~~(5) State dental board;
- ~~(7)~~(6) State board of optometry;
- ~~(8)~~(7) Ohio occupational therapy, physical therapy, and

athletic trainers board;	8447
(9) <u>(8)</u> State board of registration for professional engineers	8448
and surveyors;	8449
(10) <u>(9)</u> State board of sanitarian registration;	8450
(11) <u>(10)</u> Board of embalmers and funeral directors;	8451
(12) <u>(11)</u> State board of psychology;	8452
(13) <u>(12)</u> Ohio optical dispensers board;	8453
(14) <u>(13)</u> Board of speech pathology and audiology;	8454
(15) <u>(14)</u> Counselor, social worker, and marriage and family	8455
therapist board;	8456
(16) <u>(15)</u> State veterinary medical licensing board;	8457
(17) <u>(16)</u> Ohio board of dietetics;	8458
(18) <u>(17)</u> Commission on Hispanic-Latino affairs;	8459
(19) <u>(18)</u> Ohio respiratory care board;	8460
(20) <u>(19)</u> Ohio commission on African-American males;	8461
(21) <u>(20)</u> Chemical dependency professionals board.	8462
(B)(1) Notwithstanding any other section of the Revised Code,	8463
the agency shall perform the following routine support services	8464
for the boards and commissions named in division (A) of this	8465
section unless the controlling board exempts a board or commission	8466
from this requirement on the recommendation of the director of	8467
administrative services:	8468
(a) Preparing and processing payroll and other personnel	8469
documents;	8470
(b) Preparing and processing vouchers, purchase orders,	8471
encumbrances, and other accounting documents;	8472
(c) Maintaining ledgers of accounts and balances;	8473

(d) Preparing and monitoring budgets and allotment plans in consultation with the boards and commissions; 8474
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(e) Other routine support services that the director of administrative services considers appropriate to achieve efficiency. 8476
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(2) The agency may perform other services which a board or commission named in division (A) of this section delegates to the agency and the agency accepts. 8479
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(3) The agency may perform any service for any professional or occupational licensing board not named in division (A) of this section or any commission if the board or commission requests such service and the agency accepts. 8482
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(C) The director of administrative services shall be the appointing authority for the agency. 8486
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(D) The agency shall determine the fees to be charged to the boards and commissions, which shall be in proportion to the services performed for each board or commission. 8488
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(E) Each board or commission named in division (A) of this section and any other board or commission requesting services from the agency shall pay these fees to the agency from the general revenue fund maintenance account of the board or commission or from such other fund as the operating expenses of the board or commission are paid. Any amounts set aside for a fiscal year by a board or commission to allow for the payment of fees shall be used only for the services performed by the agency in that fiscal year. All receipts collected by the agency shall be deposited in the state treasury to the credit of the central service agency fund, which is hereby created. All expenses incurred by the agency in performing services for the boards or commissions shall be paid from the fund. 8491
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(F) Nothing in this section shall be construed as a grant of 8504

authority for the central service agency to initiate or deny 8505
personnel or fiscal actions for the boards and commissions. 8506

Sec. 125.27. (A) There is hereby created in the state 8507
treasury the building improvement fund. The fund shall retain the 8508
interest earned. 8509

(B) The fund shall consist of any ~~payments made by intrastate~~ 8510
~~transfer voucher from the appropriation item for office building~~ 8511
~~operating payments~~ money transferred or deposited into the fund 8512
pursuant to section 125.28 of the Revised Code. 8513

(C) The fund shall be used for major maintenance or 8514
improvements required in ~~the James A. Rhodes or Frank J. Lausche~~ 8515
~~state office tower, Toledo government center, Senator Oliver R.~~ 8516
~~Oeasek government office building, and Vern Riffe center for~~ 8517
~~government and the arts~~ facilities maintained by the department of 8518
administrative services. 8519

Sec. 125.28. (A)(1) ~~Each state agency that is supported in~~ 8520
~~whole or in part by nongeneral revenue fund money and that~~ 8521
~~occupies space in the James A. Rhodes or Frank J. Lausche state~~ 8522
~~office tower, Toledo government center, Senator Oliver R. Oeasek~~ 8523
~~government office building, Vern Riffe center for government and~~ 8524
~~the arts, capitol square, or governor's mansion shall reimburse~~ 8525
~~the general revenue fund for the cost of occupying the space in~~ 8526
~~the ratio that the occupied space in each facility attributable to~~ 8527
~~the nongeneral revenue fund money bears to the total space~~ 8528
~~occupied by the state agency in the facility.~~ 8529

~~(2) All agencies that occupy space in the old blind school or~~ 8530
~~that occupy warehouse space in the general services facility shall~~ 8531
~~reimburse the department of administrative services for the cost~~ 8532
~~of occupying the space. The director of administrative services~~ 8533
~~shall determine the amount of debt service, if any, to be charged~~ 8534

~~to building tenants reimbursable cost of space in state-owned or 8535
state-leased facilities and shall collect reimbursements for it. 8536~~

~~(3) Each agency that is supported in whole or in part by 8537
nongeneral revenue fund money and that occupies space in any other 8538
facility or facilities owned and maintained by the department of 8539
administrative services or space in the general services facility 8540
other than warehouse space shall reimburse the department for the 8541
cost of occupying the space, including debt service, if any, in 8542
the ratio that the occupied space in each facility attributable to 8543
the nongeneral revenue fund money bears to the total space 8544
occupied by the state agency in the facility that cost. 8545~~

~~(B) The director of administrative services may provide 8546
building maintenance services and minor construction project 8547
management services to any state agency and may collect 8548
reimbursements for the cost of providing those services. 8549~~

~~(C) All money collected by the department of administrative 8550
services for operating expenses of facilities owned or maintained 8551
by the department shall be deposited into the state treasury to 8552
the credit of the building management fund, which is hereby 8553
created, or to the credit of the building operation fund, which is 8554
hereby created. All money collected by the department for minor 8555
construction project management services shall be deposited into 8556
the state treasury to the credit of the minor construction project 8557
management fund, which is hereby created. All money collected for 8558
~~debt service~~ depreciation and related costs shall be deposited 8559
into the ~~general revenue~~ building improvement fund created under 8560
section 125.27 of the Revised Code or deposited into the building 8561
management fund and then transferred by the director of budget and 8562
management to the building improvement fund. 8563~~

~~(D) The director of administrative services shall determine 8564
the reimbursable cost of space in state owned or state leased 8565
facilities and shall collect reimbursements for that cost. 8566~~

Sec. 125.31. (A) The department of administrative services 8567
shall have supervision of all public printing except as follows: 8568

(1) Printing for the general assembly shall be the sole 8569
responsibility of the clerk of the senate and the clerk of the 8570
house of representatives unless the clerk of the senate or the 8571
clerk of the house of representatives chooses either of the 8572
options specified in section 101.523 or 101.524 of the Revised 8573
Code. 8574

(2) Printing for the Ohio arts council shall be under the 8575
supervision of the council. 8576

(3) Printing for the capitol square review and advisory board 8577
shall be under the supervision of the board. 8578

~~(4) Printing for the bureau of workers' compensation shall be 8579
under the supervision of the administrator of workers' 8580
compensation unless the administrator requests the department to 8581
supervise printing for the bureau. 8582~~

~~(5) Printing for state-supported institutions of higher 8583
education shall be under the supervision of the department of 8584
purchasing of each such institution or the department or officer 8585
within each institution that performs the functions of a 8586
department of purchasing. 8587~~

(B) The department of administrative services shall 8588
determine, except as otherwise specifically provided by law, the 8589
number of copies to be printed of each publication or document, 8590
the source of reproduction, the manner of binding, quality of 8591
paper, the general kind, size, and spacing of type to be used in 8592
all reports, publications, bulletins, documents, or pamphlets 8593
printed at public expense. 8594

The department shall not use its authority to curtail the 8595
release of public information by any elected state official. 8596

(C) For the purposes of sections 125.31 to 125.76 of the Revised Code, all functions, powers, and duties assigned to the department of administrative services are considered to be assigned to the division of state printing within the department of administrative services.

Sec. 125.36. If the department of administrative services is of the opinion that any bids or proposals should be rejected in the interest of the state, it may reject any or all bids or proposals and advertise the invitation to bid or the request for proposals a second time. If after the second advertisement for bids or proposals the department determines that any or all bids or proposals are not in the interest of the state, it may purchase the various kinds of paper printing goods and services required at the lowest price for which such paper printing goods and services can be obtained in the open market.

Sec. 125.38. If ~~such a bond is~~ required by the department of administrative services, a bid or proposal for a term contract for paper printing goods and services, including final printed product, shall be accompanied by a bond to the state, in a sum specified in the invitation to bid or request for proposals, executed by the ~~bidder~~ offeror, with either one corporate or two personal sureties, satisfactory to the department, conditioned for the performance of the contract awarded the ~~bidder~~ offeror, and for the payment to the state, by the ~~bidder~~ offeror, as liquidated damages, of any excess of cost over the bid or proposal of such ~~bidder~~ offeror, which the state may be obliged to pay for such paper printing goods and services by reason of the failure of the ~~bidder~~ offeror to complete the contract. This A bid or proposal unaccompanied by such bond shall not be considered, and this bond shall be void if no contract is awarded to the bidder, and no bid unaccompanied by such bond shall be entertained by the department

offeror. 8628

Sec. 125.39. If the contractor fails to furnish ~~paper~~ 8629
printing goods and services according to the terms of the 8630
contract, the department of administrative services shall purchase 8631
the required ~~paper~~ printing goods and services on the open market 8632
after notifying the contractor in writing of such action, and the 8633
cost in excess of the contract shall be collected from the 8634
contractor or the posted bond, if a bond was provided. 8635

Sec. 125.42. (A) No agency, officer, board, or commission, 8636
except the clerk of the senate and the clerk of the house of 8637
representatives, shall print or cause to be printed at the public 8638
expense, any report, bulletin, document, or pamphlet, unless such 8639
report, bulletin, document, or pamphlet is first submitted to, and 8640
the printing thereof approved by, the department of administrative 8641
services. If ~~such~~ the department approves the printing, it shall 8642
determine the form of such printing and the number of copies. 8643

If such approval is given, the department shall cause the 8644
same to be printed and bound as provided by sections ~~125.47 to~~ 8645
~~125.56~~ 125.49, 125.51, and 125.56 of the Revised Code, except as 8646
otherwise provided by section 125.45 of the Revised Code; and when 8647
printed, such publications or forms shall be delivered to the 8648
ordering officer, board, commission, or department, or sold at a 8649
price not to exceed the total cost. 8650

(B) The department of administrative services annually shall 8651
set a maximum cost per page and a maximum total cost for the 8652
printing by any board, commission, council, or other public body 8653
of the state of any annual report or any other report that it is 8654
required by law to produce. No board, commission, council, or 8655
other public body of the state shall expend or incur the 8656
expenditure of any amount in excess of these maximum amounts 8657

without the prior approval of the department. This division does 8658
not apply to the general assembly or any court. 8659

Sec. 125.43. The department of administrative services shall 8660
~~examine and correct the proof sheets of the printing for the~~ 8661
~~state, and see that the work is~~ any printing services are executed 8662
in accordance with law, ~~and when necessary, prepare indexes for~~ 8663
~~the public documents.~~ The printing of all publications approved by 8664
the department of administrative services shall be ordered through 8665
it and it shall see that the number of copies ordered is received 8666
from the printer and delivered to the proper department. 8667

Sec. 125.45. (A) The department of administrative services 8668
shall maintain facilities to perform office reproduction services 8669
for all boards, commissions, or departments ~~except for the bureau~~ 8670
~~of workers' compensation.~~ Upon written application to the 8671
department of administrative services, permission may be granted 8672
to a board, commission, or department to perform such services 8673
outside the central facility and such permission shall state the 8674
extent of the services which the department, board, or commission 8675
shall perform. 8676

(B) Office reproduction services ~~using stencils, masters, or~~ 8677
~~plates~~ are restricted to duplicating equipment not larger than 8678
seventeen by twenty-two inches. Not to exceed five thousand press 8679
impressions shall be produced of any such order except that up to 8680
one thousand production copies may be produced of any item 8681
consisting of multiple pages and except that over five thousand, 8682
but not more than ten thousand, press impressions may be produced 8683
if the director of administrative services determines that there 8684
is an emergency due to the timing of service delivery or another 8685
factor that may cause financial hardship to the state. 8686

~~Nothing in this section precludes the bureau from entering~~ 8687

~~into a contract with the department of administrative services for~~ 8688
~~the department to perform office reproduction services for the~~ 8689
~~bureau.~~ 8690

(C) No state agency, other than the department of 8691
administrative services, shall perform printing or office 8692
reproduction services for political subdivisions. 8693

Sec. 125.49. Each bid or proposal for state printing shall 8694
state specifically the price at which the ~~bidder~~ offeror will 8695
undertake to ~~de~~ provide the ~~work~~ finished product as specified in 8696
the ~~classes of printing~~ invitation to bid or request for 8697
proposals, including the necessary binding covered by such bid or 8698
proposal. 8699

Sec. 125.51. After careful examination and computation of 8700
each ~~proposal~~ bid, within thirty days the department of 8701
administrative services shall award the contract for such printing 8702
to the lowest responsive and responsible bidder, in accordance 8703
with section 9.312 of the Revised Code, having proper facilities 8704
to ~~insure~~ ensure prompt performance of the work. No contract shall 8705
be awarded unless it contains an agreement for the completion of 8706
the work within the time fixed by the department, but the time so 8707
fixed may be extended by the department if deemed in the best 8708
interest of the state. 8709

Sec. 125.58. The department of administrative services shall 8710
promptly notify each successful ~~bidder~~ offeror of the acceptance 8711
of the ~~bidder's~~ offeror's bid or proposal for state printing. If 8712
such ~~bidder~~ offeror fails to execute the contract because of death 8713
or other cause, or if the ~~bidder~~ offeror fails to execute the work 8714
required by the contract in a proper manner and with reasonable 8715
promptness, or the contract is abandoned, or its execution is 8716
temporarily suspended, the department may enter into a contract 8717

with another person for the prompt execution of the work for the 8718
lowest price which may be obtained. Before any work is relet in 8719
consequence of the misconduct or default of the contractor, the 8720
department shall give the contractor written notice thereof. The 8721
department of administrative services may set a daily penalty 8722
charge for late orders, provided the penalty schedule and amount 8723
are stated in the invitation to bid or request for proposals for 8724
the printing. 8725

Sec. 125.601. ~~(A) Not later than July 1, 2007, the~~ The 8726
director of administrative services shall establish the office of 8727
procurement from community rehabilitation programs within the 8728
department of administrative services. The director shall 8729
designate an employee of the department to serve as administrator 8730
of the office. 8731

~~(B) Not later than July 1, 2007, the director shall abolish 8732
the state committee for the purchase of products and services 8733
provided by persons with severe disabilities in accordance with 8734
section 4115.36 of the Revised Code. 8735~~

Sec. 125.607. (A) Before purchasing any supply or service, a 8736
governmental ordering office shall determine, in compliance with 8737
section 125.035 of the Revised Code, whether the supply or service 8738
is on the procurement list maintained by the office of procurement 8739
from community rehabilitation programs. If the supply or service 8740
is on the list at an established fair market price, the government 8741
ordering office shall purchase it from the qualified nonprofit 8742
agency or approved agent at that price. 8743

(B) If the supply or service is on the procurement list but a 8744
fair market price has not been established, the government 8745
ordering office shall attempt to negotiate an agreement with one 8746
or more of the listed qualified nonprofit agencies or approved 8747

agents. The office of procurement from community rehabilitation 8748
programs may accept as fair market price an agreement negotiated 8749
between the government ordering office and a qualified nonprofit 8750
agency or approved agent. 8751

(C) If an agreement is not successfully negotiated, the 8752
office may establish a fair market price, or it may release a 8753
government ordering office from the requirements of this section. 8754

(D) A purchase under divisions (A) to (C) of this section is 8755
not subject to any competitive selection or competitive bidding 8756
requirements, notwithstanding any other provision of law. 8757

(E) The department of administrative services has the 8758
authority to structure or regulate competition among qualified 8759
nonprofit agencies for the overall benefit of the program. 8760

Sec. 125.609. ~~The office of procurement from community~~ 8761
~~rehabilitation programs~~ department of administrative services, on 8762
its own or pursuant to a request from a government ordering 8763
office, may release a government ordering office from compliance 8764
with sections 125.60 to 125.6012 of the Revised Code. If the 8765
~~office~~ department determines that compliance is not possible or 8766
not advantageous, or if conditions prescribed in rules as may be 8767
adopted under section 125.603 of the Revised Code for granting a 8768
release are met, the ~~office~~ department may grant a release. The 8769
release shall be in writing, and shall specify the supplies or 8770
services to which it applies, the period of time during which it 8771
is effective, and the reason for which it is granted. 8772

Sec. 125.76. All printing and binding for the state, not 8773
authorized by sections 125.43 to 125.71 or section 3345.10 of the 8774
Revised Code, except for maps and printing that is the sole 8775
responsibility of the clerk of the senate or the clerk of the 8776
house of representatives, shall be subject to such sections so far 8777

as practical, and whether provided for by law or resolution of the 8778
general assembly the department of administrative services shall 8779
advertise for bids or proposals and let contracts therefor as 8780
provided in such sections. 8781

Sec. 125.901. (A) There is hereby established the Ohio 8782
geographically referenced information program council within the 8783
department of administrative services to coordinate the property 8784
owned by the state. The department of administrative services 8785
shall provide administrative support for the council. 8786

(B) The council shall consist of the following fifteen 8787
members: 8788

(1) The state chief information officer, or the officer's 8789
designee, who shall serve as the council chair; 8790

(2) The director of ~~the department of~~ natural resources, or 8791
the director's designee; 8792

(3) The director of transportation, or the director's 8793
designee; 8794

(4) The director of environmental protection, or the 8795
director's designee; 8796

(5) The director of development services, or the director's 8797
designee; 8798

(6) The treasurer of state, or the treasurer of state's 8799
designee; 8800

(7) ~~An individual appointed by the governor from the 8801
organization that represents the state's county auditors;~~ 8802

~~(8) An individual appointed by the governor from the 8803
organization that represents the state's county commissioners;~~ 8804

~~(9) An individual appointed by the governor from the 8805
organization that represents the state's county engineers;~~ 8806

(10) An individual appointed by the governor from the organization that represents the state's regional councils;	8807 8808
(11) Two individuals appointed by the governor from the organization that represents the state's municipal governments, one of whom shall represent a municipality with a population of fewer than one hundred thousand people and one of whom shall represent a municipality with a population of one hundred thousand or more people;	8809 8810 8811 8812 8813 8814
(12) An individual appointed by the governor representing the interests of the regulated utilities in this state;	8815 8816
(13) An individual appointed by the governor representing the interests of a public university;	8817 8818
(14) The attorney general, or the attorney general's designee;	8819 8820
<u>(8) The chancellor of higher education or the chancellor's designee;</u>	8821 8822
<u>(9) The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;</u>	8823 8824 8825
<u>(10) The director of public safety or the director's designee;</u>	8826 8827
<u>(11) The executive director of the county auditors' association or the executive director's designee;</u>	8828 8829
<u>(12) The executive director of the county commissioners' association or the executive director's designee;</u>	8830 8831
<u>(13) The executive director of the county engineers' association or the executive director's designee;</u>	8832 8833
<u>(14) The executive director of the Ohio municipal league or the executive director's designee;</u>	8834 8835

(15) The executive director of the Ohio townships association 8836
or the executive director's designee. 8837

~~(C) The governor shall make initial appointments for the~~ 8838
~~members as provided in this section within a reasonable time. The~~ 8839
~~members appointed to the council by the governor pursuant to this~~ 8840
~~section shall serve two year terms, with each term ending on the~~ 8841
~~same day of the same month as did the term that it succeeds. The~~ 8842
~~chair of the council shall appoint a new member to fill any~~ 8843
~~vacancy created by a member appointed by the governor before the~~ 8844
~~expiration of that member's term. Otherwise, vacancies shall be~~ 8845
~~filled in the same manner as provided in division (B) of this~~ 8846
~~section. Any member appointed to fill a vacancy occurring prior to~~ 8847
~~the expiration date of the term for which a predecessor was~~ 8848
~~appointed shall hold office as a member for the remainder of that~~ 8849
~~term. A member shall continue in office subsequent to the~~ 8850
~~expiration date of the member's term until the member's successor~~ 8851
~~takes office or until a period of sixty days has elapsed,~~ 8852
~~whichever occurs first. All members may be reappointed~~ 8853
Members of 8854
the council shall serve without compensation.

Sec. 128.40. There is hereby created within the department of 8855
administrative services the 9-1-1 program office, headed by an 8856
administrator in the unclassified civil service pursuant to 8857
division (A)(9) of section 124.11 of the Revised Code. The 8858
administrator shall be appointed by and serve at the pleasure of 8859
the director of administrative services and shall report directly 8860
to the state chief information officer. The program office shall 8861
~~administer~~ oversee administration of the wireless 9-1-1 government 8862
assistance fund ~~as specified in sections 128.53 and 128.55 of the~~ 8863
~~Revised Code, the wireless 9-1-1 program fund, and the next~~ 8864
generation 9-1-1 fund. 8865

Sec. 128.54. (A) ~~Beginning January 1, 2014:~~ 8866

- (1) For the purpose of receiving, distributing, and accounting for amounts received from the wireless 9-1-1 charges imposed under section 128.42 of the Revised Code, the following funds are created in the state treasury:
- (a) The wireless 9-1-1 government assistance fund;
 - (b) The wireless 9-1-1 administrative fund;
 - (c) The wireless 9-1-1 program fund;
 - (d) The next generation 9-1-1 fund.
- (2) Amounts remitted under section 128.46 of the Revised Code shall be paid to the treasurer of state for deposit as follows:
- (a) Ninety-seven per cent to the wireless 9-1-1 government assistance fund. All interest earned on the wireless 9-1-1 government assistance fund shall be credited to the fund.
 - (b) One per cent to the wireless 9-1-1 administrative fund;
 - (c) Two per cent to the 9-1-1 program fund.
- (3) The tax commissioner shall use the wireless 9-1-1 administrative fund to defray the costs incurred in carrying out this chapter.
- (4) The steering committee shall use the 9-1-1 program fund to defray the costs incurred by the steering committee in carrying out this chapter.
- (5) Annually, the tax commissioner ~~and the steering committee~~, after paying administrative costs under division (A)(3) of this section, shall transfer any excess remaining in the wireless 9-1-1 administrative funds fund to the next generation 9-1-1 fund, created under this section.
- (B) ~~The~~ At the direction of the steering committee, the tax commissioner shall transfer the funds remaining in the wireless 9-1-1 government assistance fund ~~after the disbursements made~~

~~under division (B)(1) of section 128.55 of the Revised Code to the~~ 8896
~~credit of the next generation 9-1-1 fund. All interest earned on~~ 8897
~~the next generation 9-1-1 fund shall be credited to the fund.~~ 8898

(C) From the wireless 9-1-1 government assistance fund, the 8899
director of budget and management shall, as funds are available, 8900
transfer to the tax refund fund, created under section 5703.052 of 8901
the Revised Code, amounts equal to the refunds certified by the 8902
tax commissioner under division (D) of section 128.47 of the 8903
Revised Code. 8904

Sec. 128.55. ~~(A) Prior to January 1, 2014, the steering~~ 8905
~~committee shall disburse moneys from the wireless 9-1-1 government~~ 8906
~~assistance fund to each county in the same manner as the 2012~~ 8907
~~disbursements, in accordance with divisions (A) and (B) of section~~ 8908
~~4931.64 of the Revised Code as those divisions existed prior to~~ 8909
~~the effective date of H.B. 360 of the 129th general assembly,~~ 8910
~~December 20, 2012.~~ 8911

~~(B) Beginning January 1, 2014:~~ 8912

(1) The tax commissioner, not later than the last day of each 8913
month, shall disburse moneys from the wireless 9-1-1 government 8914
assistance fund, plus any accrued interest on the fund, to each 8915
county treasurer. 8916

(a) If there are sufficient funds in the wireless 9-1-1 8917
government assistance fund, each county treasurer shall receive 8918
the same amount distributed to that county by the public utilities 8919
commission in the corresponding calendar month in 2013. ~~If any~~ 8920
~~excess remains after these distributions are made, the tax~~ 8921
~~commissioner shall transfer that excess to the next generation~~ 8922
~~9-1-1 fund.~~ 8923

(b) If the funds available are insufficient to make the 8924
distributions as provided in division ~~(B)~~(A)(1)(a) of this 8925

section, each county's share shall be reduced in proportion to the 8926
amounts received in the corresponding calendar month in 2013, 8927
until the total amount to be distributed to the counties is 8928
equivalent to the amount available in the wireless 9-1-1 8929
government assistance fund. Any shortfall in distributions 8930
resulting from insufficient funds from a previous month shall be 8931
remedied in the following month. 8932

(2) The tax commissioner shall disburse moneys from the next 8933
generation 9-1-1 fund in accordance with the guidelines 8934
established under section 128.022 of the Revised Code. 8935

~~(C)~~(B) Immediately upon receipt by a county treasurer of a 8936
disbursement under division (A) ~~or (B)(1)~~ of this section, the 8937
county shall disburse, in accordance with the allocation formula 8938
set forth in the final plan, the amount the county so received to 8939
any other subdivisions in the county and any regional councils of 8940
governments in the county that pay the costs of a public safety 8941
answering point providing wireless enhanced 9-1-1 under the plan. 8942

~~(D)~~(C) Nothing in this chapter affects the authority of a 8943
subdivision operating or served by a public safety answering point 8944
of a 9-1-1 system or a regional council of governments operating a 8945
public safety answering point of a 9-1-1 system to use, as 8946
provided in the final plan for the system or in an agreement under 8947
section 128.09 of the Revised Code, any other authorized revenue 8948
of the subdivision or the regional council of governments for the 8949
purposes of providing basic or enhanced 9-1-1. 8950

Sec. 128.57. Except as otherwise provided in section 128.571 8951
of the Revised Code: 8952

(A) A countywide 9-1-1 system receiving a disbursement under 8953
section 128.55 of the Revised Code shall provide countywide 8954
wireless enhanced 9-1-1 in accordance with this chapter beginning 8955
as soon as reasonably possible after receipt of the first 8956

disbursement or, if that service is already implemented, shall 8957
continue to provide such service. Except as provided in divisions 8958
(B), (C), and (E) of this section, a disbursement shall be used 8959
solely for the purpose of paying either or both of the following: 8960

(1) Any costs of designing, upgrading, purchasing, leasing, 8961
programming, installing, testing, or maintaining the necessary 8962
data, hardware, software, and trunking required for the public 8963
safety answering point or points of the 9-1-1 system to provide 8964
wireless enhanced 9-1-1, which costs are incurred before or on or 8965
after May 6, 2005, and consist of such additional costs of the 8966
9-1-1 system over and above any costs incurred to provide wireline 8967
9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually, 8968
up to twenty-five thousand dollars of the disbursements received 8969
on or after January 1, 2009, may be applied to data, hardware, and 8970
software that automatically alerts personnel receiving a 9-1-1 8971
call that a person at the subscriber's address or telephone number 8972
may have a mental or physical disability, of which that personnel 8973
shall inform the appropriate emergency service provider. On or 8974
after the provision of technical and operational standards 8975
pursuant to section 128.021 of the Revised Code, a regional 8976
council of governments operating a public safety answering point 8977
or a subdivision shall consider the standards before incurring any 8978
costs described in this division. 8979

(2) Any costs of training the staff of the public safety 8980
answering point or points to provide wireless enhanced 9-1-1, 8981
which costs are incurred before or on or after May 6, 2005. 8982

(B) A subdivision or a regional council of governments that 8983
certifies to the steering committee that it has paid the costs 8984
described in divisions (A)(1) and (2) of this section and is 8985
providing countywide wireless enhanced 9-1-1 may use disbursements 8986
received under section 128.55 of the Revised Code to pay any of 8987
its personnel costs of one or more public safety answering points 8988

providing countywide wireless enhanced 9-1-1. 8989

(C) After receiving its July 2013 disbursement under division 8990
(A) of section 128.55 of the Revised Code as that division existed 8991
prior to the amendments to that division by H. B. 64 of the 131st 8992
general assembly, a regional council of governments operating a 8993
public safety answering point or a subdivision may use any 8994
remaining balance of disbursements it received under that 8995
division, as it existed prior to the amendments to it by H. B. 64 8996
of the 131st general assembly, to pay any of its costs of 8997
providing countywide wireless 9-1-1, including the personnel costs 8998
of one or more public safety answering points providing that 8999
service. 9000

(D) The costs described in divisions (A), (B), (C), and (E) 9001
of this section may include any such costs payable pursuant to an 9002
agreement under division (J) of section 128.03 of the Revised 9003
Code. 9004

(E)(1) No disbursement to a countywide 9-1-1 system for costs 9005
of a public safety answering point shall be made from the wireless 9006
9-1-1 government assistance fund or the next generation 9-1-1 fund 9007
unless the public safety answering point meets the standards set 9008
by rule of the steering committee under section 128.021 of the 9009
Revised Code. 9010

(2) The steering committee shall monitor compliance with the 9011
standards and shall notify the tax commissioner to suspend 9012
disbursements to a countywide 9-1-1 system that fails to meet the 9013
standards. Upon receipt of this notification, the commissioner 9014
shall suspend disbursements until the commissioner is notified of 9015
compliance with the standards. 9016

(F) The auditor of state may audit and review each county's 9017
expenditures of funds received from the wireless 9-1-1 government 9018
assistance fund to verify that the funds were used in accordance 9019

with the requirements of this chapter. 9020

Sec. 131.025. The attorney general shall enter into an 9021
agreement with the United States secretary of the treasury to 9022
participate in the federal treasury offset program for the 9023
collection of the following debts certified to the attorney 9024
general pursuant to section 131.02 of the Revised Code: 9025

(A) State income tax obligations pursuant to 26 U.S.C. 9026
6402(e); 9027

(B) Covered unemployment compensation debts pursuant to 26 9028
U.S.C. 6402(f). 9029

Sec. 131.09. In addition to the undertakings or security 9030
provided for in sections 135.01 to 135.40 of the Revised Code, the 9031
treasurer of a subdivision or county may accept first mortgages, 9032
upon unencumbered real estate located in this state, provided the 9033
amount owing on such mortgages at the time tendered as security is 9034
double the excess of the amount of public moneys to be at the time 9035
so deposited, over and above any portion of such moneys as is then 9036
insured by the federal deposit insurance corporation, federal 9037
savings and loan insurance corporation, or any other agency or 9038
instrumentality of the federal government. The amount owing on 9039
each mortgage at the time tendered as security shall not exceed 9040
eighty per cent of the then value of the real estate. Upon the 9041
deposit of such security, the treasurer shall require the 9042
financial institution to submit an affidavit stating that no 9043
payment on a mortgage has been more than two months past due at 9044
any time during the two-year period preceding the date the public 9045
moneys are deposited. At such time, the treasurer shall also 9046
require an institution to submit an affidavit stating that any 9047
structures on the mortgaged real estate are insured by an 9048
authorized company in an amount not less than the amount owing on 9049

each mortgage at the time tendered as security, that coverage has 9050
been obtained in favor of the institution by the named authorized 9051
company, and that the institution has obtained a mortgage 9052
impairment policy which assures that such insurance will continue 9053
for the period that the public moneys are deposited with the 9054
institution. The value of such real estate shall be determined 9055
separately for land and structures thereon by valuation made under 9056
oath by two resident freeholders of this state who are conversant 9057
with the real estate values of the county in which the real estate 9058
is located or made and certified under oath by an appraiser as 9059
being in conformity with the appraisal requirements imposed on an 9060
institution by any agency or instrumentality of the federal 9061
government. If such determination has been made earlier than a 9062
period of three months prior to the time of the deposit of public 9063
moneys, such determination shall be updated to reflect the value 9064
of the real estate within such three-month period. There shall be 9065
deposited with the mortgage the opinion of an attorney licensed to 9066
practice in this state, which opinion shall certify that the 9067
mortgage is a first lien upon the premises mortgaged, or the title 9068
shall be guaranteed by a company operating under sections 1735.01 9069
to 1735.04 of the Revised Code or insured by a company operating 9070
under Chapter 3953. of the Revised Code. 9071

If any mortgage tendered as security is paid in full or if 9072
the mortgagor becomes past due for six months to the financial 9073
institution while it acts as a public depository and that mortgage 9074
has been assigned as security for such public moneys, the 9075
financial institution shall replace such mortgage with another in 9076
compliance with this section. Default by the financial institution 9077
as a public depository under this section is to be carried out in 9078
accordance with division ~~(C)~~(F) of section 135.18 of the Revised 9079
Code. 9080

Sec. 131.15. (A) Any depositor enumerated in section 131.11 9081

of the Revised Code shall make ample provisions for the 9082
safekeeping of hypothecated securities. The interest thereon, when 9083
paid, shall be turned over to the bank or trust company if it is 9084
not in default. The depositor may make provisions for the exchange 9085
and release of securities and the substitution of other securities 9086
or of an undertaking therefor except in those cases where the 9087
public depository has deposited eligible securities with a trustee 9088
for safekeeping. 9089

(B) When the public depository has deposited eligible 9090
securities described in division ~~(B)~~(D)(1) of section 135.18 of 9091
the Revised Code with a trustee for safekeeping, the public 9092
depository may at any time substitute or exchange eligible 9093
securities described in division ~~(B)~~(D)(1) of section 135.18 of 9094
the Revised Code having a current market value equal to or greater 9095
than the current market value of the securities then on deposit 9096
and for which they are to be substituted or exchanged, without 9097
specific authorization from the depositor of any substitution or 9098
exchange. 9099

(C) When the public depository has deposited eligible 9100
securities described in division ~~(B)~~(D)(2) to (9) of section 9101
135.18 of the Revised Code with a trustee for safekeeping, the 9102
public depository may at any time substitute or exchange eligible 9103
securities having a current market value equal to or greater than 9104
the current market value of the securities then on deposit and for 9105
which they are to be substituted or exchanged without specific 9106
authorization of any depositor of any such substitution or 9107
exchange only if: 9108

(1) The depositor has authorized the public depository to 9109
make such substitutions or exchanges on a continuing basis during 9110
a specified period without prior approval of each substitution or 9111
exchange. Such authorization may be effected by the depositor 9112
sending to the trustee a written notice stating that substitution 9113

may be effected on a continuing basis during a specified period 9114
that shall not extend beyond the end of the period of designation 9115
during which the notice is given. "Period of designation" as used 9116
in this section means the period under section 135.12 of the 9117
Revised Code for the award of inactive funds of the subdivision of 9118
which the depositor is an officer or employee. The trustee may 9119
rely upon such notice and upon the period of authorization stated 9120
therein and upon the period of designation stated therein. 9121

(2) No continuing authorization for substitution has been 9122
given by the depositor, the public depository notifies the 9123
depositor and the trustee of an intended substitution or exchange, 9124
and the depositor fails to object to the trustee as to the 9125
eligibility or market value of the securities being substituted 9126
within ten calendar days after the date appearing on the notice of 9127
proposed substitution. The notice to the depositor and to the 9128
trustee shall be given in writing and delivered personally or by 9129
certified mail with a return receipt requested. The trustee may 9130
assume in any case that the notice has been delivered to the 9131
depositor. In order for objections of the depositor to be 9132
effective, receipt of the objections must be acknowledged in 9133
writing by the trustee. 9134

(3) The depositor gives written authorization for a 9135
substitution or exchange of specific securities. 9136

(D) The public depository shall notify the depositor of any 9137
substitution or exchange under division (C)(1) or (2) of this 9138
section. If the depository designates a trustee qualified under 9139
section 135.18 of the Revised Code to act as such for the 9140
safekeeping of securities, the depositor shall accept the written 9141
receipt of the designated trustee, describing the securities that 9142
have been deposited with the trustee by the public depository, as 9143
and for a hypothecation of such securities and issue to the 9144
depository the depositor's written acknowledgment to that effect, 9145

keeping a copy thereof in the depositor's office. Thereupon, all 9146
such securities pledged and deposited with the trustee are deemed 9147
hypothecated and deposited with the depositor, for all the 9148
purposes of sections 131.13 to 131.16 of the Revised Code. The 9149
trustee shall hold the securities for the account of the depositor 9150
and the depository as their respective rights to and interests in 9151
such securities under said sections appear and are asserted by 9152
written notice to or demand upon the trustee. 9153

Notwithstanding the fact that a public depository is required 9154
to pledge eligible securities in certain amounts to secure 9155
deposits of public moneys, a trustee shall have no duty or 9156
obligation to determine the eligibility, market value, or face 9157
value of any securities deposited with the trustee by a public 9158
depository. This applies in all situations including, without 9159
limitation, a substitution or exchange of securities. 9160

Sec. 131.34. (A) No moneys shall be transferred between funds 9161
or between state agencies on an intrastate transfer voucher, or by 9162
any other procedure, unless such a transfer is a payment for goods 9163
or services or a service subscription or unless such a transfer is 9164
required or authorized by law. 9165

(B)(1) Any state agency that has provided goods or services 9166
or a service subscription to another state agency may, ~~if the~~ 9167
~~providing agency does not receive payment from the receiving~~ 9168
~~agency within thirty days after delivering the goods or services~~ 9169
~~and submitting an invoice requesting payment for them,~~ certify to 9170
the director of budget and management ~~that~~ both of the following: 9171

(a) That the goods or services have been delivered ~~and the or~~ 9172
that the service subscription has been initiated; 9173

(b) The amount that is due for ~~them~~ the goods and services or 9174
the service subscription. 9175

(2) A providing agency may make such certification only if it 9176
does not receive payment from the receiving agency within thirty 9177
days after: 9178

(a) Delivering the goods or services or initiating the 9179
service subscription; 9180

(b) Submitting an invoice requesting payment for the goods 9181
and services or the service subscription. 9182

(C) If the director determines that all or part of the 9183
certified amount should have been paid by the receiving agency and 9184
that the receiving agency has an unobligated balance in an 9185
appropriation for the payment, ~~he~~ the director may transfer the 9186
amount that should have been paid from the appropriate fund of the 9187
receiving agency to the appropriate fund of the providing agency 9188
on an intrastate transfer voucher. 9189

(D) For the purposes of this section, "service subscription" 9190
means an ongoing service provided to a state agency by another 9191
state agency for which an estimated payment is made in advance and 9192
final payment due is determined based on actual use. 9193

Sec. 131.35. (A) With respect to the federal funds received 9194
into any fund of the state from which transfers may be made under 9195
division (D) of section 127.14 of the Revised Code: 9196

(1) No state agency may make expenditures of any federal 9197
funds, whether such funds are advanced prior to expenditure or as 9198
reimbursement, unless such expenditures are made pursuant to 9199
specific appropriations of the general assembly, are authorized by 9200
the controlling board pursuant to division (A)(5) of this section, 9201
or are authorized by an executive order issued in accordance with 9202
section 107.17 of the Revised Code, and until an allotment has 9203
been approved by the director of budget and management. All 9204
federal funds received by a state agency shall be reported to the 9205

director within fifteen days of the receipt of such funds or the 9206
notification of award, whichever occurs first. The director shall 9207
prescribe the forms and procedures to be used when reporting the 9208
receipt of federal funds. 9209

(2) If the federal funds received are greater than the amount 9210
of such funds appropriated by the general assembly for a specific 9211
purpose, the total appropriation of federal and state funds for 9212
such purpose shall remain at the amount designated by the general 9213
assembly, except that the expenditure of federal funds received in 9214
excess of such specific appropriation may be authorized by the 9215
controlling board, subject to division (D) of this section. 9216

(3) To the extent that the expenditure of excess federal 9217
funds is authorized, the controlling board may transfer a like 9218
amount of general revenue fund appropriation authority from the 9219
affected agency to the emergency purposes appropriation of the 9220
controlling board, if such action is permitted under federal 9221
regulations. 9222

(4) Additional funds may be created by the controlling board 9223
to receive revenues not anticipated in an appropriations act for 9224
the biennium in which such new revenues are received. ~~Expenditures~~ 9225
Subject to division (D) of this section, expenditures from such 9226
additional funds may be authorized by the controlling board, but 9227
such authorization shall not extend beyond the end of the biennium 9228
in which such funds are created. 9229

(5) Controlling board authorization for a state agency to 9230
make an expenditure of federal funds constitutes authority for the 9231
agency to participate in the federal program providing the funds, 9232
and the agency is not required to obtain an executive order under 9233
section 107.17 of the Revised Code to participate in the federal 9234
program. 9235

(B) With respect to nonfederal funds received into the 9236

waterways safety fund, the wildlife fund, and any fund of the 9237
state from which transfers may be made under division (D) of 9238
section 127.14 of the Revised Code: 9239

(1) No state agency may make expenditures of any such funds 9240
unless the expenditures are made pursuant to specific 9241
appropriations of the general assembly. 9242

(2) If the receipts received into any fund are greater than 9243
the amount appropriated, the appropriation for that fund shall 9244
remain at the amount designated by the general assembly or, 9245
subject to division (D) of this section, as increased and approved 9246
by the controlling board. 9247

(3) Additional funds may be created by the controlling board 9248
to receive revenues not anticipated in an appropriations act for 9249
the biennium in which such new revenues are received. ~~Expenditures~~ 9250
Subject to division (D) of this section, expenditures from such 9251
additional funds may be authorized by the controlling board, but 9252
such authorization shall not extend beyond the end of the biennium 9253
in which such funds are created. 9254

(C) The controlling board shall not authorize more than ten 9255
per cent of additional spending from the occupational licensing 9256
and regulatory fund, created in section 4743.05 of the Revised 9257
Code, in excess of any appropriation made by the general assembly 9258
to a licensing agency except an appropriation for costs related to 9259
the examination or reexamination of applicants for a license. As 9260
used in this division, "licensing agency" and "license" have the 9261
same meanings as in section 4745.01 of the Revised Code. 9262

(D) The amount of any expenditure authorized under division 9263
(A)(2) or (4) or (B)(2) or (3) of this section for a specific or 9264
related purpose or item in any fiscal year shall not exceed an 9265
amount greater than one per cent of the general revenue fund 9266
appropriations for that fiscal year. 9267

Sec. 131.43. There is hereby created in the state treasury 9268
the budget stabilization fund. It is the intent of the general 9269
assembly to maintain an amount of money in the budget 9270
stabilization fund that amounts to approximately ~~five~~ eight and 9271
one-half per cent of the general revenue fund revenues for the 9272
preceding fiscal year. The governor shall include in the state 9273
budget ~~he~~ the governor submits to the general assembly under 9274
section 107.03 of the Revised Code proposals for transfers between 9275
the general revenue fund and the budget stabilization fund for the 9276
ensuing fiscal biennium. The balance in the fund may be combined 9277
with the balance in the general revenue fund for purposes of cash 9278
management. 9279

Sec. 131.44. (A) As used in this section: 9280

(1) "Surplus revenue" means the excess, if any, of the total 9281
fund balance over the required year-end balance. 9282

(2) "Total fund balance" means the sum of the unencumbered 9283
balance in the general revenue fund on the last day of the 9284
preceding fiscal year plus the balance in the budget stabilization 9285
fund. 9286

(3) "Required year-end balance" means the sum of the 9287
following: 9288

(a) ~~Five~~ Eight and one-half per cent of the general revenue 9289
fund revenues for the preceding fiscal year; 9290

(b) "Ending fund balance," which means one-half of one per 9291
cent of general revenue fund revenues for the preceding fiscal 9292
year; 9293

(c) "Carryover balance," which means, with respect to a 9294
fiscal biennium, the excess, if any, of the estimated general 9295
revenue fund appropriation and transfer requirement for the second 9296
fiscal year of the biennium over the estimated general revenue 9297

fund revenue for that fiscal year; 9298

(d) "Capital appropriation reserve," which means the amount, 9299
if any, of general revenue fund capital appropriations made for 9300
the current biennium that the director of budget and management 9301
has determined will be encumbered or disbursed; 9302

(e) "Income tax reduction impact reserve," which means an 9303
amount equal to the reduction projected by the director of budget 9304
and management in income tax revenue in the current fiscal year 9305
attributable to the previous reduction in the income tax rate made 9306
by the tax commissioner pursuant to division (B) of section 9307
5747.02 of the Revised Code. 9308

(4) "Estimated general revenue fund appropriation and 9309
transfer requirement" means the most recent adjusted 9310
appropriations made by the general assembly from the general 9311
revenue fund and includes both of the following: 9312

(a) Appropriations made and transfers of appropriations from 9313
the first fiscal year to the second fiscal year of the biennium in 9314
provisions of acts of the general assembly signed by the governor 9315
but not yet effective; 9316

(b) Transfers of appropriations from the first fiscal year to 9317
the second fiscal year of the biennium approved by the controlling 9318
board. 9319

(5) "Estimated general revenue fund revenue" means the most 9320
recent such estimate available to the director of budget and 9321
management. 9322

(B)(1) Not later than the thirty-first day of July each year, 9323
the director of budget and management shall determine the surplus 9324
revenue that existed on the preceding thirtieth day of June and 9325
transfer from the general revenue fund, to the extent of the 9326
unobligated, unencumbered balance on the preceding thirtieth day 9327
of June in excess of one-half of one per cent of the general 9328

revenue fund revenues in the preceding fiscal year, the following: 9329

(a) First, to the budget stabilization fund, any amount 9330
necessary for the balance of the budget stabilization fund to 9331
equal ~~five~~ eight and one-half per cent of the general revenue fund 9332
revenues of the preceding fiscal year; 9333

(b) Then, to the income tax reduction fund, which is hereby 9334
created in the state treasury, an amount equal to the surplus 9335
revenue. 9336

(2) Not later than the thirty-first day of July each year, 9337
the director shall determine the percentage that the balance in 9338
the income tax reduction fund is of the amount of revenue that the 9339
director estimates will be received from the tax levied under 9340
section 5747.02 of the Revised Code in the current fiscal year 9341
without regard to any reduction under division (B) of that 9342
section. If that percentage exceeds thirty-five one hundredths of 9343
one per cent, the director shall certify the percentage to the tax 9344
commissioner not later than the thirty-first day of July. 9345

(C) The director of budget and management shall transfer 9346
money in the income tax reduction fund to the general revenue 9347
fund, the local government fund, and the public library fund as 9348
necessary to offset revenue reductions resulting from the 9349
reductions in taxes required under division (B) of section 5747.02 9350
of the Revised Code in the respective amounts and percentages 9351
prescribed by division (A) of section 5747.03 and divisions (B) 9352
and (C) of section 131.51 of the Revised Code as if the amount 9353
transferred had been collected as taxes under Chapter 5747. of the 9354
Revised Code. If no reductions in taxes are made under that 9355
division that affect revenue received in the current fiscal year, 9356
the director shall not transfer money from the income tax 9357
reduction fund to the general revenue fund, the local government 9358
fund, and the public library fund. 9359

Sec. 133.01. As used in this chapter, in sections 9.95, 9.96, 9360
and 2151.655 of the Revised Code, in other sections of the Revised 9361
Code that make reference to this chapter unless the context does 9362
not permit, and in related proceedings, unless otherwise expressly 9363
provided: 9364

(A) "Acquisition" as applied to real or personal property 9365
includes, among other forms of acquisition, acquisition by 9366
exercise of a purchase option, and acquisition of interests in 9367
property, including, without limitation, easements and 9368
rights-of-way, and leasehold and other lease interests initially 9369
extending or extendable for a period of at least sixty months. 9370

(B) "Anticipatory securities" means securities, including 9371
notes, issued in anticipation of the issuance of other securities. 9372

(C) "Board of elections" means the county board of elections 9373
of the county in which the subdivision is located. If the 9374
subdivision is located in more than one county, "board of 9375
elections" means the county board of elections of the county that 9376
contains the largest portion of the population of the subdivision 9377
or that otherwise has jurisdiction in practice over and 9378
customarily handles election matters relating to the subdivision. 9379

(D) "Bond retirement fund" means the bond retirement fund 9380
provided for in section 5705.09 of the Revised Code, and also 9381
means a sinking fund or any other special fund, regardless of the 9382
name applied to it, established by or pursuant to law or the 9383
proceedings for the payment of debt charges. Provision may be made 9384
in the applicable proceedings for the establishment in a bond 9385
retirement fund of separate accounts relating to debt charges on 9386
particular securities, or on securities payable from the same or 9387
common sources, and for the application of moneys in those 9388
accounts only to specified debt charges on specified securities or 9389
categories of securities. Subject to law and any provisions in the 9390

applicable proceedings, moneys in a bond retirement fund or 9391
separate account in a bond retirement fund may be transferred to 9392
other funds and accounts. 9393

(E) "Capitalized interest" means all or a portion of the 9394
interest payable on securities from their date to a date stated or 9395
provided for in the applicable legislation, which interest is to 9396
be paid from the proceeds of the securities. 9397

(F) "Chapter 133. securities" means securities authorized by 9398
or issued pursuant to or in accordance with this chapter. 9399

(G) "County auditor" means the county auditor of the county 9400
in which the subdivision is located. If the subdivision is located 9401
in more than one county, "county auditor" means the county auditor 9402
of the county that contains the highest amount of the tax 9403
valuation of the subdivision or that otherwise has jurisdiction in 9404
practice over and customarily handles property tax matters 9405
relating to the subdivision. In the case of a county that has 9406
adopted a charter, "county auditor" means the officer who 9407
generally has the duties and functions provided in the Revised 9408
Code for a county auditor. 9409

(H) "Credit enhancement facilities" means letters of credit, 9410
lines of credit, stand-by, contingent, or firm securities purchase 9411
agreements, insurance, or surety arrangements, guarantees, and 9412
other arrangements that provide for direct or contingent payment 9413
of debt charges, for security or additional security in the event 9414
of nonpayment or default in respect of securities, or for making 9415
payment of debt charges to and at the option and on demand of 9416
securities holders or at the option of the issuer or upon certain 9417
conditions occurring under put or similar arrangements, or for 9418
otherwise supporting the credit or liquidity of the securities, 9419
and includes credit, reimbursement, marketing, remarketing, 9420
indexing, carrying, interest rate hedge, and subrogation 9421
agreements, and other agreements and arrangements for payment and 9422

reimbursement of the person providing the credit enhancement 9423
facility and the security for that payment and reimbursement. 9424

(I) "Current operating expenses" or "current expenses" means 9425
the lawful expenditures of a subdivision, except those for 9426
permanent improvements and for payments of debt charges of the 9427
subdivision. 9428

(J) "Debt charges" means the principal, including any 9429
mandatory sinking fund deposits and mandatory redemption payments, 9430
interest, and any redemption premium, payable on securities as 9431
those payments come due and are payable. The use of "debt charges" 9432
for this purpose does not imply that any particular securities 9433
constitute debt within the meaning of the Ohio Constitution or 9434
other laws. 9435

(K) "Financing costs" means all costs and expenses relating 9436
to the authorization, including any required election, issuance, 9437
sale, delivery, authentication, deposit, custody, clearing, 9438
registration, transfer, exchange, fractionalization, replacement, 9439
payment, and servicing of securities, including, without 9440
limitation, costs and expenses for or relating to publication and 9441
printing, postage, delivery, preliminary and final official 9442
statements, offering circulars, and informational statements, 9443
travel and transportation, underwriters, placement agents, 9444
investment bankers, paying agents, registrars, authenticating 9445
agents, remarketing agents, custodians, clearing agencies or 9446
corporations, securities depositories, financial advisory 9447
services, certifications, audits, federal or state regulatory 9448
agencies, accounting and computation services, legal services and 9449
obtaining approving legal opinions and other legal opinions, 9450
credit ratings, redemption premiums, and credit enhancement 9451
facilities. Financing costs may be paid from any moneys available 9452
for the purpose, including, unless otherwise provided in the 9453
proceedings, from the proceeds of the securities to which they 9454

relate and, as to future financing costs, from the same sources 9455
from which debt charges on the securities are paid and as though 9456
debt charges. 9457

(L) "Fiscal officer" means the following, or, in the case of 9458
absence or vacancy in the office, a deputy or assistant authorized 9459
by law or charter to act in the place of the named officer, or if 9460
there is no such authorization then the deputy or assistant 9461
authorized by legislation to act in the place of the named officer 9462
for purposes of this chapter, in the case of the following 9463
subdivisions: 9464

(1) A county, the county auditor; 9465

(2) A municipal corporation, the city auditor or village 9466
clerk or clerk-treasurer, or the officer who, by virtue of a 9467
charter, has the duties and functions provided in the Revised Code 9468
for the city auditor or village clerk or clerk-treasurer; 9469

(3) A school district, the treasurer of the board of 9470
education; 9471

(4) A regional water and sewer district, the secretary of the 9472
board of trustees; 9473

(5) A joint township hospital district, the treasurer of the 9474
district; 9475

(6) A joint ambulance district, the clerk of the board of 9476
trustees; 9477

(7) A joint recreation district, the person designated 9478
pursuant to section 755.15 of the Revised Code; 9479

(8) A detention facility district or a district organized 9480
under section 2151.65 of the Revised Code or a combined district 9481
organized under sections 2152.41 and 2151.65 of the Revised Code, 9482
the county auditor of the county designated by law to act as the 9483
auditor of the district; 9484

(9) A township, a fire district organized under division (C) of section 505.37 of the Revised Code, or a township police district, the fiscal officer of the township;	9485 9486 9487
(10) A joint fire district, the clerk of the board of trustees of that district;	9488 9489
(11) A regional or county library district, the person responsible for the financial affairs of that district;	9490 9491
(12) A joint solid waste management district, the fiscal officer appointed by the board of directors of the district under section 343.01 of the Revised Code;	9492 9493 9494
(13) A joint emergency medical services district, the person appointed as fiscal officer pursuant to division (D) of section 307.053 of the Revised Code;	9495 9496 9497
(14) A fire and ambulance district, the person appointed as fiscal officer under division (B) of section 505.375 of the Revised Code;	9498 9499 9500
(15) A subdivision described in division (MM)(19) of this section, the officer who is designated by law as or performs the functions of its chief fiscal officer;	9501 9502 9503
(16) A joint police district, the treasurer of the district;	9504
(17) A lake facilities authority, the fiscal officer designated under section 353.02 of the Revised Code;	9505 9506
(18) A regional transportation improvement project, the county auditor designated under section 5595.10 of the Revised Code.	9507 9508 9509
(M) "Fiscal year" has the same meaning as in section 9.34 of the Revised Code.	9510 9511
(N) "Fractionalized interests in public obligations" means participations, certificates of participation, shares, or other instruments or agreements, separate from the public obligations	9512 9513 9514

themselves, evidencing ownership of interests in public 9515
obligations or of rights to receive payments of, or on account of, 9516
principal or interest or their equivalents payable by or on behalf 9517
of an obligor pursuant to public obligations. 9518

(O) "Fully registered securities" means securities in 9519
certificated or uncertificated form, registered as to both 9520
principal and interest in the name of the owner. 9521

(P) "Fund" means to provide for the payment of debt charges 9522
and expenses related to that payment at or prior to retirement by 9523
purchase, call for redemption, payment at maturity, or otherwise. 9524

(Q) "General obligation" means securities to the payment of 9525
debt charges on which the full faith and credit and the general 9526
property taxing power, including taxes within the tax limitation 9527
if available to the subdivision, of the subdivision are pledged. 9528

(R) "Interest" or "interest equivalent" means those payments 9529
or portions of payments, however denominated, that constitute or 9530
represent consideration for forbearing the collection of money, or 9531
for deferring the receipt of payment of money to a future time. 9532

(S) "Internal Revenue Code" means the "Internal Revenue Code 9533
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1 et seq., as amended, and 9534
includes any laws of the United States providing for application 9535
of that code. 9536

(T) "Issuer" means any public issuer and any nonprofit 9537
corporation authorized to issue securities for or on behalf of any 9538
public issuer. 9539

(U) "Legislation" means an ordinance or resolution passed by 9540
a majority affirmative vote of the then members of the taxing 9541
authority unless a different vote is required by charter 9542
provisions governing the passage of the particular legislation by 9543
the taxing authority. 9544

(V) "Mandatory sinking fund redemption requirements" means 9545
amounts required by proceedings to be deposited in a bond 9546
retirement fund for the purpose of paying in any year or fiscal 9547
year by mandatory redemption prior to stated maturity the 9548
principal of securities that is due and payable, except for 9549
mandatory prior redemption requirements as provided in those 9550
proceedings, in a subsequent year or fiscal year. 9551

(W) "Mandatory sinking fund requirements" means amounts 9552
required by proceedings to be deposited in a year or fiscal year 9553
in a bond retirement fund for the purpose of paying the principal 9554
of securities that is due and payable in a subsequent year or 9555
fiscal year. 9556

(X) "Net indebtedness" has the same meaning as in division 9557
(A) of section 133.04 of the Revised Code. 9558

(Y) "Obligor," in the case of securities or fractionalized 9559
interests in public obligations issued by another person the debt 9560
charges or their equivalents on which are payable from payments 9561
made by a public issuer, means that public issuer. 9562

(Z) "One purpose" relating to permanent improvements means 9563
any one permanent improvement or group or category of permanent 9564
improvements for the same utility, enterprise, system, or project, 9565
development or redevelopment project, or for or devoted to the 9566
same general purpose, function, or use or for which 9567
self-supporting securities, based on the same or different sources 9568
of revenues, may be issued or for which special assessments may be 9569
levied by a single ordinance or resolution. "One purpose" 9570
includes, but is not limited to, in any case any off-street 9571
parking facilities relating to another permanent improvement, and: 9572

(1) Any number of roads, highways, streets, bridges, 9573
sidewalks, and viaducts; 9574

(2) Any number of off-street parking facilities; 9575

(3) In the case of a county, any number of permanent 9576
improvements for courthouse, jail, county offices, and other 9577
county buildings, and related facilities; 9578

(4) In the case of a school district, any number of 9579
facilities and buildings for school district purposes, and related 9580
facilities. 9581

(AA) "Outstanding," referring to securities, means securities 9582
that have been issued, delivered, and paid for, except any of the 9583
following: 9584

(1) Securities canceled upon surrender, exchange, or 9585
transfer, or upon payment or redemption; 9586

(2) Securities in replacement of which or in exchange for 9587
which other securities have been issued; 9588

(3) Securities for the payment, or redemption or purchase for 9589
cancellation prior to maturity, of which sufficient moneys or 9590
investments, in accordance with the applicable legislation or 9591
other proceedings or any applicable law, by mandatory sinking fund 9592
redemption requirements, mandatory sinking fund requirements, or 9593
otherwise, have been deposited, and credited for the purpose in a 9594
bond retirement fund or with a trustee or paying or escrow agent, 9595
whether at or prior to their maturity or redemption, and, in the 9596
case of securities to be redeemed prior to their stated maturity, 9597
notice of redemption has been given or satisfactory arrangements 9598
have been made for giving notice of that redemption, or waiver of 9599
that notice by or on behalf of the affected security holders has 9600
been filed with the subdivision or its agent for the purpose. 9601

(BB) "Paying agent" means the one or more banks, trust 9602
companies, or other financial institutions or qualified persons, 9603
including an appropriate office or officer of the subdivision, 9604
designated as a paying agent or place of payment of debt charges 9605
on the particular securities. 9606

(CC) "Permanent improvement" or "improvement" means any 9607
property, asset, or improvement certified by the fiscal officer, 9608
which certification is conclusive, as having an estimated life or 9609
period of usefulness of five years or more, and includes, but is 9610
not limited to, real estate, buildings, and personal property and 9611
interests in real estate, buildings, and personal property, 9612
equipment, furnishings, and site improvements, and reconstruction, 9613
rehabilitation, renovation, installation, improvement, 9614
enlargement, and extension of property, assets, or improvements so 9615
certified as having an estimated life or period of usefulness of 9616
five years or more. The acquisition of all the stock ownership of 9617
a corporation is the acquisition of a permanent improvement to the 9618
extent that the value of that stock is represented by permanent 9619
improvements. A permanent improvement for parking, highway, road, 9620
and street purposes includes resurfacing, but does not include 9621
ordinary repair. 9622

(DD) "Person" has the same meaning as in section 1.59 of the 9623
Revised Code and also includes any federal, state, interstate, 9624
regional, or local governmental agency, any subdivision, and any 9625
combination of those persons. 9626

(EE) "Proceedings" means the legislation, certifications, 9627
notices, orders, sale proceedings, trust agreement or indenture, 9628
mortgage, lease, lease-purchase agreement, assignment, credit 9629
enhancement facility agreements, and other agreements, 9630
instruments, and documents, as amended and supplemented, and any 9631
election proceedings, authorizing, or providing for the terms and 9632
conditions applicable to, or providing for the security or sale or 9633
award of, public obligations, and includes the provisions set 9634
forth or incorporated in those public obligations and proceedings. 9635

(FF) "Public issuer" means any of the following that is 9636
authorized by law to issue securities or enter into public 9637
obligations: 9638

(1) The state, including an agency, commission, officer,
institution, board, authority, or other instrumentality of the
state;

(2) A taxing authority, subdivision, district, or other local
public or governmental entity, and any combination or consortium,
or public division, district, commission, authority, department,
board, officer, or institution, thereof;

(3) Any other body corporate and politic, or other public
entity.

(GG) "Public obligations" means both of the following:

(1) Securities;

(2) Obligations of a public issuer to make payments under
installment sale, lease, lease purchase, or similar agreements,
which obligations may bear interest or interest equivalent.

(HH) "Refund" means to fund and retire outstanding
securities, including advance refunding with or without payment or
redemption prior to maturity.

(II) "Register" means the books kept and maintained by the
registrar for registration, exchange, and transfer of registered
securities.

(JJ) "Registrar" means the person responsible for keeping the
register for the particular registered securities, designated by
or pursuant to the proceedings.

(KK) "Securities" means bonds, notes, certificates of
indebtedness, commercial paper, and other instruments in writing,
including, unless the context does not admit, anticipatory
securities, issued by an issuer to evidence its obligation to
repay money borrowed, or to pay interest, by, or to pay at any
future time other money obligations of, the issuer of the
securities, but not including public obligations described in

division (GG)(2) of this section. 9669

(LL) "Self-supporting securities" means securities or 9670
portions of securities issued for the purpose of paying costs of 9671
permanent improvements to the extent that receipts of the 9672
subdivision, other than the proceeds of taxes levied by that 9673
subdivision, derived from or with respect to the improvements or 9674
the operation of the improvements being financed, or the 9675
enterprise, system, project, or category of improvements of which 9676
the improvements being financed are part, are estimated by the 9677
fiscal officer to be sufficient to pay the current expenses of 9678
that operation or of those improvements or enterprise, system, 9679
project, or categories of improvements and the debt charges 9680
payable from those receipts on securities issued for the purpose. 9681
Until such time as the improvements or increases in rates and 9682
charges have been in operation or effect for a period of at least 9683
six months, the receipts therefrom, for purposes of this 9684
definition, shall be those estimated by the fiscal officer, except 9685
that those receipts may include, without limitation, payments made 9686
and to be made to the subdivision under leases or agreements in 9687
effect at the time the estimate is made. In the case of an 9688
operation, improvements, or enterprise, system, project, or 9689
category of improvements without at least a six-month history of 9690
receipts, the estimate of receipts by the fiscal officer, other 9691
than those to be derived under leases and agreements then in 9692
effect, shall be confirmed by the taxing authority. 9693

(MM) "Subdivision" means any of the following: 9694

(1) A county, including a county that has adopted a charter 9695
under Article X, Ohio Constitution; 9696

(2) A municipal corporation, including a municipal 9697
corporation that has adopted a charter under Article XVIII, Ohio 9698
Constitution; 9699

(3) A school district;	9700
(4) A regional water and sewer district organized under Chapter 6119. of the Revised Code;	9701 9702
(5) A joint township hospital district organized under section 513.07 of the Revised Code;	9703 9704
(6) A joint ambulance district organized under section 505.71 of the Revised Code;	9705 9706
(7) A joint recreation district organized under division (C) of section 755.14 of the Revised Code;	9707 9708
(8) A detention facility district organized under section 2152.41, a district organized under section 2151.65, or a combined district organized under sections 2152.41 and 2151.65 of the Revised Code;	9709 9710 9711 9712
(9) A township police district organized under section 505.48 of the Revised Code;	9713 9714
(10) A township;	9715
(11) A joint fire district organized under section 505.371 of the Revised Code;	9716 9717
(12) A county library district created under section 3375.19 or a regional library district created under section 3375.28 of the Revised Code;	9718 9719 9720
(13) A joint solid waste management district organized under section 343.01 or 343.012 of the Revised Code;	9721 9722
(14) A joint emergency medical services district organized under section 307.052 of the Revised Code;	9723 9724
(15) A fire and ambulance district organized under section 505.375 of the Revised Code;	9725 9726
(16) A fire district organized under division (C) of section 505.37 of the Revised Code;	9727 9728

(17) A joint police district organized under section 505.482 of the Revised Code;	9729 9730
(18) A lake facilities authority created under Chapter 353. of the Revised Code;	9731 9732
(19) A regional transportation improvement project created under Chapter 5595. of the Revised Code;	9733 9734
(20) Any other political subdivision or taxing district or other local public body or agency authorized by this chapter or other laws to issue Chapter 133. securities.	9735 9736 9737
(NN) "Taxing authority" means in the case of the following subdivisions:	9738 9739
(1) A county, a county library district, or a regional library district, the board or boards of county commissioners, or other legislative authority of a county that has adopted a charter under Article X, Ohio Constitution, but with respect to such a library district acting solely as agent for the board of trustees of that district;	9740 9741 9742 9743 9744 9745
(2) A municipal corporation, the legislative authority;	9746
(3) A school district, the board of education;	9747
(4) A regional water and sewer district, a joint ambulance district, a joint recreation district, a fire and ambulance district, or a joint fire district, the board of trustees of the district;	9748 9749 9750 9751
(5) A joint township hospital district, the joint township hospital board;	9752 9753
(6) A detention facility district or a district organized under section 2151.65 of the Revised Code, a combined district organized under sections 2152.41 and 2151.65 of the Revised Code, or a joint emergency medical services district, the joint board of county commissioners;	9754 9755 9756 9757 9758

- (7) A township, a fire district organized under division (C) 9759
of section 505.37 of the Revised Code, or a township police 9760
district, the board of township trustees; 9761
- (8) A joint solid waste management district organized under 9762
section 343.01 or 343.012 of the Revised Code, the board of 9763
directors of the district; 9764
- (9) A subdivision described in division (MM)(19) of this 9765
section, the legislative or governing body or official; 9766
- (10) A joint police district, the joint police district 9767
board; 9768
- (11) A lake facilities authority, the board of directors; 9769
- (12) A regional transportation improvement project, the 9770
governing board. 9771
- (OO) "Tax limitation" means the "ten-mill limitation" as 9772
defined in section 5705.02 of the Revised Code without diminution 9773
by reason of section 5705.313 of the Revised Code or otherwise, 9774
or, in the case of a municipal corporation or county with a 9775
different charter limitation on property taxes levied to pay debt 9776
charges on unvoted securities, that charter limitation. Those 9777
limitations shall be respectively referred to as the "ten-mill 9778
limitation" and the "charter tax limitation." 9779
- (PP) "Tax valuation" means the aggregate of the valuations of 9780
property subject to ad valorem property taxation by the 9781
subdivision on the real property, personal property, and public 9782
utility property tax lists and duplicates most recently certified 9783
for collection, and shall be calculated without deductions of the 9784
valuations of otherwise taxable property exempt in whole or in 9785
part from taxation by reason of exemptions of certain amounts of 9786
taxable value under division (C) of section 5709.01, tax 9787
reductions under section 323.152 of the Revised Code, or similar 9788
laws now or in the future in effect. 9789

For purposes of section 133.06 of the Revised Code, "tax valuation" shall not include the valuation of tangible personal property used in business, telephone or telegraph property, interexchange telecommunications company property, or personal property owned or leased by a railroad company and used in railroad operations listed under or described in section 5711.22, division (B) or (F) of section 5727.111, or section 5727.12 of the Revised Code.

(QQ) "Year" means the calendar year.

(RR) "Administrative agent," "agent," "commercial paper," "floating rate interest structure," "indexing agent," "interest rate hedge," "interest rate period," "put arrangement," and "remarketing agent" have the same meanings as in section 9.98 of the Revised Code.

(SS) "Sales tax supported" means obligations to the payment of debt charges on which an additional sales tax or additional sales taxes have been pledged by the taxing authority of a county pursuant to section 133.081 of the Revised Code.

(TT) "Tourism development district revenue supported" means obligations to the payment of debt charges on which tourism development district revenue has been pledged by the taxing authority of a municipal corporation or township under section 133.083 of the Revised Code.

Sec. 133.04. (A) As used in this chapter, "net indebtedness" means, as determined pursuant to this section, the principal amount of the outstanding securities of a subdivision less the amount held in a bond retirement fund to the extent such amount is not taken into account in determining the principal amount outstanding under division (AA) of section 133.01 of the Revised Code. For purposes of this definition, the principal amount of outstanding securities includes the principal amount of

outstanding securities of another subdivision apportioned to the 9821
subdivision as a result of acquisition of territory, and excludes 9822
the principal amount of outstanding securities of the subdivision 9823
apportioned to another subdivision as a result of loss of 9824
territory and the payment or reimbursement obligations of the 9825
subdivision under credit enhancement facilities relating to 9826
outstanding securities. 9827

(B) In calculating the net indebtedness of a subdivision, 9828
none of the following securities, including anticipatory 9829
securities issued in anticipation of their issuance, shall be 9830
considered: 9831

(1) Securities issued in anticipation of the levy or 9832
collection of special assessments, either in original or refunded 9833
form; 9834

(2) Securities issued in anticipation of the collection of 9835
current revenues for the fiscal year or other period not to exceed 9836
twelve consecutive months, or securities issued in anticipation of 9837
the collection of the proceeds from a specifically identified 9838
voter-approved tax levy; 9839

(3) Securities issued for purposes described in section 9840
133.12 of the Revised Code; 9841

(4) Securities issued under Chapter 122., 140., 165., 725., 9842
or 761. or section 131.23 of the Revised Code; 9843

(5) Securities issued to pay final judgments or 9844
court-approved settlements under authorizing laws and securities 9845
issued under section 2744.081 of the Revised Code; 9846

(6) Securities issued to pay costs of permanent improvements 9847
to the extent they are issued in anticipation of the receipt of, 9848
and are payable as to principal from, federal or state grants or 9849
distributions for, or legally available for, that principal or for 9850
the costs of those permanent improvements; 9851

(7) Securities issued to evidence loans from the state 9852
capital improvements fund pursuant to Chapter 164. of the Revised 9853
Code or from the state infrastructure bank pursuant to section 9854
5531.09 of the Revised Code; 9855

(8) That percentage of the principal amount of general 9856
obligation securities issued by a county, township, or municipal 9857
corporation to pay the costs of permanent improvements equal to 9858
the percentage of the debt charges on those securities payable 9859
during the current fiscal year that the fiscal officer estimates 9860
can be paid during the current fiscal year from payments in lieu 9861
of taxes under section 1728.11, 1728.111, 5709.42, 5709.74, or 9862
5709.79 of the Revised Code, and that the legislation authorizing 9863
the issuance of the securities pledges or covenants will be used 9864
for the payment of those debt charges; provided that the amount 9865
excluded from consideration under division (B)(8) of this section 9866
shall not exceed the lesser of thirty million dollars or one-half 9867
per cent of the subdivision's tax valuation in the case of a 9868
county or township, or one and one-tenth per cent of the 9869
subdivision's tax valuation in the case of a municipal 9870
corporation; 9871

(9) Securities issued in an amount equal to the property tax 9872
replacement payments received under section 5727.85 or 5727.86 of 9873
the Revised Code; 9874

(10) Securities issued in an amount equal to the property tax 9875
replacement payments received under section 5751.21 or 5751.22 of 9876
the Revised Code; 9877

(11) Other securities, including self-supporting securities, 9878
excepted by law from the calculation of net indebtedness or from 9879
the application of this chapter; 9880

(12) Securities issued under section 133.083 of the Revised 9881
Code for the purpose of acquiring, constructing, improving, or 9882

equipping any permanent improvement to the extent that the 9883
legislation authorizing the issuance pledges tourism development 9884
district revenue to the payment of debt charges on the securities 9885
and contains a covenant to appropriate from tourism development 9886
district revenue a sufficient amount to cover debt charges or the 9887
financing costs related to the securities as they become due; 9888

(13) Any other securities outstanding on October 30, 1989, 9889
and then excepted from the calculation of net indebtedness or from 9890
the application of this chapter, and securities issued at any time 9891
to fund or refund those securities. 9892

Sec. 133.05. (A) A municipal corporation shall not incur net 9893
indebtedness that exceeds an amount equal to ten and one-half per 9894
cent of its tax valuation, or incur without a vote of the electors 9895
net indebtedness that exceeds an amount equal to five and one-half 9896
per cent of that tax valuation. 9897

(B) In calculating the net indebtedness of a municipal 9898
corporation, none of the following securities shall be considered: 9899

(1) Self-supporting securities issued for any purposes 9900
including, without limitation, any of the following general 9901
purposes: 9902

(a) Water systems or facilities; 9903

(b) Sanitary sewerage systems or facilities, or surface and 9904
storm water drainage and sewerage systems or facilities, or a 9905
combination of those systems or facilities; 9906

(c) Electric plants and facilities and steam or cogeneration 9907
facilities that generate or supply electricity, or steam and 9908
electrical or steam distribution systems and lines; 9909

(d) Airports or landing fields or facilities; 9910

(e) Railroads, rapid transit, and other mass transit systems; 9911

(f) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	9912 9913 9914
(g) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing such care or treatment and their families;	9915 9916 9917
(h) Solid waste or hazardous waste collection or disposal facilities, or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;	9918 9919 9920
(i) Urban redevelopment projects;	9921
(j) Recreational, sports, convention, auditorium, museum, trade show, and other public attraction facilities;	9922 9923
(k) Facilities for natural resources exploration, development, recovery, use, and sale;	9924 9925
(1) Correctional and detention facilities, including multicounty-municipal jails, and related rehabilitation facilities.	9926 9927 9928
(2) Securities issued for the purpose of purchasing, constructing, improving, or extending water or sanitary or surface and storm water sewerage systems or facilities, or a combination of those systems or facilities, to the extent that an agreement entered into with another subdivision requires the other subdivision to pay to the municipal corporation amounts equivalent to debt charges on the securities;	9929 9930 9931 9932 9933 9934 9935
(3) Securities issued under order of the director of health or director of environmental protection under section 6109.18 of the Revised Code;	9936 9937 9938
(4) Securities issued under Section 3, 10, or 12 of Article XVIII, Ohio Constitution;	9939 9940
(5) Securities that are not general obligations of the	9941

municipal corporation;	9942
(6) Voted securities issued for the purposes of urban	9943
redevelopment to the extent that their principal amount does not	9944
exceed an amount equal to two per cent of the tax valuation of the	9945
municipal corporation;	9946
(7) Unvoted general obligation securities to the extent that	9947
the legislation authorizing them includes covenants to appropriate	9948
annually from lawfully available municipal income taxes or other	9949
municipal excises or taxes, including taxes referred to in section	9950
701.06 of the Revised Code but not including ad valorem property	9951
taxes, and to continue to levy and collect those municipal income	9952
taxes or other applicable excises or taxes in, amounts necessary	9953
to meet the debt charges on those securities, which covenants are	9954
hereby authorized;	9955
(8) Self-supporting securities issued prior to July 1, 1977,	9956
under this chapter for the purpose of municipal university	9957
residence halls to the extent that revenues of the successor state	9958
university allocated to debt charges on those securities, from	9959
sources other than municipal excises and taxes, are sufficient to	9960
pay those debt charges;	9961
(9) Securities issued for the purpose of acquiring or	9962
constructing roads, highways, bridges, or viaducts, for the	9963
purpose of acquiring or making other highway permanent	9964
improvements, or for the purpose of procuring and maintaining	9965
computer systems for the office of the clerk of the municipal	9966
court to the extent that the legislation authorizing the issuance	9967
of the securities includes a covenant to appropriate from money	9968
distributed to the municipal corporation pursuant to Chapter	9969
4501., 4503., 4504., or 5735. of the Revised Code a sufficient	9970
amount to cover debt charges on and financing costs relating to	9971
the securities as they become due;	9972

(10) Securities issued for the purpose of providing some or 9973
all of the funds required to satisfy the municipal corporation's 9974
obligation under an agreement with the board of trustees of the 9975
Ohio police and fire pension fund under section 742.30 of the 9976
Revised Code; 9977

(11) Securities issued for the acquisition, construction, 9978
equipping, and improving of a municipal educational and cultural 9979
facility under division (B)(2) of section 307.672 of the Revised 9980
Code; 9981

(12) Securities issued for energy conservation measures under 9982
section 717.02 of the Revised Code; 9983

(13) Securities that are obligations issued to pay costs of a 9984
sports facility under section 307.673 of the Revised Code; 9985

(14) Securities issued under section 133.083 of the Revised 9986
Code for the purpose of acquiring, constructing, improving, or 9987
equipping any permanent improvement to the extent that the 9988
legislation authorizing the issuance pledges tourism development 9989
district revenue to the payment of debt charges on the securities 9990
and contains a covenant to appropriate from tourism development 9991
district revenue a sufficient amount to cover debt charges or the 9992
financing costs related to the securities as they become due. 9993

(C) In calculating the net indebtedness of a municipal 9994
corporation, no obligation incurred under section 749.081 of the 9995
Revised Code shall be considered. 9996

Sec. 133.07. (A) A county shall not incur, without a vote of 9997
the electors, either of the following: 9998

(1) Net indebtedness for all purposes that exceeds an amount 9999
equal to one per cent of its tax valuation; 10000

(2) Net indebtedness for the purpose of paying the county's 10001
share of the cost of the construction, improvement, maintenance, 10002

or repair of state highways that exceeds an amount equal to 10003
one-half of one per cent of its tax valuation. 10004

(B) A county shall not incur total net indebtedness that 10005
exceeds an amount equal to one of the following limitations that 10006
applies to the county: 10007

(1) A county with a valuation not exceeding one hundred 10008
million dollars, three per cent of that tax valuation; 10009

(2) A county with a tax valuation exceeding one hundred 10010
million dollars but not exceeding three hundred million dollars, 10011
three million dollars plus one and one-half per cent of that tax 10012
valuation in excess of one hundred million dollars; 10013

(3) A county with a tax valuation exceeding three hundred 10014
million dollars, six million dollars plus two and one-half per 10015
cent of that tax valuation in excess of three hundred million 10016
dollars. 10017

(C) In calculating the net indebtedness of a county, none of 10018
the following securities shall be considered: 10019

(1) Securities described in section 307.201 of the Revised 10020
Code; 10021

(2) Self-supporting securities issued for any purposes, 10022
including, but not limited to, any of the following general 10023
purposes: 10024

(a) Water systems or facilities; 10025

(b) Sanitary sewerage systems or facilities, or surface and 10026
storm water drainage and sewerage systems or facilities, or a 10027
combination of those systems or facilities; 10028

(c) County or joint county scrap tire collection, storage, 10029
monocell, monofill, or recovery facilities, or any combination of 10030
those facilities; 10031

(d) Off-street parking lots, facilities, or buildings, or 10032

on-street parking facilities, or any combination of off-street and	10033
on-street parking facilities;	10034
(e) Facilities for the care or treatment of the sick or	10035
infirm, and for housing the persons providing that care or	10036
treatment and their families;	10037
(f) Recreational, sports, convention, auditorium, museum,	10038
trade show, and other public attraction facilities;	10039
(g) Facilities for natural resources exploration,	10040
development, recovery, use, and sale;	10041
(h) Correctional and detention facilities and related	10042
rehabilitation facilities.	10043
(3) Securities issued for the purpose of purchasing,	10044
constructing, improving, or extending water or sanitary or surface	10045
and storm water sewerage systems or facilities, or a combination	10046
of those systems or facilities, to the extent that an agreement	10047
entered into with another subdivision requires the other	10048
subdivision to pay to the county amounts equivalent to debt	10049
charges on the securities;	10050
(4) Voted general obligation securities issued for the	10051
purpose of permanent improvements for sanitary sewerage or water	10052
systems or facilities to the extent that the total principal	10053
amount of voted securities outstanding for the purpose does not	10054
exceed an amount equal to two per cent of the county's tax	10055
valuation;	10056
(5) Securities issued for permanent improvements to house	10057
agencies, departments, boards, or commissions of the county or of	10058
any municipal corporation located, in whole or in part, in the	10059
county, to the extent that the revenues, other than revenues from	10060
unvoted county property taxes, derived from leases or other	10061
agreements between the county and those agencies, departments,	10062
boards, commissions, or municipal corporations relating to the use	10063

of the permanent improvements are sufficient to cover the cost of 10064
all operating expenses of the permanent improvements paid by the 10065
county and debt charges on the securities; 10066

(6) Securities issued pursuant to section 133.08 of the 10067
Revised Code; 10068

(7) Securities issued for the purpose of acquiring or 10069
constructing roads, highways, bridges, or viaducts, for the 10070
purpose of acquiring or making other highway permanent 10071
improvements, or for the purpose of procuring and maintaining 10072
computer systems for the office of the clerk of any 10073
county-operated municipal court, for the office of the clerk of 10074
the court of common pleas, or for the office of the clerk of the 10075
probate, juvenile, or domestic relations division of the court of 10076
common pleas to the extent that the legislation authorizing the 10077
issuance of the securities includes a covenant to appropriate from 10078
moneys distributed to the county pursuant to division (B) of 10079
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 10080
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 10081
sufficient amount to cover debt charges on and financing costs 10082
relating to the securities as they become due; 10083

(8) Securities issued for the purpose of acquiring, 10084
constructing, improving, and equipping a county, multicounty, or 10085
multicounty-municipal jail, workhouse, juvenile detention 10086
facility, or correctional facility; 10087

(9) Securities issued for the acquisition, construction, 10088
equipping, or repair of any permanent improvement or any class or 10089
group of permanent improvements enumerated in a resolution adopted 10090
pursuant to division (D) of section 5739.026, or under division 10091
(A)(10) of section 5739.09, of the Revised Code to the extent that 10092
the legislation authorizing the issuance of the securities 10093
includes a covenant to appropriate from moneys received from the 10094
taxes authorized under section 5739.023 and division (A)(5) of 10095

section 5739.026, or under division (A)(10) of section 5739.09, of 10096
the Revised Code, respectively, an amount sufficient to pay debt 10097
charges on the securities and those moneys shall be pledged for 10098
that purpose; 10099

(10) Securities issued for county or joint county solid waste 10100
or hazardous waste collection, transfer, or disposal facilities, 10101
or resource recovery and solid or hazardous waste recycling 10102
facilities, or any combination of those facilities; 10103

(11) Securities issued for the acquisition, construction, and 10104
equipping of a port authority educational and cultural facility 10105
under section 307.671 of the Revised Code; 10106

(12) Securities issued for the acquisition, construction, 10107
equipping, and improving of a municipal educational and cultural 10108
facility under division (B)(1) of section 307.672 of the Revised 10109
Code; 10110

(13) Securities issued for energy conservation measures under 10111
section 307.041 of the Revised Code; 10112

(14) Securities issued for the acquisition, construction, 10113
equipping, improving, or repair of a sports facility, including 10114
obligations issued to pay costs of a sports facility under section 10115
307.673 of the Revised Code; 10116

(15) Securities issued under section 755.17 of the Revised 10117
Code if the legislation authorizing issuance of the securities 10118
includes a covenant to appropriate from revenue received from a 10119
tax authorized under division (A)(5) of section 5739.026 and 10120
section 5741.023 of the Revised Code an amount sufficient to pay 10121
debt charges on the securities, and the board of county 10122
commissioners pledges that revenue for that purpose, pursuant to 10123
section 755.171 of the Revised Code; 10124

(16) Sales tax supported bonds issued pursuant to section 10125
133.081 of the Revised Code for the purpose of acquiring, 10126

constructing, improving, or equipping any permanent improvement to 10127
the extent that the legislation authorizing the issuance of the 10128
sales tax supported bonds pledges county sales taxes to the 10129
payment of debt charges on the sales tax supported bonds and 10130
contains a covenant to appropriate from county sales taxes a 10131
sufficient amount to cover debt charges or the financing costs 10132
related to the sales tax supported bonds as they become due; 10133

(17) Bonds or notes issued under section 133.60 of the 10134
Revised Code if the legislation authorizing issuance of the bonds 10135
or notes includes a covenant to appropriate from revenue received 10136
from a tax authorized under division (A)(9) of section 5739.026 10137
and section 5741.023 of the Revised Code an amount sufficient to 10138
pay the debt charges on the bonds or notes, and the board of 10139
county commissioners pledges that revenue for that purpose; 10140

(18) Securities issued under section 3707.55 of the Revised 10141
Code for the acquisition of real property by a general health 10142
district; 10143

(19) Securities issued under division (A)(3) of section 10144
3313.37 of the Revised Code for the acquisition of real and 10145
personal property by an educational service center; 10146

(20) Securities issued for the purpose of paying the costs of 10147
acquiring, constructing, reconstructing, renovating, 10148
rehabilitating, expanding, adding to, equipping, furnishing, or 10149
otherwise improving an arena, convention center, or a combination 10150
of an arena and convention center under section 307.695 of the 10151
Revised Code; 10152

(21) Securities issued for the purpose of paying project 10153
costs under section 307.678 of the Revised Code; 10154

(22) Securities issued for the purpose of paying project 10155
costs under section 307.679 of the Revised Code. 10156

(D) In calculating the net indebtedness of a county, no 10157

obligation incurred under division (F) of section 339.06 of the Revised Code shall be considered.

Sec. 133.083. (A) As used in this section:

(1) "Anticipation notes" means notes issued in anticipation of the tourism development district revenue supported bonds authorized by this section.

(2) "Authorizing proceedings" means the resolution, legislation, trust agreement, certification, and other agreements, instruments, and documents, as amended and supplemented, authorizing, or providing for the security or sale or award of, tourism development district revenue supported bonds, and includes the provisions set forth or incorporated in those bonds and proceedings.

(3) "Tourism development district revenue" means revenue received by the taxing authority of a municipal corporation or township from a tax levied pursuant to section 503.57 or 5739.101 of the Revised Code, from fees imposed pursuant to division (C) of section 503.56 or division (C) of section 715.014 of the Revised Code, and, in the case of a municipal corporation, a tax levied on amounts received for admission to any place to the extent of the revenue therefrom is required to be used to foster and develop tourism in a tourism development district.

(4) "Tourism development district revenue supported bonds" means the tourism development district revenue supported bonds authorized by this section, including anticipation notes.

(5) "Refunding bonds" means tourism development district revenue supported bonds issued to provide for the refunding of the tourism development district revenue supported bonds referred to in this section as refunded obligations.

(6) "Tourism development district" means an area designated

by a township or municipal corporation under section 503.56 or 10188
715.014 of the Revised Code. 10189

(B) The taxing authority of a municipal corporation or 10190
township that is receiving tourism development district revenue, 10191
for the purpose of fostering and developing tourism within the 10192
tourism development district, may anticipate such revenue and 10193
issue tourism development district revenue supported bonds of the 10194
municipal corporation or township in the principal amount 10195
necessary to pay the costs of financing any permanent improvement, 10196
or to refund any refunded obligations, provided that the taxing 10197
authority certifies that the annual debt charges on the tourism 10198
development district revenue supported bonds, or on the tourism 10199
development district revenue supported bonds being anticipated by 10200
anticipation notes, do not exceed the estimated annual tourism 10201
development district revenue. The maximum aggregate amount of 10202
tourism development district revenue supported bonds that may be 10203
outstanding at any time in accordance with their terms shall not 10204
exceed an amount which requires or is estimated to require 10205
payments from tourism development district revenue of debt charges 10206
on the tourism development district revenue supported bonds, or, 10207
in the case of anticipation notes, projected debt charges on the 10208
tourism development district revenue supported bonds anticipated, 10209
in any calendar year in an amount exceeding tourism development 10210
district revenue in anticipation of which the bonds or 10211
anticipation notes are issued as estimated by the fiscal officer 10212
based on tourism development district revenue averaged for the two 10213
calendar years prior to the year in which the tourism development 10214
district revenue supported bonds are issued, and annualized for 10215
any increase in any tax levied pursuant to section 505.57 or 10216
5739.101 of the Revised Code during such period or levied after 10217
such period. A taxing authority may at any time issue renewal 10218
anticipation notes, issue tourism development district revenue 10219
supported bonds to pay renewal anticipation notes, and, if it 10220

considers refunding expedient, issue refunding tourism development 10221
district revenue supported bonds whether the refunded obligations 10222
have or have not matured. The refunding tourism development 10223
district revenue supported bonds shall be sold and the proceeds 10224
needed for such purpose applied in the manner provided in the 10225
authorizing proceedings of the taxing authority. 10226

The maximum maturity of tourism development district revenue 10227
supported bonds shall be calculated by the fiscal officer in 10228
accordance with section 133.20 of the Revised Code, and that 10229
calculation shall be filed with the taxing authority of the county 10230
before adoption of the ordinance or resolution authorizing the 10231
issuance. If the tourism development district revenue pledged to 10232
the payment of the tourism development district revenue supported 10233
bonds has a stated expiration date, the final principal maturity 10234
date of the tourism development district revenue supported bonds 10235
shall not extend beyond the final year of collection of the 10236
tourism development district revenue pledged to the payment of the 10237
tourism development district revenue supported bonds. 10238

(C) Every issue of tourism development district revenue 10239
supported bonds outstanding in accordance with their terms shall 10240
be payable out of the tourism development district revenue 10241
received by the municipal corporation or township or proceeds of 10242
tourism development district revenue supported bonds, renewal 10243
anticipation notes, or refunding tourism development district 10244
revenue supported bonds that may be pledged for such payment in 10245
the authorizing proceedings. The pledge shall be valid and binding 10246
from the time the pledge is made, and the tourism development 10247
district revenue so pledged and thereafter received by the county 10248
shall immediately be subject to the lien of that pledge without 10249
any physical delivery of the tourism development district revenue 10250
or proceeds or further act. The lien of any pledge is valid and 10251
binding as against all parties having claims of any kind in tort, 10252

contract, or otherwise against the county, whether or not such 10253
parties have notice of the lien. Neither the resolution nor any 10254
trust agreement by which a pledge is created or further evidenced 10255
need be filed or recorded except in the records of the taxing 10256
authority. 10257

(D) Tourism development district revenue supported bonds 10258
issued under this section do not constitute a general obligation 10259
debt, or a pledge of the full faith and credit, of the state, or 10260
any political subdivision of the state, and the holders or owners 10261
of the bonds have no right to have taxes levied by the general 10262
assembly or property taxes levied by the taxing authority of any 10263
political subdivision of the state for the payment of debt 10264
charges. Unless paid from other sources, tourism development 10265
district revenue supported bonds are payable from the tourism 10266
development district revenue pledged for their payment as 10267
authorized by this section. All tourism development district 10268
revenue supported bonds shall contain on their face a statement to 10269
the effect that the tourism development district revenue supported 10270
bonds, as to debt charges, are not debts or obligations of the 10271
state and are not general obligation debts of any political 10272
subdivision of the state, but, unless paid from other sources, are 10273
payable from the tourism development district revenue pledged for 10274
their payment. The utilization and pledge of the tourism 10275
development district revenue and proceeds of tourism development 10276
district revenue supported bonds, renewal anticipation notes, or 10277
refunding tourism development district revenue supported bonds for 10278
the payment of debt charges is determined by the general assembly 10279
to create a special obligation. 10280

(E) The tourism development district revenue supported bonds 10281
shall bear such date or dates, shall be executed in the manner, 10282
and shall mature at such time or times, in the case of any 10283
anticipation notes not exceeding ten years from the date of issue 10284

of the original anticipation notes and in the case of any tourism 10285
development district revenue supported bonds or of any refunding 10286
tourism development district revenue supported bonds, not 10287
exceeding the maximum maturity certified to the taxing authority 10288
pursuant to division (B) of this section, all as the authorizing 10289
proceedings may provide. The tourism development district revenue 10290
supported bonds shall bear interest at such rates, or at variable 10291
rate or rates changing from time to time, in accordance with 10292
provisions in the authorizing proceedings, be in such 10293
denominations and form, either coupon or registered, carry such 10294
registration privileges, be payable in such medium of payment and 10295
at such place or places, and be subject to such terms of 10296
redemption, as the taxing authority may authorize or provide. The 10297
tourism development district revenue supported bonds may be sold 10298
at public or private sale, and at, or at not less than, the price 10299
or prices as the taxing authority determines. If any officer whose 10300
signature or a facsimile of whose signature appears on any tourism 10301
development district revenue supported bonds or coupons ceases to 10302
be such officer before delivery of the tourism development 10303
district revenue supported bonds or anticipation notes, the 10304
signature or facsimile shall nevertheless be sufficient for all 10305
purposes as if that officer had remained in office until delivery 10306
of the tourism development district revenue supported bonds. 10307
Whether or not the tourism development district revenue supported 10308
bonds are of such form and character as to be negotiable 10309
instruments under Title XIII of the Revised Code, the tourism 10310
development district revenue supported bonds shall have all the 10311
qualities and incidents of negotiable instruments, subject only to 10312
any provisions for registration. Neither the members of the board 10313
of the taxing authority nor any person executing the tourism 10314
development district revenue supported bonds shall be liable 10315
personally on the tourism development district revenue supported 10316
bonds or be subject to any personal liability or accountability by 10317

reason of their issuance. 10318

(F) Notwithstanding any other provision of this section, 10319
sections 9.98 to 9.983, 133.02, 133.70, and 5709.76, and division 10320
(A) of section 133.03 of the Revised Code apply to the tourism 10321
development district revenue supported bonds. Tourism development 10322
district revenue supported bonds issued under this section need 10323
not comply with any other law applicable to notes or bonds but the 10324
authorizing proceedings may provide that divisions (B) to (E) of 10325
section 133.25 of the Revised Code apply to the tourism 10326
development district revenue supported bonds or anticipation 10327
notes. 10328

(G) Any authorized proceedings may contain provisions, 10329
subject to any agreements with holders as may then exist, which 10330
shall be a part of the contract with the holders, as to the 10331
pledging of any or all of the municipal corporation's or 10332
township's anticipated tourism development district revenue to 10333
secure the payment of the tourism development district revenue 10334
supported bonds; the use and disposition of the tourism 10335
development district revenue of the county; the crediting of the 10336
proceeds of the sale of tourism development district revenue 10337
supported bonds to and among the funds referred to or provided for 10338
in the authorizing proceedings; limitations on the purpose to 10339
which the proceeds of the tourism development district revenue 10340
supported bonds may be applied and the pledging of portions of 10341
such proceeds to secure the payment of the tourism development 10342
district revenue supported bonds or of anticipation notes; the 10343
agreement of the municipal corporation or township to do all 10344
things necessary for the authorization, issuance, and sale of 10345
those notes anticipated in such amounts as may be necessary for 10346
the timely payment of debt charges on any anticipation notes; 10347
limitations on the issuance of additional tourism development 10348
district revenue supported bonds; the terms upon which additional 10349

tourism development district revenue supported bonds may be issued 10350
and secured; the refunding of refunded obligations; the procedure 10351
by which the terms of any contract with holders may be amended, 10352
and the manner in which any required consent to amend may be 10353
given; securing any tourism development district revenue supported 10354
bonds by a trust agreement or other agreement; and any other 10355
matters, of like or different character, that in any way affect 10356
the security or protection of the tourism development district 10357
revenue supported bonds or anticipation notes. 10358

(H) The taxing authority of a municipal corporation or 10359
township may not repeal, rescind, or reduce any portion of a tax 10360
pledged to the payment of debt charges on tourism development 10361
district revenue supported bonds issued by the county while such 10362
bonds remain outstanding, and no portion of tourism development 10363
district revenue pledged to the payment of debt charges on such 10364
bonds shall be subject to repeal or reduction by the electorate of 10365
the taxing authority while the bonds are outstanding. 10366

Sec. 133.34. (A) Upon the determination of the taxing 10367
authority that such funding or refunding will be in the 10368
subdivision's best interest, the subdivision may: 10369

(1) Issue general obligation securities to fund or refund any 10370
outstanding revenue or mortgage revenue, sales tax supported, or 10371
other special obligation securities previously issued by it for 10372
permanent improvements pursuant to authorization by law or the 10373
Ohio Constitution. Any general obligation bonds issued pursuant to 10374
this division (A)(1) shall be payable as to principal at such 10375
times and in such installments as determined by the taxing 10376
authority consistent with section 133.21 of the Revised Code, ~~but~~ 10377
~~their.~~ The last maturity of the refunding securities shall not be 10378
later than ~~thirty~~ the later of: 10379

(a) Thirty years from the date of issuance of the original 10380

securities issued for the original purpose; or 10381

(b) The year of the last maturity that would have been 10382
permitted for the original securities if they had been issued as 10383
general obligation securities and the law as to the maximum 10384
maturity of general obligation securities issued for the original 10385
purpose were the same at the time the original securities were 10386
issued as the law existing at the time the refunding securities 10387
are issued. 10388

(2) Issue revenue or mortgage revenue securities, if 10389
authorized by other law or the Ohio Constitution to issue such 10390
securities for the original purpose, to fund or refund any 10391
outstanding general obligation or sales tax supported securities 10392
previously issued by it pursuant to authorization by law. The 10393
taxing authority shall establish the maturity date or dates, the 10394
interest payable, and other terms of such securities as it 10395
considers necessary or appropriate for their issuance. 10396

(3) Issue general obligation securities to fund or refund 10397
outstanding general obligation bonds issued in one or more issues 10398
for any purpose or purposes. General obligation securities issued 10399
pursuant to this division (A)(3) shall be payable as to principal 10400
at such times and in such installments as determined by the taxing 10401
authority. Section 133.21 of the Revised Code is not applicable to 10402
these refunding securities, but the last maturity of these 10403
refunding securities shall not be later than the year of last 10404
maturity permitted by law for the general obligation bonds 10405
refunded. Tax levies for debt charges on the refunding general 10406
obligation securities shall be considered to have the same status 10407
with respect to the provisions of the applicable tax limitation as 10408
the levies for debt charges on, and the refunding general 10409
obligation securities shall be considered to have the same status 10410
with respect to net indebtedness limitations as, the general 10411
obligation bonds that are refunded. 10412

(4) Issue sales tax supported or other special obligation 10413
securities to fund or refund any outstanding general obligation 10414
securities, or revenue or mortgage revenue ~~or general obligation,~~ 10415
sales tax supported, or other special obligation securities 10416
previously issued by it for permanent improvements pursuant to 10417
authorization by law or the Ohio Constitution. Any sales tax 10418
supported bonds issued pursuant to this division (A)(4) shall be 10419
payable as to principal at such times and in such installments as 10420
determined by the taxing authority consistent with division (E) of 10421
section 133.081 of the Revised Code, but their last maturity shall 10422
be consistent with division (B) of section 133.081 of the Revised 10423
Code. Other special obligation securities issued under this 10424
division (A)(4) shall be payable as to principal at such times and 10425
in such installments as determined by the taxing authority, and 10426
are not subject to section 133.21 of the Revised Code. The last 10427
maturity of these refunding securities shall be not later than the 10428
year of last maturity permitted by law for the obligations 10429
refunded. 10430

(5) Apply moneys from other sources to fund any outstanding 10431
securities or public obligations issued by the taxing authority 10432
pursuant to authorization by law or the Ohio Constitution, 10433
including the funding of any mandatory sinking fund redemption 10434
requirements. 10435

(6) Issue tourism development district revenue supported 10436
bonds to fund or refund any outstanding revenue or mortgage 10437
revenue or general obligation or other special obligation 10438
securities previously issued by it for permanent improvements 10439
pursuant to authorization by law or the Ohio Constitution. Any 10440
tourism development district revenue supported bonds issued 10441
pursuant to division (A)(6) of this section shall be payable as to 10442
principal at such times and in such installments as determined by 10443
the taxing authority consistent with division (E) of section 10444

133.083 of the Revised Code, but their last maturity shall be 10445
consistent with division (B) of section 133.083 of the Revised 10446
Code. 10447

(B) Securities issued pursuant to this section shall be 10448
considered to be issued for the same purpose or purposes as the 10449
securities that they are issued to fund or refund, and their 10450
proceeds shall be used as determined by the taxing authority 10451
consistent with their purpose. That use may include the payment of 10452
the outstanding principal amount of, any redemption premium on, 10453
and any interest to redemption or maturity on, the securities 10454
being funded or refunded, and any expenses relating to the funding 10455
or refunding or the issuance of the refunding bonds, including 10456
financing costs, all as determined by the taxing authority. 10457
Proceeds of securities issued pursuant to this section may also be 10458
used to provide additional money for the purpose or purposes for 10459
which the securities being funded or refunded, or which they 10460
funded or refunded, were issued, but section 133.21 of the Revised 10461
Code is applicable to any such portion of general obligation 10462
securities. 10463

(C) Securities may be issued and other moneys may be applied 10464
pursuant to this section to fund or refund all or any portion of 10465
the outstanding securities, and whether or not the securities to 10466
be funded or refunded were issued subject to call or redemption 10467
prior to maturity or are the original securities or are themselves 10468
refunding securities. 10469

(D) Moneys derived from the proceeds of securities issued 10470
pursuant to this section to fund or refund general obligation 10471
bonds, or moneys from other sources, and required for the purpose 10472
shall, under an escrow agreement or otherwise, to the extent 10473
required by the legislation be placed in an escrow fund, which may 10474
be in the bond retirement fund in the case of the funded or 10475
refunded bonds being payable within ninety days of issuance of the 10476

refunding securities, and other moneys applied pursuant to this 10477
section to fund general obligation bonds shall, under an escrow 10478
agreement or otherwise, to the extent required by the legislation, 10479
be placed in an escrow fund that may be in the sinking fund or 10480
bond retirement fund, and in either case are pledged for the 10481
purpose of funding or refunding the refunded general obligation 10482
bonds and shall be used, together with any other available funds 10483
as provided in this section, for that purpose. Pending that use, 10484
the moneys in escrow shall be held in cash or, if and to the 10485
extent authorized by the taxing authority, invested in whole or in 10486
part in direct obligations of or obligations guaranteed as to 10487
payment by the United States that mature or are subject to 10488
redemption by and at the option of the holder not later than the 10489
date or dates when the moneys invested, together with interest or 10490
other investment income accrued on those moneys, and any moneys 10491
held in cash and not invested will be required for that use. Any 10492
moneys in the escrow fund derived from the issuance of revenue or 10493
mortgage revenue ~~or~~, sales tax supported, or other special 10494
obligation securities that will not be needed to pay debt charges 10495
on the funded or refunded general obligation bonds may be used for 10496
and pledged to the payment of debt charges on the refunding 10497
securities and on any securities issued on a parity with the 10498
refunding securities. Any moneys in the escrow fund derived from 10499
the proceeds of refunding general obligation securities and that 10500
will not be needed to pay debt charges on the refunded general 10501
obligation bonds shall be transferred to the bond retirement fund. 10502
When the subdivision has placed in escrow moneys, derived from 10503
proceeds of refunding obligations or otherwise, or those direct or 10504
guaranteed obligations of the United States, or a combination of 10505
both, determined by an independent public accounting firm to be 10506
sufficient, with the interest or other investment income accruing 10507
on those direct or guaranteed obligations, for the payment of debt 10508
charges on the funded or refunded general obligation bonds, the 10509

funded or refunded general obligation bonds shall no longer be considered to be outstanding, shall not be considered for purposes of determining any limitation, direct or indirect, on the indebtedness or net indebtedness of the subdivision, and the levy of taxes or other charges for the payment of debt charges on the funded or refunded general obligation bonds under this chapter, Chapter 5705., or other provisions of the Revised Code, shall not be required. For purposes of this division, "direct obligations of or obligations guaranteed as to payment by the United States" includes rights to receive payment or portions of payments of the principal of or interest or other investment income on:

(1) Those obligations; and

(2) Other obligations fully secured as to payment by those obligations and the interest or other investment income on those obligations.

(E) The authority granted by this section is in addition to and not a limitation on any other authorizations granted by or pursuant to law or the Ohio Constitution for the same or similar purposes, and does not limit or restrict the authority of municipal corporations to issue, under authority of Article XVIII, Ohio Constitution, revenue or mortgage revenue securities to fund or refund either general obligation securities or other revenue or mortgage revenue securities.

Sec. 135.01. Except as otherwise provided in sections 135.14, 135.143, ~~and 135.181,~~ and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in

whole or in part, on demand; 10540

(2) A negotiable order of withdrawal account as authorized in 10541
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 10542
12 U.S.C.A. 1832(a); 10543

(3) A money market deposit account as authorized in the 10544
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 10545
1501, 12 U.S.C. 3503. 10546

(B) "Auditor" includes the auditor of state and the auditor, 10547
or officer exercising the functions of an auditor, of any 10548
subdivision. 10549

(C) "Capital funds" means the sum of the following: the par 10550
value of the outstanding common capital stock, the par value of 10551
the outstanding preferred capital stock, the aggregate par value 10552
of all outstanding capital notes and debentures, and the surplus. 10553
In the case of an institution having offices in more than one 10554
county, the capital funds of such institution, for the purposes of 10555
sections 135.01 to 135.21 of the Revised Code, relative to the 10556
deposit of the public moneys of the subdivisions in one such 10557
county, shall be considered to be that proportion of the capital 10558
funds of the institution that is represented by the ratio that the 10559
deposit liabilities of such institution originating at the office 10560
located in the county bears to the total deposit liabilities of 10561
the institution. 10562

(D) "Governing board" means, in the case of the state, the 10563
state board of deposit; in the case of all school districts and 10564
educational service centers except as otherwise provided in this 10565
section, the board of education or governing board of a service 10566
center, and when the case so requires, the board of commissioners 10567
of the sinking fund; in the case of a municipal corporation, the 10568
legislative authority, and when the case so requires, the board of 10569
trustees of the sinking fund; in the case of a township, the board 10570

of township trustees; in the case of a union or joint institution 10571
or enterprise of two or more subdivisions not having a treasurer, 10572
the board of directors or trustees thereof; and in the case of any 10573
other subdivision electing or appointing a treasurer, the 10574
directors, trustees, or other similar officers of such 10575
subdivision. The governing board of a subdivision electing or 10576
appointing a treasurer shall be the governing board of all other 10577
subdivisions for which such treasurer is authorized by law to act. 10578
In the case of a county school financing district that levies a 10579
tax pursuant to section 5705.215 of the Revised Code, the county 10580
board of education that serves as its taxing authority shall 10581
operate as a governing board. Any other county board of education 10582
shall operate as a governing board unless it adopts a resolution 10583
designating the board of county commissioners as the governing 10584
board for the county school district. 10585

(E) "Inactive deposit" means a public deposit other than an 10586
interim deposit or an active deposit. 10587

(F) "Interim deposit" means a deposit of interim moneys. 10588
"Interim moneys" means public moneys in the treasury of the state 10589
or any subdivision after the award of inactive deposits has been 10590
made in accordance with section 135.07 of the Revised Code, which 10591
moneys are in excess of the aggregate amount of the inactive 10592
deposits as estimated by the governing board prior to the period 10593
of designation and which the treasurer or governing board finds 10594
should not be deposited as active or inactive deposits for the 10595
reason that such moneys will not be needed for immediate use but 10596
will be needed before the end of the period of designation. 10597

(G) "Permissible rate of interest" means a rate of interest 10598
that all eligible institutions mentioned in section 135.03 of the 10599
Revised Code are permitted to pay by law or valid regulations. 10600

(H) "Warrant clearance account" means an account established 10601
by the treasurer of state for the deposit of active state moneys 10602

outside the city of Columbus, such account being for the exclusive 10603
purpose of clearing state warrants through the banking system to 10604
the treasurer. 10605

(I) "Public deposit" means public moneys deposited in a 10606
public depository pursuant to sections 135.01 to 135.21 of the 10607
Revised Code. 10608

(J) "Public depository" means an institution which receives 10609
or holds any public deposits. 10610

(K) "Public moneys" means all moneys in the treasury of the 10611
state or any subdivision of the state, or moneys coming lawfully 10612
into the possession or custody of the treasurer of state or of the 10613
treasurer of any subdivision. "Public moneys of the state" 10614
includes all such moneys coming lawfully into the possession of 10615
the treasurer of state; and "public moneys of a subdivision" 10616
includes all such moneys coming lawfully into the possession of 10617
the treasurer of the subdivision. 10618

(L) "Subdivision" means any municipal corporation, except one 10619
which has adopted a charter under Article XVIII, Ohio 10620
Constitution, and the charter or ordinances of the chartered 10621
municipal corporation set forth special provisions respecting the 10622
deposit or investment of its public moneys, or any school district 10623
or educational service center, a county school financing district, 10624
township, municipal or school district sinking fund, special 10625
taxing or assessment district, or other district or local 10626
authority electing or appointing a treasurer, except a county. In 10627
the case of a school district or educational service center, 10628
special taxing or assessment district, or other local authority 10629
for which a treasurer, elected or appointed primarily as the 10630
treasurer of a subdivision, is authorized or required by law to 10631
act as ex officio treasurer, the subdivision for which such a 10632
treasurer has been primarily elected or appointed shall be 10633
considered to be the "subdivision." The term also includes a union 10634

or joint institution or enterprise of two or more subdivisions, 10635
that is not authorized to elect or appoint a treasurer, and for 10636
which no ex officio treasurer is provided by law. 10637

(M) "Treasurer" means, in the case of the state, the 10638
treasurer of state and in the case of any subdivision, the 10639
treasurer, or officer exercising the functions of a treasurer, of 10640
such subdivision. In the case of a board of trustees of the 10641
sinking fund of a municipal corporation, the board of 10642
commissioners of the sinking fund of a school district, or a board 10643
of directors or trustees of any union or joint institution or 10644
enterprise of two or more subdivisions not having a treasurer, 10645
such term means such board of trustees of the sinking fund, board 10646
of commissioners of the sinking fund, or board of directors or 10647
trustees. 10648

(N) "Treasury investment board" of a municipal corporation 10649
means the mayor or other chief executive officer, the village 10650
solicitor or city director of law, and the auditor or other chief 10651
fiscal officer. 10652

(O) "No-load money market mutual fund" means a no-load money 10653
market mutual fund to which all of the following apply: 10654

(1) The fund is registered as an investment company under the 10655
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 10656
to 80a-64; 10657

(2) The fund has the highest letter or numerical rating 10658
provided by at least one nationally recognized standard rating 10659
service; 10660

(3) The fund does not include any investment in a derivative. 10661
As used in division (O)(3) of this section, "derivative" means a 10662
financial instrument or contract or obligation whose value or 10663
return is based upon or linked to another asset or index, or both, 10664
separate from the financial instrument, contract, or obligation 10665

itself. Any security, obligation, trust account, or other 10666
instrument that is created from an issue of the United States 10667
treasury or is created from an obligation of a federal agency or 10668
instrumentality or is created from both is considered a derivative 10669
instrument. An eligible investment described in section 135.14 or 10670
135.35 of the Revised Code with a variable interest rate payment, 10671
based upon a single interest payment or single index comprised of 10672
other investments provided for in division (B)(1) or (2) of 10673
section 135.14 of the Revised Code, is not a derivative, provided 10674
that such variable rate investment has a maximum maturity of two 10675
years. 10676

(P) "Public depositor" means the state or a subdivision, as 10677
applicable, that deposits public moneys in a public depository 10678
pursuant to sections 135.01 to 135.21 of the Revised Code. 10679

(O) "Uninsured public deposit" means the portion of a public 10680
deposit that is not insured by the federal deposit insurance 10681
corporation or by any other agency or instrumentality of the 10682
federal government. 10683

Sec. 135.04. (A) Any institution mentioned in section 135.03 10684
of the Revised Code is eligible to become a public depository of 10685
the active deposits, inactive deposits, and interim deposits of 10686
public moneys of the state subject to the requirements of sections 10687
135.01 to 135.21 of the Revised Code. 10688

(B) To facilitate the clearance of state warrants to the 10689
state treasury, the state board of deposit may delegate the 10690
authority to the treasurer of state to establish warrant clearance 10691
accounts in any institution mentioned in section 135.03 of the 10692
Revised Code located in areas where the volume of warrant 10693
clearances justifies the establishment of an account as determined 10694
by the treasurer of state. The balances maintained in such warrant 10695
clearance accounts shall be at sufficient levels to cover the 10696

activity generated by such accounts on an individual basis. Any 10697
financial institution in the state that has a warrant clearance 10698
account established by the treasurer of state shall, not more than 10699
ten days after the close of each quarter, prepare and transmit to 10700
the treasurer of state an analysis statement of such account for 10701
the quarter then ended. Such statement shall contain such 10702
information as determined by the state board of deposit, and this 10703
information shall be used in whole or in part by the treasurer of 10704
state in determining the level of balances to be maintained in 10705
such accounts. 10706

(C) Each governing board shall award the active deposits of 10707
public moneys subject to its control to the eligible institutions 10708
in accordance with this section, except that no such public 10709
depository shall thereby be required to take or permitted to 10710
receive and have at any one time a greater amount of active 10711
deposits of such public moneys than that specified in the 10712
application of such depository. When, by reason of such limitation 10713
or otherwise, the amount of active public moneys deposited or to 10714
be deposited in a public depository, pursuant to an award made 10715
under this section, is reduced or withdrawn, as the case requires, 10716
the amount of such reduction or the sum so withdrawn shall be 10717
deposited in another eligible institution applying therefor, or if 10718
there is no such eligible institution, then the amount so withheld 10719
or withdrawn shall be awarded or deposited for the remainder of 10720
the period of designation in accordance with sections 135.01 to 10721
135.21 of the Revised Code. 10722

(D) Any institution mentioned in section 135.03 of the 10723
Revised Code is eligible to become a public depository of the 10724
inactive and interim deposits of public moneys of a subdivision. 10725
In case the aggregate amount of inactive or interim deposits 10726
applied for by such eligible institutions is less than the 10727
aggregate maximum amount of such inactive or interim deposits as 10728

estimated to be deposited pursuant to sections 135.01 to 135.21 of 10729
the Revised Code, the governing board of the subdivision may 10730
designate as a public depository of the inactive or interim 10731
deposits of the public moneys thereof, one or more institutions of 10732
a kind mentioned in section 135.03 of the Revised Code, subject to 10733
the requirements of sections 135.01 to 135.21 of the Revised Code. 10734

(E) Any institution mentioned in section 135.03 of the 10735
Revised Code is eligible to become a public depository of the 10736
active deposits of public moneys of a subdivision. In case the 10737
aggregate amount of active deposits of the public moneys of the 10738
subdivision applied for by such eligible institutions is less than 10739
the aggregate maximum amount to be deposited as such, as estimated 10740
by the governing board, said board may designate as a public 10741
depository of the active deposits of the public moneys of the 10742
subdivision, one or more institutions of the kind mentioned in 10743
section 135.03 of the Revised Code, subject to the requirements of 10744
sections 135.01 to 135.21 of the Revised Code. 10745

(F)(1) The governing board of the state or of a subdivision 10746
may designate one or more minority banks as public depositories of 10747
its inactive, interim, or active deposits of public moneys 10748
designated as federal funds. Except for section 135.18 ~~or~~, 10749
135.181, or 135.182 of the Revised Code, Chapter 135. of the 10750
Revised Code does not apply to the application for, or the award 10751
of, such deposits. As used in this division, "minority bank" means 10752
a bank that is owned or controlled by one or more socially or 10753
economically disadvantaged persons. Such disadvantage may arise 10754
from cultural, ethnic, or racial background, chronic economic 10755
circumstances, or other similar cause. Such persons include, but 10756
are not limited to, Afro-Americans, Puerto Ricans, 10757
Spanish-speaking Americans, and American Indians. 10758

(2) In enacting this division, the general assembly finds 10759
that: 10760

(a) Certain commercial banks are owned or controlled by minority Americans; 10761
10762

(b) Minority banks are an important source of banking services in their communities; 10763
10764

(c) Minority banks have been unsuccessful in competing under Chapter 135. of the Revised Code for the award of federal funds; 10765
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(d) This division contains safeguards for the protection of the general public and the banking industry, since it provides the governing board of the state or political subdivision with permissive authority in the award of deposits; limits the authority of the governing board to the award of federal funds; and subjects minority banks to certain limitations of Chapter 135. of the Revised Code, including the requirement that, as in the case of every financial institution subject to Chapter 135. of the Revised Code, a minority bank pledge certain securities for repayment of the deposits. 10767
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(3) The purpose of this division is to recognize that the state has a substantial and compelling interest in encouraging the establishment, development, and stability of minority banks by facilitating their access to the award of federal funds, while ensuring the protection of the general public and the banking industry. 10777
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(G) The governing board of a subdivision shall award the first twenty-five thousand dollars of the active deposits of public moneys subject to its control to the eligible institution or institutions applying or qualifying therefor on the basis of the operating needs of the subdivision and shall award the active deposits of public moneys subject to its control in excess of twenty-five thousand dollars to the eligible institution or institutions applying or qualifying therefor. 10783
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Sec. 135.14. (A) As used in this section:	10791
(1) "Treasurer" does not include the treasurer of state, and "governing board" does not include the state board of deposit.	10792 10793
(2) "Other obligations" includes notes whether or not issued in anticipation of the issuance of bonds.	10794 10795
(B) The treasurer or governing board may invest or deposit any part or all of the interim moneys. The following classifications of obligations shall be eligible for such investment or deposit:	10796 10797 10798 10799
(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States.	10800 10801 10802 10803
Nothing in the classification of eligible obligations set forth in division (B)(1) of this section or in the classifications of eligible obligations set forth in divisions (B)(2) to (7) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible obligations.	10804 10805 10806 10807 10808 10809
(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including but not limited to, the federal national mortgage association, federal home loan bank, federal farm credit bank, federal home loan mortgage corporation, and government national mortgage association. All federal agency securities shall be direct issuances of federal government agencies or instrumentalities.	10810 10811 10812 10813 10814 10815 10816 10817
(3) Interim deposits in the eligible institutions applying for interim moneys as provided in section 135.08 of the Revised Code. The award of interim deposits shall be made in accordance	10818 10819 10820

with section 135.09 of the Revised Code and the treasurer or the governing board shall determine the periods for which such interim deposits are to be made and shall award such interim deposits for such periods, provided that any eligible institution receiving an interim deposit award may, upon notification that the award has been made, decline to accept the interim deposit in which event the award shall be made as though the institution had not applied for such interim deposit.

(4) Bonds and other obligations of this state, or the political subdivisions of this state, provided that, with respect to bonds or other obligations of political subdivisions, all of the following apply:

(a) The bonds or other obligations are payable from general revenues of the political subdivision and backed by the full faith and credit of the political subdivision.

(b) The bonds or other obligations are rated at the time of purchase in the three highest classifications established by at least one nationally recognized standard rating service and purchased through a registered securities broker or dealer.

(c) The aggregate value of the bonds or other obligations does not exceed twenty per cent of interim moneys available for investment at the time of purchase.

(d) The treasurer or governing board is not the sole purchaser of the bonds or other obligations at original issuance.

No investment shall be made under division (B)(4) of this section unless the treasurer or governing board has completed additional training for making the investments authorized by division (B)(4) of this section. The type and amount of additional training shall be approved by the treasurer of state and may be conducted by or provided under the supervision of the treasurer of state.

(5) No-load money market mutual funds consisting exclusively 10852
of obligations described in division (B)(1) or (2) of this section 10853
and repurchase agreements secured by such obligations, provided 10854
that investments in securities described in this division are made 10855
only through eligible institutions mentioned in section 135.03 of 10856
the Revised Code; 10857

(6) The Ohio subdivision's fund as provided in section 135.45 10858
of the Revised Code; 10859

(7) Up to forty per cent of interim moneys available for 10860
investment in either of the following: 10861

(a) Commercial paper notes issued by an entity that is 10862
defined in division (D) of section 1705.01 of the Revised Code and 10863
that has assets exceeding five hundred million dollars, to which 10864
notes all of the following apply: 10865

(i) The notes are rated at the time of purchase in the 10866
highest classification established by at least two nationally 10867
recognized standard rating services. 10868

(ii) The aggregate value of the notes does not exceed ten per 10869
cent of the aggregate value of the outstanding commercial paper of 10870
the issuing corporation. 10871

(iii) The notes mature not later than two hundred seventy 10872
days after purchase. 10873

(iv) The investment in commercial paper notes of a single 10874
issuer shall not exceed in the aggregate five per cent of interim 10875
moneys available for investment at the time of purchase. 10876

(b) Bankers acceptances of banks that are insured by the 10877
federal deposit insurance corporation and that mature not later 10878
than one hundred eighty days after purchase. 10879

No investment shall be made pursuant to division (B)(7) of 10880
this section unless the treasurer or governing board has completed 10881

additional training for making the investments authorized by 10882
division (B)(7) of this section. The type and amount of additional 10883
training shall be approved by the treasurer of state and may be 10884
conducted by or provided under the supervision of the treasurer of 10885
state. 10886

(C) Nothing in the classifications of eligible obligations 10887
set forth in divisions (B)(1) to (7) of this section shall be 10888
construed to authorize any investment in a derivative, and no 10889
treasurer or governing board shall invest in a derivative. For 10890
purposes of this division, "derivative" means a financial 10891
instrument or contract or obligation whose value or return is 10892
based upon or linked to another asset or index, or both, separate 10893
from the financial instrument, contract, or obligation itself. Any 10894
security, obligation, trust account, or other instrument that is 10895
created from an issue of the United States treasury or is created 10896
from an obligation of a federal agency or instrumentality or is 10897
created from both is considered a derivative instrument. An 10898
eligible investment described in this section with a variable 10899
interest rate payment, based upon a single interest payment or 10900
single index comprised of other eligible investments provided for 10901
in division (B)(1) or (2) of this section, is not a derivative, 10902
provided that such variable rate investment has a maximum maturity 10903
of two years. 10904

(D) Except as provided in division (E) of this section, any 10905
investment made pursuant to this section must mature within five 10906
years from the date of settlement, unless the investment is 10907
matched to a specific obligation or debt of the subdivision. 10908

(E) The treasurer or governing board may also enter into a 10909
written repurchase agreement with any eligible institution 10910
mentioned in section 135.03 of the Revised Code or any eligible 10911
dealer pursuant to division (M) of this section, under the terms 10912
of which agreement the treasurer or governing board purchases, and 10913

such institution or dealer agrees unconditionally to repurchase 10914
any of the securities listed in divisions ~~(B)~~(D)(1) to (5), except 10915
letters of credit described in division ~~(B)~~(D)(2), of section 10916
135.18 of the Revised Code. The market value of securities subject 10917
to an overnight written repurchase agreement must exceed the 10918
principal value of the overnight written repurchase agreement by 10919
at least two per cent. A written repurchase agreement shall not 10920
exceed thirty days and the market value of securities subject to a 10921
written repurchase agreement must exceed the principal value of 10922
the written repurchase agreement by at least two per cent and be 10923
marked to market daily. All securities purchased pursuant to this 10924
division shall be delivered into the custody of the treasurer or 10925
governing board or an agent designated by the treasurer or 10926
governing board. A written repurchase agreement with an eligible 10927
securities dealer shall be transacted on a delivery versus payment 10928
basis. The agreement shall contain the requirement that for each 10929
transaction pursuant to the agreement the participating 10930
institution or dealer shall provide all of the following 10931
information: 10932

(1) The par value of the securities; 10933

(2) The type, rate, and maturity date of the securities; 10934

(3) A numerical identifier generally accepted in the 10935
securities industry that designates the securities. 10936

No treasurer or governing board shall enter into a written 10937
repurchase agreement under the terms of which the treasurer or 10938
governing board agrees to sell securities owned by the subdivision 10939
to a purchaser and agrees with that purchaser to unconditionally 10940
repurchase those securities. 10941

(F) No treasurer or governing board shall make an investment 10942
under this section, unless the treasurer or governing board, at 10943
the time of making the investment, reasonably expects that the 10944

investment can be held until its maturity. 10945

(G) No treasurer or governing board shall pay interim moneys 10946
into a fund established by another subdivision, treasurer, 10947
governing board, or investing authority, if that fund was 10948
established for the purpose of investing the public moneys of 10949
other subdivisions. This division does not apply to the payment of 10950
public moneys into either of the following: 10951

(1) The Ohio subdivision's fund pursuant to division (B)(6) 10952
of this section; 10953

(2) A fund created solely for the purpose of acquiring, 10954
constructing, owning, leasing, or operating municipal utilities 10955
pursuant to the authority provided under section 715.02 of the 10956
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 10957

For purposes of division (G) of this section, "subdivision" 10958
includes a county. 10959

(H) The use of leverage, in which the treasurer or governing 10960
board uses its current investment assets as collateral for the 10961
purpose of purchasing other assets, is prohibited. The issuance of 10962
taxable notes for the purpose of arbitrage is prohibited. 10963
Contracting to sell securities that have not yet been acquired by 10964
the treasurer or governing board, for the purpose of purchasing 10965
such securities on the speculation that bond prices will decline, 10966
is prohibited. 10967

(I) Whenever, during a period of designation, the treasurer 10968
classifies public moneys as interim moneys, the treasurer shall 10969
notify the governing board of such action. The notification shall 10970
be given within thirty days after such classification and in the 10971
event the governing board does not concur in such classification 10972
or in the investments or deposits made under this section, the 10973
governing board may order the treasurer to sell or liquidate any 10974
of such investments or deposits, and any such order shall 10975

specifically describe the investments or deposits and fix the date 10976
upon which they are to be sold or liquidated. Investments or 10977
deposits so ordered to be sold or liquidated shall be sold or 10978
liquidated for cash by the treasurer on the date fixed in such 10979
order at the then current market price. Neither the treasurer nor 10980
the members of the board shall be held accountable for any loss 10981
occasioned by sales or liquidations of investments or deposits at 10982
prices lower than their cost. Any loss or expense incurred in 10983
making such sales or liquidations is payable as other expenses of 10984
the treasurer's office. 10985

(J) If any investments or deposits purchased under the 10986
authority of this section are issuable to a designated payee or to 10987
the order of a designated payee, the name of the treasurer and the 10988
title of the treasurer's office shall be so designated. If any 10989
such securities are registrable either as to principal or 10990
interest, or both, then such securities shall be registered in the 10991
name of the treasurer as such. 10992

(K) The treasurer is responsible for the safekeeping of all 10993
documents evidencing a deposit or investment acquired by the 10994
treasurer under this section. Any securities may be deposited for 10995
safekeeping with a qualified trustee as provided in section 135.18 10996
of the Revised Code, except the delivery of securities acquired 10997
under any repurchase agreement under this section shall be made to 10998
a qualified trustee, provided, however, that the qualified trustee 10999
shall be required to report to the treasurer, governing board, 11000
auditor of state, or an authorized outside auditor at any time 11001
upon request as to the identity, market value, and location of the 11002
document evidencing each security, and that if the participating 11003
institution is a designated depository of the subdivision for the 11004
current period of designation, the securities that are the subject 11005
of the repurchase agreement may be delivered to the treasurer or 11006
held in trust by the participating institution on behalf of the 11007

subdivision. Interest earned on any investments or deposits 11008
authorized by this section shall be collected by the treasurer and 11009
credited by the treasurer to the proper fund of the subdivision. 11010

Upon the expiration of the term of office of a treasurer or 11011
in the event of a vacancy in the office of treasurer by reason of 11012
death, resignation, removal from office, or otherwise, the 11013
treasurer or the treasurer's legal representative shall transfer 11014
and deliver to the treasurer's successor all documents evidencing 11015
a deposit or investment held by the treasurer. For the investments 11016
and deposits so transferred and delivered, such treasurer shall be 11017
credited with and the treasurer's successor shall be charged with 11018
the amount of money held in such investments and deposits. 11019

(L) Whenever investments or deposits acquired under this 11020
section mature and become due and payable, the treasurer shall 11021
present them for payment according to their tenor, and shall 11022
collect the moneys payable thereon. The moneys so collected shall 11023
be treated as public moneys subject to sections 135.01 to 135.21 11024
of the Revised Code. 11025

(M)(1) All investments, except for investments in securities 11026
described in divisions (B)(5) and (6) of this section and for 11027
investments by a municipal corporation in the issues of such 11028
municipal corporation, shall be made only through a member of the 11029
financial industry regulatory authority (FINRA), through a bank, 11030
savings bank, or savings and loan association regulated by the 11031
superintendent of financial institutions, or through an 11032
institution regulated by the comptroller of the currency, federal 11033
deposit insurance corporation, or board of governors of the 11034
federal reserve system. 11035

(2) Payment for investments shall be made only upon the 11036
delivery of securities representing such investments to the 11037
treasurer, governing board, or qualified trustee. If the 11038
securities transferred are not represented by a certificate, 11039

payment shall be made only upon receipt of confirmation of 11040
transfer from the custodian by the treasurer, governing board, or 11041
qualified trustee. 11042

(N) In making investments authorized by this section, a 11043
treasurer or governing board may retain the services of an 11044
investment advisor, provided the advisor is licensed by the 11045
division of securities under section 1707.141 of the Revised Code 11046
or is registered with the securities and exchange commission, and 11047
possesses experience in public funds investment management, 11048
specifically in the area of state and local government investment 11049
portfolios, or the advisor is an eligible institution mentioned in 11050
section 135.03 of the Revised Code. 11051

(O)(1) Except as otherwise provided in divisions (O)(2) and 11052
(3) of this section, no treasurer or governing board shall make an 11053
investment or deposit under this section, unless there is on file 11054
with the auditor of state a written investment policy approved by 11055
the treasurer or governing board. The policy shall require that 11056
all entities conducting investment business with the treasurer or 11057
governing board shall sign the investment policy of that 11058
subdivision. All brokers, dealers, and financial institutions, 11059
described in division (M)(1) of this section, initiating 11060
transactions with the treasurer or governing board by giving 11061
advice or making investment recommendations shall sign the 11062
treasurer's or governing board's investment policy thereby 11063
acknowledging their agreement to abide by the policy's contents. 11064
All brokers, dealers, and financial institutions, described in 11065
division (M)(1) of this section, executing transactions initiated 11066
by the treasurer or governing board, having read the policy's 11067
contents, shall sign the investment policy thereby acknowledging 11068
their comprehension and receipt. 11069

(2) If a written investment policy described in division 11070
(O)(1) of this section is not filed on behalf of the subdivision 11071

with the auditor of state, the treasurer or governing board of 11072
that subdivision shall invest the subdivision's interim moneys 11073
only in interim deposits pursuant to division (B)(3) of this 11074
section or interim deposits pursuant to section 135.145 of the 11075
Revised Code and approved by the treasurer of state, no-load money 11076
market mutual funds pursuant to division (B)(5) of this section, 11077
or the Ohio subdivision's fund pursuant to division (B)(6) of this 11078
section. 11079

(3) Divisions (O)(1) and (2) of this section do not apply to 11080
a treasurer or governing board of a subdivision whose average 11081
annual portfolio of investments held pursuant to this section is 11082
one hundred thousand dollars or less, provided that the treasurer 11083
or governing board certifies, on a form prescribed by the auditor 11084
of state, that the treasurer or governing board will comply and is 11085
in compliance with the provisions of sections 135.01 to 135.21 of 11086
the Revised Code. 11087

(P) A treasurer or governing board may enter into a written 11088
investment or deposit agreement that includes a provision under 11089
which the parties agree to submit to nonbinding arbitration to 11090
settle any controversy that may arise out of the agreement, 11091
including any controversy pertaining to losses of public moneys 11092
resulting from investment or deposit. The arbitration provision 11093
shall be set forth entirely in the agreement, and the agreement 11094
shall include a conspicuous notice to the parties that any party 11095
to the arbitration may apply to the court of common pleas of the 11096
county in which the arbitration was held for an order to vacate, 11097
modify, or correct the award. Any such party may also apply to the 11098
court for an order to change venue to a court of common pleas 11099
located more than one hundred miles from the county in which the 11100
treasurer or governing board is located. 11101

For purposes of this division, "investment or deposit 11102
agreement" means any agreement between a treasurer or governing 11103

board and a person, under which agreement the person agrees to 11104
invest, deposit, or otherwise manage a subdivision's interim 11105
moneys on behalf of the treasurer or governing board, or agrees to 11106
provide investment advice to the treasurer or governing board. 11107

(Q) An investment made by the treasurer or governing board 11108
pursuant to this section prior to September 27, 1996, that was a 11109
legal investment under the law as it existed before September 27, 11110
1996, may be held until maturity. 11111

Sec. 135.144. (A) In addition to the authority provided in 11112
section 135.14 or 135.143 of the Revised Code, the treasurer of 11113
state or the treasurer or governing board of a political 11114
subdivision may invest interim moneys in certificates of deposit 11115
in accordance with all of the following: 11116

(1) The interim moneys initially are deposited with an 11117
eligible public depository described in section 135.03 of the 11118
Revised Code and selected, pursuant to section 135.12 of the 11119
Revised Code, by the treasurer of state or the treasurer or 11120
governing board of a political subdivision, for interim moneys of 11121
the state or of the political subdivision. 11122

(2) For the treasurer of state or the treasurer or governing 11123
board of the political subdivision depositing the interim moneys 11124
pursuant to division (A)(1) of this section, the eligible public 11125
depository selected pursuant to that division invests the interim 11126
moneys in certificates of deposit of one or more federally insured 11127
banks, savings banks, or savings and loan associations, wherever 11128
located. The full amount of principal and any accrued interest of 11129
each certificate of deposit invested in pursuant to division 11130
(A)(2) of this section shall be insured by federal deposit 11131
insurance. 11132

(3) For the treasurer of state or the treasurer or governing 11133
board of the political subdivision depositing the interim moneys 11134

pursuant to division (A)(1) of this section, the eligible public 11135
depository selected pursuant to that division acts as custodian of 11136
the certificates of deposit described in division (A)(2) of this 11137
section. 11138

(4) On the same date the public moneys are redeposited by the 11139
public depository, the public depository may, in its sole 11140
discretion, choose whether to receive deposits, in any amount, 11141
from other banks, savings banks, or savings and loan associations. 11142

(5) The public depository provides to the treasurer of state 11143
or the treasurer or governing board of a political subdivision a 11144
monthly account statement that includes the amount of its funds 11145
deposited and held at each bank, savings bank, or savings and loan 11146
association for which the public depository acts as a custodian 11147
pursuant to this section. 11148

(B) Interim moneys deposited or invested in accordance with 11149
division (A) of this section are not subject to any pledging 11150
requirements described in section 135.18 ~~or~~, 135.181, or 135.182 11151
of the Revised Code. 11152

Sec. 135.145. (A) In addition to the authority provided in 11153
section 135.14 or 135.143 of the Revised Code for the investment 11154
or deposit of interim moneys, the treasurer of state or the 11155
treasurer or governing board of a political subdivision, upon the 11156
deposit of interim moneys with, or the award of active or inactive 11157
deposits to, an eligible public depository described in section 11158
135.03 of the Revised Code and designated pursuant to section 11159
135.12 of the Revised Code, may authorize the public depository to 11160
arrange for the redeposit of such public moneys in accordance with 11161
the following conditions: 11162

(1) The public depository, on or after the date the public 11163
moneys are received, arranges for the redeposit of the moneys into 11164
deposit accounts in one or more federally insured banks, savings 11165

banks, or savings and loan associations that are located in the 11166
United States, and acts as custodian of the moneys deposited or 11167
redeposited under this section. 11168

(2) If the amount of the public moneys deposited with and 11169
held at the close of business by the public depository exceeds the 11170
amount insured by the federal deposit insurance corporation, the 11171
excess amount is subject to the pledging requirements described in 11172
section 135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11173

(3) The full amount of the public moneys redeposited by the 11174
public depository into deposit accounts in banks, savings banks, 11175
or savings and loan associations, plus any accrued interest, is 11176
insured by the federal deposit insurance corporation. 11177

(4) On the same date the public moneys are redeposited by the 11178
public depository, the public depository may, in its sole 11179
discretion, choose whether to receive deposits, in any amount, 11180
from other banks, savings banks, or savings and loan associations. 11181

(5) The public depository provides to the treasurer of state 11182
or the treasurer or governing board of a political subdivision an 11183
account statement at least monthly and access to daily reporting 11184
that include the amount of its funds deposited and held at each 11185
bank, savings bank, or savings and loan association for which the 11186
public depository acts as a custodian pursuant to this section. 11187

(B) Except as provided in division (A)(2) of this section, 11188
the public moneys deposited in accordance with this section are 11189
not subject to the pledging requirements described in section 11190
135.18 ~~or~~, 135.181, or 135.182 of the Revised Code. 11191

Sec. 135.18. (A) ~~The treasurer, before making the initial~~ 11192
~~deposit in~~ Each institution designated as a public depository 11193
~~pursuant to an award made and awarded public deposits~~ under 11194
sections 135.01 to 135.21 of the Revised Code, except as provided 11195

in section 135.144 or 135.145 of the Revised Code, shall ~~require~~ 11196
~~the institution designated as a public depository to pledge to and~~ 11197
~~deposit with the treasurer, as~~ provide security for the repayment 11198
of all public moneys ~~to be~~ deposits by selecting one of the 11199
following methods: 11200

(1) Securing all uninsured public deposits of each public 11201
depositor separately as set forth in divisions (B) to (J) of this 11202
section; 11203

(2) Securing all uninsured public deposits of every public 11204
depositor pursuant to section 135.181 or 135.182 of the Revised 11205
Code, as applicable, by establishing and pledging to the treasurer 11206
of state a single pool of collateral for the benefit of every 11207
public depositor at the public depository. 11208

(B) If a public depository elects to provide security 11209
pursuant to division (A)(1) of this section, the public depository 11210
shall pledge to the public depositor, as security for the 11211
repayment of all public moneys deposited in the public depository 11212
during the period of designation pursuant to ~~the~~ an award made 11213
under sections 135.01 to 135.21 of the Revised Code, eligible 11214
securities of aggregate market value at all times equal to ~~the~~ 11215
~~excess of the amount of public moneys to be~~ at the time so 11216
~~deposited, over and above the portion or amount of such moneys as~~ 11217
~~is at that time insured by the federal deposit insurance~~ 11218
~~corporation or by any other agency or instrumentality of the~~ 11219
~~federal government. In the case of any deposit other than the~~ 11220
~~initial deposit made during the period of designation, the amount~~ 11221
~~of the aggregate market value of securities required to be pledged~~ 11222
~~and deposited shall be equal to the difference between the amount~~ 11223
~~of public moneys on deposit in such public depository plus the~~ 11224
~~amount to be so deposited, minus the portion or amount of the~~ 11225
~~aggregate as is at the time insured as provided in this section.~~ 11226
The treasurer may require additional eligible securities to be 11227

~~deposited to provide for any depreciation which may occur in the~~ 11228
~~market value of any of the securities so deposited.~~ 11229

(B) at least one hundred five per cent of the total amount of 11230
the public depositor's uninsured public deposits. 11231

(C) In order for a public depository to receive public moneys 11232
under this section, the public depository and the public depositor 11233
shall first execute an agreement that sets forth the entire 11234
arrangement among the parties and that meets the requirements 11235
described in 12 U.S.C. 1823(e). In addition, the agreement shall 11236
authorize the public depositor to obtain control of the collateral 11237
pursuant to division (D) of section 1308.24 of the Revised Code. 11238

(D) The following securities or other obligations shall be 11239
eligible for the purposes of this section: 11240

(1) Bonds, notes, or other obligations of the United States; 11241
or bonds, notes, or other obligations guaranteed as to principal 11242
and interest by the United States or those for which the faith of 11243
the United States is pledged for the payment of principal and 11244
interest thereon, by language appearing in the instrument 11245
specifically providing such guarantee or pledge and not merely by 11246
interpretation or otherwise; 11247

(2) Bonds, notes, debentures, letters of credit, or other 11248
obligations or securities issued by any federal government agency 11249
or instrumentality, or the export-import bank of Washington; 11250
bonds, notes, or other obligations guaranteed as to principal and 11251
interest by the United States or those for which the faith of the 11252
United States is pledged for the payment of principal and interest 11253
thereon, by interpretation or otherwise and not by language 11254
appearing in the instrument specifically providing such guarantee 11255
or pledge; 11256

(3) Obligations of or fully insured or fully guaranteed by 11257
the United States or any federal government agency or 11258

instrumentality;	11259
(4) Obligations partially insured or partially guaranteed by any federal agency or instrumentality;	11260 11261
(5) Obligations of or fully guaranteed by the federal national mortgage association, federal home loan mortgage corporation, federal farm credit bank, or student loan marketing association;	11262 11263 11264 11265
(6) Bonds and other obligations of this state;	11266
(7) Bonds and other obligations of any county, township, school district, municipal corporation, or other legally constituted taxing subdivision of this state, which is not at the time of such deposit, in default in the payment of principal or interest on any of its bonds or other obligations, for which the full faith and credit of the issuing subdivision is pledged;	11267 11268 11269 11270 11271 11272
(8) Bonds of other states of the United States which have not during the ten years immediately preceding the time of such deposit defaulted in payments of either interest or principal on any of their bonds;	11273 11274 11275 11276
(9) Shares of no-load money market mutual funds consisting exclusively of obligations described in division (B) (D)(1) or (2) of this section and repurchase agreements secured by such obligations;	11277 11278 11279 11280
(10) A surety bond issued by a corporate surety licensed by the state and authorized to issue surety bonds in this state pursuant to Chapter 3929. of the Revised Code, and qualified to provide surety bonds to the federal government pursuant to 96 Stat. 1047 (1982), 31 U.S.C.A. 9304;	11281 11282 11283 11284 11285
(11) Bonds or other obligations of any county, municipal corporation, or other legally constituted taxing subdivision of another state of the United States, or of any instrumentality of	11286 11287 11288

such county, municipal corporation, or other taxing subdivision, 11289
for which the full faith and credit of the issuer is pledged and, 11290
at the time of purchase of the bonds or other obligations, rated 11291
in one of the two highest categories by at least one nationally 11292
recognized ~~standard~~ statistical rating ~~service~~ organization. 11293

~~(C)~~(E) An institution designated as a public depository shall 11294
designate a qualified trustee and place the eligible securities 11295
required by division (D) of this section with the trustee for 11296
safekeeping. The trustee shall hold the eligible securities in an 11297
account indicating the public depositor's security interest in the 11298
securities. The trustee shall report to the public depositor 11299
information relating to the securities pledged to secure the 11300
public deposits in the manner and frequency required by the public 11301
depositor. 11302

(F) The qualified trustee shall enter into a custodial 11303
agreement with the public depositor and public depository in which 11304
the trustee agrees to comply with entitlement orders originated by 11305
the public depositor without further consent by the public 11306
depository or, in the case of collateral held by the public 11307
depository in an account at a federal reserve bank, the public 11308
depositor shall have the public depositor's security interest 11309
marked on the books of the federal reserve bank where the account 11310
for the collateral is maintained. If the public depository fails 11311
to pay over any part of the public ~~deposit~~ deposits made by 11312
the public depositor therein as provided by law, the ~~treasurer~~ 11313
public depositor shall give written notice of this failure to the 11314
qualified trustee holding the securities pledged against its 11315
public deposits and, at the same time, shall send a copy of this 11316
notice to the public depository. Upon receipt of this notice, the 11317
trustee shall transfer to the public depositor for sale, the 11318
securities that are necessary to produce an amount equal to the 11319
public deposits made by the public depositor and not paid over, 11320

~~less the portion of the deposits covered by any federal deposit insurance, plus any accrued interest due on the deposits. The public depositor shall sell at public sale any of the bonds or other securities deposited with the treasurer pursuant to this section or section 131.09 of the Revised Code, or shall draw on any letter of credit to the extent of the failure to pay. Thirty days' notice of the sale shall be given in a newspaper of general circulation at Columbus, in the case of the treasurer of state, and at the county seat of the county in which the office of the treasurer is located, in the case of any other treasurer so transferred.~~ When a sale of bonds or other securities has been so made and upon payment to the ~~treasurer~~ public depositor of the purchase money, the ~~treasurer~~ public depositor shall transfer such bonds or securities whereupon the absolute ownership of such bonds or securities shall pass to the purchasers. Any surplus ~~remaining~~ after deducting the amount due the ~~state or subdivision~~ public depositor and expenses of sale shall be paid to the public depository.

~~(D) An institution designated as a public depository may, by written notice to the treasurer, designate a qualified trustee and deposit the eligible securities required by this section with the trustee for safekeeping for the account of the treasurer and the institution as a public depository, as their respective rights to and interests in such securities under this section may appear and be asserted by written notice to or demand upon the trustee. In which case, the treasurer shall accept the written receipt of the trustee describing the securities that have been deposited with the trustee by the public depository, a copy of which shall also be delivered to the public depository. Thereupon all securities so deposited with the trustee are deemed to be pledged with the treasurer and to be deposited with the treasurer, for all the purposes of this section.~~

~~(E) The governing board may make provisions for the exchange and release of securities and the substitution of other eligible securities therefor except where the public depository has deposited eligible securities with a trustee for safekeeping as provided in this section.~~

~~(F)~~(G) When the public depository has ~~deposited~~ placed eligible securities described in division ~~(B)~~(D)(1) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities described in division ~~(B)~~(D)(1) of this section having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged, without specific authorization from any public depositor's governing board, boards, or treasurer of any such substitution or exchange.

~~(G)~~(H) When the public depository has ~~deposited~~ placed eligible securities described in divisions ~~(B)~~(D)(2) to (9) of this section with a trustee for safekeeping, the public depository may at any time substitute or exchange eligible securities having a current market value equal to or greater than the current market value of the securities then on deposit and for which they are to be substituted or exchanged without specific authorization of any public depositor's governing board, boards, or treasurer of any such substitution or exchange only if one of the following applies:

(1) The ~~treasurer~~ public depositor has authorized the public depository to make such substitution or exchange on a continuing basis during a specified period without prior approval of each substitution or exchange. The authorization may be effected by the ~~treasurer~~ public depositor sending to the trustee a written notice stating that substitution may be effected on a continuing basis during a specified period which shall not extend beyond the end of

the period of designation during which the notice is given. The 11385
trustee may rely upon this notice and upon the period of 11386
authorization stated therein and upon the period of designation 11387
stated therein. 11388

(2) ~~No continuing authorization for substitution has been~~ 11389
~~given by the treasurer, the~~ The public depository notifies the 11390
~~treasurer~~ public depositor and the trustee of an intended 11391
substitution or exchange, and the ~~treasurer fails to~~ public 11392
depositor does not object to the trustee as to the eligibility or 11393
market value of the securities being substituted within ~~ten~~ 11394
~~calendar~~ three business days after the date appearing on the 11395
notice of proposed substitution. The notice to the ~~treasurer~~ 11396
public depositor and to the trustee shall be given in writing and 11397
delivered ~~personally or by certified or registered mail with a~~ 11398
~~return receipt requested~~ electronically. The trustee may assume in 11399
any case that the notice has been delivered to the ~~treasurer~~ 11400
public depositor. In order for objections of the ~~treasurer~~ public 11401
depositor to be effective, receipt of the objections must be 11402
acknowledged in writing by the trustee. 11403

(3) The ~~treasurer~~ public depositor gives written 11404
authorization for a substitution or exchange of specific 11405
securities. 11406

~~(H)~~(I) The public depository shall notify any ~~governing~~ 11407
~~board, boards, or treasurer~~ public depositor of any substitution 11408
or exchange under division ~~(G)~~(H)(1) or (2) of this section. ~~Upon~~ 11409
~~request from the treasurer, the trustee shall furnish a statement~~ 11410
~~of the securities pledged against such public deposits.~~ 11411

~~(I)~~(J) Any federal reserve bank or branch thereof located in 11412
this state or federal home loan bank, without compliance with 11413
Chapter 1111. of the Revised Code and without becoming subject to 11414
any other law of this state relative to the exercise by 11415
corporations of trust powers generally, is qualified to act as 11416

trustee for the safekeeping of securities, under this section. Any 11417
institution mentioned in section 135.03 or 135.32 of the Revised 11418
Code that holds a certificate of qualification issued by the 11419
superintendent of financial institutions or any institution 11420
complying with sections 1111.04, 1111.05, and 1111.06 of the 11421
Revised Code, is qualified to act as trustee for the safekeeping 11422
of securities under this section, other than those belonging to 11423
itself, ~~under this section. Upon application to the superintendent~~ 11424
~~in writing by an institution, the superintendent shall investigate~~ 11425
~~the applicant and ascertain whether or not it has been authorized~~ 11426
~~to execute and accept trusts in this state and has safe and~~ 11427
~~adequate vaults and efficient supervision thereof for the storage~~ 11428
~~and safekeeping within this state of securities. If the~~ 11429
~~superintendent finds that the applicant has been so authorized and~~ 11430
~~has such vaults and supervision thereof, the superintendent shall~~ 11431
~~approve the application and issue a certificate to that effect,~~ 11432
~~the original or any certified copy of which shall be conclusive~~ 11433
~~evidence that the institution therein named is qualified to act as~~ 11434
~~trustee for the purposes of this section with respect to~~ 11435
~~securities other than those belonging to itself or to an affiliate~~ 11436
~~as defined in section 1101.01 of the Revised Code.~~ 11437

Notwithstanding the fact that a public depository is required 11438
to pledge eligible securities in certain amounts to secure 11439
deposits of public moneys, a trustee has no duty or obligation to 11440
determine the eligibility, market value, or face value of any 11441
securities deposited with the trustee by a public depository. This 11442
applies in all situations including, without limitation, a 11443
substitution or exchange of securities. 11444

Any charges or compensation of a designated trustee for 11445
acting as such under this section shall be paid by the public 11446
depository and in no event shall be chargeable to the state or the 11447
subdivision or to ~~the treasurer or to~~ any officer of the state or 11448

subdivision. The charges or compensation shall not be a lien or 11449
charge upon the securities deposited for safekeeping prior or 11450
superior to the rights to and interests in the securities of the 11451
~~state or the subdivision or of the treasurer~~ public depository. The 11452
treasurer and the treasurer's bonders or surety shall be relieved 11453
from any liability to the ~~state or the subdivision~~ public 11454
depository or to the public depository for the loss or destruction 11455
of any securities deposited with a qualified trustee pursuant to 11456
this section. 11457

Sec. 135.181. (A) As used in this section: 11458

(1) "Public depository" means that term as defined in section 11459
135.01 of the Revised Code, but also means an institution which 11460
receives or holds any public deposits as defined in section 135.31 11461
of the Revised Code. 11462

(2) "Public deposits," "public moneys," and "treasurer" mean 11463
those terms as defined in section 135.01 of the Revised Code, but 11464
also have the same meanings as are set forth in section 135.31 of 11465
the Revised Code. 11466

(3) "Subdivision" means that term as defined in section 11467
135.01 of the Revised Code, but also includes a county. 11468

(B) ~~In~~ Prior to the creation of the Ohio pooled collateral 11469
program under section 135.182 of the Revised Code, in lieu of the 11470
pledging requirements prescribed in sections 135.18 and 135.37 of 11471
the Revised Code, an institution designated as a public depository 11472
at its option may pledge a single pool of eligible securities to 11473
secure the repayment of all public moneys deposited in the 11474
institution and not otherwise secured pursuant to law, provided 11475
that at all times the total market value of the securities so 11476
pledged is at least equal to one hundred five per cent of the 11477
total amount of all public deposits to be secured by the pooled 11478
securities that are not covered by any federal deposit insurance. 11479

Each institution shall carry in its accounting records at all 11480
times a general ledger or other appropriate account of the total 11481
amount of all public deposits to be secured by the pool, as 11482
determined at the opening of business each day, and the total 11483
market value of securities pledged to secure such deposits. 11484

(C) The securities described in division (B) of section 11485
135.18 of the Revised Code shall be eligible as collateral for the 11486
purposes of division (B) of this section, provided no such 11487
securities pledged as collateral are at any time in default as to 11488
either principal or interest. 11489

(D) The state and each subdivision shall have an undivided 11490
security interest in the pool of securities pledged by a public 11491
depository pursuant to division (B) of this section in the 11492
proportion that the total amount of the state's or subdivision's 11493
public moneys secured by the pool bears to the total amount of 11494
public deposits so secured. 11495

(E) An institution designated as a public depository shall 11496
designate a qualified trustee and deposit with the trustee for 11497
safekeeping the eligible securities pledged pursuant to division 11498
(B) of this section. The institution shall give written notice of 11499
the qualified trustee to any treasurer or treasurers depositing 11500
public moneys for which such securities are pledged. The treasurer 11501
shall accept the written receipt of the trustee describing the 11502
pool of securities so deposited by the depository, a copy of which 11503
also shall be delivered to the depository. 11504

(F) Any federal reserve bank or branch thereof located in 11505
this state or federal home loan bank, without compliance with 11506
Chapter 1111. of the Revised Code and without becoming subject to 11507
any other law of this state relative to the exercise by 11508
corporations of trust powers generally, is qualified to act as 11509
trustee for the safekeeping of securities, under this section. Any 11510
institution mentioned in section 135.03 or 135.32 of the Revised 11511

Code which holds a certificate of qualification issued by the 11512
superintendent of financial institutions or any institution 11513
complying with sections 1111.04, 1111.05, and 1111.06 of the 11514
Revised Code is qualified to act as trustee for the safekeeping of 11515
securities under this section, other than those belonging to 11516
itself or to an affiliate as defined in division (A) of section 11517
1101.01 of the Revised Code. Upon application to the 11518
superintendent in writing by an institution, the superintendent 11519
shall investigate the applicant and ascertain whether or not it 11520
has been authorized to execute and accept trusts in this state and 11521
has safe and adequate vaults and efficient supervision thereof for 11522
the storage and safekeeping of securities. If the superintendent 11523
finds that the applicant has been so authorized and has such 11524
vaults and supervision thereof, the superintendent shall approve 11525
the application and issue a certificate to that effect, the 11526
original or any certified copy of which shall be conclusive 11527
evidence that the institution named therein is qualified to act as 11528
trustee for the purposes of this section with respect to 11529
securities other than those belonging to itself or to an 11530
affiliate. 11531

(G) The public depository at any time may substitute, 11532
exchange, or release eligible securities deposited with a 11533
qualified trustee pursuant to this section, provided that such 11534
substitution, exchange, or release does not reduce the total 11535
market value of the securities to an amount that is less than one 11536
hundred five per cent of the total amount of public deposits as 11537
determined pursuant to division (B) of this section. 11538

(H) Notwithstanding the fact that a public depository is 11539
required to pledge eligible securities in certain amounts to 11540
secure deposits of public moneys, a trustee has no duty or 11541
obligation to determine the eligibility, market value, or face 11542
value of any securities deposited with the trustee by a public 11543

depository. This applies in all situations including, but not 11544
limited to, a substitution or exchange of securities, but 11545
excluding those situations effectuated by division (I) of this 11546
section in which the trustee is required to determine face and 11547
market value. 11548

(I) If the public depository fails to pay over any part of 11549
the public deposits made therein as provided by law and secured 11550
pursuant to division (B) of this section, the treasurer shall give 11551
written notice of this failure to the qualified trustee holding 11552
the pool of securities pledged against public moneys deposited in 11553
the depository, and at the same time shall send a copy of this 11554
notice to the depository. Upon receipt of this notice, the trustee 11555
shall transfer to the treasurer for public sale, the pooled 11556
securities that are necessary to produce an amount equal to the 11557
deposits made by the treasurer and not paid over, less the portion 11558
of the deposits covered by any federal deposit insurance, plus any 11559
accrued interest due on the deposits; however, the amount shall 11560
not exceed the state's or subdivision's proportional security 11561
interest in the market value of the pool as of the date of the 11562
depository's failure to pay over the deposits, as that interest 11563
and value are determined by the trustee. The treasurer shall sell 11564
at public sale any of the bonds or other securities so 11565
transferred. Thirty days' notice of the sale shall be given in a 11566
newspaper of general circulation at Columbus, in the case of the 11567
treasurer of state, and at the county seat of the county in which 11568
the office of the treasurer is located, in the case of any other 11569
treasurer. When a sale of bonds or other securities has been so 11570
made and upon payment to the treasurer of the purchase money, the 11571
treasurer shall transfer such bonds or securities whereupon the 11572
absolute ownership of such bonds or securities shall pass to the 11573
purchasers. Any surplus after deducting the amount due the state 11574
or subdivision and expenses of sale shall be paid to the public 11575
depository. 11576

(J) Any charges or compensation of a designated trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the state or subdivision or to the treasurer or to any officer of the state or subdivision. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the state or subdivision or of the treasurer. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the state or subdivision or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

(K) In lieu of placing its unqualified endorsement on each security, a public depository pledging securities pursuant to division (B) of this section that are not negotiable without its endorsement or assignment may furnish to the qualified trustee holding the securities an appropriate resolution and irrevocable power of attorney authorizing the trustee to assign the securities. The resolution and power of attorney shall conform to terms and conditions the trustee prescribes.

(L) Upon request of a treasurer no more often than four times per year, a public depository shall report the amount of public moneys deposited by the treasurer and secured pursuant to division (B) of this section, and the total market value of the pool of securities pledged to secure public moneys held by the depository, including those deposited by the treasurer. Upon request of a treasurer no more often than four times per year, a qualified trustee shall report the total market value of the pool of securities deposited with it by the depository and shall provide an itemized list of the securities in the pool. These reports shall be made as of the date the treasurer specifies.

Sec. 135.182. (A) As used in this section: 11608

(1) "Public depository" means that term as defined in section 135.01 of the Revised Code, but also means an institution that receives or holds any public deposits as defined in section 135.31 of the Revised Code. 11609
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(2) "Public depositor" means that term as defined in section 135.01 of the Revised Code, but also includes a county and any municipal corporation that has adopted a charter under Article XVIII, Ohio Constitution. 11613
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(3) "Public deposits," "public moneys," and "treasurer" mean those terms as defined in section 135.01 of the Revised Code, but also have the same meanings as are set forth in section 135.31 of the Revised Code. 11617
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(B) Not later than July 1, 2017, the treasurer of state shall create the Ohio pooled collateral program. Under this program, each institution designated as a public depository that selects the pledging method prescribed in division (A)(2) of section 135.18 or division (A)(2) of section 135.37 of the Revised Code shall pledge to the treasurer of state a single pool of eligible securities for the benefit of all public depositors at the public depository to secure the repayment of all uninsured public deposits at the public depository, provided that at all times the total market value of the securities so pledged is at least equal to one hundred two per cent of the total amount of all uninsured public deposits, or in an amount determined by rules adopted by the treasurer of state. The rules shall set forth the criteria for determining the aggregate market value of the pool of eligible securities pledged by a public depository pursuant to this division. Such criteria shall include, but is not limited to, prudent capital and liquidity management by the public depository and the safety and soundness of the public depository as 11621
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determined by a third-party rating organization. The treasurer of 11639
state shall monitor the eligibility, market value, and face value 11640
of the pooled securities pledged by the public depository. Each 11641
public depository shall carry in its accounting records at all 11642
times a general ledger or other appropriate account of the total 11643
amount of all public deposits to be secured by the pool, as 11644
determined at the opening of business each day, and the total 11645
market value of securities pledged to secure such deposits, and 11646
report such information to the treasurer of state in a manner and 11647
frequency as determined by the treasurer of state pursuant to 11648
rules adopted by the treasurer of state. 11649

(C) The public depository shall designate a qualified trustee 11650
approved by the treasurer of state and place with such trustee for 11651
safekeeping the eligible securities pledged pursuant to division 11652
(B) of this section. The trustee shall hold the eligible 11653
securities in an account indicating the treasurer of state's 11654
security interest in the eligible securities. The treasurer of 11655
state shall give written notice of the trustee to all public 11656
depositories for which such securities are pledged. The trustee 11657
shall report to the treasurer of state information relating to the 11658
securities pledged to secure such public deposits in a manner and 11659
frequency as determined by the treasurer of state. 11660

(D) In order for a public depository to receive public moneys 11661
under this section, the public depository and the treasurer of 11662
state shall first execute an agreement that sets forth the entire 11663
arrangement among the parties and that meets the requirements 11664
described in 12 U.S.C. 1823(e). In addition, the agreement shall 11665
authorize the treasurer of state to obtain control of the 11666
collateral pursuant to division (D) of section 1308.24 of the 11667
Revised Code. 11668

(E) The securities or other obligations described in division 11669
(D) of section 135.18 of the Revised Code shall be eligible as 11670

collateral for the purposes of division (B) of this section, 11671
provided no such securities or obligations pledged as collateral 11672
are at any time in default as to either principal or interest. 11673

(F) Any federal reserve bank or branch thereof located in 11674
this state or federal home loan bank, without compliance with 11675
Chapter 1111. of the Revised Code and without becoming subject to 11676
any other law of this state relative to the exercise by 11677
corporations of trust powers generally, is qualified to act as 11678
trustee for the safekeeping of securities, under this section. Any 11679
institution mentioned in section 135.03 or 135.32 of the Revised 11680
Code that holds a certificate of qualification issued by the 11681
superintendent of financial institutions or any institution 11682
complying with sections 1111.04, 1111.05, and 1111.06 of the 11683
Revised Code is qualified to act as trustee for the safekeeping of 11684
securities under this section, other than those belonging to 11685
itself or to an affiliate as defined in section 1101.01 of the 11686
Revised Code. 11687

(G) The public depository may substitute, exchange, or 11688
release eligible securities deposited with the qualified trustee 11689
pursuant to this section, provided that such substitution, 11690
exchange, or release is effectuated pursuant to written 11691
authorization from the treasurer of state, and such action does 11692
not reduce the total market value of the securities to an amount 11693
that is less than the amount established pursuant to division (B) 11694
of this section. 11695

(H) Notwithstanding the fact that a public depository is 11696
required to pledge eligible securities in certain amounts to 11697
secure public deposits, a qualified trustee has no duty or 11698
obligation to determine the eligibility, market value, or face 11699
value of any securities deposited with the trustee by a public 11700
depository. This applies in all situations including, but not 11701
limited to, a substitution or exchange of securities, but 11702

excluding those situations effectuated by division (I) of this 11703
section in which the trustee is required to determine face and 11704
market value. 11705

(I) The qualified trustee shall enter into a custodial 11706
agreement with the treasurer of state and public depository in 11707
which the trustee agrees to comply with entitlement orders 11708
originated by the treasurer of state without further consent by 11709
the public depository or, in the case of collateral held by the 11710
public depository in an account at a federal reserve bank, the 11711
treasurer of state shall have the treasurer's security interest 11712
marked on the books of the federal reserve bank where the account 11713
for the collateral is maintained. If the public depository fails 11714
to pay over any part of the public deposits made therein as 11715
provided by law and secured pursuant to division (B) of this 11716
section, the treasurer of state shall give written notice of this 11717
failure to the qualified trustee holding the pool of securities 11718
pledged against the public deposits, and at the same time shall 11719
send a copy of this notice to the public depository. Upon receipt 11720
of this notice, the trustee shall transfer to the treasurer of 11721
state for sale, the pooled securities that are necessary to 11722
produce an amount equal to the public deposits made by the public 11723
depositor and not paid over, less the portion of the deposits 11724
covered by any federal deposit insurance, plus any accrued 11725
interest due on the deposits. The treasurer of state shall sell 11726
any of the bonds or other securities so transferred. When a sale 11727
of bonds or other securities has been so made and upon payment to 11728
the public depositor of the purchase money, the treasurer of state 11729
shall transfer such bonds or securities whereupon the absolute 11730
ownership of such bonds or securities shall pass to the 11731
purchasers. Any surplus after deducting the amount due to the 11732
public depositor and expenses of sale shall be paid to the public 11733
depository. 11734

(J) Any charges or compensation of a qualified trustee for acting as such under this section shall be paid by the public depository and in no event shall be chargeable to the public depositor or to any officer of the public depositor. The charges or compensation shall not be a lien or charge upon the securities deposited for safekeeping prior or superior to the rights to and interests in the securities of the public depositor. The treasurer and the treasurer's bonders or surety shall be relieved from any liability to the public depositor or to the public depository for the loss or destruction of any securities deposited with a qualified trustee pursuant to this section.

Sec. 135.35. (A) The investing authority shall deposit or invest any part or all of the county's inactive moneys and shall invest all of the money in the county public library fund when required by section 135.352 of the Revised Code. The following classifications of securities and obligations are eligible for such deposit or investment:

(1) United States treasury bills, notes, bonds, or any other obligation or security issued by the United States treasury, any other obligation guaranteed as to principal or interest by the United States, or any book entry, zero-coupon United States treasury security that is a direct obligation of the United States.

Nothing in the classification of eligible securities and obligations set forth in divisions (A)(2) to (10) of this section shall be construed to authorize any investment in stripped principal or interest obligations of such eligible securities and obligations.

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or instrumentality, including, but not limited to, the federal

national mortgage association, federal home loan bank, federal 11766
farm credit bank, federal home loan mortgage corporation, and 11767
government national mortgage association. All federal agency 11768
securities shall be direct issuances of federal government 11769
agencies or instrumentalities. 11770

(3) Time certificates of deposit or savings or deposit 11771
accounts, including, but not limited to, passbook accounts, in any 11772
eligible institution mentioned in section 135.32 of the Revised 11773
Code; 11774

(4) Bonds and other obligations of this state or the 11775
political subdivisions of this state; 11776

(5) No-load money market mutual funds rated in the highest 11777
category at the time of purchase by at least one nationally 11778
recognized standard rating service or consisting exclusively of 11779
obligations described in division (A)(1), (2), or (6) of section 11780
135.143 of the Revised Code and repurchase agreements secured by 11781
such obligations, provided that investments in securities 11782
described in this division are made only through eligible 11783
institutions mentioned in section 135.32 of the Revised Code; 11784

(6) The Ohio subdivision's fund as provided in section 135.45 11785
of the Revised Code; 11786

(7) Securities lending agreements with any eligible 11787
institution mentioned in section 135.32 of the Revised Code that 11788
is a member of the federal reserve system or federal home loan 11789
bank or with any recognized United States government securities 11790
dealer meeting the description in division (J)(1) of this section, 11791
under the terms of which agreements the investing authority lends 11792
securities and the eligible institution or dealer agrees to 11793
simultaneously exchange similar securities or cash, equal value 11794
for equal value. 11795

Securities and cash received as collateral for a securities 11796

lending agreement are not inactive moneys of the county or moneys 11797
of a county public library fund. The investment of cash collateral 11798
received pursuant to a securities lending agreement may be 11799
invested only in instruments specified by the investing authority 11800
in the written investment policy described in division (K) of this 11801
section. 11802

(8) Up to twenty-five per cent of the county's total average 11803
portfolio in either of the following investments: 11804

(a) Commercial paper notes issued by an entity that is 11805
defined in division (D) of section 1705.01 of the Revised Code and 11806
that has assets exceeding five hundred million dollars, to which 11807
notes all of the following apply: 11808

(i) The notes are rated at the time of purchase in the 11809
highest classification established by at least two nationally 11810
recognized standard rating services. 11811

(ii) The aggregate value of the notes does not exceed ten per 11812
cent of the aggregate value of the outstanding commercial paper of 11813
the issuing corporation. 11814

(iii) The notes mature not later than two hundred seventy 11815
days after purchase. 11816

(b) Bankers acceptances of banks that are insured by the 11817
federal deposit insurance corporation and that mature not later 11818
than one hundred eighty days after purchase. 11819

No investment shall be made pursuant to division (A)(8) of 11820
this section unless the investing authority has completed 11821
additional training for making the investments authorized by 11822
division (A)(8) of this section. The type and amount of additional 11823
training shall be approved by the treasurer of state and may be 11824
conducted by or provided under the supervision of the treasurer of 11825
state. 11826

(9) Up to fifteen per cent of the county's total average portfolio in notes issued by corporations that are incorporated under the laws of the United States and that are operating within the United States, or by depository institutions that are doing business under authority granted by the United States or any state and that are operating within the United States, provided both of the following apply:

(a) The notes are rated in the second highest or higher category by at least two nationally recognized standard rating services at the time of purchase.

(b) The notes mature not later than two years after purchase.

(10) Debt interests rated at the time of purchase in the three highest categories by two nationally recognized standard rating services and issued by foreign nations diplomatically recognized by the United States government. All interest and principal shall be denominated and payable in United States funds. The investments made under division (A)(10) of this section shall not exceed in the aggregate one per cent of a county's total average portfolio.

The investing authority shall invest under division (A)(10) of this section in a debt interest issued by a foreign nation only if the debt interest is backed by the full faith and credit of that foreign nation, there is no prior history of default, and the debt interest matures not later than five years after purchase. For purposes of division (A)(10) of this section, a debt interest is rated in the three highest categories by two nationally recognized standard rating services if either the debt interest itself or the issuer of the debt interest is rated, or is implicitly rated, at the time of purchase in the three highest categories by two nationally recognized standard rating services.

(11) A current unpaid or delinquent tax line of credit

authorized under division (G) of section 135.341 of the Revised 11858
Code, provided that all of the conditions for entering into such a 11859
line of credit under that division are satisfied, or bonds and 11860
other obligations of a county land reutilization corporation 11861
organized under Chapter 1724. of the Revised Code, if the county 11862
land reutilization corporation is located wholly or partly within 11863
the same county as the investing authority. 11864

(B) Nothing in the classifications of eligible obligations 11865
and securities set forth in divisions (A)(1) to (10) of this 11866
section shall be construed to authorize investment in a 11867
derivative, and no investing authority shall invest any county 11868
inactive moneys or any moneys in a county public library fund in a 11869
derivative. For purposes of this division, "derivative" means a 11870
financial instrument or contract or obligation whose value or 11871
return is based upon or linked to another asset or index, or both, 11872
separate from the financial instrument, contract, or obligation 11873
itself. Any security, obligation, trust account, or other 11874
instrument that is created from an issue of the United States 11875
treasury or is created from an obligation of a federal agency or 11876
instrumentality or is created from both is considered a derivative 11877
instrument. An eligible investment described in this section with 11878
a variable interest rate payment, based upon a single interest 11879
payment or single index comprised of other eligible investments 11880
provided for in division (A)(1) or (2) of this section, is not a 11881
derivative, provided that such variable rate investment has a 11882
maximum maturity of two years. A treasury inflation-protected 11883
security shall not be considered a derivative, provided the 11884
security matures not later than five years after purchase. 11885

(C) Except as provided in division (D) of this section, any 11886
investment made pursuant to this section must mature within five 11887
years from the date of settlement, unless the investment is 11888
matched to a specific obligation or debt of the county or to a 11889

specific obligation or debt of a political subdivision of this 11890
state, and the investment is specifically approved by the 11891
investment advisory committee. 11892

(D) The investing authority may also enter into a written 11893
repurchase agreement with any eligible institution mentioned in 11894
section 135.32 of the Revised Code or any eligible securities 11895
dealer pursuant to division (J) of this section, under the terms 11896
of which agreement the investing authority purchases and the 11897
eligible institution or dealer agrees unconditionally to 11898
repurchase any of the securities listed in divisions ~~(B)~~(D)(1) to 11899
(5), except letters of credit described in division ~~(B)~~(D)(2), of 11900
section 135.18 of the Revised Code. The market value of securities 11901
subject to an overnight written repurchase agreement must exceed 11902
the principal value of the overnight written repurchase agreement 11903
by at least two per cent. A written repurchase agreement must 11904
exceed the principal value of the overnight written repurchase 11905
agreement, by at least two per cent. A written repurchase 11906
agreement shall not exceed thirty days, and the market value of 11907
securities subject to a written repurchase agreement must exceed 11908
the principal value of the written repurchase agreement by at 11909
least two per cent and be marked to market daily. All securities 11910
purchased pursuant to this division shall be delivered into the 11911
custody of the investing authority or the qualified custodian of 11912
the investing authority or an agent designated by the investing 11913
authority. A written repurchase agreement with an eligible 11914
securities dealer shall be transacted on a delivery versus payment 11915
basis. The agreement shall contain the requirement that for each 11916
transaction pursuant to the agreement the participating 11917
institution shall provide all of the following information: 11918

(1) The par value of the securities; 11919

(2) The type, rate, and maturity date of the securities; 11920

(3) A numerical identifier generally accepted in the 11921

securities industry that designates the securities. 11922

No investing authority shall enter into a written repurchase 11923
agreement under the terms of which the investing authority agrees 11924
to sell securities owned by the county to a purchaser and agrees 11925
with that purchaser to unconditionally repurchase those 11926
securities. 11927

(E) No investing authority shall make an investment under 11928
this section, unless the investing authority, at the time of 11929
making the investment, reasonably expects that the investment can 11930
be held until its maturity. The investing authority's written 11931
investment policy shall specify the conditions under which an 11932
investment may be redeemed or sold prior to maturity. 11933

(F) No investing authority shall pay a county's inactive 11934
moneys or moneys of a county public library fund into a fund 11935
established by another subdivision, treasurer, governing board, or 11936
investing authority, if that fund was established by the 11937
subdivision, treasurer, governing board, or investing authority 11938
for the purpose of investing or depositing the public moneys of 11939
other subdivisions. This division does not apply to the payment of 11940
public moneys into either of the following: 11941

(1) The Ohio subdivision's fund pursuant to division (A)(6) 11942
of this section; 11943

(2) A fund created solely for the purpose of acquiring, 11944
constructing, owning, leasing, or operating municipal utilities 11945
pursuant to the authority provided under section 715.02 of the 11946
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 11947

For purposes of division (F) of this section, "subdivision" 11948
includes a county. 11949

(G) The use of leverage, in which the county uses its current 11950
investment assets as collateral for the purpose of purchasing 11951
other assets, is prohibited. The issuance of taxable notes for the 11952

purpose of arbitrage is prohibited. Contracting to sell securities 11953
not owned by the county, for the purpose of purchasing such 11954
securities on the speculation that bond prices will decline, is 11955
prohibited. 11956

(H) Any securities, certificates of deposit, deposit 11957
accounts, or any other documents evidencing deposits or 11958
investments made under authority of this section shall be issued 11959
in the name of the county with the county treasurer or investing 11960
authority as the designated payee. If any such deposits or 11961
investments are registrable either as to principal or interest, or 11962
both, they shall be registered in the name of the treasurer. 11963

(I) The investing authority shall be responsible for the 11964
safekeeping of all documents evidencing a deposit or investment 11965
acquired under this section, including, but not limited to, 11966
safekeeping receipts evidencing securities deposited with a 11967
qualified trustee, as provided in section 135.37 of the Revised 11968
Code, and documents confirming the purchase of securities under 11969
any repurchase agreement under this section shall be deposited 11970
with a qualified trustee, provided, however, that the qualified 11971
trustee shall be required to report to the investing authority, 11972
auditor of state, or an authorized outside auditor at any time 11973
upon request as to the identity, market value, and location of the 11974
document evidencing each security, and that if the participating 11975
institution is a designated depository of the county for the 11976
current period of designation, the securities that are the subject 11977
of the repurchase agreement may be delivered to the treasurer or 11978
held in trust by the participating institution on behalf of the 11979
investing authority. 11980

Upon the expiration of the term of office of an investing 11981
authority or in the event of a vacancy in the office for any 11982
reason, the officer or the officer's legal representative shall 11983
transfer and deliver to the officer's successor all documents 11984

mentioned in this division for which the officer has been 11985
responsible for safekeeping. For all such documents transferred 11986
and delivered, the officer shall be credited with, and the 11987
officer's successor shall be charged with, the amount of moneys 11988
evidenced by such documents. 11989

(J)(1) All investments, except for investments in securities 11990
described in divisions (A)(5), (6), and (11) of this section, 11991
shall be made only through a member of the financial industry 11992
regulatory authority (FINRA), through a bank, savings bank, or 11993
savings and loan association regulated by the superintendent of 11994
financial institutions, or through an institution regulated by the 11995
comptroller of the currency, federal deposit insurance 11996
corporation, or board of governors of the federal reserve system. 11997

(2) Payment for investments shall be made only upon the 11998
delivery of securities representing such investments to the 11999
treasurer, investing authority, or qualified trustee. If the 12000
securities transferred are not represented by a certificate, 12001
payment shall be made only upon receipt of confirmation of 12002
transfer from the custodian by the treasurer, governing board, or 12003
qualified trustee. 12004

(K)(1) Except as otherwise provided in division (K)(2) of 12005
this section, no investing authority shall make an investment or 12006
deposit under this section, unless there is on file with the 12007
auditor of state a written investment policy approved by the 12008
investing authority. The policy shall require that all entities 12009
conducting investment business with the investing authority shall 12010
sign the investment policy of that investing authority. All 12011
brokers, dealers, and financial institutions, described in 12012
division (J)(1) of this section, initiating transactions with the 12013
investing authority by giving advice or making investment 12014
recommendations shall sign the investing authority's investment 12015
policy thereby acknowledging their agreement to abide by the 12016

policy's contents. All brokers, dealers, and financial 12017
institutions, described in division (J)(1) of this section, 12018
executing transactions initiated by the investing authority, 12019
having read the policy's contents, shall sign the investment 12020
policy thereby acknowledging their comprehension and receipt. 12021

(2) If a written investment policy described in division 12022
(K)(1) of this section is not filed on behalf of the county with 12023
the auditor of state, the investing authority of that county shall 12024
invest the county's inactive moneys and moneys of the county 12025
public library fund only in time certificates of deposits or 12026
savings or deposit accounts pursuant to division (A)(3) of this 12027
section, no-load money market mutual funds pursuant to division 12028
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 12029
division (A)(6) of this section. 12030

(L)(1) The investing authority shall establish and maintain 12031
an inventory of all obligations and securities acquired by the 12032
investing authority pursuant to this section. The inventory shall 12033
include a description of each obligation or security, including 12034
type, cost, par value, maturity date, settlement date, and any 12035
coupon rate. 12036

(2) The investing authority shall also keep a complete record 12037
of all purchases and sales of the obligations and securities made 12038
pursuant to this section. 12039

(3) The investing authority shall maintain a monthly 12040
portfolio report and issue a copy of the monthly portfolio report 12041
describing such investments to the county investment advisory 12042
committee, detailing the current inventory of all obligations and 12043
securities, all transactions during the month that affected the 12044
inventory, any income received from the obligations and 12045
securities, and any investment expenses paid, and stating the 12046
names of any persons effecting transactions on behalf of the 12047
investing authority. 12048

(4) The monthly portfolio report shall be a public record and 12049
available for inspection under section 149.43 of the Revised Code. 12050

(5) The inventory and the monthly portfolio report shall be 12051
filed with the board of county commissioners. The monthly 12052
portfolio report also shall be filed with the treasurer of state. 12053

(M) An investing authority may enter into a written 12054
investment or deposit agreement that includes a provision under 12055
which the parties agree to submit to nonbinding arbitration to 12056
settle any controversy that may arise out of the agreement, 12057
including any controversy pertaining to losses of public moneys 12058
resulting from investment or deposit. The arbitration provision 12059
shall be set forth entirely in the agreement, and the agreement 12060
shall include a conspicuous notice to the parties that any party 12061
to the arbitration may apply to the court of common pleas of the 12062
county in which the arbitration was held for an order to vacate, 12063
modify, or correct the award. Any such party may also apply to the 12064
court for an order to change venue to a court of common pleas 12065
located more than one hundred miles from the county in which the 12066
investing authority is located. 12067

For purposes of this division, "investment or deposit 12068
agreement" means any agreement between an investing authority and 12069
a person, under which agreement the person agrees to invest, 12070
deposit, or otherwise manage, on behalf of the investing 12071
authority, a county's inactive moneys or moneys in a county public 12072
library fund, or agrees to provide investment advice to the 12073
investing authority. 12074

(N)(1) An investment held in the county portfolio on 12075
September 27, 1996, that was a legal investment under the law as 12076
it existed before September 27, 1996, may be held until maturity. 12077

(2) An investment held in the county portfolio on September 12078
10, 2012, that was a legal investment under the law as it existed 12079

before September 10, 2012, may be held until maturity. 12080

Sec. 135.353. (A) In addition to the investments specified in 12081
section 135.35 of the Revised Code, the investing authority of a 12082
county may do all of the following: 12083

(1) Invest inactive or public moneys in linked deposits as 12084
authorized by resolution adopted pursuant to section 135.80 or 12085
135.801 of the Revised Code; 12086

(2) Invest inactive or public moneys in linked deposits as 12087
authorized by resolution adopted pursuant to section 135.805 of 12088
the Revised Code for a term considered appropriate by the 12089
investing authority, but not exceeding fifteen years, which 12090
investment may be renewed for up to two additional terms with each 12091
additional term not exceeding fifteen years. 12092

(3) Invest inactive moneys in certificates of deposit in 12093
accordance with all of the following: 12094

(a) The inactive moneys initially are deposited with an 12095
eligible public depository described in section 135.32 of the 12096
Revised Code and selected by the investing authority. 12097

(b) For the investing authority depositing the inactive 12098
moneys pursuant to division (A)(3)(a) of this section, the 12099
eligible public depository selected pursuant to that division 12100
invests the inactive moneys in certificates of deposit of one or 12101
more federally insured banks, savings banks, or savings and loan 12102
associations, wherever located. The full amount of principal and 12103
any accrued interest of each certificate of deposit invested in 12104
pursuant to division (A)(3)(b) of this section shall be insured by 12105
federal deposit insurance. 12106

(c) For the investing authority depositing the inactive 12107
moneys pursuant to division (A)(3)(a) of this section, the 12108
eligible public depository selected pursuant to that division acts 12109

as custodian of the certificates of deposit described in division 12110
(A)(3)(b) of this section. 12111

(d) On the same date the public moneys are redeposited by the 12112
public depository, the public depository may, in its sole 12113
discretion, choose whether to receive deposits, in any amount, 12114
from other banks, savings banks, or savings and loan associations. 12115

(e) The public depository provides to the investing authority 12116
a monthly account statement that includes the amount of its funds 12117
deposited and held at each bank, savings bank, or savings and loan 12118
association for which the public depository acts as a custodian 12119
pursuant to this section. 12120

(B) Inactive moneys deposited or invested in accordance with 12121
division (A)(3) of this section are not subject to any pledging 12122
requirements described in section 135.181, 135.182, or 135.37 of 12123
the Revised Code. 12124

Sec. 135.354. (A) In addition to the authority provided in 12125
section 135.35 of the Revised Code for the investment or deposit 12126
of inactive moneys, the investing authority of a county, upon the 12127
deposit of active or inactive moneys with an eligible public 12128
depository described in section 135.32 of the Revised Code and 12129
selected by the investing authority, may authorize the public 12130
depository to arrange for the redeposit of such public moneys in 12131
accordance with the following conditions: 12132

(1) The public depository, on or after the date the public 12133
moneys are received, arranges for the redeposit of the moneys into 12134
deposit accounts in one or more federally insured banks, savings 12135
banks, or savings and loan associations that are located in the 12136
United States, and acts as custodian of the moneys deposited or 12137
redeposited under this section. 12138

(2) If the amount of the public moneys deposited with and 12139

held at the close of business by the public depository exceeds the 12140
amount insured by the federal deposit insurance corporation, the 12141
excess amount is subject to the pledging requirements described in 12142
section 135.181, 135.182, or 135.37 of the Revised Code. 12143

(3) The full amount of the public moneys redeposited by the 12144
public depository into deposit accounts in banks, savings banks, 12145
or savings and loan associations, plus any accrued interest, is 12146
insured by the federal deposit insurance corporation. 12147

(4) On the same date the public moneys are redeposited by the 12148
public depository, the public depository may, in its sole 12149
discretion, choose whether to receive deposits, in any amount, 12150
from other banks, savings banks, or savings and loan associations. 12151

(5) The public depository provides to the investing authority 12152
an account statement at least monthly and access to daily 12153
reporting that include the amount of its funds deposited and held 12154
at each bank, savings bank, or savings and loan association for 12155
which the public depository acts as a custodian pursuant to this 12156
section. 12157

(B) Except as provided in division (A)(2) of this section, 12158
public moneys deposited in accordance with this section are not 12159
subject to the pledging requirements described in section 135.181, 12160
135.182, or 135.37 of the Revised Code. 12161

Sec. 135.37. (A) Except as provided in section 135.353 or 12162
135.354 of the Revised Code, any institution described in section 12163
135.32 of the Revised Code ~~shall, at the time it receives in~~ 12164
receipt of a deposit of public moneys under section 135.33 or 12165
135.35 of the Revised Code, ~~pledge to and deposit with the~~ 12166
~~investing authority, as shall provide~~ security for the repayment 12167
of all public moneys ~~to be deposited in the public depository by~~ 12168
selecting one of the following methods: 12169

(1) Securing all uninsured public deposits of each investing authority separately as set forth in divisions (B) to (I) of this section; 12170
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(2) Securing all uninsured public deposits of every public depositor pursuant to section 135.181 or 135.182 of the Revised Code, as applicable, by establishing and pledging to the treasurer of state a single pool of collateral for the benefit of each public depositor at the public depository. 12173
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(B) If a public depository elects to provide security pursuant to division (A)(1) of this section, the public depository shall pledge to the investing authority, as security for the repayment of all public moneys deposited in the public depository during the period of designation pursuant to an award made under section 135.33 of the Revised Code or pursuant to section 135.35 of the Revised Code, eligible securities of aggregate market value at all times equal to ~~or in excess~~ at least one hundred five per cent of the total amount of ~~public moneys to be at the time so deposited~~ the investing authority's uninsured public deposits. Any securities listed in division ~~(B)~~(D) of section 135.18 of the Revised Code are eligible for such purpose. ~~The collateral so pledged or deposited may be in an amount that when added to the portion of the deposit insured by the federal deposit insurance corporation or any other agency or instrumentality of the federal government will, in the aggregate, equal or exceed the amount of public moneys so deposited; provided that, when an investment of inactive moneys consists of the purchase of one or more of the type of securities listed in division (A)(1) or (2) of section 135.35 of the Revised Code, no additional collateral need be pledged or deposited.~~ 12178
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~~The investing authority also may require that additional eligible securities be pledged or deposited when depreciation occurs in the market value of any securities pledged or deposited.~~ 12199
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~~(B) The public depository may, at any time, provide for the exchange or substitution of securities for other eligible securities or the release of securities when the amount of public moneys on deposit does not require that they be pledged or deposited, by notifying the investing authority of its intent to take such action.~~

~~Upon proper notification of the public depository's desire for release of securities, the investing authority may sign a release of such securities provided that the aggregate amount of collateral remaining pledged or deposited meets the requirements of divisions (A) to (E) of this section.~~

~~When a public depository desires to exchange or substitute securities for other eligible securities, the investing authority may release the securities pledged or deposited after the deposit of other securities having a current market value equal to or greater than the current market value of securities then on deposit or after a safekeeping receipt has been received evidencing the deposit and pledge of such securities.~~

~~(C) Upon request from the investing authority, the trustee or the In order for a public depository shall furnish a statement of the securities pledged against the to receive public moneys deposited in under this section, the public depository and the investing authority shall first execute an agreement that sets forth the entire arrangement among the parties and that meets the requirements described in 12 U.S.C. 1823(e). In addition, the agreement shall authorize the investing authority to obtain control of the collateral pursuant to division (D) of section 1308.24 of the Revised Code.~~

~~(D) An institution designated as a public depository shall designate a qualified trustee and place the eligible securities with the trustee for safekeeping. The trustee shall hold the eligible securities in an account indicating the investing~~

authority's security interest in the securities. The trustee shall 12234
report to the investing authority information relating to the 12235
securities pledged to secure the public deposits in the manner and 12236
frequency requested by the investing authority. 12237

(E) The qualified trustee shall enter into a custodial 12238
agreement with the investing authority and public depository in 12239
which the trustee agrees to comply with entitlement orders 12240
originated by the investing authority without further consent by 12241
the public depository or, in the case of collateral held by the 12242
public depository in an account at a federal reserve bank, the 12243
investing authority shall have the investing authority's security 12244
interest marked on the books of the federal reserve bank where the 12245
account for the collateral is maintained. If a the public 12246
depository fails to pay over any part of any the public deposit 12247
deposits made as provided by law, the investing authority shall 12248
sell any pledged or deposited securities, as prescribed in 12249
division (C) of section 135.18 of the Revised Code. 12250

~~(E) A public depository may designate, in accordance with the~~ 12251
~~provisions of division (D) of section 135.18 of the Revised Code,~~ 12252
~~a trustee for the safekeeping of any pledged securities. Such~~ 12253
~~trustee shall be any bank or other institution eligible as a~~ 12254
~~trustee under division (I) of section 135.18 of the Revised Code,~~ 12255
~~except that, for the purposes of this section, a bank to which a~~ 12256
~~certificate of qualification is issued shall be an institution~~ 12257
~~mentioned in division (A) of section 135.32 of the Revised Code~~ 12258
therein as provided by law, the investing authority shall give 12259
written notice of this failure to the qualified trustee holding 12260
the securities pledged against its public deposits, and at the 12261
same time shall send a copy of this notice to the public 12262
depository. Upon receipt of this notice, the trustee shall 12263
transfer to the investing authority for sale, the securities that 12264
are necessary to produce an amount equal to the public deposits 12265

made by the investing authority and not paid over, less the 12266
portion of the deposits covered by any federal deposit insurance, 12267
plus any accrued interest due on the deposits. The investing 12268
authority shall sell any of the bonds or other securities so 12269
transferred. When a sale of bonds or other securities has been so 12270
made and upon payment to the investing authority of the purchase 12271
money, the investing authority shall transfer such bonds or 12272
securities whereupon the absolute ownership of such bonds or 12273
securities shall pass to the purchasers. Any surplus after 12274
deducting the amount due the investing authority and expenses of 12275
sale shall be paid to the public depository. 12276

~~(F) In lieu of the pledging requirements prescribed in~~ 12277
~~divisions (A) to (E) of this section, an institution designated as~~ 12278
~~a public depository may pledge securities pursuant to section~~ 12279
~~135.181 of the Revised Code~~ When the public depository has placed 12280
eligible securities described in division (D)(1) of section 135.18 12281
of the Revised Code with a trustee for safekeeping, the public 12282
depository may at any time substitute or exchange eligible 12283
securities described in division (D)(1) of section 135.18 of the 12284
Revised Code having a current market value equal to or greater 12285
than the current market value of the securities then on deposit 12286
and for which they are to be substituted or exchanged, without 12287
specific authorization from the investing authority of any such 12288
substitution or exchange. 12289

(G) When the public depository has placed eligible securities 12290
described in divisions (D)(2) to (9) of section 135.18 of the 12291
Revised Code with a trustee for safekeeping, the public depository 12292
may at any time substitute or exchange eligible securities having 12293
a current market value equal to or greater than the current market 12294
value of the securities then on deposit and for which they are to 12295
be substituted or exchanged without specific authorization from 12296
the investing authority of any such substitution or exchange only 12297

if one of the following applies: 12298

(1) The investing authority has authorized the public 12299
depository to make such substitution or exchange on a continuing 12300
basis during a specified period without prior approval of each 12301
substitution or exchange. The authorization may be effected by the 12302
investing authority sending to the trustee a written notice 12303
stating that substitution may be effected on a continuing basis 12304
during a specified period which shall not extend beyond the end of 12305
the period of designation during which the notice is given. The 12306
trustee may rely upon this notice and upon the period of 12307
authorization stated therein and upon the period of designation 12308
stated therein. 12309

(2) The public depository notifies the investing authority 12310
and the trustee of an intended substitution or exchange, and the 12311
investing authority does not object to the trustee as to the 12312
eligibility or market value of the securities being substituted 12313
within three business days after the date appearing on the notice 12314
of proposed substitution. The notice to the investing authority 12315
and to the trustee shall be given in writing and delivered 12316
electronically. The trustee may assume in any case that the notice 12317
has been delivered to the investing authority. In order for 12318
objections of the investing authority to be effective, receipt of 12319
the objections must be acknowledged in writing by the trustee. 12320

(3) The investing authority gives written authorization for a 12321
substitution or exchange of specific securities. 12322

(H) The public depository shall notify any investing 12323
authority of any substitution or exchange under division (G)(1) or 12324
(2) of this section. 12325

(I) Any federal reserve bank or branch thereof located in 12326
this state or federal home loan bank, without compliance with 12327
Chapter 1111. of the Revised Code and without becoming subject to 12328

any other law of this state relative to the exercise by 12329
corporations of trust powers generally, is qualified to act as 12330
trustee for the safekeeping of securities, under this section. Any 12331
institution mentioned in section 135.03 or 135.32 of the Revised 12332
Code that holds a certificate of qualification issued by the 12333
superintendent of financial institutions or any institution 12334
complying with sections 1111.04, 1111.05, and 1111.06 of the 12335
Revised Code is qualified to act as trustee for the safekeeping of 12336
securities under this section, other than those belonging to 12337
itself or to an affiliate as defined in section 1101.01 of the 12338
Revised Code. 12339

Notwithstanding the fact that a public depository is required 12340
to pledge eligible securities in certain amounts to secure 12341
deposits of public moneys, a trustee has no duty or obligation to 12342
determine the eligibility, market value, or face value of any 12343
securities deposited with the trustee by a public depository. This 12344
applies in all situations including, without limitation, a 12345
substitution or exchange of securities. 12346

Any charges or compensation of a designated trustee for 12347
acting as such under this section shall be paid by the public 12348
depository and in no event shall be chargeable to the investing 12349
authority or to any officer of the investing authority. The 12350
charges or compensation shall not be a lien or charge upon the 12351
securities deposited for safekeeping prior or superior to the 12352
rights to and interests in the securities of the investing 12353
authority. The treasurer and the treasurer's bonders or surety 12354
shall be relieved from any liability to the investing authority or 12355
to the public depository for the loss or destruction of any 12356
securities deposited with a qualified trustee pursuant to this 12357
section. 12358

Sec. 135.731. (A) For purposes of this section, "western" 12359

basin" has the same meaning as in section 905.326 of the Revised Code. 12360
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(B) Notwithstanding any provision in sections 135.71 to 135.76 of the Revised Code to the contrary, before July 1, 2020, all of the following apply to eligible agricultural businesses that maintain land or facilities for agricultural purposes in the western basin: 12362
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(1) Such a business shall certify on its loan application that the reduced rate loan will be used exclusively for agricultural purposes on land or in facilities owned or operated by the business in this state in the western basin and that the loan will materially contribute to the business's compliance with division (A) of section 1511.10 of the Revised Code. Whoever knowingly makes a false statement concerning the application is guilty of the offense of falsification under section 2921.13 of the Revised Code. 12367
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(2) In evaluating such businesses, the treasurer of state shall give priority to a business's financial need for the loan to comply with division (A) of section 1511.10 of the Revised Code as well as the overall financial need of the business and the economic needs of the area where the business is located. 12376
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(3) No loan for such a business shall exceed five hundred thousand dollars. 12381
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Sec. 135.74. (A) The treasurer of state may accept or reject an agricultural linked deposit loan package or any portion thereof, based on the treasurer's evaluation of the eligible agricultural businesses included in the package, the amount of individual loans in the package, and the amount of the package. In evaluating the eligible agricultural businesses, the treasurer of state shall give priority to a business's financial need for the 12383
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loan to meet planting deadlines but shall also consider the 12390
overall financial need of the business and the economic needs of 12391
the area where the business is located. 12392

(B) Upon acceptance of the agricultural linked deposit loan 12393
package or any portion thereof, the treasurer of state may place 12394
certificates of deposit with the eligible lending institution at a 12395
rate below current market rates, as determined and calculated by 12396
the treasurer of state, or may invest in bonds, notes, debentures, 12397
or other obligations or securities issued by the federal farm 12398
credit bank with respect to the eligible lending institution at a 12399
rate below current market rates, as determined and calculated by 12400
the treasurer of state. When necessary, the treasurer may place 12401
certificates of deposit or may invest in such obligations or 12402
securities prior to acceptance of an agricultural linked deposit 12403
loan package. 12404

(C) The eligible lending institution shall enter into an 12405
agricultural linked deposit agreement with the treasurer of state, 12406
which shall include requirements necessary to carry out the 12407
purposes of sections 135.71 to 135.76 of the Revised Code. The 12408
requirements shall at least do the following: 12409

(1) Include an agreement by the eligible lending institution 12410
to lend ~~the value of the agricultural linked deposit~~ to eligible 12411
agricultural businesses at a rate equal to ~~the~~ either of the 12412
following: 12413

(a) A rate not more than three hundred basis points below the 12414
present borrowing rate applicable to each specific agricultural 12415
business in the accepted loan package; 12416

(b) The present borrowing rate applicable to each specific 12417
agricultural business in the accepted loan package minus the 12418
difference between one of the following, as applicable: 12419

~~(a)~~(i) The market rate and the actual rate at which the 12420

certificates of deposit that constitute the agricultural linked 12421
deposit were placed; 12422

~~(b)(ii)~~ The market rate and the actual rate at which the 12423
investments in bonds, notes, debentures, or other obligations or 12424
securities that constitute the agricultural linked deposit were 12425
made. 12426

(2) Reflect the market conditions prevailing in the eligible 12427
lending institution's lending area. 12428

The agricultural linked deposit agreement may include a 12429
specification of the period of time in which the lending 12430
institution is to lend funds upon the placement of a linked 12431
deposit, and shall include provisions for the certificates of 12432
deposit to be placed or the investment in bonds, notes, 12433
debentures, obligations, or securities to be made for any maturity 12434
considered appropriate by the treasurer of state not to exceed ~~two~~ 12435
~~five~~ years and may be renewed for up to an additional two years at 12436
~~the option of the treasurer~~. Interest shall be paid at the times 12437
determined by the treasurer of state. 12438

(D) Eligible lending institutions shall comply fully with 12439
Chapter 135. of the Revised Code. 12440

Sec. 140.01. As used in this chapter: 12441

(A) "Hospital agency" means any public hospital agency or any 12442
nonprofit hospital agency. 12443

(B) "Public hospital agency" means any county, board of 12444
county hospital trustees established pursuant to section 339.02 of 12445
the Revised Code, county hospital commission established pursuant 12446
to section 339.14 of the Revised Code, municipal corporation, new 12447
community authority organized under Chapter 349. of the Revised 12448
Code, joint township hospital district, state or municipal 12449
university or college operating or authorized to operate a 12450

hospital facility, or the state. 12451

(C) "Nonprofit hospital agency" means a corporation or 12452
association not for profit, no part of the net earnings of which 12453
inures or may lawfully inure to the benefit of any private 12454
shareholder or individual, that has authority to own or operate a 12455
hospital facility or provides or is to provide services to one or 12456
more other hospital agencies. 12457

(D) "Governing body" means, in the case of a county, the 12458
board of county commissioners or other legislative body; in the 12459
case of a board of county hospital trustees, the board; in the 12460
case of a county hospital commission, the commission; in the case 12461
of a municipal corporation, the council or other legislative 12462
authority; in the case of a new community authority, its board of 12463
trustees; in the case of a joint township hospital district, the 12464
joint township district hospital board; in the case of a state or 12465
municipal university or college, its board of trustees or board of 12466
directors; in the case of a nonprofit hospital agency, the board 12467
of trustees or other body having general management of the agency; 12468
and, in the case of the state, the director of development 12469
services or the Ohio higher educational facility commission. 12470

(E) "Hospital facilities" means buildings, structures and 12471
other improvements, additions thereto and extensions thereof, 12472
furnishings, equipment, and real estate and interests in real 12473
estate, used or to be used for or in connection with one or more 12474
hospitals, emergency, intensive, intermediate, extended, 12475
long-term, or self-care facilities, diagnostic and treatment and 12476
out-patient facilities, facilities related to programs for home 12477
health services, clinics, laboratories, public health centers, 12478
research facilities, and rehabilitation facilities, for or 12479
pertaining to diagnosis, treatment, care, or rehabilitation of 12480
sick, ill, injured, infirm, impaired, disabled, or handicapped 12481
persons, or the prevention, detection, and control of disease, and 12482

also includes education, training, and food service facilities for 12483
health professions personnel, housing facilities for such 12484
personnel and their families, and parking and service facilities 12485
in connection with any of the foregoing; and includes any one, 12486
part of, or any combination of the foregoing; and further includes 12487
site improvements, utilities, machinery, facilities, furnishings, 12488
and any separate or connected buildings, structures, improvements, 12489
sites, utilities, facilities, or equipment to be used in, or in 12490
connection with the operation or maintenance of, or supplementing 12491
or otherwise related to the services or facilities to be provided 12492
by, any one or more of such hospital facilities. 12493

(F) "Costs of hospital facilities" means the costs of 12494
acquiring hospital facilities or interests in hospital facilities, 12495
including membership interests in nonprofit hospital agencies, 12496
costs of constructing hospital facilities, costs of improving one 12497
or more hospital facilities, including reconstructing, 12498
rehabilitating, remodeling, renovating, and enlarging, costs of 12499
equipping and furnishing such facilities, and all financing costs 12500
pertaining thereto, including, without limitation thereto, costs 12501
of engineering, architectural, and other professional services, 12502
designs, plans, specifications and surveys, and estimates of cost, 12503
costs of tests and inspections, the costs of any indemnity or 12504
surety bonds and premiums on insurance, all related direct or 12505
allocable administrative expenses pertaining thereto, fees and 12506
expenses of trustees, depositories, and paying agents for the 12507
obligations, cost of issuance of the obligations and financing 12508
charges and fees and expenses of financial advisors, attorneys, 12509
accountants, consultants and rating services in connection 12510
therewith, capitalized interest on the obligations, amounts 12511
necessary to establish reserves as required by the bond 12512
proceedings, the reimbursement of all moneys advanced or applied 12513
by the hospital agency or others or borrowed from others for the 12514
payment of any item or items of costs of such facilities, and all 12515

other expenses necessary or incident to planning or determining 12516
feasibility or practicability with respect to such facilities, and 12517
such other expenses as may be necessary or incident to the 12518
acquisition, construction, reconstruction, rehabilitation, 12519
remodeling, renovation, enlargement, improvement, equipment, and 12520
furnishing of such facilities, the financing thereof, and the 12521
placing of the same in use and operation, including any one, part 12522
of, or combination of such classes of costs and expenses, and 12523
means the costs of refinancing obligations issued by, or 12524
reimbursement of money advanced by, nonprofit hospital agencies or 12525
others the proceeds of which were used for the payment of costs of 12526
hospital facilities, if the governing body of the public hospital 12527
agency determines that the refinancing or reimbursement advances 12528
the purposes of this chapter, whether or not the refinancing or 12529
reimbursement is in conjunction with the acquisition or 12530
construction of additional hospital facilities. 12531

(G) "Hospital receipts" means all moneys received by or on 12532
behalf of a hospital agency from or in connection with the 12533
ownership, operation, acquisition, construction, improvement, 12534
equipping, or financing of any hospital facilities, including, 12535
without limitation thereto, any rentals and other moneys received 12536
from the lease, sale, or other disposition of hospital facilities, 12537
and any gifts, grants, interest subsidies, or other moneys 12538
received under any federal program for assistance in financing the 12539
costs of hospital facilities, and any other gifts, grants, and 12540
donations, and receipts therefrom, available for financing the 12541
costs of hospital facilities. 12542

(H) "Obligations" means bonds, notes, or other evidences of 12543
indebtedness or obligation, including interest coupons pertaining 12544
thereto, issued or issuable by a public hospital agency to pay 12545
costs of hospital facilities. 12546

(I) "Bond service charges" means principal, interest, and 12547

call premium, if any, required to be paid on obligations. 12548

(J) "Bond proceedings" means one or more ordinances, 12549
resolutions, trust agreements, indentures, and other agreements or 12550
documents, and amendments and supplements to the foregoing, or any 12551
combination thereof, authorizing or providing for the terms, 12552
including any variable interest rates, and conditions applicable 12553
to, or providing for the security of, obligations and the 12554
provisions contained in such obligations. 12555

(K) "Nursing home" has the same meaning as in division (A)(1) 12556
of section 5701.13 of the Revised Code. 12557

(L) "Residential care facility" has the same meaning as in 12558
division (A)(2) of section 5701.13 of the Revised Code. 12559

(M) "Independent living facility" means any self-care 12560
facility or other housing facility designed or used as a residence 12561
for elderly persons. An "independent living facility" does not 12562
include a residential facility, or that part of a residential 12563
facility, that is any of the following: 12564

(1) A hospital required to be certified by section 3727.02 of 12565
the Revised Code; 12566

(2) A nursing home or residential care facility; 12567

(3) A facility operated by a hospice care program licensed 12568
under section 3712.04 of the Revised Code and used for the 12569
program's hospice patients; 12570

(4) A residential facility licensed by the department of 12571
mental health and addiction services under section 5119.34 of the 12572
Revised Code that provides accommodations, supervision, and 12573
personal care services for three to sixteen unrelated adults; 12574

(5) A residential facility licensed by the department of 12575
mental health and addiction services under section 5119.34 of the 12576
Revised Code that is not a residential facility described in 12577

division (M)(4) of this section;	12578
(6) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;	12579 12580
(7) A facility certified as a community addiction services provider under section 5119.36, <u>as defined in section 5119.01</u> of the Revised Code;	12581 12582 12583
(8) A residential facility licensed under section 5123.19 of the Revised Code or a facility providing services under a contract with the department of developmental disabilities under section 5123.18 of the Revised Code;	12584 12585 12586 12587
(9) A residential facility used as part of a hospital to provide housing for staff of the hospital or students pursuing a course of study at the hospital.	12588 12589 12590
Sec. 141.04. (A) The annual salaries of the chief justice of the supreme court and of the justices and judges named in this section payable from the state treasury are as follows, rounded to the nearest fifty dollars:	12591 12592 12593 12594
(1) For the chief justice of the supreme court, the following amounts effective in the following years:	12595 12596
(a) Beginning January 1, 2000 <u>2014</u> , one hundred twenty-four <u>fifty</u> thousand nine <u>eight</u> hundred <u>fifty</u> dollars;	12597 12598
(b) Beginning January 1, 2001 <u>on the effective date of this amendment</u> , one hundred twenty-eight <u>fifty-eight</u> thousand six <u>four</u> hundred fifty dollars;	12599 12600 12601
(c) After 2001, the amount determined under division (E)(1) of this section <u>Beginning January 1, 2017, one hundred sixty-six thousand three hundred fifty dollars;</u>	12602 12603 12604
(d) <u>Beginning January 1, 2018, one hundred seventy-four thousand seven hundred dollars;</u>	12605 12606

<u>(e) Beginning January 1, 2019, and each calendar year</u>	12607
<u>thereafter, one hundred eighty-three thousand four hundred fifty</u>	12608
<u>dollars.</u>	12609
(2) For the justices of the supreme court, the following	12610
amounts effective in the following years:	12611
(a) Beginning January 1, 2000 <u>2014</u> , one hundred seventeen	12612
<u>forty-one</u> thousand two <u>six</u> hundred thirty <u>thirty</u> dollars;	12613
(b) Beginning January 1, 2001 <u>on the effective date of this</u>	12614
<u>amendment</u> , one hundred twenty <u>forty-eight</u> thousand seven hundred	12615
thirty <u>thirty</u> dollars;	12616
(c) After 2001, the amount determined under division (E)(1)	12617
of this section <u>Beginning January 1, 2017, one hundred fifty-six</u>	12618
<u>thousand one hundred fifty dollars;</u>	12619
<u>(d) Beginning January 1, 2018, one hundred sixty-four</u>	12620
<u>thousand dollars;</u>	12621
<u>(e) Beginning January 1, 2019, and each calendar year</u>	12622
<u>thereafter, one hundred seventy-two thousand two hundred dollars.</u>	12623
(3) For the judges of the courts of appeals, the following	12624
amounts effective in the following years:	12625
(a) Beginning January 1, 2000 <u>2014</u> , one hundred nine	12626
<u>thirty-two</u> thousand two hundred <u>thirty</u> dollars;	12627
(b) Beginning January 1, 2001 <u>on the effective date of this</u>	12628
<u>amendment</u> , one hundred twelve <u>thirty-eight</u> thousand five <u>six</u>	12629
hundred <u>thirty</u> dollars;	12630
(c) After 2001, the amount determined under division (E)(1)	12631
of this section <u>Beginning January 1, 2017, one hundred forty-five</u>	12632
<u>thousand five hundred fifty dollars;</u>	12633
<u>(d) Beginning January 1, 2018, one hundred fifty-two thousand</u>	12634
<u>eight hundred fifty dollars;</u>	12635

(e) Beginning January 1, 2019, and each calendar year 12636
thereafter, one hundred sixty thousand five hundred dollars. 12637

(4) For the judges of the courts of common pleas, the 12638
following amounts effective in the following years, reduced by an 12639
amount equal to the annual compensation paid to that judge from 12640
the county treasury pursuant to section 141.05 of the Revised 12641
Code: 12642

(a) Beginning January 1, ~~2000~~ 2014, one hundred ~~twenty-one~~ 12643
~~thousand five~~ three hundred ~~fifty~~ dollars, ~~reduced by an amount~~ 12644
~~equal to the annual compensation paid to that judge from the~~ 12645
~~county treasury pursuant to section 141.05 of the Revised Code;~~ 12646

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12647
amendment, one hundred ~~three~~ twenty-seven thousand ~~five~~ four 12648
~~hundred~~ fifty dollars, ~~reduced by an amount equal to the annual~~ 12649
~~compensation paid to that judge from the county treasury pursuant~~ 12650
~~to section 141.05 of the Revised Code;~~ 12651

(c) ~~After 2001, the aggregate annual salary amount determined~~ 12652
~~under division (E)(2) of this section reduced by an amount equal~~ 12653
~~to the annual compensation paid to that judge from the county~~ 12654
~~treasury pursuant to section 141.05 of the Revised Code~~ Beginning 12655
January 1, 2017, one hundred thirty-three thousand eight hundred 12656
fifty dollars; 12657

(d) Beginning January 1, 2018, one hundred forty thousand 12658
five hundred fifty dollars; 12659

(e) Beginning January 1, 2019, and each calendar year 12660
thereafter, one hundred forty-seven thousand six hundred dollars. 12661

(5) For the full-time judges of a municipal court or the 12662
part-time judges of a municipal court of a territory having a 12663
population of more than fifty thousand, the following amounts 12664
effective in the following years, ~~which amounts shall be in~~ 12665
~~addition to all amounts received~~ reduced by an amount equal to the 12666

annual compensation paid to that judge pursuant to divisions 12667
division (B)(1)(a) and (2) of section 1901.11 of the Revised Code 12668
from municipal corporations and counties: 12669

(a) Beginning January 1, ~~2000~~ 2014, ~~thirty-two~~ one hundred 12670
~~fourteen~~ thousand ~~six~~ one hundred ~~fifty~~ dollars; 12671

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12672
amendment, thirty-five one hundred nineteen thousand ~~five~~ eight 12673
hundred fifty dollars; 12674

(c) ~~After 2001, the amount determined under division (E)(3)~~ 12675
~~of this section~~ Beginning January 1, 2017, one hundred twenty-five 12676
thousand eight hundred fifty dollars; 12677

(d) Beginning January 1, 2018, one hundred thirty-two 12678
thousand one hundred fifty dollars; 12679

(e) Beginning January 1, 2019, and each calendar year 12680
thereafter, one hundred thirty-eight thousand eight hundred 12681
dollars. 12682

(6) For judges of a municipal court designated as part-time 12683
judges by section 1901.08 of the Revised Code, other than 12684
part-time judges to whom division (A)(5) of this section applies, 12685
and for judges of a county court, the following amounts effective 12686
in the following years, ~~which amounts shall be in addition to any~~ 12687
~~amounts received~~ reduced by an amount equal to the annual 12688
compensation paid to that judge pursuant to division (A) of 12689
section 1901.11 of the Revised Code from municipal corporations 12690
and counties or pursuant to division (A) of section 1907.16 of the 12691
Revised Code from counties: 12692

(a) Beginning January 1, ~~2000~~ 2014, ~~eighteen~~ sixty-five 12693
thousand ~~eight~~ six hundred fifty dollars; 12694

(b) Beginning ~~January 1, 2001~~ on the effective date of this 12695
amendment, twenty-sixty-eight thousand ~~four~~ nine hundred fifty 12696

dollars; 12697

~~(c) After 2001, the amount determined under division (E)(4)~~ 12698
~~of this section~~ Beginning January 1, 2017, seventy-two thousand 12699
four hundred dollars; 12700

(d) Beginning January 1, 2018, seventy-six thousand fifty 12701
dollars; 12702

(e) Beginning January 1, 2019, and each calendar year 12703
thereafter, seventy-nine thousand nine hundred dollars. 12704

(B) Except as provided in sections 1901.122 and 1901.123 of 12705
the Revised Code, except as otherwise provided in this division, 12706
and except for the compensation to which the judges described in 12707
division (A)(5) of this section are entitled pursuant to divisions 12708
(B)(1)(a) and (2) of section 1901.11 of the Revised Code, the 12709
annual salary of the chief justice of the supreme court and of 12710
each justice or judge listed in division (A) of this section shall 12711
be paid in equal monthly installments from the state treasury. If 12712
the chief justice of the supreme court or any justice or judge 12713
listed in division (A)(2), (3), or (4) of this section delivers a 12714
written request to be paid biweekly to the administrative director 12715
of the supreme court prior to the first day of January of any 12716
year, the annual salary of the chief justice or the justice or 12717
judge that is listed in division (A)(2), (3), or (4) of this 12718
section shall be paid, during the year immediately following the 12719
year in which the request is delivered to the administrative 12720
director of the supreme court, biweekly from the state treasury. 12721

(C) Upon the death of the chief justice or a justice of the 12722
supreme court during that person's term of office, an amount shall 12723
be paid in accordance with section 2113.04 of the Revised Code, or 12724
to that person's estate. The amount shall equal the amount of the 12725
salary that the chief justice or justice would have received 12726
during the remainder of the unexpired term or an amount equal to 12727

the salary of office for two years, whichever is less. 12728

(D) Neither the chief justice of the supreme court nor any 12729
justice or judge of the supreme court, the court of appeals, the 12730
court of common pleas, or the probate court shall hold any other 12731
office of trust or profit under the authority of this state or the 12732
United States. 12733

~~(E)(1) Each year from 2002 through 2008, the annual salaries 12734
of the chief justice of the supreme court and of the justices and 12735
judges named in divisions (A)(2) and (3) of this section shall be 12736
increased by an amount equal to the adjustment percentage for that 12737
year multiplied by the compensation paid the preceding year 12738
pursuant to division (A)(1), (2), or (3) of this section. 12739~~

~~(2) Each year from 2002 through 2008, the aggregate annual 12740
salary payable under division (A)(4) of this section to the judges 12741
named in that division shall be increased by an amount equal to 12742
the adjustment percentage for that year multiplied by the 12743
aggregate compensation paid the preceding year pursuant to 12744
division (A)(4) of this section and section 141.05 of the Revised 12745
Code. 12746~~

~~(3) Each year from 2002 through 2008, the salary payable from 12747
the state treasury under division (A)(5) of this section to the 12748
judges named in that division shall be increased by an amount 12749
equal to the adjustment percentage for that year multiplied by the 12750
aggregate compensation paid the preceding year pursuant to 12751
division (A)(5) of this section and division (B)(1)(a) of section 12752
1901.11 of the Revised Code. 12753~~

~~(4) Each year from 2002 through 2008, the salary payable from 12754
the state treasury under division (A)(6) of this section to the 12755
judges named in that division shall be increased by an amount 12756
equal to the adjustment percentage for that year multiplied by the 12757
aggregate compensation paid the preceding year pursuant to 12758~~

~~division (A)(6) of this section and division (A) of section 12759
1901.11 of the Revised Code from municipal corporations and 12760
counties or division (A) of section 1907.16 of the Revised Code 12761
from counties. 12762~~

~~(F)~~ In addition to the salaries payable pursuant to this 12763
section, the chief justice of the supreme court and the justices 12764
of the supreme court shall be entitled to a vehicle allowance of 12765
five hundred dollars per month, payable from the state treasury. 12766
The allowance shall be increased on the first day of January of 12767
each odd-numbered year by an amount equal to the percentage 12768
increase, if any, in the consumer price index for the immediately 12769
preceding twenty-four month period for which information is 12770
available. 12771

~~(G)~~(F) On or before the first day of December of each year, 12772
the Ohio supreme court, through its chief administrator, shall 12773
notify the administrative judge of the Montgomery county municipal 12774
court, the board of county commissioners of Montgomery county, and 12775
the treasurer of the state of the yearly salary cost of five 12776
part-time county court judges as of that date. If the total yearly 12777
salary costs of all of the judges of the Montgomery county 12778
municipal court as of the first day of December of that same year 12779
exceeds that amount, the administrative judge of the Montgomery 12780
county municipal court shall cause payment of the excess between 12781
those two amounts less any reduced amount paid for the health care 12782
costs of the Montgomery county municipal court judges in 12783
comparison to the health care costs of five part-time county court 12784
judges from the general special projects fund or the fund for a 12785
specific special project created pursuant to section 1901.26 of 12786
the Revised Code to the treasurer of Montgomery county and to the 12787
treasurer of the state in amounts proportional to the percentage 12788
of the salaries of the municipal court judges paid by the county 12789
and by the state. 12790

(H) <u>(G)</u> As used in this section:	12791
(1) The "adjustment percentage" for a year is the lesser of	12792
the following:	12793
(a) Three per cent;	12794
(b) The percentage increase, if any, in the consumer price	12795
index over the twelve month period that ends on the thirtieth day	12796
of September of the immediately preceding year, rounded to the	12797
nearest one tenth of one per cent.	12798
(2) "Consumer price index" has the same meaning as in section	12799
101.27 of the Revised Code.	12800
(3) <u>(2)</u> "Salary" does not include any portion of the cost,	12801
premium, or charge for health, medical, hospital, dental, or	12802
surgical benefits, or any combination of those benefits, covering	12803
the chief justice of the supreme court or a justice or judge named	12804
in this section and paid on the chief justice's or the justice's	12805
or judge's behalf by a governmental entity.	12806
Sec. 145.012. (A) "Public employee," as defined in division	12807
(A) of section 145.01 of the Revised Code, does not include any	12808
person:	12809
(1) Who is employed by a private, temporary-help service and	12810
performs services under the direction of a public employer or is	12811
employed on a contractual basis as an independent contractor under	12812
a personal service contract with a public employer;	12813
(2) Who is an emergency employee serving on a temporary basis	12814
in case of fire, snow, earthquake, flood, or other similar	12815
emergency;	12816
(3) Who is employed in a program established pursuant to the	12817
"Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A.	12818
1501;	12819

(4) Who is an appointed member of either the motor vehicle salvage dealers board or the motor vehicle dealer's board whose rate and method of payment are determined pursuant to division (J) of section 124.15 of the Revised Code;	12820 12821 12822 12823
(5) Who is employed as an election worker and paid less than six hundred dollars per calendar year for that service;	12824 12825
(6) Who is employed as a firefighter in a position requiring satisfactory completion of a firefighter training course approved under former section 3303.07 or section 4765.55 of the Revised Code or conducted under section 3737.33 of the Revised Code except for the following:	12826 12827 12828 12829 12830
(a) Any firefighter who has elected under section 145.013 of the Revised Code to remain a contributing member of the public employees retirement system;	12831 12832 12833
(b) Any firefighter who was eligible to transfer from the public employees retirement system to the Ohio police and fire pension fund under section 742.51 or 742.515 of the Revised Code and did not elect to transfer;	12834 12835 12836 12837
(c) Any firefighter who has elected under section 742.516 of the Revised Code to transfer from the Ohio police and fire pension fund to the public employees retirement system.	12838 12839 12840
(7) Who is a member of the board of health of a city or general health district, which pursuant to sections 3709.051 and 3709.07 of the Revised Code includes a combined health district, and whose compensation for attendance at meetings of the board is set forth in division (B) of section 3709.02 or division (B) of section 3709.05 of the Revised Code, as appropriate;	12841 12842 12843 12844 12845 12846
(8) Who participates in an alternative retirement plan established under Chapter 3305. of the Revised Code;	12847 12848
(9) Who is a member of the board of directors of a sanitary	12849

district established under Chapter 6115. of the Revised Code;	12850
(10) Who is a member of the unemployment compensation advisory council;	12851
(11) Who is an employee, officer, or governor-appointed member of the board of directors of the nonprofit corporation formed under section 187.01 of the Revised Code;	12852
(12) Who is employed by the nonprofit entity established to provide advocacy services and a client assistance program for people with disabilities under Section 319.20 of Am. Sub. H.B. 153 of the 129th general assembly and whose employment begins on or after October 1, 2012;	12853
(13) <u>Who is excluded from membership in the state teachers retirement system pursuant to section 3307.011 of the Revised Code;</u>	12854
(14) <u>Who is excluded from membership in the school employees retirement system pursuant to section 3309.013 of the Revised Code.</u>	12855
(B) No inmate of a correctional institution operated by the department of rehabilitation and correction, no patient in a hospital for the mentally ill or criminally insane operated by the department of mental health and addiction services, no resident in an institution for the mentally retarded operated by the department of developmental disabilities, no resident admitted as a patient of a veterans' home operated under Chapter 5907. of the Revised Code, and no resident of a county home shall be considered as a public employee for the purpose of establishing membership or calculating service credit or benefits under this chapter. Nothing in this division shall be construed to affect any service credit attained by any person who was a public employee before becoming an inmate, patient, or resident at any institution listed in this division, or the payment of any benefit for which such a person or	12856
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such a person's beneficiaries otherwise would be eligible. 12881

Sec. 145.114. (A) As used in this section and in section 12882
145.116 of the Revised Code: 12883

(1) "Agent" means a dealer, as defined in section 1707.01 of 12884
the Revised Code, who is licensed under sections 1707.01 to 12885
1707.45 of the Revised Code or under comparable laws of another 12886
state or of the United States. 12887

(2) "Minority business enterprise" has the same meaning as in 12888
section 122.71 of the Revised Code. 12889

(3) "Ohio-qualified agent" means an agent designated as such 12890
by the public employees retirement board. 12891

(4) "Ohio-qualified investment manager" means an investment 12892
manager designated as such by the public employees retirement 12893
board. 12894

(5) "Principal place of business" means an office in which 12895
the agent regularly provides securities or investment advisory 12896
services and solicits, meets with, or otherwise communicates with 12897
clients. 12898

(B) The public employees retirement board shall, for the 12899
purposes of this section, designate an agent as an Ohio-qualified 12900
agent if the agent meets all of the following requirements: 12901

(1) The agent is subject to taxation under Chapter 5725., 12902
5726., 5733., 5747., or 5751. of the Revised Code; 12903

(2) The agent is authorized to conduct business in this 12904
state; 12905

(3) The agent maintains a principal place of business in this 12906
state and employs at least five residents of this state. 12907

(C) The public employees retirement board shall adopt and 12908
implement a written policy to establish criteria and procedures 12909

used to select agents to execute securities transactions on behalf 12910
of the retirement system. The policy shall address each of the 12911
following: 12912

(1) Commissions charged by the agent, both in the aggregate 12913
and on a per share basis; 12914

(2) The execution speed and trade settlement capabilities of 12915
the agent; 12916

(3) The responsiveness, reliability, and integrity of the 12917
agent; 12918

(4) The nature and value of research provided by the agent; 12919

(5) Any special capabilities of the agent. 12920

(D)(1) The board shall, at least annually, establish a policy 12921
with the goal to increase utilization by the board of 12922
Ohio-qualified agents for the execution of domestic equity and 12923
fixed income trades on behalf of the retirement system, when an 12924
Ohio-qualified agent offers quality, services, and safety 12925
comparable to other agents otherwise available to the board and 12926
meets the criteria established under division (C) of this section. 12927

(2) The board shall review, at least annually, the 12928
performance of the agents that execute securities transactions on 12929
behalf of the board. 12930

(3) The board shall determine whether an agent is an 12931
Ohio-qualified agent, meets the criteria established by the board 12932
pursuant to division (C) of this section, and offers quality, 12933
services, and safety comparable to other agents otherwise 12934
available to the board. The board's determination shall be final. 12935

~~(E) The board shall, at least annually, submit to the Ohio 12936
retirement study council a report containing the following 12937
information: 12938~~

~~(1) The name of each agent designated as an Ohio-qualified 12939~~

agent under this section;	12940
(2) The name of each agent that executes securities transactions on behalf of the board;	12941
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12942
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12943
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12944
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12945
(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12946
(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;	12947
(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;	12948
(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;	12949
(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12950
(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12951
(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12952
(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;	12953
(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.	12954
(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.	12955
Sec. 145.116. (A) The public employees retirement board shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	12956
shall, for the purposes of this section, designate an investment manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	12957
manager as an Ohio-qualified investment manager if the investment manager meets all of the following requirements:	12958
manager meets all of the following requirements:	12959
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	12960
(1) The investment manager is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code;	12961
(2) The investment manager meets one of the following requirements:	12962
(2) The investment manager meets one of the following requirements:	12963
(a) Has its corporate headquarters or principal place of business in this state;	12964
(a) Has its corporate headquarters or principal place of business in this state;	12965
(b) Employs at least five hundred individuals in this state;	12966
(c) Has a principal place of business in this state and employs at least 20 <u>twenty</u> residents of this state.	12967
(c) Has a principal place of business in this state and employs at least 20 <u>twenty</u> residents of this state.	12968

(B)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified investment managers, when an Ohio-qualified investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The policy shall also provide for the following:

(a) A process whereby the board can develop a list of Ohio-qualified investment managers and their investment products;

(b) A process whereby the board can give public notice to Ohio-qualified investment managers of the board's search for an investment manager that includes the board's search criteria.

(2) The board shall determine whether an investment manager is an Ohio-qualified investment manager and whether the investment manager offers quality, services, and safety comparable to other investment managers otherwise available to the board. The board's determination shall be final.

~~(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each investment manager designated as an Ohio-qualified investment manager under this section;~~

~~(2) The name of each investment manager with which the board contracts;~~

~~(3) The amount of assets managed by Ohio-qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~

~~(4) The compensation paid to Ohio-qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~

~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ 12999
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Sec. 145.27. (A)(1) As used in this division, "personal history record" means information maintained by the public employees retirement board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, telephone number, social security number, record of contributions, correspondence with the public employees retirement system, or other information the board determines to be confidential. 13001
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(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except that the following shall be excluded, except with the written authorization of the individual concerned: 13009
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(a) The individual's statement of previous service and other information as provided for in section 145.16 of the Revised Code; 13013
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(b) The amount of a monthly allowance or benefit paid to the individual; 13015
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(c) The individual's personal history record. 13017

(B) All medical reports and recommendations required by this chapter are privileged, except as follows: 13018
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(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release from the individual or the individual's agent, or when necessary for the proper administration of the fund, to the board assigned physician. 13020
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 13026
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(C) Any person who is a member or contributor of the system shall be furnished with a statement of the amount to the credit of the individual's account upon written request. The board is not required to answer more than one such request of a person in any one year. The board may issue annual statements of accounts to members and contributors.

(D) Notwithstanding the exceptions to public inspection in division (A)(2) of this section, the board may furnish the following information:

(1) If a member, former member, contributor, former contributor, or retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the board shall furnish to the prosecutor the information requested from the individual's personal history record.

(2) Pursuant to a court or administrative order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the board shall furnish to a court or child support enforcement agency the information required under that section.

(3) At the written request of any person, the board shall provide to the person a list of the names and addresses of members, former members, contributors, former contributors, retirants, or beneficiaries. The costs of compiling, copying, and mailing the list shall be paid by such person.

(4) Within fourteen days after receiving from the director of job and family services a list of the names and social security numbers of recipients of public assistance pursuant to section 5101.181 of the Revised Code, the board shall inform the auditor

of state of the name, current or most recent employer address, and 13060
social security number of each member whose name and social 13061
security number are the same as that of a person whose name or 13062
social security number was submitted by the director. The board 13063
and its employees shall, except for purposes of furnishing the 13064
auditor of state with information required by this section, 13065
preserve the confidentiality of recipients of public assistance in 13066
compliance with section 5101.181 of the Revised Code. 13067

(5) The system shall comply with orders issued under section 13068
3105.87 of the Revised Code. 13069

On the written request of an alternate payee, as defined in 13070
section 3105.80 of the Revised Code, the system shall furnish to 13071
the alternate payee information on the amount and status of any 13072
amounts payable to the alternate payee under an order issued under 13073
section 3105.171 or 3105.65 of the Revised Code. 13074

(6) At the request of any person, the board shall make 13075
available to the person copies of all documents, including 13076
resumes, in the board's possession regarding filling a vacancy of 13077
an employee member or retirant member of the board. The person who 13078
made the request shall pay the cost of compiling, copying, and 13079
mailing the documents. The information described in division 13080
(D)(6) of this section is a public record. 13081

(7) The system shall provide the notice required by section 13082
145.573 of the Revised Code to the prosecutor assigned to the 13083
case. 13084

(8) The system may provide information requested by the 13085
United States social security administration, United States 13086
centers for medicare and medicaid, Ohio public employees deferred 13087
compensation program, Ohio police and fire pension fund, school 13088
employees retirement system, state teachers retirement system, 13089
state highway patrol retirement system, or Cincinnati retirement 13090

system. 13091

(E) A statement that contains information obtained from the 13092
system's records that is signed by the executive director or an 13093
officer of the system and to which the system's official seal is 13094
affixed, or copies of the system's records to which the signature 13095
and seal are attached, shall be received as true copies of the 13096
system's records in any court or before any officer of this state. 13097

(F) For purposes of this section, the board may maintain 13098
records in printed or electronic format. 13099

(G) Notwithstanding the exceptions to public inspection in 13100
division (A)(2) of this section or the privileges contained in 13101
division (B) of this section, the board shall furnish to the 13102
administrator of workers' compensation the records required under 13103
section 145.364 of the Revised Code. 13104

Sec. 145.364. Upon a member's receiving a disability benefit 13105
under section 145.36 or 145.361 of the Revised Code for 13106
post-traumatic stress disorder without an accompanying physical 13107
injury, the public employees retirement board shall notify the 13108
administrator of workers' compensation of all of the following: 13109

(A) The name of the member; 13110

(B) That the member's post-traumatic stress disorder, without 13111
an accompanying physical injury, qualifies that member for a 13112
disability benefit under section 145.36 or 145.361 of the Revised 13113
Code; 13114

(C) The effective date of the member's disability benefit; 13115

(D) The date that payments for the member's disability 13116
benefit commence. 13117

Sec. 145.56. The right of an individual to a pension, an 13118
annuity, or a retirement allowance itself, the right of an 13119

individual to any optional benefit, any other right accrued or 13120
accruing to any individual, under this chapter, or under any 13121
municipal retirement system established subject to this chapter 13122
under the laws of this state or any charter, the various funds 13123
created by this chapter, or under such municipal retirement 13124
system, and all moneys, investments, and income from moneys or 13125
investments are exempt from any state tax, except the tax imposed 13126
by section 5747.02 of the Revised Code, and are exempt from any 13127
county, municipal, or other local tax, except income taxes imposed 13128
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 13129
Code, and, except as provided in sections 145.57, 145.572, 13130
145.573, 145.574, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and 13131
Chapters 3119., 3121., 3123., and 3125. of the Revised Code, shall 13132
not be subject to execution, garnishment, attachment, the 13133
operation of bankruptcy or insolvency laws, or other process of 13134
law whatsoever, and shall be unassignable except as specifically 13135
provided in this chapter and sections 3105.171, 3105.65, and 13136
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 13137
the Revised Code. 13138

Sec. 145.571. (A) As used in this section, "alternate payee," 13139
"benefit," "lump sum payment," "participant," and "public 13140
retirement program" have the same meanings as in section 3105.80 13141
of the Revised Code. 13142

(B) On receipt of an order issued under section 3105.171 or 13143
3105.65 of the Revised Code, the public employees retirement 13144
system shall determine whether the order meets the requirements of 13145
sections 3105.80 to 3105.90 of the Revised Code. The system shall 13146
retain in the participant's record an order the system determines 13147
meets the requirements. Not later than sixty days after receipt, 13148
the system shall return to the court that issued the order any 13149
order the system determines does not meet the requirements. 13150

(C) The system shall comply with an order retained under 13151
division (B) of this section at the following times as 13152
appropriate: 13153

(1) If the participant has applied for or is receiving a 13154
benefit or has applied for but not yet received a lump sum 13155
payment, as soon as practicable; 13156

(2) If the participant has not applied for a benefit or lump 13157
sum payment, on application by the participant for a benefit or 13158
lump sum payment. 13159

(D) If the system transfers a participant's service credit or 13160
contributions made by or on behalf of a participant to a public 13161
retirement program that is not named in the order, the system 13162
shall do both of the following: 13163

(1) Notify the court that issued the order by sending the 13164
court a copy of the order and the name and address of the public 13165
retirement program to which the transfer was made; 13166

(2) Send a copy of the order to the public retirement program 13167
to which the transfer was made. 13168

(E) If it receives a participant's service credit or 13169
contributions and a copy of an order as provided in division (D) 13170
of this section, the system shall administer the order as if it 13171
were the public retirement program named in the order. 13172

(F) If a participant's benefit or lump sum payment is or will 13173
be subject to more than one order described in section 3105.81 of 13174
the Revised Code or to an order described in section 3105.81 of 13175
the Revised Code and a withholding order under section 3111.23 or 13176
3113.21 of the Revised Code, the system shall, after determining 13177
that the amounts that are or will be withheld will cause the 13178
benefit or lump sum payment to fall below the limits described in 13179
section 3105.85 of the Revised Code, do all of the following: 13180

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the system;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 149.04. Messages of the governor, and the inaugural address of the governor-elect, shall be ~~printed produced and distributed in pamphlet~~ produced and distributed in electronic form and ~~distributed as follows:~~

~~(A) To~~ to the governor ~~delivering a message or address, two hundred fifty copies;~~

~~(B) To~~ to each member of the general assembly, ~~five copies;~~

~~(C) To~~ and to the state library, ~~two copies.~~ A physical copy of the message or address shall be provided, upon request, to any recipient named in this section.

Sec. 149.43. (A) As used in this section:	13211
(1) "Public record" means records kept by any public office,	13212
including, but not limited to, state, county, city, village,	13213
township, and school district units, and records pertaining to the	13214
delivery of educational services by an alternative school in this	13215
state kept by the nonprofit or for-profit entity operating the	13216
alternative school pursuant to section 3313.533 of the Revised	13217
Code. "Public record" does not mean any of the following:	13218
(a) Medical records;	13219
(b) Records pertaining to probation and parole proceedings or	13220
to proceedings related to the imposition of community control	13221
sanctions and post-release control sanctions;	13222
(c) Records pertaining to actions under section 2151.85 and	13223
division (C) of section 2919.121 of the Revised Code and to	13224
appeals of actions arising under those sections;	13225
(d) Records pertaining to adoption proceedings, including the	13226
contents of an adoption file maintained by the department of	13227
health under sections 3705.12 to 3705.124 of the Revised Code;	13228
(e) Information in a record contained in the putative father	13229
registry established by section 3107.062 of the Revised Code,	13230
regardless of whether the information is held by the department of	13231
job and family services or, pursuant to section 3111.69 of the	13232
Revised Code, the office of child support in the department or a	13233
child support enforcement agency;	13234
(f) Records specified in division (A) of section 3107.52 of	13235
the Revised Code;	13236
(g) Trial preparation records;	13237
(h) Confidential law enforcement investigatory records;	13238
(i) Records containing information that is confidential under	13239

section 2710.03 or 4112.05 of the Revised Code;	13240
(j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;	13241 13242
(k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;	13243 13244 13245 13246
(l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;	13247 13248 13249 13250
(m) Intellectual property records;	13251
(n) Donor profile records;	13252
(o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;	13253 13254
(p) Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and investigation residential and familial information;	13255 13256 13257 13258 13259 13260
(q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code;	13261 13262 13263 13264 13265
(r) Information pertaining to the recreational activities of a person under the age of eighteen;	13266 13267
(s) Records provided to, statements made by review board members during meetings of, and all work products <u>In the case</u> of a	13268 13269

child fatality review board acting under sections 307.621 to 13270
307.629 of the Revised Code or a review conducted pursuant to 13271
guidelines established by the director of health under section 13272
3701.70 of the Revised Code, records provided to the board or 13273
director, statements made by board members during meetings of the 13274
board or by persons participating in the director's review, and 13275
all work products of the board or director, and in the case of a 13276
child fatality review board, child fatality review data submitted 13277
by the ~~child fatality review~~ board to the department of health or 13278
a national child death review database, other than the report 13279
prepared pursuant to division (A) of section 307.626 of the 13280
Revised Code; 13281

(t) Records provided to and statements made by the executive 13282
director of a public children services agency or a prosecuting 13283
attorney acting pursuant to section 5153.171 of the Revised Code 13284
other than the information released under that section; 13285

(u) Test materials, examinations, or evaluation tools used in 13286
an examination for licensure as a nursing home administrator that 13287
the board of executives of long-term services and supports 13288
administers under section 4751.04 of the Revised Code or contracts 13289
under that section with a private or government entity to 13290
administer; 13291

(v) Records the release of which is prohibited by state or 13292
federal law; 13293

(w) Proprietary information of or relating to any person that 13294
is submitted to or compiled by the Ohio venture capital authority 13295
created under section 150.01 of the Revised Code; 13296

(x) Financial statements and data any person submits for any 13297
purpose to the Ohio housing finance agency or the controlling 13298
board in connection with applying for, receiving, or accounting 13299
for financial assistance from the agency, and information that 13300

identifies any individual who benefits directly or indirectly from financial assistance from the agency; 13301
13302

(y) Records listed in section 5101.29 of the Revised Code; 13303

(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section; 13304
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13306

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; 13307
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13309

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; 13310
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(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code. 13313
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(2) "Confidential law enforcement investigatory record" means any record that pertains to a law enforcement matter of a criminal, quasi-criminal, civil, or administrative nature, but only to the extent that the release of the record would create a high probability of disclosure of any of the following: 13316
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(a) The identity of a suspect who has not been charged with the offense to which the record pertains, or of an information source or witness to whom confidentiality has been reasonably promised; 13321
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(b) Information provided by an information source or witness to whom confidentiality has been reasonably promised, which information would reasonably tend to disclose the source's or witness's identity; 13325
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(c) Specific confidential investigatory techniques or procedures or specific investigatory work product; 13329
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(d) Information that would endanger the life or physical safety of law enforcement personnel, a crime victim, a witness, or a confidential information source.

(3) "Medical record" means any document or combination of documents, except births, deaths, and the fact of admission to or discharge from a hospital, that pertains to the medical history, diagnosis, prognosis, or medical condition of a patient and that is generated and maintained in the process of medical treatment.

(4) "Trial preparation record" means any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney.

(5) "Intellectual property record" means a record, other than a financial or administrative record, that is produced or collected by or for faculty or staff of a state institution of higher learning in the conduct of or as a result of study or research on an educational, commercial, scientific, artistic, technical, or scholarly issue, regardless of whether the study or research was sponsored by the institution alone or in conjunction with a governmental body or private concern, and that has not been publicly released, published, or patented.

(6) "Donor profile record" means all records about donors or potential donors to a public institution of higher education except the names and reported addresses of the actual donors and the date, amount, and conditions of the actual donation.

(7) "Peace officer, parole officer, probation officer, bailiff, prosecuting attorney, assistant prosecuting attorney, correctional employee, community-based correctional facility employee, youth services employee, firefighter, EMT, or investigator of the bureau of criminal identification and

investigation residential and familial information" means any 13362
information that discloses any of the following about a peace 13363
officer, parole officer, probation officer, bailiff, prosecuting 13364
attorney, assistant prosecuting attorney, correctional employee, 13365
community-based correctional facility employee, youth services 13366
employee, firefighter, EMT, or investigator of the bureau of 13367
criminal identification and investigation: 13368

(a) The address of the actual personal residence of a peace 13369
officer, parole officer, probation officer, bailiff, assistant 13370
prosecuting attorney, correctional employee, community-based 13371
correctional facility employee, youth services employee, 13372
firefighter, EMT, or an investigator of the bureau of criminal 13373
identification and investigation, except for the state or 13374
political subdivision in which the peace officer, parole officer, 13375
probation officer, bailiff, assistant prosecuting attorney, 13376
correctional employee, community-based correctional facility 13377
employee, youth services employee, firefighter, EMT, or 13378
investigator of the bureau of criminal identification and 13379
investigation resides; 13380

(b) Information compiled from referral to or participation in 13381
an employee assistance program; 13382

(c) The social security number, the residential telephone 13383
number, any bank account, debit card, charge card, or credit card 13384
number, or the emergency telephone number of, or any medical 13385
information pertaining to, a peace officer, parole officer, 13386
probation officer, bailiff, prosecuting attorney, assistant 13387
prosecuting attorney, correctional employee, community-based 13388
correctional facility employee, youth services employee, 13389
firefighter, EMT, or investigator of the bureau of criminal 13390
identification and investigation; 13391

(d) The name of any beneficiary of employment benefits, 13392
including, but not limited to, life insurance benefits, provided 13393

to a peace officer, parole officer, probation officer, bailiff, 13394
prosecuting attorney, assistant prosecuting attorney, correctional 13395
employee, community-based correctional facility employee, youth 13396
services employee, firefighter, EMT, or investigator of the bureau 13397
of criminal identification and investigation by the peace 13398
officer's, parole officer's, probation officer's, bailiff's, 13399
prosecuting attorney's, assistant prosecuting attorney's, 13400
correctional employee's, community-based correctional facility 13401
employee's, youth services employee's, firefighter's, EMT's, or 13402
investigator of the bureau of criminal identification and 13403
investigation's employer; 13404

(e) The identity and amount of any charitable or employment 13405
benefit deduction made by the peace officer's, parole officer's, 13406
probation officer's, bailiff's, prosecuting attorney's, assistant 13407
prosecuting attorney's, correctional employee's, community-based 13408
correctional facility employee's, youth services employee's, 13409
firefighter's, EMT's, or investigator of the bureau of criminal 13410
identification and investigation's employer from the peace 13411
officer's, parole officer's, probation officer's, bailiff's, 13412
prosecuting attorney's, assistant prosecuting attorney's, 13413
correctional employee's, community-based correctional facility 13414
employee's, youth services employee's, firefighter's, EMT's, or 13415
investigator of the bureau of criminal identification and 13416
investigation's compensation unless the amount of the deduction is 13417
required by state or federal law; 13418

(f) The name, the residential address, the name of the 13419
employer, the address of the employer, the social security number, 13420
the residential telephone number, any bank account, debit card, 13421
charge card, or credit card number, or the emergency telephone 13422
number of the spouse, a former spouse, or any child of a peace 13423
officer, parole officer, probation officer, bailiff, prosecuting 13424
attorney, assistant prosecuting attorney, correctional employee, 13425

community-based correctional facility employee, youth services 13426
employee, firefighter, EMT, or investigator of the bureau of 13427
criminal identification and investigation; 13428

(g) A photograph of a peace officer who holds a position or 13429
has an assignment that may include undercover or plain clothes 13430
positions or assignments as determined by the peace officer's 13431
appointing authority. 13432

As used in divisions (A)(7) and (B)(9) of this section, 13433
"peace officer" has the same meaning as in section 109.71 of the 13434
Revised Code and also includes the superintendent and troopers of 13435
the state highway patrol; it does not include the sheriff of a 13436
county or a supervisory employee who, in the absence of the 13437
sheriff, is authorized to stand in for, exercise the authority of, 13438
and perform the duties of the sheriff. 13439

As used in divisions (A)(7) and (B)(9) of this section, 13440
"correctional employee" means any employee of the department of 13441
rehabilitation and correction who in the course of performing the 13442
employee's job duties has or has had contact with inmates and 13443
persons under supervision. 13444

As used in divisions (A)(7) and (B)(9) of this section, 13445
"youth services employee" means any employee of the department of 13446
youth services who in the course of performing the employee's job 13447
duties has or has had contact with children committed to the 13448
custody of the department of youth services. 13449

As used in divisions (A)(7) and (B)(9) of this section, 13450
"firefighter" means any regular, paid or volunteer, member of a 13451
lawfully constituted fire department of a municipal corporation, 13452
township, fire district, or village. 13453

As used in divisions (A)(7) and (B)(9) of this section, "EMT" 13454
means EMTs-basic, EMTs-I, and paramedics that provide emergency 13455
medical services for a public emergency medical service 13456

organization. "Emergency medical service organization," 13457
"EMT-basic," "EMT-I," and "paramedic" have the same meanings as in 13458
section 4765.01 of the Revised Code. 13459

As used in divisions (A)(7) and (B)(9) of this section, 13460
"investigator of the bureau of criminal identification and 13461
investigation" has the meaning defined in section 2903.11 of the 13462
Revised Code. 13463

(8) "Information pertaining to the recreational activities of 13464
a person under the age of eighteen" means information that is kept 13465
in the ordinary course of business by a public office, that 13466
pertains to the recreational activities of a person under the age 13467
of eighteen years, and that discloses any of the following: 13468

(a) The address or telephone number of a person under the age 13469
of eighteen or the address or telephone number of that person's 13470
parent, guardian, custodian, or emergency contact person; 13471

(b) The social security number, birth date, or photographic 13472
image of a person under the age of eighteen; 13473

(c) Any medical record, history, or information pertaining to 13474
a person under the age of eighteen; 13475

(d) Any additional information sought or required about a 13476
person under the age of eighteen for the purpose of allowing that 13477
person to participate in any recreational activity conducted or 13478
sponsored by a public office or to use or obtain admission 13479
privileges to any recreational facility owned or operated by a 13480
public office. 13481

(9) "Community control sanction" has the same meaning as in 13482
section 2929.01 of the Revised Code. 13483

(10) "Post-release control sanction" has the same meaning as 13484
in section 2967.01 of the Revised Code. 13485

(11) "Redaction" means obscuring or deleting any information 13486

that is exempt from the duty to permit public inspection or 13487
copying from an item that otherwise meets the definition of a 13488
"record" in section 149.011 of the Revised Code. 13489

(12) "Designee" and "elected official" have the same meanings 13490
as in section 109.43 of the Revised Code. 13491

(B)(1) Upon request and subject to division (B)(8) of this 13492
section, all public records responsive to the request shall be 13493
promptly prepared and made available for inspection to any person 13494
at all reasonable times during regular business hours. Subject to 13495
division (B)(8) of this section, upon request, a public office or 13496
person responsible for public records shall make copies of the 13497
requested public record available at cost and within a reasonable 13498
period of time. If a public record contains information that is 13499
exempt from the duty to permit public inspection or to copy the 13500
public record, the public office or the person responsible for the 13501
public record shall make available all of the information within 13502
the public record that is not exempt. When making that public 13503
record available for public inspection or copying that public 13504
record, the public office or the person responsible for the public 13505
record shall notify the requester of any redaction or make the 13506
redaction plainly visible. A redaction shall be deemed a denial of 13507
a request to inspect or copy the redacted information, except if 13508
federal or state law authorizes or requires a public office to 13509
make the redaction. 13510

(2) To facilitate broader access to public records, a public 13511
office or the person responsible for public records shall organize 13512
and maintain public records in a manner that they can be made 13513
available for inspection or copying in accordance with division 13514
(B) of this section. A public office also shall have available a 13515
copy of its current records retention schedule at a location 13516
readily available to the public. If a requester makes an ambiguous 13517
or overly broad request or has difficulty in making a request for 13518

copies or inspection of public records under this section such 13519
that the public office or the person responsible for the requested 13520
public record cannot reasonably identify what public records are 13521
being requested, the public office or the person responsible for 13522
the requested public record may deny the request but shall provide 13523
the requester with an opportunity to revise the request by 13524
informing the requester of the manner in which records are 13525
maintained by the public office and accessed in the ordinary 13526
course of the public office's or person's duties. 13527

(3) If a request is ultimately denied, in part or in whole, 13528
the public office or the person responsible for the requested 13529
public record shall provide the requester with an explanation, 13530
including legal authority, setting forth why the request was 13531
denied. If the initial request was provided in writing, the 13532
explanation also shall be provided to the requester in writing. 13533
The explanation shall not preclude the public office or the person 13534
responsible for the requested public record from relying upon 13535
additional reasons or legal authority in defending an action 13536
commenced under division (C) of this section. 13537

(4) Unless specifically required or authorized by state or 13538
federal law or in accordance with division (B) of this section, no 13539
public office or person responsible for public records may limit 13540
or condition the availability of public records by requiring 13541
disclosure of the requester's identity or the intended use of the 13542
requested public record. Any requirement that the requester 13543
disclose the requestor's identity or the intended use of the 13544
requested public record constitutes a denial of the request. 13545

(5) A public office or person responsible for public records 13546
may ask a requester to make the request in writing, may ask for 13547
the requester's identity, and may inquire about the intended use 13548
of the information requested, but may do so only after disclosing 13549
to the requester that a written request is not mandatory and that 13550

the requester may decline to reveal the requester's identity or 13551
the intended use and when a written request or disclosure of the 13552
identity or intended use would benefit the requester by enhancing 13553
the ability of the public office or person responsible for public 13554
records to identify, locate, or deliver the public records sought 13555
by the requester. 13556

(6) If any person chooses to obtain a copy of a public record 13557
in accordance with division (B) of this section, the public office 13558
or person responsible for the public record may require that 13559
person to pay in advance the cost involved in providing the copy 13560
of the public record in accordance with the choice made by the 13561
person seeking the copy under this division. The public office or 13562
the person responsible for the public record shall permit that 13563
person to choose to have the public record duplicated upon paper, 13564
upon the same medium upon which the public office or person 13565
responsible for the public record keeps it, or upon any other 13566
medium upon which the public office or person responsible for the 13567
public record determines that it reasonably can be duplicated as 13568
an integral part of the normal operations of the public office or 13569
person responsible for the public record. When the person seeking 13570
the copy makes a choice under this division, the public office or 13571
person responsible for the public record shall provide a copy of 13572
it in accordance with the choice made by the person seeking the 13573
copy. Nothing in this section requires a public office or person 13574
responsible for the public record to allow the person seeking a 13575
copy of the public record to make the copies of the public record. 13576

(7) Upon a request made in accordance with division (B) of 13577
this section and subject to division (B)(6) of this section, a 13578
public office or person responsible for public records shall 13579
transmit a copy of a public record to any person by United States 13580
mail or by any other means of delivery or transmission within a 13581
reasonable period of time after receiving the request for the 13582

copy. The public office or person responsible for the public 13583
record may require the person making the request to pay in advance 13584
the cost of postage if the copy is transmitted by United States 13585
mail or the cost of delivery if the copy is transmitted other than 13586
by United States mail, and to pay in advance the costs incurred 13587
for other supplies used in the mailing, delivery, or transmission. 13588

Any public office may adopt a policy and procedures that it 13589
will follow in transmitting, within a reasonable period of time 13590
after receiving a request, copies of public records by United 13591
States mail or by any other means of delivery or transmission 13592
pursuant to this division. A public office that adopts a policy 13593
and procedures under this division shall comply with them in 13594
performing its duties under this division. 13595

In any policy and procedures adopted under this division, a 13596
public office may limit the number of records requested by a 13597
person that the office will transmit by United States mail to ten 13598
per month, unless the person certifies to the office in writing 13599
that the person does not intend to use or forward the requested 13600
records, or the information contained in them, for commercial 13601
purposes. For purposes of this division, "commercial" shall be 13602
narrowly construed and does not include reporting or gathering 13603
news, reporting or gathering information to assist citizen 13604
oversight or understanding of the operation or activities of 13605
government, or nonprofit educational research. 13606

(8) A public office or person responsible for public records 13607
is not required to permit a person who is incarcerated pursuant to 13608
a criminal conviction or a juvenile adjudication to inspect or to 13609
obtain a copy of any public record concerning a criminal 13610
investigation or prosecution or concerning what would be a 13611
criminal investigation or prosecution if the subject of the 13612
investigation or prosecution were an adult, unless the request to 13613
inspect or to obtain a copy of the record is for the purpose of 13614

acquiring information that is subject to release as a public 13615
record under this section and the judge who imposed the sentence 13616
or made the adjudication with respect to the person, or the 13617
judge's successor in office, finds that the information sought in 13618
the public record is necessary to support what appears to be a 13619
justiciable claim of the person. 13620

(9)(a) Upon written request made and signed by a journalist 13621
on or after December 16, 1999, a public office, or person 13622
responsible for public records, having custody of the records of 13623
the agency employing a specified peace officer, parole officer, 13624
probation officer, bailiff, prosecuting attorney, assistant 13625
prosecuting attorney, correctional employee, community-based 13626
correctional facility employee, youth services employee, 13627
firefighter, EMT, or investigator of the bureau of criminal 13628
identification and investigation shall disclose to the journalist 13629
the address of the actual personal residence of the peace officer, 13630
parole officer, probation officer, bailiff, prosecuting attorney, 13631
assistant prosecuting attorney, correctional employee, 13632
community-based correctional facility employee, youth services 13633
employee, firefighter, EMT, or investigator of the bureau of 13634
criminal identification and investigation and, if the peace 13635
officer's, parole officer's, probation officer's, bailiff's, 13636
prosecuting attorney's, assistant prosecuting attorney's, 13637
correctional employee's, community-based correctional facility 13638
employee's, youth services employee's, firefighter's, EMT's, or 13639
investigator of the bureau of criminal identification and 13640
investigation's spouse, former spouse, or child is employed by a 13641
public office, the name and address of the employer of the peace 13642
officer's, parole officer's, probation officer's, bailiff's, 13643
prosecuting attorney's, assistant prosecuting attorney's, 13644
correctional employee's, community-based correctional facility 13645
employee's, youth services employee's, firefighter's, EMT's, or 13646
investigator of the bureau of criminal identification and 13647

investigation's spouse, former spouse, or child. The request shall 13648
include the journalist's name and title and the name and address 13649
of the journalist's employer and shall state that disclosure of 13650
the information sought would be in the public interest. 13651

(b) Division (B)(9)(a) of this section also applies to 13652
journalist requests for customer information maintained by a 13653
municipally owned or operated public utility, other than social 13654
security numbers and any private financial information such as 13655
credit reports, payment methods, credit card numbers, and bank 13656
account information. 13657

(c) As used in division (B)(9) of this section, "journalist" 13658
means a person engaged in, connected with, or employed by any news 13659
medium, including a newspaper, magazine, press association, news 13660
agency, or wire service, a radio or television station, or a 13661
similar medium, for the purpose of gathering, processing, 13662
transmitting, compiling, editing, or disseminating information for 13663
the general public. 13664

(C)(1) If a person allegedly is aggrieved by the failure of a 13665
public office or the person responsible for public records to 13666
promptly prepare a public record and to make it available to the 13667
person for inspection in accordance with division (B) of this 13668
section or by any other failure of a public office or the person 13669
responsible for public records to comply with an obligation in 13670
accordance with division (B) of this section, the person allegedly 13671
aggrieved may commence a mandamus action to obtain a judgment that 13672
orders the public office or the person responsible for the public 13673
record to comply with division (B) of this section, that awards 13674
court costs and reasonable attorney's fees to the person that 13675
instituted the mandamus action, and, if applicable, that includes 13676
an order fixing statutory damages under division (C)(1) of this 13677
section. The mandamus action may be commenced in the court of 13678
common pleas of the county in which division (B) of this section 13679

allegedly was not complied with, in the supreme court pursuant to 13680
its original jurisdiction under Section 2 of Article IV, Ohio 13681
Constitution, or in the court of appeals for the appellate 13682
district in which division (B) of this section allegedly was not 13683
complied with pursuant to its original jurisdiction under Section 13684
3 of Article IV, Ohio Constitution. 13685

If a requestor transmits a written request by hand delivery 13686
or certified mail to inspect or receive copies of any public 13687
record in a manner that fairly describes the public record or 13688
class of public records to the public office or person responsible 13689
for the requested public records, except as otherwise provided in 13690
this section, the requestor shall be entitled to recover the 13691
amount of statutory damages set forth in this division if a court 13692
determines that the public office or the person responsible for 13693
public records failed to comply with an obligation in accordance 13694
with division (B) of this section. 13695

The amount of statutory damages shall be fixed at one hundred 13696
dollars for each business day during which the public office or 13697
person responsible for the requested public records failed to 13698
comply with an obligation in accordance with division (B) of this 13699
section, beginning with the day on which the requester files a 13700
mandamus action to recover statutory damages, up to a maximum of 13701
one thousand dollars. The award of statutory damages shall not be 13702
construed as a penalty, but as compensation for injury arising 13703
from lost use of the requested information. The existence of this 13704
injury shall be conclusively presumed. The award of statutory 13705
damages shall be in addition to all other remedies authorized by 13706
this section. 13707

The court may reduce an award of statutory damages or not 13708
award statutory damages if the court determines both of the 13709
following: 13710

(a) That, based on the ordinary application of statutory law 13711

and case law as it existed at the time of the conduct or 13712
threatened conduct of the public office or person responsible for 13713
the requested public records that allegedly constitutes a failure 13714
to comply with an obligation in accordance with division (B) of 13715
this section and that was the basis of the mandamus action, a 13716
well-informed public office or person responsible for the 13717
requested public records reasonably would believe that the conduct 13718
or threatened conduct of the public office or person responsible 13719
for the requested public records did not constitute a failure to 13720
comply with an obligation in accordance with division (B) of this 13721
section; 13722

(b) That a well-informed public office or person responsible 13723
for the requested public records reasonably would believe that the 13724
conduct or threatened conduct of the public office or person 13725
responsible for the requested public records would serve the 13726
public policy that underlies the authority that is asserted as 13727
permitting that conduct or threatened conduct. 13728

(2)(a) If the court issues a writ of mandamus that orders the 13729
public office or the person responsible for the public record to 13730
comply with division (B) of this section and determines that the 13731
circumstances described in division (C)(1) of this section exist, 13732
the court shall determine and award to the relator all court 13733
costs. 13734

(b) If the court renders a judgment that orders the public 13735
office or the person responsible for the public record to comply 13736
with division (B) of this section, the court may award reasonable 13737
attorney's fees subject to reduction as described in division 13738
(C)(2)(c) of this section. The court shall award reasonable 13739
attorney's fees, subject to reduction as described in division 13740
(C)(2)(c) of this section when either of the following applies: 13741

(i) The public office or the person responsible for the 13742
public records failed to respond affirmatively or negatively to 13743

the public records request in accordance with the time allowed 13744
under division (B) of this section. 13745

(ii) The public office or the person responsible for the 13746
public records promised to permit the relator to inspect or 13747
receive copies of the public records requested within a specified 13748
period of time but failed to fulfill that promise within that 13749
specified period of time. 13750

(c) Court costs and reasonable attorney's fees awarded under 13751
this section shall be construed as remedial and not punitive. 13752
Reasonable attorney's fees shall include reasonable fees incurred 13753
to produce proof of the reasonableness and amount of the fees and 13754
to otherwise litigate entitlement to the fees. The court may 13755
reduce an award of attorney's fees to the relator or not award 13756
attorney's fees to the relator if the court determines both of the 13757
following: 13758

(i) That, based on the ordinary application of statutory law 13759
and case law as it existed at the time of the conduct or 13760
threatened conduct of the public office or person responsible for 13761
the requested public records that allegedly constitutes a failure 13762
to comply with an obligation in accordance with division (B) of 13763
this section and that was the basis of the mandamus action, a 13764
well-informed public office or person responsible for the 13765
requested public records reasonably would believe that the conduct 13766
or threatened conduct of the public office or person responsible 13767
for the requested public records did not constitute a failure to 13768
comply with an obligation in accordance with division (B) of this 13769
section; 13770

(ii) That a well-informed public office or person responsible 13771
for the requested public records reasonably would believe that the 13772
conduct or threatened conduct of the public office or person 13773
responsible for the requested public records as described in 13774
division (C)(2)(c)(i) of this section would serve the public 13775

policy that underlies the authority that is asserted as permitting 13776
that conduct or threatened conduct. 13777

(D) Chapter 1347. of the Revised Code does not limit the 13778
provisions of this section. 13779

(E)(1) To ensure that all employees of public offices are 13780
appropriately educated about a public office's obligations under 13781
division (B) of this section, all elected officials or their 13782
appropriate designees shall attend training approved by the 13783
attorney general as provided in section 109.43 of the Revised 13784
Code. In addition, all public offices shall adopt a public records 13785
policy in compliance with this section for responding to public 13786
records requests. In adopting a public records policy under this 13787
division, a public office may obtain guidance from the model 13788
public records policy developed and provided to the public office 13789
by the attorney general under section 109.43 of the Revised Code. 13790
Except as otherwise provided in this section, the policy may not 13791
limit the number of public records that the public office will 13792
make available to a single person, may not limit the number of 13793
public records that it will make available during a fixed period 13794
of time, and may not establish a fixed period of time before it 13795
will respond to a request for inspection or copying of public 13796
records, unless that period is less than eight hours. 13797

(2) The public office shall distribute the public records 13798
policy adopted by the public office under division (E)(1) of this 13799
section to the employee of the public office who is the records 13800
custodian or records manager or otherwise has custody of the 13801
records of that office. The public office shall require that 13802
employee to acknowledge receipt of the copy of the public records 13803
policy. The public office shall create a poster that describes its 13804
public records policy and shall post the poster in a conspicuous 13805
place in the public office and in all locations where the public 13806
office has branch offices. The public office may post its public 13807

records policy on the internet web site of the public office if 13808
the public office maintains an internet web site. A public office 13809
that has established a manual or handbook of its general policies 13810
and procedures for all employees of the public office shall 13811
include the public records policy of the public office in the 13812
manual or handbook. 13813

(F)(1) The bureau of motor vehicles may adopt rules pursuant 13814
to Chapter 119. of the Revised Code to reasonably limit the number 13815
of bulk commercial special extraction requests made by a person 13816
for the same records or for updated records during a calendar 13817
year. The rules may include provisions for charges to be made for 13818
bulk commercial special extraction requests for the actual cost of 13819
the bureau, plus special extraction costs, plus ten per cent. The 13820
bureau may charge for expenses for redacting information, the 13821
release of which is prohibited by law. 13822

(2) As used in division (F)(1) of this section: 13823

(a) "Actual cost" means the cost of depleted supplies, 13824
records storage media costs, actual mailing and alternative 13825
delivery costs, or other transmitting costs, and any direct 13826
equipment operating and maintenance costs, including actual costs 13827
paid to private contractors for copying services. 13828

(b) "Bulk commercial special extraction request" means a 13829
request for copies of a record for information in a format other 13830
than the format already available, or information that cannot be 13831
extracted without examination of all items in a records series, 13832
class of records, or database by a person who intends to use or 13833
forward the copies for surveys, marketing, solicitation, or resale 13834
for commercial purposes. "Bulk commercial special extraction 13835
request" does not include a request by a person who gives 13836
assurance to the bureau that the person making the request does 13837
not intend to use or forward the requested copies for surveys, 13838
marketing, solicitation, or resale for commercial purposes. 13839

(c) "Commercial" means profit-seeking production, buying, or 13840
selling of any good, service, or other product. 13841

(d) "Special extraction costs" means the cost of the time 13842
spent by the lowest paid employee competent to perform the task, 13843
the actual amount paid to outside private contractors employed by 13844
the bureau, or the actual cost incurred to create computer 13845
programs to make the special extraction. "Special extraction 13846
costs" include any charges paid to a public agency for computer or 13847
records services. 13848

(3) For purposes of divisions (F)(1) and (2) of this section, 13849
"surveys, marketing, solicitation, or resale for commercial 13850
purposes" shall be narrowly construed and does not include 13851
reporting or gathering news, reporting or gathering information to 13852
assist citizen oversight or understanding of the operation or 13853
activities of government, or nonprofit educational research. 13854

Sec. 153.08. On the day and at the place named in the notice 13855
provided for in section 153.06 of the Revised Code, the owner 13856
referred to in section 153.01 of the Revised Code shall open the 13857
bids and shall publicly, with the assistance of the architect or 13858
engineer, immediately proceed to tabulate the bids ~~upon duplicate~~ 13859
~~sheets.~~ For a bid filed electronically, the public bid opening 13860
may be broadcast by electronic means pursuant to rules established 13861
by the Ohio facilities construction commission. A bid shall be 13862
invalid and not considered unless a bid guaranty meeting the 13863
requirements of section 153.54 of the Revised Code and in the form 13864
approved by the commission is filed with such bid. For a bid that 13865
is not filed electronically, the bid and bid guaranty shall be 13866
filed in one sealed envelope. If the bid and bid guaranty are 13867
filed electronically, they must be received electronically before 13868
the deadline published pursuant to section 153.06 of the Revised 13869
Code. For all bids filed electronically, the original, unaltered 13870

bid guaranty shall be made available to the public authority after 13871
the public bid opening, which may be achieved by means of an 13872
electronic verification and security system established under 13873
rules adopted by the Ohio facilities construction commission under 13874
Chapter 119. of the Revised Code. After investigation, which shall 13875
be completed within thirty days, the contract shall be awarded by 13876
such owner to the lowest responsive and responsible bidder in 13877
accordance with section 9.312 of the Revised Code. 13878

No contract shall be entered into until the industrial 13879
commission has certified that the person so awarded the contract 13880
has complied with sections 4123.01 to 4123.94 of the Revised Code, 13881
until, if the bidder so awarded the contract is a foreign 13882
corporation, the secretary of state has certified that such 13883
corporation is authorized to do business in this state, until, if 13884
the bidder so awarded the contract is a person nonresident of this 13885
state, such person has filed with the secretary of state a power 13886
of attorney designating the secretary of state as its agent for 13887
the purpose of accepting service of summons in any action brought 13888
under section 153.05 of the Revised Code or under sections 4123.01 13889
to 4123.94 of the Revised Code, and until the contract and bond, 13890
if any, are submitted to the attorney general and the attorney 13891
general's approval certified thereon. 13892

No contract shall be entered into unless the bidder possesses 13893
a valid certificate of compliance with affirmative action programs 13894
issued pursuant to section 9.47 of the Revised Code and dated no 13895
earlier than one hundred eighty days prior to the date fixed for 13896
the opening of bids for a particular project. 13897

Sec. 153.70. (A) Except for any person providing professional 13898
design services of a research or training nature, any person 13899
rendering professional design services to a public authority or to 13900
a design-build firm, including a criteria architect or engineer 13901

and person performing architect or engineer of record services, 13902
shall have and maintain, or be covered by, during the period the 13903
services are rendered, a professional liability insurance policy 13904
or policies with a company or companies that are authorized to do 13905
business in this state and that afford professional liability 13906
coverage for the professional design services rendered. The 13907
insurance shall be in an amount considered sufficient by the 13908
public authority. At the public authority's discretion, the 13909
design-build firm shall carry contractor's professional liability 13910
insurance and any other insurance the public authority considers 13911
appropriate. 13912

(B) The requirement for professional liability insurance set 13913
forth in division (A) of this section may be waived by the public 13914
authority for good cause, or the public authority may allow the 13915
person providing the professional design services to provide other 13916
assurances of financial responsibility. 13917

(C) Before construction begins pursuant to a contract for 13918
design-build services with a design-build firm, the design-build 13919
firm shall provide a surety bond to the public authority in 13920
accordance with rules adopted by the executive director of 13921
~~administrative services~~ the Ohio facilities construction 13922
commission under Chapter 119. of the Revised Code. 13923

Sec. 153.83. (A) As used in this section, "public 13924
improvement" means any of the following: 13925

(1) A road, bridge, highway, street, or tunnel; 13926

(2) A waste water treatment system or water supply system; 13927

(3) A solid waste disposal facility or a storm water and 13928
sanitary collection, storage, and treatment facility; 13929

(4) Any structure or work constructed by a state agency or by 13930
another person on behalf of a state agency pursuant to a contract 13931

with the state agency. 13932

(B) Before a state agency may issue a bid specification for a proposed public improvement that requires a contractor or subcontractor to enter into a project labor agreement, the state agency shall hold a public hearing on the matter. 13933
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(C) The state agency shall publish notice of the hearing not less than thirty days before the date of the hearing. 13937
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(D) A state agency shall decide whether to include the requirement described in division (B) of this section for a proposed public improvement not earlier than thirty days after the hearing required under that division. 13939
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Sec. 156.01. As used in sections 156.01 to 156.05 of the Revised Code: 13943
13944

(A) "Avoided capital costs" means a measured reduction in the cost of future equipment or other capital purchases that results from implementation of one or more energy or water conservation measures, when compared to an established baseline for previous such cost. 13945
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(B) "Energy conservation measure" means an installation or modification of an installation in, or a remodeling of, an existing building in order to reduce energy consumption and operating costs. The term includes any of the following: 13950
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(1) Installation or modification of insulation in the building structure and systems within the building; 13954
13955

(2) Installation or modification of storm windows and doors, multiglazed windows and doors, and heat absorbing or heat reflective glazed and coated window and door systems; installation of additional glazing; reductions in glass area; and other window and door system modifications that reduce energy consumption and operating costs; 13956
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(3) Installation or modification of automatic energy control systems;	13962 13963
(4) Replacement or modification of heating, ventilating, or air conditioning systems;	13964 13965
(5) Application of caulking and weather stripping;	13966
(6) Replacement or modification of lighting fixtures to increase the energy efficiency of the lighting system without increasing the overall illumination of a building unless the increase in illumination is necessary to conform to the applicable state or local building code for the proposed lighting system;	13967 13968 13969 13970 13971
(7) Installation or modification of energy recovery systems;	13972
(8) Installation or modification of cogeneration systems that produce steam or forms of energy such as heat, as well as electricity, for use primarily within a building or complex of buildings;	13973 13974 13975 13976
(9) Installation or modification of trigeneration systems that produce heat and cooling, as well as electricity, for use primarily within a building or complex of buildings;	13977 13978 13979
(10) Installation or modification of systems that harvest renewable energy from solar, wind, water, biomass, bio-gas, or geothermal sources, for use primarily within a building or complex of buildings;	13980 13981 13982 13983
(11) Retro-commissioning or recommissioning energy-related systems to verify that they are installed and calibrated to optimize energy and operational performance within a building or complex of buildings;	13984 13985 13986 13987
(12) Consolidation, virtualization, and optimization of computer servers, data storage devices, or other information technology hardware and infrastructure;	13988 13989 13990
(13) Any other modification, installation, or remodeling	13991

approved by the executive director of ~~administrative services~~ the 13992
Ohio facilities construction commission as an energy conservation 13993
measure for one or more buildings owned by either of the 13994
following: 13995

(a) The state; 13996

(b) A state institution of higher education as defined in 13997
section 3345.011 of the Revised Code that implements the energy 13998
conservation measure in consultation with the executive director. 13999

(C) "Energy saving measure" means the acquisition and 14000
installation, by purchase, lease, lease-purchase, lease with an 14001
option to buy, or installment purchase, of an energy conservation 14002
measure and any attendant architectural and engineering consulting 14003
services. 14004

(D) "Energy, water, or wastewater cost savings" means a 14005
measured reduction in, as applicable, the cost of fuel, energy or 14006
water consumption, wastewater production, or stipulated operation 14007
or maintenance resulting from the implementation of one or more 14008
energy or water conservation measures, when compared to an 14009
established baseline for previous such costs, respectively. 14010

(E) "Operating cost savings" means a measured reduction in 14011
the cost of stipulated operation or maintenance created by the 14012
installation of new equipment or implementation of a new service, 14013
when compared with an established baseline for previous such 14014
stipulated costs. 14015

(F) "Water conservation measure" means an installation or 14016
modification of an installation in, or a remodeling of, an 14017
existing building or the surrounding grounds in order to reduce 14018
water consumption. The term includes any of the following: 14019

(1) Water-conserving fixture, appliance, or equipment, or the 14020
substitution of a nonwater-using fixture, appliance, or equipment; 14021

(2) Water-conserving, landscape irrigation equipment;	14022
(3) Landscaping measure that reduces storm water runoff	14023
demand and capture and hold applied water and rainfall, including	14024
landscape contouring such as the use of a berm, swale, or terrace	14025
and including the use of a soil amendment, including compost, that	14026
increases the water-holding capacity of the soil;	14027
(4) Rainwater harvesting equipment or equipment to make use	14028
of water collected as part of a storm water system installed for	14029
water quality control;	14030
(5) Equipment for recycling or reuse of water originating on	14031
the premises or from another source, including treated, municipal	14032
effluent;	14033
(6) Equipment needed to capture water for nonpotable uses	14034
from any nonconventional, alternate source, including air	14035
conditioning condensate or gray water;	14036
(7) Any other modification, installation, or remodeling	14037
approved by the <u>executive</u> director of administrative services <u>the</u>	14038
<u>Ohio facilities construction commission</u> as a water conservation	14039
measure for one or more buildings or the surrounding grounds owned	14040
by either of the following:	14041
(a) The state;	14042
(b) A state institution of higher education as defined in	14043
section 3345.011 of the Revised Code that implements the water	14044
conservation measure in consultation with the <u>executive</u> director.	14045
(G) "Water saving measure" means the acquisition and	14046
installation, by the purchase, lease, lease-purchase, lease with	14047
an option to buy, or installment purchases of a water conservation	14048
measure and any attendant architectural and engineering consulting	14049
services.	14050
Sec. 156.02. The executive director of the Ohio facilities	14051

construction commission may, on the executive director's own 14052
initiative or at the request of a state agency, contract with an 14053
energy or a water services company, architect, professional 14054
engineer, contractor, or other person experienced in the design 14055
and implementation of energy or water conservation measures for a 14056
report containing an analysis and recommendations pertaining to 14057
the implementation of energy or water conservation measures that 14058
result in energy, water, or wastewater cost savings, operating 14059
cost savings, or avoided capital costs for the institution. The 14060
report shall include estimates of all costs of such installations, 14061
including the costs of design, engineering, installation, 14062
maintenance, repairs, and debt service, and estimates of the 14063
energy, water, or wastewater cost savings, operating cost savings, 14064
and avoided capital costs created. 14065

Sec. 156.04. (A) In accordance with this section and section 14066
156.03 of the Revised Code, the executive director of the Ohio 14067
facilities construction commission may, on the executive 14068
director's own initiative or at the request of a state agency, 14069
enter into an installment payment contract for the implementation 14070
of one or more energy or water saving measures. If the executive 14071
director wishes an installment payment contract to be exempted 14072
from Chapter 153. of the Revised Code, the executive director 14073
shall proceed pursuant to section 156.03 of the Revised Code. 14074

(B) Any installment payment contract under this section shall 14075
provide that all payments, except payments for repairs and 14076
obligations on termination of the contract prior to its 14077
expiration, are to be a stated percentage of calculated energy, 14078
water, or wastewater cost savings, operating costs, and avoided 14079
capital costs attributable to the one or more measures over a 14080
defined period of time and are to be made only to the extent that 14081
those calculated amounts actually occur. No such contract shall 14082
contain either of the following: 14083

(1) A requirement of any additional capital investment or contribution of funds, other than funds available from state or federal grants;

(2) In the case of a contract for a cogeneration system described in division (B)(8) of section 156.01 of the Revised Code, a payment term longer than twenty years, and, in the case of all other contracts, a payment term longer than fifteen years.

(C) Any installment payment contract entered into under this section shall terminate no later than the last day of the fiscal biennium for which funds have been appropriated ~~to the Ohio facilities construction commission~~ by the general assembly and shall be renewed in each succeeding fiscal biennium in which any balance of the contract remains unpaid, provided that both an appropriation for that succeeding fiscal biennium and the certification required by section 126.07 of the Revised Code are made.

(D) Any installment payment contract entered into under this section shall be eligible for financing provided through the Ohio air quality development authority under Chapter 3706. of the Revised Code.

Sec. 164.13. (A) The sewer development advancement fund, which is hereby created in the state treasury, shall consist of money appropriated to the fund by the general assembly, money repaid to the fund for advances made from it, and interest paid for delay in repayment of advances from the fund. The fund shall be administered by the director of the Ohio public works commission. Money in the fund shall be used solely for both of the following:

(1) Advances to legislative authorities of municipal corporations and governing boards of any other public entities to meet that portion of the cost of the extension of water or sewer

<u>lines to be financed by assessments for which collections are</u>	14115
<u>deferred or exempt pursuant to section 929.03 of the Revised Code;</u>	14116
<u>(2) Advances to boards of county commissioners and boards of</u>	14117
<u>trustees of regional water and sewer districts established under</u>	14118
<u>Chapter 6119. of the Revised Code to meet that portion of the cost</u>	14119
<u>of the extension of water or sewer lines to be financed by special</u>	14120
<u>assessments, tap-in charges or fees, rentals or other charges, or</u>	14121
<u>a combination thereof, as applicable, for which collections are</u>	14122
<u>deferred or exempt pursuant to section 929.03, 6103.052, 6117.062,</u>	14123
<u>6117.522, or 6119.602 of the Revised Code.</u>	14124
<u>(B) The director of the commission shall do all of the</u>	14125
<u>following:</u>	14126
<u>(1) Consider applications for advances from the fund made</u>	14127
<u>pursuant to section 929.03, 6103.052, 6117.062, 6117.521, or</u>	14128
<u>6119.601 of the Revised Code;</u>	14129
<u>(2) Determine, pursuant to the standards established in</u>	14130
<u>division (C) of this section, whether an advance of money should</u>	14131
<u>be made as requested by application, approve the amount of the</u>	14132
<u>advance, if any, to be made, and fix the maximum time within which</u>	14133
<u>the advance shall be repaid;</u>	14134
<u>(3) Establish policies and procedures prescribing all of the</u>	14135
<u>following:</u>	14136
<u>(a) The form of the application for advances from the fund</u>	14137
<u>and the time and manner for submitting an application;</u>	14138
<u>(b) The criteria to be used in determining the occurrence of</u>	14139
<u>a change in the use of property as referred to in division (C) of</u>	14140
<u>section 929.03 or division (C) of both sections 6103.052 and</u>	14141
<u>6117.062 of the Revised Code;</u>	14142
<u>(c) The criteria to be used in determining the disposition of</u>	14143
<u>requests for advances from the fund made pursuant to division (C)</u>	14144

<u>of this section;</u>	14145
<u>(d) Standards for the use of boards of county commissioners</u>	14146
<u>in determining the disposition of requests for deferment of the</u>	14147
<u>collection of assessments pursuant to division (B) of both</u>	14148
<u>sections 6103.052 and 6117.062 of the Revised Code;</u>	14149
<u>(e) Standards for the use of boards of county commissioners</u>	14150
<u>and boards of trustees of regional water and sewer districts in</u>	14151
<u>determining what portion of the deferred cost is attributable to</u>	14152
<u>special assessments, tap-in charges or fees, rentals or other</u>	14153
<u>charges, or a combination thereof, as applicable, pursuant to</u>	14154
<u>section 6103.052, 6117.062, 6117.522, or 6119.602 of the Revised</u>	14155
<u>Code.</u>	14156
<u>(4) Investigate the uses of those lands on which the deferred</u>	14157
<u>or exempted collection of assessments has been the basis for</u>	14158
<u>advances of moneys from the fund, require the boards of county</u>	14159
<u>commissioners to repay the commission pursuant to division (C) or</u>	14160
<u>(D) of section 6103.052 or division (C) or (D) of section 6117.062</u>	14161
<u>of the Revised Code the advances due as a result of changes in the</u>	14162
<u>use of property, and require boards of county commissioners,</u>	14163
<u>legislative authorities of municipal corporations, and other</u>	14164
<u>governing boards of any other public entities to repay the</u>	14165
<u>commission under division (D) of section 929.03 of the Revised</u>	14166
<u>Code;</u>	14167
<u>(5) Pay into the fund all repayments of money advanced from</u>	14168
<u>the fund and interest paid for delay in repayment of advances made</u>	14169
<u>from the fund;</u>	14170
<u>(6) Defer the repayment by a board of county commissioners of</u>	14171
<u>money previously advanced from the fund when a board defers the</u>	14172
<u>collection of assessments, tap-in charges or fees, or a</u>	14173
<u>combination thereof, as applicable, pursuant to division (C) of</u>	14174
<u>section 6103.052 or division (C) of section 6117.062 of the</u>	14175

<u>Revised Code.</u>	14176
<u>(C)(1) The director of the commission may advance money from</u>	14177
<u>the sewer development advancement fund to provide water and sewer</u>	14178
<u>facilities to aid in the establishment of new industrial plants,</u>	14179
<u>the expansion of existing industrial plants, or such other</u>	14180
<u>industrial development as may be defined by the commission without</u>	14181
<u>undue financial burden on open lands over or along which the lines</u>	14182
<u>for such facilities are extended.</u>	14183
<u>(2) The director also may advance money from the fund to</u>	14184
<u>provide water and sewer facilities to aid in the establishment of</u>	14185
<u>commercial and residential developments without undue financial</u>	14186
<u>burden on open lands over or along which the lines for such</u>	14187
<u>facilities are extended, provided that the advances under division</u>	14188
<u>(C)(1) of this section have priority over advances under this</u>	14189
<u>division.</u>	14190
<u>(3) The director also may advance money from the fund for</u>	14191
<u>assessments not collected under section 929.03 of the Revised</u>	14192
<u>Code. Requests made by a board of county commissioners,</u>	14193
<u>legislative authority of a municipal corporation, or other</u>	14194
<u>governing board of any other public entity under that section have</u>	14195
<u>priority over requests submitted under division (C)(1) or (2) of</u>	14196
<u>this section, and the advances shall be repaid when the assessment</u>	14197
<u>is collected by the board of county commissioners, legislative</u>	14198
<u>authority, or other governing board under division (C) of section</u>	14199
<u>929.03 of the Revised Code.</u>	14200
<u>(4) Requests made pursuant to section 6103.052, 6117.062,</u>	14201
<u>6117.521, or 6119.601 of the Revised Code have priority over</u>	14202
<u>requests submitted under division (C)(1), (2), or (3) of this</u>	14203
<u>section.</u>	14204
<u>(5) Requests made pursuant to section 6103.052, 6117.062,</u>	14205
<u>6117.521, or 6119.601 of the Revised Code for an advance of money</u>	14206

from the fund for a project that involves an area subject to final 14207
findings and orders issued by the director of environmental 14208
protection under Chapter 6111. or 6117. of the Revised Code have 14209
priority over requests submitted under division (C)(1), (2), (3), 14210
or (4) of this section. 14211

Sec. 167.041. An educational service center serving as a 14212
fiscal agent for a regional council of governments may establish a 14213
program for the council in which the fiscal agent may enter into 14214
agreements with the governing body of one or more member 14215
governments to lend money to the member or members for the purpose 14216
of improving infrastructure within the territory of the member or 14217
members located within this state. 14218

Sec. 167.06. (A) The governing bodies of the member 14219
governments may appropriate funds to meet the expenses of the 14220
council. Services of personnel, use of equipment, and office 14221
space, and other necessary services may be accepted from members 14222
as part of their financial support. The members of the council, or 14223
the state of Ohio, its departments, agencies, instrumentalities, 14224
or political subdivisions or any governmental unit may give to the 14225
council moneys, real property, personal property, or services. The 14226
council may establish schedules of dues to be paid by its voting 14227
members to aid the financing of the operations and programs of the 14228
council in the manner provided in the agreement establishing the 14229
council or in the by-laws of the council. The council may permit 14230
non-member political subdivisions to participate in any of its 14231
activities regardless of whether such political subdivisions have 14232
paid dues to the council. 14233

(B) The council may accept funds, grants, gifts, and services 14234
from the government of the United States or its agencies, from 14235
this state or its departments, agencies, instrumentalities, or 14236
from political subdivisions or from any other governmental unit 14237

whether participating in the council or not, and from private and 14238
civic sources. 14239

(C) A regional council of governments established to provide 14240
health care benefits to the member governments' employees and the 14241
employees' dependents may pool funds received from all the members 14242
of the council, including members from other states to the extent 14243
that the laws of such other states permit, for the payment of 14244
health care related claims and expenses. 14245

(D) The council shall make an annual report of its activities 14246
to the member governments. 14247

Sec. 169.051. (A) As used in this section, "United States 14248
savings bond" means property, tangible or intangible, in the form 14249
of a savings bond issued by the United States treasury whether in 14250
paper form, electric, or paperless form, along with all proceeds 14251
thereof. 14252

(B) Notwithstanding any provision of the Revised Code to the 14253
contrary, United States savings bonds held or owing in this state 14254
by any person, or issued or owed in the course of a holder's 14255
business, or by a state or other government, political 14256
subdivision, agency, or instrumentality, and all proceeds thereof, 14257
shall be presumed abandoned in this state and constitute unclaimed 14258
funds under this chapter if both of the following apply: 14259

(1) The last known address of the owner of the United States 14260
savings bond is in this state; 14261

(2) The United States savings bond has remained unclaimed and 14262
unredeemed for three years after final maturity. 14263

(C) United States savings bonds that are presumed abandoned 14264
and constitute unclaimed funds under division (B) of this section, 14265
including bonds in the possession of the director of commerce, 14266
shall escheat to the state three years after becoming abandoned 14267

and unclaimed property. All property rights and legal title to and ownership of such bonds or proceeds from such bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, shall vest solely in the state as provided in divisions (D) to (H) of this section.

(D) If, within one hundred eighty days after the three-year period prescribed under division (C) of this section, no claim has been filed under this chapter for the bond, the director shall commence a civil action in a court of competent jurisdiction for a determination that the bond escheats to the state. The director may postpone the commencement of an action until a sufficient number of bonds have accumulated in the director's custody to justify the expense of the proceedings.

(E) Service by publication shall be made in accordance with Rule 4.4 of the Rules of Civil Procedure.

(F) If no person files a claim or appears at the hearing to substantiate a claim or if the court determines that a claimant is not entitled to the property claimed, and if the court is satisfied by the evidence that the director has substantially complied with the laws of this state, the court shall enter a judgment that the bonds have escheated to the state and all property rights and legal title to and ownership of the bonds or the proceeds from the bonds, including all rights, powers, and privileges of survivorship of any owner, co-owner, or beneficiary, have vested solely in the state.

(G) The director shall redeem the United States savings bonds escheated to the state by judgment of the court. When the proceeds that have escheated have been recovered by the director, the director shall pay all costs incident to the collection and recovery of the proceeds from the redemption of the bonds and disburse the remaining balance of the proceeds in the manner provided under section 169.05 of the Revised Code for all other

unclaimed funds. 14300

(H) Notwithstanding section 169.08 of the Revised Code, any 14301
person claiming a United States savings bond that has escheated to 14302
the state under this section, or for the proceeds from the bond, 14303
may file a claim with the director. Upon providing sufficient 14304
proof of the validity of the person's claim, the director may, in 14305
the director's discretion, pay the claim less any expenses and 14306
costs incurred by the state in securing full title and ownership 14307
of the property by escheat. If payment has been made to a 14308
claimant, no action thereafter may be maintained by any other 14309
claimant against the state or any officer of the state, for or on 14310
account of the payment of the claim. 14311

Sec. 173.47. (A) For purposes of publishing the Ohio 14312
long-term care consumer guide, the department of aging shall 14313
conduct or provide for the conduct of an annual customer 14314
satisfaction survey of each long-term care facility. The results 14315
of the surveys may include information obtained from long-term 14316
care facility residents, their families, or both. ~~A survey that is~~ 14317
~~to include information obtained from nursing facility residents~~ 14318
~~shall include the questions specified in divisions (C)(7)(a) and~~ 14319
~~(b) of section 5165.25 of the Revised Code. A survey that is to~~ 14320
~~include information obtained from the families of nursing facility~~ 14321
~~residents shall include the questions specified in divisions~~ 14322
~~(C)(8)(a) and (b) of section 5165.25 of the Revised Code.~~ 14323

(B) Each long-term care facility shall cooperate in the 14324
conduct of its annual customer satisfaction survey. 14325

Sec. 173.48. (A)(1) The department of aging may charge annual 14326
fees to long-term care facilities for the publication of the Ohio 14327
long-term care consumer guide. The department may contract with 14328
any person or government entity to collect the fees on its behalf. 14329

All fees collected under this section shall be deposited in 14330
accordance with division (B) of this section. 14331

(2) The annual fees charged under this section shall not 14332
exceed the following amounts: 14333

(a) ~~Six hundred fifty dollars for~~ For each long-term care 14334
facility that is a nursing home, six hundred fifty dollars; 14335

(b) ~~Three hundred dollars for~~ For each long-term care 14336
facility that is a residential care facility: 14337

(i) Until June 30, 2016, three hundred dollars; 14338

(ii) Beginning July 1, 2016, three hundred fifty dollars. 14339

(3) Fees paid by a long-term care facility that is a nursing 14340
facility shall be reimbursed through the medicaid program. 14341

(B) There is hereby created in the state treasury the 14342
long-term care consumer guide fund. Money collected from the fees 14343
charged for the publication of the Ohio long-term care consumer 14344
guide under division (A) of this section shall be credited to the 14345
fund. The department shall use money in the fund for costs 14346
associated with publishing the Ohio long-term care consumer guide, 14347
including, but not limited to, costs incurred in conducting or 14348
providing for the conduct of customer satisfaction surveys. 14349

Sec. 173.522. (A) The department of aging shall create and 14350
administer the state-funded component of the PASSPORT program. The 14351
state-funded component shall not be administered as part of the 14352
medicaid program. 14353

(B) For an individual to be eligible for the state-funded 14354
component of the PASSPORT program, the individual must meet one of 14355
the following requirements and meet the additional eligibility 14356
requirements applicable to the individual established in rules 14357
adopted under division (D) of this section: 14358

(1) The individual must have been enrolled in the 14359
state-funded component on September 1, 1991, (as the state-funded 14360
component was authorized by uncodified law in effect at that time) 14361
and have had one or more applications for enrollment in the 14362
medicaid-funded component of the PASSPORT program (or, if the 14363
medicaid-funded component is terminated under division (C) of 14364
section 173.52 of the Revised Code, the unified long-term services 14365
and support medicaid waiver component) denied. 14366

~~(2) The individual must have had the individual's enrollment 14367
in the medicaid funded component of the PASSPORT program (or, if 14368
the medicaid funded component is terminated under division (C) of 14369
section 173.52 of the Revised Code, the unified long term services 14370
and support medicaid waiver component) terminated and the 14371
individual must still need the home and community based services 14372
provided under the PASSPORT program to protect the individual's 14373
health and safety. 14374~~

~~(3) The individual must have an application for the 14375
medicaid-funded component of the PASSPORT program (or, if the 14376
medicaid-funded component is terminated under division (C) of 14377
section 173.52 of the Revised Code, the unified long-term services 14378
and support medicaid waiver component) pending and the department 14379
or the department's designee must have determined that the 14380
individual meets the nonfinancial eligibility requirements of the 14381
medicaid-funded component (or, if the medicaid-funded component is 14382
terminated under division (C) of section 173.52 of the Revised 14383
Code, the unified long-term services and support medicaid waiver 14384
component) and not have reason to doubt that the individual meets 14385
the financial eligibility requirements of the medicaid-funded 14386
component (or, if the medicaid-funded component is terminated 14387
under division (C) of section 173.52 of the Revised Code, the 14388
unified long-term services and support medicaid waiver component).~~ 14389

(C) An individual who is eligible for the state-funded 14390

component of the PASSPORT program because the individual meets the 14391
requirement of division (B)~~(3)~~(2) of this section may participate 14392
in the component on that basis for ~~not more than ninety days~~ a 14393
period of time specified in rules adopted under division (D) of 14394
this section. 14395

(D)(1) The director of aging shall adopt rules in accordance 14396
with section 111.15 of the Revised Code to implement the 14397
state-funded component of the PASSPORT program. ~~The~~ 14398

The rules shall include all of the following: 14399

(a) Additional eligibility requirements for an individual to 14400
be eligible for the state-funded component of the PASSPORT 14401
program; 14402

(b) The duration that an individual eligible for the 14403
state-funded component of the PASSPORT program under division 14404
(B)(2) of this section may participate in that component; 14405

(c) Any other rules the director considers appropriate to 14406
implement the state-funded component of the PASSPORT program. 14407

(2) The additional eligibility requirements established in 14408
the rules may vary for the different groups of individuals 14409
specified in divisions (B)(1), and (2), ~~and (3)~~ of this section. 14410

Sec. 173.523. (A) An individual who is an applicant for or 14411
participant or former participant in the state-funded component of 14412
the PASSPORT program may appeal an adverse action taken or 14413
proposed to be taken by the department of aging or an entity 14414
designated by the department concerning participation in or 14415
services provided under the component if the action will result in 14416
any of the following: 14417

(1) Denial of enrollment or continued enrollment in the 14418
component; 14419

(2) Denial of or reduction in the amount of services 14420

requested by or offered to the individual under the component; 14421

(3) Assessment of any patient liability payment pursuant to 14422
rules adopted by the department under this section. 14423

The appeal shall be made in accordance with section 173.56 of 14424
the Revised Code and rules adopted pursuant to that section. 14425

(B) An individual who is an applicant for or participant or 14426
former participant in the state-funded component of the PASSPORT 14427
program may not bring an appeal under this or any other section of 14428
the Revised Code if any of the following is the case: 14429

(1) The individual has voluntarily withdrawn the application 14430
for enrollment in the component; 14431

(2) The individual has voluntarily terminated enrollment in 14432
the component; 14433

(3) The individual agrees with the action being taken or 14434
proposed; 14435

(4) The individual fails to submit a written request for a 14436
hearing to the director of aging within the time specified in the 14437
rules adopted pursuant to section 173.56 of the Revised Code; 14438

(5) The individual has received services under the component 14439
for the maximum time permitted by ~~this~~ section 173.522 of the 14440
Revised Code. 14441

Sec. 173.543. The department of aging shall create and 14442
administer the state-funded component of the assisted living 14443
program. The state-funded component shall not be administered as 14444
part of the medicaid program. 14445

An individual who is eligible for the state-funded component 14446
may participate in the component for ~~not more than ninety days a~~ 14447
period of time specified in rules adopted under this section. 14448

The director of aging shall adopt rules in accordance with 14449

section 111.15 of the Revised Code to implement the state-funded 14450
component. The rules shall specify the period that an individual 14451
eligible for the state-funded component may participate in the 14452
component. 14453

Sec. 173.544. To be eligible for the state-funded component 14454
of the assisted living program, an individual must meet all of the 14455
following requirements: 14456

(A) The individual must need an intermediate level of care as 14457
determined by an assessment conducted under section 173.546 of the 14458
Revised Code. 14459

(B) The individual must have an application for the 14460
medicaid-funded component of the assisted living program (or, if 14461
the medicaid-funded component is terminated under division (C) of 14462
section 173.54 of the Revised Code, the unified long-term services 14463
and support medicaid waiver component) pending and the department 14464
or the department's designee must have determined that the 14465
individual meets the nonfinancial eligibility requirements of the 14466
medicaid-funded component (or, if the medicaid-funded component is 14467
terminated under division (C) of section 173.54 of the Revised 14468
Code, the unified long-term services and support medicaid waiver 14469
component) and not have reason to doubt that the individual meets 14470
the financial eligibility requirements of the medicaid-funded 14471
component (or, if the medicaid-funded component is terminated 14472
under division (C) of section 173.54 of the Revised Code, the 14473
unified long-term services and support medicaid waiver component). 14474

(C) While receiving assisted living services under the 14475
state-funded component, the individual must reside in a 14476
residential care facility that is authorized by a valid provider 14477
agreement to participate in the component, including both of the 14478
following: 14479

(1) A residential care facility that is owned or operated by 14480

a metropolitan housing authority that has a contract with the United States department of housing and urban development to receive an operating subsidy or rental assistance for the residents of the facility;

(2) A county or district home licensed as a residential care facility.

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section ~~173.54~~ 173.543 of the Revised Code.

Sec. 173.545. (A) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may appeal an adverse action taken or proposed to be taken by the department of aging or an entity designated by the department concerning participation in or services provided under the component if the action will result in any of the following:

(1) Denial of enrollment or continued enrollment in the component;

(2) Denial of or reduction in the amount of services requested by or offered to the individual under the component;

(3) Assessment of any patient liability payment pursuant to rules adopted by the department under this section.

The appeal shall be made in accordance with section 173.56 of the Revised Code and rules adopted pursuant to that section.

(B) An individual who is an applicant for or participant or former participant in the state-funded component of the assisted living program may not bring an appeal under this or any other section of the Revised Code if any of the following is the case:

(1) The individual has voluntarily withdrawn the application for enrollment in the component;

(2) The individual has voluntarily terminated enrollment in the component; 14511
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(3) The individual agrees with the action being taken or proposed; 14513
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(4) The individual fails to submit a written request for a hearing to the director of aging within the time specified in the rules adopted pursuant to section 173.56 of the Revised Code; 14515
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(5) The individual has received services under the component for the maximum time permitted by ~~this~~ section 173.543 of the Revised Code. 14518
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Sec. 173.548. An individual enrolled in the medicaid-funded component of the assisted living program may choose a single occupancy room or multiple occupancy room in the residential care facility in which the individual resides. The choice of a multiple occupancy room is subject to approval pursuant to a process the director of aging shall establish in rules adopted under section 173.54 of the Revised Code. 14521
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Sec. 174.02. (A) The low- and moderate-income housing trust fund is hereby created in the state treasury. The fund consists of all appropriations made to the fund, housing trust fund fees collected by county recorders pursuant to section 317.36 of the Revised Code and deposited into the fund pursuant to section 319.63 of the Revised Code, money transferred from the housing trust reserve fund pursuant to section 174.09 of the Revised Code, and all grants, gifts, loan repayments, and contributions of money made from any source to the ~~department of~~ development services agency for deposit in the fund. All investment earnings of the fund shall be credited to the fund. The director of development services shall allocate a portion of the money in the fund to an account of the Ohio housing finance agency. The ~~department~~

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development services agency shall administer the fund. The Ohio 14541
housing finance agency shall use money allocated to it for 14542
implementing and administering its programs and duties under 14543
sections 174.03 and 174.05 of the Revised Code, and the ~~department~~ 14544
development services agency shall use the remaining money in the 14545
fund for implementing and administering its programs and duties 14546
under sections 174.03 to 174.06 of the Revised Code. Use of all 14547
money drawn from the fund is subject to the following 14548
restrictions: 14549

(1)(a) Not more than five per cent of the current year 14550
appropriation authority for the fund shall be allocated between 14551
grants to community development corporations for the community 14552
development corporation grant program and grants and loans to the 14553
Ohio community development finance fund, a private nonprofit 14554
corporation. 14555

(b) In any year in which the amount in the fund exceeds one 14556
hundred thousand dollars and at least that much is allocated for 14557
the uses described in this section, not less than one hundred 14558
thousand dollars shall be used to provide training, technical 14559
assistance, and capacity building assistance to nonprofit 14560
development organizations. 14561

(2) Not more than ten per cent of any current year 14562
appropriation authority for the fund shall be used for the 14563
emergency shelter housing grants program to make grants to 14564
private, nonprofit organizations and municipal corporations, 14565
counties, and townships for emergency shelter housing for the 14566
homeless and emergency shelter facilities serving unaccompanied 14567
youth seventeen years of age and younger. The grants shall be 14568
distributed pursuant to rules the director adopts and qualify as 14569
matching funds for funds obtained pursuant to the McKinney Act, 14570
101 Stat. 85 (1987), 42 U.S.C.A. 11371 to 11378. 14571

(3) In any fiscal year in which the amount in the fund 14572

exceeds the amount awarded pursuant to division (A)(1)(b) of this 14573
section by at least two hundred fifty thousand dollars, at least 14574
two hundred fifty thousand dollars from the fund shall be provided 14575
to the department of aging for the resident services coordinator 14576
program as established in section 173.08 of the Revised Code. 14577

(4) Of all current year appropriation authority for the fund, 14578
not more than five per cent shall be used for administration. 14579

(5) Not less than forty-five per cent of the funds awarded 14580
during any one fiscal year shall be for grants and loans to 14581
nonprofit organizations under section 174.03 of the Revised Code. 14582

(6) Not less than fifty per cent of the funds awarded during 14583
any one fiscal year, excluding the amounts awarded pursuant to 14584
divisions (A)(1), (2), and (7) of this section, shall be for 14585
grants and loans for activities that provide housing and housing 14586
assistance to families and individuals in rural areas and small 14587
cities that are not eligible to participate as a participating 14588
jurisdiction under the "HOME Investment Partnerships Act," 104 14589
Stat. 4094 (1990), 42 U.S.C. 12701 note, 12721. 14590

(7) No money in the fund shall be used to pay for any legal 14591
services other than the usual and customary legal services 14592
associated with the acquisition of housing. 14593

(8) Money in the fund may be used as matching money for 14594
federal funds received by the state, counties, municipal 14595
corporations, and townships for the activities listed in section 14596
174.03 of the Revised Code. 14597

(B) If, after the second quarter of any year, it appears to 14598
the director of development services that the full amount of the 14599
money in the fund designated in that year for activities that 14600
provide housing and housing assistance to families and individuals 14601
in rural areas and small cities under division (A) of this section 14602
will not be used for that purpose, the director may reallocate all 14603

or a portion of that amount for other housing activities. In 14604
determining whether or how to reallocate money under this 14605
division, the director may consult with and shall receive advice 14606
from the housing trust fund advisory committee. 14607

Sec. 174.09. (A) The housing trust reserve fund is hereby 14608
created in the state treasury. The fund shall consist of housing 14609
trust fund fees collected by county recorders pursuant to section 14610
317.36 of the Revised Code and deposited into the fund pursuant to 14611
section 319.63 of the Revised Code. All investment earnings of the 14612
fund shall be credited to the fund. 14613

(B) If, in the prior fiscal year, the housing trust fund fees 14614
received by the treasurer of state under section 319.63 of the 14615
Revised Code amount to less than fifty million dollars, the 14616
director of development services may request the director of 14617
budget and management to transfer money from the housing trust 14618
reserve fund to the low- and moderate-income housing trust fund 14619
created under section 174.02 of the Revised Code. The amount 14620
transferred, when combined with the housing trust fund fees 14621
received by the treasurer of state in the prior fiscal year, shall 14622
not exceed fifty million dollars. The director of development 14623
services shall provide any additional information regarding a 14624
transfer request that the director of budget and management may 14625
require. Based on that information, the director of budget and 14626
management shall determine the amount to be transferred. 14627

Sec. 187.03. (A) JobsOhio may perform such functions as 14628
permitted and shall perform such duties as prescribed by law and 14629
as set forth in any contract entered into under section 187.04 of 14630
the Revised Code, but shall not be considered a state or public 14631
department, agency, office, body, institution, or instrumentality 14632
for purposes of section 1.60 or Chapter 102., 121., 125., or 149. 14633
of the Revised Code. JobsOhio and its board of directors are not 14634

subject to the following sections of Chapter 1702. of the Revised 14635
Code: sections 1702.03, 1702.08, 1702.09, 1702.21, 1702.24, 14636
1702.26, 1702.27, 1702.28, 1702.29, 1702.301, 1702.33, 1702.34, 14637
1702.37, 1702.38, 1702.40 to 1702.52, 1702.521, 1702.54, 1702.57, 14638
1702.58, 1702.59, 1702.60, 1702.80, and 1702.99. Nothing in this 14639
division shall be construed to impair the powers and duties of the 14640
Ohio ethics commission described in section 102.06 of the Revised 14641
Code to investigate and enforce section 102.02 of the Revised Code 14642
with regard to individuals required to file statements under 14643
division (B)(2) of this section. 14644

(B)(1) Directors and employees of JobsOhio are not employees 14645
or officials of the state and, except as provided in division 14646
(B)(2) of this section, are not subject to Chapter 102., 124., 14647
145., or 4117. of the Revised Code. 14648

(2) The chief investment officer, any other officer or 14649
employee with significant administrative, supervisory, 14650
contracting, or investment authority, and any director of JobsOhio 14651
shall file, with the Ohio ethics commission, a financial 14652
disclosure statement pursuant to section 102.02 of the Revised 14653
Code that includes, in place of the information required by 14654
divisions (A)(2)(b), ~~(7)(g)~~, ~~(8)(h)~~, and ~~(9)(i)~~ of that section, 14655
the information required by divisions (A) and (B) of section 14656
102.022 of the Revised Code. The governor shall comply with all 14657
applicable requirements of section 102.02 of the Revised Code. 14658

(3) Actual or in-kind expenditures for the travel, meals, or 14659
lodging of the governor or of any public official or employee 14660
designated by the governor for the purpose of this division shall 14661
not be considered a violation of section 102.03 of the Revised 14662
Code if the expenditures are made by the corporation, or on behalf 14663
of the corporation by any person, in connection with the 14664
governor's performance of official duties related to JobsOhio. The 14665

governor may designate any person, including a person who is a 14666
public official or employee as defined in section 102.01 of the 14667
Revised Code, for the purpose of this division if such 14668
expenditures are made on behalf of the person in connection with 14669
the governor's performance of official duties related to JobsOhio. 14670
A public official or employee so designated by the governor shall 14671
comply with all applicable requirements of section 102.02 of the 14672
Revised Code. 14673

At the times and frequency agreed to under division (B)(2)(b) 14674
of section 187.04 of the Revised Code, beginning in 2012, the 14675
corporation shall file with the development services agency a 14676
written report of all such expenditures paid or incurred during 14677
the preceding calendar year. The report shall state the dollar 14678
value and purpose of each expenditure, the date of each 14679
expenditure, the name of the person that paid or incurred each 14680
expenditure, and the location, if any, where services or benefits 14681
of an expenditure were received, provided that any such 14682
information that may disclose proprietary information as defined 14683
in division (C) of this section shall not be included in the 14684
report. 14685

(4) The prohibition applicable to former public officials or 14686
employees in division (A)(1) of section 102.03 of the Revised Code 14687
does not apply to any person appointed to be a director or hired 14688
as an employee of JobsOhio. 14689

(5) Notwithstanding division (A)(2) of section 145.01 of the 14690
Revised Code, any person who is a former state employee shall no 14691
longer be considered a public employee for purposes of Chapter 14692
145. of the Revised Code upon commencement of employment with 14693
JobsOhio. 14694

(6) Any director, officer, or employee of JobsOhio may 14695
request an advisory opinion from the Ohio ethics commission with 14696
regard to questions concerning the provisions of sections 102.02 14697

and 102.022 of the Revised Code to which the person is subject. 14698

(C) Meetings of the board of directors at which a quorum of 14699
the board is required to be physically present pursuant to 14700
division (F) of section 187.01 of the Revised Code shall be open 14701
to the public except, by a majority vote of the directors present 14702
at the meeting, such a meeting may be closed to the public only 14703
for one or more of the following purposes: 14704

(1) To consider business strategy of the corporation; 14705

(2) To consider proprietary information belonging to 14706
potential applicants or potential recipients of business 14707
recruitment, retention, or creation incentives. For the purposes 14708
of this division, "proprietary information" means marketing plans, 14709
specific business strategy, production techniques and trade 14710
secrets, financial projections, or personal financial statements 14711
of applicants or members of the applicants' immediate family, 14712
including, but not limited to, tax records or other similar 14713
information not open to the public inspection. 14714

(3) To consider legal matters, including litigation, in which 14715
the corporation is or may be involved; 14716

(4) To consider personnel matters related to an individual 14717
employee of the corporation. 14718

(D) The board of directors shall establish a reasonable 14719
method whereby any person may obtain the time and place of all 14720
public meetings described in division (C) of this section. The 14721
method shall provide that any person, upon request and payment of 14722
a reasonable fee, may obtain reasonable advance notification of 14723
all such meetings. 14724

(E) The board of directors shall promptly prepare, file, and 14725
maintain minutes of all public meetings described in division (C) 14726
of this section. 14727

(F) Not later than March 1, 2012, and the first day of March 14728
of each year thereafter, the chief investment officer of JobsOhio 14729
shall prepare and submit a report of the corporation's activities 14730
for the preceding year to the governor, the speaker and minority 14731
leader of the house of representatives, and the president and 14732
minority leader of the senate. The annual report shall include the 14733
following: 14734

(1) An analysis of the state's economy; 14735

(2) A description of the structure, operation, and financial 14736
status of the corporation; 14737

(3) A description of the corporation's strategy to improve 14738
the state economy and the standards of measure used to evaluate 14739
its progress; 14740

(4) An evaluation of the performance of current strategies 14741
and major initiatives; 14742

(5) An analysis of any statutory or administrative barriers 14743
to successful economic development, business recruitment, and job 14744
growth in the state identified by JobsOhio during the preceding 14745
year. 14746

Sec. 191.04. (A) In accordance with federal laws governing 14747
the confidentiality of individually identifiable health 14748
information, including the "Health Insurance Portability and 14749
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 14750
42 U.S.C. 1320d et seq., as amended, and regulations promulgated 14751
by the United States department of health and human services to 14752
implement the act, a state agency may exchange protected health 14753
information with another state agency relating to eligibility for 14754
or enrollment in a health plan or relating to participation in a 14755
government program providing public benefits if the exchange of 14756
information is necessary for either or both of the following: 14757

- (1) Operating a health plan; 14758
- (2) Coordinating, or improving the administration or 14759
management of, the health care-related functions of at least one 14760
government program providing public benefits. 14761
- (B) For fiscal years 2013, ~~2014, and 2015~~ through 2017 only, 14762
a state agency also may exchange personally identifiable 14763
information with another state agency for purposes related to and 14764
in support of a health transformation initiative identified by the 14765
executive director of the office of health transformation pursuant 14766
to division (C) of section 191.06 of the Revised Code. 14767
- (C) With respect to a state agency that uses or discloses 14768
personally identifiable information, all of the following 14769
conditions apply: 14770
- (1) The state agency shall use or disclose the information 14771
only as permitted or required by state and federal law. In 14772
addition, if the information is obtained during fiscal year 2013, 14773
2014, or 2015 from an exchange of personally identifiable 14774
information permitted under division (B) of this section, the 14775
agency shall also use or disclose the information in accordance 14776
with all operating protocols that apply to the use or disclosure. 14777
- (2) If the state agency is a state agency other than the 14778
department of medicaid and it uses or discloses protected health 14779
information that is related to a medicaid recipient and obtained 14780
from the department of medicaid or another agency operating a 14781
component of the medicaid program, the state agency shall comply 14782
with all state and federal laws that apply to the department of 14783
medicaid when that department, as the state's single state agency 14784
to supervise the medicaid program, uses or discloses protected 14785
health information. 14786
- (3) A state agency shall implement administrative, physical, 14787
and technical safeguards for the purpose of protecting the 14788

confidentiality, integrity, and availability of personally 14789
identifiable information the creation, receipt, maintenance, or 14790
transmittal of which is affected or governed by this section. 14791

(4) If a state agency discovers an unauthorized use or 14792
disclosure of unsecured protected health information or unsecured 14793
individually identifiable health information, the state agency 14794
shall, not later than seventy-two hours after the discovery, do 14795
all of the following: 14796

(a) Identify the individuals who are the subject of the 14797
protected health information or individually identifiable health 14798
information; 14799

(b) Report the discovery and the names of all individuals 14800
identified pursuant to division (C)(4)(a) of this section to all 14801
other state agencies and the executive director of the office of 14802
health transformation or the executive director's designee; 14803

(c) Mitigate, to the extent reasonably possible, any 14804
potential adverse effects of the unauthorized use or disclosure. 14805

(5) A state agency shall make available to the executive 14806
director of the office of health transformation or the executive 14807
director's designee, and to any other state or federal 14808
governmental entity required by law to have access on that 14809
entity's request, all internal practices, records, and 14810
documentation relating to personally identifiable information it 14811
receives, uses, or discloses that is affected or governed by this 14812
section. 14813

(6) On termination or expiration of an operating protocol and 14814
if feasible, a state agency shall return or destroy all personally 14815
identifiable information received directly from or received on 14816
behalf of another state agency. If the personally identifiable 14817
information is not returned or destroyed, the state agency 14818
maintaining the information shall extend the protections set forth 14819

in this section for as long as it is maintained. 14820

(7) If a state agency enters into a subcontract or, when 14821
required by 45 C.F.R. 164.502(e)(2), a business associate 14822
agreement, the subcontract or business associate agreement shall 14823
require the subcontractor or business associate to comply with the 14824
terms of this section as if the subcontractor or business 14825
associate were a state agency. 14826

Sec. 191.06. (A) The provisions of this section shall apply 14827
only for fiscal years 2013, ~~2014, and 2015~~ through 2017. 14828

(B) The executive director of the office of health 14829
transformation or the executive director's designee may facilitate 14830
the coordination of operations and exchange of information between 14831
state agencies. The purpose of the executive director's authority 14832
under this section is to support agency collaboration for health 14833
transformation purposes, including modernization of the medicaid 14834
program, streamlining of health and human services programs in 14835
this state, and improving the quality, continuity, and efficiency 14836
of health care and health care support systems in this state. 14837

(C) In furtherance of the authority of the executive director 14838
of the office of health transformation under division (B) of this 14839
section, the executive director or the executive director's 14840
designee shall identify each health transformation initiative in 14841
this state that involves the participation of two or more state 14842
agencies and that permits or requires an interagency agreement to 14843
be entered into for purposes of specifying each participating 14844
agency's role in coordinating, operating, or funding the 14845
initiative, or facilitating the exchange of data or other 14846
information for the initiative. The executive director shall 14847
publish a list of the identified health transformation initiatives 14848
on the internet web site maintained by the office of health 14849
transformation. 14850

(D) For each health transformation initiative that is 14851
identified under division (C) of this section, the executive 14852
director or the executive director's designee shall, in 14853
consultation with each participating agency, adopt one or more 14854
operating protocols. Notwithstanding any law enacted by the 14855
general assembly or rule adopted by a state agency, the provisions 14856
in a protocol shall supersede any provisions in an interagency 14857
agreement, including an interagency agreement entered into under 14858
section 5101.10 or 5162.35 of the Revised Code, that differ from 14859
the provisions of the protocol. 14860

(E)(1) An operating protocol adopted under division (D) of 14861
this section shall include both of the following: 14862

(a) All terms necessary to meet the requirements of "other 14863
arrangements" between a covered entity and a business associate 14864
that are referenced in 45 C.F.R. 164.314(a)(2)(ii); 14865

(b) If known, the date on which the protocol will terminate 14866
or expire. 14867

(2) In addition, a protocol may specify the extent to which 14868
each participating agency is responsible and accountable for 14869
completing the tasks necessary for successful completion of the 14870
initiative, including tasks relating to the following components 14871
of the initiative: 14872

(a) Workflow; 14873

(b) Funding; 14874

(c) Exchange of data or other information that is 14875
confidential pursuant to state or federal law. 14876

(F) An operating protocol adopted under division (D) of this 14877
section shall have the same force and effect as an interagency 14878
agreement or data sharing agreement, and each participating agency 14879
shall comply with it. 14880

Sec. 193.15. (A) As used in sections 193.15 to 193.17 of the 14881
Revised Code, "infrastructure capital improvement" includes 14882
projects involving buildings, utilities, roadways, runways, 14883
railways, ramps, gates, fencing, and facilities other than 14884
buildings, including new construction, renovations, energy 14885
conservation measures, security upgrades, site preparation, land 14886
acquisition, clearance, demolition, removal, furnishings, 14887
equipment, design, engineering, and planning studies. 14888

(B) There is hereby created the Ohio military facilities 14889
commission for the purpose of developing and implementing a 14890
program to finance or assist in the financing of infrastructure 14891
capital improvements on military and defense installations in the 14892
state, including but not limited to those facilities operated by 14893
the United States department of veterans affairs, the Ohio 14894
department of veterans services, the national aeronautics and 14895
space administration, and the Ohio national guard. 14896

Sec. 193.16. (A) The Ohio military facilities commission 14897
shall consist of the following members: 14898

(1) Three members of the house of representatives appointed 14899
by the speaker of the house of representatives, two of whom are 14900
members of the majority party and one of whom is a member of the 14901
minority party; 14902

(2) Three members of the senate appointed by the president of 14903
the senate, two of whom are members of the majority party and one 14904
of whom is a member of the minority party; 14905

(3) The adjutant general or a designee of the adjutant 14906
general; 14907

(4) The director of budget and management or a designee of 14908
the director; 14909

(5) The director of administrative services or a designee of 14910

the director. 14911

(B)(1) Initial appointments to the commission shall be made 14912
not later than December 31, 2015. The appointed members shall 14913
serve four-year terms. 14914

(2) Members may be reappointed to the commission. 14915

(3) Vacancies on the commission shall be filled in the same 14916
manner as the original appointments. 14917

(4) Members serve at the pleasure of, and may be removed for 14918
just cause by, the member's appointing authority. 14919

(C) The development services agency shall provide 14920
administrative assistance to the commission. 14921

Sec. 193.17. (A) The Ohio military facilities commission 14922
shall accept applications for financial assistance under the 14923
program. The financial assistance may be in the form of grants, 14924
loans, and loan guarantees. It may also be provided for rental or 14925
lease payments that enable new construction in support of the 14926
purposes of sections 193.15 to 193.17 of the Revised Code. 14927

(B) Upon receipt of an application, the commission shall 14928
examine the proposed infrastructure capital improvement to 14929
determine if it will support job creation, increase opportunities 14930
for long-term economic development, or increase the military value 14931
of the installation as described in section 2913 of the "Defense 14932
Base Closure and Realignment Act of 1990," Public Law Number 14933
101-510, as amended. Only those improvements that meet at least 14934
one of those conditions are eligible to receive financial 14935
assistance under the program. 14936

Sec. 305.31. The procedure for submitting to a referendum a 14937
resolution adopted by a board of county commissioners under 14938
division (H) of section 307.695 of the Revised Code that is not 14939

submitted to the electors of the county for their approval or 14940
disapproval; any resolution adopted by a board of county 14941
commissioners pursuant to division (D)(1) of section 307.697, 14942
section 322.02, 322.06, or 324.02, sections ~~1515.22~~ 940.31 and 14943
~~1515.24~~ 940.33, division (B)(1) of section 4301.421, section 14944
4504.02, 5739.021, or 5739.026, division (A)(6), (A)(10), or (M) 14945
of section 5739.09, section 5741.021 or 5741.023, or division 14946
(C)(1) of section 5743.024 of the Revised Code; or a rule adopted 14947
pursuant to section 307.79 of the Revised Code shall be as 14948
prescribed by this section. 14949

Except as otherwise provided in this paragraph, when a 14950
petition, signed by ten per cent of the number of electors who 14951
voted for governor at the most recent general election for the 14952
office of governor in the county, is filed with the county auditor 14953
within thirty days after the date the resolution is passed or rule 14954
is adopted by the board of county commissioners, or is filed 14955
within forty-five days after the resolution is passed, in the case 14956
of a resolution adopted pursuant to section 5739.021 of the 14957
Revised Code that is passed within one year after a resolution 14958
adopted pursuant to that section has been rejected or repealed by 14959
the electors, requesting that the resolution be submitted to the 14960
electors of the county for their approval or rejection, the county 14961
auditor shall, after ten days following the filing of the 14962
petition, and not later than four p.m. of the ninetieth day before 14963
the day of election, transmit a certified copy of the text of the 14964
resolution or rule to the board of elections. In the case of a 14965
petition requesting that a resolution adopted under division 14966
(D)(1) of section 307.697, division (B)(1) of section 4301.421, or 14967
division (C)(1) of section 5743.024 of the Revised Code be 14968
submitted to electors for their approval or rejection, the 14969
petition shall be signed by seven per cent of the number of 14970
electors who voted for governor at the most recent election for 14971
the office of governor in the county. The county auditor shall 14972

transmit the petition to the board together with the certified 14973
copy of the resolution or rule. The board shall examine all 14974
signatures on the petition to determine the number of electors of 14975
the county who signed the petition. The board shall return the 14976
petition to the auditor within ten days after receiving it, 14977
together with a statement attesting to the number of such electors 14978
who signed the petition. The board shall submit the resolution or 14979
rule to the electors of the county, for their approval or 14980
rejection, at the succeeding general election held in the county 14981
in any year, or on the day of the succeeding primary election held 14982
in the county in even-numbered years, occurring subsequent to 14983
ninety days after the auditor certifies the sufficiency and 14984
validity of the petition to the board of elections. 14985

No resolution shall go into effect until approved by the 14986
majority of those voting upon it. However, a rule shall take 14987
effect and remain in effect unless and until a majority of the 14988
electors voting on the question of repeal approve the repeal. 14989
Sections 305.31 to 305.41 of the Revised Code do not prevent a 14990
county, after the passage of any resolution or adoption of any 14991
rule, from proceeding at once to give any notice or make any 14992
publication required by the resolution or rule. 14993

The board of county commissioners shall make available to any 14994
person, upon request, a certified copy of any resolution or rule 14995
subject to the procedure for submitting a referendum under 14996
sections 305.31 to 305.42 of the Revised Code beginning on the 14997
date the resolution or rule is adopted by the board. The board may 14998
charge a fee for the cost of copying the resolution or rule. 14999

As used in this section, "certified copy" means a copy 15000
containing a written statement attesting that it is a true and 15001
exact reproduction of the original resolution or rule. 15002

Sec. 306.35. Upon the creation of a regional transit 15003

authority as provided by section 306.32 of the Revised Code, and 15004
upon the qualifying of its board of trustees and the election of a 15005
president and a vice-president, the authority shall exercise in 15006
its own name all the rights, powers, and duties vested in and 15007
conferred upon it by sections 306.30 to 306.53 of the Revised 15008
Code. Subject to any reservations, limitations, and qualifications 15009
that are set forth in those sections, the regional transit 15010
authority: 15011

(A) May sue or be sued in its corporate name; 15012

(B) May make contracts in the exercise of the rights, powers, 15013
and duties conferred upon it; 15014

(C) May adopt and at will alter a seal and use such seal by 15015
causing it to be impressed, affixed, reproduced, or otherwise 15016
used, but failure to affix the seal shall not affect the validity 15017
of any instrument; 15018

(D)(1) May adopt, amend, and repeal bylaws for the 15019
administration of its affairs and rules for the control of the 15020
administration and operation of transit facilities under its 15021
jurisdiction, and for the exercise of all of its rights of 15022
ownership in those transit facilities; 15023

(2) The regional transit authority also may adopt bylaws and 15024
rules for the following purposes: 15025

(a) To prohibit selling, giving away, or using any beer or 15026
intoxicating liquor on transit vehicles or transit property; 15027

(b) For the preservation of good order within or on transit 15028
vehicles or transit property; 15029

(c) To provide for the protection and preservation of all 15030
property and life within or on transit vehicles or transit 15031
property; 15032

(d) To regulate and enforce the collection of fares. 15033

(3) Before a bylaw or rule adopted under division (D)(2) of this section takes effect, the regional transit authority shall provide for a notice of its adoption to be published once a week for two consecutive weeks in a newspaper of general circulation within the territorial boundaries of the regional transit authority, or as provided in section 7.16 of the Revised Code.

(4) No person shall violate any bylaw or rule of a regional transit authority adopted under division (D)(2) of this section.

(E) May fix, alter, and collect fares, rates, and rentals and other charges for the use of transit facilities under its jurisdiction to be determined exclusively by it for the purpose of providing for the payment of the expenses of the regional transit authority, the acquisition, construction, improvement, extension, repair, maintenance, and operation of transit facilities under its jurisdiction, the payment of principal and interest on its obligations, and to fulfill the terms of any agreements made with purchasers or holders of any such obligations, or with any person or political subdivision;

(F) Shall have jurisdiction, control, possession, and supervision of all property, rights, easements, licenses, moneys, contracts, accounts, liens, books, records, maps, or other property rights and interests conveyed, delivered, transferred, or assigned to it;

(G)(1) Except as provided in division (G)(2) of this section, may acquire, construct, improve, extend, repair, lease, operate, maintain, or manage transit facilities within or without its territorial boundaries, considered necessary to accomplish the purposes of its organization and make charges for the use of transit facilities.

(2) Beginning on July 1, 2011, a regional transit authority shall not extend its service or facilities into a political

subdivision outside the territorial boundaries of the authority 15065
without giving prior notice to the legislative authority of the 15066
political subdivision. The legislative authority shall have thirty 15067
days after receiving the notice to comment on the proposal. 15068

(H) May levy and collect taxes as provided in sections 306.40 15069
and 306.49 of the Revised Code; 15070

(I) May issue bonds secured by its general credit as provided 15071
in section 306.40 of the Revised Code; 15072

(J) May hold, encumber, control, acquire by donation, by 15073
purchase for cash or by installment payments, by lease-purchase 15074
agreement, by lease with option to purchase, by borrowing from any 15075
federal, state, or other governmental or private source, or by 15076
condemnation, and may construct, own, lease as lessee or lessor, 15077
use, and sell, real and personal property, or any interest or 15078
right in real and personal property, within or without its 15079
territorial boundaries, for the location or protection of transit 15080
facilities and improvements and access to transit facilities and 15081
improvements, the relocation of buildings, structures, and 15082
improvements situated on lands acquired by the regional transit 15083
authority, or for any other necessary purpose, or for obtaining or 15084
storing materials to be used in constructing, maintaining, and 15085
improving transit facilities under its jurisdiction; 15086

(K) May exercise the power of eminent domain to acquire 15087
property or any interest in property, within or without its 15088
territorial boundaries, that is necessary or proper for the 15089
construction or efficient operation of any transit facility or 15090
access to any transit facility under its jurisdiction in 15091
accordance with section 306.36 of the Revised Code; 15092

(L) May provide by agreement with any county, including the 15093
counties within its territorial boundaries, or any municipal 15094
corporation or any combination of counties or municipal 15095

corporations for the making of necessary surveys, appraisals, and 15096
examinations preliminary to the acquisition or construction of any 15097
transit facility and the amount of the expense for the surveys, 15098
appraisals, and examinations to be paid by each such county or 15099
municipal corporation; 15100

(M) May provide by agreement with any county, including the 15101
counties within its territorial boundaries, or any municipal 15102
corporation or any combination of those counties or municipal 15103
corporations for the acquisition, construction, improvement, 15104
extension, maintenance, or operation of any transit facility owned 15105
or to be owned and operated by it or owned or to be owned and 15106
operated by any such county or municipal corporation and the terms 15107
on which it shall be acquired, leased, constructed, maintained, or 15108
operated, and the amount of the cost and expense of the 15109
acquisition, lease, construction, maintenance, or operation to be 15110
paid by each such county or municipal corporation; 15111

(N) May issue revenue bonds for the purpose of acquiring, 15112
replacing, improving, extending, enlarging, or constructing any 15113
facility or permanent improvement that it is authorized to 15114
acquire, replace, improve, extend, enlarge, or construct, 15115
including all costs in connection with and incidental to the 15116
acquisition, replacement, improvement, extension, enlargement, or 15117
construction, and their financing, as provided by section 306.37 15118
of the Revised Code; 15119

(O) May enter into and supervise franchise agreements for the 15120
operation of a transit system; 15121

(P) May accept the assignment of and supervise an existing 15122
franchise agreement for the operation of a transit system; 15123

(Q) May exercise a right to purchase a transit system in 15124
accordance with the acquisition terms of an existing franchise 15125
agreement; and in connection with the purchase the regional 15126

transit authority may issue revenue bonds as provided by section 15127
306.37 of the Revised Code or issue bonds secured by its general 15128
credit as provided in section 306.40 of the Revised Code; 15129

(R) May apply for and accept grants or loans from the United 15130
States, the state, or any other public ~~body~~ or any private source 15131
for the purpose of providing for the development or improvement of 15132
transit facilities, mass transportation facilities, equipment, 15133
techniques, methods, or services, and grants or loans needed to 15134
exercise a right to purchase a transit system pursuant to 15135
agreement with the owner of those transit facilities, or for 15136
providing lawful financial assistance to existing transit systems; 15137
and may provide any consideration that may be required in order to 15138
obtain those grants or loans from the United States, the state, or 15139
other public ~~body~~ or private source, either of which grants or 15140
loans may be evidenced by the issuance of revenue bonds as 15141
provided by section 306.37 of the Revised Code or general 15142
obligation bonds as provided by section 306.40 of the Revised 15143
Code; 15144

(S) May employ and fix the compensation of consulting 15145
engineers, superintendents, managers, and such other engineering, 15146
construction, accounting and financial experts, attorneys, and 15147
other employees and agents necessary for the accomplishment of its 15148
purposes; 15149

(T) May procure insurance against loss to it by reason of 15150
damages to its properties resulting from fire, theft, accident, or 15151
other casualties or by reason of its liability for any damages to 15152
persons or property occurring in the construction or operation of 15153
transit facilities under its jurisdiction or the conduct of its 15154
activities; 15155

(U) May maintain funds that it considers necessary for the 15156
efficient performance of its duties; 15157

(V) May direct its agents or employees, when properly 15158
identified in writing, after at least five days' written notice, 15159
to enter upon lands within or without its territorial boundaries 15160
in order to make surveys and examinations preliminary to the 15161
location and construction of transit facilities, without liability 15162
to it or its agents or employees except for actual damage done; 15163

(W) On its own motion, may request the appropriate zoning 15164
board, as defined in section 4563.03 of the Revised Code, to 15165
establish and enforce zoning regulations pertaining to any transit 15166
facility under its jurisdiction in the manner prescribed by 15167
sections 4563.01 to 4563.21 of the Revised Code; 15168

(X) If it acquires any existing transit system, shall assume 15169
all the employer's obligations under any existing labor contract 15170
between the employees and management of the system. If the board 15171
acquires, constructs, controls, or operates any such facilities, 15172
it shall negotiate arrangements to protect the interests of 15173
employees affected by the acquisition, construction, control, or 15174
operation. The arrangements shall include, but are not limited to: 15175

(1) The preservation of rights, privileges, and benefits 15176
under existing collective bargaining agreements or otherwise, the 15177
preservation of rights and benefits under any existing pension 15178
plans covering prior service, and continued participation in 15179
social security in addition to participation in the public 15180
employees retirement system as required in Chapter 145. of the 15181
Revised Code; 15182

(2) The continuation of collective bargaining rights; 15183

(3) The protection of individual employees against a 15184
worsening of their positions with respect to their employment; 15185

(4) Assurances of employment to employees of those transit 15186
systems and priority reemployment of employees terminated or laid 15187
off; 15188

(5) Paid training or retraining programs; 15189

(6) Signed written labor agreements. 15190

The arrangements may include provisions for the submission of 15191
labor disputes to final and binding arbitration. 15192

(Y) May provide for and maintain security operations, 15193
including a transit police department, subject to section 306.352 15194
of the Revised Code. Regional transit authority police officers 15195
shall have the power and duty to act as peace officers within 15196
transit facilities owned, operated, or leased by the transit 15197
authority to protect the transit authority's property and the 15198
person and property of passengers, to preserve the peace, and to 15199
enforce all laws of the state and ordinances and regulations of 15200
political subdivisions in which the transit authority operates. 15201
Regional transit authority police officers also shall have the 15202
power and duty to act as peace officers when they render emergency 15203
assistance outside their jurisdiction to any other peace officer 15204
who is not a regional transit authority police officer and who has 15205
arrest authority under section 2935.03 of the Revised Code. 15206
Regional transit authority police officers may render emergency 15207
assistance if there is a threat of imminent physical danger to the 15208
peace officer, a threat of physical harm to another person, or any 15209
other serious emergency situation and if either the peace officer 15210
who is assisted requests emergency assistance or it appears that 15211
the peace officer who is assisted is unable to request emergency 15212
assistance and the circumstances observed by the regional transit 15213
authority police officer reasonably indicate that emergency 15214
assistance is appropriate. 15215

Before exercising powers of arrest and the other powers and 15216
duties of a peace officer, each regional transit authority police 15217
officer shall take an oath and give bond to the state in a sum 15218
that the board of trustees prescribes for the proper performance 15219
of the officer's duties. 15220

Persons employed as regional transit authority police 15221
officers shall complete training for the position to which they 15222
have been appointed as required by the Ohio peace officer training 15223
commission as authorized in section 109.77 of the Revised Code, or 15224
be otherwise qualified. The cost of the training shall be provided 15225
by the regional transit authority. 15226

(Z) May procure a policy or policies insuring members of its 15227
board of trustees against liability on account of damages or 15228
injury to persons and property resulting from any act or omission 15229
of a member in the member's official capacity as a member of the 15230
board or resulting solely out of the member's membership on the 15231
board; 15232

(AA) May enter into any agreement for the sale and leaseback 15233
or lease and leaseback of transit facilities, which agreement may 15234
contain all necessary covenants for the security and protection of 15235
any lessor or the regional transit authority including, but not 15236
limited to, indemnification of the lessor against the loss of 15237
anticipated tax benefits arising from acts, omissions, or 15238
misrepresentations of the regional transit authority. In 15239
connection with that transaction, the regional transit authority 15240
may contract for insurance and letters of credit and pay any 15241
premiums or other charges for the insurance and letters of credit. 15242
The fiscal officer shall not be required to furnish any 15243
certificate under section 5705.41 of the Revised Code in 15244
connection with the execution of any such agreement. 15245

(BB) In regard to any contract entered into on or after March 15246
19, 1993, for the rendering of services or the supplying of 15247
materials or for the construction, demolition, alteration, repair, 15248
or reconstruction of transit facilities in which a bond is 15249
required for the faithful performance of the contract, may permit 15250
the person awarded the contract to utilize a letter of credit 15251
issued by a bank or other financial institution in lieu of the 15252

bond; 15253

(CC) May enter into agreements with municipal corporations 15254
located within the territorial jurisdiction of the regional 15255
transit authority permitting regional transit authority police 15256
officers employed under division (Y) of this section to exercise 15257
full arrest powers, as provided in section 2935.03 of the Revised 15258
Code, for the purpose of preserving the peace and enforcing all 15259
laws of the state and ordinances and regulations of the municipal 15260
corporation within the areas that may be agreed to by the regional 15261
transit authority and the municipal corporation. 15262

Sec. 307.679. (A) As used in this section: 15263

(1) "Sports park" means any facility designed and constructed 15264
as a venue for public entertainment and recreation by the 15265
presentation of sporting and athletic events, or other events and 15266
exhibitions, including a facility designed to provide a site for 15267
one or more athletic or sports teams or activities, spectator 15268
facilities, parking facilities, walkways, and auxiliary 15269
facilities; real and personal property; property rights; 15270
easements; leasehold estates; and other interests appropriate for, 15271
or used in connection with, the operation of those facilities. 15272
"Sports park" includes sports complexes consisting of multiple 15273
athletic fields for youth and secondary school students and 15274
related spectator, parking, and auxiliary facilities. 15275

(2) "Sports park bonds" means bonds, notes, or any other debt 15276
issued by a county or a port authority for a project, including 15277
any bonds issued to refinance or otherwise refund such debt. 15278

(3) "Debt service charges" means the principal of and 15279
interest and any premium due on sports park bonds whether due at 15280
maturity or upon mandatory redemption, together with any required 15281
deposits to reserves for the payment of principal of and interest 15282
on such sports park bonds, and includes any payments required by a 15283

port authority to satisfy any of its obligations arising from any 15284
guaranty agreements, reimbursement agreements, or other credit 15285
enhancement agreements described in this section. 15286

(4) "Eligible corporation" means a nonprofit corporation that 15287
is organized under the laws of this state the authorized purposes 15288
of which encompasses the ability to construct, lease, and operate 15289
a sports park, including a nonprofit corporation established under 15290
Chapter 1702. or a community improvement corporation established 15291
under Chapter 1724. of the Revised Code. 15292

(5) "Operator" means the person that leases or subleases a 15293
sports park from a county, port authority, or eligible corporation 15294
and that operates and manages the sports park. 15295

(6) "Port authority" means a port authority created under 15296
Chapter 4582. of the Revised Code. 15297

(7) "Project" means acquiring, constructing, reconstructing, 15298
renovating, rehabilitating, expanding, adding to, equipping, 15299
furnishing, or otherwise improving a sports park. 15300

(8) "One purpose," "permanent improvement," and "person," 15301
have the same meanings as in section 133.01 of the Revised Code. 15302

(B) The board of county commissioners of a county having a 15303
population greater than seventy-five thousand but less than 15304
seventy-eight thousand according to the 2010 federal decennial 15305
census may enter into a cooperative agreement with a port 15306
authority, eligible corporation, operator, or any other person 15307
under which: 15308

(1) The board agrees to do any or all of the following: 15309

(a) Levy a tax or increase the rate of a tax under section 15310
5739.09 of the Revised Code, as authorized by that section; 15311

(b) Acquire, convey, or lease real or other property for a 15312
project; 15313

<u>(c) Issue sports park bonds for a project;</u>	15314
<u>(d) Pledge and contribute all or a portion of the revenue from taxes the board agrees to levy under division (B)(1)(a) of this section, together with any investment and earnings on that revenue, to pay debt service charges;</u>	15315 15316 15317 15318
<u>(e) Pledge and contribute nontax revenues, together with any investment and earnings on such revenues, to pay the debt service charges, and, as the board considers appropriate, use all or any portion of a tax levied under section 5739.09 of the Revised Code to maintain, pay, or otherwise satisfy county obligations and expenses that such nontax revenues would otherwise pay;</u>	15319 15320 15321 15322 15323 15324
<u>(f) Construct a sports park;</u>	15325
<u>(g) Authorize the port authority, eligible corporation, operator, or other person to administer on behalf of the county any contracts for a project.</u>	15326 15327 15328
<u>(2) The port authority agrees to do any or all of the following:</u>	15329 15330
<u>(a) Acquire, convey, or lease real or other property for a project;</u>	15331 15332
<u>(b) Issue sports park bonds for a project;</u>	15333
<u>(c) Construct a sports park;</u>	15334
<u>(d) Authorize the eligible corporation, operator, or other person to administer on behalf of the port authority any contracts for a project.</u>	15335 15336 15337
<u>(3) The eligible corporation agrees to do any or all of the following:</u>	15338 15339
<u>(a) Acquire, convey, or lease real or other property for a project;</u>	15340 15341
<u>(b) Construct a sports park;</u>	15342

(c) Authorize the operator or another person to administer on behalf of the corporation any contracts for a project. 15343
15344

(4) The operator agrees to do any or all of the following: 15345

(a) Acquire, convey, or lease real or other property for a project; 15346
15347

(b) Administer on behalf of the county, port authority, or corporation, any contracts for a project; 15348
15349

(c) Lease a sports park from the county, port authority, or corporation on terms to be agreed upon between the operator and the lessor, including a lease-purchase agreement under which the operator agrees to acquire for one dollar the sports park at the later of the end of the lease or upon retirement of the sports park bonds; 15350
15351
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(d) Operate and maintain the sports park. 15356

(C) The pledges and contributions provided for in a cooperative agreement entered into under this section shall be for the period prescribed in the cooperative agreement, but shall not exceed the period necessary to retire any sports park bonds and to satisfy any sports park bond issuing authority's obligations arising from a guaranty agreement, reimbursement agreement, or other credit enhancement agreement relating to sports park bonds or to the revenues pledged to such bonds. 15357
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The cooperative agreement shall provide for its termination, including termination of the pledges and contributions described in division (B) of this section if the sports park bonds have not been issued, sold, and delivered within two years after the effective date of the cooperative agreement. The cooperative agreement shall provide that any sports park bonds shall be secured by a trust agreement between the issuing authority and a corporate trustee that is a trust company or bank having the powers of a trust company. If the bonds are issued by the port 15365
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authority, the county may be a party to such trust agreement for 15374
the purpose of securing the pledge by the county of its 15375
contribution to the corporation pursuant to division (B)(1) of 15376
this section. 15377

A pledge of money by a county under this section shall not be 15378
net indebtedness of the county for purposes of section 133.07 of 15379
the Revised Code. Transactions described in divisions (B)(1)(b), 15380
(2)(a), (3)(a), and (4)(a) and (c) of this section are not subject 15381
to the requirements and limitations of sections 307.02, 307.09, 15382
307.12, 307.86, 307.862, and 4582.12 of the Revised Code. A 15383
project is a permanent improvement for one purpose for the 15384
purposes of Chapter 133. of the Revised Code. 15385

Sec. 317.08. (A) The county recorder shall record all 15386
instruments in one general record series to be known as the 15387
"official records." The county recorder shall record in the 15388
official records all of the following instruments that are 15389
presented for recording, upon payment of the fees prescribed by 15390
law: 15391

(1) Deeds and other instruments of writing for the absolute 15392
and unconditional sale or conveyance of lands, tenements, and 15393
hereditaments; 15394

(2) Notices as provided in sections 5301.47 to 5301.56 of the 15395
Revised Code; 15396

(3) Judgments or decrees in actions brought under section 15397
5303.01 of the Revised Code; 15398

(4) Declarations and bylaws, and all amendments to 15399
declarations and bylaws, as provided in Chapter 5311. of the 15400
Revised Code; 15401

(5) Affidavits as provided in sections 5301.252 and 5301.56 15402
of the Revised Code; 15403

(6) Certificates as provided in section 5311.17 of the Revised Code;	15404 15405
(7) Articles dedicating archaeological preserves accepted by the director of the Ohio historical society under section 149.52 of the Revised Code;	15406 15407 15408
(8) Articles dedicating nature preserves accepted by the director of natural resources under section 1517.05 of the Revised Code;	15409 15410 15411
(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	15412 15413
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	15414 15415 15416 15417
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	15418 15419
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	15420 15421
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	15422 15423 15424
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	15425 15426 15427 15428 15429 15430 15431
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	15432 15433

(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	15434 15435
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	15436 15437 15438
(18) Agreements entered into under section 1506.44 of the Revised Code;	15439 15440
(19) Mortgages, including amendments, supplements, modifications, and extensions of mortgages, or other instruments of writing by which lands, tenements, or hereditaments are or may be mortgaged or otherwise conditionally sold, conveyed, affected, or encumbered;	15441 15442 15443 15444 15445
(20) Executory installment contracts for the sale of land executed after September 29, 1961, that by their terms are not required to be fully performed by one or more of the parties to them within one year of the date of the contracts;	15446 15447 15448 15449
(21) Options to purchase real estate, including supplements, modifications, and amendments of the options, but no option of that nature shall be recorded if it does not state a specific day and year of expiration of its validity;	15450 15451 15452 15453
(22) Any tax certificate sold under section 5721.33 of the Revised Code, or memorandum of it, that is presented for filing of record;	15454 15455 15456
(23) Powers of attorney, including all memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that do not describe specific real property;	15457 15458 15459
(24) Plats and maps of town lots, of the subdivision of town lots, and of other divisions or surveys of lands, any center line survey of a highway located within the county, the plat of which shall be furnished by the director of transportation or county	15460 15461 15462 15463

engineer, and all drawings and amendments to drawings, as provided 15464
in Chapter 5311. of the Revised Code; 15465

(25) Leases, including a lease described in section 5301.09 15466
of the Revised Code, memoranda of leases, and supplements, 15467
modifications, and amendments of leases and memoranda of leases; 15468

(26) Declarations executed pursuant to section 2133.02 of the 15469
Revised Code and durable powers of attorney for health care 15470
executed pursuant to section 1337.12 of the Revised Code; 15471

(27) Unemployment compensation liens, internal revenue tax 15472
liens, and other liens in favor of the United States as described 15473
in division (A) of section 317.09 of the Revised Code, personal 15474
tax liens, mechanic's liens, agricultural product liens, notices 15475
of liens, certificates of satisfaction or partial release of 15476
estate tax liens, discharges of recognizances, excise and 15477
franchise tax liens on corporations, broker's liens, and liens 15478
provided for in section 1513.33, 1513.37, 3752.13, 4141.23, 15479
5111.022, or 5311.18 of the Revised Code; ~~and~~ 15480

(28) Corrupt activity lien notices filed pursuant to section 15481
2923.36 of the Revised Code and medicaid fraud lien notices filed 15482
pursuant to section 2933.75 of the Revised Code; 15483

(29) Notices attached to real property under section 6112.06, 15484
6117.52, or 6119.60 of the Revised Code. 15485

(B) All instruments or memoranda of instruments entitled to 15486
record shall be recorded in the order in which they are presented 15487
for recording. 15488

The recording of an option to purchase real estate, including 15489
any supplement, modification, and amendment of the option, under 15490
this section shall serve as notice to any purchaser of an interest 15491
in the real estate covered by the option only during the period of 15492
the validity of the option as stated in the option. 15493

(C) In addition to the official records, a county recorder 15494
may elect to keep a separate set of records that contain the 15495
instruments listed in division (A)(24) of this section. 15496

(D) As part of the official records, the county recorder 15497
shall keep a separate set of records containing all transfers, 15498
conveyances, or assignments of any type of tangible or intangible 15499
personal property or any rights or interests in that property if 15500
and to the extent that any person wishes to record that personal 15501
property transaction and if the applicable instrument is 15502
acknowledged before a notary public. If the transferor is a 15503
natural person, the notice of personal property transfer shall be 15504
recorded in the county in this state in which the transferor 15505
maintains the transferor's principal residence. If the transferor 15506
is not a natural person, the notice of personal property transfer 15507
shall be recorded in the county in this state in which the 15508
transferor maintains its principal place of business. If the 15509
transferor does not maintain a principal residence or a principal 15510
place of business in this state and the transfer is to a trustee 15511
of a legacy trust formed pursuant to Chapter 5816. of the Revised 15512
Code, the notice of personal property transfer shall be recorded 15513
in the county in this state where that trustee maintains a 15514
principal residence or principal place of business. In all other 15515
instances, the notice of personal property transfer shall be 15516
recorded in the county in this state where the property described 15517
in the notice is located. 15518

Sec. 317.241. (A) Commencing on January 1, 2017, a county 15519
recorder shall issue an Ohio veterans identification card to an 15520
individual who is not eligible for a federally issued veterans 15521
identification card, and who has met the following requirements: 15522

(1) Presented the individual's armed forces discharge record 15523
for recording in the record of discharges in the office of the 15524

<u>county recorder;</u>	15525
<u>(2) Provided, while appearing in person at a county recorder's office, two forms of current and valid identification, at least one of which bears a photograph of the individual;</u>	15526 15527 15528
<u>(3) Paid a fee not to exceed two dollars.</u>	15529
<u>An Ohio veterans identification card expires ten years after the date of issuance. A veteran whose identification card has expired may apply to a county recorder for the issuance of a new identification card, and a veteran whose current card has been lost or damaged, may apply to a county recorder for a replacement identification card, by meeting the requirements described in this section.</u>	15530 15531 15532 15533 15534 15535 15536
<u>(B) The following documents are valid forms of identification for the purposes of this section:</u>	15537 15538
<u>(1) An original or a certified birth certificate.</u>	15539
<u>(2) An identification card issued by the United States department of veterans affairs.</u>	15540 15541
<u>(3) A United States military identification card.</u>	15542
<u>(4) A social security card.</u>	15543
<u>(5) A license or permit to carry a concealed weapon issued by this state or any other state.</u>	15544 15545
<u>(6) A motor vehicle operator's license issued by this state or any other state that bears a photograph of the licensee.</u>	15546 15547
<u>(7) An identification card issued by this state or any other state that bears a photograph of the individual identified.</u>	15548 15549
<u>(8) A valid passport that bears a photograph of the individual to whom the passport was issued.</u>	15550 15551
<u>(9) A United States armed forces discharge record.</u>	15552
<u>(C) Fees collected under this section shall be deposited into</u>	15553

the county treasury to the credit of the county recorder's 15554
technology fund established under section 317.321 of the Revised 15555
Code. If no such fund exists, the fee shall be deposited into the 15556
county general fund. 15557

(D)(1) An Ohio veterans identification card shall conform to 15558
the material and design standards established by the director of 15559
veterans services. 15560

(2) An applicant for an Ohio veterans identification card 15561
shall be photographed in color at the time the application for the 15562
card is made. A county recorder shall provide the necessary 15563
equipment to take a color photograph of an applicant for an Ohio 15564
veterans identification card. Photographic records of a county 15565
recorder's office that are obtained under this section are the 15566
property of the county recorder's office. 15567

(E) All application materials, including applications, 15568
photographs, documents, or other information submitted with an 15569
application or obtained by a county recorder are not public 15570
records under section 149.43 of the Revised Code. The county 15571
recorder may only release application materials as follows: 15572

(1) To a state, local, or federal governmental agency for 15573
criminal justice purposes or to a court for any purpose arising in 15574
the court. 15575

(2) To the department of veterans services, but only if the 15576
veteran gives prior signed written approval. 15577

(3) To a county veterans service commission, but only if the 15578
veteran gives prior signed written approval. 15579

A governmental agency, a court, the department of veterans 15580
services, or a county veterans service commission to which 15581
application materials have been released shall maintain the 15582
confidentiality of those materials. 15583

(F) A county recorder may contract with any other political subdivision of the state for Ohio veterans identification card production services. 15584
15585
15586

(G) A county recorder may accept donations, in the form of supplies and equipment, to be used in the production of Ohio veterans identification cards. 15587
15588
15589

Sec. 317.36. (A) The county recorder shall collect the low- 15590
and moderate-income housing trust fund fee as specified in 15591
sections 317.114, 317.32, 1563.42, 1702.59, 2505.13, 4141.23, 15592
4509.60, 5164.56, 5310.15, 5703.93, 5719.07, 5727.56, 5733.22, 15593
6101.09, and 6115.09 of the Revised Code. The amount of any 15594
housing trust fund fee the recorder is authorized to collect is 15595
equal to the amount of any base fee the recorder is authorized to 15596
collect for services. The housing trust fund fee shall be 15597
collected in addition to the base fee. 15598

(B) The recorder shall certify the amounts collected as 15599
housing trust fund fees pursuant to division (A) of this section 15600
into the county treasury as housing trust fund fees to be paid as 15601
follows: 15602

(1) Fifty per cent shall be paid to the treasurer of state 15603
pursuant to section 319.63 of the Revised Code. 15604

(2) Fifty per cent shall be paid to the board of 15605
commissioners of the county for the purpose of housing for the 15606
homeless, including homeless youth and homeless prevention, low 15607
income housing, housing assistance for people with disabilities, 15608
housing assistance for the elderly, housing assistance for youth 15609
in need, housing assistance for people in recovery, and housing 15610
assistance for people in need of alternatives to institutional 15611
settings in that county. The county shall maintain a preference 15612
for projects serving persons with an annual household income of 15613
thirty-five per cent of the state median or below. 15614

Sec. 319.63. (A) During the first thirty days of each 15615
calendar quarter, the county auditor shall pay to the treasurer of 15616
state ~~all~~ fifty per cent of the amounts that the county recorder 15617
collected as housing trust fund fees pursuant to section 317.36 of 15618
the Revised Code during the previous calendar quarter. If payment 15619
is made to the treasurer of state within the first thirty days of 15620
the quarter, the county auditor may retain of the amounts to be 15621
paid to the treasurer of state an administrative fee of one per 15622
cent of the amount of the trust fund fees collected during the 15623
previous calendar quarter. 15624

(B) The treasurer of state shall deposit the first fifty 15625
million dollars of housing trust fund fees received each year 15626
pursuant to this section into the low- and moderate-income housing 15627
trust fund, created under section 174.02 of the Revised Code, ~~and~~. 15628
The treasurer of state shall deposit any amounts received each 15629
year in excess of fifty million dollars into the housing trust 15630
reserve fund created under section 174.09 of the Revised Code, 15631
unless the cash balance of the housing trust reserve fund is 15632
greater than fifteen million dollars. In that event, the treasurer 15633
of state shall deposit any amounts received each year in excess of 15634
fifty million dollars into the state general revenue fund. 15635

(C) The county auditor shall deposit the administrative fee 15636
that the auditor is permitted to retain pursuant to division (A) 15637
of this section into the county general fund for the county 15638
recorder to use in administering the trust fund fee. 15639

Sec. 321.24. (A) On or before the fifteenth day of February, 15640
in each year, the county treasurer shall settle with the county 15641
auditor for all taxes and assessments that the treasurer has 15642
collected on the general duplicate of real and public utility 15643
property at the time of making the settlement. If the county 15644
treasurer has made or will make advance payments to the several 15645

taxing districts of current year unpaid taxes under section 15646
321.341 of the Revised Code before collecting them, the county 15647
treasurer shall take the advance payments into account for 15648
purposes of the settlement with the county auditor under this 15649
division. 15650

(B) On or before the thirtieth day of June, in each year, the 15651
treasurer shall settle with the auditor for all advance payments 15652
of general personal and classified property taxes that the 15653
treasurer has received at the time of making the settlement. 15654

(C) On or before the tenth day of August, in each year, the 15655
treasurer shall settle with the auditor for all taxes and 15656
assessments that the treasurer has collected on the general 15657
duplicates of real and public utility property at the time of 15658
making such settlement, not included in the preceding February 15659
settlement. If the county treasurer has made or will make advance 15660
payments to the several taxing districts of the current year 15661
delinquent taxes under section 321.341 of the Revised Code before 15662
collecting them, the county treasurer shall take the advance 15663
payments into account for purposes of the settlement with the 15664
county auditor under this division. 15665

(D) On or before the thirty-first day of October, in each 15666
year, the treasurer shall settle with the auditor for all taxes 15667
that the treasurer has collected on the general personal and 15668
classified property duplicates, and for all advance payments of 15669
general personal and classified property taxes, not included in 15670
the preceding June settlement, that the treasurer has received at 15671
the time of making such settlement. 15672

(E) In the event the time for the payment of taxes is 15673
extended, pursuant to section 323.17 of the Revised Code, the date 15674
on or before which settlement for the taxes so extended must be 15675
made, as herein prescribed, shall be deemed to be extended for a 15676

like period of time. At each such settlement, the auditor shall 15677
allow to the treasurer, on the moneys received or collected and 15678
accounted for by the treasurer, the treasurer's fees, at the rate 15679
or percentage allowed by law, at a full settlement of the 15680
treasurer. 15681

(F) Within thirty days after the day of each settlement of 15682
taxes required under divisions (A) and (C) of this section, the 15683
treasurer shall certify to the tax commissioner any adjustments 15684
that have been made to the amount certified previously pursuant to 15685
section 319.302 of the Revised Code and that the settlement has 15686
been completed. Upon receipt of such certification, the 15687
commissioner shall provide for payment to the county treasurer 15688
from the general revenue fund of an amount equal to one-half of 15689
the amount certified by the treasurer in the preceding tax year 15690
under section 319.302 of the Revised Code, less one-half of the 15691
amount computed for all taxing districts in that county for the 15692
current fiscal year under section 5703.80 of the Revised Code for 15693
crediting to the property tax administration fund. Such payment 15694
shall be credited upon receipt to the county's undivided income 15695
tax fund, and the county auditor shall transfer to the county 15696
general fund from the amount thereof the total amount of all fees 15697
and charges which the auditor and treasurer would have been 15698
authorized to receive had such section not been in effect and that 15699
amount had been levied and collected as taxes. The county auditor 15700
shall distribute the amount remaining among the various taxing 15701
districts in the county as if it had been levied, collected, and 15702
settled as real property taxes. The amount distributed to each 15703
taxing district shall be reduced by the total of the amounts 15704
computed for the district under section 5703.80 of the Revised 15705
Code, but the reduction shall not exceed the amount that otherwise 15706
would be distributed to the taxing district under this division. 15707
The tax commissioner shall make available to taxing districts such 15708
information as is sufficient for a taxing district to be able to 15709

determine the amount of the reduction in its distribution under 15710
this section. 15711

(G)(1) Within thirty days after the day of the settlement 15712
required in division (D) of this section, the county treasurer 15713
shall notify the tax commissioner that the settlement has been 15714
completed. Upon receipt of that notification, the commissioner 15715
shall provide for payment to the county treasurer from the general 15716
revenue fund of an amount equal to the amount certified under 15717
former section 319.311 of the Revised Code and paid in the state's 15718
fiscal year 2003 multiplied by the percentage specified in 15719
division (G)(2) of this section. The payment shall be credited 15720
upon receipt to the county's undivided income tax fund, and the 15721
county auditor shall distribute the amount thereof among the 15722
various taxing districts of the county as if it had been levied, 15723
collected, and settled as personal property taxes. The amount 15724
received by a taxing district under this division shall be 15725
apportioned among its funds in the same proportion as the current 15726
year's personal property taxes are apportioned. 15727

(2) Payments required under division (G)(1) of this section 15728
shall be made at the following percentages of the amount certified 15729
under former section 319.311 of the Revised Code and paid under 15730
division (G)(1) of this section in the state's fiscal year 2003: 15731

(a) In fiscal year 2004, ninety per cent; 15732

(b) In fiscal year 2005, eighty per cent; 15733

(c) In fiscal year 2006, sixty-four per cent; 15734

(d) In fiscal year 2007, forty per cent; 15735

(e) In fiscal year 2008, thirty-two per cent; 15736

(f) In fiscal year 2009, sixteen per cent. 15737

After fiscal year 2009, no payments shall be made under 15738
division (G)(1) of this section. 15739

(H)(1) On or before the fifteenth day of April each year, the county treasurer shall settle with the county auditor for all manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(2) On or before the fifteenth day of September each year, the county treasurer shall settle with the county auditor for all remaining manufactured home taxes that the county treasurer has collected on the manufactured home tax duplicate at the time of making the settlement.

(3) If the time for payment of such taxes is extended under section 4503.06 of the Revised Code, the time for making the settlement as prescribed by divisions (H)(1) and (2) of this section is extended for a like period of time.

(I) On or before the second Monday in September of each year, the county treasurer shall certify to the tax commissioner the total amount by which the manufactured home taxes levied in that year were reduced pursuant to section 319.302 of the Revised Code. Within ninety days after the receipt of such certification, the commissioner shall provide for payment to the county treasurer from the general revenue fund of an amount equal to the amount certified by the treasurer. Such payment shall be credited upon receipt to the county's undivided income tax fund, and the county auditor shall transfer to the county general fund from the amount thereof the total amount of all fees and charges that the auditor and treasurer would have been authorized to receive had such section not been in effect and that amount had been levied and collected as manufactured home taxes. The county auditor shall distribute the amount remaining among the various taxing districts in the county as if it had been levied, collected, and settled as manufactured home taxes.

(J) On the same date as each settlement of taxes under

divisions (A) and (C) of this section, and notwithstanding any 15772
other provision of this section, the county treasurer shall 15773
provide for payment to the treasurer of state, from the county 15774
undivided general tax fund, of an amount equal to the amount of 15775
the taxes and assessments the treasurer has collected with respect 15776
to the tangible personal property of electric companies and energy 15777
companies, as those terms are defined in section 5727.01 of the 15778
Revised Code, multiplied by a fraction, the numerator of which is 15779
the difference between the percentage determined for that tax year 15780
under division (B)(3) of section 5727.09 of the Revised Code and 15781
eighty-five per cent, and the denominator of which is the 15782
percentage determined for that tax year under that division. The 15783
treasurer of state shall place all money transferred pursuant to 15784
this division to the credit of the production equipment property 15785
tax replacement fund, which is hereby created in the state 15786
treasury. 15787

Sec. 323.13. Except as provided in section 323.134 of the 15788
Revised Code, immediately upon receipt of any tax duplicate from 15789
the county auditor, but not less than twenty days prior to the 15790
last date on which the first one-half taxes may be paid without 15791
penalty as prescribed in section 323.12 or 323.17 of the Revised 15792
Code, the county treasurer shall cause to be prepared and mailed 15793
or delivered to each person charged on such duplicate with taxes 15794
or to an agent designated by such person, the tax bill prescribed 15795
by the commissioner of tax equalization under section 323.131 of 15796
the Revised Code. When taxes are paid by installments, the county 15797
treasurer shall mail or deliver to each person charged on such 15798
duplicate or the agent designated by such person, a second tax 15799
bill showing the amount due at the time of the second tax 15800
collection. The second-half tax bill shall be mailed or delivered 15801
at least twenty days prior to the close of the second-half tax 15802
collection period. The treasurer shall maintain a record of the 15803

person or agent to whom each bill is mailed or delivered. 15804

After delivery of the delinquent land duplicate as prescribed 15805
in section 5721.011 of the Revised Code, the county treasurer may 15806
prepare and mail to each person in whose name property therein is 15807
listed an additional tax bill showing the total amount of 15808
delinquent taxes appearing on such duplicate against such 15809
property. The tax bill shall include a notice that the interest 15810
charge prescribed by division (B) of section 323.121 of the 15811
Revised Code has begun to accrue. 15812

A change in the mailing address of any tax bill shall be made 15813
in writing to the county treasurer. 15814

Upon certification by the county auditor of the apportionment 15815
of taxes following the transfer of a part of a tract or lot of 15816
real estate, and upon request by the owner of any transferred or 15817
remaining part of such tract or parcel, the treasurer shall cause 15818
to be prepared and mailed or delivered to such owner a tax bill 15819
for the taxes allocated to the owner's part, together with the 15820
penalties, interest, and other charges. 15821

Failure to receive any bill required by this section does not 15822
excuse failure or delay to pay any taxes shown on such bill or, 15823
except as provided in division (B)(1) of section 5715.39 of the 15824
Revised Code, avoid any penalty, interest, or charge for such 15825
delay. 15826

Sec. 325.03. Each county auditor shall be classified, for 15827
salary purposes, according to the population of the county. All 15828
county auditors shall receive annual compensation in accordance 15829
with the following schedules and in accordance with section 325.18 15830
of the Revised Code: 15831

15832

~~(A) CLASSIFICATION AND COMPENSATION SCHEDULE~~

15833

FOR CALENDAR YEAR 2000			15834
Class	Population Range	Compensation	15835
1	1—20,000	\$39,368	15836
2	20,001—40,000	41,706	15837
3	40,001—55,000	43,911	15838
4	55,001—70,000	45,376	15839
5	70,001—85,000	46,876	15840
6	85,001—95,000	51,801	15841
7	95,001—105,000	53,383	15842
8	105,001—125,000	54,927	15843
9	125,001—175,000	57,950	15844
10	175,001—275,000	59,911	15845
11	275,001—400,000	65,004	15846
12	400,001—550,000	67,213	15847
13	550,001—1,000,000	69,267	15848
14	Over 1,000,000	71,225	15849
(B) CLASSIFICATION AND COMPENSATION SCHEDULE			15850
FOR CALENDAR YEAR 2001			15851
Class	Population Range	Compensation	15852
1	1—20,000	\$40,549	15853
2	20,001—40,000	42,957	15854
3	40,001—55,000	45,228	15855
4	55,001—70,000	46,737	15856
5	70,001—85,000	48,282	15857
6	85,001—95,000	53,356	15858
7	95,001—105,000	54,983	15859
8	105,001—125,000	56,575	15860
9	125,001—175,000	59,690	15861
10	175,001—275,000	61,708	15862
11	275,001—400,000	66,953	15863
12	400,001—550,000	69,229	15864
13	550,001—1,000,000	71,345	15865
14	Over 1,000,000	73,362	15866

~~(C)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 15867

FOR CALENDAR YEAR 2002 15868

Class	Population Range	Compensation	
1	1 - 20,000	\$41,765	15870
2	20,001 - 40,000	44,246	15871
3	40,001 - 55,000	46,585	15872
4	55,001 - 70,000	48,139	15873
5	70,001 - 85,000	49,731	15874
6	85,001 - 95,000	54,957	15875
7	95,001 - 105,000	56,633	15876
8	105,001 - 125,000	58,272	15877
9	125,001 - 175,000	61,480	15878
10	175,001 - 275,000	63,560	15879
11	275,001 - 400,000	68,962	15880
12	400,001 - 550,000	71,306	15881
13	550,001 - 1,000,000	73,485	15882
14	Over 1,000,000	75,563	15883

~~(D)~~ CLASSIFICATION AND COMPENSATION SCHEDULE 15884

~~AFTER~~ FOR CALENDAR YEAR 2002 2016 15885

Class	Population Range	Compensation	
1	1 - 20,000	\$45,573 <u>56,103</u>	15887
2	20,001 - 35,000	47,983 <u>59,069</u>	15888
3	35,001 - 55,000	49,584 <u>61,039</u>	15889
4	55,001 - 95,000	58,332 <u>71,810</u>	15890
5	95,001 - 200,000	65,466 <u>80,592</u>	15891
6	200,001 - 400,000	73,445 <u>90,414</u>	15892
7	400,001 - 1,000,000	77,829 <u>95,810</u>	15893
8	1,000,001 or more	80,164 <u>98,684</u>	15894

CLASSIFICATION AND COMPENSATION SCHEDULE 15895

FOR CALENDAR YEAR 2017 AND THEREAFTER 15896

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,091</u>	15898
<u>2</u>	<u>55,001 - 95,000</u>	<u>75,400</u>	15899

<u>3</u>	<u>95,001 - 200,000</u>	<u>84,621</u>	15900
<u>4</u>	<u>200,001 - 400,000</u>	<u>94,935</u>	15901
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>100,601</u>	15902
<u>6</u>	<u>1,000,001 or more</u>	<u>103,618</u>	15903

Sec. 325.04. Each county treasurer shall be classified, for 15904
salary purposes, according to the population of the county. All 15905
county treasurers shall receive annual compensation in accordance 15906
with the following schedules and in accordance with section 325.18 15907
of the Revised Code: 15908

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 15909

~~FOR CALENDER YEAR 2000~~ 15910

Class	Population Range	Compensation	
1	1 — 20,000	\$29,932	15911
2	20,001 — 40,000	32,426	15912
3	40,001 — 55,000	34,921	15913
4	55,001 — 70,000	37,415	15914
5	70,001 — 85,000	39,078	15915
6	85,001 — 95,000	42,404	15916
7	95,001 — 105,000	44,067	15917
8	105,001 — 125,000	45,729	15918
9	125,001 — 175,000	48,640	15919
10	175,001 — 275,000	50,718	15920
11	275,001 — 400,000	54,460	15921
12	400,001 — 550,000	56,538	15922
13	550,001 — 1,000,000	58,617	15923
14	Over 1,000,000	60,695	15924

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 15925

~~FOR CALENDER~~ CALENDAR YEAR 2001 15926

Class	Population Range	Compensation	
1	1 - 20,000	\$33,399	15927
2	20,001 - 35,000	35,969	15928
3	35,001 - 55,000	38,537	15929

4	55,001 - 95,000	45,389	15932
5	95,001 - 200,000	52,240	15933
6	200,001 - 400,000	58,234	15934
7	400,001 - 1,000,000	62,516	15935
8	1,000,001 or more	64,704	15936

CLASSIFICATION AND COMPENSATION SCHEDULE 15937

FOR CALENDAR YEAR 2016 15938

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	15939
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	15940
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	15941
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	15942
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	15943
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	15944
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	15945
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	15946
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	15947

CLASSIFICATION AND COMPENSATION SCHEDULE 15948

FOR CALENDAR YEAR 2017 AND THEREAFTER 15949

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	15950
<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	15951
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	15952
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	15953
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	15954
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	15955
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	15956

Sec. 325.06. (A) Each sheriff shall be classified, for salary 15957
purposes, according to the population of the county. All sheriffs 15958
shall receive annual compensation in accordance with the following 15959
schedules and in accordance with section 325.18 of the Revised 15960
Code: 15961

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 15962

~~FOR CALENDAR YEAR 2000~~ 15963

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
1	1 — 20,000	\$37,172	15964
2	20,001 — 40,000	39,666	15965
3	40,001 — 55,000	42,160	15966
4	55,001 — 70,000	43,824	15967
5	70,001 — 85,000	47,737	15968
6	85,001 — 95,000	49,401	15969
7	95,001 — 105,000	51,063	15970
8	105,001 — 125,000	52,727	15971
9	125,001 — 175,000	55,636	15972
10	175,001 — 275,000	62,216	15973
11	275,001 — 400,000	64,296	15974
12	400,001 — 600,000	69,699	15975
13	600,001 — 1,000,000	71,778	15976
14	Over 1,000,000	73,857	15977

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR ~~CALENDAR~~ CALENDAR YEAR 2001

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
1	1 - 20,000	\$40,855	15978
2	20,001 - 35,000	43,425	15979
3	35,001 - 55,000	45,139	15980
4	55,001 - 95,000	52,595	15981
5	95,001 - 200,000	64,082	15982
6	200,001 - 400,000	71,790	15983
7	400,001 - 1,000,000	76,073	15984
8	1,000,001 or more	78,279	15985

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2016

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$50,295</u>	15986
<u>2</u>	<u>20,001 - 35,000</u>	<u>53,458</u>	15987
<u>3</u>	<u>35,001 - 55,000</u>	<u>55,568</u>	15988
<u>4</u>	<u>55,001 - 95,000</u>	<u>64,747</u>	15989

<u>5</u>	<u>95,001 - 200,000</u>	<u>78,888</u>	15997
<u>6</u>	<u>200,001 - 400,000</u>	<u>88,379</u>	15998
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>93,650</u>	15999
<u>8</u>	<u>1,000,001 or more</u>	<u>96,364</u>	16000

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2017

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$58,347</u>	16003
<u>2</u>	<u>55,001 - 95,000</u>	<u>67,985</u>	16004
<u>3</u>	<u>95,001 - 200,000</u>	<u>82,832</u>	16005
<u>4</u>	<u>200,001 - 400,000</u>	<u>92,797</u>	16006
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>98,332</u>	16007
<u>6</u>	<u>1,000,001 or more</u>	<u>101,182</u>	16008

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEAR 2018

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$61,624</u>	16009
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,384</u>	16010
<u>3</u>	<u>95,001 - 200,000</u>	<u>86,974</u>	16011
<u>4</u>	<u>200,001 - 400,000</u>	<u>97,437</u>	16012
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>103,249</u>	16013
<u>6</u>	<u>1,000,001 or more</u>	<u>106,241</u>	16014

CLASSIFICATION AND COMPENSATION SCHEDULE

FOR CALENDAR YEARS 2019 AND THEREAFTER

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,327</u>	16015
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,953</u>	16016
<u>3</u>	<u>95,001 - 200,000</u>	<u>91,322</u>	16017
<u>4</u>	<u>200,001 - 400,000</u>	<u>102,309</u>	16018
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>108,411</u>	16019
<u>6</u>	<u>1,000,001 or more</u>	<u>111,553</u>	16020

(B) In addition to the annual compensation that a sheriff receives under this section for performing the duties of sheriff

prescribed by law, each sheriff shall receive in consideration of 16030
the impact of Amended Substitute Senate Bill No. 2 of the 121st 16031
general assembly on the workload of the sheriff, an additional 16032
amount equal to one-eighth of the annual compensation that the 16033
sheriff receives under division (A) of this section and section 16034
325.18 of the Revised Code. This additional compensation shall be 16035
paid biweekly from the county treasury if adequate funds have been 16036
appropriated by the general assembly. If adequate funds have been 16037
appropriated by the general assembly for the purposes of this 16038
section, not later than the fifteenth day of March and September 16039
of each year, the attorney general shall reimburse the fiscal 16040
officer of the county the amount of additional compensation paid 16041
under this division, the related amount of employer contributions 16042
made under Chapter 145. of the Revised Code as required by the 16043
public employees retirement board, and the related amount of the 16044
payments to the social security administration for employer 16045
contributions for Medicare part A. The fiscal officer shall 16046
deposit the revenue in the county treasury. 16047

Sec. 325.08. Each clerk of the court of common pleas shall be 16048
classified, for salary purposes, according to the population of 16049
the county. All clerks of the court of common pleas shall receive 16050
annual compensation in accordance with the following schedules and 16051
in accordance with section 325.18 of the Revised Code: 16052

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16053

~~FOR CALENDER YEAR 2000~~ 16054

Class	Population Range	Compensation	
1	1 — 20,000	\$29,932	16055
2	20,001 — 40,000	32,426	16056
3	40,001 — 55,000	34,921	16057
4	55,001 — 70,000	37,415	16058
5	70,001 — 85,000	39,078	16059
6	85,001 — 95,000	42,404	16060

7	95,001 — 105,000	44,067	16062
8	105,001 — 125,000	45,729	16063
9	125,001 — 175,000	48,640	16064
10	175,001 — 275,000	50,718	16065
11	275,001 — 400,000	54,460	16066
12	400,001 — 600,000	56,538	16067
13	600,001 — 1,000,000	58,616	16068
14	Over 1,000,000	60,695	16069

CLASSIFICATION AND COMPENSATION SCHEDULE 16070

FOR ~~CALENDAR~~ CALENDAR YEAR 2001 16071

Class	Population Range	Compensation	
1	1 - 20,000	\$33,399	16073
2	20,001 - 35,000	35,969	16074
3	35,001 - 55,000	38,537	16075
4	55,001 - 95,000	45,389	16076
5	95,001 - 200,000	52,240	16077
6	200,001 - 400,000	58,234	16078
7	400,001 - 1,000,000	62,516	16079
8	1,000,001 or more	64,704	16080

CLASSIFICATION AND COMPENSATION SCHEDULE 16081

FOR CALENDAR YEAR 2016 16082

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$41,115</u>	16084
<u>2</u>	<u>20,001 - 35,000</u>	<u>44,281</u>	16085
<u>3</u>	<u>35,001 - 55,000</u>	<u>47,441</u>	16086
<u>4</u>	<u>55,001 - 95,000</u>	<u>55,875</u>	16087
<u>5</u>	<u>95,001 - 200,000</u>	<u>64,309</u>	16088
<u>6</u>	<u>200,001 - 400,000</u>	<u>71,689</u>	16089
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>76,959</u>	16090
<u>8</u>	<u>1,000,001 or more</u>	<u>79,653</u>	16091

CLASSIFICATION AND COMPENSATION SCHEDULE 16092

FOR CALENDAR YEAR 2017 AND THEREAFTER 16093

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
			16094

<u>1</u>	<u>1 - 55,000</u>	<u>\$49,813</u>	16095
<u>2</u>	<u>55,001 - 95,000</u>	<u>58,668</u>	16096
<u>3</u>	<u>95,001 - 200,000</u>	<u>67,525</u>	16097
<u>4</u>	<u>200,001 - 400,000</u>	<u>75,273</u>	16098
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>80,807</u>	16099
<u>6</u>	<u>1,000,001 or more</u>	<u>83,636</u>	16100

Sec. 325.09. Each county recorder shall be classified, for 16101
salary purposes, according to the population of the county. All 16102
county recorders shall receive annual compensation in accordance 16103
with the following schedules and in accordance with section 325.18 16104
of the Revised Code: 16105

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16106

~~FOR CALENDER YEAR 2000~~ 16107

Class	Population Range	Compensation	
1	1 - 20,000	\$29,101	16108
2	20,001 - 40,000	31,595	16109
3	40,001 - 55,000	34,089	16110
4	55,001 - 70,000	35,752	16111
5	70,001 - 85,000	37,415	16112
6	85,001 - 95,000	40,741	16113
7	95,001 - 105,000	41,572	16114
8	105,001 - 125,000	42,404	16115
9	125,001 - 175,000	44,898	16116
10	175,001 - 275,000	47,392	16117
11	275,001 - 400,000	51,550	16118
12	400,001 - 600,000	54,044	16119
13	600,001 - 1,000,000	56,538	16120
14	Over 1,000,000	59,033	16121

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16122

~~FOR CALENDER CALENDAR YEAR 2001~~ 16123

Class	Population Range	Compensation	
1	1 - 20,000	\$32,543	16124

2	20,001 - 35,000	35,112	16127
3	35,001 - 55,000	36,825	16128
4	55,001 - 95,000	42,820	16129
5	95,001 - 200,000	48,815	16130
6	200,001 - 400,000	55,665	16131
7	400,001 - 1,000,000	60,803	16132
8	1,000,001 or more	63,479	16133

CLASSIFICATION AND COMPENSATION SCHEDULE 16134

FOR CALENDAR YEAR 2016 16135

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$40,061</u>	16137
<u>2</u>	<u>20,001 - 35,000</u>	<u>43,223</u>	16138
<u>3</u>	<u>35,001 - 55,000</u>	<u>45,333</u>	16139
<u>4</u>	<u>55,001 - 95,000</u>	<u>52,713</u>	16140
<u>5</u>	<u>95,001 - 200,000</u>	<u>60,094</u>	16141
<u>6</u>	<u>200,001 - 400,000</u>	<u>68,525</u>	16142
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16143
<u>8</u>	<u>1,000,001 or more</u>	<u>78,144</u>	16144

CLASSIFICATION AND COMPENSATION SCHEDULE 16145

FOR CALENDAR YEAR 2017 AND THEREAFTER 16146

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$47,599</u>	16148
<u>2</u>	<u>55,001 - 95,000</u>	<u>55,349</u>	16149
<u>3</u>	<u>95,001 - 200,000</u>	<u>63,098</u>	16150
<u>4</u>	<u>200,001 - 400,000</u>	<u>71,951</u>	16151
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16152
<u>6</u>	<u>1,000,001 or more</u>	<u>82,051</u>	16153

Sec. 325.10. Each county commissioner shall be classified, 16154
for salary purposes, according to the population of the county. 16155
All county commissioners shall receive annual compensation in 16156
accordance with the following schedules and in accordance with 16157
section 325.18 of the Revised Code: 16158

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16159

~~FOR CALENDER YEAR 2000~~ 16160

Class	Population Range	Compensation	
1	1 — 20,000	\$28,006	16161
2	20,001 — 40,000	30,932	16162
3	40,001 — 55,000	33,858	16163
4	55,001 — 70,000	36,784	16164
5	70,001 — 85,000	39,710	16165
6	85,001 — 95,000	43,890	16166
7	95,001 — 105,000	45,980	16167
8	105,001 — 125,000	48,070	16168
9	125,001 — 175,000	51,205	16169
10	175,001 — 275,000	54,340	16170
11	275,001 — 400,000	59,565	16171
12	400,001 — 600,000	63,745	16172
13	600,001 — 1,000,000	67,925	16173
14	Over 1,000,000	72,105	16174

CLASSIFICATION AND COMPENSATION SCHEDULE 16175

FOR ~~CALENDER~~ CALENDAR YEAR 2001 16176

Class	Population Range	Compensation	
1	1 - 20,000	\$31,860	16177
2	20,001 - 35,000	34,874	16178
3	35,001 - 55,000	37,888	16179
4	55,001 - 95,000	47,359	16180
5	95,001 - 200,000	55,970	16181
6	200,001 - 400,000	65,656	16182
7	400,001 - 1,000,000	74,269	16183
8	1,000,001 or more	78,874	16184

CLASSIFICATION AND COMPENSATION SCHEDULE 16185

FOR CALENDAR YEAR 2016 16186

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$39,221</u>	16187
<u>2</u>	<u>20,001 - 35,000</u>	<u>42,932</u>	16188

<u>3</u>	<u>35,001 - 55,000</u>	<u>46,642</u>	16192
<u>4</u>	<u>55,001 - 95,000</u>	<u>58,300</u>	16193
<u>5</u>	<u>95,001 - 200,000</u>	<u>68,901</u>	16194
<u>6</u>	<u>200,001 - 400,000</u>	<u>80,825</u>	16195
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>91,429</u>	16196
<u>8</u>	<u>1,000,001 or more</u>	<u>97,098</u>	16197

CLASSIFICATION AND COMPENSATION SCHEDULE 16198

FOR CALENDAR YEAR 2017 AND THEREAFTER 16199

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16200
<u>1</u>	<u>1 - 55,000</u>	<u>\$48,974</u>	16201
<u>2</u>	<u>55,001 - 95,000</u>	<u>61,215</u>	16202
<u>3</u>	<u>95,001 - 200,000</u>	<u>72,346</u>	16203
<u>4</u>	<u>200,001 - 400,000</u>	<u>84,866</u>	16204
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,000</u>	16205
<u>6</u>	<u>1,000,001 or more</u>	<u>101,953</u>	16206

Sec. 325.11. (A) Each prosecuting attorney shall be 16207
classified, for salary purposes, according to the population of 16208
the county. All prosecuting attorneys shall receive annual 16209
compensation in accordance with the following schedules and in 16210
accordance with section 325.18 of the Revised Code: 16211

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16212

~~FOR CALENDAR YEAR 2000 FOR~~ 16213

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16214

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16215
1	1 - 20,000	\$43,235	16216
2	20,001 - 40,000	44,898	16217
3	40,001 - 55,000	46,561	16218
4	55,001 - 70,000	48,224	16219
5	70,001 - 85,000	49,471	16220
6	85,001 - 95,000	52,381	16221
7	95,001 - 105,000	53,628	16222
8	105,001 - 125,000	54,875	16223

9	125,001 — 175,000	56,538	16224
10	175,001 — 275,000	58,201	16225
11	275,001 — 400,000	61,527	16226
12	400,001 — 600,000	64,853	16227
13	600,001 — 1,000,000	66,516	16228
14	Over 1,000,000	69,010	16229

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16230

~~FOR CALENDER YEAR 2000 FOR~~ 16231

~~PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE~~ 16232

Class	Population Range	Compensation	16233
1	1 — 20,000	\$76,651	16234
2	20,001 — 40,000	76,651	16235
3	40,001 — 55,000	86,233	16236
4	55,001 — 70,000	86,233	16237
5	70,001 — 85,000	95,815	16238
6	85,001 — 95,000	95,815	16239
7	95,001 — 105,000	95,815	16240
8	105,001 — 125,000	95,815	16241
9	125,001 — 175,000	95,815	16242
10	175,001 — 275,000	95,815	16243
11	275,001 — 400,000	95,815	16244
12	400,001 — 600,000	95,815	16245
13	600,001 — 1,000,000	95,815	16246
14	Over 1,000,000	95,815	16247

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16248

~~FOR CALENDER CALENDAR YEAR 2001 FOR~~ 16249

~~PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE~~ 16250

Class	Population Range	Compensation	16251
1	1 - 20,000	\$46,245	16252
2	20,001 - 35,000	47,958	16253
3	35,001 - 55,000	49,671	16254
4	55,001 - 95,000	55,237	16255
5	95,001 - 200,000	59,947	16256

6	200,001 - 400,000	66,799	16257
7	400,001 - 1,000,000	71,079	16258
8	1,000,001 or more	73,709	16259

CLASSIFICATION AND COMPENSATION SCHEDULE 16260

FOR ~~CALENDER~~ CALENDAR YEAR 2001 FOR 16261

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16262

Class	Population Range	Compensation	
1	1 - 20,000	\$78,952	16263
2	20,001 - 35,000	88,821	16264
3	35,001 - 55,000	88,821	16265
4	55,001 - 95,000	98,689	16266
5	95,001 - 200,000	98,689	16267
6	200,001 - 400,000	98,689	16268
7	400,001 - 1,000,000	101,085	16269
8	1,000,001 or more	103,480	16270

CLASSIFICATION AND COMPENSATION SCHEDULE 16271

FOR CALENDAR YEAR 2016 FOR 16272

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16273

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$56,929</u>	16274
<u>2</u>	<u>20,001 - 35,000</u>	<u>59,037</u>	16275
<u>3</u>	<u>35,001 - 55,000</u>	<u>61,146</u>	16276
<u>4</u>	<u>55,001 - 95,000</u>	<u>67,999</u>	16277
<u>5</u>	<u>95,001 - 200,000</u>	<u>73,798</u>	16278
<u>6</u>	<u>200,001 - 400,000</u>	<u>82,233</u>	16279
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>87,502</u>	16280
<u>8</u>	<u>1,000,001 or more</u>	<u>90,739</u>	16281

CLASSIFICATION AND COMPENSATION SCHEDULE 16282

FOR CALENDAR YEAR 2016 FOR 16283

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16284

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$97,193</u>	16285
<u>2</u>	<u>20,001 - 35,000</u>	<u>109,342</u>	16286

<u>3</u>	<u>35,001 - 55,000</u>	<u>109,342</u>	16290
<u>4</u>	<u>55,001 - 95,000</u>	<u>121,488</u>	16291
<u>5</u>	<u>95,001 - 200,000</u>	<u>121,488</u>	16292
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	16293
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	16294
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	16295

CLASSIFICATION AND COMPENSATION SCHEDULE 16296

FOR CALENDAR YEAR 2017 FOR 16297

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16298

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$64,203</u>	16300
<u>2</u>	<u>55,001 - 95,000</u>	<u>71,399</u>	16301
<u>3</u>	<u>95,001 - 200,000</u>	<u>77,488</u>	16302
<u>4</u>	<u>200,001 - 400,000</u>	<u>86,344</u>	16303
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>91,877</u>	16304
<u>6</u>	<u>1,000,001 or more</u>	<u>95,276</u>	16305

CLASSIFICATION AND COMPENSATION SCHEDULE 16306

FOR CALENDAR YEAR 2017 FOR 16307

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16308

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$114,809</u>	16310
<u>2</u>	<u>55,001 - 95,000</u>	<u>127,563</u>	16311
<u>3</u>	<u>95,001 - 200,000</u>	<u>127,563</u>	16312
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	16313
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	16314
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	16315

CLASSIFICATION AND COMPENSATION SCHEDULE 16316

FOR CALENDAR YEAR 2018 FOR 16317

PROSECUTING ATTORNEYS WITH A PRIVATE PRACTICE 16318

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,413</u>	16320
<u>2</u>	<u>55,001 - 95,000</u>	<u>74,969</u>	16321
<u>3</u>	<u>95,001 - 200,000</u>	<u>81,363</u>	16322

<u>4</u>	<u>200,001 - 400,000</u>	<u>90,662</u>	16323
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>96,471</u>	16324
<u>6</u>	<u>1,000,001 or more</u>	<u>100,040</u>	16325

CLASSIFICATION AND COMPENSATION SCHEDULE 16326

FOR CALENDAR YEAR 2018 FOR 16327

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16328

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$120,549</u>	16330
<u>2</u>	<u>55,001 - 95,000</u>	<u>133,941</u>	16331
<u>3</u>	<u>95,001 - 200,000</u>	<u>133,941</u>	16332
<u>4</u>	<u>200,001 - 400,000</u>	<u>133,941</u>	16333
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>137,194</u>	16334
<u>6</u>	<u>1,000,001 or more</u>	<u>140,447</u>	16335

CLASSIFICATION AND COMPENSATION SCHEDULE 16336

FOR CALENDAR YEARS 2019 AND THEREAFTER FOR 16337

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16338

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$70,784</u>	16340
<u>2</u>	<u>55,001 - 95,000</u>	<u>78,717</u>	16341
<u>3</u>	<u>95,001 - 200,000</u>	<u>85,431</u>	16342
<u>4</u>	<u>200,001 - 400,000</u>	<u>95,195</u>	16343
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>101,294</u>	16344
<u>6</u>	<u>1,000,001 or more</u>	<u>105,042</u>	16345

CLASSIFICATION AND COMPENSATION SCHEDULE 16346

FOR CALENDAR YEARS 2019 AND THEREAFTER FOR 16347

PROSECUTING ATTORNEYS WITHOUT A PRIVATE PRACTICE 16348

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$126,577</u>	16350
<u>2</u>	<u>55,001 - 95,000</u>	<u>140,638</u>	16351
<u>3</u>	<u>95,001 - 200,000</u>	<u>140,638</u>	16352
<u>4</u>	<u>200,001 - 400,000</u>	<u>140,638</u>	16353
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>144,053</u>	16354
<u>6</u>	<u>1,000,001 or more</u>	<u>147,469</u>	16355

(B) Notwithstanding the compensation specified in division (A) of this section, a prosecuting attorney in a county with a population of one million one or more who does not engage in the private practice of law shall receive in calendar year 2020 and in each calendar year thereafter annual compensation in an amount equal to the total compensation paid to a judge of the court of common pleas of that county pursuant to sections 141.04 and 141.05 of the Revised Code for the same calendar year, reduced by one hundred dollars.

(C) A prosecuting attorney shall not engage in the private practice of law unless before taking office the prosecuting attorney notifies the board of county commissioners of the intention to engage in the private practice of law.

A prosecuting attorney may elect to engage or not to engage in the private practice of law before the commencement of each new term of office, and a prosecuting attorney who engages in the private practice of law who intends not to engage in the private practice of law during the prosecuting attorney's next term of office shall so notify the board of county commissioners. A prosecuting attorney who elects not to engage in the private practice of law may, for a period of six months after taking office, engage in the private practice of law for the purpose of concluding the affairs of private practice of law without any diminution of salary as provided for in division (A) of this section and in section 325.18 of the Revised Code.

~~(C)~~(D) As used in this section, "salary" does not include any portion of the cost, premium, or charge for health, medical, hospital, dental, or surgical benefits, or any combination of those benefits, covering the prosecuting attorney and paid on that person's behalf by a governmental entity.

Sec. 325.14. (A) Each county engineer shall be classified,

for salary purposes, according to the population of the county. 16387
All county engineers shall receive annual compensation in 16388
accordance with the following schedules and in accordance with 16389
section 325.18 of the Revised Code: 16390

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16391

~~FOR CALENDAR YEAR 2000 FOR~~ 16392

~~COUNTY ENGINEERS WITH A PRIVATE PRACTICE~~ 16393

Class	Population Range	Compensation	
1	1 — 20,000	\$44,898	16394
2	20,001 — 40,000	46,893	16395
3	40,001 — 55,000	48,889	16396
4	55,001 — 70,000	50,884	16397
5	70,001 — 85,000	52,215	16398
6	85,001 — 95,000	53,545	16399
7	95,001 — 105,000	54,875	16400
8	105,001 — 125,000	55,707	16401
9	125,001 — 175,000	57,370	16402
10	175,001 — 275,000	59,033	16403
11	275,001 — 400,000	60,695	16404
12	400,001 — 600,000	62,358	16405
13	600,001 — 1,000,000	64,021	16406
14	Over 1,000,000	66,516	16407

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16408

~~FOR CALENDAR YEAR 2000 FOR~~ 16409

~~COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE~~ 16410

Class	Population Range	Compensation	
1	1 — 20,000	\$64,694	16411
2	20,001 — 40,000	66,690	16412
3	40,001 — 55,000	68,686	16413
4	55,001 — 70,000	70,681	16414
5	70,001 — 85,000	72,011	16415
6	85,001 — 95,000	73,342	16416

7	95,001 - 105,000	74,672	16419
8	105,001 - 125,000	75,503	16420
9	125,001 - 175,000	77,166	16421
10	175,001 - 275,000	78,829	16422
11	275,001 - 400,000	80,492	16423
12	400,001 - 600,000	82,155	16424
13	600,001 - 1,000,000	83,818	16425
14	Over 1,000,000	86,312	16426

CLASSIFICATION AND COMPENSATION SCHEDULE 16427

FOR CALENDAR YEAR 2001 FOR 16428

COUNTY ENGINEERS WITH A PRIVATE PRACTICE 16429

Class	Population Range	Compensation	
1	1 - 20,000	\$48,300	16431
2	20,001 - 35,000	50,356	16432
3	35,001 - 55,000	52,411	16433
4	55,001 - 95,000	56,521	16434
5	95,001 - 200,000	60,803	16435
6	200,001 - 400,000	64,229	16436
7	400,001 - 1,000,000	68,510	16437
8	1,000,001 or more	71,182	16438

CLASSIFICATION AND COMPENSATION SCHEDULE 16439

FOR CALENDAR YEAR 2001 FOR 16440

COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 16441

Class	Population Range	Compensation	
1	1 - 20,000	\$68,691	16443
2	20,001 - 35,000	70,746	16444
3	35,001 - 55,000	72,801	16445
4	55,001 - 95,000	76,912	16446
5	95,001 - 200,000	81,193	16447
6	200,001 - 400,000	84,619	16448
7	400,001 - 1,000,000	88,901	16449
8	1,000,001 or more	91,568	16450

CLASSIFICATION AND COMPENSATION SCHEDULE 16451

	<u>FOR CALENDAR YEAR 2016 FOR</u>		16452
	<u>COUNTY ENGINEERS WITH A PRIVATE PRACTICE</u>		16453
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16454
<u>1</u>	<u>1 - 20,000</u>	<u>\$59,460</u>	16455
<u>2</u>	<u>20,001 - 35,000</u>	<u>61,991</u>	16456
<u>3</u>	<u>35,001 - 55,000</u>	<u>64,520</u>	16457
<u>4</u>	<u>55,001 - 95,000</u>	<u>69,580</u>	16458
<u>5</u>	<u>95,001 - 200,000</u>	<u>74,851</u>	16459
<u>6</u>	<u>200,001 - 400,000</u>	<u>79,068</u>	16460
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>84,339</u>	16461
<u>8</u>	<u>1,000,001 or more</u>	<u>87,628</u>	16462
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16463
	<u>FOR CALENDAR YEAR 2016 FOR</u>		16464
	<u>COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE</u>		16465
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16466
<u>1</u>	<u>1 - 20,000</u>	<u>\$84,563</u>	16467
<u>2</u>	<u>20,001 - 35,000</u>	<u>87,091</u>	16468
<u>3</u>	<u>35,001 - 55,000</u>	<u>89,622</u>	16469
<u>4</u>	<u>55,001 - 95,000</u>	<u>94,683</u>	16470
<u>5</u>	<u>95,001 - 200,000</u>	<u>99,953</u>	16471
<u>6</u>	<u>200,001 - 400,000</u>	<u>104,169</u>	16472
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>109,442</u>	16473
<u>8</u>	<u>1,000,001 or more</u>	<u>112,725</u>	16474
	<u>CLASSIFICATION AND COMPENSATION SCHEDULE</u>		16475
	<u>FOR CALENDAR YEAR 2017 AND THEREAFTER FOR</u>		16476
	<u>COUNTY ENGINEERS WITH A PRIVATE PRACTICE</u>		16477
<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	16478
<u>1</u>	<u>1 - 55,000</u>	<u>\$67,746</u>	16479
<u>2</u>	<u>55,001 - 95,000</u>	<u>73,059</u>	16480
<u>3</u>	<u>95,001 - 200,000</u>	<u>78,594</u>	16481
<u>4</u>	<u>200,001 - 400,000</u>	<u>83,022</u>	16482
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>88,556</u>	16483
<u>6</u>	<u>1,000,001 or more</u>	<u>92,009</u>	16484

CLASSIFICATION AND COMPENSATION SCHEDULE 16485
FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16486
COUNTY ENGINEERS WITHOUT A PRIVATE PRACTICE 16487

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$94,103</u>	16488
<u>2</u>	<u>55,001 - 95,000</u>	<u>99,417</u>	16489
<u>3</u>	<u>95,001 - 200,000</u>	<u>104,950</u>	16490
<u>4</u>	<u>200,001 - 400,000</u>	<u>109,378</u>	16491
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>114,914</u>	16492
<u>6</u>	<u>1,000,001 or more</u>	<u>118,361</u>	16493

Such salary may be paid monthly out of the general county fund or out of the county's share of the fund derived from the receipts from motor vehicle licenses, as distributed by section 4501.04 of the Revised Code, and the county's share of the fund derived from the motor vehicle fuel tax, as distributed by section 5735.27 of the Revised Code, as the board of county commissioners directs, upon the warrant of the county auditor and shall be in lieu of all fees, costs, per diem or other allowances, and other perquisites, of whatever kind, which any engineer collects and receives. The engineer shall be the county tax map draftperson, but shall receive no additional compensation for performing the duties of that position. When the engineer performs service in connection with ditches or drainage works, the engineer shall charge and collect the per diem allowances or other fees provided by law and shall pay all of those allowances and fees, monthly, into the county treasury to the credit of the general county fund. The engineer shall pay into the county treasury all allowances and fees collected when the engineer performs services under sections 315.28 to 315.34 of the Revised Code.

(B) A county engineer may elect to engage or not to engage in the private practice of engineering or surveying before the commencement of each new term of office, and a county engineer who elects not to engage in the private practice of engineering or

surveying may, for a period of six months after taking office, 16518
engage in the private practice of engineering or surveying for the 16519
purpose of concluding the affairs of private practice without any 16520
diminution of salary as provided in division (A) of this section 16521
and in section 325.18 of the Revised Code. 16522

Sec. 325.15. (A) Each coroner shall be classified, for salary 16523
purposes, according to the population of the county. All coroners 16524
shall receive annual compensation in accordance with the following 16525
schedules and in accordance with section 325.18 of the Revised 16526
Code: 16527

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16528

~~FOR CALENDAR YEAR 2000 FOR~~ 16529

~~CORONERS WITH A PRIVATE PRACTICE~~ 16530

Class	Population Range	Compensation	
1	1—20,000	\$16,628	16531
2	20,001—40,000	18,293	16532
3	40,001—55,000	20,786	16533
4	55,001—70,000	23,280	16534
5	70,001—85,000	25,774	16535
6	85,001—95,000	31,595	16536
7	95,001—105,000	34,089	16537
8	105,001—125,000	36,584	16538
9	125,001—175,000	39,909	16539
10	175,001—275,000	42,404	16540
11	275,001—400,000	49,054	16541
12	400,001—600,000	52,380	16542
13	600,001—1,000,000	55,706	16543
14	Over 1,000,000	59,032	16544

~~CLASSIFICATION AND COMPENSATION SCHEDULE~~ 16545

~~FOR CALENDAR YEAR 2000 FOR~~ 16546

~~CORONERS WITHOUT A PRIVATE PRACTICE~~ 16547

Class	Population Range	Compensation	
			16548

10	175,001 — 275,000	\$95,815	16550
11	275,001 — 400,000	95,815	16551
12	400,001 — 600,000	95,815	16552
13	600,001 — 1,000,000	95,815	16553
14	Over 1,000,000	95,815	16554

CLASSIFICATION AND COMPENSATION SCHEDULE 16555

FOR CALENDAR YEAR 2001 FOR 16556

CORONERS WITH A PRIVATE PRACTICE 16557

Class	Population Range	Compensation	
1	1 - 20,000	\$18,842	16559
2	20,001 - 35,000	21,410	16560
3	35,001 - 55,000	23,978	16561
4	55,001 - 95,000	35,112	16562
5	95,001 - 200,000	43,676	16563
6	200,001 - 400,000	53,951	16564
7	400,001 - 1,000,000	60,803	16565
8	1,000,001 or more	64,451	16566

CLASSIFICATION AND COMPENSATION SCHEDULE 16567

FOR CALENDAR YEAR 2001 FOR 16568

CORONERS WITHOUT A PRIVATE PRACTICE 16569

Class	Population Range	Compensation	
5	175,001 - 200,000	\$98,689	16571
6	200,001 - 400,000	98,689	16572
7	400,001 - 1,000,000	101,085	16573
8	1,000,001 or more	103,480	16574

CLASSIFICATION AND COMPENSATION SCHEDULE 16575

FOR CALENDAR YEAR 2016 FOR 16576

CORONERS WITH A PRIVATE PRACTICE 16577

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 20,000</u>	<u>\$23,195</u>	16579
<u>2</u>	<u>20,001 - 35,000</u>	<u>26,357</u>	16580
<u>3</u>	<u>35,001 - 55,000</u>	<u>29,518</u>	16581
<u>4</u>	<u>55,001 - 95,000</u>	<u>43,223</u>	16582

<u>5</u>	<u>95,001 - 200,000</u>	<u>53,769</u>	16583
<u>6</u>	<u>200,001 - 400,000</u>	<u>66,418</u>	16584
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>74,851</u>	16585
<u>8</u>	<u>1,000,001 or more</u>	<u>79,343</u>	16586

CLASSIFICATION AND COMPENSATION SCHEDULE 16587

FOR CALENDAR YEAR 2016 FOR 16588

CORONERS WITHOUT A PRIVATE PRACTICE 16589

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>5</u>	<u>175,001 - 200,000</u>	<u>\$121,488</u>	16591
<u>6</u>	<u>200,001 - 400,000</u>	<u>121,488</u>	16592
<u>7</u>	<u>400,001 - 1,000,000</u>	<u>124,439</u>	16593
<u>8</u>	<u>1,000,001 or more</u>	<u>127,389</u>	16594

CLASSIFICATION AND COMPENSATION SCHEDULE 16595

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16596

CORONERS WITH A PRIVATE PRACTICE 16597

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>1</u>	<u>1 - 55,000</u>	<u>\$30,993</u>	16599
<u>2</u>	<u>55,001 - 95,000</u>	<u>45,384</u>	16600
<u>3</u>	<u>95,001 - 200,000</u>	<u>56,458</u>	16601
<u>4</u>	<u>200,001 - 400,000</u>	<u>69,739</u>	16602
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>78,594</u>	16603
<u>6</u>	<u>1,000,001 or more</u>	<u>83,310</u>	16604

CLASSIFICATION AND COMPENSATION SCHEDULE 16605

FOR CALENDAR YEAR 2017 AND THEREAFTER FOR 16606

CORONERS WITHOUT A PRIVATE PRACTICE 16607

<u>Class</u>	<u>Population Range</u>	<u>Compensation</u>	
<u>3</u>	<u>175,001 - 200,000</u>	<u>\$127,563</u>	16609
<u>4</u>	<u>200,001 - 400,000</u>	<u>127,563</u>	16610
<u>5</u>	<u>400,001 - 1,000,000</u>	<u>130,661</u>	16611
<u>6</u>	<u>1,000,001 or more</u>	<u>133,759</u>	16612

(B) A coroner in a county with a population of one hundred 16613
seventy-five thousand one or more shall not engage in the private 16614
practice of medicine unless, before taking office, the coroner 16615

notifies the board of county commissioners of the intention to 16616
engage in that private practice. 16617

A coroner in a county with a population of one hundred 16618
seventy-five thousand one or more shall elect to engage or not to 16619
engage in the private practice of medicine before the commencement 16620
of each new term of office, and a coroner in such a county who 16621
engages in the private practice of medicine but who intends not to 16622
engage in the private practice of medicine during the coroner's 16623
next term of office shall so notify the board of county 16624
commissioners as specified in this division. For a period of six 16625
months after taking office, a coroner who elects not to engage in 16626
the private practice of medicine may engage in the private 16627
practice of medicine, without any reduction of the salary as 16628
provided in division (A) of this section and in section 325.18 of 16629
the Revised Code, for the purpose of concluding the affairs of the 16630
coroner's private practice of medicine. 16631

Sec. 339.06. (A) The board of county hospital trustees, upon 16632
completion of construction or leasing and equipping of a county 16633
hospital, shall assume and continue the operation of the hospital. 16634

(B) The board of county hospital trustees shall have the 16635
entire management and control of the county hospital. The board 16636
may in writing delegate its management and control of the county 16637
hospital to the administrator of the county hospital employed 16638
under section 339.07 of the Revised Code. The board shall 16639
establish such rules for the hospital's government, management, 16640
control, and the admission of persons as are expedient. 16641

(C) The board of county hospital trustees has control of the 16642
property of the county hospital, including management and disposal 16643
of surplus property other than real estate or an interest in real 16644
estate. 16645

(D) With respect to the use of funds by the board of county 16646

hospital trustees and its accounting for the use of funds, all of 16647
the following apply: 16648

(1) The board of county hospital trustees has control of all 16649
funds used in the county hospital's operation, including moneys 16650
received from the operation of the hospital, moneys appropriated 16651
for its operation by the board of county commissioners, and moneys 16652
resulting from special levies submitted by the board of county 16653
commissioners as provided for in section 5705.22 of the Revised 16654
Code. 16655

(2) Of the funds used in the county hospital's operation, all 16656
or part of any amount determined not to be necessary to meet 16657
current demands on the hospital may be invested by the board of 16658
county hospital trustees or its designee in any classifications of 16659
securities and obligations eligible for deposit or investment of 16660
county moneys pursuant to section 135.35 of the Revised Code, 16661
subject to the approval of the board's written investment policy 16662
by the county investment advisory committee established pursuant 16663
to section 135.341 of the Revised Code. If a county hospital is 16664
based in a county that has adopted a charter under Section 3 of 16665
Article X, Ohio Constitution, such funds may be invested by the 16666
board of county hospital trustees as provided in this division or 16667
in an ordinance adopted by the legislative authority of the 16668
county, in either case subject to approval by the county 16669
investment advisory committee, or as provided in section 339.061 16670
of the Revised Code. 16671

(3) Annually, not later than sixty days before the end of the 16672
fiscal year used by the county hospital, the board of county 16673
hospital trustees shall submit its proposed budget for the ensuing 16674
fiscal year to the board of county commissioners for that board's 16675
review. The board of county commissioners shall review and approve 16676
the proposed budget by the first day of the fiscal year to which 16677
the budget applies. If the board of county commissioners has not 16678

approved the budget by the first day of the fiscal year to which 16679
the budget applies, the budget is deemed to have been approved by 16680
the board on the first day of that fiscal year. 16681

(4) The board of county hospital trustees shall not expend 16682
funds received from taxes collected pursuant to any tax levied 16683
under section 5705.22 of the Revised Code or the amount 16684
appropriated to the county hospital by the board of county 16685
commissioners in the annual appropriation measure for the county 16686
until its budget for the applicable fiscal year is approved in 16687
accordance with division (C)(3) of this section. At any time the 16688
amount received from those sources differs from the amount shown 16689
in the approved budget, the board of county commissioners may 16690
require the board of county hospital trustees to revise the county 16691
hospital budget accordingly. 16692

(5) Funds under the control of the board of county hospital 16693
trustees may be disbursed by the board, consistent with the 16694
approved budget, for the uses and purposes of the county hospital; 16695
for the replacement of necessary equipment; for the acquisition, 16696
leasing, or construction of permanent improvements to county 16697
hospital property; or for making a donation authorized by division 16698
(E) of this section. Each disbursement of funds shall be made on a 16699
voucher signed by signatories designated and approved by the board 16700
of county hospital trustees. 16701

(6) The head of a board of county hospital trustees is not 16702
required to file an estimate of contemplated revenue and 16703
expenditures for the ensuing fiscal year under section 5705.28 of 16704
the Revised Code unless the board of county commissioners levies a 16705
tax for the county hospital, or such a tax is proposed, or the 16706
board of county hospital trustees desires that the board of county 16707
commissioners make an appropriation to the county hospital for the 16708
ensuing fiscal year. 16709

(7) All moneys appropriated by the board of county 16710

commissioners or from special levies by the board of county 16711
commissioners for the operation of the hospital, when collected 16712
shall be paid to the board of county hospital trustees on a 16713
warrant of the county auditor and approved by the board of county 16714
commissioners. 16715

(8) The board of county hospital trustees shall provide for 16716
the conduct of an annual financial audit of the county hospital. 16717
Not later than thirty days after it receives the final report of 16718
an annual financial audit, the board shall file a copy of the 16719
report with the board of county commissioners. 16720

(E) For the public purpose of improving the health, safety, 16721
and general welfare of the community, the board of county hospital 16722
trustees may donate to a nonprofit entity any of the following: 16723

(1) Moneys and other financial assets determined not to be 16724
necessary to meet current demands on the hospital; 16725

(2) Surplus hospital property, including supplies, equipment, 16726
office facilities, and other property that is not real estate or 16727
an interest in real estate; 16728

(3) Services rendered by the hospital. 16729

(F)(1) For purposes of division (F)(2) of this section: 16730

(a) "Bank" has the same meaning as in section 1101.01 of the 16731
Revised Code. 16732

(b) "Savings and loan association" has the same meaning as in 16733
section 1151.01 of the Revised Code. 16734

(c) "Savings bank" has the same meaning as in section 1161.01 16735
of the Revised Code. 16736

(2) The board of county hospital trustees may enter into a 16737
contract for a secured line of credit with a bank, savings and 16738
loan association, or savings bank if the contract meets all of the 16739
following requirements: 16740

(a) The term of the contract does not exceed one year, except 16741
that the contract may provide for the automatic renewal of the 16742
contract for up to four additional one-year periods if, on the 16743
date of automatic renewal, the aggregate outstanding draws 16744
remaining unpaid under the secured line of credit do not exceed 16745
fifty per cent of the maximum amount that can be drawn under the 16746
secured line of credit. 16747

(b) The contract provides that the bank, savings and loan 16748
association, or savings bank shall not commence a civil action 16749
against the board of county commissioners, any member of the 16750
board, or the county to recover the principal, interest, or any 16751
charges or other amounts that remain outstanding on the secured 16752
line of credit at the time of any default by the board of county 16753
hospital trustees. 16754

(c) The contract provides that no assets other than those of 16755
the county hospital can be used to secure the line of credit. 16756

(d) The terms and conditions of the contract comply with all 16757
state and federal statutes and rules governing the extension of a 16758
secured line of credit. 16759

(3) Any obligation incurred by a board of county hospital 16760
trustees under division (F)(2) of this section is an obligation of 16761
that board only and not a general obligation of the board of 16762
county commissioners or the county within the meaning of division 16763
(Q) of section 133.01 of the Revised Code. 16764

(4) Notwithstanding anything to the contrary in the Revised 16765
Code, the board of county hospital trustees may secure the line of 16766
credit authorized under division (F)(2) of this section by the 16767
grant of a security interest in any part or all of its tangible 16768
personal property and intangible personal property, including its 16769
deposit accounts, accounts receivable, or both. 16770

(5) No board of county hospital trustees shall at any time 16771

have more than one secured line of credit under division (F)(2) of 16772
this section. 16773

(G) The board of county hospital trustees shall establish a 16774
schedule of charges for all services and treatment rendered by the 16775
county hospital. It may provide for the free treatment in the 16776
hospital of soldiers, sailors, and marines of the county, under 16777
such conditions and rules as it prescribes. 16778

(H) The board of county hospital trustees may designate the 16779
amounts and forms of insurance protection to be provided, and the 16780
board of county commissioners shall assist in obtaining such 16781
protection. The expense of providing the protection shall be paid 16782
from hospital operating funds. 16783

(I) The board of county hospital trustees may authorize a 16784
county hospital and each of its units, hospital board members, 16785
designated hospital employees, and medical staff members to be a 16786
member of and maintain membership in any local, state, or national 16787
group or association organized and operated for the promotion of 16788
the public health and welfare or advancement of the efficiency of 16789
hospital administration and in connection therewith to use tax 16790
funds for the payment of dues and fees and related expenses but 16791
nothing in this section prohibits the board from using receipts 16792
from hospital operation, other than tax funds, for the payment of 16793
such dues and fees. 16794

(J) The following apply to the board of county hospital 16795
trustees in relation to its employees and the employees of the 16796
county hospital: 16797

(1) The board shall adopt the wage and salary schedule for 16798
employees. 16799

(2) The board may employ the hospital's administrator 16800
pursuant to section 339.07 of the Revised Code, and the 16801
administrator may employ individuals for the hospital in 16802

accordance with that section. 16803

(3) The board may employ assistants as necessary to perform 16804
its clerical work, superintend properly the construction of the 16805
county hospital, and pay the hospital's expenses. Such employees 16806
may be paid from funds provided for the county hospital. 16807

(4) The board may hire, by contract or as salaried employees, 16808
such management consultants, accountants, attorneys, engineers, 16809
architects, construction managers, and other professional advisors 16810
as it determines are necessary and desirable to assist in the 16811
management of the programs and operation of the county hospital. 16812
Such professional advisors may be paid from county hospital 16813
operating funds. 16814

(5) Notwithstanding section 325.19 of the Revised Code, the 16815
board may grant to employees any fringe benefits the board 16816
determines to be customary and usual in the nonprofit hospital 16817
field in its community, including, but not limited to: 16818

(a) Additional vacation leave with full pay for full-time 16819
employees, including full-time hourly rate employees, after 16820
service of one year; 16821

(b) Vacation leave and holiday pay for part-time employees on 16822
a pro rata basis; 16823

(c) Leave with full pay due to death in the employee's 16824
immediate family, which shall not be deducted from the employee's 16825
accumulated sick leave; 16826

(d) Premium pay for working on holidays listed in section 16827
325.19 of the Revised Code; 16828

(e) Moving expenses for new employees; 16829

(f) Discounts on hospital supplies and services. 16830

(6) The board may provide holiday leave by observing Martin 16831
Luther King day, Washington-Lincoln day, Columbus day, and 16832

Veterans' day on days other than those specified in section 1.14 of the Revised Code. 16833
16834

(7) The board may grant to employees the insurance benefits authorized by section 339.16 of the Revised Code. 16835
16836

(8) Notwithstanding section 325.19 of the Revised Code, the board may grant to employees, including hourly rate employees, such personal holidays as the board determines to be customary and usual in the hospital field in its community. 16837
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(9) The board may provide employee recognition awards and hold employee recognition dinners. 16841
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(10) The board may grant to employees the recruitment and retention benefits specified under division (K) of this section. 16843
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(K) Notwithstanding sections 325.191 and 325.20 of the Revised Code, the board of county hospital trustees may provide, without the prior authorization of the board of county commissioners, scholarships for education in the health care professions, tuition reimbursement, and other staff development programs to enhance the skills of health care professionals for the purpose of recruiting or retaining qualified employees. 16845
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The board of county hospital trustees may pay reasonable expenses for recruiting or retaining physicians and other appropriate health care practitioners. 16852
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(L) The board of county hospital trustees may retain counsel and institute legal action in its own name for the collection of delinquent accounts. The board may also employ any other lawful means for the collection of delinquent accounts. 16855
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Sec. 339.061. (A) As used in this section, "charter county hospital" means a county hospital based in a county that has adopted a charter under Section 3 of Article X, Ohio Constitution. 16859
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(B) The board of county hospital trustees of a charter county 16862

hospital shall hold and administer all money received from the 16863
operation of the county hospital, including money arising from 16864
rendering medical services to patients, whether received from the 16865
patient or on behalf of the patient, including inpatient and 16866
outpatient fees, laboratory and other procedure fees, physician 16867
services, and all other fees, deposits, charges, receipts, and 16868
income received as a result of the operation of the county 16869
hospital and medical staff. 16870

(C) The board of county hospital trustees of a charter county 16871
hospital shall invest money described in division (B) of this 16872
section pursuant to an investment policy adopted by the board in a 16873
public meeting. The investment policy does not take effect unless 16874
it is approved by the county investment advisory committee 16875
established pursuant to section 135.341 of the Revised Code. The 16876
investment policy shall provide for all of the following: 16877

(1) That all fiduciaries shall discharge their duties with 16878
the care, skill, prudence, and diligence under the circumstances 16879
then prevailing that a prudent person acting in like capacity and 16880
familiar with such matters would use in the conduct of an 16881
enterprise of a like character and with like aims; 16882

(2) That at least twenty-five per cent of the average amount 16883
of the investment portfolio over the course of the preceding 16884
fiscal year shall be invested, as a reserve, in securities of the 16885
United States government or of its agencies or instrumentalities, 16886
the treasurer of state's Ohio subdivisions fund, obligations of 16887
this state or any political subdivision of this state, 16888
certificates of deposit of any national bank located in this 16889
state, written repurchase agreements with any eligible financial 16890
institution in this state that is a member of the federal reserve 16891
system or federal home loan bank, money market funds, or bankers 16892
acceptances maturing in two hundred seventy days or less that are 16893
eligible for purchase by the federal reserve system; 16894

(3) That money not required to be invested as a reserve under 16895
division (C)(2) of this section may be pooled with other 16896
institutional funds and invested in accordance with section 16897
1715.52 of the Revised Code; 16898

(4) The establishment of an investment committee within the 16899
board of county hospital trustees, which shall meet at least 16900
quarterly, to review and recommend revisions to the board's 16901
investment policy and to advise the board on investments made 16902
under division (C) of this section for the purpose of assisting 16903
the board in meeting its obligations as a fiduciary under that 16904
division. The policy shall authorize the committee to retain the 16905
services of an investment advisor who meets both of the following 16906
qualifications: 16907

(a) The advisor is licensed by the division of securities 16908
under section 1707.141 of the Revised Code or is registered with 16909
the United States securities and exchange commission. 16910

(b) The advisor has experience in the management of 16911
investments of public funds, especially in the investment of state 16912
government investment portfolios, or is an institution eligible to 16913
be a public depository as described in section 135.03 of the 16914
Revised Code. 16915

(D) Title to investments made by a board of county hospital 16916
trustees with money described in division (B) of this section 16917
shall not be vested in the county but shall be held in trust by 16918
the board. 16919

(E) Authority provided by this section is supplemental to the 16920
authority granted under division (D) of section 339.06 of the 16921
Revised Code and authority granted under the ordinances or charter 16922
of the county. 16923

Sec. 340.03. (A) Subject to rules issued by the director of 16924

mental health and addiction services after consultation with 16925
relevant constituencies as required by division (A)(10) of section 16926
5119.21 of the Revised Code, the board of alcohol, drug addiction, 16927
and mental health services shall: 16928

(1) Serve as the community addiction and mental health 16929
services planning agency for the county or counties under its 16930
jurisdiction, and in so doing it shall: 16931

(a) Evaluate the need for facilities and community addiction 16932
and mental health services; 16933

(b) In cooperation with other local and regional planning and 16934
funding bodies and with relevant ethnic organizations, assess the 16935
community addiction and mental health needs, evaluate strengths 16936
and challenges, and set priorities for community addiction and 16937
mental health services, including treatment and prevention. When 16938
the board sets priorities for the operation of addiction services, 16939
the board shall consult with the county commissioners of the 16940
counties in the board's service district regarding the services 16941
described in section 340.15 of the Revised Code and shall give 16942
priority to those services, except that those services shall not 16943
have a priority over services provided to pregnant women under 16944
programs developed in relation to the mandate established in 16945
section 5119.17 of the Revised Code; 16946

(c) In accordance with guidelines issued by the director of 16947
mental health and addiction services after consultation with board 16948
representatives, annually develop and submit to the department of 16949
mental health and addiction services a community addiction and 16950
mental health services plan listing ~~community~~ addiction and mental 16951
health services needs, including the needs of all residents of the 16952
district currently receiving inpatient services in state-operated 16953
hospitals, the needs of other populations as required by state or 16954
federal law or programs, the needs of all children subject to a 16955
determination made pursuant to section 121.38 of the Revised Code, 16956

and priorities for facilities and community addiction and mental 16957
health services during the period for which the plan will be in 16958
effect. 16959

In alcohol, drug addiction, and mental health service 16960
districts that have separate alcohol and drug addiction services 16961
and community mental health boards, the alcohol and drug addiction 16962
services board shall submit a community addiction services plan 16963
and the community mental health board shall submit a community 16964
mental health services plan. Each board shall consult with its 16965
counterpart in developing its plan and address the interaction 16966
between the local addiction services and mental health services 16967
systems and populations with regard to needs and priorities in 16968
developing its plan. 16969

The department shall approve or disapprove the plan, in whole 16970
or in part, according to the criteria developed pursuant to 16971
section 5119.22 of the Revised Code. Eligibility for state and 16972
federal funding shall be contingent upon an approved plan or 16973
relevant part of a plan. 16974

If a board determines that it is necessary to amend a plan 16975
that has been approved under this division, the board shall submit 16976
a proposed amendment to the director. The director may approve or 16977
disapprove all or part of the amendment. The director shall inform 16978
the board of the reasons for disapproval of all or part of an 16979
amendment and of the criteria that must be met before the 16980
amendment may be approved. The director shall provide the board an 16981
opportunity to present its case on behalf of the amendment. The 16982
director shall give the board a reasonable time in which to meet 16983
the criteria, and shall offer the board technical assistance to 16984
help it meet the criteria. 16985

The board shall operate in accordance with the plan approved 16986
by the department. 16987

(d) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies. 16988
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(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider ~~certified under section 5119.36 of the Revised Code~~ or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department. 16991
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(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction services in visiting and evaluating whether the addiction or mental health services of a community addiction or mental health services provider satisfy the certification standards established by rules adopted under that section; 17004
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(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction and mental health services provided through its community addiction and mental health ~~contracted~~ services providers and submit its findings and recommendations to the department of mental health and addiction services; 17010
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(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of mental health and addiction services 17017
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any information about the applicant or facility that the board 17020
would like the department to consider in reviewing the 17021
application; 17022

(6) Audit, in accordance with rules adopted by the auditor of 17023
state pursuant to section 117.20 of the Revised Code, at least 17024
annually all programs and services provided under contract with 17025
the board. In so doing, the board may contract for or employ the 17026
services of private auditors. A copy of the fiscal audit report 17027
shall be provided to the director of mental health and addiction 17028
services, the auditor of state, and the county auditor of each 17029
county in the board's district. 17030

(7) Recruit and promote local financial support for addiction 17031
and mental health services from private and public sources; 17032

(8)(a) Enter into contracts with public and private 17033
facilities for the operation of facility services and enter into 17034
contracts with public and private community addiction and mental 17035
health ~~service~~ services providers for the provision of ~~community~~ 17036
addiction and mental health services. The board may not contract 17037
with a residential facility subject to section 5119.34 of the 17038
Revised Code unless the facility is licensed by the director of 17039
mental health and addiction services ~~and~~. The board may not 17040
contract with a community addiction or mental health services 17041
provider to provide ~~community~~ addiction or mental health services 17042
unless the services are certified by the director of mental health 17043
and addiction services under section 5119.36 of the Revised Code. 17044
Section 307.86 of the Revised Code does not apply to contracts 17045
entered into under this division. In contracting with a community 17046
addiction or mental health services provider, a board shall 17047
consider the cost effectiveness of addiction or mental health 17048
services provided by that provider and the quality and continuity 17049
of care, and may review cost elements, including salary costs, of 17050
the services to be provided. A utilization review process may be 17051

established as part of the contract for services entered into 17052
between a board and a community addiction or mental health 17053
services provider. The board may establish this process in a way 17054
that is most effective and efficient in meeting local needs. 17055

If either the board or a facility or community addiction or 17056
mental health services provider with which the board contracts 17057
under this division proposes not to renew the contract or proposes 17058
substantial changes in contract terms, the other party shall be 17059
given written notice at least one hundred twenty days before the 17060
expiration date of the contract. During the first sixty days of 17061
this one hundred twenty-day period, both parties shall attempt to 17062
resolve any dispute through good faith collaboration and 17063
negotiation in order to continue to provide services to persons in 17064
need. If the dispute has not been resolved sixty days before the 17065
expiration date of the contract, either party may notify the 17066
department of mental health and addiction services of the 17067
unresolved dispute. The director may require both parties to 17068
submit the dispute to a third party with the cost to be shared by 17069
the board and the facility or provider. The third party shall 17070
issue to the board, the facility or provider, and the department 17071
recommendations on how the dispute may be resolved twenty days 17072
prior to the expiration date of the contract, unless both parties 17073
agree to a time extension. The director shall adopt rules 17074
establishing the procedures of this dispute resolution process. 17075

(b) With the prior approval of the director of mental health 17076
and addiction services, a board may operate a facility or provide 17077
~~a community~~ an addiction or mental health service as follows, if 17078
there is no other qualified private or public facility or 17079
community addiction or mental health services provider that is 17080
immediately available and willing to operate such a facility or 17081
provide the service: 17082

(i) In an emergency situation, any board may operate a 17083

facility or provide a ~~community~~ an addiction or mental health 17084
service in order to provide essential services for the duration of 17085
the emergency~~+~~. 17086

(ii) In a service district with a population of at least one 17087
hundred thousand but less than five hundred thousand, a board may 17088
operate a facility or provide a ~~community~~ an addiction or mental 17089
health service for no longer than one year~~+~~. 17090

(iii) In a service district with a population of less than 17091
one hundred thousand, a board may operate a facility or provide a 17092
~~community~~ an addiction or mental health service for no longer than 17093
one year, except that such a board may operate a facility or 17094
provide a ~~community~~ an addiction or mental health service for more 17095
than one year with the prior approval of the director and the 17096
prior approval of the board of county commissioners, or of a 17097
majority of the boards of county commissioners if the district is 17098
a joint-county district. 17099

The director shall not give a board approval to operate a 17100
facility or provide a ~~community~~ an addiction or mental health 17101
service under division (A)(8)(b)(ii) or (iii) of this section 17102
unless the director determines that it is not feasible to have the 17103
department operate the facility or provide the service. 17104

The director shall not give a board approval to operate a 17105
facility or provide a ~~community~~ an addiction or mental health 17106
service under division (A)(8)(b)(iii) of this section unless the 17107
director determines that the board will provide greater 17108
administrative efficiency and more or better services than would 17109
be available if the board contracted with a private or public 17110
facility or community addiction or mental health services 17111
provider. 17112

The director shall not give a board approval to operate a 17113
facility previously operated by a person or other government 17114

entity unless the board has established to the director's 17115
satisfaction that the person or other government entity cannot 17116
effectively operate the facility or that the person or other 17117
government entity has requested the board to take over operation 17118
of the facility. The director shall not give a board approval to 17119
provide ~~a community~~ an addiction or mental health service 17120
previously provided by a community addiction or mental health 17121
services provider unless the board has established to the 17122
director's satisfaction that the provider cannot effectively 17123
provide the service or that the provider has requested the board 17124
take over providing the service. 17125

The director shall review and evaluate a board's operation of 17126
a facility and provision of ~~community~~ addiction or mental health 17127
~~service~~ services under division (A)(8)(b) of this section. 17128

Nothing in division (A)(8)(b) of this section authorizes a 17129
board to administer or direct the daily operation of any facility 17130
or community addiction or mental health services provider, but a 17131
facility or provider may contract with a board to receive 17132
administrative services or staff direction from the board under 17133
the direction of the governing body of the facility or provider. 17134

(9) Approve fee schedules and related charges or adopt a unit 17135
cost schedule or other methods of payment for contract services 17136
provided by community addiction or mental health services 17137
providers in accordance with guidelines issued by the department 17138
as necessary to comply with state and federal laws pertaining to 17139
financial assistance; 17140

(10) Submit to the director and the county commissioners of 17141
the county or counties served by the board, and make available to 17142
the public, an annual report of the services under the 17143
jurisdiction of the board, including a fiscal accounting; 17144

(11) Establish, to the extent resources are available, a 17145

continuum of care, which provides for prevention, treatment, 17146
support, and rehabilitation services and opportunities. The 17147
essential elements of the continuum include, but are not limited 17148
to, the following components in accordance with section 5119.21 of 17149
the Revised Code: 17150

(a) To locate persons in need of addiction or mental health 17151
services to inform them of available services and benefits; 17152

(b) Assistance for persons receiving addiction or mental 17153
health services to obtain services necessary to meet basic human 17154
needs for food, clothing, shelter, medical care, personal safety, 17155
and income; 17156

(c) Addiction and mental health services, including, ~~but not~~ 17157
~~limited to,~~ outpatient, residential, partial hospitalization, and, 17158
where appropriate, inpatient care; 17159

(d) Emergency services and crisis intervention; 17160

(e) Assistance for persons receiving services to obtain 17161
vocational services and opportunities for jobs; 17162

(f) The provision of services designed to develop social, 17163
community, and personal living skills; 17164

(g) Access to a wide range of housing and the provision of 17165
residential treatment and support; 17166

(h) Support, assistance, consultation, and education for 17167
families, friends, persons receiving addiction or mental health 17168
services, and others; 17169

(i) Recognition and encouragement of families, friends, 17170
neighborhood networks, especially networks that include racial and 17171
ethnic minorities, churches, community organizations, and 17172
community employment as natural supports for persons receiving 17173
addiction or mental health services; 17174

(j) Grievance procedures and protection of the rights of 17175

persons receiving addiction or mental health services; 17176

(k) Community psychiatric supportive treatment services, 17177
which includes continual individualized assistance and advocacy to 17178
ensure that needed services are offered and procured. 17179

(12) Establish a method for evaluating referrals for 17180
~~involuntary commitment~~ court-ordered treatment and affidavits 17181
filed pursuant to section 5122.11 of the Revised Code in order to 17182
assist the probate division of the court of common pleas in 17183
determining whether there is probable cause that a respondent is 17184
subject to ~~involuntary hospitalization~~ court-ordered treatment and 17185
~~what alternative treatment is~~ whether alternatives to
hospitalization are available and appropriate, ~~if any;~~ 17186
17187

(13) Designate the treatment services, provider, facility, or 17188
other placement for each person involuntarily committed to the 17189
board pursuant to Chapter 5122. of the Revised Code. The board 17190
shall provide the least restrictive and most appropriate 17191
alternative that is available for any person involuntarily 17192
committed to it and shall assure that the listed services 17193
submitted and approved in accordance with division (B) of section 17194
340.08 of the Revised Code are available to severely mentally 17195
disabled persons residing within its service district. The board 17196
shall establish the procedure for authorizing payment for 17197
services, which may include prior authorization in appropriate 17198
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 17199
section, the board may provide for services directly to a severely 17200
mentally disabled person when life or safety is endangered and 17201
when no community mental health services provider is available to 17202
provide the service. 17203

(14) Ensure that ~~apartments or rooms~~ housing built, 17204
subsidized, renovated, rented, owned, or leased by the board or a 17205
community addiction or mental health services provider ~~have~~ has 17206
been approved as meeting minimum fire safety standards and that 17207

persons residing in the ~~rooms or apartments are receiving~~ housing 17208
have access to appropriate and necessary services, including 17209
culturally relevant services, from a community addiction or mental 17210
health services provider. This division does not apply to 17211
residential facilities licensed pursuant to section 5119.34 of the 17212
Revised Code. 17213

(15) Establish a mechanism for obtaining advice and 17214
involvement of persons receiving ~~publicly funded~~ addiction or 17215
mental health services on matters pertaining to addiction and 17216
mental health services in the alcohol, drug addiction, and mental 17217
health service district; 17218

(16) Perform the duties required by rules adopted under 17219
section 5119.22 of the Revised Code regarding referrals by the 17220
board or mental health services providers under contract with the 17221
board of individuals with mental illness or severe mental 17222
disability to residential facilities ~~as defined in division~~ 17223
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 17224
Code and effective arrangements for ongoing mental health services 17225
for the individuals. The board is accountable in the manner 17226
specified in the rules for ensuring that the ongoing mental health 17227
services are effectively arranged for the individuals. 17228

(B) The board shall establish such rules, operating 17229
procedures, standards, and bylaws, and perform such other duties 17230
as may be necessary or proper to carry out the purposes of this 17231
chapter. 17232

(C) A board of alcohol, drug addiction, and mental health 17233
services may receive by gift, grant, devise, or bequest any 17234
moneys, lands, or property for the benefit of the purposes for 17235
which the board is established, and may hold and apply it 17236
according to the terms of the gift, grant, or bequest. All money 17237
received, including accrued interest, by gift, grant, or bequest 17238
shall be deposited in the treasury of the county, the treasurer of 17239

which is custodian of the alcohol, drug addiction, and mental 17240
health services funds to the credit of the board and shall be 17241
available for use by the board for purposes stated by the donor or 17242
grantor. 17243

(D) No board member or employee of a board of alcohol, drug 17244
addiction, and mental health services shall be liable for injury 17245
or damages caused by any action or inaction taken within the scope 17246
of the board member's official duties or the employee's 17247
employment, whether or not such action or inaction is expressly 17248
authorized by this section or any other section of the Revised 17249
Code, unless such action or inaction constitutes willful or wanton 17250
misconduct. Chapter 2744. of the Revised Code applies to any 17251
action or inaction by a board member or employee of a board taken 17252
within the scope of the board member's official duties or 17253
employee's employment. For the purposes of this division, the 17254
conduct of a board member or employee shall not be considered 17255
willful or wanton misconduct if the board member or employee acted 17256
in good faith and in a manner that the board member or employee 17257
reasonably believed was in or was not opposed to the best 17258
interests of the board and, with respect to any criminal action or 17259
proceeding, had no reasonable cause to believe the conduct was 17260
unlawful. 17261

(E) The meetings held by any committee established by a board 17262
of alcohol, drug addiction, and mental health services shall be 17263
considered to be meetings of a public body subject to section 17264
121.22 of the Revised Code. 17265

Sec. 340.034. All of the following apply to the recovery 17266
housing required by section 340.033 of the Revised Code to be 17267
included in the array of treatment ~~and support~~ services and 17268
recovery support for all levels of opioid and co-occurring drug 17269
addiction that are part of the continuum of care established by 17270

each board of alcohol, drug addiction, and mental health services 17271
pursuant to division (A)(11) of section 340.03 of the Revised 17272
Code: 17273

(A) The recovery housing shall not be ~~owned or operated~~ 17274
~~subject to residential facility licensure by a residential~~ 17275
~~facility as defined in the department of mental health and~~ 17276
~~addiction services under~~ section 5119.34 of the Revised Code ~~and~~ 17277
~~instead. In addition, the recovery housing shall not be owned and~~ 17278
~~operated by the following:~~ 17279

~~(1) Except as provided in division (A)(2) of this section, a~~ 17280
~~community addiction services provider or other local~~ 17281
~~nongovernmental organization (including a peer run recovery~~ 17282
~~organization), as appropriate to the needs of the board's service~~ 17283
~~district;~~ 17284

~~(2) The board, if either a board of alcohol, drug addiction,~~ 17285
~~and mental health services unless any of the following applies:~~ 17286

~~(a)(1) The board owns and operates the recovery housing on~~ 17287
~~the effective date of this section September 15, 2016.~~ 17288

~~(b)(2) The board utilizes local funds in the development,~~ 17289
~~purchase, or operation of the recovery housing.~~ 17290

~~(3) The board determines that there is an emergency a need~~ 17291
~~for the board to assume the ownership and operation of the~~ 17292
~~recovery housing such as when an existing owner and operator of~~ 17293
~~the recovery housing goes out of business, and the board considers~~ 17294
~~the assumption of ownership and operation of the recovery housing~~ 17295
~~to be its last resort in the best interest of the community.~~ 17296

(B) The recovery housing shall have protocols for all of the 17297
following: 17298

(1) Administrative oversight; 17299

(2) Quality standards; 17300

(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.

(C) Family members of the recovery housing's residents may reside in the recovery housing to the extent the recovery housing's protocols permit.

(D) The recovery housing shall not limit a resident's duration of stay to an arbitrary or fixed amount of time. Instead, each resident's duration of stay shall be determined by the resident's needs, progress, and willingness to abide by the recovery housing's protocols, in collaboration with the recovery housing's owner and operator, and, if appropriate, in consultation and integration with a community addiction services provider.

(E) The recovery housing may permit its residents to receive medication-assisted treatment ~~at the recovery housing.~~

(F) ~~The A recovery housing resident may not provide community addiction services but may assist a resident in obtaining community~~ receive addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code. ~~The community addiction services may be provided at the recovery housing or elsewhere.~~

Sec. 340.035. A board of alcohol, drug addiction, and mental health services may advocate on behalf of medicaid recipients enrolled in medicaid managed care organizations and medicaid-eligible individuals, any of whom have been identified as needing addiction or mental health services.

Sec. 340.04. In addition to such other duties as may be lawfully imposed, the executive director of a board of alcohol, drug addiction, and mental health services shall:

(A) Serve as executive officer of the board and subject to the prior approval of the board for each contract, execute

contracts on its behalf; 17331

(B) Supervise services and facilities provided, operated, 17332
contracted, or supported by the board to the extent of determining 17333
that services and facilities are being administered in conformity 17334
with this chapter and rules of the director of mental health and 17335
addiction services; 17336

(C) Provide consultation to community addiction and mental 17337
health services providers providing services supported by the 17338
board; 17339

(D) Recommend to the board the changes necessary to increase 17340
the effectiveness of addiction and mental health services and 17341
other matters necessary or desirable to carry out this chapter; 17342

(E) Employ and remove from office such employees and 17343
consultants in the classified civil service and, subject to the 17344
approval of the board, employ and remove from office such other 17345
employees and consultants as may be necessary for the work of the 17346
board, and fix their compensation and reimbursement within the 17347
limits set by the salary schedule and the budget approved by the 17348
board; 17349

(F) Encourage the development and expansion of preventive, 17350
treatment, rehabilitative, and consultative services in the field 17351
of addiction and mental health services with emphasis on 17352
continuity of care; 17353

(G) Prepare for board approval an annual report of the 17354
services and facilities under the jurisdiction of the board, 17355
including a fiscal accounting of all services; 17356

(H) Conduct such studies as may be necessary and practicable 17357
for the promotion of mental health, promotion of addiction 17358
services, and the prevention of mental illness, emotional 17359
disorders, and addiction; 17360

(I) Authorize the county auditor, or in a joint-county district the county auditor designated as the auditor for the district, to issue warrants for the payment of board obligations approved by the board, provided that all payments from funds distributed to the board by the department of mental health and addiction services are in accordance with the budget submitted pursuant to section 340.08 of the Revised Code, as approved by the department of mental health and addiction services.

Sec. 340.05. A community addiction or mental health services provider that receives a complaint alleging abuse or neglect of an individual with mental illness or severe mental disability, or an individual receiving addiction services, who resides in a residential facility ~~as defined in division (A)(9)(b) of licensed under~~ section 5119.34 of the Revised Code shall report the complaint to the board of alcohol, drug addiction, and mental health services serving the alcohol, drug addiction, and mental health service district in which the residential facility is located. A board of alcohol, drug addiction, and mental health services that receives such a complaint or a report from a community addiction or mental health services provider of such a complaint shall report the complaint to the director of mental health and addiction services for the purpose of the director conducting an investigation under section 5119.34 of the Revised Code. The board may enter the facility with or without the director and, if the health and safety of a resident is in immediate danger, take any necessary action to protect the resident. The board's action shall not violate any resident's rights specified in rules adopted by the department of mental health and addiction services under section 5119.34 of the Revised Code. The board shall immediately report to the director regarding the board's actions under this section.

Sec. 340.07. The board of county commissioners of any county 17392
participating in an alcohol, drug addiction, and mental health 17393
service district or joint-county district, upon receipt from the 17394
board of alcohol, drug addition, and mental health services of a 17395
resolution so requesting, may appropriate money to such board for 17396
the operation, lease, acquisition, construction, renovation, and 17397
maintenance of addiction or mental health services providers and 17398
facilities in accordance with the comprehensive community 17399
~~addiction and~~ mental health and addiction services budget approved 17400
by the department of mental health and addiction services pursuant 17401
to section ~~340.08~~ 5119.22 of the Revised Code. 17402

Sec. 340.12. ~~No~~ As used in this section, "disability" has the 17403
same meaning as in section 4112.01 of the Revised Code. 17404

No board of alcohol, drug addiction, and mental health 17405
services or any community addiction or mental health services 17406
provider under contract with such a board shall discriminate in 17407
the provision of services under its authority, in employment, or 17408
under a contract on the basis of race, color, religion, creed, 17409
sex, age, national origin, or disability. 17410

Each board and each community addiction or mental health 17411
services provider shall have a written affirmative action program. 17412
The affirmative action program shall include goals for the 17413
employment and effective utilization of, including contracts with, 17414
members of economically disadvantaged groups as defined in 17415
division (E)(1) of section 122.71 of the Revised Code in 17416
percentages reflecting as nearly as possible the composition of 17417
the alcohol, drug addiction, and mental health service district 17418
served by the board. Each board and provider shall file a 17419
description of the affirmative action program and a progress 17420
report on its implementation with the department of mental health 17421
and addiction services. 17422

Sec. 340.15. (A) A public children services agency that 17423
identifies a child by a risk assessment conducted pursuant to 17424
section 5153.16 of the Revised Code as being at imminent risk of 17425
being abused or neglected because of an addiction of a parent, 17426
guardian, or custodian of the child to a drug of abuse or alcohol 17427
shall refer the child's addicted parent, guardian, or custodian 17428
and, if the agency determines that the child needs alcohol or 17429
other drug addiction services, the child to a community addiction 17430
services provider ~~certified by the department of mental health and~~ 17431
~~addiction services under section 5119.36 of the Revised Code.~~ A 17432
public children services agency that is sent a court order issued 17433
pursuant to division (B) of section 2151.3514 of the Revised Code 17434
shall refer the addicted parent or other caregiver of the child 17435
identified in the court order to a community addiction services 17436
provider ~~certified by the department of mental health and~~ 17437
~~addiction services under section 5119.36 of the Revised Code.~~ On 17438
receipt of a referral under this division and to the extent 17439
funding identified under division (A)(1) of section 340.08 of the 17440
Revised Code is available, the provider shall provide the 17441
following services to the addicted parent, guardian, custodian, or 17442
caregiver and child in need of addiction services: 17443

(1) If it is determined pursuant to an initial screening to 17444
be needed, assessment and appropriate treatment; 17445

(2) Documentation of progress in accordance with a treatment 17446
plan developed for the addicted parent, guardian, custodian, 17447
caregiver, or child; 17448

(3) If the referral is based on a court order issued pursuant 17449
to division (B) of section 2151.3514 of the Revised Code and the 17450
order requires the specified parent or other caregiver of the 17451
child to submit to alcohol or other drug testing during, after, or 17452
both during and after, treatment, testing in accordance with the 17453

court order. 17454

(B) The services described in division (A) of this section 17455
shall have a priority as provided in the addiction and mental 17456
health services plan and budget established pursuant to sections 17457
340.03 and 340.08 of the Revised Code. Once a referral has been 17458
received pursuant to this section, the public children services 17459
agency and the addiction services provider shall, in accordance 17460
with 42 C.F.R. Part 2, share with each other any information 17461
concerning the persons and services described in that division 17462
that the agency and provider determine are necessary to share. If 17463
the referral is based on a court order issued pursuant to division 17464
(B) of section 2151.3514 of the Revised Code, the results and 17465
recommendations of the addiction services provider also shall be 17466
provided and used as described in division (D) of that section. 17467
Information obtained or maintained by the agency or provider 17468
pursuant to this section that could enable the identification of 17469
any person described in division (A) of this section is not a 17470
public record subject to inspection or copying under section 17471
149.43 of the Revised Code. 17472

Sec. 341.34. (A) As used in this section, "building or 17473
structure" includes, but is not limited to, a modular unit, 17474
building, or structure and a movable unit, building, or structure. 17475

(B)(1) The board of county commissioners of any county, by 17476
resolution, may dedicate and permit the use, as a minimum security 17477
jail, of any vacant or abandoned public building or structure 17478
owned by the county that has not been dedicated to or is not then 17479
in use for any county or other public purpose, or any building or 17480
structure rented or leased by the county. The board of county 17481
commissioners of any county, by resolution, also may dedicate and 17482
permit the use, as a minimum security jail, of any building or 17483
structure purchased by or constructed by or for the county. 17484

Subject to divisions (B)(3) and (C) of this section, upon the
effective date of such a resolution, the specified building or
structure shall be used, in accordance with this section, for the
confinement of persons who meet one of the following conditions:

(a) The person is sentenced to a term of imprisonment for a
traffic violation or a misdemeanor or is sentenced to a
residential sanction in the jail for a felony of the fourth or
fifth degree pursuant to sections 2929.11 to 2929.19 of the
Revised Code, and the jail administrator or the jail
administrator's designee has classified the person as a minimal
security risk. In determining the person's classification under
this division, the administrator or designee shall consider all
relevant factors, including, but not limited to, the person's
escape risk and propensity for assaultive or violent behavior,
based upon the person's prior and current behavior.

(b) The person is charged with a traffic violation, a
misdemeanor, or a felony of the fourth or fifth degree and has had
bail set and has not been released on bail and is confined in a
county or municipal jail pending trial, and the jail administrator
or the jail administrator's designee has classified the person as
a minimal security risk. In determining the person's
classification under this division, the administrator or designee
shall consider all relevant factors, including, but not limited
to, the person's escape risk and propensity for assaultive or
violent behavior, based upon the person's prior and current
behavior. Nothing in this division authorizes the operation or
management of a minimum security jail by a private entity.

(c) The person is an inmate transferred by order of a judge
of the sentencing court upon the request of the sheriff,
administrator, jailer, or other person responsible for operating
the jail other than a contractor as defined in section 9.06 of the
Revised Code, who is named in the request as being suitable for

confinement in a minimum security facility. 17517

(2) The board of county commissioners of any county, by 17518
resolution, may affiliate with one or more adjacent counties, or 17519
with one or more municipal corporations located within the county 17520
or within an adjacent county, and dedicate and permit the use, as 17521
a minimum security jail, of any vacant or abandoned public 17522
building or structure owned by any of the affiliating counties or 17523
municipal corporations that has not been dedicated to or is not 17524
then in use for any public purpose, or any building or structure 17525
rented or leased by any of the affiliating counties or municipal 17526
corporations. The board of county commissioners of any county, by 17527
resolution, also may affiliate with one or more adjacent counties 17528
or with one or more municipal corporations located within the 17529
county or within an adjacent county and dedicate and permit the 17530
use, as a minimum security jail, of any building or structure 17531
purchased by or constructed by or for any of the affiliating 17532
counties or municipal corporations. Any counties and municipal 17533
corporations that affiliate for purposes of this division shall 17534
enter into an agreement that establishes the responsibilities for 17535
the operation and for the cost of operation of the minimum 17536
security jail. Subject to divisions (B)(3) and (C) of this 17537
section, upon the effective date of a resolution adopted under 17538
this division, the specified building or structure shall be used, 17539
in accordance with this section, for the confinement of persons 17540
who meet one of the following conditions: 17541

(a) The person is sentenced to a term of imprisonment for a 17542
traffic violation, a misdemeanor, or a violation of an ordinance 17543
of any municipal corporation, or is sentenced to a residential 17544
sanction in the jail for a felony of the fourth or fifth degree 17545
pursuant to sections 2929.11 to 2929.19 of the Revised Code, and 17546
the jail administrator or the jail administrator's designee has 17547
classified the person as a minimal security risk. In determining 17548

the person's classification under this division, the administrator 17549
or designee shall consider all relevant factors, including, but 17550
not limited to, the person's escape risk and propensity for 17551
assaultive or violent behavior, based upon the person's prior and 17552
current behavior. 17553

(b) The person is charged with a traffic violation, a 17554
misdemeanor, or a felony of the fourth or fifth degree and has had 17555
bail set and has not been released on bail and is confined in a 17556
county jail pending trial, and the jail administrator or the jail 17557
administrator's designee has classified the person as a minimal 17558
security risk. In determining the person's classification under 17559
this division, the administrator or designee shall consider all 17560
relevant factors, including, but not limited to, the person's 17561
escape risk and propensity for assaultive or violent behavior, 17562
based upon the person's prior and current behavior. Nothing in 17563
this division authorizes the operation or management of a minimum 17564
security jail by a private entity. 17565

(c) The person is an inmate transferred by order of a judge 17566
of the sentencing court upon the request of the sheriff, 17567
administrator, jailer, or other person responsible for operating 17568
the jail other than a contractor as defined in section 9.06 of the 17569
Revised Code, who is named in the request as being suitable for 17570
confinement in a minimum security facility. 17571

(3) No person shall be confined in a building or structure 17572
dedicated as a minimum security jail under division (B)(1) or (2) 17573
of this section unless the judge who sentenced the person to the 17574
term of imprisonment for the traffic violation or the misdemeanor 17575
specifies that the term of imprisonment is to be served in that 17576
jail, and division (B)(1) or (2) of this section permits the 17577
confinement of the person in that jail or unless the judge who 17578
sentenced the person to the residential sanction for the felony 17579
specifies that the residential sanction is to be served in a jail, 17580

and division (B)(1) or (2) of this section permits the confinement 17581
of the person in that jail. If a rented or leased building or 17582
structure is so dedicated, the building or structure may be used 17583
as a minimum security jail only during the period that it is 17584
rented or leased by the county or by an affiliated county or 17585
municipal corporation. If a person convicted of a misdemeanor is 17586
confined to a building or structure dedicated as a minimum 17587
security jail under division (B)(1) or (2) of this section and the 17588
sheriff, administrator, jailer, or other person responsible for 17589
operating the jail other than a contractor as defined in section 17590
9.06 of the Revised Code determines that it would be more 17591
appropriate for the person so confined to be confined in another 17592
jail or workhouse facility, the sheriff, administrator, jailer, or 17593
other person may transfer the person so confined to a more 17594
appropriate jail or workhouse facility. 17595

(C) All of the following apply to a building or structure 17596
that is dedicated pursuant to division (B)(1) or (2) of this 17597
section for use as a minimum security jail: 17598

(1) To the extent that the use of the building or structure 17599
as a minimum security jail requires a variance from any county, 17600
municipal corporation, or township zoning regulations or 17601
ordinances, the variance shall be granted. 17602

(2) Except as provided in this section, the building or 17603
structure shall not be used to confine any person unless it is in 17604
substantial compliance with any applicable housing, fire 17605
prevention, sanitation, health, and safety codes, regulations, or 17606
standards. 17607

(3) Unless such satisfaction or compliance is required under 17608
the standards described in division (C)(4) of this section, and 17609
notwithstanding any other provision of state or local law to the 17610
contrary, the building or structure need not satisfy or comply 17611
with any state or local building standard or code in order to be 17612

used to confine a person for the purposes specified in division 17613
(B) of this section. 17614

(4) The building or structure shall not be used to confine 17615
any person unless it is in compliance with all minimum standards 17616
and minimum renovation, modification, and construction criteria 17617
for minimum security jails that have been proposed by the 17618
department of rehabilitation and correction, through its bureau of 17619
adult detention, under section 5120.10 of the Revised Code. 17620

(5) The building or structure need not be renovated or 17621
modified into a secure detention facility in order to be used 17622
solely to confine a person for the purposes specified in divisions 17623
(B)(1)(a) or (b) and (B)(2)(a) or (b) of this section. 17624

(6) The building or structure shall be used, equipped, 17625
furnished, and staffed in the manner necessary to provide adequate 17626
and suitable living, sleeping, food service or preparation, 17627
drinking, bathing and toilet, sanitation, and other necessary 17628
facilities, furnishings, and equipment. 17629

(D) Except as provided in this section, a minimum security 17630
jail dedicated and used under this section shall be considered to 17631
be part of the jail, workhouse, or other correctional facilities 17632
of the county or the affiliated counties and municipal 17633
corporations for all purposes under the law. All persons confined 17634
in such a minimum security jail shall be and shall remain, in all 17635
respects, under the control of the county authority that has 17636
responsibility for the management and operation of the jail, 17637
workhouse, or other correctional facilities of the county or, if 17638
it is operated by any affiliation of counties or municipal 17639
corporations, under the control of the specified county or 17640
municipal corporation with that authority, provided that, if the 17641
person was convicted of a felony and is serving a residential 17642
sanction in the facility, all provisions of law that pertain to 17643
persons convicted of a felony that would not by their nature 17644

clearly be inapplicable apply regarding the person. A minimum 17645
security jail dedicated and used under this section shall be 17646
managed and maintained in accordance with policies and procedures 17647
adopted by the board of county commissioners or the affiliated 17648
counties and municipal corporations governing the safe and 17649
healthful operation of the jail, the confinement and supervision 17650
of the persons sentenced to it, and their participation in work 17651
release or similar rehabilitation programs. In addition to other 17652
rules of conduct and discipline, the rights of ingress and egress 17653
of persons confined in a minimum security jail dedicated and used 17654
under this section shall be subject to reasonable restrictions. 17655
Every person confined in a minimum security jail dedicated and 17656
used under this section shall be given verbal and written 17657
notification, at the time of the person's admission to the jail, 17658
that purposely leaving, or purposely failing to return to, the 17659
jail without proper authority or permission constitutes the felony 17660
offense of escape. 17661

(E) If a person who has been convicted of or pleaded guilty 17662
to an offense is sentenced to a term of imprisonment or a 17663
residential sanction in a minimum security jail as described in 17664
division (B)(1)(a) or (B)(2)(a) of this section, or if a person is 17665
an inmate transferred to a minimum security jail by order of a 17666
judge of the sentencing court as described in division 17667
(B)(1)~~(b)~~(c) or (B)(2)~~(b)~~(c) of this section, at the time of 17668
reception and at other times the person in charge of the operation 17669
of the jail determines to be appropriate, the sheriff or other 17670
person in charge of the operation of the jail may cause the 17671
convicted offender to be examined and tested for tuberculosis, HIV 17672
infection, hepatitis, including but not limited to hepatitis A, B, 17673
and C, and other contagious diseases. The person in charge of the 17674
operation of the jail may cause a convicted offender in the jail 17675
who refuses to be tested or treated for tuberculosis, HIV 17676
infection, hepatitis, including but not limited to hepatitis A, B, 17677

and C, or another contagious disease to be tested and treated 17678
involuntarily. 17679

Sec. 343.01. (A) In order to comply with division (B) of 17680
section 3734.52 of the Revised Code, the board of county 17681
commissioners of each county shall do one of the following: 17682

(1) Establish, by resolution, and maintain a county solid 17683
waste management district under this chapter that consists of all 17684
the incorporated and unincorporated territory within the county 17685
except as otherwise provided in division (A) of this section; 17686

(2) With the boards of county commissioners of one or more 17687
other counties establish, by agreement, and maintain a joint solid 17688
waste management district under this chapter that consists of all 17689
the incorporated and unincorporated territory within the counties 17690
forming the joint district except as otherwise provided in 17691
division (A) of this section. 17692

If a municipal corporation is located in more than one solid 17693
waste management district, the entire municipal corporation shall 17694
be considered to be included in and shall be under the 17695
jurisdiction of the district in which a majority of the population 17696
of the municipal corporation resides. 17697

A county and joint district established to comply with 17698
division (B) of section 3734.52 of the Revised Code shall have a 17699
population of not less than one hundred twenty thousand unless, in 17700
the instance of a county district, the board of county 17701
commissioners has obtained an exemption from that requirement 17702
under division (C)(1) or (2) of that section. Each joint district 17703
established to comply with an order issued under division (D) of 17704
that section shall have a population of at least one hundred 17705
twenty thousand. 17706

(B) The boards of county commissioners of the counties 17707

establishing a joint district constitute, collectively, the board 17708
of directors of the joint district, except that if a county with a 17709
form of legislative authority other than a board of county 17710
commissioners participates, it shall be represented on the board 17711
of directors by three persons appointed by the legislative 17712
authority. 17713

The agreement to establish and maintain a joint district 17714
shall be ratified by resolution of the board of county 17715
commissioners of each participating county. Upon ratification, the 17716
board of directors shall take control of and manage the joint 17717
district subject to this chapter, except that, in the case of a 17718
joint district formed pursuant to division (C), (D), or (E) of 17719
section 343.012 of the Revised Code, the board of directors shall 17720
take control of and manage the district when the formation of the 17721
district becomes final under the applicable division. A majority 17722
of the board of directors constitutes a quorum, and a majority 17723
vote is required for the board to act. 17724

A county participating in a joint district may contribute 17725
lands or rights or interests therein, money, other personal 17726
property or rights or interests therein, or services to the 17727
district. The agreement shall specify any contributions of 17728
participating counties and the rights of the participating 17729
counties in lands or personal property, or rights or interests 17730
therein, contributed to or otherwise acquired by the joint 17731
district. The agreement may be amended or added to by a majority 17732
vote of the board of directors, but no amendment or addition shall 17733
divest a participating county of any right or interest in lands or 17734
personal property without its consent. 17735

The board of directors may appoint and fix the compensation 17736
of employees of, accept gifts, devises, and bequests for, and take 17737
other actions necessary to control and manage the joint district. 17738
Employees of the district shall be considered county employees for 17739

the purposes of Chapter 124. of the Revised Code and other 17740
provisions of state law applicable to employees. Instead of or in 17741
addition to appointing employees of the district, the board of 17742
directors may agree to use employees of one or more of the 17743
participating counties in the service of the joint district and to 17744
share in their compensation in any manner that may be agreed upon. 17745

The board of directors shall do one of the following: 17746

(1) Designate the county auditor, including any other 17747
official acting in a capacity similar to a county auditor under a 17748
county charter, of a county participating in the joint district as 17749
the fiscal officer of the district, and the county treasurer, or 17750
other official acting in a capacity similar to a county treasurer 17751
under a county charter, of that county as the treasurer of the 17752
district. The designated county officials shall perform any 17753
applicable duties for the district as each typically performs for 17754
the county of which the individual is an official, except as 17755
otherwise may be provided in any bylaws or resolutions adopted by 17756
the board of directors. The board of directors may pay to that 17757
county any amount agreed upon by the board of directors and the 17758
board of county commissioners of that county to reimburse that 17759
county for the cost properly allocable to the service of its 17760
officials as fiscal officer and treasurer of the joint district. 17761

(2) Appoint one individual who is neither a county auditor 17762
nor a county treasurer, and who may be an employee of the 17763
district, to serve as both the treasurer of the district and its 17764
fiscal officer. That individual shall act as custodian of the 17765
funds of the board and the district and shall maintain all 17766
accounts of the district. Any reference in this chapter or Chapter 17767
3734. of the Revised Code to a county auditor or county treasurer 17768
serving as fiscal officer of a district or custodian of any funds 17769
of a board or district is deemed to refer to an individual 17770
appointed under division (B)(2) of this section. 17771

The fiscal officer of a district shall establish a general 17772
fund and any other necessary funds for the district. 17773

(C) A board of county commissioners of a county district or 17774
board of directors of a joint district may acquire, by purchase or 17775
lease, construct, improve, enlarge, replace, maintain, and operate 17776
such solid waste collection systems within their respective 17777
districts and such solid waste facilities within or outside their 17778
respective districts as are necessary for the protection of the 17779
public health. A board of county commissioners may acquire within 17780
its county real property or any estate, interest, or right 17781
therein, by appropriation or any other method, for use by a county 17782
or joint district in connection with such facilities. 17783
Appropriation proceedings shall be conducted in accordance with 17784
sections 163.01 to 163.22 of the Revised Code. 17785

(D) The sanitary engineer or sanitary engineering department 17786
of a county maintaining a district and any sanitary engineer or 17787
sanitary engineering department of a county in a joint district, 17788
as determined by the board of directors, in addition to other 17789
duties assigned to that engineer or department, shall assist the 17790
board of county commissioners or directors in the performance of 17791
their duties under this chapter and sections 3734.52 to 3734.575 17792
of the Revised Code and shall be charged with any other duties and 17793
services in relation thereto that the board prescribes. A board 17794
may employ registered professional engineers to assist the 17795
sanitary engineer in those duties and also may employ financial 17796
advisers and any other professional services it considers 17797
necessary to assist it in the construction, financing, and 17798
maintenance of solid waste collection or other solid waste 17799
facilities. Such contracts of employment shall not require the 17800
certificate provided in section 5705.41 of the Revised Code. 17801
Payment for such services may be made from the general fund or any 17802
other fund legally available for that use at times that are agreed 17803

upon or as determined by the board of county commissioners or 17804
directors, and the funds may be reimbursed from the proceeds of 17805
bonds or notes issued to pay the cost of any improvement to which 17806
the services related. 17807

(E)(1) The prosecuting attorney of the county shall serve as 17808
the legal advisor of a county district and shall provide such 17809
services to the board of county commissioners of the district as 17810
are required or authorized to be provided to other county boards 17811
under Chapter 309. of the Revised Code, except that, if the board 17812
considers it to be necessary or appropriate, the board, on its own 17813
initiative, may employ an attorney or other legal counsel on an 17814
annual basis to serve as the legal advisor of the district in 17815
place of the prosecuting attorney. When the prosecuting attorney 17816
is serving as the district's legal advisor and the board considers 17817
it to be necessary or appropriate, the board, on its own 17818
initiative, may employ an attorney or other legal counsel to 17819
represent or advise the board regarding a particular matter in 17820
place of the prosecuting attorney. The employment of an attorney 17821
or other legal counsel on an annual basis or in a particular 17822
matter is not subject to or governed by sections 305.14 and 309.09 17823
of the Revised Code. 17824

Notwithstanding the employment of an attorney or other legal 17825
counsel on an annual basis to serve as the district's legal 17826
advisor, the board may require written opinions or instructions 17827
from the prosecuting attorney under section 309.09 of the Revised 17828
Code in matters connected with its official duties as though the 17829
prosecuting attorney were serving as the legal advisor of the 17830
district. 17831

(2) The board of directors of a joint district may designate 17832
the prosecuting attorney of one of the counties forming the 17833
district to serve as the legal advisor of the district. When so 17834
designated, the prosecuting attorney shall provide such services 17835

to the joint district as are required or authorized to be provided 17836
to county boards under Chapter 309. of the Revised Code. The board 17837
of directors may pay to that county any amount agreed upon by the 17838
board of directors and the board of county commissioners of that 17839
county to reimburse that county for the cost properly allocable to 17840
the services of its prosecuting attorney as the legal advisor of 17841
the joint district. When that prosecuting attorney is so serving 17842
and the board considers it to be necessary or appropriate, the 17843
board, on its own initiative, may employ an attorney or other 17844
legal counsel to represent or advise the board regarding a 17845
particular matter in place of the prosecuting attorney. 17846

Instead of designating the prosecuting attorney of one of the 17847
counties forming the district to be the legal advisor of the 17848
district, the board of directors may employ on an annual basis an 17849
attorney or other legal counsel to serve as the district's legal 17850
advisor. Notwithstanding the employment of an attorney or other 17851
legal counsel as the district's legal advisor, the board of 17852
directors may require written opinions or instructions from the 17853
prosecuting attorney of any of the counties forming the district 17854
in matters connected with the board's official duties, and the 17855
prosecuting attorney shall provide the written opinion or 17856
instructions as though the prosecuting attorney had been 17857
designated to serve as the district's legal advisor under division 17858
(E)(2) of this section. 17859

(F) A board of county commissioners may issue bonds or bond 17860
anticipation notes of the county to pay the cost of preparing 17861
general and detailed plans and other data required for the 17862
construction of solid waste facilities in connection with a county 17863
or joint district. A board of directors of a joint solid waste 17864
management district may issue bonds or bond anticipation notes of 17865
the joint solid waste management district to pay the cost of 17866
preparing general and detailed plans and other data required for 17867

the construction of solid waste facilities in connection with a joint district. The bonds and notes shall be issued in accordance with Chapter 133. of the Revised Code, except that the maximum maturity of bonds issued for that purpose shall not exceed ten years. Bond anticipation notes may be paid from the proceeds of bonds issued either to pay the cost of the solid waste facilities or to pay the cost of the plans and other data.

(G) To the extent authorized by the solid waste management plan of the district approved under section 3734.521 or 3734.55 of the Revised Code or subsequent amended plans of the district approved under section 3734.521 or 3734.56 of the Revised Code, the board of county commissioners of a county district or board of directors of a joint district may adopt, publish, and enforce rules doing any of the following:

(1) Prohibiting or limiting the receipt of solid wastes generated outside the district or outside a service area prescribed in the solid waste management plan or amended plan, at facilities located within the solid waste management district, consistent with the projections contained in the plan or amended plan under divisions (A)(6) and (7) of section 3734.53 of the Revised Code. However, rules adopted by a board under division (G)(1) of this section may be adopted and enforced with respect to solid waste disposal facilities in the solid waste management district that are not owned by a county or the solid waste management district only if the board submits an application to the director of environmental protection that demonstrates that there is insufficient capacity to dispose of all solid wastes that are generated within the district at the solid waste disposal facilities located within the district and the director approves the application. The demonstration in the application shall be based on projections contained in the plan or amended plan of the district. The director shall establish the form of the

application. The approval or disapproval of such an application by 17900
the director is an action that is appealable under section 3745.04 17901
of the Revised Code. 17902

In addition, the director of environmental protection may 17903
issue an order modifying a rule adopted under division (G)(1) of 17904
this section to allow the disposal in the district of solid wastes 17905
from another county or joint solid waste management district if 17906
all of the following apply: 17907

(a) The district in which the wastes were generated does not 17908
have sufficient capacity to dispose of solid wastes generated 17909
within it for six months following the date of the director's 17910
order~~+~~. 17911

(b) No new solid waste facilities will begin operation during 17912
those six months in the district in which the wastes were 17913
generated and, despite good faith efforts to do so, it is 17914
impossible to site new solid waste facilities within the district 17915
because of its high population density~~+~~. 17916

(c) The district in which the wastes were generated has made 17917
good faith efforts to negotiate with other districts to 17918
incorporate its disposal needs within those districts' solid waste 17919
management plans, including efforts to develop joint facilities 17920
authorized under section 343.02 of the Revised Code, and the 17921
efforts have been unsuccessful~~+~~. 17922

(d) The district in which the wastes were generated has 17923
located a facility willing to accept the district's solid wastes 17924
for disposal within the receiving district~~+~~. 17925

(e) The district in which the wastes were generated has 17926
demonstrated to the director that the conditions specified in 17927
divisions (G)(1)(a) to (d) of this section have been met~~+~~. 17928

(f) The director finds that the issuance of the order will be 17929
consistent with the state solid waste management plan and that 17930

receipt of the out-of-district wastes will not limit the capacity 17931
of the receiving district to dispose of its in-district wastes to 17932
less than eight years. 17933

~~Any~~ 17934

Any order issued under division (G)(1) of this section shall 17935
not become final until thirty days after it has been served by 17936
certified mail upon the county or joint solid waste management 17937
district that will receive the out-of-district wastes. 17938

(2) Governing the maintenance, protection, and use of solid 17939
waste collection or other solid waste facilities located within 17940
its district. The rules adopted under division (G)(2) of this 17941
section shall not establish design standards for solid waste 17942
facilities and shall be consistent with the solid waste provisions 17943
of Chapter 3734. of the Revised Code and the rules adopted under 17944
those provisions. The rules adopted under division (G)(2) of this 17945
section may prohibit any person, municipal corporation, township, 17946
or other political subdivision from constructing, enlarging, or 17947
modifying any solid waste facility until general plans and 17948
specifications for the proposed improvement have been submitted to 17949
and approved by the board of county commissioners or board of 17950
directors as complying with the solid waste management plan or 17951
amended plan of the district. The construction of such a facility 17952
shall be done under the supervision of the county sanitary 17953
engineer or, in the case of a joint district, a county sanitary 17954
engineer designated by the board of directors, and any person, 17955
municipal corporation, township, or other political subdivision 17956
proposing or constructing such improvements shall pay to the 17957
county or joint district all expenses incurred by the board in 17958
connection therewith. The sanitary engineer may enter upon any 17959
public or private property for the purpose of making surveys or 17960
examinations necessary for designing solid waste facilities or for 17961
supervising the construction, enlargement, modification, or 17962

operation of any such facilities. No person, municipal 17963
corporation, township, or other political subdivision shall forbid 17964
or interfere with the sanitary engineer or the sanitary engineer's 17965
authorized assistants entering upon such property for that 17966
purpose. If actual damage is done to property by the making of the 17967
surveys and examinations, a board shall pay the reasonable value 17968
of that damage to the owner of the property damaged, and the cost 17969
shall be included in the financing of the improvement for which 17970
the surveys and examinations are made. 17971

(3) Governing the development and implementation of a program 17972
for the inspection of solid wastes generated outside the 17973
boundaries of this state that are disposed of at solid waste 17974
facilities included in the district's solid waste management plan 17975
or amended plan. A board of county commissioners or board of 17976
directors or its authorized representative may enter upon the 17977
premises of any solid waste facility included in the district's 17978
solid waste management plan or amended plan for the purpose of 17979
conducting the inspections required or authorized by the rules 17980
adopted under division (G)(3) of this section. No person, 17981
municipal corporation, township, or other political subdivision 17982
shall forbid or interfere with a board of county commissioners or 17983
directors or its authorized representative entering upon the 17984
premises of any such solid waste facility for that purpose. 17985

(4) Exempting the owner or operator of any existing or 17986
proposed solid waste facility provided for in the plan or amended 17987
plan from compliance with any amendment to a township zoning 17988
resolution adopted under section 519.12 of the Revised Code or to 17989
a county rural zoning resolution adopted under section 303.12 of 17990
the Revised Code that rezoned or redistricted the parcel or 17991
parcels upon which the facility is to be constructed or modified 17992
and that became effective within two years prior to the filing of 17993
an application for a permit required under division (A)(2)(a) of 17994

section 3734.05 of the Revised Code to open a new or modify an existing solid waste facility.

(H) A board of county commissioners or board of directors may enter into a contract with any person, municipal corporation, township, or other political subdivision for the operation and maintenance of any solid waste facilities regardless of whether the facilities are owned or leased by the county or joint district or the contractor.

(I)(1) No person, municipal corporation, township, or other political subdivision shall tamper with or damage any solid waste facility constructed under this chapter or any apparatus or accessory connected therewith or pertaining thereto, fail or refuse to comply with the applicable rules adopted by a board of county commissioners or directors under division (G)(1), (2), (3), or (4) of this section, refuse to permit an inspection or examination by a sanitary engineer as authorized under division (G)(2) of this section, or refuse to permit an inspection by a board of county commissioners or directors or its authorized representative as required or authorized by rules adopted under division (G)(3) of this section.

(2) If the board of county commissioners of a county district or board of directors of a joint district has established facility designations under section 343.013, 343.014, or 343.015 of the Revised Code, or the director has established facility designations in the initial or amended plan of the district prepared and ordered to be implemented under section 3734.521, 3734.55, or 3734.56 of the Revised Code, no person, municipal corporation, township, or other political subdivision shall deliver, or cause the delivery of, any solid wastes generated within a county or joint district to any solid waste facility other than the facility designated under section 343.013, 343.014, or 343.015 of the Revised Code, or in the initial or amended plan

of the district prepared and ordered to be implemented under 18027
section 3734.521, 3734.55, or 3734.56 of the Revised Code, as 18028
applicable, except that source separated recyclable materials may 18029
be taken to any legitimate recycling facility. Upon the request of 18030
a person or the legislative authority of a municipal corporation 18031
or township, the board of county commissioners of a county 18032
district or board of directors of a joint district may grant a 18033
waiver authorizing the delivery of all or any portion of the solid 18034
wastes generated in a municipal corporation or township to a solid 18035
waste facility other than the facility designated under section 18036
343.013, 343.014, or 343.015 of the Revised Code, or in the 18037
initial or amended plan of the district prepared and ordered to be 18038
implemented under section 3734.521, 3734.55, or 3734.56 of the 18039
Revised Code, as applicable, regardless of whether the other 18040
facility is located within or outside of the district, if the 18041
board finds that delivery of those solid wastes to the other 18042
facility is not inconsistent with the projections contained in the 18043
district's initial or amended plan under divisions (A)(6) and (7) 18044
of section 3734.53 of the Revised Code as approved or ordered to 18045
be implemented and will not adversely affect the implementation 18046
and financing of the district's initial or amended plan pursuant 18047
to the implementation schedule contained in it under divisions 18048
(A)(12)(a) to (d) of that section. The board shall act on a 18049
request for such a waiver within ninety days after receiving the 18050
request. Upon granting such a waiver, the board shall send notice 18051
of that fact to the director. The notice shall indicate to whom 18052
the waiver was granted. Any waiver or authorization granted by a 18053
board on or before October 29, 1993, shall continue in force until 18054
the board takes action concerning the same entity under this 18055
division or until action is taken under division (G) of section 18056
343.014 of the Revised Code. 18057

(J) Divisions (G)(1) to (4) and (I)(2) of this section do not 18058
apply to the construction, operation, use, repair, enlargement, or 18059

modification of either of the following: 18060

(1) A solid waste facility owned by a generator of solid 18061
wastes when the solid waste facility exclusively disposes of solid 18062
wastes generated at one or more premises owned by the generator 18063
regardless of whether the facility is located on a premises where 18064
the wastes are generated; 18065

(2) A facility that exclusively disposes of wastes that are 18066
generated from the combustion of coal, or from the combustion of 18067
primarily coal in combination with scrap tires, that is not 18068
combined in any way with garbage at one or more premises owned by 18069
the generator. 18070

(K)(1) A member of the board of county commissioners of a 18071
county solid waste management district, member of the board of 18072
directors of a joint solid waste management district, member of 18073
the board of trustees of a regional solid waste management 18074
authority managing a county or joint solid waste management 18075
district, or officer or employee of any solid waste management 18076
district, for the purposes of sections 102.03, 102.04, 2921.41, 18077
and 2921.42 of the Revised Code, shall not be considered to be 18078
directly or indirectly interested in, or improperly influenced by, 18079
any of the following: 18080

(a) A contract entered into under this chapter or section 18081
307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18082
the district and any county forming the district, municipal 18083
corporation or township located within the district, or health 18084
district having territorial jurisdiction within the district, of 18085
which that member, officer, or employee also is an officer or 18086
employee, but only to the extent that any interest or influence 18087
could arise from holding public office or employment with the 18088
political subdivision or health district; 18089

(b) A contract entered into under this chapter or section 18090

307.15 or sections 3734.52 to 3734.575 of the Revised Code between 18091
the district and a county planning commission organized under 18092
section 713.22 of the Revised Code, or regional planning 18093
commission created under section 713.21 of the Revised Code, 18094
having territorial jurisdiction within the district, of which that 18095
member also is a member, officer, or employee, but only to the 18096
extent that any interest or influence could arise from holding 18097
public office or employment with the commission; 18098

(c) An expenditure of money made by the district for the 18099
benefit of any county forming the district, municipal corporation 18100
or township located within the district, or health district or 18101
county or regional planning commission having territorial 18102
jurisdiction within the district, of which that member also is a 18103
member, officer, or employee, but only to the extent that any 18104
interest or influence could arise from holding public office or 18105
employment with the political subdivision, health district, or 18106
commission; 18107

(d) An expenditure of money made for the benefit of the 18108
district by any county forming the district, municipal corporation 18109
or township located within the district, or health district or 18110
county or regional planning commission having territorial 18111
jurisdiction within the district, of which that member also is a 18112
member, officer, or employee, but only to the extent that any 18113
interest or influence could arise from holding public office or 18114
employment with the political subdivision, health district, or 18115
commission. 18116

(2) A solid waste management district, county, municipal 18117
corporation, township, health district, or planning commission 18118
described or referred to in divisions (K)(1)(a) to (d) of this 18119
section shall not be construed to be the business associate of a 18120
person who is concurrently a member of the board of county 18121
commissioners, directors, or trustees, or an officer or employee, 18122

of the district and an officer or employee of that municipal 18123
corporation, county, township, health district, or planning 18124
commission for the purposes of sections 102.03, 2921.42, and 18125
2921.43 of the Revised Code. Any person who is concurrently a 18126
member of the board of county commissioners, directors, or 18127
trustees, or an officer or employee, of a solid waste management 18128
district so described or referred to and an officer or employee of 18129
a county, municipal corporation, township, health district, or 18130
planning commission so described or referred to may participate 18131
fully in deliberations concerning and vote on or otherwise 18132
participate in the approval or disapproval of any contract or 18133
expenditure of funds described in those divisions as a member of 18134
the board of county commissioners or directors, or an officer or 18135
employee, of a county or joint solid waste management district; 18136
member of the board of trustees, or an officer or employee, of a 18137
regional solid waste management authority managing a county or 18138
joint solid waste management district; member of the legislative 18139
authority, or an officer or employee, of a county forming the 18140
district; member of the legislative authority, or an officer or 18141
employee, of a municipal corporation or township located within 18142
the district; member of the board of health, or an officer or 18143
employee, of a health district having territorial jurisdiction 18144
within the district; or member of the planning commission, or an 18145
officer or employee of a county or regional planning commission 18146
having territorial jurisdiction within the district. 18147

(3) Nothing in division (K)(1) or (2) of this section shall 18148
be construed to exempt any member of the board of county 18149
commissioners, directors, or trustees, or an officer or employee, 18150
of a solid waste management district from a conflict of interest 18151
arising because of a personal or private business interest. 18152

(4) A member of the board of county commissioners of a county 18153
solid waste management district, board of directors of a joint 18154

solid waste management district, or board of trustees of a 18155
regional solid waste management authority managing a county or 18156
joint solid waste management district, or an officer or employee, 18157
of any such solid waste management district, neither shall be 18158
disqualified from holding any other public office or position of 18159
employment nor be required to forfeit any other public office or 18160
position of employment by reason of serving as a member of the 18161
board of county commissioners, directors, or trustees, or as an 18162
officer or employee, of the district, notwithstanding any 18163
requirement to the contrary under the common law of this state or 18164
the Revised Code. 18165

(L) As used in this chapter: 18166

(1) "Board of health," "disposal," "health district," "scrap 18167
tires," and "solid waste transfer facility" have the same meanings 18168
as in section 3734.01 of the Revised Code. 18169

(2) "Change in district composition" and "change" have the 18170
same meaning as in section 3734.521 of the Revised Code. 18171

(3)(a) Except as provided in division (L)(3)(b) or (c), and 18172
(d), of this section, "solid wastes" has the same meaning as in 18173
section 3734.01 of the Revised Code. 18174

(b) If the solid waste management district is not one that 18175
resulted from proceedings for a change in district composition 18176
under sections 343.012 and 3734.521 of the Revised Code, until 18177
such time as an amended solid waste management plan is approved 18178
under section 3734.56 of the Revised Code, "solid wastes" need not 18179
include scrap tires unless the solid waste management policy 18180
committee established under section 3734.54 of the Revised Code 18181
for the district chooses to include the management of scrap tires 18182
in the district's initial solid waste management plan prepared 18183
under sections 3734.54 and 3734.55 of the Revised Code. 18184

(c) If the solid waste management district is one resulting 18185

from proceedings for a change in district composition under 18186
sections 343.012 and 3734.521 of the Revised Code and if the 18187
change involves an existing district that is operating under 18188
either an initial solid waste management plan approved or prepared 18189
and ordered to be implemented under section 3734.55 of the Revised 18190
Code or an initial or amended plan approved or prepared and 18191
ordered to be implemented under section 3734.521 of the Revised 18192
Code that does not provide for the management of scrap tires and 18193
scrap tire facilities, until such time as the amended plan of the 18194
district resulting from the change is approved under section 18195
3734.56 of the Revised Code, "solid wastes" need not include scrap 18196
tires unless the solid waste management policy committee 18197
established under division (C) of section 3734.521 of the Revised 18198
Code for the district chooses to include the management of scrap 18199
tires in the district's initial or amended solid waste management 18200
plan prepared under section 3734.521 of the Revised Code in 18201
connection with the change proceedings. 18202

(d) If the policy committee chooses to include the management 18203
of scrap tires in an initial plan prepared under sections 3734.54 18204
and 3734.55 of the Revised Code or in an initial or amended plan 18205
prepared under section 3734.521 of the Revised Code, the board of 18206
county commissioners or directors shall execute all of the duties 18207
imposed and may exercise any or all of the rights granted under 18208
this section for the purpose of managing solid wastes that consist 18209
of scrap tires. 18210

(4)(a) Except as provided in division (L)(4)(b) or (c), and 18211
(d) of this section, "facility" has the same meaning as in section 18212
3734.01 of the Revised Code and also includes any solid waste 18213
transfer, recycling, or resource recovery facility. 18214

(b) If the solid waste management district is not one that 18215
resulted from proceedings for a change in district composition 18216
under sections 343.012 and 3734.521 of the Revised Code, until 18217

such time as an amended solid waste management plan is approved 18218
under section 3734.56 of the Revised Code, "facility" need not 18219
include any scrap tire collection, storage, monocell, monofill, or 18220
recovery facility unless the solid waste management policy 18221
committee established under section 3734.54 of the Revised Code 18222
for the district chooses to include the management of scrap tire 18223
facilities in the district's initial solid waste management plan 18224
prepared under sections 3734.54 and 3734.55 of the Revised Code. 18225

(c) If the solid waste management district is one resulting 18226
from proceedings for a change in district composition under 18227
sections 343.012 and 3734.521 of the Revised Code and if the 18228
change involves an existing district that is operating under 18229
either an initial solid waste management plan approved under 18230
section 3734.55 of the Revised Code or an initial or amended plan 18231
approved or prepared and ordered to be implemented under section 18232
3734.521 of the Revised Code that does not provide for the 18233
management of scrap tires and scrap tire facilities, until such 18234
time as the amended plan of the district resulting from the change 18235
is approved under section 3734.56 of the Revised Code, "facility" 18236
need not include scrap tires unless the solid waste management 18237
policy committee established under division (C) of section 18238
3734.521 of the Revised Code for the district chooses to include 18239
the management of scrap tires in the district's initial or amended 18240
solid waste management plan prepared under section 3734.521 of the 18241
Revised Code in connection with the change proceedings. 18242

(d) If the policy committee chooses to include the management 18243
of scrap tires in an initial plan prepared under sections 3734.54 18244
and 3734.55 of the Revised Code or in an initial or amended plan 18245
prepared under section 3734.521 of the Revised Code, the board of 18246
county commissioners or directors shall execute all of the duties 18247
imposed and may exercise any or all of the rights granted under 18248
this section for the purpose of managing solid waste facilities 18249

that are scrap tire collection, storage, monocell, monofill, or 18250
recovery facilities. 18251

(M) As used in this section: 18252

(1) "Source separated recyclable materials" means materials 18253
that are separated from other solid wastes at the location where 18254
the materials are generated for the purpose of recycling the 18255
materials at a legitimate recycling facility. 18256

(2) "Legitimate recycling facility" has the same meaning as 18257
in rule 3745-27-01 of the Administrative Code. 18258

Sec. 349.01. As used in this chapter: 18259

(A) "New community" means a community or ~~an addition~~ 18260
development of property in relation to an existing community 18261
~~planned pursuant to this chapter~~ so that ~~it~~ the resulting 18262
community includes facilities for the conduct of industrial, 18263
commercial, residential, cultural, educational, and recreational 18264
activities, and designed in accordance with planning concepts for 18265
the placement of utility, open space, and other supportive 18266
facilities. 18267

~~In the case of a new community authority established within~~ 18268
~~three years after March 22, 2012, the effective date of H.B. 225~~ 18269
~~of the 129th general assembly, "new community" may mean a~~ 18270
~~community or development of property planned under this chapter in~~ 18271
~~relation to an existing community so that the community includes~~ 18272
~~facilities for the conduct of community activities, and is~~ 18273
~~designed in accordance with planning concepts for the placement of~~ 18274
~~utility, open space, and other supportive facilities for the~~ 18275
~~community.~~ 18276

(B) "New community development program" means a program for 18277
the development of a new community characterized by well-balanced 18278
and diversified land use patterns and which includes land 18279

acquisition and land development, the acquisition, construction, 18280
operation, and maintenance of community facilities, and the 18281
provision of services authorized in this chapter. 18282

~~In the case of a new community authority established within~~ 18283
~~three years after March 22, 2012, the effective date of H.B. 225~~ 18284
~~of the 129th general assembly, a~~ A new community development 18285
program may take into account any existing community in relation 18286
to which a new community is developed for purposes of being 18287
characterized by well-balanced and diversified land use patterns. 18288

(C) "New community district" means the area of land described 18289
by the developer in the petition as set forth in division (A) of 18290
section 349.03 of the Revised Code for development as a new 18291
community and any lands added to the district by amendment of the 18292
resolution establishing the community authority. 18293

(D) "New community authority" means a body corporate and 18294
politic in this state, established pursuant to section 349.03 of 18295
the Revised Code and governed by a board of trustees as provided 18296
in section 349.04 of the Revised Code. 18297

(E) "Developer" means any person, organized for carrying out 18298
a new community development program who owns or controls, through 18299
leases of at least seventy-five years' duration, options, or 18300
contracts to purchase, the land within a new community district, 18301
or any municipal corporation, county, or port authority that owns 18302
the land within a new community district, or has the ability to 18303
acquire such land, either by voluntary acquisition or condemnation 18304
in order to eliminate slum, blighted, and deteriorated or 18305
deteriorating areas and to prevent the recurrence thereof. ~~In the~~ 18306
~~case of a new community authority established within three years~~ 18307
~~after March 22, 2012, the effective date of H.B. 225 of the 129th~~ 18308
~~general assembly, "developer~~ "Developer" may also mean a person, 18309
municipal corporation, county, or port authority that controls 18310
land within a new community district through leases of at least 18311

~~forty~~ seventy-five years' duration. 18312

(F) "Organizational board of commissioners" means the 18313
following: 18314

(1) For a new community district that is located in only one 18315
county, the board of county commissioners of that county; 18316

(2) For a new community district that is located in more than 18317
one county, a board consisting of the members of the board of 18318
county commissioners of each of the counties in which the district 18319
is located, provided that action of the board shall require a 18320
majority vote of the members of each separate board of county 18321
commissioners; or 18322

(3) For a new community district that is located entirely 18323
within the boundaries of a municipal corporation or for a new 18324
community district where more than half of the new community 18325
district is located within the boundaries of the most populous 18326
municipal corporation of a county, the legislative authority of 18327
the municipal corporation. 18328

(G) "Land acquisition" means the acquisition of real property 18329
and interests in real property as part of a new community 18330
development program. 18331

(H) "Land development" means the process of clearing and 18332
grading land, making, installing, or constructing water 18333
distribution systems, sewers, sewage collection systems, steam, 18334
gas, and electric lines, roads, streets, curbs, gutters, 18335
sidewalks, storm drainage facilities, and other installations or 18336
work, whether within or without the new community district, and 18337
the construction of community facilities. 18338

(I)~~(1)~~ "Community facilities" means all real property, 18339
buildings, structures, or other facilities, including related 18340
fixtures, equipment, and furnishings, to be owned, operated, 18341
financed, constructed, and maintained under this chapter or in 18342

furtherance of community activities, including public, community, 18343
village, neighborhood, or town buildings, centers and plazas, 18344
auditoriums, day care centers, recreation halls, educational 18345
facilities, health care facilities including hospital facilities 18346
as defined in section 140.01 of the Revised Code, 18347
telecommunications facilities, including all facilities necessary 18348
to provide telecommunications service as defined in section 18349
4927.01 of the Revised Code, recreational facilities, natural 18350
resource facilities, including parks and other open space land, 18351
lakes and streams, cultural facilities, community streets and 18352
off-street parking facilities, pathway and bikeway systems, 18353
pedestrian underpasses and overpasses, lighting facilities, design 18354
amenities, or other community facilities, and buildings needed in 18355
connection with water supply or sewage disposal installations, or 18356
energy facilities including those for renewable or sustainable 18357
energy sources, and steam, gas, or electric lines or installation. 18358

~~(2) In the case of a new community authority established 18359
within three years after March 22, 2012, the effective date of 18360
H.B. 225 of the 129th general assembly, "community facilities" may 18361
mean, in addition to the facilities authorized in division (I)(1) 18362
of this section, any community facilities that are owned, 18363
operated, financed, constructed, or maintained for, relating to, 18364
or in furtherance of community activities, including, but not 18365
limited to, town buildings or other facilities, health care 18366
facilities including, but limited to, hospital facilities, and 18367
off-street parking facilities. 18368~~

(J) "Cost" as applied to a new community development program 18369
means all costs related to land acquisition and land development, 18370
the acquisition, construction, maintenance, and operation of 18371
community facilities and offices of the community authority, and 18372
of providing furnishings and equipment therefor, financing charges 18373
including interest prior to and during construction and for the 18374

duration of the new community development program, planning 18375
expenses, engineering expenses, administrative expenses including 18376
working capital, and all other expenses necessary and incident to 18377
the carrying forward of the new community development program. 18378

(K) "Income source" means any and all sources of income to 18379
the community authority, including community development charges 18380
of which the new community authority is the beneficiary as 18381
provided in section 349.07 of the Revised Code, rentals, user fees 18382
and other charges received by the new community authority, any 18383
gift or grant received, any moneys received from any funds 18384
invested by or on behalf of the new community authority, and 18385
proceeds from the sale or lease of land and community facilities. 18386

(L) "Community development charge" means: 18387

(1) A dollar amount which shall be determined on the basis of 18388
the assessed valuation of real property or interests in real 18389
property in a new community district owned, sold, leased, or 18390
otherwise conveyed by the developer or the new community 18391
authority, the income of the residents of such property subject to 18392
such charge under section 349.07 of the Revised Code, if such 18393
property is devoted to residential uses or to the profits, gross 18394
receipts, or other revenues of any business including, but not 18395
limited to, rentals received from leases of real property located 18396
in the district, a uniform or other fee on each parcel of such 18397
real property ~~originally~~ owned, sold, leased, or otherwise 18398
conveyed by the developer or new community authority, or any 18399
combination of the foregoing bases. 18400

(2) ~~For a new community authority that is established within 18401
three years after March 22, 2012, the effective date of H.B. 225 18402
of the 129th general assembly, "community development charge" 18403
includes, in addition to the charges authorized in division (L)(1) 18404
of this section, a charge determined on the basis of all or a part 18405
of the income of the residents of real property within the new 18406~~

~~community district if such property is devoted to residential~~ 18407
~~uses, or all or a part of the profits, gross receipts, or other~~ 18408
~~revenues of any business operating in the new community district,~~ 18409
~~including, but not limited to, rentals received from leases of~~ 18410
~~real property located in the district.~~ If a new community 18411
authority imposes a community development charge determined on the 18412
basis of rentals received from leases of real property, 18413
improvements of any real property located in the new community 18414
district and subject to that charge may not be exempted from 18415
taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of 18416
the Revised Code. 18417

(M) "Proximate city" means the following: 18418

(1) For a new community district other than a new community 18419
district described in division (M)(2) or (3) of this section, any 18420
city that, as of the date of filing of the petition under section 18421
349.03 of the Revised Code, is the city with the greatest 18422
population located in the county in which the proposed new 18423
community district is located, is the city with the greatest 18424
population located in an adjoining county if any portion of such 18425
city is within five miles of any part of the boundaries of such 18426
district, or exercises extraterritorial subdivision authority 18427
under section 711.09 of the Revised Code with respect to any part 18428
of such district. 18429

~~In the case of a new community authority that is established~~ 18430
~~within three years after March 22, 2012, the effective date of~~ 18431
~~H.B. 225 of the 129th general assembly, "proximate city" may mean~~ 18432
a (2) A municipal corporation in which, at the time of filing the 18433
petition under section 349.03 of the Revised Code, any portion of 18434
the proposed new community district is located, ~~or.~~ 18435

(3) For a new community district other than a new community 18436
district described in division (M)(2) of this section, if at the 18437
time of ~~that~~ filing the petition under section 349.03 of the 18438

Revised Code, more than one-half of the proposed district is 18439
contained within a joint economic development district created 18440
under sections 715.70 to 715.83 of the Revised Code, the township 18441
containing the greatest portion of the territory of the joint 18442
economic development district. 18443

(N) "Community activities" means cultural, educational, 18444
governmental, recreational, residential, industrial, commercial, 18445
distribution and research activities, or any combination thereof 18446
that includes residential activities. 18447

Sec. 349.03. (A) Proceedings for the organization of a new 18448
community authority shall be initiated by a petition filed by the 18449
developer in the office of the clerk of the organizational board 18450
of ~~county commissioners of one of the counties in which all or~~ 18451
~~part of the proposed new community district is located.~~ Such 18452
petition shall be signed by the developer and may be signed by 18453
each proximate city. The legislative authorities of each such 18454
proximate city shall act in behalf of such city. Such petition 18455
shall contain: 18456

(1) The name of the proposed new community authority; 18457

(2) The address where the principal office of the authority 18458
will be located or the manner in which the location will be 18459
selected; 18460

(3) A map and a full and accurate description of the 18461
boundaries of the new community district together with a 18462
description of the properties within such boundaries, if any, 18463
which will not be included in the new community district. 18464

The total acreage included in such district shall not be less 18465
than one thousand acres, all of which acreage shall be owned by, 18466
or under the control through leases of at least seventy-five 18467
years' duration, options, or contracts to purchase, of the 18468

developer, if the developer is a private entity unless one of the following applies:

(a) The district is wholly contained within municipal corporations.

~~(b) In the case of a new community authority that is established within three years after the effective date of H.B. 225 of the 129th general assembly, more More than one-half of the proposed district is, at the time of filing the petition under this section 349.03 of the Revised Code, contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code.~~

~~The acreage included in a proposed district shall be developable as one functionally interrelated community. In the case of a new community authority established on or after July 7, 2010, and before January 1, 2012, such leases may be of not less than forty years' duration, and the acreage may be developable so that the community is one functionally interrelated community.~~

(4) A statement setting forth the zoning regulations proposed for zoning the area within the boundaries of the new community district for comprehensive development as a new community, and if the area has been zoned for such development, a certified copy of the applicable zoning regulations therefor;

(5) A current plan indicating the proposed development program for the new community district, the land acquisition and land development activities, community facilities, services proposed to be undertaken by the new community authority under such program, the proposed method of financing such activities and services, including a description of the bases, timing, and manner of collecting any proposed community development charges, and the projected total residential population of, and employment within, the new community;

(6) A suggested number of members, consistent with section 18500
349.04 of the Revised Code, for the board of trustees; 18501

(7) A preliminary economic feasibility analysis, including 18502
the area development pattern and demand, location and proposed new 18503
community district size, present and future socio-economic 18504
conditions, public services provision, financial plan, and the 18505
developer's management capability; 18506

(8) A statement that the development will comply with all 18507
applicable environmental laws and regulations. 18508

Upon the filing of such petition, the organizational board of 18509
commissioners shall determine whether such petition complies with 18510
the requirements of this section as to form and substance. The 18511
board in subsequent proceedings may at any time permit the 18512
petition to be amended in form and substance to conform to the 18513
facts by correcting any errors in the description of the proposed 18514
new community district or in any other particular. 18515

Upon the determination of the organizational board of 18516
commissioners that a sufficient petition has been filed in 18517
accordance with this section, the board shall fix the time and 18518
place of a hearing on the petition for the establishment of the 18519
proposed new community authority. Such hearing shall be held not 18520
less than ninety-five nor more than one hundred fifteen days after 18521
the petition filing date, except that if the petition has been 18522
signed by all proximate cities or if the organizational board of 18523
commissioners is the legislative authority of the only proximate 18524
city for the proposed new community district, such hearing shall 18525
be held not less than thirty nor more than forty-five days after 18526
the petition filing date. The clerk of the organizational board of 18527
~~county~~ commissioners with which the petition was filed shall give 18528
notice thereof by publication once each week for three consecutive 18529
weeks, or as provided in section 7.16 of the Revised Code, in a 18530
newspaper of general circulation in any county of which a portion 18531

is within the proposed new community district. ~~Such~~ Except where 18532
the organizational board of commissioners is the legislative 18533
authority of the only proximate city for the proposed new 18534
community district, such clerk shall also give written notice of 18535
the date, time, and place of the hearing and furnish a certified 18536
copy of the petition to the clerk of the legislative authority of 18537
each proximate city which has not signed such petition. ~~In~~ Except 18538
where the organizational board of commissioners is the legislative 18539
authority of the only proximate city for the proposed new 18540
community district, in the event that the legislative authority of 18541
a proximate city which did not sign the petition does not approve 18542
by ordinance, resolution, or motion the establishment of the 18543
proposed new community authority and does not deliver such 18544
ordinance, resolution, or motion to the clerk of the 18545
organizational board of ~~county~~ commissioners with which the 18546
petition was filed within ninety days following the date of the 18547
first publication of the notice of the public hearing, the 18548
organizational board of commissioners shall cancel such public 18549
hearing and terminate the proceedings for the establishment of the 18550
new community authority. 18551

Upon the hearing, if the organizational board of 18552
commissioners determines by resolution that the proposed new 18553
community district will be conducive to the public health, safety, 18554
convenience, and welfare, and is intended to result in the 18555
development of a new community, the board shall by its resolution, 18556
~~entered of record in its journal and the journal of the board of~~ 18557
~~county commissioners with which the petition was filed,~~ declare 18558
the new community authority to be organized and a body politic and 18559
corporate with the corporate name designated in the resolution, 18560
and define the boundary of the new community district. In 18561
addition, the resolution shall provide the method of selecting the 18562
board of trustees of the new community authority and fix the 18563
surety for their bonds in accordance with section 349.04 of the 18564

Revised Code. 18565

If the organizational board of commissioners finds that the 18566
establishment of the district will not be conducive to the public 18567
health, safety, convenience, or welfare, or is not intended to 18568
result in the development of a new community, it shall reject the 18569
petition thereby terminating the proceedings for the establishment 18570
of the new community authority. 18571

(B) At any time after the creation of a new community 18572
authority, the developer may file an application with the clerk of 18573
the organizational board of ~~county~~ commissioners ~~of the county in~~ 18574
with which the original petition was filed, setting forth a 18575
general description of territory it desires to add or to delete 18576
from such district, that such change will be conducive to the 18577
public health, safety, convenience, and welfare, and will be 18578
consistent with the development of a new community and will not 18579
jeopardize the plan of the new community. If the developer is not 18580
a municipal corporation, port authority, or county, all of such an 18581
addition to such a district shall be owned by, or under the 18582
control through leases of at least seventy-five years' duration, 18583
options, or contracts to purchase, of the developer. ~~In the case~~ 18584
~~of a new community authority established on or after July 7, 2010,~~ 18585
~~and before January 1, 2012, such leases may be of not less than~~ 18586
~~forty years' duration.~~ Upon the filing of the application, the 18587
organizational board of commissioners shall follow the same 18588
procedure as required by this section in relation to the petition 18589
for the establishment of the proposed new community. 18590

(C) If all or any part of the new community district is 18591
annexed to one or more existing municipal corporations, their 18592
legislative authorities may appoint persons to replace any 18593
appointed citizen member of the board of trustees. The number of 18594
such trustees to be replaced by the municipal corporation shall be 18595
the number, rounded to the lowest integer, bearing the 18596

proportionate relationship to the number of existing appointed 18597
citizen members as the acreage of the new community district 18598
within such municipal corporation bears to the total acreage of 18599
the new community district. If any such municipal corporation 18600
chooses to replace an appointed citizen member, it shall do so by 18601
ordinance, the term of the trustee being replaced shall terminate 18602
thirty days from the date of passage of such ordinance, and the 18603
trustee to be replaced shall be determined by lot. Each newly 18604
appointed member shall assume the term of the member's 18605
predecessor. 18606

Sec. 349.04. The following method of selecting a board of 18607
trustees is deemed to be a compelling state interest. Within ten 18608
days after the new community authority has been established, as 18609
provided in section 349.03 of the Revised Code, an initial board 18610
of trustees shall be appointed as follows: the organizational 18611
board of commissioners shall appoint by resolution at least three, 18612
but not more than six, citizen members of the board of trustees to 18613
represent the interests of present and future residents and 18614
employers of the new community district and one member to serve as 18615
a representative of local government, and the developer shall 18616
appoint a number of members equal to the number of citizen members 18617
to serve as representatives of the developer. ~~In the case of a new~~ 18618
~~community authority established within three years after March 22,~~ 18619
~~2012, the citizen members may represent present and future~~ 18620
~~employers within the new community district and any present or~~ 18621
~~future residents of the district.~~ 18622

Members shall serve two-year overlapping terms, with two of 18623
each of the initial citizen and developer members appointed to 18624
serve initial one-year terms. The organizational board of 18625
commissioners shall adopt, by further resolution adopted within 18626
one year of such resolution establishing such initial board of 18627
trustees, a method for selection of successor members thereof 18628

which determines the projected total population of the projected 18629
new community and meets the following criteria: 18630

(A) The appointed citizen members shall be replaced by 18631
elected citizen members according to a schedule established by the 18632
organizational board of commissioners calculated to achieve one 18633
such replacement each time the new community district gains a 18634
proportion, having a numerator of one and a denominator of twice 18635
the number of citizen members, of its projected total population 18636
until such time as all of the appointed citizen members are 18637
replaced. 18638

(B) Representatives of the developer shall be replaced by 18639
elected citizen members according to a schedule established by the 18640
organizational board of commissioners calculated to achieve one 18641
such replacement each time the new community district gains a 18642
proportion, having a numerator of one and a denominator equal to 18643
the number of developer members, of its projected total population 18644
until such time as all of the developer's representatives are 18645
replaced. 18646

(C) The representative of local government shall be replaced 18647
by an elected citizen member at the time the new community 18648
district gains three-quarters of its projected total population. 18649

Elected citizen members of the board of trustees shall be 18650
elected by a majority of the residents of the new community 18651
district voting at elections held at the times and in the manner 18652
provided in a resolution of the organizational board of 18653
commissioners. Each citizen member except an appointed citizen 18654
member shall be a qualified elector who resides within the new 18655
community district. The organizational board of commissioners, by 18656
resolution, may adopt an alternative method of selecting or 18657
electing successor members of the board of trustees provided that 18658
if an alternative method of selection is adopted for a new 18659
community authority organized prior to March 22, 2012, the board 18660

of trustees of that authority shall be limited in the collection 18661
of a community development charge, collected pursuant to division 18662
(Q) of section 349.06 of the Revised Code, and the issuance of 18663
bonds or notes, issued pursuant to section 349.08 of the Revised 18664
Code, to the amount or to the extent otherwise permitted for a 18665
board of trustees whose members are not elected by residents of 18666
the new community district. If the alternative method provides for 18667
the election of citizen members, the elections may be held at the 18668
times and in the manner provided in the petition or in a 18669
resolution of the organizational board of commissioners, and the 18670
elected citizen members shall be qualified electors who reside in 18671
the new community district. 18672

Citizen members shall not be employees of or have financial 18673
interest in the developer. If a vacancy occurs in the office of a 18674
member other than a member appointed by the developer, the 18675
organizational board of commissioners may appoint a successor 18676
member for the remainder of the unexpired term. Any appointed 18677
member of the board of trustees may at any time be removed by the 18678
organizational board of commissioners for misfeasance, 18679
nonfeasance, or malfeasance in office. Members appointed by the 18680
developer may also at any time be removed by the developer without 18681
a showing of cause. 18682

Each member of the board of trustees, before entering upon 18683
official duties, shall take and subscribe to an oath before an 18684
officer authorized to administer oaths in Ohio that the member 18685
will honestly and faithfully perform the duties of the member's 18686
office. Such oath shall be filed in the office of the clerk of the 18687
organizational board of ~~county~~ commissioners ~~in~~ with which the 18688
petition was filed. Upon taking the oath, the board of trustees 18689
shall elect one of its number as chairperson and another as 18690
vice-chairperson, and shall appoint suitable persons as secretary 18691
and treasurer who need not be members of the board. The treasurer 18692

shall be the fiscal officer of the authority. The board shall 18693
adopt by-laws governing the administration of the affairs of the 18694
new community authority. Each member of the board shall post a 18695
bond for the faithful performance of official duties and give 18696
surety therefor in such amount, but not less than ten thousand 18697
dollars, as the resolution creating such board shall prescribe. 18698

All of the powers of the new community authority shall be 18699
exercised by its board of trustees, but without relief of such 18700
responsibility, such powers may be delegated to committees of the 18701
board or its officers and employees in accordance with its 18702
by-laws. A majority of the board shall constitute a quorum, and a 18703
concurrence of a majority of a quorum in any matter within the 18704
board's duties is sufficient for its determination, provided a 18705
quorum is present when such concurrence is had and a majority of 18706
those members constituting such quorum are trustees not appointed 18707
by the developer. All trustees shall be empowered to vote on all 18708
matters within the authority of the board of trustees, and no vote 18709
by a member appointed by the developer shall be construed to give 18710
rise to civil or criminal liability for conflict of interest on 18711
the part of public officials. 18712

Sec. 349.06. In furtherance of the purposes of this chapter, 18713
a new community authority may: 18714

(A) Acquire by purchase, lease, gift, or otherwise, on such 18715
terms and in such manner as it considers proper, real and personal 18716
property or any estate, interest, or right therein, within or 18717
without the new community district; 18718

(B) Improve, maintain, sell, lease or otherwise dispose of 18719
real and personal property and community facilities, on such terms 18720
and in such manner as it considers proper; 18721

(C) Landscape and otherwise aesthetically improve areas 18722
within the new community district, including but not limited to 18723

maintenance, landscaping and other community improvement services; 18724

(D) Provide, engage in, or otherwise sponsor recreational, 18725
educational, health, social, vocational, cultural, beautification, 18726
and amusement activities and related services primarily for 18727
residents of ~~the district. In the case of a new community~~ 18728
~~authority established within three years after the effective date~~ 18729
~~of H.B. 225 of the 129th general assembly, such activities and~~ 18730
~~services may be for residents of, visitors to, employees working~~ 18731
within, or employers operating businesses in the district, or any 18732
combination thereof. 18733

(E) Fix, alter, impose, collect and receive service and user 18734
fees, rentals, and other charges to cover all costs in carrying 18735
out the new community development program; 18736

(F) Adopt, modify, and enforce reasonable rules and 18737
regulations governing the use of community facilities; 18738

(G) Employ such managers, administrative officers, agents, 18739
engineers, architects, attorneys, contractors, sub-contractors, 18740
and employees as may be appropriate in the exercise of the rights, 18741
powers and duties conferred upon it, prescribe the duties and 18742
compensation for such persons, require bonds to be given by any 18743
such persons and by officers of the authority for the faithful 18744
performance of their duties, and fix the amount and surety 18745
therefor; and pay the same; 18746

(H) Sue and be sued in its corporate name; 18747

(I) Make and enter into all contracts and agreements and 18748
execute all instruments relating to a new community development 18749
program, including contracts with the developer and other persons 18750
or entities related thereto for land acquisition and land 18751
development; acquisition, construction, and maintenance of 18752
community facilities; the provision of community services and 18753
management and coordinating services; with federal, state, 18754

interstate, regional, and local agencies and political 18755
subdivisions or combinations thereof in connection with the 18756
financing of such program, and with any municipal corporation or 18757
other public body, or combination thereof, providing for the 18758
acquisition, construction, improvement, extension, maintenance or 18759
operation of joint lands or facilities or for the provision of any 18760
services or activities relating to and in furtherance of a new 18761
community development program, including the creation of or 18762
participation in a regional transit authority created pursuant to 18763
the Revised Code; 18764

(J) Apply for and accept grants, loans or commitments of 18765
guarantee or insurance including any guarantees of community 18766
authority bonds and notes, from the United States, the state, or 18767
other public body or other sources, and provide any consideration 18768
which may be required in order to obtain such grants, loans or 18769
contracts of guarantee or insurance. Such loans or contracts of 18770
guarantee or insurance may be evidenced by the issuance of bonds 18771
as provided in section 349.08 of the Revised Code; 18772

(K) Procure insurance against loss to it by reason of damage 18773
to its properties resulting from fire, theft, accident, or other 18774
casualties, or by reason of its liability for any damages to 18775
persons or property occurring in the construction or operation of 18776
facilities or areas under its jurisdiction or the conduct of its 18777
activities; 18778

(L) Maintain such funds or reserves as it considers necessary 18779
for the efficient performance of its duties; 18780

(M) Enter agreements with the boards of education of any 18781
school districts in which all or part of the new community 18782
district lies, whereby the community authority may acquire 18783
property for, may construct and equip, and may sell, lease, 18784
dedicate, with or without consideration, or otherwise transfer 18785
lands, schools, classrooms, or other facilities, whether or not 18786

within the new community district, from the authority to the 18787
school district for school and related purposes; 18788

(N) Prepare plans for acquisition and development of lands 18789
and facilities, and enter into agreements with city, county, or 18790
regional planning commissions to perform or obtain all or any part 18791
of planning services for the new community district; 18792

(O) Engage in planning for the new community district, which 18793
may be predominantly residential and open space, and prepare or 18794
approve a development plan or plans therefor, and engage in land 18795
acquisitions and land development in accordance with such plan or 18796
plans; 18797

(P) Issue new community authority bonds and notes and 18798
community authority refunding bonds, payable solely from the 18799
income source provided in section 349.08 of the Revised Code, 18800
unless the bonds are refunded by refunding bonds, for the purpose 18801
of paying any part of the cost as applied to the new community 18802
development program or parts thereof; 18803

(Q) Enforce any covenants running with the land of which the 18804
new community authority is the beneficiary, including but not 18805
limited to the collection by any and all appropriate means of any 18806
community development charge deemed to be a covenant running with 18807
the land and enforceable by the new community authority pursuant 18808
to section 349.07 of the Revised Code; and to waive, reduce, or 18809
terminate any community development charge of which it is the 18810
beneficiary to the extent not needed for any of the purposes 18811
provided in section 349.07 of the Revised Code, the procedure for 18812
which shall be provided in such covenants, and if new community 18813
authority bonds have been issued pledging any such community 18814
development charge, to the extent not prohibited in the resolution 18815
authorizing the issuance of such new community authority bonds or 18816
the trust agreement or indenture of mortgage securing the bonds; 18817

(R) Appropriate for its use, under sections 163.01 to 163.22 18818
of the Revised Code, any land, easement, rights, rights-of-way, 18819
franchises, or other property in the new community district 18820
required by the authority for community facilities. The authority 18821
may not so appropriate any land, easement, rights, rights-of-way, 18822
franchises, or other property that is not included in the new 18823
community district. 18824

(S) ~~In the case of a new community authority established~~ 18825
~~within three years after the effective date of H.B. 225 of the~~ 18826
~~129th general assembly, enter~~ Enter into any agreements as may be 18827
necessary, appropriate, or useful to support a new community 18828
development program, including, but not limited to, cooperative 18829
agreements or other agreements with political subdivisions for 18830
services, materials, or products; for the administration, 18831
calculation, or collection of community development charges; or 18832
for sharing of revenue derived from community development charges, 18833
community facilities, or other sources. The agreements may be made 18834
with or without consideration as the parties determine. 18835

Sec. 349.07. Notwithstanding any other rule of law, any 18836
covenant or agreement in deeds, land contracts, leases and any 18837
other instruments or conveyance by which real estate or any 18838
interest in real estate is conveyed by or to the developer or by 18839
the new community authority to any person or entity, including the 18840
developer, whereby such person or entity agrees, by acceptance of 18841
any such instrument of conveyance containing said covenant of 18842
agreement, to pay annually or semiannually a community development 18843
charge for the benefit and use of the new community authority to 18844
cover all or part of the cost of the acquisition, construction, 18845
operation and maintenance of land, land development and community 18846
facilities, the debt service thereof and any other cost incurred 18847
by the authority in the exercise of the powers granted by Chapter 18848
349. of the Revised Code shall be deemed to be a covenant running 18849

with the land and shall, in any event and without regard to 18850
technical classification, after such instrument has been duly 18851
recorded in the land records of the county, be fully binding on 18852
behalf of and enforceable by the new community authority against 18853
each such person or entity and all successors and assigns of the 18854
property conveyed by such instrument of conveyance. 18855

No purchase agreement for any real estate or interest in real 18856
estate upon which a community development charge exists by reason 18857
of a covenant running with the land shall be enforceable by the 18858
seller or binding upon the purchaser unless such purchase 18859
agreement specifically refers to such community development charge 18860
and identifies the volume and page number of the deed records of 18861
the county in which the covenant running with the land 18862
establishing such community development charge is recorded, 18863
provided that in the event a conveyance of such real estate or 18864
interest in real estate is made pursuant to a purchase agreement 18865
which does not make such reference and identification, the 18866
covenant shall continue to be deemed to be a covenant running with 18867
the land fully binding on behalf of and enforceable by the 18868
community authority against such person or entity accepting the 18869
conveyance pursuant to such purchase agreement. 18870

~~When any community development charge is not paid when due,~~ 18871
~~the~~ The new community authority may certify the community 18872
development charge to the county auditor, who shall enter the 18873
unpaid charge on the tax list and duplicates of real property 18874
opposite the parcel against which it is charged, and certify the 18875
charge to the county treasurer. An unpaid community development 18876
charge is a lien on property against which it is charged from the 18877
date the charge is entered on the tax list, and shall be collected 18878
in the manner provided for the collection of real property taxes. 18879
Once the charge is collected, it shall be paid immediately to the 18880
new community district. 18881

No community development charge established pursuant to this 18882
chapter shall be construed as prohibiting or limiting the taxing 18883
power of municipal corporations. 18884

Sec. 349.14. Except as provided in section 349.03 of the 18885
Revised Code, or as otherwise provided in a resolution adopted by 18886
the organizational board of commissioners of a new community 18887
authority ~~established within three years after the effective date~~ 18888
~~of H.B. 225 of the 129th general assembly,~~ a new community 18889
authority organized under this chapter may be dissolved only on 18890
the vote of a majority of the voters of the new community district 18891
at a special election called by the board of trustees on the 18892
question of dissolution. Such an election may be called only after 18893
the board has determined that the new community development 18894
program has been completed, when no community authority bonds or 18895
notes are outstanding, and other legal indebtedness of the 18896
authority has been discharged or provided for, and only after 18897
there has been filed with the board of trustees a petition 18898
requesting such election, signed by a number of qualified electors 18899
residing in the new community district equal to not less than 18900
eight per cent of the total vote cast for all candidates for 18901
governor in the new community district at the most recent general 18902
election at which a governor was elected. If a majority of the 18903
votes cast favor dissolution, the board of trustees shall, by 18904
resolution, declare the authority dissolved and thereupon the 18905
community authority shall be dissolved. A certified copy of the 18906
resolution shall, within fifteen days after its adoption, be filed 18907
with the clerk of the organizational board of ~~county~~ commissioners 18908
of the county ~~in~~ with which the petition for the organization of 18909
the new community authority was filed. 18910

Upon dissolution of a new community authority, the powers 18911
thereof shall cease to exist. Any property of the new community 18912
authority shall vest with a municipal corporation, county, or 18913

~~township in which that property is located within the corporate~~ 18914
~~limits of a municipality shall vest in that municipal corporation~~ 18915
~~and all other property of the community authority shall vest in~~ 18916
~~the county in which said property is located. In the case of a new~~ 18917
~~community authority established within three years after the~~ 18918
~~effective date of H.B. 225 of the 129th general assembly, such~~ 18919
~~property not vested in a municipal corporation may also be vested~~ 18920
~~in the township where the property is located, or with the~~ 18921
~~developer of the new community authority or the developer's~~ 18922
~~designee, all as provided in a resolution adopted by the~~ 18923
~~organizational board of commissioners. Any vesting of property in~~ 18924
~~a municipal corporation, township, or county shall be subject to~~ 18925
~~acceptance of the property by resolution of the legislative~~ 18926
~~authority of the municipal corporation, board of township~~ 18927
~~trustees, or board of county commissioners, as applicable. If the~~ 18928
~~legislative authority of a municipal corporation, board of~~ 18929
~~township trustees, or board of county commissioners declines to~~ 18930
~~accept the property, the property vests with the developer or the~~ 18931
~~developer's designee. Any funds of the community authority at the~~ 18932
~~time of dissolution shall be transferred to the municipal~~ 18933
~~corporation and county or township, as provided in a resolution,~~ 18934
~~in which the new community district is located in the proportion~~ 18935
~~to the assessed valuation of taxable real property of the new~~ 18936
~~community authority within such municipal corporation and township~~ 18937
~~or county or township as said valuation appears on the current~~ 18938
~~assessment rolls.~~ 18939

Sec. 351.021. (A) The resolution of the county commissioners 18940
creating a convention facilities authority, or any amendment or 18941
supplement to that resolution, may authorize the authority to levy 18942
one or both of the excise taxes authorized by division (B) of this 18943
section to pay the cost of one or more facilities; to pay 18944
principal, interest, and premium on convention facilities 18945

authority tax anticipation bonds issued to pay those costs; to pay 18946
the operating costs of the authority; to pay operating and 18947
maintenance costs of those facilities; and to pay the costs of 18948
administering the excise tax. 18949

(B) The board of directors of a convention facilities 18950
authority that has been authorized pursuant to resolution adopted, 18951
amended, or supplemented by the board of county commissioners 18952
pursuant to division (A) of this section may levy, by resolution 18953
adopted on or before December 31, 1988, either or both of the 18954
following: 18955

(1) Within the territory of the authority, an additional 18956
excise tax not to exceed four per cent on each transaction. The 18957
excise tax authorized by division (B)(1) of this section shall be 18958
in addition to any excise tax levied pursuant to section 5739.08 18959
or 5739.09 of the Revised Code, or division (B)(2) of this 18960
section. 18961

(2) Within that portion of any municipal corporation that is 18962
located within the territory of the authority or within the 18963
boundaries of any township that is located within the territory of 18964
the authority, which municipal corporation or township is levying 18965
any portion of the excise tax authorized by division (A) of 18966
section 5739.08 of the Revised Code, and with the approval, by 18967
ordinance or resolution, of the legislative authority of that 18968
municipal corporation or township, an additional excise tax not to 18969
exceed nine-tenths of one per cent on each transaction. The excise 18970
tax authorized by division (B)(2) of this section may be levied 18971
only if, on the effective date of the levy specified in the 18972
resolution making the levy, the amount being levied pursuant to 18973
division (A) of section 5739.08 of the Revised Code by each 18974
municipal corporation or township in which the tax authorized by 18975
division (B)(2) of this section will be levied, when added to the 18976
amount levied under division (B)(2) of this section, does not 18977

exceed three per cent on each transaction. The excise tax 18978
authorized by division (B)(2) of this section shall be in addition 18979
to any excise tax that is levied pursuant to section 5739.08 or 18980
5739.09 of the Revised Code, or division (B)(1) of this section. 18981

(C)(1) The board of directors of a convention facilities 18982
authority that is located in an eligible Appalachian county; that 18983
has been authorized pursuant to resolution adopted, amended, or 18984
supplemented by the board of county commissioners pursuant to 18985
division (A) of this section; and that is not levying a tax under 18986
division (B)(1) or (2) of this section may levy within the 18987
territory of the authority, by resolution adopted on or before 18988
December 31, 2005, an additional excise tax not to exceed three 18989
per cent on each transaction. The excise tax authorized under 18990
division (C)(1) of this section shall be in addition to any excise 18991
tax levied pursuant to section 5739.08 or 5739.09 of the Revised 18992
Code. 18993

As used in division (C)(1) of this section, "eligible 18994
Appalachian county" means a county in this state designated as 18995
being in the "Appalachian region" under the "Appalachian Regional 18996
Development Act of 1965," 79 Stat. 4, 40 U.S.C. App. 403, and 18997
having a population less than eighty thousand according to the 18998
most recent federal decennial census. 18999

(2) Division (C)(2) of this section applies only to a 19000
convention facilities authority located in a county with a 19001
population, according to the 2000 federal decennial census, of at 19002
least one hundred thirty-five thousand and not more than one 19003
hundred fifty thousand and containing entirely within its 19004
boundaries the territory of a municipal corporation with a 19005
population according to that census of more than fifty thousand. 19006
The board of directors of such a convention facilities authority, 19007
by resolution adopted on or before November 1, 2009, may levy 19008
within the territory of the authority an excise tax on 19009

transactions by which lodging by a hotel is or is to be furnished 19010
to transient guests at a rate not to exceed three per cent on such 19011
transactions for the same purposes for which a tax may be levied 19012
under division (B) of this section. The resolution may be adopted 19013
only if the board of county commissioners of the county, by 19014
resolution, authorizes the levy of the tax. The resolution of the 19015
board of county commissioners is subject to referendum as 19016
prescribed by sections 305.31 to 305.41 of the Revised Code. If, 19017
pursuant to those procedures, a referendum is to be held, the 19018
board's resolution does not take effect until approved by a 19019
majority of electors voting on the question. The convention 19020
facilities authority may adopt the resolution authorized by 19021
division (C)(2) of this section before the election, but the 19022
authority's resolution shall not take effect if the board of 19023
commissioners' resolution is not approved at the election. A tax 19024
levied under division (C)(2) of this section is in addition to any 19025
tax levied under section 5739.09 of the Revised Code. 19026

(D) The authority shall provide for the administration and 19027
allocation of an excise tax levied pursuant to division (B) or (C) 19028
of this section. All receipts arising from those excise taxes 19029
shall be expended for the purposes provided in, and in accordance 19030
with this section and section 351.141 of the Revised Code. An 19031
excise tax levied under division (B) or (C) of this section shall 19032
remain in effect at the rate at which it is levied for at least 19033
the duration of the period for which the receipts from the tax 19034
have been anticipated and pledged pursuant to section 351.141 of 19035
the Revised Code. 19036

(E) Except as provided in division (B)(2) of this section, 19037
the levy of an excise tax on each transaction pursuant to sections 19038
5739.08 and 5739.09 of the Revised Code does not prevent a 19039
convention facilities authority from levying an excise tax 19040
pursuant to division (B) or (C) of this section. 19041

(F) A convention facilities authority located in a county 19042
with a population greater than eighty thousand but less than 19043
ninety thousand according to the 2010 federal decennial census 19044
that levies a tax under division (B) of this section may amend the 19045
resolution levying the tax to allocate a portion of the revenue 19046
from the tax for support of tourism-related sites or facilities 19047
and programs operated by the county or a municipal corporation 19048
within the county in which the authority is located or for the 19049
purpose of leasing lands for county fairs, erecting buildings for 19050
county fair purposes, making improvements on a county fairground, 19051
or for any purpose connected with the use of a county fairground 19052
or with the management thereof by the county in which the 19053
authority is located. The revenue allocated by the authority for 19054
such purposes in a calendar year shall not exceed fifteen per cent 19055
of the total revenue from the tax in the preceding calendar year. 19056

(G) A tax levied by a convention facilities authority under 19057
this section on transactions by which lodging by a hotel is or is 19058
to be furnished to transient guests shall include transactions 19059
done by or through a provider of hotel intermediary services, as 19060
defined in section 5739.01 of the Revised Code, and shall be 19061
levied on the basis of the total price paid by the consumer for 19062
hotel lodging as advertised by the provider of hotel intermediary 19063
services. 19064

Sec. 353.06. As used in this section, "hotel," "hotel 19065
intermediary service," and "transient guests" have the same 19066
meanings as in section 5739.01 of the Revised Code. 19067

A resolution creating a lake facilities authority under 19068
section 353.02 of the Revised Code, or any amendments or 19069
supplements thereto, may authorize the authority to levy an excise 19070
tax on transactions by which lodging in a hotel is or is to be 19071
furnished to transient guests to pay any costs authorized under 19072

this chapter; to pay principal, interest, and premium on lake facilities authority tax anticipation bonds issued to pay those costs; to pay the operating costs of the authority; and to pay the costs of administering the tax.

Upon the affirmative vote of at least a majority of the qualified electors in a primary or general election within the impacted lake district voting at an election held for the purpose of authorizing the tax, the board of directors of a lake facilities authority authorized to levy a tax under this section may, by resolution, levy an additional excise tax within the territory of the impacted lake district on all transactions by which lodging in a hotel is or is to be furnished to transient guests. The rate of the tax, when added to the aggregate rate of excise taxes levied in the impacted lake district pursuant to section 351.021, 5739.08, or 5739.09 of the Revised Code, shall not cause the total aggregate rate to exceed five per cent on any such transaction.

The lake facilities authority shall provide for the administration and allocation of a tax levied pursuant to this section. All receipts arising from the tax shall be expended for the purposes provided in, and in accordance with, this section. An excise tax levied under this section shall remain in effect at the rate at which it is levied for at least the duration of the period for which the receipts from the tax have been anticipated and pledged pursuant to section 353.08 of the Revised Code.

The form of the ballot in an election held on the question of levying a tax proposed pursuant to this section shall be as follows or in any other form acceptable to the secretary of state:

"An excise tax on all transactions by which lodging in a hotel is or is to be furnished to transient guests within the territory of the (name of impacted lake district) for the purpose of at a rate of for

(number of years the tax is to be levied).

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	For the Excise Tax
	Against the Excise Tax

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A tax levied by a lake facilities authority under this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services.

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Sec. 355.02. (A) Each board of county commissioners may adopt a resolution to establish a ~~county~~ local healthier buckeye council. If a local council is established, the resolution shall specify the organization of the council and shall designate a member to serve as a staffing agent and, if the board determines necessary, a member to serve as a fiscal agent. The board may revise the council's organization as necessary by adopting a resolution.

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(B)(1) The board may invite any person or entity to become a member of the council, including a ~~public or private agency or group that funds, advocates, or provides care coordination services, provides or promotes private employment or educational services, or otherwise contributes to the well being of individuals and families~~ any of the following:

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(a) Individuals with community leadership experience;

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(b) Individuals with experience leading others;

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(c) Individuals likely to receive healthier buckeye services and participate in healthier buckeye programs;

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<u>(d) Representatives from public and private entities,</u>	19135
<u>including any of the following:</u>	19136
<u>(i) Employers;</u>	19137
<u>(ii) Municipal corporations, counties, and townships;</u>	19138
<u>(iii) Courts, including those with specialized court programs</u>	19139
<u>certified by the Ohio supreme court;</u>	19140
<u>(iv) Law enforcement;</u>	19141
<u>(v) Faith-based social services organizations;</u>	19142
<u>(vi) Foundations;</u>	19143
<u>(vii) Public health, including free clinics;</u>	19144
<u>(viii) Child support enforcement agencies;</u>	19145
<u>(ix) Children services agencies;</u>	19146
<u>(x) Child care providers;</u>	19147
<u>(xi) Preschool programs;</u>	19148
<u>(xii) Primary and secondary schools;</u>	19149
<u>(xiii) Colleges and universities;</u>	19150
<u>(xiv) Mental health and addiction services providers;</u>	19151
<u>(xv) Medicaid care coordinators or service providers;</u>	19152
<u>(xvi) Emergency or urgent care services providers;</u>	19153
<u>(xvii) Transportation providers;</u>	19154
<u>(xviii) Housing providers;</u>	19155
<u>(xix) The boy scouts of America, 4-H clubs, boys and girls</u>	19156
<u>clubs of America, and other similar organizations.</u>	19157
<u>(2) The board may form a multi-county council in accordance</u>	19158
<u>with division (C) of this section.</u>	19159
<u>(C)(1) The boards of county commissioners of any two or more</u>	19160
<u>counties, by entering into a written agreement, may form a joint</u>	19161

local healthier buckeye council. The agreement shall be ratified 19162
by resolution of the board of county commissioners of each county 19163
that entered into the agreement. Each board of county 19164
commissioners that enters into an agreement shall give notice of 19165
the agreement to the Ohio healthier buckeye advisory council. 19166

(2) An agreement to establish a joint local healthier buckeye 19167
council may set forth procedures or standards necessary for the 19168
joint local healthier buckeye council to perform its duties and 19169
operate efficiently. 19170

(3) Costs incurred in operating a joint local healthier 19171
buckeye council shall be paid from a joint general fund created by 19172
the council, except as may be otherwise provided in the agreement. 19173

(4) If a joint local healthier buckeye council is 19174
established, all references in the Revised Code to a local 19175
healthier buckeye council shall apply to the joint local council. 19176

Sec. 355.03. (A) A county local healthier buckeye council may 19177
de shall promote all of the following: 19178

~~(A)~~(1) A cooperative and effective environment in all 19179
communities to maximize opportunities for individuals and families 19180
to achieve and maintain optimal health in all aspects, thereby 19181
achieving greater productivity and reducing reliance on publicly 19182
funded assistance programs; 19183

Promote means (2) Means by which council members or the 19184
entities the members represent may reduce the reliance of 19185
individuals and families on publicly funded assistance programs 19186
using both of the following: 19187

~~(1)~~(a) Programs that have been demonstrated to be effective 19188
and have one or more of the following features: 19189

~~(a)~~(i) Low costs; 19190

~~(b)~~(ii) Use volunteer workers; 19191

(e)(iii) Use incentives to encourage designated behaviors;	19192
(d)(iv) Are led by peers.	19193
(2)(b) Practices that identify and seek to eliminate barriers to achieving greater financial independence for individuals and families who receive services from or participate in programs operated by council members or the entities the members represent.	19194 19195 19196 19197
(B) Promote care <u>(3) Care</u> coordination among physical health, behavioral health, social, employment, education, and housing service providers within the county.	19198 19199 19200
<u>(B) A local healthier buckeye council shall develop a healthier buckeye plan that promotes the objectives set forth in division (A) of this section and submit the council's healthier buckeye plan to the board of county commissioners that created the council and to the Ohio healthier buckeye advisory council.</u>	19201 19202 19203 19204 19205
<u>(C) A local healthier buckeye council shall convene at least once per year.</u>	19206 19207
<u>(D) A local healthier buckeye council shall organize itself in accordance with section 355.02 of the Revised Code and any other applicable provisions of law.</u>	19208 19209 19210
(C) Collect <u>(E) A local healthier buckeye council shall collect</u> and analyze data regarding individuals or families who receive services from or participate in programs operated by council members or the entities the members represent.	19211 19212 19213 19214
<u>(F) Beginning one year after the effective date of this amendment, each local healthier buckeye council shall submit an annual report of the council's performance to the Ohio healthier buckeye council.</u>	19215 19216 19217 19218
<u>(G) A local healthier buckeye council may apply for, receive, and oversee the administration of grants.</u>	19219 19220

Sec. 355.04. A ~~county~~ local healthier buckeye council ~~may~~ 19221
shall report the following information to the joint medicaid 19222
oversight committee created in section 103.41 of the Revised Code 19223
and to the Ohio healthier buckeye advisory council: 19224

(A) Notification that the ~~county~~ local council has been 19225
established and information regarding the council's organization, 19226
plan, and activities; 19227

(B) Information regarding enrollment or outcome data 19228
collected under division ~~(C)~~(E) of section 355.03 of the Revised 19229
Code; 19230

(C) Recommendations regarding the best practices for the 19231
administration and delivery of publicly funded assistance programs 19232
or other services or programs provided by council members or the 19233
entities the members represent; 19234

(D) Recommendations regarding the best practices in care 19235
coordination. 19236

Sec. 503.55. (A) As used in this section: 19237

(1) "Financial transaction device" includes a credit card, 19238
debit card, charge card, or prepaid or stored value card, or 19239
automated clearinghouse network credit, debit, or e-check entry 19240
that includes, but is not limited to, accounts receivable and 19241
internet-initiated, point of purchase, and telephone-initiated 19242
applications or any other device or method for making an 19243
electronic payment or transfer of funds. 19244

(2) "Township expenses" includes fees, costs, assessments, 19245
finances, penalties, payments, or any other expense a person owes or 19246
otherwise pays to a township. 19247

(B) Notwithstanding any other section of the Revised Code and 19248
except as provided in division (D) of this section, a board of 19249

township trustees may adopt a resolution authorizing the 19250
acceptance of payments by financial transaction devices for 19251
township expenses. The resolution shall include the following: 19252

(1) A specification of those township offices that are 19253
authorized to accept payments by financial transaction devices; 19254

(2) A list of township expenses that may be paid for through 19255
the use of a financial transaction device; 19256

(3) Specific identification of financial transaction devices 19257
that the board authorizes as acceptable means of payment for 19258
township expenses. Uniform acceptance of financial transaction 19259
devices among different types of township expenses is not 19260
required. 19261

(4) The amount, if any, authorized as a surcharge or 19262
convenience fee under division (E) of this section for persons 19263
using a financial transaction device. Uniform application of 19264
surcharges or convenience fees among different types of township 19265
expenses is not required. 19266

(5) A specific provision as provided in division (G) of this 19267
section requiring the payment of a penalty if a payment made by 19268
means of a financial transaction device is returned or dishonored 19269
for any reason. 19270

The board's resolution also shall designate the township 19271
fiscal officer as an administrative agent to solicit proposals, 19272
within guidelines established by the board in the resolution and 19273
in compliance with the procedures provided in division (C) of this 19274
section, from financial institutions, issuers of financial 19275
transaction devices, and processors of financial transaction 19276
devices, to make recommendations about those proposals to the 19277
board, and to assist township offices in implementing the 19278
township's financial transaction devices program. 19279

(C) The township shall follow the procedures provided in this 19280

division whenever it plans to contract with financial 19281
institutions, issuers of financial transaction devices, or 19282
processors of financial transaction devices for the purposes of 19283
this section. The township fiscal officer shall request proposals 19284
from financial institutions, issuers of financial transaction 19285
devices, or processors of financial transaction devices, as 19286
appropriate in accordance with the resolution adopted under 19287
division (B) of this section. Upon receiving the proposals, the 19288
fiscal officer shall review them and make a recommendation to the 19289
board of trustees on which proposals to accept. The board of 19290
trustees shall consider the fiscal officer's recommendation and 19291
review all proposals submitted, and then may choose to contract 19292
with any or all of the entities submitting proposals, as 19293
appropriate. The board of trustees shall provide any financial 19294
institution, issuer, or processor that submitted a proposal, but 19295
with which the board does not enter into a contract, notice that 19296
its proposal is rejected. The notice shall state the reasons for 19297
the rejection, indicate whose proposals were accepted, and provide 19298
a copy of the terms and conditions of the successful bids. 19299

(D) A board of township trustees adopting a resolution under 19300
this section shall post a copy of the resolution in each township 19301
office accepting payment by a financial transaction device. 19302

Each township office subject to the board's resolution 19303
adopted under division (B) of this section may use only the 19304
financial institutions, issuers of financial transaction devices, 19305
and processors of financial transaction devices with which the 19306
board of township trustees contracts, and each such office is 19307
subject to the terms of those contracts. 19308

(E) A board of township trustees may establish a surcharge or 19309
convenience fee that may be imposed upon a person making payment 19310
by a financial transaction device. The surcharge or convenience 19311
fee shall not be imposed unless authorized or otherwise permitted 19312

by the rules prescribed by an agreement governing the use and 19313
acceptance of the financial transaction device. 19314

If a surcharge or convenience fee is imposed, every township 19315
office accepting payment by a financial transaction device shall 19316
clearly post a notice in that office, and shall notify each person 19317
making a payment by such a device, about the surcharge or fee. 19318
Notice to each person making a payment shall be provided 19319
regardless of the medium used to make the payment and in a manner 19320
appropriate to that medium. Each notice shall include all of the 19321
following: 19322

(1) A statement that there is a surcharge or convenience fee 19323
for using a financial transaction device; 19324

(2) The total amount of the charge or fee expressed in 19325
dollars and cents for each transaction, or the rate of the charge 19326
or fee expressed as a percentage of the total amount of the 19327
transaction, whichever is applicable; 19328

(3) A clear statement that the surcharge or convenience fee 19329
is nonrefundable. 19330

(F) If a person elects to make a payment to the township by a 19331
financial transaction device and a surcharge or convenience fee is 19332
imposed, the payment of the surcharge or fee shall be considered 19333
voluntary and the surcharge or fee is not refundable. 19334

(G) If a person makes payment by financial transaction device 19335
and the payment is returned or dishonored for any reason, the 19336
person is liable to the township for payment of a penalty over and 19337
above the amount of the expense due. The board of township 19338
trustees shall determine the amount of the penalty, which may be 19339
either a fee not to exceed twenty dollars or payment of the amount 19340
necessary to reimburse the township for banking charges, legal 19341
fees, or other expenses incurred by the township in collecting the 19342
returned or dishonored payment. The remedies and procedures 19343

provided in this section are in addition to any other available 19344
civil or criminal remedies provided by law. 19345

(H) No person making any payment by financial transaction 19346
device to a township office shall be relieved from liability for 19347
the underlying obligation except to the extent that the township 19348
realizes final payment of the underlying obligation in cash or its 19349
equivalent. If final payment is not made by the financial 19350
transaction device issuer or other guarantor of payment in the 19351
transaction, the underlying obligation shall survive and the 19352
township shall retain all remedies for enforcement that would have 19353
applied if the transaction had not occurred. 19354

(I) A township official or employee who accepts a financial 19355
transaction device payment in accordance with this section and any 19356
applicable state or local policies or rules is immune from 19357
personal liability for the final collection of such payments. 19358

Sec. 503.56. (A) As used in this section: 19359

(1) "Tourism development district" means a district 19360
designated by a township under this section. 19361

(2) "Territory of a tourism development district" means all 19362
of the area included within the territorial boundaries of a 19363
tourism development district. 19364

(3) "Business" means a sole proprietorship, a corporation for 19365
profit, a pass-through entity as defined in section 5733.04 of the 19366
Revised Code, the federal government, the state, the state's 19367
political subdivisions, a nonprofit organization, or a school 19368
district. A business "operates within the proposed district" if 19369
the business would be subject to a tax levied in the proposed 19370
tourism development district pursuant to division (A)(2) of 19371
section 5739.101 of the Revised Code. 19372

(4) "Owner" means a partner of a partnership, a member of a 19373

limited liability company, a majority shareholder of an S 19374
corporation, a person with a majority ownership interest in a 19375
pass-through entity, or any officer, employee, or agent with the 19376
authority to make decisions legally binding upon a business. The 19377
signature of any owner of a business operates as the signature of 19378
the business. 19379

(5) "Eligible township" means a township wholly or partly 19380
located in a county having a population greater than three hundred 19381
seventy-five thousand but less than four hundred thousand that 19382
levies taxes under section 5739.021 or 5739.026 of the Revised 19383
Code, the aggregate rate of which does not exceed one-half of one 19384
per cent on the effective date of the enactment of this section. 19385

(B)(1) The board of trustees of an eligible township, by 19386
resolution, may declare an unincorporated area of the township to 19387
be a tourism development district for the purpose of fostering and 19388
developing tourism in the district if all of the following 19389
criteria are met: 19390

(a) The district's area does not exceed two hundred acres. 19391

(b) All territory in the district is contiguous. 19392

(c) Before adopting that resolution or ordinance, the board 19393
holds at least two public hearings concerning the creation of the 19394
tourism development district. 19395

(d) Before adopting the resolution or ordinance, the board 19396
receives a petition signed by every record owner of a parcel of 19397
real property located in the proposed district and the owner of 19398
every business that operates in the proposed district. 19399

(e) The board adopts the resolution on or before December 31, 19400
2018. 19401

(2) The petition described in division (B)(1)(d) of this 19402
section shall include an explanation of the taxes and charges that 19403

may be levied or imposed in the proposed district. 19404

(3) The board shall certify the resolution to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. 19405
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(4) Subject to the limitations of division (B)(1)(a) and (b) of this section, the board of trustees of an eligible township may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) of this section must be signed by every record owner of a parcel of real property located in the area proposed to be added to the district and the owner of every business that operates in the area proposed to be added to the district. 19409
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(C) For the purpose of fostering and developing tourism in a tourism development district, a lessor leasing real property in a tourism development district may impose and collect a uniform fee on each parcel of real property leased by the lessor, to be paid by each of the person's lessees. A lessee is subject to such a fee only if the lease separately states the amount of the fee. Before a lessor may impose and collect such a fee, the lessor shall file a copy of such lease with the township fiscal officer of the township that designated the tourism development district. A lessor that imposes such a fee shall remit all collections of the fee to the fiscal officer of the township in which the real property is located. 19419
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The board shall establish all regulations necessary to provide for the administration and remittance of such fees. The regulations may prescribe the time for payment of the fee, and may provide for the imposition of a penalty or interest, or both, for late remittances, provided that the penalty does not exceed ten 19431
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per cent of the amount of fee due, and the rate at which interest 19436
accrues does not exceed the rate per annum prescribed pursuant to 19437
section 5703.47 of the Revised Code. The regulations shall 19438
provide, after deducting the real and actual costs of 19439
administering the fee, that the revenue be used exclusively for 19440
fostering and developing tourism within the tourism development 19441
district. 19442

(D) The board of trustees of an eligible township that has 19443
designated a tourism development district under this section may 19444
levy one or both of the taxes authorized under section 503.57 or 19445
5739.101 of the Revised Code. 19446

Sec. 503.57. (A) As used in this section: 19447

(1) "Admission" means the right or privilege to enter into a 19448
place. 19449

(2) "Tourism development district" means a district 19450
designated by a township under section 503.56 of the Revised Code. 19451

(3) "Territory of a tourism development district" means all 19452
of the area included within the territorial boundaries of a 19453
tourism development district. 19454

(B) For the purpose of fostering and developing tourism 19455
within a tourism development district and paying the costs of 19456
administering the tax, the legislative authority of a township 19457
may, by resolution, levy a tax upon all of the following: 19458

(1) Amounts paid for admission to any place, including 19459
parking lots and facilities, located in the territory of a tourism 19460
development district; 19461

(2) Amounts paid for tickets or cards of admission to 19462
theaters, operas, and other places of amusement located in the 19463
territory of a tourism development district, sold at places other 19464
than the ticket offices of such places, over and above the amounts 19465

representing the established price therefor at such ticket 19466
offices; 19467

(3) Amounts paid for admission to any public performance at 19468
any roof garden, cabaret, or other similar entertainment venue 19469
located in the territory of a tourism development district, in 19470
which the charge for admission is a service or cover charge; 19471

(4) Amounts paid as annual membership dues by every club or 19472
organization maintaining a golf course located in the territory of 19473
a tourism development district; 19474

(5) Green fees paid to a golf course located in the territory 19475
of a tourism development district either under club or private 19476
ownership. 19477

(C) The rate of a tax levied under this section shall not 19478
exceed five per cent of the admission charge, membership dues, or 19479
green fees. Every person receiving any payment on which a tax is 19480
levied under this section shall collect the amount of the tax from 19481
the person making the admission payment. 19482

(D) The legislative authority of a township levying a tax 19483
pursuant to this section shall establish all regulations necessary 19484
to provide for the administration of the tax. The regulations may 19485
prescribe the time for payment of the tax, and may provide for the 19486
imposition of a penalty or interest, or both, for late payments, 19487
provided that the penalty does not exceed ten per cent of the 19488
amount of tax due, and the rate at which interest accrues does not 19489
exceed the rate per annum prescribed pursuant to section 5703.47 19490
of the Revised Code. The regulations shall provide, after 19491
deducting the real and actual costs of administering the tax, that 19492
the revenue be used exclusively for fostering and developing 19493
tourism within the tourism development district in which the tax 19494
is levied. 19495

Sec. 505.101. The board of township trustees of any township 19496
may, by resolution, enter into a contract, without advertising or 19497
bidding, for the purchase or sale of motor vehicles, materials, 19498
equipment, or supplies from or to any department, agency, or 19499
political subdivision of the state, for the purchase of services 19500
with a soil and water conservation district established under 19501
Chapter ~~1515.~~ 940. of the Revised Code, for the purchase of 19502
supplies, services, materials, and equipment with a regional 19503
planning commission pursuant to division (D) of section 713.23 of 19504
the Revised Code, or for the purchase of services from an 19505
educational service center under section 3313.846 of the Revised 19506
Code. The resolution shall: 19507

(A) Set forth the maximum amount to be paid as the purchase 19508
price for the motor vehicles, materials, equipment, supplies, or 19509
services; 19510

(B) Describe the type of motor vehicles, materials, 19511
equipment, supplies, or services that are to be purchased; 19512

(C) Appropriate sufficient funds to pay the purchase price 19513
for the motor vehicles, materials, equipment, supplies, or 19514
services, except that no such appropriation is necessary if funds 19515
have been previously appropriated for the purpose and remain 19516
unencumbered at the time the resolution is adopted. 19517

Sec. 505.1010. A board of township trustees may purchase real 19518
or personal property at public auction by adopting a resolution to 19519
designate an individual, officer, or employee to represent the 19520
board and tender bids at the auction. Any purchase made at a 19521
public auction shall be subject to a maximum purchase price 19522
established by resolution of the board or an appraisal obtained 19523
before the auction and approved by the board of township trustees. 19524
A purchase made under this section shall comply with division (D) 19525

of section 5705.41 of the Revised Code. 19526

Sec. 505.24. ~~Each~~ (A) In calendar year 2016, each township 19527
trustee is entitled to compensation ~~as follows:~~ 19528

~~(A) Except as otherwise provided in division (B) of this~~ 19529
~~section,~~ in an amount for each day of service in the business of 19530
the township, to be paid from the township treasury as follows: 19531

(1) In townships having a budget of two hundred fifty 19532
thousand dollars or less, ~~twenty~~ thirty-eight dollars and 19533
forty-nine cents per day for not more than two hundred days; 19534

(2) In townships having a budget of more than two hundred 19535
fifty thousand but not more than ~~one~~ five hundred thousand 19536
dollars, ~~twenty-four~~ forty-four dollars and fifty-seven cents per 19537
day for not more than two hundred days; 19538

(3) In townships having a budget of more than ~~one~~ five 19539
hundred thousand but not more than ~~two~~ seven hundred fifty 19540
thousand dollars, ~~twenty-eight~~ forty-seven dollars and ~~fifty~~ 19541
twenty-seven cents per day for not more than two hundred days; 19542

(4) In townships having a budget of more than ~~two~~ seven 19543
hundred fifty thousand but not more than one million five hundred 19544
thousand dollars, ~~thirty-three~~ fifty-four dollars and one cent per 19545
day for not more than two hundred days; 19546

(5) In townships having a budget of more than one million 19547
five hundred thousand but not more than ~~seven~~ three million five 19548
hundred ~~fifty~~ thousand dollars, ~~thirty-five~~ fifty-nine dollars and 19549
forty-two cents per day for not more than two hundred days; 19550

(6) In townships having a budget of more than ~~seven~~ three 19551
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 19552
million ~~five hundred thousand~~ dollars, ~~forty~~ sixty-four dollars 19553
and eighty-two cents per day for not more than two hundred days; 19554

(7) In townships having a budget of more than ~~one~~ six million 19555

~~five hundred thousand but not more than three ten million five
hundred thousand dollars, ~~forty four~~ eighty-three dollars and
ninety-nine cents per day for not more than two hundred days;~~ 19556
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(8) ~~In townships having a budget of more than three ten
million ~~five hundred thousand dollars but not more than six~~
million dollars, ~~forty eight~~ one hundred seven dollars and
ninety-eight cents per day for not more than two hundred days;~~ 19559
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~~(9) In townships having a budget of more than six million
dollars, fifty two dollars per day for not more than two hundred
days.~~ 19563
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(B) ~~Beginning in~~ In calendar year ~~1999~~ 2017, the amounts paid 19566
as specified in division (A) of this section shall be ~~replaced by~~ 19567
~~the following amounts:~~ 19568

~~(1) In calendar year 1999, the amounts specified in division
(A) of this section increased by three per cent;~~ 19569
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~~(2) In calendar year 2000, the amounts determined under
division (B)(1) of this section increased by three per cent;~~ 19571
19572

~~(3) In calendar year 2001, the amounts determined under
division (B)(2) of this section increased by three per cent;~~ 19573
19574

~~(4) In calendar year 2002, except in townships having a
budget of more than six million dollars, the amounts determined
under division (B)(3) of this section increased by three per cent;
in townships having a budget of more than six million but not more
than ten million dollars, seventy dollars per day for not more
than two hundred days; and in townships having a budget of more
than ten million dollars, ninety dollars per day for not more than
two hundred days;~~ 19575
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~~(5) In calendar years 2003 through 2008, the amounts
determined under division (B) of this section for the immediately
preceding calendar year increased by the lesser of the following:~~ 19583
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19585

~~(a) Three per cent;~~ 19586

~~(b) The percentage increase, if any, in the consumer price index over the twelve month period that ends on the thirtieth day of September of the immediately preceding calendar year, rounded to the nearest one tenth of one increased by five per cent;~~ 19587
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~~(6) In calendar year 2009 and thereafter, the amount determined under division (B) of this section for calendar year 2008.~~ 19591
19592
19593

~~As used in division (B) of this section, "consumer price index" has the same meaning as in section 325.18 of the Revised Code.~~ 19594
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(C) In calendar year 2018 and thereafter, each township trustee is entitled to compensation in the amount determined under division (B) of this section. 19597
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(D) Whenever members of a board of township trustees are compensated per diem and not by annual salary, the board shall establish, by resolution, a method by which each member of the board shall periodically notify the township fiscal officer of the number of days spent in the service of the township and the kinds of services rendered on those days. The per diem compensation shall be paid from the township general fund or from other township funds in such proportions as the kinds of services performed may require. The notice shall be filed with the township fiscal officer and preserved for inspection by any persons interested. 19600
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By unanimous vote, a board of township trustees may adopt a method of compensation consisting of an annual salary to be paid in equal monthly payments. If the office of trustee is held by more than one person during any calendar year, each person holding the office shall receive payments for only those months, and any fractions of those months, during which the person holds the 19611
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office. The amount of the annual salary approved by the board 19617
shall be no more than the maximum amount that could be received 19618
annually by a trustee if the trustee were paid on a per diem basis 19619
as specified in this division, and shall be paid from the township 19620
general fund or from other township funds in such proportions as 19621
the board may specify by resolution. Each trustee shall certify 19622
the percentage of time spent working on matters to be paid from 19623
the township general fund and from other township funds in such 19624
proportions as the kinds of services performed. A board of 19625
township trustees that has adopted a salary method of compensation 19626
may return to a method of compensation on a per diem basis as 19627
specified in this division by a majority vote. Any change in the 19628
method of compensation shall be effective on the first day of 19629
January of the year following the year during which the board has 19630
voted to change the method of compensation. 19631

Sec. 505.701. The board of trustees of any township, through 19632
unanimous vote of its membership, may designate, participate in, 19633
and cooperate with any community improvement corporation organized 19634
under Chapter 1724. of the Revised Code and may give financial or 19635
other assistance, including any fees generated by the corporation, 19636
to that corporation to defray ~~its administrative~~ the expenses of 19637
the corporation. The corporation may use the board's contributions 19638
for any of its functions under Chapter 1724. of the Revised Code 19639
subject to any limitations as may be provided by resolution of the 19640
board of trustees. Any moneys contributed by the board ~~for this~~ 19641
~~purpose to the corporation~~ shall be drawn from the general fund of 19642
the township not otherwise appropriated. 19643

In addition, the board may purchase real property for the 19644
purpose of transferring that property to the community improvement 19645
corporation. In order to finance the purchase of that real 19646
property, the board may issue general obligation bonds of the 19647
township in accordance with Chapter 133. of the Revised Code, for 19648

which the full faith and credit of the township shall be pledged. 19649

Sec. 505.86. (A) As used in this section, ~~"total:~~ 19650

"Party in interest" means an owner of record of the real 19651
property on which the building or structure is located, and 19652
includes a holder of a legal or equitable lien of record on the 19653
real property or the building or other structure. 19654

"Total cost" means any costs incurred due to the use of 19655
employees, materials, or equipment of the township, any costs 19656
arising out of contracts for labor, materials, or equipment, and 19657
costs of service of notice or publication required under this 19658
section. 19659

(B) A board of township trustees, by resolution, may provide 19660
for the removal, repair, or securance of buildings or other 19661
structures in the township that have been declared insecure, 19662
unsafe, or structurally defective by any fire department under 19663
contract with the township or by the county building department or 19664
other authority responsible under Chapter 3781. of the Revised 19665
Code for the enforcement of building regulations or the 19666
performance of building inspections in the township, or buildings 19667
or other structures that have been declared to be in a condition 19668
dangerous to life or health, or unfit for human habitation by the 19669
board of health of the general health district of which the 19670
township is a part. 19671

At least thirty days prior to the removal, repair, or 19672
securance of any insecure, unsafe, or structurally defective 19673
building or other structure, the board of township trustees shall 19674
give notice by certified mail, return receipt requested, to each 19675
party in interest of its intention with respect to the removal, 19676
repair, or securance ~~to the holders of legal or equitable liens of~~ 19677
~~record upon the real property on which the building is located and~~ 19678
~~to owners of record of the property of an insecure, unsafe, or~~ 19679

structurally defective or unfit building or other structure. 19680

If the ~~owner's~~ address of a party in interest is unknown and 19681
cannot reasonably be obtained, it is sufficient to publish the 19682
notice once in a newspaper of general circulation in the township. 19683

(C)(1) If the board of trustees, in a resolution adopted 19684
under this section, pursues action to remove any insecure, unsafe, 19685
or structurally defective building or other structure, the notice 19686
shall include a statement informing the parties in interest that 19687
each party in interest is entitled to a hearing if the party in 19688
interest requests a hearing in writing within thirty days after 19689
which the notice was mailed. The written request for a hearing 19690
shall be made to the township fiscal officer. 19691

(2) If a party in interest timely requests a hearing, the 19692
board shall set the date, time, and place for the hearing and 19693
notify the party in interest by certified mail, return receipt 19694
requested. The date set for the hearing shall be within fifteen 19695
days, but not earlier than seven days, after the party in interest 19696
has requested a hearing, unless otherwise agreed to by both the 19697
board and the party in interest. The hearing shall be recorded by 19698
stenographic or electronic means. 19699

(3) The board shall make an order deciding the matter not 19700
later than thirty days after a hearing, or not later than thirty 19701
days after mailing notice to the parties in interest if no party 19702
in interest requested a hearing. The order may dismiss the matter 19703
or direct the removal, repair, or securance of the building or 19704
other structure. At any time, a party in interest may consent to 19705
an order. 19706

(4) A party in interest who requested and participated in a 19707
hearing, and who is adversely affected by the order of the board, 19708
may appeal the order under section 2506.01 of the Revised Code. 19709

~~The owners of record of the property or the holders of liens~~ 19710

~~of record upon the property~~ (D) At any time, a party in interest 19711
may enter into an agreement with the board of township trustees to 19712
perform the removal, repair, or securance of the insecure, unsafe, 19713
or structurally defective or unfit building or other structure. ~~if~~ 19714

(E) If an emergency exists, as determined by the board, 19715
notice may be given other than by certified mail and less than 19716
thirty days prior to the removal, repair, or securance. 19717

~~(C) A board may collect the~~ (F) The total cost of removing, 19718
repairing, or securing buildings or other structures that have 19719
been declared insecure, unsafe, structurally defective, or unfit 19720
for human habitation, or of making emergency corrections of 19721
hazardous conditions, when approved by the board, shall be paid 19722
out of the township general fund from moneys not otherwise 19723
appropriated, except that, if the costs incurred exceed five 19724
hundred dollars, the board may borrow moneys from a financial 19725
institution to pay for the costs in whole or in part. 19726

The total cost may be collected by either of the following 19727
methods: 19728

(1) The board may have the fiscal officer of the township 19729
certify the total costs, together with a proper description of the 19730
lands to the county auditor who shall place the costs upon the tax 19731
duplicate. The costs are a lien upon the lands from and after the 19732
date of entry. ~~The costs shall be collected as other taxes and~~ 19733
~~returned to the township general fund.~~ 19734

(2) The board may commence a civil action to recover the 19735
total costs from the owner of record of the real property on which 19736
the building or structure is located. 19737

~~(D)~~(G) Any board of township trustees may, whenever a policy 19738
or policies of insurance are in force providing coverage against 19739
the peril of fire on a building or structure and the loss agreed 19740
to between the named insured or insureds and the company or 19741

companies is more than five thousand dollars and equals or exceeds 19742
sixty per cent of the aggregate limits of liability on all fire 19743
policies covering the building or structure on the property, 19744
accept security payments and follow the procedures of divisions 19745
(C) and (D) of section 3929.86 of the Revised Code. 19746

Sec. 507.09. (A) ~~Except as otherwise provided in division (D)~~ 19747
~~of this section~~ In calendar year 2016, the township fiscal officer 19748
shall be entitled to compensation as follows: 19749

(1) In townships having a budget of two hundred fifty 19750
thousand dollars or less, ~~three~~ ten thousand ~~five~~ three hundred 19751
ninety-eight dollars; 19752

(2) In townships having a budget of more than two hundred 19753
fifty thousand but not more than ~~one~~ five hundred thousand 19754
dollars, ~~five~~ thirteen thousand ~~five~~ three hundred seventy 19755
dollars; 19756

(3) In townships having a budget of more than ~~one~~ five 19757
hundred thousand but not more than ~~two~~ seven hundred fifty 19758
thousand dollars, ~~seven~~ fourteen thousand ~~seven~~ eight hundred 19759
fifty-four dollars; 19760

(4) In townships having a budget of more than ~~two~~ seven 19761
hundred fifty thousand but not more than one million five hundred 19762
thousand dollars, ~~nine~~ seventeen thousand ~~nine~~ eight hundred 19763
twenty-six dollars; 19764

(5) In townships having a budget of more than one million 19765
five hundred thousand but not more than ~~seven~~ three million five 19766
hundred ~~fifty~~ thousand dollars, ~~eleven~~ twenty thousand seven 19767
hundred ninety-six dollars; 19768

(6) In townships having a budget of more than ~~seven~~ three 19769
million five hundred ~~fifty~~ thousand but not more than ~~one~~ six 19770
million ~~five hundred thousand~~ dollars, ~~thirteen~~ twenty-two 19771

thousand two hundred eighty-two dollars; 19772

(7) In townships having a budget of more than ~~one~~ six million 19773
~~five hundred thousand~~ but not more than ~~three~~ ten million ~~five~~ 19774
~~hundred thousand~~ dollars, ~~fifteen~~ twenty-five thousand ~~four~~ five 19775
hundred seventy-three dollars; 19776

(8) In townships having a budget of more than ~~three~~ ten 19777
million ~~five hundred thousand~~ dollars but not more than ~~six~~ 19778
~~million~~ dollars, ~~sixteen~~ twenty-nine thousand five hundred 19779
eighty-five dollars; 19780

~~(9) In townships having a budget of more than six million~~ 19781
~~dollars, seventeen thousand six hundred dollars.~~ 19782

(B) In calendar year 2017, the compensation determined under 19783
division (A) of this section shall be increased by five per cent. 19784

(C) In calendar year 2018 and thereafter, the township fiscal 19785
officer shall be entitled to the compensation determined under 19786
division (B) of this section. 19787

(D) Any township fiscal officer may elect to receive less 19788
than the compensation the fiscal officer is entitled to under 19789
~~division (A) of this section.~~ Any township fiscal officer electing 19790
to do this shall so notify the board of township trustees in 19791
writing, and the board shall include this notice in the minutes of 19792
its next board meeting. 19793

~~(C)~~(E) The compensation of the township fiscal officer shall 19794
be paid in equal monthly payments. If the office of township 19795
fiscal officer is held by more than one person during any calendar 19796
year, each person holding the office shall receive payments for 19797
only those months, and any fractions of those months, during which 19798
the person holds the office. 19799

A township fiscal officer may be compensated from the 19800
township general fund or from other township funds based on the 19801

proportion of time the township fiscal officer spends providing 19802
services related to each fund. A township fiscal officer must 19803
document the amount of time the township fiscal officer spends 19804
providing services related to each fund by certification 19805
specifying the percentage of time spent working on matters to be 19806
paid from the township general fund or from other township funds 19807
in such proportions as the kinds of services performed. 19808

~~(D) Beginning in calendar year 1999, the township fiscal 19809
officer shall be entitled to compensation as follows: 19810~~

~~(1) In calendar year 1999, the compensation specified in 19811
division (A) of this section increased by three per cent; 19812~~

~~(2) In calendar year 2000, the compensation determined under 19813
division (D)(1) of this section increased by three per cent; 19814~~

~~(3) In calendar year 2001, the compensation determined under 19815
division (D)(2) of this section increased by three per cent; 19816~~

~~(4) In calendar year 2002, except in townships having a 19817
budget of more than six million dollars, the compensation 19818
determined under division (D)(3) of this section increased by 19819
three per cent; in townships having a budget of more than six 19820
million but not more than ten million dollars, nineteen thousand 19821
eight hundred ten dollars; and in townships having a budget of 19822
more than ten million dollars, twenty thousand nine hundred 19823
dollars; 19824~~

~~(5) In calendar year 2003, the compensation determined under 19825
division (D)(4) of this section increased by three per cent or the 19826
percentage increase in the consumer price index as described in 19827
division (D)(7)(b) of this section, whichever percentage is lower; 19828~~

~~(6) In calendar year 2004, except in townships having a 19829
budget of more than six million dollars, the compensation 19830
determined under division (D)(5) of this section for the calendar 19831
year 2003 increased by three per cent or the percentage increase 19832~~

~~in the consumer price index as described in division (D)(7)(b) of 19833
this section, whichever percentage is lower; in townships having a 19834
budget of more than six million but not more than ten million 19835
dollars, twenty two thousand eighty seven dollars; and in 19836
townships having a budget of more than ten million dollars, 19837
twenty five thousand five hundred fifty three dollars; 19838~~

~~(7) In calendar years 2005 through 2008, the compensation 19839
determined under division (D) of this section for the immediately 19840
preceding calendar year increased by the lesser of the following: 19841~~

~~(a) Three per cent; 19842~~

~~(b) The percentage increase, if any, in the consumer price 19843
index over the twelve month period that ends on the thirtieth day 19844
of September of the immediately preceding calendar year, rounded 19845
to the nearest one tenth of one per cent; 19846~~

~~(8) In calendar year 2009 and thereafter, the amount 19847
determined under division (D) of this section for calendar year 19848
2008. 19849~~

~~As used in this division, "consumer price index" has the same 19850
meaning as in section 325.18 of the Revised Code. 19851~~

Sec. 507.11. (A) The board of township trustees may 19852
authorize, by resolution, township officers and employees to incur 19853
obligations of two thousand five hundred dollars or less on behalf 19854
of the township, or it may authorize, by resolution, the township 19855
administrator to so authorize township officers and employees. The 19856
obligations incurred on behalf of the township by a township 19857
officer or employee acting pursuant to any such resolution shall 19858
be subsequently approved by the adoption of a formal resolution of 19859
the board of township trustees. 19860

(B)(1) No money belonging to the township shall be paid out, 19861
except upon an order signed by at least two of the township 19862

trustees, and countersigned by the township fiscal officer. 19863

(2) As provided in division (E) of section 9.37 of the 19864
Revised Code, and notwithstanding division (B)(1) of this section, 19865
a board of township trustees may adopt a resolution authorizing 19866
the payment of lawful obligations of the township by direct 19867
deposit of funds by electronic transfer in accordance with section 19868
9.37 of the Revised Code. 19869

Sec. 517.07. Upon application, the board of township trustees 19870
shall sell at a reasonable price the number of lots as public 19871
wants demand for burial purposes. Purchasers of lots or other 19872
interment rights, upon complying with the terms of sale, may 19873
receive deeds for the lots or rights which the board shall execute 19874
and which shall be recorded by the township fiscal officer in a 19875
book for that purpose. The expense of recording shall be paid by 19876
the person receiving the deed. Upon the application of a head of a 19877
family living in the township, the board shall, without charge, 19878
make and deliver to the applicant a deed for a suitable lot or 19879
right for the ~~burial~~ interment of the applicant's family, if, in 19880
the opinion of the board and by reason of the circumstances of the 19881
family, the payment would be oppressive. 19882

The terms of sale and any deed for lots executed after July 19883
24, 1986, for an entombment, columbarium, or other interment right 19884
executed on or after the effective date of this amendment, may 19885
include the following requirements: 19886

(A) The grantee shall provide to the board of township 19887
trustees, in writing, a list of the names and addresses of the 19888
persons to whom the grantee's property would pass by intestate 19889
succession. 19890

(B) The grantee shall notify the board in writing of any 19891
subsequent changes in the name or address of any persons to whom 19892
property would descend. 19893

(C) Any person who receives a township cemetery lot or right 19894
by gift, inheritance, or any other means other than the original 19895
conveyance shall, within one year after receiving the interest, 19896
give written notice of the person's name and address to the board 19897
having control of the cemetery, and shall notify the board of any 19898
subsequent changes in the person's name or address. 19899

The terms of sale and any deed for any lots or rights 19900
executed in compliance with the notification requirements set 19901
forth in divisions (A), (B), and (C) of this section shall state 19902
that the board of township trustees shall have right of reentry to 19903
the cemetery lot or right if the notification requirements are not 19904
met. At least ninety days before establishing reentry, the board 19905
shall send a notice by certified mail to the last known owner at 19906
the owner's last known address to inform the owner that the 19907
owner's interest in the lot or right will cease unless the 19908
notification requirements are met. If the owner's address is 19909
unknown and cannot reasonably be obtained, it is sufficient to 19910
publish the notice once in a newspaper of general circulation in 19911
the county. In order to establish reentry, the board shall pass a 19912
resolution stating that the conditions of the sale or of the deed 19913
have not been fulfilled, and that the board reclaims its interest 19914
in the lot or right. 19915

The board may limit the terms of sale or the deed for a 19916
cemetery lot or right by specifying that the owner, a member of 19917
the owner's family, or an owner's descendant must use the lot, 19918
tomb, or columbarium, or at least ~~one burial place within a~~ 19919
portion of the lot, tomb, or columbarium, within a specified time 19920
period. The board may specify this time period to be at least 19921
twenty but not more than fifty years, with right of renewal 19922
provided at no cost. At least ninety days prior to the termination 19923
date for use of the cemetery lot, tomb, or columbarium, the board 19924
shall send a notice to the owner to inform the owner that the 19925

owner's interest in the lot or right will cease on the termination 19926
date unless the owner contracts for renewal by that date. The 19927
board shall send the notice by certified mail to the owner if the 19928
owner is a resident of the township or is a nonresident whose 19929
address is known. If the owner's address is unknown and cannot 19930
reasonably be obtained, it is sufficient to publish the notice 19931
once in a newspaper of general circulation in the county. 19932

The terms of sale and any deed for lots or rights conveyed 19933
with a termination date shall state that the board shall have 19934
right of reentry to the lot or right at the end of the specified 19935
time period if the lot, tomb, or columbarium, is not used within 19936
this time period or renewed for an extended period. In order to 19937
establish reentry, the board shall pass a resolution stating that 19938
the conditions of the sale or of the deed have not been fulfilled, 19939
and that the board reclaims its interest in the lot or right. The 19940
board shall compensate owners of unused lots or rights who do not 19941
renew the terms of sale or the deed by paying the owner eighty per 19942
cent of the purchase price. The board may repurchase any cemetery 19943
lot or right from its owner at any time at a price that is 19944
mutually agreed upon by the board and the owner. 19945

Sec. 517.073. The board of township trustees may reenter a 19946
lot for which the terms of sale or deed was executed prior to July 19947
24, 1986, or an entombment, columbarium, or other interment right 19948
for which the terms of sale or deed was executed prior to the 19949
effective date of this section, if the board determines the lot or 19950
right is unused and adopts a resolution creating a procedure for 19951
right of reentry in accordance with this section. The resolution 19952
shall state that the board of township trustees has the right of 19953
reentry to the cemetery lot or right purchased prior to July 24, 19954
1986, or prior to the effective date of this section. Before 19955
reentering a lot or right, the board shall send a notice by 19956
certified mail to the last known owner at the owner's last known 19957

address to inform the owner that the owner's interest in the lot 19958
or right will cease unless the owner or owner's heir responds by a 19959
specified date. If the owner's address is unknown and cannot be 19960
obtained reasonably, it is sufficient to publish the notice once 19961
in a newspaper of general circulation in the county. To establish 19962
reentry, the board shall pass a resolution stating that the owner 19963
has not responded by the specified date, and that the board 19964
reclaims its interest in the lot or right. 19965

At least ninety days prior to the termination date for use of 19966
the cemetery lot, tomb, or columbarium, the board shall send a 19967
notice to the owner to inform the owner that the owner's interest 19968
in the lot or right will cease on the termination date unless the 19969
owner or owner's heir contracts for renewal by that date. The 19970
board shall send the notice by certified mail to the owner if the 19971
owner is a resident of the township or is a nonresident whose 19972
address is known. If the owner's address is unknown and cannot 19973
reasonably be obtained, it is sufficient to publish the notice 19974
once in a newspaper of general circulation in the county. 19975

In order to establish reentry, the board shall pass a 19976
resolution stating that because of the lack of response to notice 19977
sent by certified mail that provided a termination date, the board 19978
reclaims its interest in the lot or right. 19979

Sec. 517.15. A board of township trustees may create a 19980
permanent cemetery endowment fund for the purpose of maintaining, 19981
improving, and beautifying township cemeteries and burial lots in 19982
township cemeteries. The fund shall consist of money arising from 19983
the following sources: 19984

(A) Gifts, devises, or bequests received for the purpose of 19985
maintaining, improving, or beautifying township cemeteries; 19986

(B) Charges added to the price regularly charged for burial 19987

lots for the purpose of maintaining, improving, or beautifying township cemeteries;	19988
	19989
(C) Contributions of money from the township general fund;	19990
(D) An individual agreement with the purchaser of a burial lot providing that a part of the purchase price is to be applied to the purpose of maintaining, improving, or beautifying any burial lot designated and named by the purchaser;	19991
	19992
	19993
	19994
(E) Individual gifts, devises, or bequests made for the maintenance, improvement, and beautification of any burial lot designated and named by the person making the gift, devise, or bequest.	19995
	19996
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	19998
<u>Upon unanimous consent of the board of trustees, the board may use the principal of the fund if the board is unable to maintain, improve, and beautify township cemeteries using only the income from the fund.</u>	19999
	20000
	20001
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<u>Sec. 715.014.</u> (A) As used in this section:	20003
(1) <u>"Tourism development district" means a district designated by a municipal corporation under this section.</u>	20004
	20005
(2) <u>"Territory of a tourism development district" means all of the area included within the territorial boundaries of a tourism development district.</u>	20006
	20007
	20008
(3) <u>"Business" and "owner" have the same meanings as in section 503.56 of the Revised Code.</u>	20009
	20010
(4) <u>"Eligible municipal corporation" means a municipal corporation wholly or partly located in a county having a population greater than three hundred seventy-five thousand but less than four hundred thousand that levies taxes under section 5739.021 or 5739.026 of the Revised Code, the aggregate rate of which does not exceed one-half of one per cent on the effective date of the enactment of this section.</u>	20011
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(B)(1) The legislative authority of an eligible municipal corporation, by resolution or ordinance, may declare an area of the municipal corporation to be a tourism development district for the purpose of fostering and developing tourism in the district if all of the following criteria are met: 20018
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(a) The district's area does not exceed two hundred acres. 20023

(b) All territory in the district is contiguous. 20024

(c) Before adopting the resolution or ordinance, the legislative authority holds at least two public hearings concerning the creation of the tourism development district. 20025
20026
20027

(d) Before adopting the resolution or ordinance, the legislative authority receives a petition signed by every record owner of a parcel of real property located in the proposed district and the owner of every business that operates in the proposed district. 20028
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(e) The legislative authority adopts the resolution or ordinance on or before December 31, 2018. 20033
20034

(2) The petition described in division (B)(1)(d) of this section shall include an explanation of the taxes and charges that may be levied or imposed in the proposed district. 20035
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20037

(3) The legislative authority shall certify the resolution or ordinance to the tax commissioner within five days after its adoption, along with a description of the boundaries of the district authorized in the resolution. 20038
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(4) Subject to the limitations of divisions (B)(1)(a) and (b) of this section, the legislative authority of an eligible municipal corporation may enlarge the territory of an existing tourism development district in the manner prescribed for the creation of a district under divisions (B)(1) to (3) of this section, except that the petition described in division (B)(1)(d) 20042
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of this section must be signed by every record owner of a parcel 20048
of real property located in the area proposed to be added to the 20049
district and the owner of every business that operates in the area 20050
proposed to be added to the district. 20051

(C) For the purpose of fostering and developing tourism in a 20052
tourism development district, a lessor leasing real property in a 20053
tourism development district may impose and collect a uniform fee 20054
on each parcel of real property leased by the lessor, to be paid 20055
by each of the person's lessees. A lessee is subject to such a fee 20056
only if the lease separately states the amount of the fee. Before 20057
a lessor may impose and collect such a fee, the lessor shall file 20058
a copy of such lease with the city auditor, village clerk, or 20059
other municipal officer having the duties and functions of a city 20060
auditor or village clerk. A lessor that imposes such a fee shall 20061
remit all collections of the fee to the municipal corporation in 20062
which the real property is located. 20063

The legislative authority of that municipal corporation shall 20064
establish all regulations necessary to provide for the 20065
administration and remittance of such fees. The regulations may 20066
prescribe the time for payment of the fee, and may provide for the 20067
imposition of a penalty or interest, or both, for late 20068
remittances, provided that the penalty does not exceed ten per 20069
cent of the amount of fee due, and the rate at which interest 20070
accrues does not exceed the rate per annum prescribed pursuant to 20071
section 5703.47 of the Revised Code. The regulations shall 20072
provide, after deducting the real and actual costs of 20073
administering the fee, that the revenue be used exclusively for 20074
fostering and developing tourism within the tourism development 20075
district. 20076

(D) The legislative authority of an eligible municipal 20077
corporation that has designated a tourism development district may 20078
levy the tax authorized under section 5739.101 of the Revised 20079

Code. Nothing in this section limits the power of the legislative authority of a municipal corporation to levy a tax on the basis of admissions in a tourism development district pursuant to its powers of local self-government conferred by Section 3 of Article XVIII, Ohio Constitution.

Sec. 717.01. Each municipal corporation may do any of the following:

(A) Acquire by purchase or condemnation real estate with or without buildings on it, and easements or interests in real estate;

(B) Extend, enlarge, reconstruct, repair, equip, furnish, or improve a building or improvement that it is authorized to acquire or construct;

(C) Erect a crematory or provide other means for disposing of garbage or refuse, and erect public comfort stations;

(D) Purchase turnpike roads and make them free;

(E) Construct wharves and landings on navigable waters;

(F) Construct infirmaries, workhouses, prisons, police stations, houses of refuge and correction, market houses, public halls, public offices, municipal garages, repair shops, storage houses, and warehouses;

(G) Construct or acquire waterworks for supplying water to the municipal corporation and its inhabitants and extend the waterworks system outside of the municipal corporation limits;

(H) Construct or purchase gas works or works for the generation and transmission of electricity, for the supplying of gas or electricity to the municipal corporation and its inhabitants;

(I) Provide grounds for cemeteries or crematories, enclose

and embellish them, and construct vaults or crematories;	20109
(J) Construct sewers, sewage disposal works, flushing tunnels, drains, and ditches;	20110 20111
(K) Construct free public libraries and reading rooms, and free recreation centers;	20112 20113
(L) Establish free public baths and municipal lodging houses;	20114
(M) Construct monuments or memorial buildings to commemorate the services of soldiers, sailors, and marines of the state and nation;	20115 20116 20117
(N) Provide land for and improve parks, boulevards, and public playgrounds;	20118 20119
(O) Construct hospitals and pesthouses;	20120
(P) Open, construct, widen, extend, improve, resurface, or change the line of any street or public highway;	20121 20122
(Q) Construct and improve levees, dams, waterways, waterfronts, and embankments and improve any watercourse passing through the municipal corporation;	20123 20124 20125
(R) Construct or improve viaducts, bridges, and culverts;	20126
(S)(1) Construct any building necessary for the police or fire department;	20127 20128
(2) Purchase fire engines or fire boats;	20129
(3) Construct water towers or fire cisterns;	20130
(4) Place underground the wires or signal apparatus of any police or fire department.	20131 20132
(T) Construct any municipal ice plant for the purpose of manufacturing ice for the citizens of a municipal corporation;	20133 20134
(U) Construct subways under any street or boulevard or elsewhere;	20135 20136

(V) Acquire by purchase, gift, devise, bequest, lease, 20137
condemnation proceedings, or otherwise, real or personal property, 20138
and thereon and thereof to establish, construct, enlarge, improve, 20139
equip, maintain, and operate airports, landing fields, or other 20140
air navigation facilities, either within or outside the limits of 20141
a municipal corporation, and acquire by purchase, gift, devise, 20142
lease, or condemnation proceedings rights-of-way for connections 20143
with highways, waterways, and electric, steam, and interurban 20144
railroads, and improve and equip such facilities with structures 20145
necessary or appropriate for such purposes. No municipal 20146
corporation may take or disturb property or facilities belonging 20147
to any public utility or to a common carrier engaged in interstate 20148
commerce, which property or facilities are required for the proper 20149
and convenient operation of the utility or carrier, unless 20150
provision is made for the restoration, relocation, or duplication 20151
of the property or facilities elsewhere at the sole cost of the 20152
municipal corporation. 20153

(W) Provide by agreement with any regional airport authority, 20154
created under section 308.03 of the Revised Code, for the making 20155
of necessary surveys, appraisals, and examinations preliminary to 20156
the acquisition or construction of any airport or airport facility 20157
and pay the portion of the expense of the surveys, appraisals, and 20158
examinations as set forth in the agreement; 20159

(X) Provide by agreement with any regional airport authority, 20160
created under section 308.03 of the Revised Code, for the 20161
acquisition, construction, maintenance, or operation of any 20162
airport or airport facility owned or to be owned and operated by 20163
the regional airport authority or owned or to be owned and 20164
operated by the municipal corporation and pay the portion of the 20165
expense of it as set forth in the agreement; 20166

(Y) Acquire by gift, purchase, lease, or condemnation, land, 20167
forest, and water rights necessary for conservation of forest 20168

reserves, water parks, or reservoirs, either within or without the 20169
limits of the municipal corporation, and improve and equip the 20170
forest and water parks with structures, equipment, and 20171
reforestation necessary or appropriate for any purpose for the 20172
utilization of any of the forest and water benefits that may 20173
properly accrue therefrom to the municipal corporation; 20174

(Z) Acquire real property by purchase, gift, or devise and 20175
construct and maintain on it public swimming pools, either within 20176
or outside the limits of the municipal corporation; 20177

(AA) Construct or rehabilitate, equip, maintain, operate, and 20178
lease facilities for housing of elderly persons and for persons of 20179
low and moderate income, and appurtenant facilities. No municipal 20180
corporation shall deny housing accommodations to or withhold 20181
housing accommodations from elderly persons or persons of low and 20182
moderate income because of race, color, religion, sex, familial 20183
status as defined in section 4112.01 of the Revised Code, military 20184
status as defined in that section, disability as defined in that 20185
section, ancestry, or national origin. Any elderly person or 20186
person of low or moderate income who is denied housing 20187
accommodations or has them withheld by a municipal corporation 20188
because of race, color, religion, sex, familial status as defined 20189
in section 4112.01 of the Revised Code, military status as defined 20190
in that section, disability as defined in that section, ancestry, 20191
or national origin may file a charge with the Ohio civil rights 20192
commission as provided in Chapter 4112. of the Revised Code. 20193

(BB) Acquire, rehabilitate, and develop rail property or rail 20194
service, and enter into agreements with the Ohio rail development 20195
commission, boards of county commissioners, boards of township 20196
trustees, legislative authorities of other municipal corporations, 20197
with other governmental agencies or organizations, and with 20198
private agencies or organizations in order to achieve those 20199
purposes; 20200

(CC) Appropriate and contribute money to a soil and water conservation district for use under Chapter ~~1515~~. 940. of the Revised Code;

(DD) Authorize the board of county commissioners, pursuant to a contract authorizing the action, to contract on the municipal corporation's behalf for the administration and enforcement within its jurisdiction of the state building code by another county or another municipal corporation located within or outside the county. The contract for administration and enforcement shall provide for obtaining certification pursuant to division (E) of section 3781.10 of the Revised Code for the exercise of administration and enforcement authority within the municipal corporation seeking those services and shall specify which political subdivision is responsible for securing that certification.

(EE) Expend money for providing and maintaining services and facilities for senior citizens.

"Airport," "landing field," and "air navigation facility," as defined in section 4561.01 of the Revised Code, apply to division (V) of this section.

As used in divisions (W) and (X) of this section, "airport" and "airport facility" have the same meanings as in section 308.01 of the Revised Code.

As used in division (BB) of this section, "rail property" and "rail service" have the same meanings as in section 4981.01 of the Revised Code.

Sec. 718.01. Any term used in this chapter that is not otherwise defined in this chapter has the same meaning as when used in a comparable context in laws of the United States relating to federal income taxation or in Title LVII of the Revised Code,

unless a different meaning is clearly required. If a term used in 20231
this chapter that is not otherwise defined in this chapter is used 20232
in a comparable context in both the laws of the United States 20233
relating to federal income tax and in Title LVII of the Revised 20234
Code and the use is not consistent, then the use of the term in 20235
the laws of the United States relating to federal income tax shall 20236
control over the use of the term in Title LVII of the Revised 20237
Code. 20238

As used in this chapter: 20239

(A)(1) "Municipal taxable income" means the following: 20240

(a) For a person other than an individual, income reduced by 20241
exempt income to the extent otherwise included in income and then, 20242
as applicable, apportioned or situated to the municipal corporation 20243
under section 718.02 of the Revised Code, and further reduced by 20244
any pre-2017 net operating loss carryforward available to the 20245
person for the municipal corporation. 20246

(b)(i) For an individual who is a resident of a municipal 20247
corporation other than a qualified municipal corporation, income 20248
reduced by exempt income to the extent otherwise included in 20249
income, then reduced as provided in division (A)(2) of this 20250
section, and further reduced by any pre-2017 net operating loss 20251
carryforward available to the individual for the municipal 20252
corporation. 20253

(ii) For an individual who is a resident of a qualified 20254
municipal corporation, Ohio adjusted gross income reduced by 20255
income exempted, and increased by deductions excluded, by the 20256
qualified municipal corporation from the qualified municipal 20257
corporation's tax ~~on or before December 31, 2013~~. If a qualified 20258
municipal corporation, on or before December 31, 2013, exempts 20259
income earned by individuals who are not residents of the 20260
qualified municipal corporation and net profit of persons that are 20261

not wholly located within the qualified municipal corporation, 20262
such individual or person shall have no municipal taxable income 20263
for the purposes of the tax levied by the qualified municipal 20264
corporation and may be exempted by the qualified municipal 20265
corporation from the requirements of section 718.03 of the Revised 20266
Code. 20267

(c) For an individual who is a nonresident of a municipal 20268
corporation, income reduced by exempt income to the extent 20269
otherwise included in income and then, as applicable, apportioned 20270
or situated to the municipal corporation under section 718.02 of 20271
the Revised Code, then reduced as provided in division (A)(2) of 20272
this section, and further reduced by any pre-2017 net operating 20273
loss carryforward available to the individual for the municipal 20274
corporation. 20275

(2) In computing the municipal taxable income of a taxpayer 20276
who is an individual, the taxpayer may subtract, as provided in 20277
division (A)(1)(b)(i) or (c) of this section, the amount of the 20278
individual's employee business expenses reported on the 20279
individual's form 2106 that the individual deducted for federal 20280
income tax purposes for the taxable year, subject to the 20281
limitation imposed by section 67 of the Internal Revenue Code. For 20282
the municipal corporation in which the taxpayer is a resident, the 20283
taxpayer may deduct all such expenses allowed for federal income 20284
tax purposes. For a municipal corporation in which the taxpayer is 20285
not a resident, the taxpayer may deduct such expenses only to the 20286
extent the expenses are related to the taxpayer's performance of 20287
personal services in that nonresident municipal corporation. 20288

(B) "Income" means the following: 20289

(1)(a) For residents, all income, salaries, qualifying wages, 20290
commissions, and other compensation from whatever source earned or 20291
received by the resident, including the resident's distributive 20292
share of the net profit of pass-through entities owned directly or 20293

indirectly by the resident and any net profit of the resident, 20294
except as provided in division (D)(4) of this section. 20295

(b) For the purposes of division (B)(1)(a) of this section: 20296

(i) Any net operating loss of the resident incurred in the 20297
taxable year and the resident's distributive share of any net 20298
operating loss generated in the same taxable year and attributable 20299
to the resident's ownership interest in a pass-through entity 20300
shall be allowed as a deduction, for that taxable year and the 20301
following five taxable years, against any other net profit of the 20302
resident or the resident's distributive share of any net profit 20303
attributable to the resident's ownership interest in a 20304
pass-through entity until fully utilized, subject to division 20305
(B)(1)(d) of this section; 20306

(ii) The resident's distributive share of the net profit of 20307
each pass-through entity owned directly or indirectly by the 20308
resident shall be calculated without regard to any net operating 20309
loss that is carried forward by that entity from a prior taxable 20310
year and applied to reduce the entity's net profit for the current 20311
taxable year. 20312

(c) Division (B)(1)(b) of this section does not apply with 20313
respect to any net profit or net operating loss attributable to an 20314
ownership interest in an S corporation unless shareholders' 20315
distributive shares of net profits from S corporations are subject 20316
to tax in the municipal corporation as provided in division 20317
(C)(14)(b) or (c) of this section. 20318

(d) Any amount of a net operating loss used to reduce a 20319
taxpayer's net profit for a taxable year shall reduce the amount 20320
of net operating loss that may be carried forward to any 20321
subsequent year for use by that taxpayer. In no event shall the 20322
cumulative deductions for all taxable years with respect to a 20323
taxpayer's net operating loss exceed the original amount of that 20324

net operating loss available to that taxpayer. 20325

(2) In the case of nonresidents, all income, salaries, 20326
qualifying wages, commissions, and other compensation from 20327
whatever source earned or received by the nonresident for work 20328
done, services performed or rendered, or activities conducted in 20329
the municipal corporation, including any net profit of the 20330
nonresident, but excluding the nonresident's distributive share of 20331
the net profit or loss of only pass-through entities owned 20332
directly or indirectly by the nonresident. 20333

(3) For taxpayers that are not individuals, net profit of the 20334
taxpayer; 20335

(4) Lottery, sweepstakes, gambling and sports winnings, 20336
winnings from games of chance, and prizes and awards. If the 20337
taxpayer is a professional gambler for federal income tax 20338
purposes, the taxpayer may deduct related wagering losses and 20339
expenses to the extent authorized under the Internal Revenue Code 20340
and claimed against such winnings. 20341

(C) "Exempt income" means all of the following: 20342

(1) The military pay or allowances of members of the armed 20343
forces of the United States or members of their reserve 20344
components, including the national guard of any state; 20345

(2)(a) Except as provided in division (C)(2)(b) of this 20346
section, intangible income; 20347

(b) A municipal corporation that taxed any type of intangible 20348
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 20349
116th general assembly, may continue to tax that type of income if 20350
a majority of the electors of the municipal corporation voting on 20351
the question of whether to permit the taxation of that type of 20352
intangible income after 1988 voted in favor thereof at an election 20353
held on November 8, 1988. 20354

(3) Social security benefits, railroad retirement benefits, 20355
unemployment compensation, pensions, retirement benefit payments, 20356
payments from annuities, and similar payments made to an employee 20357
or to the beneficiary of an employee under a retirement program or 20358
plan, disability payments received from private industry or local, 20359
state, or federal governments or from charitable, religious or 20360
educational organizations, and the proceeds of sickness, accident, 20361
or liability insurance policies. As used in division (C)(3) of 20362
this section, "unemployment compensation" does not include 20363
supplemental unemployment compensation described in section 20364
3402(o)(2) of the Internal Revenue Code. 20365

(4) The income of religious, fraternal, charitable, 20366
scientific, literary, or educational institutions to the extent 20367
such income is derived from tax-exempt real estate, tax-exempt 20368
tangible or intangible property, or tax-exempt activities. 20369

(5) Compensation paid under section 3501.28 or 3501.36 of the 20370
Revised Code to a person serving as a precinct election official 20371
to the extent that such compensation does not exceed one thousand 20372
dollars for the taxable year. Such compensation in excess of one 20373
thousand dollars for the taxable year may be subject to taxation 20374
by a municipal corporation. A municipal corporation shall not 20375
require the payer of such compensation to withhold any tax from 20376
that compensation. 20377

(6) Dues, contributions, and similar payments received by 20378
charitable, religious, educational, or literary organizations or 20379
labor unions, lodges, and similar organizations; 20380

(7) Alimony and child support received; 20381

(8) Compensation for personal injuries or for damages to 20382
property from insurance proceeds or otherwise, excluding 20383
compensation paid for lost salaries or wages or compensation from 20384
punitive damages; 20385

(9) Income of a public utility when that public utility is 20386
subject to the tax levied under section 5727.24 or 5727.30 of the 20387
Revised Code. Division (C)(9) of this section does not apply for 20388
purposes of Chapter 5745. of the Revised Code. 20389

(10) Gains from involuntary conversions, interest on federal 20390
obligations, items of income subject to a tax levied by the state 20391
and that a municipal corporation is specifically prohibited by law 20392
from taxing, and income of a decedent's estate during the period 20393
of administration except such income from the operation of a trade 20394
or business; 20395

(11) Compensation or allowances excluded from federal gross 20396
income under section 107 of the Internal Revenue Code; 20397

(12) Employee compensation that is not qualifying wages as 20398
defined in division (R) of this section; 20399

(13) Compensation paid to a person employed within the 20400
boundaries of a United States air force base under the 20401
jurisdiction of the United States air force that is used for the 20402
housing of members of the United States air force and is a center 20403
for air force operations, unless the person is subject to taxation 20404
because of residence or domicile. If the compensation is subject 20405
to taxation because of residence or domicile, tax on such income 20406
shall be payable only to the municipal corporation of residence or 20407
domicile. 20408

(14)(a) Except as provided in division (C)(14)(b) or (c) of 20409
this section, an S corporation shareholder's distributive share of 20410
net profits of the S corporation, other than any part of the 20411
distributive share of net profits that represents wages as defined 20412
in section 3121(a) of the Internal Revenue Code or net earnings 20413
from self-employment as defined in section 1402(a) of the Internal 20414
Revenue Code. 20415

(b) If, pursuant to division (H) of former section 718.01 of 20416

the Revised Code as it existed before March 11, 2004, a majority 20417
of the electors of a municipal corporation voted in favor of the 20418
question at an election held on November 4, 2003, the municipal 20419
corporation may continue after 2002 to tax an S corporation 20420
shareholder's distributive share of net profits of an S 20421
corporation. 20422

(c) If, on December 6, 2002, a municipal corporation was 20423
imposing, assessing, and collecting a tax on an S corporation 20424
shareholder's distributive share of net profits of the S 20425
corporation to the extent the distributive share would be 20426
allocated or apportioned to this state under divisions (B)(1) and 20427
(2) of section 5733.05 of the Revised Code if the S corporation 20428
were a corporation subject to taxes imposed under Chapter 5733. of 20429
the Revised Code, the municipal corporation may continue to impose 20430
the tax on such distributive shares to the extent such shares 20431
would be so allocated or apportioned to this state only until 20432
December 31, 2004, unless a majority of the electors of the 20433
municipal corporation voting on the question of continuing to tax 20434
such shares after that date voted in favor of that question at an 20435
election held November 2, 2004. If a majority of those electors 20436
voted in favor of the question, the municipal corporation may 20437
continue after December 31, 2004, to impose the tax on such 20438
distributive shares only to the extent such shares would be so 20439
allocated or apportioned to this state. 20440

(d) A municipal corporation shall be deemed to have elected 20441
to tax S corporation shareholders' distributive shares of net 20442
profits of the S corporation in the hands of the shareholders if a 20443
majority of the electors of a municipal corporation voted in favor 20444
of a question at an election held under division (C)(14)(b) or (c) 20445
of this section. The municipal corporation shall specify by 20446
resolution or ordinance that the tax applies to the distributive 20447
share of a shareholder of an S corporation in the hands of the 20448

shareholder of the S corporation. 20449

(15) To the extent authorized under a resolution or ordinance 20450
adopted by a municipal corporation before January 1, 2016, all or 20451
a portion of the income of individuals or a class of individuals 20452
under eighteen years of age. 20453

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 20454
(d) of this section, qualifying wages described in division (B)(1) 20455
or (E) of section 718.011 of the Revised Code to the extent the 20456
qualifying wages are not subject to withholding for the municipal 20457
corporation under either of those divisions. 20458

(b) The exemption provided in division (C)(16)(a) of this 20459
section does not apply with respect to the municipal corporation 20460
in which the employee resided at the time the employee earned the 20461
qualifying wages. 20462

(c) The exemption provided in division (C)(16)(a) of this 20463
section does not apply to qualifying wages that an employer elects 20464
to withhold under division (D)(2) of section 718.011 of the 20465
Revised Code. 20466

(d) The exemption provided in division (C)(16)(a) of this 20467
section does not apply to qualifying wages if both of the 20468
following conditions apply: 20469

(i) For qualifying wages described in division (B)(1) of 20470
section 718.011 of the Revised Code, the employee's employer 20471
withholds and remits tax on the qualifying wages to the municipal 20472
corporation in which the employee's principal place of work is 20473
situated, or, for qualifying wages described in division (E) of 20474
section 718.011 of the Revised Code, the employee's employer 20475
withholds and remits tax on the qualifying wages to the municipal 20476
corporation in which the employer's fixed location is located; 20477

(ii) The employee receives a refund of the tax described in 20478
division (C)(16)(d)(i) of this section on the basis of the 20479

employee not performing services in that municipal corporation. 20480

(17)(a) Except as provided in division (C)(17)(b) or (c) of 20481
this section, compensation that is not qualifying wages paid to a 20482
nonresident individual for personal services performed in the 20483
municipal corporation on not more than twenty days in a taxable 20484
year. 20485

(b) The exemption provided in division (C)(17)(a) of this 20486
section does not apply under either of the following 20487
circumstances: 20488

(i) The individual's base of operation is located in the 20489
municipal corporation. 20490

(ii) The individual is a professional athlete, professional 20491
entertainer, or public figure, and the compensation is paid for 20492
the performance of services in the individual's capacity as a 20493
professional athlete, professional entertainer, or public figure. 20494
For purposes of division (C)(17)(b)(ii) of this section, 20495
"professional athlete," "professional entertainer," and "public 20496
figure" have the same meanings as in section 718.011 of the 20497
Revised Code. 20498

(c) Compensation to which division (C)(17) of this section 20499
applies shall be treated as earned or received at the individual's 20500
base of operation. If the individual does not have a base of 20501
operation, the compensation shall be treated as earned or received 20502
where the individual is domiciled. 20503

(d) For purposes of division (C)(17) of this section, "base 20504
of operation" means the location where an individual owns or rents 20505
an office, storefront, or similar facility to which the individual 20506
regularly reports and at which the individual regularly performs 20507
personal services for compensation. 20508

(18) Compensation paid to a person for personal services 20509
performed for a political subdivision on property owned by the 20510

political subdivision, regardless of whether the compensation is 20511
received by an employee of the subdivision or another person 20512
performing services for the subdivision under a contract with the 20513
subdivision, if the property on which services are performed is 20514
annexed to a municipal corporation pursuant to section 709.023 of 20515
the Revised Code on or after March 27, 2013, unless the person is 20516
subject to such taxation because of residence. If the compensation 20517
is subject to taxation because of residence, municipal income tax 20518
shall be payable only to the municipal corporation of residence. 20519

(19) Income the taxation of which is prohibited by the 20520
constitution or laws of the United States. 20521

Any item of income that is exempt income of a pass-through 20522
entity under division (C) of this section is exempt income of each 20523
owner of the pass-through entity to the extent of that owner's 20524
distributive or proportionate share of that item of the entity's 20525
income. 20526

(D)(1) "Net profit" for a person other than an individual 20527
means adjusted federal taxable income. 20528

(2) "Net profit" for a person who is an individual means the 20529
individual's net profit required to be reported on schedule C, 20530
schedule E, or schedule F reduced by any net operating loss 20531
carried forward. For the purposes of division (D)(2) of this 20532
section, the net operating loss carried forward shall be 20533
calculated and deducted in the same manner as provided in division 20534
(E)(8) of this section. 20535

(3) For the purposes of this chapter, and notwithstanding 20536
division (D)(1) of this section, net profit of a disregarded 20537
entity shall not be taxable as against that disregarded entity, 20538
but shall instead be included in the net profit of the owner of 20539
the disregarded entity. 20540

(4) For the purposes of this chapter, and notwithstanding any 20541

other provision of this chapter, the net profit of a publicly 20542
traded partnership that makes the election described in division 20543
(D)(4) of this section shall be taxed as if the partnership were a 20544
C corporation, and shall not be treated as the net profit or 20545
income of any owner of the partnership. 20546

A publicly traded partnership that is treated as a 20547
partnership for federal income tax purposes and that is subject to 20548
tax on its net profits in one or more municipal corporations in 20549
this state may elect to be treated as a C corporation for 20550
municipal income tax purposes. The publicly traded partnership 20551
shall make the election in every municipal corporation in which 20552
the partnership is subject to taxation on its net profits. The 20553
election shall be made on the annual tax return filed in each such 20554
municipal corporation. The publicly traded partnership shall not 20555
be required to file the election with any municipal corporation in 20556
which the partnership is not subject to taxation on its net 20557
profits, but division (D)(4) of this section applies to all 20558
municipal corporations in which an individual owner of the 20559
partnership resides. 20560

(E) "Adjusted federal taxable income," for a person required 20561
to file as a C corporation, or for a person that has elected to be 20562
taxed as a C corporation under division (D)(4) of this section, 20563
means a C corporation's federal taxable income before net 20564
operating losses and special deductions as determined under the 20565
Internal Revenue Code, adjusted as follows: 20566

(1) Deduct intangible income to the extent included in 20567
federal taxable income. The deduction shall be allowed regardless 20568
of whether the intangible income relates to assets used in a trade 20569
or business or assets held for the production of income. 20570

(2) Add an amount equal to five per cent of intangible income 20571
deducted under division (E)(1) of this section, but excluding that 20572
portion of intangible income directly related to the sale, 20573

exchange, or other disposition of property described in section 20574
1221 of the Internal Revenue Code; 20575

(3) Add any losses allowed as a deduction in the computation 20576
of federal taxable income if the losses directly relate to the 20577
sale, exchange, or other disposition of an asset described in 20578
section 1221 or 1231 of the Internal Revenue Code; 20579

(4)(a) Except as provided in division (E)(4)(b) of this 20580
section, deduct income and gain included in federal taxable income 20581
to the extent the income and gain directly relate to the sale, 20582
exchange, or other disposition of an asset described in section 20583
1221 or 1231 of the Internal Revenue Code; 20584

(b) Division (E)(4)(a) of this section does not apply to the 20585
extent the income or gain is income or gain described in section 20586
1245 or 1250 of the Internal Revenue Code. 20587

(5) Add taxes on or measured by net income allowed as a 20588
deduction in the computation of federal taxable income; 20589

(6) In the case of a real estate investment trust or 20590
regulated investment company, add all amounts with respect to 20591
dividends to, distributions to, or amounts set aside for or 20592
credited to the benefit of investors and allowed as a deduction in 20593
the computation of federal taxable income; 20594

(7) Deduct, to the extent not otherwise deducted or excluded 20595
in computing federal taxable income, any income derived from a 20596
transfer agreement or from the enterprise transferred under that 20597
agreement under section 4313.02 of the Revised Code; 20598

(8)(a) Except as limited by divisions (E)(8)(b), (c), and (d) 20599
of this section, deduct any net operating loss incurred by the 20600
person in a taxable year beginning on or after January 1, 2017. 20601

The amount of such net operating loss shall be deducted from 20602
net profit that is reduced by exempt income to the extent 20603

necessary to reduce municipal taxable income to zero, with any 20604
remaining unused portion of the net operating loss carried forward 20605
to not more than five consecutive taxable years following the 20606
taxable year in which the loss was incurred, but in no case for 20607
more years than necessary for the deduction to be fully utilized. 20608

(b) No person shall use the deduction allowed by division 20609
(E)(8) of this section to offset qualifying wages. 20610

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 20611
or 2022, a person may not deduct, for purposes of an income tax 20612
levied by a municipal corporation that levies an income tax before 20613
January 1, 2016, more than fifty per cent of the amount of the 20614
deduction otherwise allowed by division (E)(8)(a) of this section. 20615

(ii) For taxable years beginning in 2023 or thereafter, a 20616
person may deduct, for purposes of an income tax levied by a 20617
municipal corporation that levies an income tax before January 1, 20618
2016, the full amount allowed by division (E)(8)(a) of this 20619
section. 20620

(d) Any pre-2017 net operating loss carryforward deduction 20621
that is available must be utilized before a taxpayer may deduct 20622
any amount pursuant to division (E)(8) of this section. 20623

(e) Nothing in ~~divisions~~ division (E)(8)(c)(i) ~~and (ii)~~ of 20624
this section precludes a person from carrying forward, for ~~the~~ 20625
~~period otherwise permitted under division (E)(8)(a) of this~~ 20626
~~section use with respect to any return filed for a taxable year~~ 20627
beginning after 2018, any amount of net operating loss that was 20628
not fully utilized by operation of ~~divisions~~ division (E)(8)(c)(i) 20629
~~and (ii)~~ of this section. To the extent that an amount of net 20630
operating loss that was not fully utilized in one or more taxable 20631
years by operation of division (E)(8)(c)(i) of this section is 20632
carried forward for use with respect to a return filed for a 20633
taxable year beginning in 2019, 2020, 2021, or 2022, the 20634

limitation described in division (E)(8)(c)(i) of this section 20635
shall apply to the amount carried forward. 20636

(9) Deduct any net profit of a pass-through entity owned 20637
directly or indirectly by the taxpayer and included in the 20638
taxpayer's federal taxable income unless an affiliated group of 20639
corporations includes that net profit in the group's federal 20640
taxable income in accordance with division (E)(3)(b) of section 20641
718.06 of the Revised Code. 20642

(10) Add any loss incurred by a pass-through entity owned 20643
directly or indirectly by the taxpayer and included in the 20644
taxpayer's federal taxable income unless an affiliated group of 20645
corporations includes that loss in the group's federal taxable 20646
income in accordance with division (E)(3)(b) of section 718.06 of 20647
the Revised Code. 20648

If the taxpayer is not a C corporation, is not a disregarded 20649
entity that has made the election described in division (L)(2) of 20650
this section, is not a publicly traded partnership that has made 20651
the election described in division (D)(4) of this section, and is 20652
not an individual, the taxpayer shall compute adjusted federal 20653
taxable income under this section as if the taxpayer were a C 20654
corporation, except guaranteed payments and other similar amounts 20655
paid or accrued to a partner, former partner, shareholder, former 20656
shareholder, member, or former member shall not be allowed as a 20657
deductible expense unless such payments are in consideration for 20658
the use of capital and treated as payment of interest under 20659
section 469 of the Internal Revenue Code or United States treasury 20660
regulations. Amounts paid or accrued to a qualified self-employed 20661
retirement plan with respect to a partner, former partner, 20662
shareholder, former shareholder, member, or former member of the 20663
taxpayer, amounts paid or accrued to or for health insurance for a 20664
partner, former partner, shareholder, former shareholder, member, 20665
or former member, and amounts paid or accrued to or for life 20666

insurance for a partner, former partner, shareholder, former 20667
shareholder, member, or former member shall not be allowed as a 20668
deduction. 20669

Nothing in division (E) of this section shall be construed as 20670
allowing the taxpayer to add or deduct any amount more than once 20671
or shall be construed as allowing any taxpayer to deduct any 20672
amount paid to or accrued for purposes of federal self-employment 20673
tax. 20674

(F) "Schedule C" means internal revenue service schedule C 20675
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20676
Code. 20677

(G) "Schedule E" means internal revenue service schedule E 20678
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20679
Code. 20680

(H) "Schedule F" means internal revenue service schedule F 20681
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 20682
Code. 20683

(I) "Internal Revenue Code" has the same meaning as in 20684
section 5747.01 of the Revised Code. 20685

(J) "Resident" means an individual who is domiciled in the 20686
municipal corporation as determined under section 718.012 of the 20687
Revised Code. 20688

(K) "Nonresident" means an individual that is not a resident. 20689

(L)(1) "Taxpayer" means a person subject to a tax levied on 20690
income by a municipal corporation in accordance with this chapter. 20691
"Taxpayer" does not include a grantor trust or, except as provided 20692
in division (L)(2)(a) of this section, a disregarded entity. 20693

(2)(a) A single member limited liability company that is a 20694
disregarded entity for federal tax purposes may be a separate 20695
taxpayer from its single member in all Ohio municipal corporations 20696

in which it either filed as a separate taxpayer or did not file 20697
for its taxable year ending in 2003, if all of the following 20698
conditions are met: 20699

(i) The limited liability company's single member is also a 20700
limited liability company. 20701

(ii) The limited liability company and its single member were 20702
formed and doing business in one or more Ohio municipal 20703
corporations for at least five years before January 1, 2004. 20704

(iii) Not later than December 31, 2004, the limited liability 20705
company and its single member each made an election to be treated 20706
as a separate taxpayer under division (L) of this section as this 20707
section existed on December 31, 2004. 20708

(iv) The limited liability company was not formed for the 20709
purpose of evading or reducing Ohio municipal corporation income 20710
tax liability of the limited liability company or its single 20711
member. 20712

(v) The Ohio municipal corporation that was the primary place 20713
of business of the sole member of the limited liability company 20714
consented to the election. 20715

(b) For purposes of division (L)(2)(a)(v) of this section, a 20716
municipal corporation was the primary place of business of a 20717
limited liability company if, for the limited liability company's 20718
taxable year ending in 2003, its income tax liability was greater 20719
in that municipal corporation than in any other municipal 20720
corporation in Ohio, and that tax liability to that municipal 20721
corporation for its taxable year ending in 2003 was at least four 20722
hundred thousand dollars. 20723

(M) "Person" includes individuals, firms, companies, joint 20724
stock companies, business trusts, estates, trusts, partnerships, 20725
limited liability partnerships, limited liability companies, 20726
associations, C corporations, S corporations, governmental 20727

entities, and any other entity. 20728

(N) "Pass-through entity" means a partnership not treated as 20729
an association taxable as a C corporation for federal income tax 20730
purposes, a limited liability company not treated as an 20731
association taxable as a C corporation for federal income tax 20732
purposes, an S corporation, or any other class of entity from 20733
which the income or profits of the entity are given pass-through 20734
treatment for federal income tax purposes. "Pass-through entity" 20735
does not include a trust, estate, grantor of a grantor trust, or 20736
disregarded entity. 20737

(O) "S corporation" means a person that has made an election 20738
under subchapter S of Chapter 1 of Subtitle A of the Internal 20739
Revenue Code for its taxable year. 20740

(P) "Single member limited liability company" means a limited 20741
liability company that has one direct member. 20742

(Q) "Limited liability company" means a limited liability 20743
company formed under Chapter 1705. of the Revised Code or under 20744
the laws of another state. 20745

(R) "Qualifying wages" means wages, as defined in section 20746
3121(a) of the Internal Revenue Code, without regard to any wage 20747
limitations, adjusted as follows: 20748

(1) Deduct the following amounts: 20749

(a) Any amount included in wages if the amount constitutes 20750
compensation attributable to a plan or program described in 20751
section 125 of the Internal Revenue Code. 20752

(b) Any amount included in wages if the amount constitutes 20753
payment on account of a disability related to sickness or an 20754
accident paid by a party unrelated to the employer, agent of an 20755
employer, or other payer. 20756

(c) Any amount attributable to a nonqualified deferred 20757

compensation plan or program described in section 3121(v)(2)(C) of 20758
the Internal Revenue Code if the compensation is included in wages 20759
and the municipal corporation has, by resolution or ordinance 20760
adopted before January 1, 2016, exempted the amount from 20761
withholding and tax. 20762

(d) Any amount included in wages if the amount arises from 20763
the sale, exchange, or other disposition of a stock option, the 20764
exercise of a stock option, or the sale, exchange, or other 20765
disposition of stock purchased under a stock option and the 20766
municipal corporation has, by resolution or ordinance adopted 20767
before January 1, 2016, exempted the amount from withholding and 20768
tax. 20769

(e) Any amount included in wages that is exempt income. 20770

(2) Add the following amounts: 20771

(a) Any amount not included in wages solely because the 20772
employee was employed by the employer before April 1, 1986. 20773

(b) Any amount not included in wages because the amount 20774
arises from the sale, exchange, or other disposition of a stock 20775
option, the exercise of a stock option, or the sale, exchange, or 20776
other disposition of stock purchased under a stock option and the 20777
municipal corporation has not, by resolution or ordinance, 20778
exempted the amount from withholding and tax adopted before 20779
January 1, 2016. Division (R)(2)(b) of this section applies only 20780
to those amounts constituting ordinary income. 20781

(c) Any amount not included in wages if the amount is an 20782
amount described in section 401(k), 403(b), or 457 of the Internal 20783
Revenue Code. Division (R)(2)(c) of this section applies only to 20784
employee contributions and employee deferrals. 20785

(d) Any amount that is supplemental unemployment compensation 20786
benefits described in section 3402(o)(2) of the Internal Revenue 20787
Code and not included in wages. 20788

(e) Any amount received that is treated as self-employment 20789
income for federal tax purposes in accordance with section 20790
1402(a)(8) of the Internal Revenue Code. 20791

(f) Any amount not included in wages if all of the following 20792
apply: 20793

(i) For the taxable year the amount is employee compensation 20794
that is earned outside of the United States and that either is 20795
included in the taxpayer's gross income for federal income tax 20796
purposes or would have been included in the taxpayer's gross 20797
income for such purposes if the taxpayer did not elect to exclude 20798
the income under section 911 of the Internal Revenue Code; 20799

(ii) For no preceding taxable year did the amount constitute 20800
wages as defined in section 3121(a) of the Internal Revenue Code; 20801

(iii) For no succeeding taxable year will the amount 20802
constitute wages; and 20803

(iv) For any taxable year the amount has not otherwise been 20804
added to wages pursuant to either division (R)(2) of this section 20805
or section 718.03 of the Revised Code, as that section existed 20806
before the effective date of H.B. 5 of the 130th general assembly, 20807
March 23, 2015. 20808

(S) "Intangible income" means income of any of the following 20809
types: income yield, interest, capital gains, dividends, or other 20810
income arising from the ownership, sale, exchange, or other 20811
disposition of intangible property including, but not limited to, 20812
investments, deposits, money, or credits as those terms are 20813
defined in Chapter 5701. of the Revised Code, and patents, 20814
copyrights, trademarks, tradenames, investments in real estate 20815
investment trusts, investments in regulated investment companies, 20816
and appreciation on deferred compensation. "Intangible income" 20817
does not include prizes, awards, or other income associated with 20818
any lottery winnings, gambling winnings, or other similar games of 20819

chance.	20820
(T) "Taxable year" means the corresponding tax reporting	20821
period as prescribed for the taxpayer under the Internal Revenue	20822
Code.	20823
(U) "Tax administrator" means the individual charged with	20824
direct responsibility for administration of an income tax levied	20825
by a municipal corporation in accordance with this chapter, and	20826
also includes the following:	20827
(1) A municipal corporation acting as the agent of another	20828
municipal corporation;	20829
(2) A person retained by a municipal corporation to	20830
administer a tax levied by the municipal corporation, but only if	20831
the municipal corporation does not compensate the person in whole	20832
or in part on a contingency basis;	20833
(3) The central collection agency or the regional income tax	20834
agency or their successors in interest, or another entity	20835
organized to perform functions similar to those performed by the	20836
central collection agency and the regional income tax agency.	20837
(V) "Employer" means a person that is an employer for federal	20838
income tax purposes.	20839
(W) "Employee" means an individual who is an employee for	20840
federal income tax purposes.	20841
(X) "Other payer" means any person, other than an	20842
individual's employer or the employer's agent, that pays an	20843
individual any amount included in the federal gross income of the	20844
individual. "Other payer" includes casino operators and video	20845
lottery terminal sales agents.	20846
(Y) "Calendar quarter" means the three-month period ending on	20847
the last day of March, June, September, or December.	20848
(Z) "Form 2106" means internal revenue service form 2106	20849

filed by a taxpayer pursuant to the Internal Revenue Code. 20850

(AA) "Municipal corporation" includes a joint economic 20851
development district or joint economic development zone that 20852
levies an income tax under section 715.691, 715.70, 715.71, or 20853
715.74 of the Revised Code. 20854

(BB) "Disregarded entity" means a single member limited 20855
liability company, a qualifying subchapter S subsidiary, or 20856
another entity if the company, subsidiary, or entity is a 20857
disregarded entity for federal income tax purposes. 20858

(CC) "Generic form" means an electronic or paper form that is 20859
not prescribed by a particular municipal corporation and that is 20860
designed for reporting taxes withheld by an employer, agent of an 20861
employer, or other payer, estimated municipal income taxes, or 20862
annual municipal income tax liability or for filing a refund 20863
claim. 20864

(DD) "Tax return preparer" means any individual described in 20865
section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 20866
301.7701-15. 20867

(EE) "Ohio business gateway" means the online computer 20868
network system, created under section 125.30 of the Revised Code, 20869
that allows persons to electronically file business reply forms 20870
with state agencies and includes any successor electronic filing 20871
and payment system. 20872

(FF) "Local board of tax review" and "board of tax review" 20873
mean the entity created under section 718.11 of the Revised Code. 20874

(GG) "Net operating loss" means a loss incurred by a person 20875
in the operation of a trade or business. "Net operating loss" does 20876
not include unutilized losses resulting from basis limitations, 20877
at-risk limitations, or passive activity loss limitations. 20878

(HH) "Casino operator" and "casino facility" have the same 20879

meanings as in section 3772.01 of the Revised Code. 20880

(II) "Video lottery terminal" has the same meaning as in 20881
section 3770.21 of the Revised Code. 20882

(JJ) "Video lottery terminal sales agent" means a lottery 20883
sales agent licensed under Chapter 3770. of the Revised Code to 20884
conduct video lottery terminals on behalf of the state pursuant to 20885
section 3770.21 of the Revised Code. 20886

(KK) "Postal service" means the United States postal service. 20887

(LL) "Certified mail," "express mail," "United States mail," 20888
"postal service," and similar terms include any delivery service 20889
authorized pursuant to section 5703.056 of the Revised Code. 20890

(MM) "Postmark date," "date of postmark," and similar terms 20891
include the date recorded and marked in the manner described in 20892
division (B)(3) of section 5703.056 of the Revised Code. 20893

(NN) "Related member" means a person that, with respect to 20894
the taxpayer during all or any portion of the taxable year, is 20895
either a related entity, a component member as defined in section 20896
1563(b) of the Internal Revenue Code, or a person to or from whom 20897
there is attribution of stock ownership in accordance with section 20898
1563(e) of the Internal Revenue Code except, for purposes of 20899
determining whether a person is a related member under this 20900
division, "twenty per cent" shall be substituted for "5 percent" 20901
wherever "5 percent" appears in section 1563(e) of the Internal 20902
Revenue Code. 20903

(OO) "Related entity" means any of the following: 20904

(1) An individual stockholder, or a member of the 20905
stockholder's family enumerated in section 318 of the Internal 20906
Revenue Code, if the stockholder and the members of the 20907
stockholder's family own directly, indirectly, beneficially, or 20908
constructively, in the aggregate, at least fifty per cent of the 20909

value of the taxpayer's outstanding stock; 20910

(2) A stockholder, or a stockholder's partnership, estate, 20911
trust, or corporation, if the stockholder and the stockholder's 20912
partnerships, estates, trusts, or corporations own directly, 20913
indirectly, beneficially, or constructively, in the aggregate, at 20914
least fifty per cent of the value of the taxpayer's outstanding 20915
stock; 20916

(3) A corporation, or a party related to the corporation in a 20917
manner that would require an attribution of stock from the 20918
corporation to the party or from the party to the corporation 20919
under division (OO)(4) of this section, provided the taxpayer owns 20920
directly, indirectly, beneficially, or constructively, at least 20921
fifty per cent of the value of the corporation's outstanding 20922
stock; 20923

(4) The attribution rules described in section 318 of the 20924
Internal Revenue Code apply for the purpose of determining whether 20925
the ownership requirements in divisions (OO)(1) to (3) of this 20926
section have been met. 20927

(PP)(1) "Assessment" means a written finding by the tax 20928
administrator that a person has underpaid municipal income tax, or 20929
owes penalty and interest, or any combination of tax, penalty, or 20930
interest, to the municipal corporation that commences the person's 20931
time limitation for making an appeal to the local board of tax 20932
review pursuant to section 718.11 of the Revised Code, and has 20933
"ASSESSMENT" written in all capital letters at the top of such 20934
finding. 20935

(2) "Assessment" does not include an informal notice denying 20936
a request for refund issued under division (B)(3) of section 20937
718.19 of the Revised Code, a billing statement notifying a 20938
taxpayer of current or past-due balances owed to the municipal 20939
corporation, a tax administrator's request for additional 20940

information, a notification to the taxpayer of mathematical 20941
errors, or a tax administrator's other written correspondence to a 20942
person or taxpayer that does meet the criteria prescribed by 20943
division (PP)(1) of this section. 20944

(QQ) "Taxpayers' rights and responsibilities" means the 20945
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 20946
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 20947
Revised Code and the responsibilities of taxpayers to file, 20948
report, withhold, remit, and pay municipal income tax and 20949
otherwise comply with Chapter 718. of the Revised Code and 20950
resolutions, ordinances, and rules adopted by a municipal 20951
corporation for the imposition and administration of a municipal 20952
income tax. 20953

(RR) "Qualified municipal corporation" means a municipal 20954
corporation that, by resolution or ordinance adopted on or before 20955
December 31, 2011, adopted Ohio adjusted gross income, as defined 20956
by section 5747.01 of the Revised Code, as the income subject to 20957
tax for the purposes of imposing a municipal income tax. 20958

(SS)(1) "Pre-2017 net operating loss carryforward" means any 20959
net operating loss incurred in a taxable year beginning before 20960
January 1, 2017, to the extent such loss was permitted, by a 20961
resolution or ordinance of the municipal corporation that was 20962
adopted by the municipal corporation before January 1, 2016, to be 20963
carried forward and utilized to offset income or net profit 20964
generated in such municipal corporation in future taxable years. 20965

(2) For the purpose of calculating municipal taxable income, 20966
any pre-2017 net operating loss carryforward may be carried 20967
forward to any taxable year, including taxable years beginning in 20968
2017 or thereafter, for the number of taxable years provided in 20969
the resolution or ordinance or until fully utilized, whichever is 20970
earlier. 20971

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a person for the purpose of determining liability for a municipal income tax.

(VV) "Publicly traded partnership" means any partnership, an interest in which is regularly traded on an established securities market. A "publicly traded partnership" may have any number of partners.

Sec. 718.04. (A) Notwithstanding division (A) of section 715.013 of the Revised Code, a municipal corporation may levy a tax on income and a withholding tax if such taxes are levied in accordance with the provisions and limitations specified in this chapter. On or after January 1, 2016, the ordinance or resolution levying such taxes, as adopted or amended by the legislative

authority of the municipal corporation, shall include all of the 21003
following: 21004

(1) A statement that the tax is an annual tax levied on the 21005
income of every person residing in or earning or receiving income 21006
in the municipal corporation and that the tax shall be measured by 21007
municipal taxable income; 21008

(2) A statement that the municipal corporation is levying the 21009
tax in accordance with the limitations specified in this chapter 21010
and that the resolution or ordinance thereby incorporates the 21011
provisions of this chapter; 21012

(3) The rate of the tax; 21013

(4) Whether, and the extent to which, a credit, as described 21014
in division (D) of this section, will be allowed against the tax; 21015

(5) The purpose or purposes of the tax; 21016

(6) Any other provision necessary for the administration of 21017
the tax, provided that the provision does not conflict with any 21018
provision of this chapter. 21019

(B) Any municipal corporation that, on or before ~~the~~ 21020
~~effective date of the enactment of this section~~ March 23, 2015, 21021
levies an income tax at a rate in excess of one per cent may 21022
continue to levy the tax at the rate specified in the original 21023
ordinance or resolution, provided that such rate continues in 21024
effect as specified in the original ordinance or resolution. 21025

(C)(1) No municipal corporation shall tax income at other 21026
than a uniform rate. 21027

(2) Except as provided in division (B) of this section, no 21028
municipal corporation shall levy a tax on income at a rate in 21029
excess of one per cent without having obtained the approval of the 21030
excess by a majority of the electors of the municipality voting on 21031
the question at a general, primary, or special election. The 21032

legislative authority of the municipal corporation shall file with 21033
the board of elections at least ninety days before the day of the 21034
election a copy of the ordinance together with a resolution 21035
specifying the date the election is to be held and directing the 21036
board of elections to conduct the election. The ballot shall be in 21037
the following form: "Shall the Ordinance providing for a ... per 21038
cent levy on income for (Brief description of the purpose of the 21039
proposed levy) be passed? 21040

	FOR THE INCOME TAX	
	AGAINST THE INCOME TAX	"

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In the event of an affirmative vote, the proceeds of the levy may 21045
be used only for the specified purpose. 21046

(D) A municipal corporation may, by ordinance or resolution, 21047
grant a credit to residents of the municipal corporation for all 21048
or a portion of the taxes paid to any municipal corporation, in 21049
this state or elsewhere, by the resident or by a pass-through 21050
entity owned, directly or indirectly, by a resident, on the 21051
resident's distributive or proportionate share of the income of 21052
the pass-through entity. A municipal corporation is not required 21053
to refund taxes not paid to the municipal corporation. 21054

(E) Except as otherwise provided in this chapter, a municipal 21055
corporation that levies an income tax in effect for taxable years 21056
beginning before January 1, 2016, may continue to administer and 21057
enforce the provisions of such tax for all taxable years beginning 21058
before January 1, 2016, provided that the provisions of such tax 21059
are consistent with this chapter as it existed prior to ~~the~~ 21060
~~effective date of the enactment of this section~~ March 23, 2015. 21061

(F) Nothing in this chapter authorizes a municipal 21062
corporation to levy a tax on income, or to administer or collect 21063

such a tax or penalties or interest related to such a tax, 21064
contrary to the provisions and limitations specified in this 21065
chapter. No municipal corporation shall enforce an ordinance or 21066
resolution that conflicts with the provisions of this chapter. 21067

(G)(1) Division (G) of this section applies to a municipal 21068
corporation that, at the time of entering into a written agreement 21069
under division (G)(2) of this section, shares the same territory 21070
as a city, local, or exempted village school district, to the 21071
extent that not more than thirty per cent of the territory of the 21072
municipal corporation is located outside the school district and a 21073
portion of the territory of the school district that is not 21074
located within the municipal corporation is located within another 21075
municipal corporation having a population of four hundred thousand 21076
or more according to the federal decennial census most recently 21077
completed before the agreement is entered into under division 21078
(G)(2) of this section. 21079

(2) The legislative authority of a municipal corporation to 21080
which division (G) of this section applies may propose to the 21081
electors an income tax, one of the purposes of which shall be to 21082
provide financial assistance to the school district described in 21083
division (G)(1) of this section. Prior to proposing the tax, the 21084
legislative authority shall negotiate and enter into a written 21085
agreement with the board of education of that school district 21086
specifying the tax rate; the percentage or amount of tax revenue 21087
to be paid to the school district or the method of establishing or 21088
determining that percentage or amount, which may be subject to 21089
change periodically; the purpose for which the school district 21090
will use the money; the first year the tax will be levied; the 21091
date of the election on the question of the tax; and the method 21092
and schedule by which, and the conditions under which, the 21093
municipal corporation will make payments to the school district. 21094
The tax shall otherwise comply with the provisions and limitations 21095

specified in this chapter. 21096

Sec. 718.05. (A) An annual return with respect to the income 21097
tax levied by a municipal corporation shall be completed and filed 21098
by every taxpayer for any taxable year for which the taxpayer is 21099
liable for the tax. If the total credit allowed against the tax as 21100
described in division (D) of section 718.04 of the Revised Code 21101
for the year is equal to or exceeds the tax imposed by the 21102
municipal corporation, no return shall be required unless the 21103
municipal ordinance or resolution levying the tax requires the 21104
filing of a return in such circumstances. 21105

(B) If an individual is deceased, any return or notice 21106
required of that individual shall be completed and filed by that 21107
decedent's executor, administrator, or other person charged with 21108
the property of that decedent. 21109

(C) If an individual is unable to complete and file a return 21110
or notice required by a municipal corporation in accordance with 21111
this chapter, the return or notice required of that individual 21112
shall be completed and filed by the individual's duly authorized 21113
agent, guardian, conservator, fiduciary, or other person charged 21114
with the care of the person or property of that individual. 21115

(D) Returns or notices required of an estate or a trust shall 21116
be completed and filed by the fiduciary of the estate or trust. 21117

(E) No municipal corporation shall deny spouses the ability 21118
to file a joint return. 21119

(F)(1) Each return required to be filed under this section 21120
shall contain the signature of the taxpayer or the taxpayer's duly 21121
authorized agent and of the person who prepared the return for the 21122
taxpayer, and shall include the taxpayer's social security number 21123
or taxpayer identification number. Each return shall be verified 21124
by a declaration under penalty of perjury. 21125

(2) A tax administrator may require a taxpayer who is an individual to include, with each annual return, amended return, or request for refund required under this section, copies of only the following documents: all of the taxpayer's Internal Revenue Service form W-2, "Wage and Tax Statements," including all information reported on the taxpayer's federal W-2, as well as taxable wages reported or withheld for any municipal corporation; the taxpayer's Internal Revenue Service form 1040 or, in the case of a return or request required by a qualified municipal corporation, Ohio form IT-1040; and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return. An individual taxpayer who files the annual return required by this section electronically is not required to provide paper copies of any of the foregoing to the tax administrator unless the tax administrator requests such copies after the return has been filed.

(3) A tax administrator may require a taxpayer that is not an individual to include, with each annual net profit return, amended net profit return, or request for refund required under this section, copies of only the following documents: the taxpayer's Internal Revenue Service form 1041, form 1065, form 1120, form 1120-REIT, form 1120F, or form 1120S, and, with respect to an amended tax return or refund request, any other documentation necessary to support the refund request or the adjustments made in the amended return.

A taxpayer that is not an individual and that files an annual net profit return electronically through the Ohio business gateway or in some other manner shall either mail the documents required under this division to the tax administrator at the time of filing or, if electronic submission is available, submit the documents electronically through the Ohio business gateway. The department

of taxation shall publish a method of electronically submitting 21158
the documents required under this division through the Ohio 21159
business gateway on or before January 1, 2016. The department 21160
shall transmit all documents submitted electronically under this 21161
division to the appropriate tax administrator. 21162

(4) After a taxpayer files a tax return, the tax 21163
administrator may request, and the taxpayer shall provide, any 21164
information, statements, or documents required by the municipal 21165
corporation to determine and verify the taxpayer's municipal 21166
income tax liability. The requirements imposed under division (F) 21167
of this section apply regardless of whether the taxpayer files on 21168
a generic form or on a form prescribed by the tax administrator. 21169

(G)(1)(a) Except as otherwise provided in this chapter, each 21170
individual income tax return required to be filed under this 21171
section shall be completed and filed as required by the tax 21172
administrator on or before the date prescribed for the filing of 21173
state individual income tax returns under division (G) of section 21174
5747.08 of the Revised Code. The taxpayer shall complete and file 21175
the return or notice on forms prescribed by the tax administrator 21176
or on generic forms, together with remittance made payable to the 21177
municipal corporation or tax administrator. No remittance is 21178
required if the amount shown to be due is ten dollars or less. 21179

(b) Except as otherwise provided in this chapter, each annual 21180
net profit return required to be filed under this section by a 21181
taxpayer that is not an individual shall be completed and filed as 21182
required by the tax administrator on or before the fifteenth day 21183
of the fourth month following the end of the taxpayer's taxable 21184
year. The taxpayer shall complete and file the return or notice on 21185
forms prescribed by the tax administrator or on generic forms, 21186
together with remittance made payable to the municipal corporation 21187
or tax administrator. No remittance is required if the amount 21188
shown to be due is ten dollars or less. 21189

(2)(a) Any taxpayer that has duly requested an automatic 21190
six-month extension for filing the taxpayer's federal income tax 21191
return shall automatically receive an extension for the filing of 21192
a municipal income tax return. The extended due date of the 21193
municipal income tax return shall be the fifteenth day of the 21194
tenth month after the last day of the taxable year to which the 21195
return relates. ~~An~~ 21196

(b) A taxpayer that has not requested or received a six-month 21197
extension for filing the taxpayer's federal income tax return may 21198
request that the tax administrator grant the taxpayer a six-month 21199
extension of the date for filing the taxpayer's municipal income 21200
tax return. If the request is received by the tax administrator on 21201
or before the date the municipal income tax return is due, the tax 21202
administrator shall grant the taxpayer's requested extension. 21203

(c) An extension of time to file under ~~this~~ division (G)(2) 21204
of this section is not an extension of the time to pay any tax due 21205
unless the tax administrator grants an extension of that date. 21206

(3) If the tax commissioner extends for all taxpayers the 21207
date for filing state income tax returns under division (G) of 21208
section 5747.08 of the Revised Code, a taxpayer shall 21209
automatically receive an extension for the filing of a municipal 21210
income tax return. The extended due date of the municipal income 21211
tax return shall be the same as the extended due date of the state 21212
income tax return. 21213

(4) If the tax administrator considers it necessary in order 21214
to ensure the payment of the tax imposed by the municipal 21215
corporation in accordance with this chapter, the tax administrator 21216
may require taxpayers to file returns and make payments otherwise 21217
than as provided in this section, including taxpayers not 21218
otherwise required to file annual returns. 21219

(5) To the extent that any provision in this division 21220

conflicts with any provision in section 718.052 of the Revised Code, the provision in that section prevails.

(H)(1) For taxable years beginning after 2015, a municipal corporation shall not require a taxpayer to remit tax with respect to net profits if the amount due is less than ten dollars.

(2) Any taxpayer not required to remit tax to a municipal corporation for a taxable year pursuant to division (H)(1) of this section shall file with the municipal corporation an annual net profit return under division (F)(3) of this section.

(I) This division shall not apply to payments required to be made under division (B)(1)(a) or (2)(a) of section 718.03 of the Revised Code.

(1) If any report, claim, statement, or other document required to be filed, or any payment required to be made, within a prescribed period or on or before a prescribed date under this chapter is delivered after that period or that date by United States mail to the tax administrator or other municipal official with which the report, claim, statement, or other document is required to be filed, or to which the payment is required to be made, the date of the postmark stamped on the cover in which the report, claim, statement, or other document, or payment is mailed shall be deemed to be the date of delivery or the date of payment. "The date of postmark" means, in the event there is more than one date on the cover, the earliest date imprinted on the cover by the postal service.

(2) If a payment is required to be made by electronic funds transfer, the payment is considered to be made when the payment is credited to an account designated by the tax administrator for the receipt of tax payments, except that, when a payment made by electronic funds transfer is delayed due to circumstances not under the control of the taxpayer, the payment is considered to be

made when the taxpayer submitted the payment. 21252

(J) The amounts withheld by an employer, the agent of an 21253
employer, or an other payer as described in section 718.03 of the 21254
Revised Code shall be allowed to the recipient of the compensation 21255
as credits against payment of the tax imposed on the recipient by 21256
the municipal corporation, unless the amounts withheld were not 21257
remitted to the municipal corporation and the recipient colluded 21258
with the employer, agent, or other payer in connection with the 21259
failure to remit the amounts withheld. 21260

(K) Each return required by a municipal corporation to be 21261
filed in accordance with this section shall include a box that the 21262
taxpayer may check to authorize another person, including a tax 21263
return preparer who prepared the return, to communicate with the 21264
tax administrator about matters pertaining to the return. The 21265
return or instructions accompanying the return shall indicate that 21266
by checking the box the taxpayer authorizes the tax administrator 21267
to contact the preparer or other person concerning questions that 21268
arise during the examination or other review of the return and 21269
authorizes the preparer or other person only to provide the tax 21270
administrator with information that is missing from the return, to 21271
contact the tax administrator for information about the 21272
examination or other review of the return or the status of the 21273
taxpayer's refund or payments, and to respond to notices about 21274
mathematical errors, offsets, or return preparation that the 21275
taxpayer has received from the tax administrator and has shown to 21276
the preparer or other person. 21277

(L) The tax administrator of a municipal corporation shall 21278
accept for filing a generic form of any income tax return, report, 21279
or document required by the municipal corporation in accordance 21280
with this chapter, provided that the generic form, once completed 21281
and filed, contains all of the information required by ordinance, 21282
resolution, or rules adopted by the municipal corporation or tax 21283

administrator, and provided that the taxpayer or tax return 21284
preparer filing the generic form otherwise complies with the 21285
provisions of this chapter and of the municipal corporation 21286
ordinance or resolution governing the filing of returns, reports, 21287
or documents. 21288

(M) When income tax returns, reports, or other documents 21289
require the signature of a tax return preparer, the tax 21290
administrator shall accept a facsimile of such a signature in lieu 21291
of a manual signature. 21292

(N)(1) As used in this division, "worksite location" has the 21293
same meaning as in section 718.011 of the Revised Code. 21294

(2) A person may notify a tax administrator that the person 21295
does not expect to be a taxpayer with respect to the municipal 21296
corporation for a taxable year if both of the following conditions 21297
apply: 21298

(a) The person was required to file a tax return with the 21299
municipal corporation for the immediately preceding taxable year 21300
because the person performed services at a worksite location 21301
within that municipal corporation. 21302

(b) The person no longer provides services in the municipal 21303
corporation and does not expect to be subject to the municipal 21304
corporation's income tax for the taxable year. 21305

The person shall provide the notice in a signed affidavit 21306
that briefly explains the person's circumstances, including the 21307
location of the previous worksite location and the last date on 21308
which the person performed services or made any sales within the 21309
municipal corporation. The affidavit also shall include the 21310
following statement: "The affiant has no plans to perform any 21311
services within the municipal corporation, make any sales in the 21312
municipal corporation, or otherwise become subject to the tax 21313
levied by the municipal corporation during the taxable year. If 21314

the affiant does become subject to the tax levied by the municipal corporation for the taxable year, the affiant agrees to be considered a taxpayer and to properly register as a taxpayer with the municipal corporation if such a registration is required by the municipal corporation's resolutions, ordinances, or rules." 21315
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The person shall sign the affidavit under penalty of perjury. 21320

(c) If a person submits an affidavit described in division (N)(2) of this section, the tax administrator shall not require the person to file any tax return for the taxable year unless the tax administrator possesses information that conflicts with the affidavit or if the circumstances described in the affidavit change. Nothing in division (N) of this section prohibits the tax administrator from performing an audit of the person. 21321
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Sec. 718.07. ~~On and after January 1, 2002, each~~ The tax administrator of a municipal corporation that imposes a tax on income in accordance with this chapter shall make electronic versions of any rules or ordinances governing the tax available to the public through the internet, including, but not limited to, ordinances or rules governing the rate of tax; payment and withholding of taxes; filing any prescribed returns, reports, or other documents; dates for filing or paying taxes, including estimated taxes; penalties, interest, assessment, and other collection remedies; rights of taxpayers to appeal; and procedures for filing appeals; and a summary of taxpayers' rights and responsibilities. ~~On and after that date, any municipal corporation that requires taxpayers to file income tax returns, reports, or other documents~~ The tax administrator shall make blanks of such any prescribed returns, reports, or documents, and any instructions pertaining thereto, available to the public electronically through the internet. Electronic versions of rules, ordinances, blanks, and instructions shall be made available either by posting them on the electronic site established by the 21328
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tax commissioner under section 5703.49 of the Revised Code ~~or~~ and, 21347
if the municipal corporation or tax administrator maintains an 21348
electronic site for the posting of such documents that is 21349
accessible through the internet, by posting them on ~~an~~ that 21350
electronic site ~~established by the municipal corporation that is~~ 21351
~~accessible through the internet.~~ If a municipal corporation or tax 21352
administrator establishes such an electronic site, the municipal 21353
corporation shall incorporate an electronic link between that site 21354
and the site established pursuant to section 5703.49 of the 21355
Revised Code, and shall provide to the tax commissioner the 21356
uniform resource locator of the site established pursuant to this 21357
division. 21358

Sec. 731.59. All securities belonging to the treasury of any 21359
municipal corporation or to any fund thereof, other than the 21360
sinking fund, may be placed in the custody of any member of the 21361
federal reserve banking system, upon the issuance by such member 21362
of its custodian or other bailment receipt to the treasurer of the 21363
municipal corporation. Such custody shall be as a qualified 21364
trustee pursuant to division ~~(D)~~(E) of section 135.18 of the 21365
Revised Code, which shall be required to report to the treasurer, 21366
auditor of state, or an authorized outside auditor at any time 21367
upon request as to the identity, market value, and location of the 21368
document evidencing each security. Such securities, if not kept in 21369
the custody of a member of the federal reserve banking system, 21370
shall be in the custody of such treasurer and shall be kept ~~by him~~ 21371
in a safe deposit box or vault belonging to a regular depository 21372
of the municipal corporation. If such securities are so kept, such 21373
safe deposit box or vault shall be opened only in the presence of 21374
one or more of the three officers named in section 731.57 of the 21375
Revised Code, and only upon a warrant or order of the chief 21376
accounting officer directing the deposit or removal of securities 21377
purchased or sold or the clipping of interest coupons for 21378

collection. A report of whatever is placed in or removed from such 21379
safe deposit box or vault upon any such occasion shall be signed 21380
by the treasurer and by the witness required by this section, and 21381
shall be returned to the chief accounting officer upon the same 21382
day. Whenever any securities are so held for the municipal 21383
corporation the officers having power to make such investments 21384
shall be bonded in amounts to be stipulated by ordinance. Such 21385
bonds may cover other contingencies in which such officers might 21386
become liable to the municipal corporation. In the event 21387
securities are deposited with a member of the federal reserve 21388
banking system, such securities may be withdrawn or sold only upon 21389
order of the three officers named in such section. 21390

All investments, except for investments by the municipal 21391
corporation in the issues of such municipal corporation, shall be 21392
made only through a member of the national association of 21393
securities dealers, inc., through a bank, savings bank, or savings 21394
and loan association regulated by the superintendent of financial 21395
institutions, or through an institution regulated by the 21396
comptroller of the currency, federal deposit insurance 21397
corporation, board of governors of the federal reserve system, or 21398
federal home loan bank board. Payment for investments shall be 21399
made only upon the delivery of securities representing such 21400
investments to the treasurer or qualified trustee. If the 21401
securities transferred are not represented by a certificate, 21402
payment shall be made only upon receipt of confirmation of 21403
transfer from the custodian by the treasurer, governing board, or 21404
qualified trustee. 21405

Sec. 737.41. (A) The legislative authority of a municipal 21406
corporation in which is established a municipal court, other than 21407
a county-operated municipal court, that has a department of 21408
probation shall establish in the municipal treasury a municipal 21409
probation services fund. The fund shall contain all moneys paid to 21410

the treasurer of the municipal corporation under section 2951.021 21411
of the Revised Code for deposit into the fund. The treasurer of 21412
the municipal corporation shall disburse the money contained in 21413
the fund at the request of the municipal court department of 21414
probation, for use only by that department for specialized staff, 21415
purchase of equipment, purchase of services, reconciliation 21416
programs for offenders and victims, other treatment programs, 21417
including community addiction services providers ~~certified under~~ 21418
~~section 5119.36 of the Revised Code~~, determined to be appropriate 21419
by the chief probation officer, and other similar expenses related 21420
to placing offenders under a community control sanction. 21421

(B) Any money in a municipal probation services fund at the 21422
end of a fiscal year shall not revert to the treasury of the 21423
municipal corporation but shall be retained in the fund. 21424

(C) As used in this section: 21425

(1) "County-operated municipal court" has the same meaning as 21426
in section 1901.03 of the Revised Code. 21427

(2) "Community addiction services provider" has the same 21428
meaning as in section 5119.01 of the Revised Code. 21429

(3) "Community control sanction" has the same meaning as in 21430
section 2929.01 of the Revised Code. 21431

Sec. 742.114. (A) As used in this section and in section 21432
742.116 of the Revised Code: 21433

(1) "Agent" means a dealer, as defined in section 1707.01 of 21434
the Revised Code, who is licensed under sections 1707.01 to 21435
1707.45 of the Revised Code or under comparable laws of another 21436
state or of the United States. 21437

(2) "Minority business enterprise" has the same meaning as in 21438
section 122.71 of the Revised Code. 21439

(3) "Ohio-qualified agent" means an agent designated as such 21440

by the board of trustees of the fund. 21441

(4) "Ohio-qualified investment manager" means an investment 21442
manager designated as such by the board of trustees of the fund. 21443

(5) "Principal place of business" means an office in which 21444
the agent regularly provides securities or investment advisory 21445
services and solicits, meets with, or otherwise communicates with 21446
clients. 21447

(B) The board of trustees of the fund shall, for the purposes 21448
of this section, designate an agent as an Ohio-qualified agent if 21449
the agent meets all of the following requirements: 21450

(1) The agent is subject to taxation under Chapter 5725., 21451
5726., 5733., 5747., or 5751. of the Revised Code; 21452

(2) The agent is authorized to conduct business in this 21453
state; 21454

(3) The agent maintains a principal place of business in this 21455
state and employs at least five residents of this state. 21456

(C) The board shall adopt and implement a written policy to 21457
establish criteria and procedures used to select agents to execute 21458
securities transactions on behalf of the retirement system. The 21459
policy shall address each of the following: 21460

(1) Commissions charged by the agent, both in the aggregate 21461
and on a per share basis; 21462

(2) The execution speed and trade settlement capabilities of 21463
the agent; 21464

(3) The responsiveness, reliability, and integrity of the 21465
agent; 21466

(4) The nature and value of research provided by the agent; 21467

(5) Any special capabilities of the agent. 21468

(D)(1) The board shall, at least annually, establish a policy 21469

with the goal to increase utilization by the board of 21470
Ohio-qualified agents for the execution of domestic equity and 21471
fixed-income trades on behalf of the retirement system, when an 21472
Ohio-qualified agent offers quality, services, and safety 21473
comparable to other agents otherwise available to the board and 21474
meets the criteria established under division (C) of this section. 21475

(2) The board shall review, at least annually, the 21476
performance of the agents that execute securities transactions on 21477
behalf of the board. 21478

(3) The board shall determine whether an agent is an 21479
Ohio-qualified agent, meets the criteria established by the board 21480
pursuant to division (C) of this section, and offers quality, 21481
services, and safety comparable to other agents otherwise 21482
available to the board. The board's determination shall be final. 21483

~~(E) The board shall, at least annually, submit to the Ohio 21484
retirement study council a report containing the following 21485
information:~~ 21486

~~(1) The name of each agent designated as an Ohio qualified 21487
agent under this section:~~ 21488

~~(2) The name of each agent that executes securities 21489
transactions on behalf of the board:~~ 21490

~~(3) The amount of equity and fixed income trades that are 21491
executed by Ohio qualified agents, expressed as a percentage of 21492
all equity and fixed income trades that are executed by agents on 21493
behalf of the board:~~ 21494

~~(4) The compensation paid to Ohio qualified agents, expressed 21495
as a percentage of total compensation paid to all agents that 21496
execute securities transactions on behalf of the board:~~ 21497

~~(5) The amount of equity and fixed income trades that are 21498
executed by agents that are minority business enterprises,~~ 21499

~~expressed as a percentage of all equity and fixed income trades 21500
that are executed by agents on behalf of the board; 21501~~

~~(6) Any other information requested by the Ohio retirement 21502
study council regarding the board's use of agents. 21503~~

Sec. 742.116. (A) The board of trustees of the pension fund 21504
shall, for the purposes of this section, designate an investment 21505
manager as an Ohio-qualified investment manager if the investment 21506
manager meets all of the following requirements: 21507

(1) The investment manager is subject to taxation under 21508
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code; 21509

(2) The investment manager meets one of the following 21510
requirements: 21511

(a) Has its corporate headquarters or principal place of 21512
business in this state; 21513

(b) Employs at least five hundred individuals in this state; 21514

(c) Has a principal place of business in this state and 21515
employs at least ~~20~~ twenty residents of this state. 21516

(B)(1) The board shall, at least annually, establish a policy 21517
with the goal to increase utilization by the board of 21518
Ohio-qualified investment managers, when an Ohio-qualified 21519
investment manager offers quality, services, and safety comparable 21520
to other investment managers otherwise available to the board. The 21521
policy shall also provide for the following: 21522

(a) A process whereby the board can develop a list of 21523
Ohio-qualified investment managers and their investment products; 21524

(b) A process whereby the board can give public notice to 21525
Ohio-qualified investment managers of the board's search for an 21526
investment manager that includes the board's search criteria. 21527

(2) The board shall determine whether an investment manager 21528

is an Ohio-qualified investment manager and whether the investment 21529
manager offers quality, services, and safety comparable to other 21530
investment managers otherwise available to the board. The board's 21531
determination shall be final. 21532

~~(C) The board shall, at least annually, submit to the Ohio 21533
retirement study council a report containing the following 21534
information: 21535~~

~~(1) The name of each investment manager designated as an 21536
Ohio-qualified investment manager under this section; 21537~~

~~(2) The name of each investment manager with which the board 21538
contracts; 21539~~

~~(3) The amount of assets managed by Ohio-qualified investment 21540
managers, expressed as a percentage of the total assets held by 21541
the retirement system and as a percentage of assets managed by 21542
investment managers with which the board has contracted; 21543~~

~~(4) The compensation paid to Ohio-qualified investment 21544
managers, expressed as a percentage of total compensation paid to 21545
all investment managers with which the board has contracted; 21546~~

~~(5) Any other information requested by the Ohio retirement 21547
study council regarding the board's use of investment managers. 21548~~

Sec. 742.391. Upon a member's receiving a disability benefit 21549
under section 742.38 or 742.39 of the Revised Code for 21550
post-traumatic stress disorder without an accompanying physical 21551
injury, the board of trustees of the Ohio police and fire pension 21552
fund shall notify the administrator of workers' compensation of 21553
all of the following: 21554

(A) The name of the member; 21555

(B) That the member's post-traumatic stress disorder, without 21556
an accompanying physical injury, qualifies that member for a 21557
disability benefit under section 742.38 or 742.39 of the Revised 21558

<u>Code;</u>	21559
<u>(C) The effective date of the member's disability benefit;</u>	21560
<u>(D) The date that payments for the member's disability benefit commence.</u>	21561 21562
Sec. 742.41. (A) As used in this section:	21563
(1) "Other system retirant" has the same meaning as in section 742.26 of the Revised Code.	21564 21565
(2) "Personal history record" includes a member's, former member's, or other system retirant's name, address, telephone number, social security number, record of contributions, correspondence with the Ohio police and fire pension fund, status of any application for benefits, and any other information deemed confidential by the trustees of the fund.	21566 21567 21568 21569 21570 21571
(B) The treasurer of state shall furnish annually to the board of trustees of the fund a sworn statement of the amount of the funds in the treasurer of state's custody belonging to the Ohio police and fire pension fund. The records of the fund shall be open for public inspection except for the following, which shall be excluded, except with the written authorization of the individual concerned:	21572 21573 21574 21575 21576 21577 21578
(1) The individual's personal history record;	21579
(2) Any information identifying, by name and address, the amount of a monthly allowance or benefit paid to the individual.	21580 21581
(C) All medical reports and recommendations required are privileged, except as follows:	21582 21583
(1) Copies of medical reports or recommendations shall be made available to the personal physician, attorney, or authorized agent of the individual concerned upon written release received from the individual or the individual's agent or, when necessary	21584 21585 21586 21587

for the proper administration of the fund, to the board-assigned physician. 21588
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(2) Documentation required by section 2929.193 of the Revised Code shall be provided to a court holding a hearing under that section. 21590
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(D) Any person who is a member of the fund or an other system retirant shall be furnished with a statement of the amount to the credit of the person's individual account upon the person's written request. The fund need not answer more than one such request of a person in any one year. 21593
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(E) Notwithstanding the exceptions to public inspection in division (B) of this section, the fund may furnish the following information: 21598
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(1) If a member, former member, or other system retirant is subject to an order issued under section 2907.15 of the Revised Code or an order issued under division (A) or (B) of section 2929.192 of the Revised Code or is convicted of or pleads guilty to a violation of section 2921.41 of the Revised Code, on written request of a prosecutor as defined in section 2935.01 of the Revised Code, the fund shall furnish to the prosecutor the information requested from the individual's personal history record. 21601
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(2) Pursuant to a court order issued pursuant to Chapter 3119., 3121., 3123., or 3125. of the Revised Code, the fund shall furnish to a court or child support enforcement agency the information required under that section. 21610
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(3) At the request of any organization or association of members of the fund, the fund shall provide a list of the names and addresses of members of the fund and other system retirants. The fund shall comply with the request of such organization or association at least once a year and may impose a reasonable 21614
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charge for the list. 21619

(4) Within fourteen days after receiving from the director of 21620
job and family services a list of the names and social security 21621
numbers of recipients of public assistance pursuant to section 21622
5101.181 of the Revised Code, the fund shall inform the auditor of 21623
state of the name, current or most recent employer address, and 21624
social security number of each member or other system retirant 21625
whose name and social security number are the same as that of a 21626
person whose name or social security number was submitted by the 21627
director. The fund and its employees shall, except for purposes of 21628
furnishing the auditor of state with information required by this 21629
section, preserve the confidentiality of recipients of public 21630
assistance in compliance with section 5101.181 of the Revised 21631
Code. 21632

(5) The fund shall comply with orders issued under section 21633
3105.87 of the Revised Code. 21634

On the written request of an alternate payee, as defined in 21635
section 3105.80 of the Revised Code, the fund shall furnish to the 21636
alternate payee information on the amount and status of any 21637
amounts payable to the alternate payee under an order issued under 21638
section 3105.171 or 3105.65 of the Revised Code. 21639

(6) At the request of any person, the fund shall make 21640
available to the person copies of all documents, including 21641
resumes, in the fund's possession regarding filling a vacancy of a 21642
police officer employee member, firefighter employee member, 21643
police retirant member, or firefighter retirant member of the 21644
board of trustees. The person who made the request shall pay the 21645
cost of compiling, copying, and mailing the documents. The 21646
information described in this division is a public record. 21647

(7) The fund shall provide the notice required by section 21648
742.464 of the Revised Code to the prosecutor assigned to the 21649

case. 21650

(F) A statement that contains information obtained from the 21651
fund's records that is signed by the secretary of the board of 21652
trustees of the Ohio police and fire pension fund and to which the 21653
board's official seal is affixed, or copies of the fund's records 21654
to which the signature and seal are attached, shall be received as 21655
true copies of the fund's records in any court or before any 21656
officer of this state. 21657

(G) Notwithstanding the exceptions to public inspection in 21658
division (B) of this section or the privileges contained in 21659
division (C) of this section, the fund shall furnish to the 21660
administrator of workers' compensation the records required under 21661
section 742.391 of the Revised Code. 21662

Sec. 742.462. (A) As used in this section, "alternate payee," 21663
"benefit," "lump sum payment," "participant," and "public 21664
retirement program" have the same meanings as in section 3105.80 21665
of the Revised Code. 21666

(B) On receipt of an order issued under section 3105.171 or 21667
3105.65 of the Revised Code, the Ohio police and fire pension fund 21668
shall determine whether the order meets the requirements of 21669
sections 3105.80 to 3105.90 of the Revised Code. The fund shall 21670
retain in the participant's record an order the fund determines 21671
meets the requirements. Not later than sixty days after receipt, 21672
the fund shall return to the court that issued the order any order 21673
the fund determines does not meet the requirements. 21674

(C) The fund shall comply with an order retained under 21675
division (B) of this section at the following times as 21676
appropriate: 21677

(1) If the participant has applied for or is receiving a 21678
benefit or has applied for but not yet received a lump sum 21679

payment, as soon as practicable; 21680

(2) If the participant has not applied for a benefit or lump 21681
sum payment, on application by the participant for a benefit or 21682
lump sum payment. 21683

(D) If the fund transfers a participant's service credit or 21684
contributions made by or on behalf of a participant to a public 21685
retirement program that is not named in the order, the fund shall 21686
do both of the following: 21687

(1) Notify the court that issued the order by sending the 21688
court a copy of the order and the name and address of the public 21689
retirement program to which the transfer was made; 21690

(2) Send a copy of the order to the public retirement program 21691
to which the transfer was made. 21692

(E) If it receives a participant's service credit or 21693
contributions and a copy of an order as provided in division (D) 21694
of this section, the fund shall administer the order as if it were 21695
the public retirement program named in the order. 21696

(F) If a participant's benefit or lump sum payment is or will 21697
be subject to more than one order described in section 3105.81 of 21698
the Revised Code or to an order described in section 3105.81 of 21699
the Revised Code and a withholding order under section 3111.23 or 21700
3113.21 of the Revised Code, the fund shall, after determining 21701
that the amounts that are or will be withheld will cause the 21702
benefit or lump sum payment to fall below the limits described in 21703
section 3105.85 of the Revised Code, do all of the following: 21704

(1) Establish, in accordance with division (G) of this 21705
section and subject to the limits described in section 3105.85 of 21706
the Revised Code, the priority in which the orders are or will be 21707
paid by the fund in accordance with division (G) of this section; 21708

(2) Reduce the amount paid to an alternate payee based on the 21709

priority established under division (F)(1) of this section; 21710

(3) Notify, by regular mail, a participant and alternate 21711
payee of any action taken under this division. 21712

(G) A withholding or deduction notice issued under section 21713
3111.23 or 3113.21 of the Revised Code or an order described in 21714
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 21715
other orders and shall be complied with in accordance with child 21716
support enforcement laws. All other orders are entitled to 21717
priority in order of earliest retention by the fund. The fund is 21718
not to retain an order that provides for the division of property 21719
unless the order is filed in a court with jurisdiction in this 21720
state. 21721

(H) The fund is not liable in civil damages for loss 21722
resulting from any action or failure to act in compliance with 21723
this section. 21724

Sec. 742.47. Except as provided in sections 742.461, 742.463, 21725
742.464, 3105.171, 3105.65, and ~~3115.32~~ 3115.501 and Chapters 21726
3119., 3121., 3123., and 3125. of the Revised Code, sums of money 21727
due or to become due to any individual from the Ohio police and 21728
fire pension fund are not liable to attachment, garnishment, levy, 21729
or seizure under any legal or equitable process or any other 21730
process of law whatsoever, whether those sums remain with the 21731
treasurer of the fund or any officer or agent of the board of 21732
trustees of the fund or are in the course of transmission to the 21733
individual entitled to them, but shall inure wholly to the benefit 21734
of that individual. 21735

Sec. 743.50. (A) A municipal corporation that has established 21736
and implemented a watershed management program with regard to a 21737
reservoir for drinking water shall allow an owner of property that 21738
is contiguous to property that constitutes a buffer around a body 21739

of water that is part of such a reservoir to maintain property 21740
that constitutes a buffer if the maintenance is for any of the 21741
following: 21742

(1) Creation of an access path that is not wider than five 21743
feet to the body of water; 21744

(2) Creation of a view corridor along adjacent property 21745
boundaries; 21746

(3) Removal of invasive plant species as defined in section 21747
901.50 of the Revised Code; 21748

(4) Creation and maintenance of a filter strip of plants and 21749
grass that are native to the area surrounding the reservoir in 21750
order to provide adequate filtering of wastewater and polluted 21751
runoff from the owner's property to the body of water; 21752

(5) Beautification of the property. 21753

(B) A peace officer or other official with authority to cite 21754
trespassers on property that is owned by a municipal corporation 21755
and that constitutes a buffer as described in division (A) of this 21756
section shall not issue a civil or criminal citation to an 21757
individual who enters the property for the sole purpose of mowing 21758
grass, weeds, or other vegetation or for any of the purposes 21759
specified in that division. 21760

Sec. 759.36. At any joint meeting provided for by section 21761
759.35 of the Revised Code, or at the joint meeting provided for 21762
by section 759.34 of the Revised Code, by a majority vote of all 21763
present counting members of the legislative authorities of 21764
municipal corporations and of boards of township trustees, the 21765
meeting may elect a board of cemetery trustees consisting of three 21766
members, of which one or more must be a member of each of the 21767
separate boards of township trustees and legislative authorities 21768
which comprise the union cemetery association represented by the 21769

joint meeting. 21770

The board of cemetery trustees so elected shall have the 21771
custody of the funds derived from the tax levy provided by section 21772
759.34 of the Revised Code, and the political subdivision shall 21773
pay the funds to the board of cemetery trustees upon its 21774
application for them. The board of cemetery trustees also shall 21775
have the custody of the funds derived from any tax levied by the 21776
union cemetery district under Chapter 5705. of the Revised Code. 21777
The board of cemetery trustees shall have all the powers and 21778
perform all the duties exercised and performed by the director of 21779
public service of a municipal corporation under sections 759.09 to 21780
759.14 of the Revised Code. The board of cemetery trustees may 21781
create a permanent endowment fund for the express purpose of 21782
keeping the cemetery clean and in good order and may: 21783

(A) Add to the price regularly charged for lots a sum for 21784
that purpose; 21785

(B) Receive gifts for that purpose; 21786

(C) Enter into separate agreements with the purchasers of 21787
lots by which an agreed part of the purchase price shall 21788
constitute a permanent fund; 21789

(D) Receive individual gifts for the fund, the income thereof 21790
to be used for the upkeep and care of lots. 21791

When any such funds are received or created, they shall be a 21792
permanent fund for such use and the income therefrom shall be used 21793
only for such purpose, and the principal sum shall be kept and 21794
invested under the same terms fixed by law for the investment of 21795
the funds of a minor by his the minor's guardian except that upon 21796
unanimous consent of the board of cemetery trustees, the board may 21797
use the principal of the fund if the board is unable to keep the 21798
cemetery clean and in good order using only the income from the 21799
fund. 21800

At the first election of the board of cemetery trustees, one 21801
member shall be chosen for one year, one for two years, and one 21802
for three years, together with the part of a year intervening 21803
between the time of the election and the first day of January next 21804
thereafter. Yearly thereafter, at the joint meeting held in May, 21805
one member shall be chosen for three years commencing on the first 21806
day of January next thereafter. Any regular or regularly called 21807
joint meeting of the board of township trustees and municipal 21808
legislative authority may fill vacancies occurring on the board of 21809
cemetery trustees by a majority vote of the members present, the 21810
election to be for the unexpired term. 21811

One member of the board of cemetery trustees or a person 21812
selected by the board of trustees shall be designated the 21813
clerk-treasurer for a term not to exceed two years. The 21814
clerk-treasurer shall be compensated from the cemetery fund in an 21815
amount fixed by the board of trustees in view of the size and 21816
financial condition of the cemetery association. The 21817
clerk-treasurer shall be charged with the duty of accounting for 21818
the fund and shall be bonded in an amount equal to or greater than 21819
the amount in the fund, but not less than one thousand dollars, 21820
the bond to be subject to the approval of the board of cemetery 21821
trustees and to be paid for from the cemetery funds. 21822

Any member of the board of cemetery trustees may be removed 21823
by the joint meeting, on a two-thirds vote of all members entitled 21824
to sit in such meeting, for misfeasance or malfeasance in office, 21825
gross neglect of duty, or gross immorality, but no member shall be 21826
so removed until ~~he has~~ having had at least ten days' notice in 21827
writing, together with a copy of the charges against ~~him~~ the 21828
member, and an opportunity to appear and defend ~~himself~~ self 21829
either in person or by counsel. 21830

Sec. 901.08. The director of agriculture shall appoint a 21831

chief of the division of administration, a chief of the division 21832
of animal health, a chief of the division of livestock 21833
environmental permitting, a chief of the division of soil and 21834
water conservation, a chief of the division of dairy, a chief of 21835
the division of food safety, a chief of the division of markets, a 21836
chief of the division of plant health, a chief of the division of 21837
weights and measures, a chief of the division of meat inspection, 21838
a chief of the division of consumer protection laboratory, a chief 21839
of the division of enforcement, and a chief of the division of 21840
amusement ride safety. 21841

Sec. 901.21. (A) As used in this section and section 901.22 21842
of the Revised Code: 21843

(1) "Agricultural easement" has the same meaning as in 21844
section 5301.67 of the Revised Code. 21845

(2) "Agriculture" means those activities occurring on land 21846
devoted exclusively to agricultural use, as defined in section 21847
5713.30 of the Revised Code, or on land that constitutes a 21848
homestead. 21849

(3) "Homestead" means the portion of a farm on which is 21850
located a dwelling house, yard, or outbuildings such as a barn or 21851
garage. 21852

(B) The director of agriculture may acquire real property 21853
used predominantly in agriculture and agricultural easements by 21854
gift, devise, or bequest if, at the time an easement is granted, 21855
such an easement is on land that is valued for purposes of real 21856
property taxation at its current value for agricultural use under 21857
section 5713.31 of the Revised Code or that constitutes a 21858
homestead. Any terms may be included in an agricultural easement 21859
so acquired that are necessary or appropriate to preserve on 21860
behalf of the grantor of the easement the favorable tax 21861
consequences of the gift, devise, or bequest under the "Internal 21862

Revenue Act of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 21863
The director, by any such means or by purchase or lease, may 21864
acquire, or acquire the use of, stationary personal property or 21865
equipment that is located on land acquired in fee by the director 21866
under this section and that is necessary or appropriate for the 21867
use of the land predominantly in agriculture. 21868

(C) The director may include, in an agricultural easement 21869
acquired under division (B) of this section, a provision to 21870
preserve a unique natural or physical feature on the land so long 21871
as the use of the land remains predominantly agricultural. 21872

(D) The director may do all things necessary or appropriate 21873
to retain the use of real property acquired in fee under division 21874
(B) of this section predominantly in agriculture, including, 21875
without limitation, performing any of the activities described in 21876
division (A)(1) or (2) of section 5713.30 of the Revised Code or 21877
entering into contracts to lease or rent the real property so 21878
acquired to persons or governmental entities that will use the 21879
land predominantly in agriculture. 21880

(E)(1) When the director considers it to be necessary or 21881
appropriate, the director may sell real property acquired in fee, 21882
and stationary personal property or equipment acquired by gift, 21883
devise, bequest, or purchase, under division (B) of this section 21884
on such terms as the director considers to be advantageous to this 21885
state. 21886

(2) An agricultural easement acquired under division (B) of 21887
this section may be extinguished under the circumstances 21888
prescribed, and in accordance with the terms and conditions set 21889
forth, in the instrument conveying the agricultural easement. 21890

(F) There is hereby created in the state treasury the 21891
agricultural easement purchase fund. The fund shall consist of the 21892
proceeds received from the sale of real and personal property 21893

under division (E) of this section; moneys received due to the 21894
extinguishment of agricultural easements acquired by the director 21895
under division (B) of this section or section 5301.691 of the 21896
Revised Code; moneys received due to the extinguishment of 21897
agricultural easements purchased with the assistance of matching 21898
grants made under section 901.22 of the Revised Code; gifts, 21899
bequests, devises, and contributions received by the director for 21900
the purpose of acquiring agricultural easements; and grants 21901
received from public or private sources for the purpose of 21902
purchasing agricultural easements. The fund shall be administered 21903
by the director, and moneys in the fund shall be used by the 21904
director exclusively to purchase agricultural easements under 21905
division (A) of section 5301.691 of the Revised Code and provide 21906
matching grants under section 901.22 of the Revised Code to 21907
municipal corporations, counties, townships, soil and water 21908
conservation districts established under Chapter ~~1515~~. 940. of the 21909
Revised Code, and charitable organizations described in division 21910
(B) of section 5301.69 of the Revised Code for the purchase of 21911
agricultural easements. Money in the fund shall be used only to 21912
purchase agricultural easements on land that is valued for 21913
purposes of real property taxation at its current value for 21914
agricultural use under section 5713.31 of the Revised Code or that 21915
constitutes a homestead when the easement is purchased. 21916

(G) There is hereby created in the state treasury the clean 21917
Ohio agricultural easement fund. Twelve and one-half per cent of 21918
net proceeds of obligations issued and sold pursuant to sections 21919
151.01 and 151.09 of the Revised Code shall be deposited into the 21920
fund. The fund shall be used by the director for the purposes of 21921
this section, section 901.22 of the Revised Code, and the 21922
provisions of sections 5301.67 to 5301.70 of the Revised Code 21923
governing agricultural easements. Investment earnings of the fund 21924
shall be credited to the fund and may be used to pay costs 21925
incurred by the director in administering those sections and 21926

provisions. 21927

(H) The term of an agricultural easement purchased wholly or 21928
in part with money from the clean Ohio agricultural easement fund 21929
or the agricultural easement purchase fund shall be perpetual and 21930
shall run with the land. 21931

Sec. 901.22. (A) The director of agriculture, in accordance 21932
with Chapter 119. of the Revised Code, shall adopt rules that do 21933
all of the following: 21934

(1) Establish procedures and eligibility criteria for making 21935
matching grants to municipal corporations, counties, townships, 21936
soil and water conservation districts established under Chapter 21937
~~1515.~~ 940. of the Revised Code, and charitable organizations 21938
described in division (B) of section 5301.69 of the Revised Code 21939
for the purchase of agricultural easements. With respect to 21940
agricultural easements that are purchased or proposed to be 21941
purchased with such matching grants that consist in whole or in 21942
part of moneys from the clean Ohio agricultural easement fund 21943
created in section 901.21 of the Revised Code, the rules shall 21944
establish all of the following: 21945

(a) Procedures for all of the following: 21946

(i) Soliciting and accepting applications for matching 21947
grants; 21948

(ii) Participation by local governments and by the public in 21949
the process of making matching grants to charitable organizations; 21950

(iii) Notifying local governments, charitable organizations, 21951
and organizations that represent the interests of farmers of the 21952
ranking system established in rules adopted under division 21953
(A)(1)(b) of this section. 21954

(b) A ranking system for applications for the matching grants 21955
that is based on the soil type, proximity of the land or other 21956

land that is conducive to agriculture as defined by rules adopted 21957
under this section and that is the subject of an application to 21958
other agricultural land or other land that is conducive to 21959
agriculture as defined by rules adopted under this section and 21960
that is already or is in the process of becoming permanently 21961
protected from development, farm stewardship, development 21962
pressure, and, if applicable, a local comprehensive land use plan 21963
involved with a proposed agricultural easement. The rules shall 21964
require that preference be given to proposed agricultural 21965
easements that involve the greatest proportion of all of the 21966
following: 21967

(i) Prime soils, unique or locally important soils, 21968
microclimates, or similar features; 21969

(ii) Land that is adjacent to or that is in close proximity 21970
to other agricultural land or other land that is conducive to 21971
agriculture as defined by rules adopted under this section and 21972
that is already or is in the process of becoming permanently 21973
protected from development, by agricultural easement or otherwise, 21974
so that a buffer would exist between the land involving the 21975
proposed agricultural easement and areas that have been developed 21976
or likely will be developed for purposes other than agriculture; 21977

(iii) The use of best management practices, including 21978
federally or state approved conservation plans, and a history of 21979
substantial compliance with applicable federal and state laws; 21980

(iv) Development pressure that is imminent, but not a result 21981
of current location in the direct path of urban development; 21982

(v) Areas identified for agricultural protection in local 21983
comprehensive land use plans. 21984

(c) Any other criteria that the director determines are 21985
necessary for selecting applications for matching grants; 21986

(d) Requirements regarding the information that must be 21987

included in the annual monitoring report that must be prepared for 21988
an agricultural easement under division (E)(2) of section 5301.691 21989
of the Revised Code, procedures for submitting a copy of the 21990
report to the office of farmland preservation in the department of 21991
agriculture, and requirements and procedures governing corrective 21992
actions that may be necessary to enforce the terms of the 21993
agricultural easement. 21994

(2) Establish provisions that shall be included in the 21995
instrument conveying to a municipal corporation, county, township, 21996
soil and water conservation district, or charitable organization 21997
any agricultural easement purchased with matching grant funds 21998
provided by the director under this section, including, without 21999
limitation, all of the following provisions: 22000

(a) A provision stating that an easement so purchased may be 22001
extinguished only if an unexpected change in the conditions of or 22002
surrounding the land that is subject to the easement makes 22003
impossible or impractical the continued use of the land for the 22004
purposes described in the easement, or if the requirements of the 22005
easement are extinguished by judicial proceedings; 22006

(b) A provision requiring that, upon the sale, exchange, or 22007
involuntary conversion of the land subject to the easement, the 22008
holder of the easement shall be paid an amount of money that is at 22009
least equal to the proportionate value of the easement compared to 22010
the total value of the land at the time the easement was acquired; 22011

(c) A provision requiring that, upon receipt of the portion 22012
of the proceeds of a sale, exchange, or involuntary conversion 22013
described in division (A)(2)(b) of this section, the municipal 22014
corporation, county, township, soil and water conservation 22015
district, or charitable organization remit to the director an 22016
amount of money equal to the percentage of the cost of purchasing 22017
the easement it received as a matching grant under this section. 22018

Moneys received by the director pursuant to rules adopted 22019
under division (A)(2)(c) of this section shall be credited to the 22020
agricultural easement purchase fund created in section 901.21 of 22021
the Revised Code. 22022

(3) Establish a provision that provides a charitable 22023
organization, municipal corporation, township, county, or soil and 22024
water conservation district with the option of purchasing 22025
agricultural easements either in installments or with a lump sum 22026
payment. The rules shall include a requirement that a charitable 22027
organization, municipal corporation, township, county, or soil and 22028
water conservation district negotiate with the seller of the 22029
agricultural easement concerning any installment payment terms, 22030
including the dates and amounts of payments and the interest rate 22031
on the outstanding balance. The rules also shall require the 22032
director to approve any method of payment that is undertaken in 22033
accordance with the rules adopted under division (A)(3) of this 22034
section. 22035

(4) Establish any other requirements that the director 22036
considers to be necessary or appropriate to implement or 22037
administer a program to make matching grants under this section 22038
and monitor those grants. 22039

(B) The director may develop guidelines regarding the 22040
acquisition of agricultural easements by the department of 22041
agriculture and the provisions of instruments conveying those 22042
easements. The director may make the guidelines available to 22043
public and private entities authorized to acquire and hold 22044
agricultural easements. 22045

(C) The director may provide technical assistance in 22046
developing a program for the acquisition and monitoring of 22047
agricultural easements to public and private entities authorized 22048
to hold agricultural easements. The technical assistance may 22049
include, without limitation, reviewing and providing advisory 22050

recommendations regarding draft instruments conveying agricultural easements. 22051
22052

(D)(1) The director may make matching grants from the 22053
agricultural easement purchase fund and the clean Ohio 22054
agricultural easement fund to municipal corporations, counties, 22055
townships, soil and water conservation districts, and charitable 22056
organizations to assist those political subdivisions and 22057
charitable organizations in purchasing agricultural easements. 22058
Application for a matching grant shall be made on forms prescribed 22059
and provided by the director. The matching grants shall be made in 22060
compliance with the criteria and procedures established in rules 22061
adopted under this section. Instruments conveying agricultural 22062
easements purchased with matching grant funds provided under this 22063
section, at a minimum, shall include the mandatory provisions set 22064
forth in those rules. 22065

Matching grants made under this division using moneys from 22066
the clean Ohio agricultural easement fund created in section 22067
901.21 of the Revised Code may provide up to seventy-five per cent 22068
of the value of an agricultural easement as determined by a 22069
general real estate appraiser who is certified under Chapter 4763. 22070
of the Revised Code or as determined through a points-based 22071
appraisal system established under division (D)(2) of this 22072
section. Not less than twenty-five per cent of the value of the 22073
agricultural easement shall be provided by the recipient of the 22074
matching grant or donated by the person who is transferring the 22075
easement to the grant recipient. The amount of such a matching 22076
grant used for the purchase of a single agricultural easement 22077
shall not exceed one million dollars. 22078

(2) The director shall establish a points-based appraisal 22079
system for the purposes of division (D)(1) of this section. The 22080
director may include any or all of the following factors in the 22081
system: 22082

(a) Whether the applicable county auditor has determined that the land is land that is devoted exclusively to agriculture for the purposes of sections 5713.30 to 5713.38 of the Revised Code;	22083 22084 22085
(b) Changes in land values following the completion of the applicable county auditor's reappraisal or triennial update;	22086 22087
(c) Soil types and productivity;	22088
(d) Proximity of the land to land that is already subject to an agricultural easement, conservation easement created under sections 5301.67 to 5301.70 of the Revised Code, or similar land-use limitation;	22089 22090 22091 22092
(e) Proximity of the land to water and sewer lines, road interchanges, and nonagricultural development;	22093 22094
(f) Parcel size and roadway frontage of the land;	22095
(g) Existence of an agreement entered into under division (D) of section 1515.08 <u>940.06</u> of the Revised Code or of an operation and management plan developed under division (A) of section 1511.021 <u>939.03</u> of the Revised Code;	22096 22097 22098 22099
(h) Existence of a comprehensive plan that is adopted under section 303.02 or 519.02 of the Revised Code or that is adopted by the planning commission of a municipal corporation under section 713.06 of the Revised Code;	22100 22101 22102 22103
(i) Any other factors that the director determines are necessary for inclusion in the system.	22104 22105
(E) An agricultural easement acquired as a result of a matching grant awarded under division (D) of this section may include a provision to preserve a unique natural or physical feature on the land so long as the use of the land remains predominantly agricultural.	22106 22107 22108 22109 22110
(F) For any agricultural easement purchased with a matching grant that consists in whole or in part of moneys from the clean	22111 22112

Ohio agricultural easement fund, the director shall be named as a grantee on the instrument conveying the easement, as shall the municipal corporation, county, township, soil and water conservation district, or charitable organization that receives the grant.

(G)(1) The director shall monitor and evaluate the effectiveness and efficiency of the agricultural easement program as a farmland preservation tool. On or before July 1, 1999, and the first day of July of each year thereafter, the director shall prepare and submit a report to the chairpersons of the standing committees of the senate and the house of representatives that consider legislation regarding agriculture. The report shall consider and address the following criteria to determine the program's effectiveness:

(a) The number of agricultural easements purchased during the preceding year;

(b) The location of those easements;

(c) The number of acres of land preserved for agricultural use;

(d) The amount of money used by a municipal corporation, township, county, or soil and water conservation district from any fund to purchase the agricultural easements;

(e) The number of state matching grants given to purchase the agricultural easements;

(f) The amount of state matching grant moneys used to purchase the agricultural easements.

(2) The report also shall consider and include, at a minimum, the following information for each county to determine the program's efficiency:

(a) The total number of acres in the county;

(b) The total number of acres in current agricultural use;	22143
(c) The total number of acres preserved for agricultural use in the preceding year;	22144 22145
(d) The average cost, per acre, of land preserved for agricultural use in the preceding year.	22146 22147
Sec. 902.01. As used in this chapter:	22148
(A) "Bonds" means bonds, notes, or other forms of evidences of obligation issued in temporary or definitive form, including refunding bonds and notes and bonds and notes issued in anticipation of the issuance of bonds and renewal notes.	22149 22150 22151 22152
(B) "Bond proceedings" means the resolution or ordinance or the trust agreement or indenture of mortgage, or combination thereof, authorizing or providing for the terms and conditions applicable to bonds issued under authority of this chapter.	22153 22154 22155 22156
(C) "Borrower" means the recipient of a loan or the lessee or purchaser of a project under this chapter and is limited to a sole proprietor, or to a partnership, joint venture, firm, association, or corporation, a majority of whose stockholders, partners, members, or associates are persons or the spouses of persons related to each other within the fourth degree of kinship, according to law, provided that the sole proprietor or at least one of such related persons resides or will reside on or is or will actively operate the project or the farm or agricultural enterprise composed, in whole or in part, of the project, and provided further that the sole proprietor or all of the stockholders, members, partners, or associates are natural persons. The agricultural financing commission may establish procedures for the determination of the eligibility of borrowers under this chapter which determinations are conclusive in relation to the validity and enforceability of bonds issued under bond	22157 22158 22159 22160 22161 22162 22163 22164 22165 22166 22167 22168 22169 22170 22171 22172

proceedings authorized in connection therewith, and in relation to 22173
security interests given and leases, subleases, sale agreements, 22174
loan agreements, and other agreements made in connection 22175
therewith, all in accordance with their terms. 22176

(D) "Composite financing arrangement" means the sale of a 22177
single issue of bonds to finance two or more projects, including, 22178
but not limited to, a single issue of bonds for a group of loans 22179
submitted by or through a single lending institution or with 22180
credit enhancement from a single lending institution, or the sale 22181
by or on behalf of one or more issuers of two or more issues or 22182
lots of bonds under or pursuant to a single sale agreement, single 22183
marketing arrangement, or single official statement, offering 22184
circular, or other marketing document. 22185

(E) "Issuer" means the state, or any county or municipal 22186
corporation of the state. 22187

(F) "Issuing authority" means ~~in the case of the state, the~~ 22188
~~agricultural financing commission created by section 901.61 of the~~ 22189
~~Revised Code;~~ in the case of a municipal corporation, the 22190
legislative authority thereof; and in the case of a county, the 22191
board of county commissioners or whatever officers, board, 22192
commission, council, or other body might succeed to or assume the 22193
legislative powers of the board of county commissioners. 22194

(G) "Lending institution" means any domestic building and 22195
loan association as defined in section 1151.01 of the Revised 22196
Code, any service corporation the entire stock of which is owned 22197
by one or more such building and loan associations, a bank which 22198
has its principal place of business located in this state, a bank 22199
subsidiary corporation that is wholly owned by a bank having its 22200
principal place of business located in this state, any state or 22201
federal governmental agency or instrumentality including without 22202
limitation the federal land bank, production credit association, 22203
or bank for cooperatives, or any of their local associations, or 22204

any other financial institution or entity authorized to make 22205
mortgage loans and qualified to do business in this state. 22206

(H) "Loan" includes a loan made to or through, or a deposit 22207
with, a lending institution or a loan made directly to the owner 22208
or operator of a project to finance one or more projects. 22209
Notwithstanding any other provision of this chapter, loans from 22210
proceeds of bonds issued under a composite financing arrangement 22211
shall be made only to or through, or by a deposit with, a lending 22212
institution, including the purchase of loans from lending 22213
institutions, or be made in any other manner in which a lending 22214
institution has been or is involved in the origination or credit 22215
enhancement of the loan. 22216

(I) "Mortgage loan" means a loan secured by a mortgage, deed 22217
of trust, or other security interest. 22218

(J) "Pledged facilities" means the project or projects 22219
mortgaged or facilities the rentals, revenues, and other income, 22220
charges, and moneys from which are pledged, or both, for the 22221
payment of the principal of and interest on the bonds issued under 22222
authority of section 902.04 of the Revised Code, and includes a 22223
project for which a loan has been made under authority of this 22224
chapter, in which case, references in this chapter to revenues of 22225
such pledged facilities or from the disposition thereof include 22226
payments made or to be made to or for the account of the issuer 22227
pursuant to such loan. 22228

(K) "Project" means real or personal property, or both, 22229
including undivided and other interests therein, acquired by gift 22230
or purchase, constructed, reconstructed, enlarged, improved, 22231
furnished, or equipped, or any combination thereof, by an issuer, 22232
or by others from the proceeds of bonds, located within the 22233
boundaries of the issuer, and used or to be used by a borrower for 22234
agricultural purposes as provided in division (D) of this section. 22235
A project is hereby determined to qualify as facilities for 22236

industry, commerce, distribution, or research described in Section 22237
13 of Article VIII, Ohio Constitution. 22238

(L) "Purchase" means, with respect to loans, the purchase of 22239
loans from, or other acquisition by an issuer of loans of, lending 22240
institutions. 22241

(M) "Revenues" means the rentals, revenues, payments, 22242
repayments, income, charges, and moneys derived or to be derived 22243
from the use, lease, sublease, rental, sale, including installment 22244
sale or conditional sale, or other disposition of pledged 22245
facilities, or derived or to be derived pursuant to a loan made 22246
for a project, bond proceeds to the extent provided in the bond 22247
proceedings for the payment of principal of, or premium, if any, 22248
or interest on the bonds, proceeds from any insurance, 22249
condemnation, or guaranty pertaining to pledged facilities or the 22250
financing thereof, any income and profit from the investment of 22251
the proceeds of bonds or of any revenues, any fees and charges 22252
received by or on behalf of an issuer for the services of or 22253
commitments by the issuer, and moneys received in repayment of and 22254
for interest on any loan made or purchased by an issuer, moneys 22255
received by an issuer upon the sale of any bonds of the issuer 22256
under section 902.04 of the Revised Code, any moneys received from 22257
investment of funds of an issuer or from the sale of collateral 22258
securing loans made or purchased by the issuer, including 22259
collateral acquired by foreclosure or other action to enforce a 22260
security interest, and any moneys received in payment of a claim 22261
under insurance, guarantees, letters of credit, or otherwise with 22262
respect to any loans made or purchased by an issuer or any 22263
collateral held by the issuer of any bonds issued under this 22264
chapter. 22265

(N) "Security interest" means a mortgage, lien, or other 22266
encumbrance on, or pledge or assignment of, or other security 22267
interest with respect to all or any part of pledged facilities, 22268

revenues, reserve funds, or other funds established under the bond 22269
proceedings, or on, of, or with respect to, a lease, sublease, 22270
sale, conditional sale, or installment sale agreement, loan 22271
agreement, or any other agreement pertaining to the lease, 22272
sublease, sale, or other disposition of a project or pertaining to 22273
a loan made for a project, or any guaranty or insurance agreement 22274
made with respect thereto, or any interest of the issuer therein, 22275
or any other interest granted, assigned, purchased, or released to 22276
secure payments of the principal of, premium, if any, or interest 22277
on any bonds or to secure any other payments to be made by an 22278
issuer under the bond proceedings. Any security interest under 22279
this chapter may be prior or subordinate to or on a parity with 22280
any other mortgage, lien, encumbrance, pledge, assignment, or 22281
other security interest. 22282

Sec. 903.01. As used in this chapter: 22283

(A) "Agricultural animal" means any animal generally used for 22284
food or in the production of food, including cattle, sheep, goats, 22285
rabbits, poultry, and swine; horses; alpacas; llamas; and any 22286
other animal included by the director of agriculture by rule. 22287
"Agricultural animal" does not include fish or other aquatic 22288
animals regardless of whether they are raised at fish hatcheries, 22289
fish farms, or other facilities that raise aquatic animals. 22290

(B) "Animal feeding facility" means a lot, building, or 22291
structure where both of the following conditions are met: 22292

(1) Agricultural animals have been, are, or will be stabled 22293
or confined and fed or maintained there for a total of forty-five 22294
days or more in any twelve-month period. 22295

(2) Crops, vegetative forage growth, or post-harvest residues 22296
are not sustained in the normal growing season over any portion of 22297
the lot, building, or structure. 22298

"Animal feeding facility" also includes land that is owned or leased by or otherwise is under the control of the owner or operator of the lot, building, or structure and on which manure originating from agricultural animals in the lot, building, or structure or a production area is or may be applied.

Two or more animal feeding facilities under common ownership shall be considered to be a single animal feeding facility for the purposes of this chapter if they adjoin each other or if they use a common area or system for the disposal of manure.

(C) "Animal feeding operation" has the same meaning as "animal feeding facility."

(D) "Cattle" includes, but is not limited to, heifers, steers, bulls, and cow and calf pairs.

(E) "Concentrated animal feeding facility" means an animal feeding facility with a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section.

(F) "Concentrated animal feeding operation" means an animal feeding facility that complies with one of the following:

(1) Has a total design capacity equal to or more than the number of animals specified in any of the categories in division (M) of this section;

(2) Satisfies the criteria in division (M), (Q), or (FF) of this section;

(3) Is designated by the director of agriculture as a medium or small concentrated animal feeding operation pursuant to rules.

(G) "Discharge" means to add from a point source to waters of the state.

(H) "Federal Water Pollution Control Act" means the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 816, 33

U.S.C. 1251 et. seq., as amended, and regulations adopted under 22329
it. 22330

(I) "Finalized," with respect to the programs required under 22331
division (A)(1) of section 903.02 and division (A)(1) of section 22332
903.03 of the Revised Code, means that all rules that are 22333
necessary for the administration of this chapter have been adopted 22334
and all employees of the department of agriculture that are 22335
necessary for the administration of this chapter have been 22336
employed. 22337

(J) "General permit" has the meaning that is established in 22338
rules. 22339

(K) "Individual permit" has the meaning that is established 22340
in rules. 22341

(L) "Installation permit" means a permit for the installation 22342
or modification of a disposal system or any part of a disposal 22343
system issued by the director of environmental protection under 22344
division (J)(1) of section 6111.03 of the Revised Code. 22345

(M) "Large concentrated animal feeding operation" means an 22346
animal feeding facility that stables or confines at least the 22347
number of animals specified in any of the following categories: 22348

(1) Seven hundred mature dairy cattle whether milked or dry; 22349

(2) One thousand veal calves; 22350

(3) One thousand cattle other than mature dairy cattle or 22351
veal calves; 22352

(4) Two thousand five hundred swine that each weigh 22353
fifty-five pounds or more; 22354

(5) Ten thousand swine that each weigh less than fifty-five 22355
pounds; 22356

(6) Five hundred horses; 22357

(7) Ten thousand sheep or lambs;	22358
(8) Fifty-five thousand turkeys;	22359
(9) Thirty thousand laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22360 22361
(10) One hundred twenty-five thousand chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22362 22363 22364
(11) Eighty-two thousand laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22365 22366 22367
(12) Thirty thousand ducks if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22368 22369 22370
(13) Five thousand ducks if the animal feeding facility uses a liquid manure handling system.	22371 22372
(N) "Major concentrated animal feeding facility" means a concentrated animal feeding facility with a total design capacity of more than ten times the number of animals specified in any of the categories in division (M) of this section.	22373 22374 22375 22376
(O) "Manure" means any of the following wastes used in or resulting from the production of agricultural animals or direct agricultural products such as milk or eggs: animal excreta, discarded products, bedding, process waste water, process generated waste water, waste feed, silage drainage, and compost products resulting from mortality composting or the composting of animal excreta.	22377 22378 22379 22380 22381 22382 22383
(P) "Manure storage or treatment facility" means any excavated, diked, or walled structure or combination of structures designed for the biological stabilization, holding, or storage of manure.	22384 22385 22386 22387

(Q) "Medium concentrated animal feeding operation" means an animal feeding facility that satisfies both of the following:	22388 22389
(1) The facility stables or confines the number of animals specified in any of the following categories:	22390 22391
(a) Two hundred to six hundred ninety-nine mature dairy cattle whether milked or dry;	22392 22393
(b) Three hundred to nine hundred ninety-nine veal calves;	22394
(c) Three hundred to nine hundred ninety-nine cattle other than mature dairy cattle or veal calves;	22395 22396
(d) Seven hundred fifty to two thousand four hundred ninety-nine swine that each weigh fifty-five pounds or more;	22397 22398
(e) Three thousand to nine thousand nine hundred ninety-nine swine that each weigh less than fifty-five pounds;	22399 22400
(f) One hundred fifty to four hundred ninety-nine horses;	22401
(g) Three thousand to nine thousand nine hundred ninety-nine sheep or lambs;	22402 22403
(h) Sixteen thousand five hundred to fifty-four thousand nine hundred ninety-nine turkeys;	22404 22405
(i) Nine thousand to twenty-nine thousand nine hundred ninety-nine laying hens or broilers if the animal feeding facility uses a liquid manure handling system;	22406 22407 22408
(j) Thirty-seven thousand five hundred to one hundred twenty-four thousand nine hundred ninety-nine chickens, other than laying hens, if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22409 22410 22411 22412
(k) Twenty-five thousand to eighty-one thousand nine hundred ninety-nine laying hens if the animal feeding facility uses a manure handling system that is not a liquid manure handling system;	22413 22414 22415 22416

(1) Ten thousand to twenty-nine thousand nine hundred	22417
ninety-nine ducks if the animal feeding facility uses a manure	22418
handling system that is not a liquid manure handling system;	22419
(m) One thousand five hundred to four thousand nine hundred	22420
ninety-nine ducks if the animal feeding facility uses a liquid	22421
manure handling system.	22422
(2) The facility does one of the following:	22423
(a) Discharges pollutants into waters of the United States	22424
through a ditch constructed by humans, a flushing system	22425
constructed by humans, or another similar device constructed by	22426
humans;	22427
(b) Discharges pollutants directly into waters of the United	22428
States that originate outside of and that pass over, across, or	22429
through the facility or otherwise come into direct contact with	22430
the animals at the facility.	22431
"Medium concentrated animal feeding operation" includes an	22432
animal feeding facility that is designated by the director as a	22433
medium concentrated animal feeding operation pursuant to rules.	22434
(R) "Mortality composting" means the controlled decomposition	22435
of organic solid material consisting of dead animals that	22436
stabilizes the organic fraction of the material.	22437
(S) "NPDES permit" means a permit issued under the national	22438
pollutant discharge elimination system established in section 402	22439
of the Federal Water Pollution Control Act and includes the	22440
renewal of such a permit. "NPDES permit" includes the federally	22441
enforceable provisions of a permit to operate into which NPDES	22442
permit provisions have been incorporated.	22443
(T) "Permit" includes an initial, renewed, or modified permit	22444
to install, permit to operate, NPDES permit, and installation	22445
permit unless expressly stated otherwise.	22446

(U) "Permit to install" means a permit issued under section 22447
903.02 of the Revised Code. 22448

(V) "Permit to operate" means a permit issued or renewed 22449
under section 903.03 of the Revised Code and includes incorporated 22450
NPDES permit provisions, if applicable. 22451

(W) "Person" has the same meaning as in section 1.59 of the 22452
Revised Code and also includes the state, any political 22453
subdivision of the state, any interstate body created by compact, 22454
the United States, or any department, agency, or instrumentality 22455
of any of those entities. 22456

(X) "Point source" has the same meaning as in the Federal 22457
Water Pollution Control Act. 22458

(Y) "Pollutant" means dredged spoil, solid waste, incinerator 22459
residue, filter backwash, sewage, garbage, sewage sludge, 22460
munitions, chemical wastes, biological materials, radioactive 22461
materials except those regulated under the "Atomic Energy Act of 22462
1954," 68 Stat. 919, 42 U.S.C. 2011, as amended, heat, wrecked or 22463
discarded equipment, rock, sand, cellar dirt, and industrial, 22464
municipal, and agricultural waste, including manure, discharged 22465
into water. "Pollutant" does not include either of the following: 22466

(1) Sewage from vessels; 22467

(2) Water, gas, or other material that is injected into a 22468
well to facilitate production of oil or gas, or water derived in 22469
association with oil and gas production and disposed of in a well, 22470
if the well that is used either to facilitate production or for 22471
disposal purposes is approved by the state and if the state 22472
determines that the injection or disposal will not result in the 22473
degradation of ground or surface water resources. 22474

(Z) "Process generated waste water" means water that is 22475
directly or indirectly used in the operation of an animal feeding 22476
facility for any of the following: 22477

(1) Spillage or overflow from animal watering systems;	22478
(2) Washing, cleaning, or flushing pens, barns, manure pits, or other areas of an animal feeding facility;	22479 22480
(3) Direct contact swimming, washing, or spray cooling of animals;	22481 22482
(4) Dust control.	22483
(AA) "Process waste water" means any process generated waste water and any precipitation, including rain or snow, that comes into contact with manure, litter, bedding, or any other raw material or intermediate or final material or product used in or resulting from the production of animals or direct products such as milk or eggs.	22484 22485 22486 22487 22488 22489
(BB) "Production area" means any of the following components of an animal feeding facility:	22490 22491
(1) Animal confinement areas, including, but not limited to, open lots, housed lots, feedlots, confinement houses, stall barns, free stall barns, milkrooms, milking centers, cowyards, barnyards, medication pens, animal walkways, and stables;	22492 22493 22494 22495
(2) Manure storage areas, including, but not limited to, manure storage or treatment facilities;	22496 22497
(3) Raw material storage areas, including, but not limited to, feed silos, silage bunkers, commodity buildings, and bedding materials;	22498 22499 22500
(4) Waste containment areas, including, but not limited to, any of the following:	22501 22502
(a) An egg washing or egg processing facility;	22503
(b) An area used in the storage, handling, treatment, or disposal of mortalities;	22504 22505
(c) Settling basins, runoff ponds, liquid impoundments, and	22506

areas within berms and diversions that are designed and maintained 22507
to separate uncontaminated storm water runoff from contaminated 22508
water and to contain and treat contaminated storm water runoff. 22509

(CC) "Public meeting" means a nonadversarial public hearing 22510
at which a person may present written or oral statements for the 22511
director of agriculture's consideration and includes public 22512
hearings held under section 6111.12 of the Revised Code. 22513

~~(DD) "Review compliance certificate" means a certificate 22514
issued under section 903.04 of the Revised Code. 22515~~

~~(EE)~~ "Rule" means a rule adopted under section 903.10 of the 22516
Revised Code. 22517

~~(FF)~~(EE) "Small concentrated animal feeding operation" means 22518
an animal feeding facility that is not a large or medium 22519
concentrated animal feeding operation and that is designated by 22520
the director as a small concentrated animal feeding operation 22521
pursuant to rules. 22522

~~(GG)~~(FF) "Waters of the state" has the same meaning as in 22523
section 6111.01 of the Revised Code. 22524

Sec. 903.03. (A)(1) Not later than one hundred eighty days 22525
after March 15, 2001, the director of agriculture shall prepare a 22526
program for the issuance of permits to operate under this section. 22527

(2) Except for a concentrated animal feeding facility that is 22528
operating under an installation permit ~~or a review compliance~~ 22529
~~certificate~~, on and after the date on which the director has 22530
finalized the program required under division (A)(1) of this 22531
section, no person shall own or operate a concentrated animal 22532
feeding facility without a permit to operate issued by the 22533
director under this section. 22534

(B) The director or the director's authorized representative 22535
may help an applicant for a permit to operate during the 22536

permitting process by providing guidance and technical assistance. 22537

(C) An applicant for a permit to operate shall submit a fee 22538
in an amount established by rule together with, except as 22539
otherwise provided in division (E) of this section, an application 22540
to the director on a form that the director prescribes and 22541
provides. The applicant shall include with the application all of 22542
the following information: 22543

(1) The name and address of the applicant, of all partners if 22544
the applicant is a partnership, of all members if the applicant is 22545
a limited liability company, or of all officers and directors if 22546
the applicant is a corporation, and of any other person who has a 22547
right to control or in fact controls management of the applicant 22548
or the selection of officers, directors, or managers of the 22549
applicant. As used in division (C)(1) of this section, "control" 22550
has the same meaning as in division (C)(1) of section 903.02 of 22551
the Revised Code. 22552

(2) Information concerning the applicant's past compliance 22553
with laws pertaining to environmental protection that is required 22554
to be provided under section 903.05 of the Revised Code, if 22555
applicable; 22556

(3) A manure management plan for the concentrated animal 22557
feeding facility that conforms to best management practices 22558
regarding the handling, storage, transportation, and land 22559
application of manure generated at the facility and that contains 22560
any other information required by rule; 22561

(4) An insect and rodent control plan for the concentrated 22562
animal feeding facility that conforms to best management practices 22563
and is prepared in accordance with section 903.06 of the Revised 22564
Code; 22565

(5) In the case of an application for a major concentrated 22566
animal feeding facility, written proof that the person who would 22567

be responsible for the supervision of the management and handling 22568
of manure at the facility has been issued a livestock manager 22569
certification in accordance with section 903.07 of the Revised 22570
Code or will obtain a livestock manager certification prior to 22571
applying any manure to land. 22572

(D) The director shall issue permits to operate in accordance 22573
with section 903.09 of the Revised Code. The director shall deny a 22574
permit to operate if either of the following applies: 22575

(1) The permit application contains misleading or false 22576
information. 22577

(2) The manure management plan or insect and rodent control 22578
plan fails to conform to best management practices. 22579

Additional grounds for the denial of a permit to operate 22580
shall be those established in this chapter and in rules. 22581

(E) The director shall issue general permits to operate for 22582
categories of concentrated animal feeding facilities that will 22583
apply in lieu of individual permits to operate, provided that each 22584
category of facilities meets all of the criteria established in 22585
rules for general permits to operate. A person who is required to 22586
obtain a permit to operate shall submit to the director a notice 22587
of the person's intent to be covered under an existing general 22588
permit or, at the person's option, shall submit an application for 22589
an individual permit to operate. Upon receipt of a notice of 22590
intent to be covered under an existing general permit, the 22591
director shall notify the applicant in writing that the person is 22592
covered by the general permit if the person satisfies the criteria 22593
established in rules for eligibility for such coverage. If the 22594
person is ineligible for coverage under the general permit, the 22595
director shall require the submission of an application for an 22596
individual permit to operate. 22597

(F) A permit to operate shall be valid for a period of five 22598

years. 22599

(G) A permit to operate may be renewed. An application for 22600
renewal of a permit to operate shall be submitted to the director 22601
at least one hundred eighty days prior to the expiration date of 22602
the permit to operate and shall comply with the requirements 22603
governing applications for permits to operate that are established 22604
under this section and by rules, including requirements pertaining 22605
to public notice and participation. 22606

(H) The director may modify, suspend, or revoke a permit to 22607
operate in accordance with rules. 22608

(I) The owner or operator of a concentrated animal feeding 22609
facility who proposes to make a major operational change at the 22610
facility shall submit an application for approval of the change to 22611
the director in accordance with rules. 22612

Sec. 903.07. (A) On and after the date that is established in 22613
rules by the director of agriculture, both of the following apply: 22614
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(1) The management and handling of manure at a major 22616
concentrated animal feeding facility, including the land 22617
application of manure or the removal of manure from a manure 22618
storage or treatment facility, shall be conducted only by or under 22619
the supervision of a person holding a livestock manager 22620
certification issued under this section. A person managing or 22621
handling manure who is acting under the instructions and control 22622
of a person holding a livestock manager certification is 22623
considered to be under the supervision of the certificate holder 22624
if the certificate holder is responsible for the actions of the 22625
person and is available when needed even though the certificate 22626
holder is not physically present at the time of the manure 22627
management or handling. 22628

(2) No person shall transport and land apply annually or buy, 22629
sell, or land apply annually the volume of manure established in 22630
rules adopted by the director under division ~~(E)~~(D)(5) of section 22631
903.10 of the Revised Code unless the person holds a livestock 22632
manager certification issued under this section. 22633

(B) The director shall issue a livestock manager 22634
certification to a person who has submitted a complete application 22635
for certification on a form prescribed and provided by the 22636
director, together with the appropriate application fee, and who 22637
has completed successfully the required training and has passed 22638
the required examination. The director may suspend or revoke a 22639
livestock manager certification and may reinstate a suspended or 22640
revoked livestock manager certification in accordance with rules. 22641

(C) Information required to be included in an application for 22642
a livestock manager certification, the amount of the application 22643
fee, requirements regarding training and the examination, 22644
requirements governing the management and handling of manure, 22645
including the land application of manure, and requirements 22646
governing the keeping of records regarding the handling of manure, 22647
including the land application of manure, shall be established in 22648
rules. 22649

Sec. 903.082. (A) The director of agriculture may determine 22650
that an animal feeding facility that is not a concentrated animal 22651
feeding facility nevertheless shall be required to apply for and 22652
receive a permit to operate when all of the following apply: 22653

(1) The director has ~~received from the chief of the division~~ 22654
~~of soil and water resources in the department of natural resources~~ 22655
~~a copy of an order issued~~ specified a corrective action to be 22656
taken under section ~~1511.02~~ 939.07 of the Revised Code ~~that~~ 22657
~~specifies that the animal feeding facility has caused agricultural~~ 22658
~~pollution by failure to comply with standards established under~~ 22659

~~that section and that the animal feeding facility therefore should~~ 22660
~~be required to be permitted as a concentrated animal feeding~~ 22661
~~facility.~~ 22662

(2) The director or the director's authorized representative 22663
has inspected the animal feeding facility. 22664

(3) The director or the director's authorized representative 22665
finds that the facility is not being operated in a manner that 22666
protects the waters of the state. 22667

(B) In a situation in which best management practices cannot 22668
be implemented without modifying the existing animal feeding 22669
facility, the owner or operator of the facility shall apply for a 22670
permit to install for the facility. 22671

(C) In the case of an animal feeding facility for which a 22672
permit to operate is required under this section, a permit to 22673
operate shall not be required after the end of the five-year term 22674
of the permit if the problems that caused the facility to be 22675
required to obtain the permit have been corrected to the 22676
director's satisfaction. 22677

Sec. 903.09. (A) Prior to issuing or modifying a permit to 22678
install, permit to operate, or NPDES permit, the director of 22679
agriculture shall issue a draft permit. The director or the 22680
director's representative shall mail notice of the issuance of a 22681
draft permit to the applicant and shall publish the notice once in 22682
a newspaper of general circulation in the county in which the 22683
concentrated animal feeding facility or discharger is located or 22684
proposed to be located. The director shall mail notice of the 22685
issuance of a draft permit and a copy of the draft permit to the 22686
board of county commissioners of the county and the board of 22687
township trustees of the township in which the concentrated animal 22688
feeding facility or discharger is located or proposed to be 22689
located. The director or the director's representative also shall 22690

provide notice of the issuance of a draft NPDES permit to any 22691
other persons that are entitled to notice under the Federal Water 22692
Pollution Control Act. Notice of the issuance of a draft permit to 22693
install, permit to operate, or NPDES permit shall include the 22694
address where written comments concerning the draft permit may be 22695
submitted and the period of time during which comments will be 22696
accepted as established by rule. 22697

If the director receives written comments in an amount that 22698
demonstrates significant public interest, as defined by rule, in 22699
the draft permit, the director shall schedule one public meeting 22700
to provide information to the public and to hear comments 22701
pertinent to the draft permit. The notice of the public meeting 22702
shall be provided in the same manner as the notice of the issuance 22703
of the draft permit. 22704

(B) If a person is required to obtain both a permit to 22705
install and a permit to operate, including any permit to operate 22706
with NPDES provisions, and public meetings are required for both 22707
permits, the public meetings for the permits shall be combined. 22708

(C) The director shall apply the antidegradation policy 22709
adopted under section 6111.12 of the Revised Code to permits 22710
issued under this chapter to the same degree and under the same 22711
circumstances as it applies to permits issued under Chapter 6111. 22712
of the Revised Code. The director shall hold one public meeting to 22713
consider antidegradation issues when such a meeting is required by 22714
the antidegradation policy. When allowed by the antidegradation 22715
policy, the director shall hold the public meeting on 22716
antidegradation issues concurrently with any public meeting held 22717
for the draft permit. 22718

(D) The director or the director's representative shall 22719
publish notice of the issuance of a final permit to install, 22720
permit to operate, or NPDES permit once in a newspaper of general 22721

circulation in the county in which the concentrated animal feeding facility or discharger is located. 22722
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(E) Notice or a public meeting is not required for the modification of a permit made with the consent of the permittee for the correction of typographical errors. 22724
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(F) The denial, modification, suspension, or revocation of a permit to install, permit to operate, or NPDES permit without the consent of the applicant or permittee shall be preceded by a proposed action stating the director's intention to issue an order with respect to the permit and the reasons for it. 22727
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The director shall mail to the applicant or the permittee notice of the director's proposed action to deny, modify, suspend, or revoke a permit to install, permit to operate, or NPDES permit. The director shall publish the notice once in a newspaper of general circulation in the county in which the concentrated animal feeding facility or concentrated animal feeding operation is located or proposed to be located. The director shall mail a copy of the notice of the proposed action to the board of county commissioners of the county and to the board of township trustees of the township in which the concentrated animal feeding facility or concentrated animal feeding operation is located or proposed to be located. The director also shall provide notice of the director's proposed action to deny, modify, suspend, or revoke a permit to install, permit to operate, or NPDES permit to any other person that is entitled to notice under the Federal Water Pollution Control Act. The notice of the director's proposed action to deny, modify, suspend, or revoke a permit to install, permit to operate, or NPDES permit shall include the address where written comments concerning the director's proposed action may be submitted and the period of time during which comments will be accepted as established by rule. If the director receives written comments in an amount that demonstrates significant public 22732
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interest, as defined by rule, the director shall schedule one 22754
public meeting to provide information to the public and to hear 22755
comments pertinent to the proposed action. The notice of the 22756
public meeting shall be provided in the same manner as the notice 22757
of the director's proposed action. 22758

The director shall not issue an order that makes the proposed 22759
action final until the applicant or permittee has had an 22760
opportunity for an adjudication hearing in accordance with Chapter 22761
119. of the Revised Code, except that section 119.12 of the 22762
Revised Code does not apply. An order of the director that 22763
finalizes the proposed action or an order issuing a permit without 22764
a prior proposed action may be appealed to the environmental 22765
review appeals commission under sections 3745.04 to 3745.06 of the 22766
Revised Code. 22767

(G)(1) The director shall issue an order issuing or denying 22768
an application for a permit to operate that contains NPDES 22769
provisions or for a NPDES permit, as well as any application for a 22770
permit to install that is submitted simultaneously, not later than 22771
one hundred eighty days after receiving the application. 22772

(2) In the case of an application for a permit to install or 22773
permit to operate that is not connected with an application for a 22774
NPDES permit, the director shall issue or propose to deny the 22775
permit not later than ninety days after receiving the application. 22776
If the director has proposed to deny the permit to install or 22777
permit to operate under division (G)(2) of this section, the 22778
director shall issue an order denying the permit or, if the 22779
director decides against the proposed denial, issuing the permit 22780
not later than one hundred eighty days after receiving the 22781
application. If the director denies the permit, the director shall 22782
notify the applicant in writing of the reason for the denial. 22783

(H) All rulemaking and the issuance of civil penalties under 22784
this chapter shall comply with Chapter 119. of the Revised Code. 22785

(I) Upon the transfer of ownership of an animal feeding facility for which a permit to install, an installation permit, a ~~review compliance certificate,~~ or a permit to operate that contains no NPDES provisions has been issued, the permit ~~or certificate~~ shall be transferred to the new owner of the animal feeding facility except as provided in division (C) of section 903.05 of the Revised Code. In the case of the transfer of ownership of a point source for which a NPDES permit or a permit to operate that contains NPDES provisions has been issued, the permit shall be transferred in accordance with rules.

(J) Applications for installation permits for animal feeding facilities pending before the director of environmental protection on the date on which the director of agriculture has finalized the programs required under division (A)(1) of section 903.02 and division (A)(1) of section 903.03 of the Revised Code shall be transferred to the director of agriculture. In the case of an applicant who is required to obtain a permit to install and a permit to operate under sections 903.02 and 903.03, respectively, of the Revised Code, the director of agriculture shall process the pending application for an installation permit as an application for a permit to install and a permit to operate.

(K) Applications for NPDES permits for either of the following that are pending before the director of environmental protection on the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code shall be transferred to the director of agriculture:

(1) The discharge of pollutants from a concentrated animal feeding operation;

(2) The discharge of storm water resulting from an animal feeding facility.

In the case of an applicant who is required to obtain a NPDES 22817
permit under section 903.08 of the Revised Code, the director of 22818
agriculture shall process the pending application as an 22819
application for a NPDES permit under that section. 22820

Sec. 903.10. The director of agriculture may adopt rules in 22821
accordance with Chapter 119. of the Revised Code that do all of 22822
the following: 22823

(A) Establish all of the following concerning permits to 22824
install and permits to operate: 22825

(1) A description of what constitutes a modification of a 22826
concentrated animal feeding facility; 22827

(2) A description of what constitutes a major operational 22828
change at a concentrated animal feeding facility; 22829

(3) The amount of the fee that must be submitted with each 22830
permit application and each application for a permit modification; 22831

(4) Information that must be included in the designs and 22832
plans required to be submitted with an application for a permit to 22833
install and criteria for approving, disapproving, or requiring 22834
modification of the designs and plans; 22835

(5) Information that must be included in a manure management 22836
plan required to be submitted with an application for a permit to 22837
operate; 22838

(6) Information that must be included in an application for 22839
the modification of an installation permit, a permit to install, 22840
or a permit to operate; 22841

(7) Information that must be included in an application for 22842
approval of a major operational change at a concentrated animal 22843
feeding facility; 22844

(8) Any additional information that must be included with a 22845

permit application;	22846
(9) Procedures for the issuance, denial, modification, transfer, suspension, and revocation of permits to install and permits to operate, including general permits;	22847 22848 22849
(10) Procedures for the approval or denial of an application for approval of a major operational change at a concentrated animal feeding facility;	22850 22851 22852
(11) Grounds for the denial, modification, suspension, or revocation of permits to install and permits to operate in addition to the grounds established in division (D) of section 903.02 and division (D) of section 903.03 of the Revised Code;	22853 22854 22855 22856
(12) Grounds for the denial of an application for approval of a major operational change at a concentrated animal feeding facility;	22857 22858 22859
(13) A requirement that a person that is required to obtain both a permit to install and a permit to operate submit applications for those permits simultaneously;	22860 22861 22862
(14) A definition of "general permit to operate" that establishes categories of concentrated animal feeding facilities to be covered under such a permit and a definition of "individual permit to operate" together with the criteria for issuing a general permit to operate and the criteria for determining a person's eligibility to operate under a general permit to operate.	22863 22864 22865 22866 22867 22868
(B) Establish all of the following for the purposes of review compliance certificates issued under section 903.04 of the Revised Code:	22869 22870 22871
(1) The form of a certificate;	22872
(2) Criteria for what constitutes a significant capital expenditure under division (D) of that section;	22873 22874
(3) Deadlines and procedures for submitting information under	22875

~~division (E)(2) of that section.~~ 22876

~~(C)~~ Establish best management practices that minimize water 22877
pollution, odors, insects, and rodents, that govern the land 22878
application of manure that originated at a concentrated animal 22879
feeding facility, and that govern all of the following activities 22880
that occur at a concentrated animal feeding facility: 22881

(1) Manure management, including the storage, handling, 22882
transportation, and land application of manure. Rules adopted 22883
under division ~~(C)~~(B)(1) of this section shall include practices 22884
that prevent surface and ground water contamination caused by the 22885
storage of manure or the land application of manure and prevent 22886
the contamination of water in drainage tiles that may be caused by 22887
that application. 22888

(2) Disposal of dead livestock; 22889

(3) Production of biodiesel, biomass energy, electric or heat 22890
energy, and biologically derived methane gas as those terms are 22891
defined in section 5713.30 of the Revised Code; 22892

(4) Any other activity that the director considers 22893
appropriate. 22894

Best management practices established in rules adopted under 22895
division ~~(C)~~(B) of this section shall not conflict with best 22896
management practices established in rules that have been adopted 22897
under any other section of the Revised Code. The rules adopted 22898
under division ~~(C)~~(B) of this section shall establish guidelines 22899
that require owners or operators of concentrated animal feeding 22900
facilities to consult with and work with local officials, 22901
including boards of county commissioners and boards of township 22902
trustees, in addressing issues related to local government 22903
infrastructure needs and the financing of that infrastructure. 22904

~~(D)~~(C) Establish all of the following concerning insect and 22905
rodent control plans required under section 903.06 of the Revised 22906

Code:	22907
(1) The information to be included in an insect and rodent control plan;	22908 22909
(2) Criteria for approving, disapproving, or requiring modification of an insect and rodent control plan;	22910 22911
(3) Criteria for determining compliance with or violation of an insect and rodent control plan;	22912 22913
(4) Procedures and standards for monitoring insect and rodent control plans;	22914 22915
(5) Procedures and standards for enforcing insect and rodent control plans at concentrated animal feeding facilities at which insects or rodents constitute a nuisance or adversely affect public health;	22916 22917 22918 22919
(6) The amount of civil penalties for violation of an insect and rodent control plan assessed by the director of agriculture under division (B) of section 903.16 of the Revised Code, provided that the rules adopted under division (D) <u>(C)</u> (6) of this section shall not establish a civil penalty of more than ten thousand dollars for a violation involving a concentrated animal feeding facility that is not a major concentrated animal feeding facility and shall not establish a civil penalty of more than twenty-five thousand dollars for a violation involving a major concentrated animal feeding facility;	22920 22921 22922 22923 22924 22925 22926 22927 22928 22929
(7) The time period within which the director must approve or deny an insect and rodent control plan after receiving it;	22930 22931
(8) Any other provisions necessary to administer and enforce section 903.12 of the Revised Code.	22932 22933
(E) <u>(D)</u> Establish all of the following concerning livestock manager certifications required under section 903.07 of the Revised Code:	22934 22935 22936

- (1) The information to be included in an application for a livestock manager certification and the amount of the application fee; 22937
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- (2) The content of the training required to be completed and of the examination required to be passed by an applicant for a livestock manager certification. The training shall include and the examination shall test the applicant's knowledge of information on topics that include calculating nutrient values in manure, devising and implementing a plan for the land application of manure, removing manure held in a manure storage or treatment facility, and following best management practices established in rules for disposal of dead animals and manure management, including practices that control odor and protect the environment. The director may specify other types of recognized training programs that, if completed, are considered to satisfy the training and examination requirement. 22940
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- (3) Criteria and procedures for the issuance, denial, suspension, revocation, or reinstatement of a livestock manager certification; 22953
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- (4) The length of time during which livestock manager certifications will be valid and procedures for their renewal; 22956
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- (5) The volume of manure that must be transported and land applied annually or the volume of manure that must be bought, sold, or land applied annually by a person in order for the person to be required to obtain a livestock manager certification under division (A)(2) of section 903.07 of the Revised Code; 22958
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- (6) Requirements governing the management and handling of manure, including the land application of manure; 22963
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- (7) Requirements governing the keeping of records regarding the handling of manure, including the land application of manure; 22965
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- (8) Any other provisions necessary to administer and enforce 22967

section 903.07 of the Revised Code.	22968
(F) (E) Establish all of the following concerning NPDES permits:	22969
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(1) The designation of concentrated animal feeding operations that are subject to NPDES permit requirements under section 903.08 of the Revised Code;	22971
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(2) Effluent limitations governing discharges into waters of the state that are authorized by permits;	22974
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(3) Variances from effluent limitations and other permit requirements to the extent that the variances are consistent with the Federal Water Pollution Control Act;	22976
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(4) Terms and conditions to be included in a permit, including, as applicable, best management practices; installation of discharge or water quality monitoring methods or equipment; creation and retention of records; submission of periodic reports; schedules of compliance; net volume, net weight, and, where necessary, concentration and mass loading limits of manure that may be discharged into waters of the state; and authorized duration and frequency of any discharges into waters of the state;	22979
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(5) Procedures for the submission of applications for permits and notices of intent to be covered by general permits, including information that must be included in the applications and notices;	22987
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(6) The amount of the fee that must be submitted with an application for a permit;	22990
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(7) Procedures for processing permit applications, including public notice and participation requirements;	22992
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(8) Procedures for notifying the United States environmental protection agency of the submission of permit applications, the director's action on those applications, and any other reasonable and relevant information;	22994
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(9) Procedures for notifying and receiving and responding to recommendations from other states whose waters may be affected by the issuance of a permit;	22998 22999 23000
(10) Procedures for the transfer of permits to new owners or operators;	23001 23002
(11) Grounds and procedures for the issuance, denial, modification, suspension, or revocation of permits, including general permits;	23003 23004 23005
(12) A definition of "general NPDES permit" that establishes categories of point sources to be covered under such a permit and a definition of "individual NPDES permit" together with the criteria for issuing a general NPDES permit and the criteria for determining a person's eligibility to discharge under a general NPDES permit.	23006 23007 23008 23009 23010 23011
The rules adopted under division (F) <u>(E)</u> of this section shall be consistent with the requirements of the Federal Water Pollution Control Act.	23012 23013 23014
(G) <u>(F)</u> Establish public notice and participation requirements, in addition to the procedures established in rules adopted under division (F) <u>(E)</u> (7) of this section, for the issuance, denial, modification, transfer, suspension, and revocation of permits to install, permits to operate, and NPDES permits consistent with section 903.09 of the Revised Code, including a definition of what constitutes significant public interest for the purposes of divisions (A) and (F) of section 903.09 of the Revised Code and procedures for public meetings. The rules shall require that information that is presented at such a public meeting be limited to the criteria that are applicable to the permit application that is the subject of the public meeting.	23015 23016 23017 23018 23019 23020 23021 23022 23023 23024 23025 23026
(H) <u>(G)</u> Establish the amount of civil penalties assessed by the director of agriculture under division (B) of section 903.16	23027 23028

of the Revised Code for violation of the terms and conditions of a 23029
permit to install, or permit to operate, ~~or review compliance~~ 23030
~~certificate~~, provided that the rules adopted under this division 23031
shall not establish a civil penalty of more than ten thousand 23032
dollars per day for each violation; 23033

~~(I)~~(H) Establish procedures for the protection of trade 23034
secrets from public disclosure. The procedures shall authorize the 23035
release of trade secrets to officers, employees, or authorized 23036
representatives of the state, another state, or the United States 23037
when necessary for an enforcement action brought under this 23038
chapter or when otherwise required by the Federal Water Pollution 23039
Control Act. The rules shall require at least ten days' written 23040
notice to the person to whom a trade secret applies prior to the 23041
release of the trade secret. Rules adopted under this division do 23042
not apply to any information that is contained in applications, 23043
including attachments, for NPDES permits and that is required to 23044
be submitted under section 903.08 of the Revised Code or rules 23045
adopted under division ~~(F)~~(E) of this section. 23046

~~(J)~~(I) Establish any other provisions necessary to administer 23047
and enforce this chapter. 23048

Sec. 903.11. (A) The director of agriculture may enter into 23049
contracts or agreements to carry out the purposes of this chapter 23050
with any public or private person, including OSU extension, the 23051
natural resources conservation service in the United States 23052
department of agriculture, the environmental protection agency, 23053
~~the division of soil and water resources in the department of~~ 23054
~~natural resources~~, and soil and water conservation districts 23055
established under Chapter ~~1515~~. 940. of the Revised Code. However, 23056
the director shall not enter into a contract or agreement with a 23057
private person for the review of applications for permits to 23058
install, permits to operate, or NPDES permits, ~~or review~~ 23059

~~compliance certificates~~ that are issued under this chapter or for 23060
the inspection of a facility regulated under this chapter or with 23061
any person for the issuance of any of those permits ~~or~~ 23062
~~certificates~~ or for the enforcement of this chapter and rules 23063
adopted under it. 23064

(B) The director may administer grants and loans using moneys 23065
from the federal government and other sources, public or private, 23066
for carrying out any of the director's functions. Nothing in this 23067
chapter shall be construed to limit the eligibility of owners or 23068
operators of animal feeding facilities or other agricultural 23069
enterprises to receive moneys from the water pollution control 23070
loan fund established under section 6111.036 of the Revised Code 23071
and the nonpoint source pollution management fund established 23072
under section 6111.037 of the Revised Code. 23073

The director of agriculture shall provide the director of 23074
environmental protection with written recommendations for 23075
providing financial assistance from those funds to agricultural 23076
enterprises. The director of environmental protection shall 23077
consider the recommendations in developing priorities for 23078
providing financial assistance from the funds. 23079

Sec. 903.12. (A) The director of agriculture or the 23080
director's authorized representative at reasonable times may enter 23081
on any public or private property, real or personal, to make 23082
investigations and inspections, including the sampling of 23083
discharges and the inspection of discharge monitoring equipment, 23084
or to otherwise execute duties that are necessary for the 23085
administration and enforcement of this chapter. The director or 23086
the director's authorized representative at reasonable times may 23087
examine and copy any records pertaining to discharges that are 23088
subject to this chapter or any records that are required to be 23089
maintained by the terms and conditions of a permit ~~or review~~ 23090

~~compliance certificate~~ issued under this chapter. If refused 23091
entry, the director or the director's authorized representative 23092
may apply for and the court of common pleas having jurisdiction 23093
may issue an appropriate warrant. 23094

(B) No person to whom a permit ~~or review compliance~~ 23095
~~certificate~~ has been issued under this chapter shall refuse entry 23096
to the director or the director's authorized representative or 23097
purposely hinder or thwart the director or the director's 23098
authorized representative in the exercise of any authority granted 23099
under division (A) of this section. 23100

Sec. 903.13. In a private civil action for an alleged 23101
nuisance related to agricultural activities conducted at a 23102
concentrated animal feeding facility, it is an affirmative defense 23103
if the person owning, operating, or otherwise responsible for the 23104
concentrated animal feeding facility is in compliance with best 23105
management practices established in the installation permit, or 23106
permit to operate, ~~or review compliance certificate~~ issued for the 23107
concentrated animal feeding facility and the agricultural 23108
activities do not violate federal, state, and local laws governing 23109
nuisances. 23110

Sec. 903.16. (A) The director of agriculture may propose to 23111
require corrective actions and assess a civil penalty against an 23112
owner or operator of a concentrated animal feeding facility if the 23113
director or the director's authorized representative determines 23114
that the owner or operator is not in compliance with section 23115
903.02, or 903.03, ~~or 903.04~~ or division (A) of section 903.07 of 23116
the Revised Code, the terms and conditions of a permit to install, 23117
or permit to operate, ~~or review compliance certificate~~ issued for 23118
the concentrated animal feeding facility, including the 23119
requirements established under division (C) of section 903.06 of 23120

the Revised Code, or rules adopted under division (A), (B), (C), 23121
(D), ~~(E)~~, or ~~(F)~~(I) of section 903.10 of the Revised Code. 23122

However, the director may impose a civil penalty only if all of 23123
the following occur: 23124

(1) The owner or operator is notified in writing of the 23125
deficiencies resulting in noncompliance, the actions that the 23126
owner or operator must take to correct the deficiencies, and the 23127
time period within which the owner or operator must correct the 23128
deficiencies and attain compliance. 23129

(2) After the time period specified in the notice has 23130
elapsed, the director or the director's duly authorized 23131
representative has inspected the concentrated animal feeding 23132
facility, determined that the owner or operator is still not in 23133
compliance, and issued a notice of an adjudication hearing. 23134

(3) The director affords the owner or operator an opportunity 23135
for an adjudication hearing under Chapter 119. of the Revised Code 23136
to challenge the director's determination that the owner or 23137
operator is not in compliance or the imposition of the civil 23138
penalty, or both. However, the owner or operator may waive the 23139
right to an adjudication hearing. 23140

(B) If the opportunity for an adjudication hearing is waived 23141
or if, after an adjudication hearing, the director determines that 23142
a violation has occurred or is occurring, the director may issue 23143
an order requiring compliance and assess the civil penalty. The 23144
order and the assessment of the civil penalty may be appealed in 23145
accordance with section 119.12 of the Revised Code. 23146

Civil penalties shall be assessed under this division as 23147
follows: 23148

(1) A person who has violated section 903.02~~7~~ or 903.03~~7~~ or 23149
~~903.04~~ of the Revised Code, the terms and conditions of a permit 23150

to install, or permit to operate, ~~or review compliance~~ 23151
~~certificate~~, or rules adopted under division (A), (B), (C), (D), 23152
~~(E)~~, or ~~(J)~~(I) of section 903.10 of the Revised Code shall pay a 23153
civil penalty in an amount established in rules unless the 23154
violation is of the requirements established under division (C) of 23155
section 903.06 or division (A) of section 903.07 of the Revised 23156
Code. 23157

(2) A person who has violated the requirements established 23158
under division (C) of section 903.06 of the Revised Code shall pay 23159
a civil penalty in an amount established in rules for each 23160
violation. Each seven-day period during which a violation 23161
continues constitutes a separate violation. 23162

(3) A person who has violated the requirements established 23163
under division (A) of section 903.07 of the Revised Code shall pay 23164
a civil penalty of not more than ten thousand dollars for each 23165
violation. Each thirty-day period during which a violation 23166
continues constitutes a separate violation. 23167

(C) The attorney general, upon the written request of the 23168
director, shall bring an action for an injunction in any court of 23169
competent jurisdiction against any person violating or threatening 23170
to violate section 903.02, or 903.03, ~~or 903.04~~ or division (A) of 23171
section 903.07 of the Revised Code; the terms and conditions of a 23172
permit to install, or permit to operate, ~~or review compliance~~ 23173
~~certificate~~, including the requirements established under division 23174
(C) of section 903.06 of the Revised Code; rules adopted under 23175
division (A), (B), (C), (D), ~~(E)~~, or ~~(J)~~(I) of section 903.10 of 23176
the Revised Code; or an order issued under division (B) of this 23177
section or division (B) of section 903.07 of the Revised Code. 23178

(D)(1) In lieu of seeking civil penalties under division (A) 23179
of this section, the director may request the attorney general, in 23180
writing, to bring an action for a civil penalty in a court of 23181
competent jurisdiction against any person that has violated or is 23182

violating division (A) of section 903.07 of the Revised Code or 23183
the terms and conditions of a permit to install, or permit to 23184
operate, ~~or review compliance certificate~~, including the 23185
requirements established under division (C) of section 903.06 of 23186
the Revised Code. 23187

(2) The director may request the attorney general, in 23188
writing, to bring an action for a civil penalty in a court of 23189
competent jurisdiction against any person that has violated or is 23190
violating section 903.02, or 903.03, ~~or 903.04~~ of the Revised 23191
Code, rules adopted under division (A), (B), (C), (D), ~~(E)~~, or 23192
~~(J)~~(I) of section 903.10 of the Revised Code, or an order issued 23193
under division (B) of this section or division (B) of section 23194
903.07 of the Revised Code. 23195

(3) A person who has committed a violation for which the 23196
attorney general may bring an action for a civil penalty under 23197
division (D)(1) or (2) of this section shall pay a civil penalty 23198
of not more than ten thousand dollars per violation. Each day that 23199
a violation continues constitutes a separate violation. 23200

(E) In addition to any other penalties imposed under this 23201
section, the director may impose an administrative penalty against 23202
an owner or operator of a concentrated animal feeding facility if 23203
the director or the director's authorized representative 23204
determines that the owner or operator is not in compliance with 23205
best management practices that are established in rules adopted 23206
under division (B) or (C) ~~or (D)~~ of section 903.10 of the Revised 23207
Code or in the permit to install, or permit to operate, ~~or review~~ 23208
~~compliance certificate~~ issued for the facility. The administrative 23209
penalty shall not exceed five thousand dollars. 23210

The director shall afford the owner or operator an 23211
opportunity for an adjudication hearing under Chapter 119. of the 23212
Revised Code to challenge the director's determination under this 23213
division, the director's imposition of an administrative penalty 23214

under this division, or both. The director's determination and the 23215
imposition of the administrative penalty may be appealed in 23216
accordance with section 119.12 of the Revised Code. 23217

Sec. 903.17. (A) The director of agriculture may propose to 23218
require corrective actions and assess a civil penalty against an 23219
owner or operator of an animal feeding operation if the director 23220
or the director's authorized representative determines that the 23221
owner or operator is not in compliance with section 903.08 of the 23222
Revised Code, the terms and conditions of a NPDES permit, the 23223
NPDES provisions of a permit to operate, or rules adopted under 23224
division ~~(F)~~(E) of section 903.10 of the Revised Code. However, 23225
the director may impose a civil penalty only if all of the 23226
following occur: 23227

(1) The owner or operator is notified in writing of the 23228
deficiencies resulting in noncompliance, the actions that the 23229
owner or operator must take to correct the deficiencies, and the 23230
time period within which the owner or operator must correct the 23231
deficiencies and attain compliance. 23232

(2) After the time period specified in the notice has 23233
elapsed, the director or the director's duly authorized 23234
representative has inspected the animal feeding operation, 23235
determined that the owner or operator is still not in compliance, 23236
and issued a notice of violation to require corrective actions. 23237

(3) The director affords the owner or operator an opportunity 23238
for an adjudication hearing under Chapter 119. of the Revised Code 23239
to challenge the director's determination that the owner or 23240
operator is not in compliance or the imposition of the civil 23241
penalty, or both. However, the owner or operator may waive the 23242
right to an adjudication hearing. 23243

(B) If the opportunity for an adjudication hearing is waived 23244
or if, after an adjudication hearing, the director determines that 23245

a violation has occurred or is occurring, the director may issue 23246
an order and assess a civil penalty of not more than ten thousand 23247
dollars per violation against the violator. For purposes of 23248
determining the civil penalty, each day that a violation continues 23249
constitutes a separate and distinct violation. The order and the 23250
assessment of the civil penalty may be appealed in accordance with 23251
section 119.12 of the Revised Code. 23252

(C) To the extent consistent with the Federal Water Pollution 23253
Control Act, the director shall consider technical feasibility and 23254
economic costs in issuing orders under this section. 23255

(D)(1) The attorney general, upon the written request of the 23256
director, shall bring an action for an injunction in any court of 23257
competent jurisdiction against any person violating or threatening 23258
to violate section 903.08 of the Revised Code, the terms and 23259
conditions of a NPDES permit, the NPDES provisions of a permit to 23260
operate, rules adopted under division ~~(F)~~(E) of section 903.10 of 23261
the Revised Code, or an order issued under division (B) of this 23262
section. 23263

(2) In lieu of seeking civil penalties under division (A) of 23264
this section, the director may request, in writing, the attorney 23265
general to bring an action for a civil penalty of not more than 23266
ten thousand dollars per violation in a court of competent 23267
jurisdiction against any person that has violated or is violating 23268
section 903.08 of the Revised Code, the terms and conditions of a 23269
NPDES permit, the NPDES provisions of a permit to operate, rules 23270
adopted under division ~~(F)~~(E) of section 903.10 of the Revised 23271
Code, or an order issued under division (B) of this section. For 23272
purposes of determining the civil penalty to be assessed under 23273
division (B) of this section, each day that a violation continues 23274
constitutes a separate and distinct violation. 23275

(E) In addition to any other penalties imposed under this 23276
section, the director may impose an administrative penalty against 23277

an owner or operator of an animal feeding operation if the 23278
director or the director's authorized representative determines 23279
that the owner or operator has discharged pollutants into waters 23280
of the state in violation of section 903.08 of the Revised Code or 23281
the terms and conditions of a NPDES permit or the NPDES provisions 23282
of the permit to operate issued for the operation. The 23283
administrative penalty shall not exceed five thousand dollars. 23284

The director shall afford the owner or operator an 23285
opportunity for an adjudication hearing under Chapter 119. of the 23286
Revised Code to challenge the director's determination under this 23287
division, the director's imposition of an administrative penalty 23288
under this division, or both. The director's determination and the 23289
imposition of the administrative penalty may be appealed in 23290
accordance with section 119.12 of the Revised Code. 23291

Sec. 903.25. An owner or operator of an animal feeding 23292
facility who holds a permit to install, a permit to operate, a 23293
~~review compliance certificate,~~ or a NPDES permit or who is 23294
operating under an operation and management plan, as defined in 23295
section ~~1511.01~~ 939.01 of the Revised Code, developed or approved 23296
by the ~~chief of the division of soil and water resources in the~~ 23297
~~department of natural resources under section 1511.02~~ director of 23298
agriculture under section 939.02 of the Revised Code or by the 23299
supervisors of the appropriate soil and water conservation 23300
district under section ~~1515.08~~ 940.06 of the Revised Code shall 23301
not be required by any political subdivision of the state or any 23302
officer, employee, agency, board, commission, department, or other 23303
instrumentality of a political subdivision to obtain a license, 23304
permit, or other approval pertaining to manure, insects or 23305
rodents, odor, or siting requirements for installation of an 23306
animal feeding facility. 23307

Sec. 905.31. As used in sections 905.31 to 905.503 of the 23308

available and total phosphorus (P) or phosphate (P_2O_5) and the 23339
degree of fineness; 23340

(c) Additional plant nutrients guaranteed expressed as 23341
percentage of elements in the order and form as prescribed by 23342
rules adopted by the director of agriculture. 23343

(G) "Label" means any written or printed matter on the 23344
package or tag attached to it or on the pertinent delivery and 23345
billing invoice. 23346

(H) "Manufacture" means to process, granulate, blend, mix, or 23347
alter the composition of fertilizers for distribution. 23348

(I) "Mixed fertilizer" means any combination or mixture of 23349
fertilizer designed for use, or claimed to have value, in 23350
promoting plant growth, including fertilizer pesticide mixtures. 23351

(J) "Net weight" means the weight of a commodity excluding 23352
any packaging in pounds or metric equivalent, as determined by a 23353
sealed weighing device or other means prescribed by rules adopted 23354
by the director. 23355

(K) "Packaged fertilizer" means any type of fertilizer in 23356
closed containers of not over one hundred pounds or metric 23357
equivalent. 23358

(L) "Per cent" or "percentage" means the percentage of 23359
weight. 23360

(M) "Person" includes any partnership, association, firm, 23361
corporation, company, society, individual or combination of 23362
individuals, institution, park, or public agency administered by 23363
the state or any subdivision of the state. 23364

(N) "Product name" means a coined or specific designation 23365
applied to an individual fertilizer material or mixture of a fixed 23366
composition and derivation. 23367

(O) "Sale" means exchange of ownership or transfer of 23368

custody.	23369
(P) "Official sample" means the sample of fertilizer taken and designated as official by the director.	23370 23371
(Q) "Specialty fertilizer" means any fertilizer designed, labeled, and distributed for uses other than the production of commercial crops.	23372 23373 23374
(R) "Ton" means a net weight of two thousand pounds.	23375
(S) "Fertilizer material" includes any of the following:	23376
(1) A material containing not more than one of the following primary plant nutrients:	23377 23378
(a) Nitrogen (N);	23379
(b) Phosphorus (P);	23380
(c) Potassium (K).	23381
(2) A material that has not less than eighty-five per cent of its plant nutrient content composed of a single chemical compound;	23382 23383
(3) A material that is derived from a residue or by-product of a plant or animal or a natural material deposit and has been processed in such a way that its plant nutrients content has not been materially changed except by purification and concentration.	23384 23385 23386 23387
(T) "Custom mixed fertilizer" means a fertilizer that is not premixed, but that is blended specifically to meet the nutrient needs of one specific customer.	23388 23389 23390
(U) "Director" or "director of agriculture" means the director of agriculture or the director's designee.	23391 23392
(V) "Lot" means an identifiable quantity of fertilizer that may be used as an official sample.	23393 23394
(W) "Unit" means twenty pounds of fertilizer or one per cent of a ton.	23395 23396

(X) "Anhydrous ammonia equipment" means, with regard to the 23397
handling or storage of anhydrous ammonia, a container or 23398
containers with a maximum capacity of not more than four thousand 23399
nine hundred ninety-nine gallons or any appurtenances, pumps, 23400
compressors, or interconnecting pipes associated with such a 23401
container or containers. "Anhydrous ammonia equipment" does not 23402
include equipment for the manufacture of anhydrous ammonia or the 23403
storage of anhydrous ammonia either underground or in refrigerated 23404
structures. 23405

(Y) "Anhydrous ammonia system" or "system" means, with regard 23406
to the handling or storage of anhydrous ammonia, a container or 23407
containers with a minimum capacity of not less than five thousand 23408
gallons or any appurtenances, pumps, compressors, or 23409
interconnecting pipes associated with such a container or 23410
containers. "Anhydrous ammonia system" does not include equipment 23411
for the manufacture of anhydrous ammonia or the storage of 23412
anhydrous ammonia either underground or in refrigerated 23413
structures. 23414

(Z) "Agricultural production" means the cultivation, 23415
primarily for sale, of plants or any parts of plants on more than 23416
fifty acres. "Agricultural production" does not include the use of 23417
start-up fertilizer applied through a planter. 23418

(AA) "Rule" means a rule adopted under section 905.322, 23419
905.40, or 905.44 of the Revised Code, as applicable. 23420

(BB) "Certificate holder" means a person who has been 23421
certified to apply fertilizer under section 905.321 of the Revised 23422
Code and rules adopted under section 905.322 of the Revised Code. 23423

(CC) "Residual farm products" has the same meaning as in 23424
section ~~1511.01~~ 939.01 of the Revised Code. 23425

(DD) "Voluntary nutrient management plan" means any of the 23426
following: 23427

(1) A nutrient management plan that is in the form of the Ohio nutrient management workbook made available by the Ohio state university;

(2) A comprehensive nutrient management plan developed by the United States department of agriculture natural resources conservation service, a technical service provider certified by the conservation service, or a person authorized by the conservation service to develop a plan;

(3) A document that is equivalent to a plan specified in division (DD)(1) or (2) of this section, that is in a form approved by the director or the director's designee, and that contains at least all of the following information:

(a) Results of soil tests conducted on land subject to the plan that comply with the field office technical guide established by the conservation service and adopted by the ~~chief of the division of soil and water resources in the department of natural resources~~ director in rules adopted under division (E) of section ~~1511.02~~ 939.02 of the Revised Code and that are not older than three years;

(b) Documentation of the method and seasonal time of utilization and application of nutrients;

(c) Identification of all nutrients applied, including manure, fertilizer, sewage sludge, and biodigester residue;

(d) Field information regarding land subject to the plan, including the location, spreadable acreage, crops grown, and actual and projected yields.

Sec. 905.323. (A)(1) A person who owns or operates agricultural land may do any of the following:

(a) Develop a voluntary nutrient management plan;

(b) Request any person to develop a voluntary nutrient

management plan on behalf of the person who owns or operates the agricultural land; 23458
23459

(c) Request the supervisors of the applicable soil and water conservation district organized in accordance with Chapter ~~1515-~~ 23460
940. of the Revised Code to develop a voluntary nutrient 23461
management plan on the person's behalf. 23462
23463

(2) A person who owns or operates agricultural land and who 23464
has developed or has had developed a voluntary nutrient management 23465
plan under division (A)(1)(a) or (b) of this section, as 23466
applicable, may request the supervisors of the applicable soil and 23467
water conservation district, the director of agriculture, or the 23468
director's designee to approve the plan. The supervisors, 23469
director, or director's designee shall approve or disapprove the 23470
plan. 23471

(B) If a voluntary nutrient management plan is disapproved 23472
under this section, the person who developed the plan or had it 23473
developed may request an adjudication hearing in accordance with 23474
Chapter 119. of the Revised Code. 23475

(C) A person whose voluntary nutrient management plan is 23476
disapproved may appeal to the court of common pleas of Franklin 23477
county. 23478

(D) After a voluntary nutrient management plan has been 23479
approved under this section, the person who developed the plan or 23480
had it developed shall submit the plan once every five years to 23481
the supervisors of the applicable soil and water conservation 23482
district or the director for review. If after the review the 23483
supervisors or the director determines that the plan needs to be 23484
modified, the supervisors or director shall notify the person who 23485
submitted the plan. The person then shall provide for the 23486
modification of the plan. The procedures and requirements 23487
established in divisions (A) to (C) of this section apply to a 23488

modification of the plan. 23489

Sec. 918.41. If the director of agriculture has not entered 23490
into an agreement with the United States department of agriculture 23491
in compliance with section 918.44 of the Revised Code, ~~he~~ the 23492
director shall establish and maintain a state acceptance service 23493
within the department of agriculture to examine and monitor 23494
compliance by meat and poultry vendors ~~on the list established and~~ 23495
~~maintained by the director of administrative services under~~ 23496
~~section 125.17 of the Revised Code~~ with the specifications of the 23497
state purchase contracts awarded them under section 125.11 of the 23498
Revised Code, and by establishments, as defined in section 918.01 23499
or 918.21 of the Revised Code, subject to state or federal 23500
inspection. State acceptance service shall be made available to 23501
such vendors and establishments within the state from eight a.m. 23502
to five p.m. Monday through Friday. 23503

At least forty-eight hours, excluding Saturday and Sunday, 23504
before the date on which ~~he~~ a vendor or authorized representative 23505
from such an establishment desires examination and monitoring of 23506
the production of meat products, as defined in section 918.01 of 23507
the Revised Code, or poultry products, as defined in section 23508
918.21 of the Revised Code, that ~~he~~ the vendor or establishment 23509
intends to supply to the state under a state purchase contract, a 23510
vendor or authorized representative from such an establishment 23511
shall contact the state acceptance service and request examination 23512
and monitoring. A state acceptor shall examine and monitor the 23513
production of the meat or poultry products to determine whether 23514
there is compliance with the state purchase contract 23515
specifications. The containers of products found to be in 23516
compliance shall be sealed, dated, and marked with an official 23517
mark. The state acceptor shall provide an official acceptance 23518
certificate to accompany each shipment to its destination. 23519

The director shall train and appoint as state acceptors 23520
inspectors, as defined in sections 918.01 and 918.21 of the 23521
Revised Code. 23522

Acceptance may be provided by the United States department of 23523
agriculture at the option of the vendor or authorized 23524
representative of such an establishment. 23525

Sec. 929.03. (A)(1) No public entity with authority to levy 23526
special assessments on real property shall collect an assessment 23527
for purposes of sewer, water, or electrical service on real 23528
property that is within an agricultural district as described in 23529
division (A)(2) of this section without the permission of the 23530
owner, except that any assessment may be collected on a lot 23531
surrounding a dwelling or other structure not used in agricultural 23532
production that does not exceed one acre or the minimum area 23533
required by local zoning or subdivision rules, whichever is the 23534
greater area. 23535

(2) For purposes of division (A)(1) of this section, an 23536
agricultural district is such a district that is established: 23537

(a) In the case of counties, prior to the adoption of a 23538
resolution of necessity by a board of county commissioners, 23539
pursuant to section 6103.05 or 6117.06 of the Revised Code; 23540

(b) In the case of municipal corporations, prior to whichever 23541
of the following occurs first: 23542

(i) The adoption of the resolution of necessity by the 23543
municipal legislative authority, pursuant to section 727.12 or 23544
729.02 of the Revised Code; 23545

(ii) The service of notice on all or some of the owners to be 23546
assessed pursuant to section 729.06 of the Revised Code; 23547

(iii) The adoption of the resolution or ordinance by the 23548
municipal legislative authority declaring the necessity for the 23549

improvement, the costs of which are to be assessed under 23550
procedures authorized by a municipal charter adopted pursuant to 23551
Section 7 of Article XVIII, Ohio Constitution, or, if no such 23552
ordinance or resolution is required under the charter, the service 23553
of the first notice on all or some of the owners of lands to be 23554
assessed, or the adoption of the first ordinance or resolution by 23555
the municipal legislative authority pertaining to the assessment 23556
proceedings under the charter. 23557

(c) In the case of a regional water and sewer district 23558
established pursuant to Chapter 6119. of the Revised Code, prior 23559
to the adoption of a resolution of necessity by the board of 23560
trustees of the district under section 6119.25 of the Revised 23561
Code. 23562

(B) For each special assessment levied by a public entity on 23563
real property within an agricultural district for purposes of 23564
sewer, water, or electrical service, the county auditor shall make 23565
and maintain a list showing: 23566

(1) The name of the owner of each lot, tract, or parcel of 23567
land that is exempt from the collection of the special assessment 23568
under this section; 23569

(2) A description of the exempt land; 23570

(3) The purpose of the special assessment; 23571

(4) The amount of the uncollected assessment on the exempt 23572
land. 23573

In the case of a county project constructed under Chapter 23574
6103. or 6117. of the Revised Code, the county auditor may use a 23575
list provided for in those chapters in lieu of the list required 23576
by division (B) of this section. The auditor shall also record in 23577
the water works record required by section 6103.16 of the Revised 23578
Code or the sewer improvement record required by section 6117.33 23579
of the Revised Code those assessments not collected under this 23580

section. The recording of the assessments does not permit the 23581
collection of the assessments until such time as exempt lands are 23582
withdrawn from agricultural districts or converted to 23583
nonagricultural use. 23584

(C) If at any time any of the owner's exempt land, other than 23585
a lot sold or transferred to a son, daughter, brother, sister, 23586
mother, or father for the purpose of constructing a dwelling in 23587
which the relative will reside for at least three years, is 23588
withdrawn from an agricultural district or if the owner of the 23589
exempt land uses on that land the service for which the special 23590
assessment was assessed, the public entity may collect the entire 23591
uncollected assessment, except as otherwise provided in this 23592
division, in addition to an amount equal to the rate of interest 23593
that any bonds or notes issued for the project for which the 23594
assessment was made did bear for the number of years the land was 23595
exempted, not to exceed twenty-five or the number of years for 23596
which the bonds or notes were issued, whichever is the lesser 23597
number. The owner shall notify the county auditor of any 23598
withdrawal from a district or use of the service within ninety 23599
days following the withdrawal or use of the service. The charge 23600
shall constitute a lien of the public entity upon the land and 23601
shall continue until discharged. All liens shall be recorded in 23602
the appropriate county recorder's office. Moneys collected as a 23603
result of the charge shall be deposited in the appropriate fund of 23604
the public entity that levied the special assessment. 23605

If the owner of exempt land sells or transfers a lot to the 23606
owner's son, daughter, brother, sister, mother, or father for the 23607
purpose of constructing a dwelling in which the relative will 23608
reside for at least three years, and if the owner or the buyer of 23609
the lot uses the service for which the special assessment was 23610
assessed only to provide service to that lot, the owner of the lot 23611
shall pay only that portion of the uncollected assessment and 23612

interest that applies to the lot. 23613

If at any time any part of an owner's exempt land is 23614
appropriated, the owner shall pay only that portion of the 23615
uncollected assessment and interest that applies to the 23616
appropriated parcel of land. 23617

In lieu of immediate payment of the uncollected assessment 23618
and interest, the board of county commissioners, legislative 23619
authority of a municipal corporation, or other governing board of 23620
any other public entity may, upon the request of the owner, 23621
establish an extended repayment schedule for the owner. If the 23622
board, legislative authority, or other governing board establishes 23623
such a schedule, it shall notify the county auditor of the 23624
schedule. 23625

(D) A board of county commissioners, legislative authority of 23626
a municipal corporation, or other governing board of any other 23627
public entity may apply to the Ohio public works commission 23628
created by section 164.02 of the Revised Code for an advance of 23629
money from the sewer development advancement fund created by 23630
section 164.13 of the Revised Code in an amount equal to that 23631
portion of the costs of a water or sewer improvement authorized by 23632
law that is to be financed by assessments whose collection is 23633
prohibited under division (A) of this section. The application for 23634
such an advance of money shall be made in the manner prescribed in 23635
policies and procedures established by the director of the 23636
commission. Upon collection of any assessment whose collection was 23637
prohibited under division (A) of this section, the board of county 23638
commissioners, legislative authority, or other governing board 23639
shall repay the commission the amount of any money advanced by it 23640
in regard to the assessment. 23641

Sec. 931.01. As used in this chapter: 23642

(A) "Agriculture" has the same meaning as in section 1.61 of 23643

the Revised Code. 23644

(B) "Best management practices" means the engagement of 23645
agricultural production and management, including practices such 23646
as manure handling, tillage, forestry management, and similar 23647
practices, in a manner that is generally accepted in the 23648
agriculture industry and that is approved by any of the following: 23649

(1) The United States department of agriculture; 23650

(2) The natural resources conservation service in the United 23651
States department of agriculture; 23652

(3) The department of ~~natural resources~~ agriculture; 23653

(4) A soil and water conservation district established under 23654
Chapter ~~1515-~~ 940. of the Revised Code; 23655

(5) With respect to organic or sustainable production 23656
methods, a conservation professional whom the director of 23657
agriculture approves as having expertise in those methods. 23658

(C) "Contiguous farmland" means any of the following: 23659

(1) Geographically contiguous property used for agriculture; 23660

(2) Noncontiguous property used for agriculture that is owned 23661
by one person and connected by a right-of-way that the person 23662
controls and to which the public does not have access; 23663

(3) Two or more pieces of property used for agriculture that 23664
would be geographically contiguous but for the fact that the 23665
property is separated by a public or private right-of-way or 23666
rights-of-way or by rivers, streams, creeks, or other bodies of 23667
water. 23668

Sec. 931.02. (A) Land that is located in the unincorporated 23669
area of a township or county may be enrolled in an agricultural 23670
security area through the submittal of an application to the board 23671
of township trustees of each township and to the board of county 23672

commissioners of each county in which the land is located 23673
requesting the establishment of such an area. Land that is located 23674
in a municipal corporation and land that is located in territory 23675
that is proposed to be annexed to a municipal corporation by a 23676
pending proceeding before the board of county commissioners or in 23677
any court of competent jurisdiction shall not be included in an 23678
agricultural security area. 23679

If all of the land sought to be enrolled in the agricultural 23680
security area is owned by the same person, that person shall 23681
submit the application to the required boards. If the land sought 23682
to be enrolled consists of parcels owned by different persons who 23683
have aggregated their parcels, either each owner may submit a 23684
separate application to the required boards or all of the owners 23685
collectively may submit one application for the entire 23686
agricultural security area to the required boards. 23687

An application shall be on the form that the director of 23688
agriculture prescribes. The director shall provide copies of the 23689
application form to county auditors. 23690

An application shall be signed by each applicant who is 23691
submitting it and shall contain all of the following: 23692

(1) The first, middle, and last name of the applicant or 23693
applicants; 23694

(2) Information concerning any property interest in the land 23695
sought to be enrolled in an agricultural security area that is 23696
held by a person other than the applicant or applicants, 23697
including, without limitation, mineral rights or easements in the 23698
land that are held by a person other than the applicant or 23699
applicants and any other interest in the land that may not be 23700
conducive to agriculture and that is held by another person; 23701

(3) A statement by each applicant who is submitting the 23702
application that the applicant will not initiate, approve, or 23703

finance any new development for nonagricultural purposes on the 23704
land that is proposed to be enrolled in an agricultural security 23705
area during the ten-year period of the enrollment, except as is 23706
otherwise authorized under division (A) of section 931.04 of the 23707
Revised Code. For purposes of division (A)(3) of this section, 23708
"new development" includes, without limitation, an applicant's 23709
transfer to another person of the ownership of a property interest 23710
in the land that occurs during the period beginning on the date 23711
that the application is submitted and ending on the date that the 23712
ten-year period of enrollment is scheduled to expire, except as 23713
otherwise provided in division (D) of this section. "New 23714
development" does not include taking any actions that are 23715
authorized under property rights in the land, such as mineral 23716
rights or easements, that were transferred to a person other than 23717
an applicant prior to the date that the application is submitted. 23718
In addition, "new development" does not include the construction, 23719
modification, or operation of wind energy-producing facilities, 23720
including windmills and wind turbines, the grant of easements for 23721
or the construction, modification, or operation of transmission or 23722
distribution lines for electricity, gas, or oil or of any 23723
gathering or production lines for oil or gas, or the grant of new 23724
mineral leases, or the drilling or operation of any oil or gas 23725
well on or in connection with the land, provided that such 23726
activities do not cause the land to become ineligible for 23727
valuation and assessment for real property tax purposes in 23728
accordance with its current agricultural use value under sections 23729
5713.30 to 5713.38 of the Revised Code. 23730

(4) A listing of all administrative enforcement orders issued 23731
to each applicant who is submitting the application, all civil 23732
actions in which an applicant was determined by the trier of fact 23733
to be liable in damages or was the subject of injunctive relief or 23734
another type of civil relief, and all criminal actions in which an 23735
applicant pleaded guilty or was convicted, during the ten years 23736

immediately preceding the date of submission of the application, 23737
in connection with any violation of environmental laws or similar 23738
laws of another state. As used in division (A)(4) of this section, 23739
"environmental laws" has the same meaning as in section 3745.70 of 23740
the Revised Code. 23741

(5) A statement from the natural resources conservation 23742
service in the United States department of agriculture, a soil and 23743
water conservation district with jurisdiction over the land to 23744
which the application applies, or any other conservation 23745
professional approved by the director that, at the time of the 23746
application, each applicant who is submitting the application is 23747
complying with best management practices; 23748

(6) A map that complies with all of the following: 23749

(a) Is prepared by a regional or county planning commission 23750
established under section 713.21 of the Revised Code; a 23751
professional engineer, including a county engineer, or surveyor 23752
registered under Chapter 4733. of the Revised Code; a soil and 23753
water conservation district created pursuant to section ~~1515.03~~ 23754
940.03 of the Revised Code; or the natural resources conservation 23755
service; 23756

(b) Identifies the area of land to which the application 23757
applies and includes the corresponding parcel number that the 23758
county auditor has assigned under section 319.28 of the Revised 23759
Code to each parcel of land that comprises that area; 23760

(c) Shows the boundaries of the land to be enrolled in an 23761
agricultural security area; 23762

(d) Shows the names and locations of all streams, creeks, or 23763
other bodies of water, roads, rights-of-way, and railroads 23764
together with any existing residential, recreational, commercial, 23765
or industrial facilities that are situated on the land to be 23766
included in the area and within five hundred feet of the perimeter 23767

of the area. The map also shall show the location of all utility, 23768
water, and sewer lines that are situated on the land to be 23769
included in the area and within five hundred feet of the perimeter 23770
of the area unless the board of county commissioners of each 23771
county and the board of township trustees of each township in 23772
which the land is located exempts the application from that 23773
requirement because the information generally is not readily 23774
available. 23775

(e) Indicates the date on which the map was prepared; 23776

(f) Identifies the person or persons who prepared the map. 23777

(7) A list of the other boards of township trustees and 23778
boards of county commissioners to whom an application has been 23779
submitted. 23780

An application submitted under this section is a public 23781
record. 23782

A board of township trustees and a board of county 23783
commissioners each may establish a reasonable fee or schedule of 23784
fees to be paid at the time that an application is submitted for 23785
the purpose of paying the costs of public notice and certified 23786
mail that are incurred in any proceedings conducted under this 23787
chapter. The clerk of the board shall maintain an accurate and 23788
detailed accounting of all money that is received and expended in 23789
the processing of an application and shall return to the applicant 23790
any unused portion of the fee or fees after the conclusion of the 23791
proceedings. 23792

(B) An area shall be established as an agricultural security 23793
area when all of the following criteria are satisfied: 23794

(1) The area consists of not less than five hundred acres of 23795
contiguous farmland that is located in the unincorporated area of 23796
a township or county. In order to satisfy this requirement, two or 23797
more owners of contiguous farmland may aggregate their land. 23798

(2) The land forming the area is in an agricultural district or districts established under Chapter 929. of the Revised Code. 23799
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(3) The land forming the area is valued and assessed for real property tax purposes in accordance with its current agricultural use value under sections 5713.30 to 5713.38 of the Revised Code. 23801
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Land forming the area that is a portion of a farm on which is 23804
located a dwelling house, a yard, or outbuildings such as a barn 23805
or garage shall be deemed to satisfy the criteria established in 23806
divisions (B)(1) and (3) of this section. 23807

(4) Each application submitted by the owner or owners of the land forming the area is approved under section 931.03 of the Revised Code by the boards of township trustees of all of the townships in which the land is located. 23808
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(5) Each application submitted by the owner or owners of the land forming the area is approved under section 931.03 of the Revised Code by the boards of county commissioners of all of the counties in which the land is located. 23812
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(C) Additional contiguous farmland may be enrolled in an existing agricultural security area during a partially elapsed ten-year enrollment period either by a landowner who already has land enrolled in the agricultural security area or by a landowner who does not already have land enrolled in the agricultural security area. To enroll additional contiguous land in an existing agricultural security area under this division, a landowner shall obtain permission from each owner of land that already is enrolled in the agricultural security area, submit an application in accordance with this section, and obtain approval of the application from all appropriate boards of township trustees and boards of county commissioners in accordance with section 931.03 of the Revised Code. Enrollment of the additional land in the existing agricultural security area shall continue until the expiration of the current, partially elapsed ten-year enrollment 23816
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period and may be renewed in accordance with section 931.06 of the Revised Code. 23831
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(D) If an owner of land that is enrolled in an agricultural security area transfers the land to another person during a partially elapsed ten-year enrollment period, the land may remain in the agricultural security area until the expiration of that period, provided that both of the following apply: 23833
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(1) The transferee certifies and submits a statement, together with the transferee's first, middle, and last name and a description of the transferred land, to the appropriate boards of township trustees and boards of county commissioners specifying that, in accordance with division (A)(3) of this section, the transferee will not initiate, approve, or finance any new development for nonagricultural purposes on the transferred land during the remainder of the partially elapsed ten-year enrollment period. Upon receipt of the statement, the boards of township trustees and boards of county commissioners shall adopt a resolution acknowledging the receipt. 23838
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(2) The transferred land continues to satisfy the criteria established in divisions (B)(2) and (3) of this section during the remainder of the partially elapsed ten-year enrollment period. 23849
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Divisions (A), (B), and (C) of section 931.03 of the Revised Code do not apply to the continued inclusion of such transferred land in an agricultural security area. Upon the expiration of the partially elapsed ten-year enrollment period, enrollment in the agricultural security area may be renewed in accordance with section 931.06 of the Revised Code. 23852
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Sec. 939.01. As used in this chapter: 23858

(A) "Agricultural pollution" means failure to use management or conservation practices in farming operations to abate wind or 23859
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water erosion of the soil or to abate the degradation of the 23861
waters of the state by residual farm products, manure, or soil 23862
sediment, including attached substances. 23863

(B) "Animal feeding operation" means the production area, as 23864
defined in section 903.01 of the Revised Code, of an agricultural 23865
operation where agricultural animals are kept and raised in 23866
confined areas. "Animal feeding operation" does not include a 23867
facility that possesses a permit issued under Chapter 903. or 23868
division (J) of section 6111.03 of the Revised Code. 23869

(C) "Best management practices" means practices or a 23870
combination of practices that are determined to be the most 23871
effective and practicable means of preventing or reducing 23872
agricultural pollution sources to a level compatible with the 23873
attainment of applicable water quality standards. "Best management 23874
practices" includes structural and nonstructural practices, 23875
conservation practices, and operation and maintenance procedures. 23876

(D) "Composting" means the controlled decomposition of 23877
organic solid material consisting of dead animals that stabilizes 23878
the organic fraction of the material. 23879

(E) "Conservation" means the wise use and management of 23880
natural resources. 23881

(F) "Manure" means animal excreta. 23882

(G) "Ohio soil and water conservation commission" means the 23883
Ohio soil and water conservation commission established in section 23884
940.02 of the Revised Code. 23885

(H) "Operation and management plan" means a written record, 23886
developed or approved by the director of agriculture, the 23887
director's designee, or the board of supervisors of a soil and 23888
water conservation district, for the owner or operator of 23889
agricultural land or an animal feeding operation that contains 23890
both of the following: 23891

(1) Implementation schedules and operational procedures for a level of management and pollution abatement practices that will abate the degradation of the waters of the state by residual farm products, manure, and soil sediment, including attached pollutants; 23892
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(2) Best management practices that are to be used by the owner or operator. 23897
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(I) "Pollution abatement practice" means any erosion control, residual farm products, or manure pollution abatement facility, structure, or procedure and the operation and management associated with it as contained in an operation and management plan. 23899
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(J) "Residual farm products" means bedding, wash waters, waste feed, and silage drainage. "Residual farm products" also includes the compost products resulting from the composting of dead animals in operations subject to section 939.04 of the Revised Code when either of the following applies: 23904
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(1) The composting is conducted by the person who raises the animals and the compost product is used in agricultural operations owned or operated by that person regardless of whether the person owns the animals. 23909
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(2) The composting is conducted by the person who owns the animals, but does not raise them and the compost product is used in agricultural operations either by a person who raises the animals or by a person who raises grain that is used to feed them and that is supplied by the owner of the animals. 23913
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(K) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code. 23918
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(L) "Waters of the state" means all streams, lakes, ponds, wetlands, watercourses, waterways, wells, springs, irrigation systems, drainage systems, and other bodies or accumulations of 23920
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water, surface and underground, natural or artificial, regardless 23923
of the depth of the strata in which underground water is located, 23924
that are situated wholly or partly within, or border on, this 23925
state or are within its jurisdiction, except those private waters 23926
that do not combine or effect a junction with natural surface or 23927
underground waters. 23928

~~Sec. 1511.02~~ 939.02. The ~~chief of the division of soil and~~ 23929
~~water resources, subject to the approval of the director of~~ 23930
~~natural resources,~~ agriculture shall do all of the following: 23931

(A) Provide administrative leadership to soil and water 23932
conservation districts in planning, budgeting, staffing, and 23933
administering district programs and the training of district 23934
supervisors and personnel in their duties, responsibilities, and 23935
authorities as prescribed in this chapter and Chapter ~~1515.~~ 940. 23936
of the Revised Code; 23937

(B) Administer this chapter and Chapter ~~1515.~~ 940. of the 23938
Revised Code pertaining to state responsibilities and provide 23939
staff assistance to the Ohio soil and water conservation 23940
commission in exercising its statutory responsibilities; 23941

(C) Assist in expediting state responsibilities for watershed 23942
development and other natural resource conservation works of 23943
improvement; 23944

(D) Coordinate the development and implementation of 23945
cooperative programs and working agreements between soil and water 23946
conservation districts and ~~divisions or sections of the department~~ 23947
of ~~natural resources,~~ agriculture or other agencies of local, 23948
state, and federal government; 23949

(E) Subject to the approval of the Ohio soil and water 23950
conservation commission, adopt, ~~amend, or rescind~~ rules pursuant 23951
~~to~~ in accordance with Chapter 119. of the Revised Code. ~~Rules~~ 23952

~~adopted pursuant to this section that do or comply with all of the~~ 23953
following: 23954

(1) ~~Shall establish~~ Establish technically feasible and 23955
economically reasonable standards to achieve a level of management 23956
and conservation practices in farming ~~or silvicultural~~ operations 23957
that will abate wind or water erosion of the soil or abate the 23958
degradation of the waters of the state by residual farm products, 23959
manure, or soil sediment, including attached substances ~~attached~~ 23960
~~thereto~~, and establish criteria for determination of the 23961
acceptability of such management and conservation practices; 23962

(2) ~~Shall establish technically feasible and economically~~ 23963
~~reasonable standards to achieve a level of management and~~ 23964
~~conservation practices that will abate wind or water erosion of~~ 23965
~~the soil or abate the degradation of the waters of the state by~~ 23966
~~soil sediment in conjunction with land grading, excavating,~~ 23967
~~filling, or other soil disturbing activities on land used or being~~ 23968
~~developed for nonfarm commercial, industrial, residential, or~~ 23969
~~other nonfarm purposes, and establish criteria for determination~~ 23970
~~of the acceptability of such management and conservation~~ 23971
~~practices. The standards shall be designed to implement applicable~~ 23972
~~areawide waste treatment management plans prepared under section~~ 23973
~~208 of the "Federal Water Pollution Control Act," 86 Stat. 816~~ 23974
~~(1972), 33 U.S.C.A. 1288, as amended. The standards and criteria~~ 23975
~~shall not apply in any municipal corporation or county that adopts~~ 23976
~~ordinances or rules pertaining to sediment control, nor to lands~~ 23977
~~being used in a strip mine operation as defined in section 1513.01~~ 23978
~~of the Revised Code, nor to lands being used in a surface mining~~ 23979
~~operation as defined in section 1514.01 of the Revised Code.~~ 23980

(3) ~~May recommend criteria and procedures for the approval of~~ 23981
~~urban sediment pollution abatement plans and issuance of permits~~ 23982
~~prior to any grading, excavating, filling, or other whole or~~ 23983
~~partial disturbance of five or more contiguous acres of land owned~~ 23984

~~by one person or operated as one development unit and require~~ 23985
~~implementation of such a plan. Areas of less than five contiguous~~ 23986
~~acres are not exempt from compliance with other provisions of this~~ 23987
~~chapter and rules adopted under them.~~ 23988

~~(4) Shall establish~~ Establish procedures for administration 23989
of rules for agricultural pollution abatement ~~and urban sediment~~ 23990
~~pollution abatement~~ and for enforcement of those rules ~~for~~ 23991
~~agricultural pollution abatement;~~ 23992

~~(5) Shall specify~~ (3) Specify the pollution abatement 23993
practices eligible for state cost sharing and determine the 23994
conditions for eligibility, the construction standards and 23995
specifications, the useful life, the maintenance requirements, and 23996
the limits of cost sharing for those practices. Eligible practices 23997
shall be limited to practices that address agricultural ~~or~~ 23998
~~silvicultural~~ operations and that require expenditures that are 23999
likely to exceed the economic returns to the owner or operator and 24000
that abate soil erosion or degradation of the waters of the state 24001
by residual farm products, manure, or soil sediment, including 24002
attached pollutants ~~attached thereto.~~ 24003

~~(6) Shall establish~~ (4) Establish procedures for 24004
administering grants to owners or operators of agricultural land 24005
or animal feeding operations for the implementation of operation 24006
and management plans; 24007

~~(7) Shall establish procedures for administering grants to~~ 24008
~~soil and water conservation districts for urban sediment pollution~~ 24009
~~abatement programs, specify the types of projects eligible for~~ 24010
~~grants, establish limits on the availability of grants, and~~ 24011
~~establish requirements governing the execution of projects to~~ 24012
~~encourage the reduction of erosion and sedimentation associated~~ 24013
~~with soil disturbing activities;~~ 24014

~~(8) Shall do all~~ (5) Do both of the following with regard to 24015

composting conducted in conjunction with agricultural operations: 24016

~~(a) Provide for the distribution of educational material 24017
concerning composting to the offices of OSU extension for the 24018
purposes of section 1511.022 of the Revised Code; 24019~~

~~(b) Establish methods, techniques, or practices for 24020
composting dead animals, or particular types of dead animals, that 24021
are to be used at such operations, as the chief director considers 24022
to be necessary or appropriate; 24023~~

~~(c) Establish requirements and procedures governing the 24024
review and approval or disapproval of composting plans by the 24025
supervisors of soil and water conservation districts under 24026
division ~~(Q)~~(R) of section ~~1515.08~~ 940.06 of the Revised Code. 24027~~

~~(9) Shall be adopted, amended, or rescinded after the chief 24028
does all of the following: 24029~~

~~(a) Mails notice to each statewide organization that the 24030
chief determines represents persons or local governmental agencies 24031
who would be affected by the proposed rule, amendment thereto, or 24032
rescission thereof at least thirty five days before any public 24033
hearing thereon; 24034~~

~~(b) Mails a copy of each proposed rule, amendment thereto, or 24035
rescission thereof to any person who requests a copy, within five 24036
days after receipt of the request; 24037~~

~~(c) Consults with appropriate state and local governmental 24038
agencies or their representatives, including statewide 24039
organizations of local governmental officials, industrial 24040
representatives, and other interested persons; 24041~~

~~(d) If the rule relates to agricultural pollution abatement, 24042
develops an economic impact statement concerning the effect of the 24043
proposed rule or amendment. 24044~~

~~(10) Shall not (6) Establish best management practices for 24045~~

inclusion in operation and management plans; 24046

(7) Establish the amount of civil penalties assessed by the 24047
director under division (B) of section 939.07 of the Revised Code 24048
for violation of rules adopted under division (E) of this section; 24049

(8) Not conflict with air or water quality standards adopted 24050
pursuant to section 3704.03 or 6111.041 of the Revised Code. 24051
Compliance with rules adopted ~~pursuant to~~ under this section does 24052
not affect liability for noncompliance with air or water quality 24053
standards adopted pursuant to section 3704.03 or 6111.041 of the 24054
Revised Code. The application of a level of management and 24055
conservation practices recommended under this section to control 24056
windblown soil from farming operations creates a presumption of 24057
compliance with section 3704.03 of the Revised Code as that 24058
section applies to windblown soil. 24059

~~(11) Insofar as the rules relate to urban sediment pollution,~~ 24060
~~shall not be applicable in a municipal corporation or county that~~ 24061
~~adopts ordinances or rules for urban sediment control, except that~~ 24062
~~a municipal corporation or county that adopts such ordinances or~~ 24063
~~rules may receive moneys for urban sediment control that are~~ 24064
~~disbursed by the board of supervisors of the applicable soil and~~ 24065
~~water conservation district under division (N) of section 1515.08~~ 24066
~~of the Revised Code. The rules shall not exempt any person from~~ 24067
~~compliance with municipal ordinances enacted pursuant to Section 3~~ 24068
~~of Article XVIII, Ohio Constitution.~~ 24069

(F) Cost share with landowners on practices established 24070
pursuant to division (E)~~(5)~~(3) of this section as moneys are 24071
appropriated and available for that purpose. Any practice for 24072
which cost share is provided shall be maintained for its useful 24073
life. Failure to maintain a cost share practice for its useful 24074
life shall subject the landowner to full repayment to the ~~division~~ 24075
department. 24076

(G) ~~Issue orders requiring compliance with any rule adopted under division (E)(1) of this section or with section 1511.022 of the Revised Code. Before the chief issues an order, the chief shall afford each person allegedly liable an adjudication hearing under Chapter 119. of the Revised Code. The chief may require in an order that a person who has caused agricultural pollution by failure to comply with the standards established under division (E)(1) of this section operate under an operation and management plan approved by the chief under this section. The chief shall require in an order that a person who has failed to comply with division (A) of section 1511.022 of the Revised Code prepare a composting plan in accordance with rules adopted under division (E)(8)(c) of this section and operate in accordance with that plan or that a person who has failed to operate in accordance with such a plan begin to operate in accordance with it. Each order shall be issued in writing and contain a finding by the chief of the facts upon which the order is based and the standard that is not being met.~~ 24077
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~~(H)~~ Employ field assistants and ~~such~~ other employees as that are necessary for the performance of the work prescribed by Chapter ~~1515.~~ 940. of the Revised Code, for performance of work of the ~~division~~ department under this chapter, and as agreed to under working agreements or contractual arrangements with soil and water conservation districts, prescribe their duties, and fix their compensation in accordance with ~~such~~ schedules as that are provided by law for the compensation of state employees. All 24095
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All such employees of the ~~division~~ department, unless specifically exempted by law, shall be employed subject to the classified civil service laws in force at the time of employment. 24103
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~~(I)~~(H) In connection with new or relocated projects involving highways, underground cables, pipelines, railroads, and other improvements affecting soil and water resources, including surface 24106
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and subsurface drainage:	24109
(1) Provide engineering service as <u>that</u> is mutually agreeable	24110
to the Ohio soil and water conservation commission and the	24111
director to aid in the design and installation of soil and water	24112
conservation practices as a necessary component of such projects;	24113
(2) Maintain close liaison between the owners of lands on	24114
which the projects are executed, soil and water conservation	24115
districts, and authorities responsible for such projects;	24116
(3) Review plans for such projects to ensure their compliance	24117
with standards developed under division (E) of this section in	24118
cooperation with the department of transportation or with any	24119
other interested agency that is engaged in soil or water	24120
conservation projects in the state in order to minimize adverse	24121
impacts on soil and water resources adjacent to or otherwise	24122
affected by these projects;	24123
(4) Recommend measures to retard erosion and protect soil and	24124
water resources through the installation of water impoundment or	24125
other soil and water conservation practices;	24126
(5) Cooperate with other agencies and subdivisions of the	24127
state to protect the agricultural status of rural lands adjacent	24128
to such projects and control adverse impacts on soil and water	24129
resources.	24130
(F) <u>(I)</u> Collect, analyze, inventory, and interpret all	24131
available information pertaining to the origin, distribution,	24132
extent, use, and conservation of the soil resources of the state;	24133
(K) <u>(J)</u> Prepare and maintain up-to-date reports, maps, and	24134
other materials pertaining to the soil resources of the state and	24135
their use and make that information available to governmental	24136
agencies, public officials, conservation entities, and the public;	24137
(L) <u>(K)</u> Provide soil and water conservation districts with	24138

technical assistance including on-site soil investigations and 24139
soil interpretation reports on the suitability or limitations of 24140
soil to support a particular use or to plan soil conservation 24141
measures. The assistance shall be ~~upon such~~ on terms ~~as~~ that are 24142
mutually agreeable to the districts and the department of ~~natural~~ 24143
~~resources~~ agriculture. 24144

~~(M)~~(L) Assist local government officials in utilizing land 24145
use planning and zoning, current agricultural use value 24146
assessment, development reviews, and land management activities; 24147

~~(N)~~(M) When necessary for the purposes of this chapter or 24148
Chapter ~~1515-~~ 940. of the Revised Code, develop or approve 24149
operation and management plans. The director may designate an 24150
employee of the department to develop or approve operation and 24151
management plans in lieu of the director. 24152

This section does not restrict the manure of domestic or farm 24153
animals defecated on land outside an animal feeding operation or 24154
runoff ~~therefrom~~ from that land into the waters of the state. 24155

Sec. ~~1511.021~~ 939.03. (A) ~~Any~~ A person who owns or operates 24156
agricultural land or an animal feeding operation may develop and 24157
operate under an operation and management plan approved by the 24158
~~chief of the division of soil and water resources~~ director of 24159
agriculture or the director's designee under section ~~1511.02~~ 24160
939.02 of the Revised Code or by the supervisors of the applicable 24161
soil and water conservation district under section ~~1515.08~~ 940.06 24162
of the Revised Code. 24163

(B) ~~Any~~ A person who wishes to make a complaint regarding 24164
nuisances involving agricultural pollution may do so orally or by 24165
submitting a written, signed, and dated complaint to the ~~chief~~ 24166
director or to the ~~chief's~~ director's designee. After receiving an 24167
oral complaint, the ~~chief~~ director or the ~~chief's~~ director's 24168
designee may cause an investigation to be conducted to determine 24169

whether agricultural pollution has occurred or is imminent. After 24170
receiving a written, signed, and dated complaint, the ~~chief~~ 24171
director or the ~~chief's~~ director's designee shall cause such an 24172
investigation to be conducted. 24173

(C) In a private civil action for nuisances involving 24174
agricultural pollution, it is an affirmative defense if the person 24175
owning, operating, or otherwise responsible for agricultural land 24176
or an animal feeding operation is operating under and in 24177
substantial compliance with an approved operation and management 24178
plan developed under division (A) of this section, with an 24179
operation and management plan developed by the ~~chief~~ director or 24180
the director's designee under section ~~1511.02~~ 939.02 of the 24181
Revised Code or by the supervisors of the applicable soil and 24182
water conservation district under section ~~1515.08~~ 940.06 of the 24183
Revised Code, or with an operation and management plan required ~~by~~ 24184
~~an order issued by the chief~~ under division ~~(G)~~(A)(2) of section 24185
~~1511.02~~ 939.02 of the Revised Code. Nothing in this section is in 24186
derogation of the authority granted to the ~~chief~~ director in 24187
division (E) of section ~~1511.02~~ 939.02 and in section ~~1511.07~~ 24188
939.07 of the Revised Code. 24189

Sec. ~~1511.022~~ 939.04. (A) ~~Any~~ A person who owns or operates 24190
an agricultural operation, or owns the animals raised by the owner 24191
or operator of an agricultural operation, and who wishes to 24192
conduct composting of dead animals resulting from the agricultural 24193
operation shall do both of the following: 24194

(1) Participate in an educational course concerning 24195
composting conducted by OSU extension and obtain a certificate of 24196
completion for the course; 24197

(2) Use the appropriate method, technique, or practice of 24198
composting established in rules adopted under division ~~(E)~~(8)(5) 24199
of section ~~1511.02~~ 939.02 of the Revised Code. 24200

(B) ~~Any~~ A person who fails to comply with division (A) of 24201
this section shall prepare and operate under a composting plan ~~in~~ 24202
~~accordance with an order issued~~ required by the ~~chief of the~~ 24203
~~division of soil and water resources~~ director of agriculture under 24204
division ~~(G)~~(A)(2) of section ~~1511.02~~ 939.02 of the Revised Code. 24205
If the person's proposed composting plan is disapproved by the 24206
~~board of~~ supervisors of the appropriate soil and water 24207
conservation district under division ~~(Q)~~(R)(3) of section ~~1515.08~~ 24208
940.06 of the Revised Code, the person may appeal the plan 24209
disapproval to the ~~chief~~ director, who shall afford the person a 24210
hearing. Following the hearing, the ~~chief~~ director shall uphold 24211
the plan disapproval or reverse it. If the ~~chief~~ director reverses 24212
the disapproval, the plan shall be deemed approved. 24213

Sec. ~~1511.05~~ 939.05. The ~~chief of the division of soil and~~ 24214
~~water resources~~ director of agriculture, subject to approval of 24215
the terms of the agreement by the Ohio soil and water conservation 24216
commission, shall enter into cooperative agreements with the ~~board~~ 24217
~~of~~ supervisors of ~~any~~ a soil and water conservation district 24218
desiring to enter into ~~such~~ those agreements pursuant to section 24219
~~1515.08~~ 940.06 of the Revised Code. ~~Such~~ The agreements shall be 24220
entered into to obtain compliance with rules ~~and orders~~ of the 24221
~~chief~~ director pertaining to agricultural pollution abatement ~~and~~ 24222
~~urban sediment pollution abatement.~~ 24223

The ~~chief or any person designated by the chief~~ director or 24224
~~the director's designee~~ may ~~upon obtaining agreement with the~~ 24225
~~owner, tenant, or manager of any land, public or private,~~ enter 24226
~~thereon at reasonable times on private property, with the consent~~ 24227
~~of the property owner, or on public property to make inspections~~ 24228
inspect and investigate conditions to determine whether or not 24229
there is compliance with the rules adopted under division (E)(1) 24230
of section ~~1511.02~~ 939.02 of the Revised Code. Upon reason to 24231
believe there is a violation, the ~~chief or the chief's~~ director or 24232

the director's designee may apply for and a judge of the court of 24233
common pleas for the county where the land is located may issue an 24234
appropriate ~~inspection~~ search warrant as necessary to achieve the 24235
purposes of this chapter. 24236

Sec. 1511.03 939.06. ~~The chief of the division of soil and~~ 24237
~~water resources may enter~~ director of agriculture may do any of 24238
the following: 24239

(A) Enter into contracts or agreements, ~~with the approval of~~ 24240
~~the director of natural resources,~~ with any agency of the United 24241
States government, or any other public or private agency, or 24242
organization, for the performance of the prescribed duties of the 24243
~~division,~~ department of agriculture under this chapter and Chapter 24244
940. of the Revised Code or for accomplishing cooperative projects 24245
within the ~~designated duties of the division~~ scope of those 24246
duties; 24247

(B) Enter into agreements with local government agencies for 24248
the purpose of soil surveys, land use inventories, and other 24249
soil-related duties; 24250

(C) Accept donations, grants, and contributions in money, 24251
service, or equipment to enhance or expedite the prescribed work 24252
of the department. 24253

Sec. 939.07. (A)(1) The director of agriculture may propose 24254
to require corrective actions and assess a civil penalty against 24255
the owner or operator of agricultural land or an animal feeding 24256
operation if the director or the director's designee determines 24257
that the owner or operator is doing one of the following: 24258

(a) Not complying with a standard established in rules 24259
adopted under division (E)(1) of section 939.02 of the Revised 24260
Code; 24261

(b) Not operating in accordance with an approved operation 24262

<u>and management plan that is developed under division (A) of</u>	24263
<u>section 939.03 of the Revised Code, with an operation and</u>	24264
<u>management plan developed by the director or the director's</u>	24265
<u>designee under section 939.02 of the Revised Code or by the</u>	24266
<u>supervisors of the applicable soil and water conservation district</u>	24267
<u>under section 940.06 of the Revised Code, or with an operation and</u>	24268
<u>management plan required by the director under division (A)(2) of</u>	24269
<u>this section;</u>	24270
<u>(c) Not complying with a standard established in rules</u>	24271
<u>adopted under division (E)(5)(a) of section 939.02 of the Revised</u>	24272
<u>Code;</u>	24273
<u>(d) Not operating in accordance with a composting plan that</u>	24274
<u>is approved in accordance with rules adopted under division</u>	24275
<u>(E)(5)(b) of section 939.02 of the Revised Code or required by the</u>	24276
<u>director under division (A)(2) of this section.</u>	24277
<u>(2) The director may include in the corrective actions a</u>	24278
<u>requirement that an owner or operator do one of the following:</u>	24279
<u>(a) Operate under an operation and management plan approved</u>	24280
<u>by the director or the director's designee under section 939.02 of</u>	24281
<u>the Revised Code;</u>	24282
<u>(b) If the owner or operator has failed to operate in</u>	24283
<u>accordance with an existing operation and management plan, operate</u>	24284
<u>in accordance with that plan;</u>	24285
<u>(c) Prepare a composting plan in accordance with rules</u>	24286
<u>adopted under division (E)(5)(b) of section 939.02 of the Revised</u>	24287
<u>Code and operate in accordance with that plan;</u>	24288
<u>(d) If the owner or operator has failed to operate in</u>	24289
<u>accordance with an existing composting plan, operate in accordance</u>	24290
<u>with that plan.</u>	24291
<u>(3) The director may impose a civil penalty only if all of</u>	24292

the following occur: 24293

(a) The owner or operator is notified in writing of the 24294
deficiencies resulting in noncompliance, the actions that the 24295
owner or operator must take to correct the deficiencies, and the 24296
time period within which the owner or operator must correct the 24297
deficiencies and attain compliance. 24298

(b) After the time period specified in the notice has 24299
elapsed, the director or the director's designee has inspected the 24300
agricultural land or animal feeding operation, determined that the 24301
owner or operator is still not in compliance, and issued a notice 24302
of an adjudication hearing. 24303

(c) The director affords the owner or operator an opportunity 24304
for an adjudication hearing under Chapter 119. of the Revised Code 24305
to challenge the determination of the director or the director's 24306
designee that the owner or operator is not in compliance or the 24307
imposition of the civil penalty, or both. However, the owner or 24308
operator may waive the right to an adjudication hearing. 24309

(4) If the opportunity for an adjudication hearing is waived 24310
or if, after an adjudication hearing, the director determines that 24311
noncompliance has occurred or is occurring, the director may issue 24312
an order requiring compliance and assess the civil penalty. The 24313
order and the assessment of the civil penalty may be appealed in 24314
accordance with section 119.12 of the Revised Code. 24315

(5) A person who has violated rules adopted under division 24316
(E) of section 939.02 of the Revised Code shall pay a civil 24317
penalty in an amount established in rules adopted under that 24318
section. 24319

(B) The attorney general, upon the written request of the 24320
director, shall bring an action for an injunction in any court of 24321
competent jurisdiction against a person violating or threatening 24322
to violate rules adopted under division (E) of section 939.02 of 24323

the Revised Code or an order issued under division (A)(4) of this section. 24324
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(C)(1) In lieu of imposing a civil penalty under division (A) of this section, the director may request the attorney general, in writing, to bring an action for a civil penalty in a court of competent jurisdiction against a person that has violated or is violating a rule adopted under division (E) of section 939.02 of the Revised Code. 24326
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(2) The civil penalty for which an action may be brought under division (C)(1) of this section shall not exceed ten thousand dollars per violation. Each day that a violation continues constitutes a separate violation. 24332
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(D) In addition to any other penalties imposed under this section, the director may impose an administrative penalty against the owner or operator of agricultural land or an animal feeding operation if the director or the director's designee determines that the owner or operator is not in compliance with best management practices that are established in rules adopted under division (E) of section 939.02 of the Revised Code. The administrative penalty shall not exceed five thousand dollars. 24336
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The director shall afford the owner or operator an opportunity for an adjudication hearing under Chapter 119. of the Revised Code to challenge the determination of the director or the director's designee under this division, the director's imposition of an administrative penalty under this division, or both. The determination and the imposition of the administrative penalty may be appealed in accordance with section 119.12 of the Revised Code. 24344
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(E) Notwithstanding any other provision in this section, if the director determines that an emergency exists requiring immediate action to protect public health or safety or the environment, the director may issue an order, without notice or 24351
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adjudication hearing, stating the existence of the emergency and 24355
requiring that action be taken that is necessary to address the 24356
emergency. The order shall take effect immediately. A person to 24357
whom the order is issued shall comply immediately, but on 24358
application to the director shall be afforded an adjudication 24359
hearing in accordance with Chapter 119. of the Revised Code as 24360
soon as possible, but not later than thirty days after the 24361
director's receipt of the application. Following the hearing, the 24362
director shall continue the order in effect, revoke it, or modify 24363
it. The order may be appealed in accordance with section 119.12 of 24364
the Revised Code. An emergency order shall not remain in effect 24365
for more than one hundred twenty days after its issuance. 24366

If a person to whom an order is issued does not comply with 24367
the order within a reasonable period of time as determined by the 24368
director, the director or the director's designee may enter on 24369
private or public lands to investigate and take action to 24370
mitigate, minimize, remove, or abate the conditions that are the 24371
subject of the order. 24372

(F) A person that is responsible for causing or allowing the 24373
unauthorized spill, release, or discharge of manure or residual 24374
farm products is liable to the director for the costs incurred in 24375
investigating, mitigating, minimizing, removing, or abating the 24376
spill, release, or discharge. Upon request of the director, the 24377
attorney general shall bring a civil action against the 24378
responsible person or persons to recover those costs. 24379

(G) Money recovered under division (F) of this section and 24380
money collected from civil penalties assessed under this section 24381
shall be paid into the state treasury to the credit of the 24382
agricultural pollution abatement fund created in section 939.10 of 24383
the Revised Code. 24384

(H) As used in this section, "noncompliance" means doing one 24385
of the actions specified in division (A)(1) of this section. 24386

Sec. 1511.10 <u>939.08</u>. (A) Except as provided in division (B)	24387
of this section, no person in the western basin shall surface	24388
apply manure under any of the following circumstances:	24389
(1) On snow-covered or frozen soil;	24390
(2) When the top two inches of soil are saturated from	24391
precipitation;	24392
(3) When the local weather forecast for the application area	24393
contains greater than a fifty per cent chance of precipitation	24394
exceeding one-half inch in a twenty-four-hour period.	24395
(B) Division (A) of this section does not apply if a person	24396
in the western basin applies manure under any of the following	24397
circumstances:	24398
(1) The manure is injected into the ground.	24399
(2) The manure is incorporated within twenty-four hours of	24400
surface application.	24401
(3) The manure is applied onto a growing crop.	24402
(4) In the event of an emergency, the chief of the division	24403
of soil and water resources <u>director of agriculture</u> or the chief's	24404
<u>director's</u> designee provides written consent and the manure	24405
application is made in accordance with procedures established in	24406
the United States department of agriculture natural resources	24407
conservation service practice standard code 590 prepared for this	24408
state.	24409
(C)(1) Upon receiving a complaint by any person or upon	24410
receiving information that would indicate a violation of this	24411
section, the chief <u>director</u> or the chief's <u>director's</u> designee may	24412
investigate or make inquiries into any alleged failure to comply	24413
with this section.	24414
(2) After receiving a complaint by any person or upon	24415

receiving information that would indicate a violation of this 24416
section, the ~~chief~~ director or the ~~chief's~~ director's designee may 24417
enter at reasonable times on any private or public property to 24418
inspect and investigate conditions relating to any such alleged 24419
failure to comply with this section. 24420

(3) If an individual denies access to the individual's 24421
property, the ~~chief~~ director may apply to a court of competent 24422
jurisdiction in the county in which the premises is located for a 24423
search warrant authorizing access to the premises for the purposes 24424
of this section. 24425

(4) The court shall issue the search warrant for the purposes 24426
requested if there is probable cause to believe that the person is 24427
not in compliance with this section. The finding of probable cause 24428
may be based on hearsay, provided that there is a reasonable basis 24429
for believing that the source of the hearsay is credible. 24430

(D) This section does not affect any restrictions established 24431
in Chapter 903. of the Revised Code or otherwise apply to those 24432
entities or facilities that are permitted as concentrated animal 24433
feeding facilities under that chapter. 24434

(E) As used in this section, "western basin" has the same 24435
meaning as in section 905.326 of the Revised Code. 24436

Sec. ~~1511.11~~ 939.09. (A) Except as provided in division (D) 24437
of this section, the ~~chief of the division of soil and water~~ 24438
~~resources~~ director of agriculture may assess a civil penalty 24439
against a person that violates section ~~1511.10~~ 939.08 of the 24440
Revised Code. The ~~chief~~ director may impose a civil penalty only 24441
if the ~~chief~~ director affords the person an opportunity for an 24442
adjudication hearing under Chapter 119. of the Revised Code to 24443
challenge the ~~chief's~~ director's determination that the person 24444
violated section ~~1511.10~~ 939.08 of the Revised Code. The person 24445
may waive the right to an adjudication hearing. 24446

(B) If the opportunity for an adjudication hearing is waived 24447
or if, after an adjudication hearing, the ~~chief director~~ 24448
determines that a violation has occurred or is occurring, the 24449
~~chief director~~ may issue an order requiring compliance with 24450
section ~~1511.10~~ 939.08 of the Revised Code and assess the civil 24451
penalty. The order and the assessment of the civil penalty may be 24452
appealed in accordance with section 119.12 of the Revised Code. 24453

(C) A person that has violated section ~~1511.10~~ 939.08 of the 24454
Revised Code shall pay a civil penalty in an amount established in 24455
rules. Each day during which manure is applied in violation of 24456
section ~~1511.10~~ 939.08 of the Revised Code constitutes a separate 24457
violation. 24458

(D)(1) The owner or operator of a small agricultural 24459
operation or a medium agricultural operation may apply to the 24460
~~chief director~~ for an exemption from the prohibition established 24461
in division (A) of section ~~1511.10~~ 939.08 of the Revised Code. If 24462
the ~~chief director~~ or the ~~chief's director's~~ designee determines 24463
that it is appropriate, the ~~chief director~~ or the ~~chief's~~ 24464
~~director's~~ designee may issue such an exemption as follows: 24465

(a) For a medium agricultural operation, for a period ending 24466
not later than one year after ~~the effective date of this section~~ 24467
July 3, 2015; 24468

(b) For a small agricultural operation, for a period ending 24469
not later than two years after ~~the effective date of this section~~ 24470
July 3, 2015. 24471

(2) The ~~chief director~~ shall establish the form of the 24472
application for an exemption in rules adopted under division (E) 24473
of this section. 24474

(3) The ~~chief director~~ or the ~~chief's director's~~ designee 24475
shall approve or deny an application for an exemption submitted 24476
under division (D)(1) of this section not later than thirty days 24477

after an application has been submitted. 24478

(4) The ~~chief~~ director or the ~~chief's~~ director's designee may 24479
deny an application for an exemption or revoke an exemption 24480
approved under division (D)(3) of this section if the ~~chief~~ 24481
director or the ~~chief's~~ director's designee determines that the 24482
owner or operator is not in substantial compliance with this 24483
chapter and rules adopted under it other than violating division 24484
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 24485

(5) An owner or operator that has been issued an exemption 24486
under this section is not subject to civil penalties assessed for 24487
a violation of division (A) of section ~~1511.10~~ 939.08 of the 24488
Revised Code during the exemption period. 24489

(6) An owner or operator that has an initial application for 24490
an exemption that is pending the ~~chief's~~ director's review is not 24491
subject to civil penalties assessed for a violation of division 24492
(A) of section ~~1511.10~~ 939.08 of the Revised Code. 24493

(E) The ~~chief~~ director shall adopt rules in accordance with 24494
Chapter 119. of the Revised Code that establish both of the 24495
following: 24496

(1) The amount of the civil penalty assessed under this 24497
section. The civil penalty shall be not more than ten thousand 24498
dollars for each violation. 24499

(2) Requirements governing the application form for an 24500
exemption submitted under division (D) of this section. The rules 24501
shall require the form to include all of the following: 24502

(a) A statement from the applicant affirming that the 24503
applicant understands the provisions of sections ~~1511.10~~ 939.08 24504
and ~~1511.11~~ 939.09 of the Revised Code; 24505

(b) A statement from the applicant affirming that the 24506
applicant understands that the applicant must be in compliance 24507

with procedures established in the United States department of 24508
agriculture natural resources conservation service practice 24509
standard code 590 prepared for this state except procedures that 24510
are in conflict with this section and section ~~1511.10~~ 939.08 of 24511
the Revised Code; 24512

(c) A place for the applicant to explain the reasons for the 24513
necessity for the exemption; 24514

(d) A place on the form that provides information on programs 24515
that may assist an applicant with methods to comply with division 24516
(A) of section ~~1511.10~~ 939.08 of the Revised Code; 24517

(e) A place on the form that provides the applicant an 24518
opportunity to request technical assistance or information from 24519
the ~~chief~~ director or the applicable soil and water conservation 24520
district to assist the applicant to comply with division (A) of 24521
section ~~1511.10~~ 939.08 of the Revised Code. 24522

(F) Money collected from civil penalties assessed under this 24523
section shall be paid into the state treasury to the credit of the 24524
agricultural pollution abatement fund created in section 939.10 of 24525
the Revised Code. 24526

(G) As used in this section: 24527

(1) "Small agricultural operation" means an agricultural 24528
operation in the western basin that stables or confines fewer than 24529
any of the numbers of animals specified in divisions (Q)(1)(a) to 24530
(m) of section 903.01 of the Revised Code. 24531

(2) "Medium agricultural operation" means an agricultural 24532
operation in the western basin that stables or confines any of the 24533
numbers of animals specified in divisions (Q)(1)(a) to (m) of 24534
section 903.01 of the Revised Code. 24535

(3) "Western basin" has the same meaning as in section 24536
905.326 of the Revised Code. 24537

Sec. ~~1511.071~~ 939.10. There is hereby created in the state 24538
treasury the agricultural pollution abatement fund, which shall be 24539
administered by the ~~chief of the division of soil and water~~ 24540
~~resources~~ director of agriculture. The fund may be used to pay 24541
costs incurred by the ~~division~~ department of agriculture under 24542
division ~~(A)(3)(E)~~ of section ~~1511.07~~ 939.07 of the Revised Code 24543
in investigating, mitigating, minimizing, removing, or abating any 24544
pollution of the waters of the state caused by agricultural 24545
pollution or an unauthorized release, spill, or discharge of 24546
manure into or upon the environment that requires emergency action 24547
to protect the public health. 24548

~~Any person responsible for causing or allowing agricultural~~ 24549
~~pollution or an unauthorized release, spill, or discharge is~~ 24550
~~liable to the chief for any costs incurred by the division and~~ 24551
~~soil and water conservation districts in investigating,~~ 24552
~~mitigating, minimizing, removing, or abating the agricultural~~ 24553
~~pollution or release, spill, or discharge, regardless of whether~~ 24554
~~those costs were paid out of the agricultural pollution abatement~~ 24555
~~fund or any other fund of the division or a district. Upon the~~ 24556
~~request of the chief, the attorney general shall bring a civil~~ 24557
~~action against the responsible person to recover those costs.~~ 24558
~~Moneys recovered under this section shall be paid into the~~ 24559
~~agricultural pollution abatement fund.~~ 24560

Sec. ~~1515.01~~ 940.01. As used in this chapter: 24561

(A) "Soil and water conservation district" means a district 24562
organized in accordance with this chapter. 24563

(B) "Supervisor" means one of the members of the governing 24564
body of a district. 24565

(C) "Landowner," "owner," or "owner of land" means an owner 24566
of record as shown by the records in the office of the county 24567

recorder. With respect to an improvement or a proposed 24568
improvement, "landowner," "owner," or "owner of land" also 24569
includes any public corporation and the director of any 24570
department, office, or institution of the state that is affected 24571
by the improvement or that would be affected by the proposed 24572
improvement, but that does not own any right, title, estate, or 24573
interest in or to any real property. 24574

(D) "Land occupier" or "occupier of land" means any person, 24575
firm, or corporation that controls the use of land whether as 24576
landowner, lessee, renter, or tenant. 24577

(E) "Due notice" means notice published at least twice, 24578
stating time and place, with an interval of at least thirteen days 24579
between the two publication dates, in a newspaper of general 24580
circulation within a soil and water conservation district. 24581

(F) "Agricultural pollution" means failure to use management 24582
or conservation practices in farming or silvicultural operations 24583
to abate wind or water erosion of the soil or to abate the 24584
degradation of the waters of the state by residual farm products, 24585
manure, or soil sediment, including substances attached thereto. 24586

(G) "Urban sediment pollution" means failure to use 24587
management or conservation practices to abate wind or water 24588
erosion of the soil or to abate the degradation of the waters of 24589
the state by soil sediment in conjunction with land grading, 24590
excavating, filling, or other soil disturbing activities on land 24591
used or being developed for nonfarm commercial, industrial, 24592
residential, or other nonfarm purposes, except lands being used in 24593
a strip mine operation as defined in section 1513.01 of the 24594
Revised Code and except lands being used in a surface mining 24595
operation as defined in section 1514.01 of the Revised Code. 24596

(H) "Uniform assessment" means an assessment that is both of 24597
the following: 24598

(1) Based upon a complete appraisal of each parcel of land, 24599
together with all improvements thereon, within a project area and 24600
of the benefits or damages brought about as a result of the 24601
project that is determined by criteria applied equally to all 24602
parcels within the project area; 24603

(2) Levied upon the parcels at a uniform rate on the basis of 24604
the appraisal. 24605

(I) "Varied assessment" means any assessment that does not 24606
meet the criteria established in division (H) of this section. 24607

(J) "Project area" means an area determined and certified by 24608
the supervisors of a soil and water conservation district under 24609
section ~~1515.19~~ 940.25 of the Revised Code. 24610

(K) "Benefit" or "benefits" means advantages to land and 24611
owners, to public corporations, and to the state resulting from 24612
drainage, conservation, control, and management of water and from 24613
environmental, wildlife, and recreational improvements. "Benefit" 24614
or "benefits" includes, but is not limited to, any of the 24615
following factors: 24616

(1) Elimination or reduction of damage from flooding; 24617

(2) Removal of water conditions that jeopardize public 24618
health, safety, or welfare; 24619

(3) Increased value of land resulting from an improvement; 24620

(4) Use of water for irrigation, storage, regulation of 24621
stream flow, soil conservation, water supply, or any other 24622
incidental purpose; 24623

(5) Providing an outlet for the accelerated runoff from 24624
artificial drainage if a stream, watercourse, channel, or ditch 24625
that is under improvement is called upon to discharge functions 24626
for which it was not designed. Uplands that have been removed from 24627
their natural state by deforestation, cultivation, artificial 24628

drainage, urban development, or other human methods shall be 24629
considered to be benefited by an improvement that is required to 24630
dispose of the accelerated flow of water from the uplands. 24631

(L) "Improvement" or "conservation works of improvement" 24632
means an improvement that is made under the authority established 24633
in division (C) of section ~~1515.08~~ 940.06 of the Revised Code. 24634

(M) "Land" has the same meaning as in section 6131.01 of the 24635
Revised Code. 24636

(N) "Manure," "operation and management plan," and "residual 24637
farm products" have the same meanings as in section ~~1511.01~~ 939.01 24638
of the Revised Code. 24639

(O) "Voluntary nutrient management plan" has the same meaning 24640
as in section 905.31 of the Revised Code. 24641

Sec. ~~1515.02~~ 940.02. There is hereby established in the 24642
department of ~~natural resources~~ agriculture the Ohio soil and 24643
water conservation commission. The commission shall consist of 24644
seven members of equal status and authority, six of whom shall be 24645
appointed by the governor with the advice and consent of the 24646
senate, and one of whom shall be designated by resolution of the 24647
board of directors of the Ohio federation of soil and water 24648
conservation districts. The directors of agriculture, 24649
environmental protection, and natural resources, the 24650
vice-president for agricultural administration of the Ohio state 24651
university, and an officer of the Ohio federation of soil and 24652
water conservation districts, or their designees, may serve as ex 24653
officio members of the commission, but without the power to vote. 24654
A vacancy in the office of an appointed member shall be filled by 24655
the governor, with the advice and consent of the senate. Any 24656
member appointed to fill a vacancy occurring prior to the 24657
expiration of the term for which the member's predecessor was 24658
appointed shall hold office for the remainder of that term. Of the 24659

appointed members, four shall be persons who have a knowledge of 24660
or interest in agricultural production and the natural resources 24661
of the state. One member shall represent rural interests and one 24662
member shall represent urban interests. Not more than three of the 24663
appointed members shall be members of the same political party. 24664

Terms of office of the member designated by the board of 24665
directors of the federation and the members appointed by the 24666
governor shall be for four years, commencing on the first day of 24667
July and ending on the thirtieth day of June. 24668

Each appointed member shall hold office from the date of 24669
appointment until the end of the term for which the member was 24670
appointed. Any appointed member shall continue in office 24671
subsequent to the expiration date of the member's term until the 24672
member's successor takes office, or until a period of sixty days 24673
has elapsed, whichever occurs first. 24674

The commission shall organize by selecting from its members a 24675
chairperson and a vice-chairperson. The commission shall hold at 24676
least one regular meeting in each quarter of each calendar year 24677
and shall keep a record of its proceedings, which shall be open to 24678
the public for inspection. Special meetings may be called by the 24679
chairperson and shall be called by the chairperson upon receipt of 24680
a written request signed by two or more members of the commission. 24681
Written notice of the time and place of each meeting shall be sent 24682
to each member of the commission. A majority of the commission 24683
shall constitute a quorum. 24684

The commission may adopt rules as necessary to carry out the 24685
purposes of this chapter, subject to Chapter 119. of the Revised 24686
Code. 24687

The governor may remove any appointed member of the 24688
commission at any time for inefficiency, neglect of duty, or 24689
malfeasance in office, after giving to the member a copy of the 24690

charges against the member and an opportunity to be heard publicly 24691
in person or by counsel in the member's defense. Any such act of 24692
removal by the governor is final. A statement of the findings of 24693
the governor, the reason for the governor's action, and the 24694
answer, if any, of the member shall be filed by the governor with 24695
the secretary of state and shall be open to public inspection. 24696

All members of the commission shall be reimbursed for the 24697
necessary expenses incurred by them in the performance of their 24698
duties as members. 24699

Upon recommendation by the commission, the director of 24700
~~natural resources~~ agriculture shall designate an executive 24701
secretary and provide staff necessary to carry out the powers and 24702
duties of the commission. 24703

The commission shall do all of the following: 24704

(A) Determine distribution of funds under section ~~1515.14~~ 24705
940.15 of the Revised Code, recommend to the director ~~of natural~~ 24706
~~resources~~ and other agencies the levels of appropriations to 24707
special funds established to assist soil and water conservation 24708
districts, and recommend the amount of federal funds to be 24709
requested and policies for the use of such funds in support of 24710
soil and water conservation district programs; 24711

(B) Assist in keeping the supervisors of soil and water 24712
conservation districts informed of their powers and duties, 24713
program opportunities, and the activities and experience of all 24714
other districts, and facilitate the interchange of advice, 24715
experience, and cooperation between the districts; 24716

(C) Seek the cooperation and assistance of the federal 24717
government or any of its agencies, and of agencies of this state, 24718
in the work of the districts; 24719

(D) Adopt appropriate rules governing the conduct of 24720
elections provided for in this chapter, subject to Chapter 119. of 24721

the Revised Code, provided that only owners and occupiers of lands 24722
situated within the boundaries of the districts or proposed 24723
districts to which the elections apply shall be eligible to vote 24724
in the elections; 24725

(E) Recommend to the director priorities for planning and 24726
construction of small watershed projects, and make recommendations 24727
to the director concerning coordination of programs as proposed 24728
and implemented in agreements with soil and water conservation 24729
districts; 24730

(F) Recommend to the director, the governor, and the general 24731
assembly programs and legislation with respect to the operations 24732
of soil and water conservation districts that will encourage 24733
proper soil, water, and other natural resource management and 24734
promote the economic and social development of the state; 24735

(G) Recommend to the director of agriculture a procedure for 24736
coordination of a program of agricultural pollution abatement. 24737
Implementation of such a program shall be based on air and water 24738
quality standards adopted pursuant to sections 3704.03 and 24739
6111.041 of the Revised Code, respectively. The director of 24740
agriculture, through the division of soil and water conservation, 24741
shall coordinate the efforts of state and local governmental 24742
agencies to meet the minimum state air and water quality standards 24743
relating to agricultural pollutants. The director of environmental 24744
protection shall utilize the division of soil and water 24745
conservation in the department of agriculture and soil and water 24746
conservation districts in encouraging landowner abatement of 24747
agricultural pollution. 24748

Sec. 1515.03 940.03. Each county shall have a soil and water 24749
conservation district coextensive with the geographic area of the 24750
county, and each district shall constitute a political subdivision 24751
of this state. 24752

Sec. ~~1515.05~~ 940.04. Each soil and water conservation 24753
district shall be administered by a board consisting of the five 24754
supervisors. Elections of supervisors shall be conducted by the 24755
Ohio soil and water conservation commission pursuant to rules it 24756
adopts under Chapter 119. of the Revised Code. The term of each 24757
supervisor shall be for three years, ~~except that supervisors~~ 24758
~~holding office on May 2, 1980 shall serve the terms to which they~~ 24759
~~were elected or appointed under former section 1515.05 of the~~ 24760
~~Revised Code.~~ Due notice of election of supervisors shall be given 24761
by the commission. Successors to fill unexpired terms may be 24762
appointed by the commission on the unanimous recommendation of the 24763
remaining supervisors. In any case in which a unanimous 24764
recommendation cannot be agreed upon, a successor to fill an 24765
unexpired term shall be elected in the same manner in which ~~his~~ 24766
the supervisor's predecessor was elected. 24767

Eligible voters and candidates for supervisor shall be at 24768
least eighteen years of age by the day of election. Candidates 24769
shall reside in the district in which they are running for office. 24770

Sec. ~~1515.07~~ 940.05. The governing body of a soil and water 24771
conservation district shall consist of five supervisors, as 24772
provided for in section ~~1515.05~~ 940.04 of the Revised Code. 24773

The supervisors shall organize annually by selecting a 24774
~~chairman~~ chairperson, a secretary, and a treasurer. They shall 24775
designate one of their members as fiscal agent. A majority of the 24776
five supervisors shall constitute a quorum. The concurrence of a 24777
majority of the five supervisors in any matter shall be required 24778
for its determination. A supervisor shall receive no compensation 24779
for ~~his~~ the supervisor's services, except when both of the 24780
following occur: 24781

(A) A district board of supervisors designates one or more of 24782

its supervisors to represent the district on a joint district board or if an agency or instrumentality of the United States, of this state, or of a political subdivision of this state requires or requests district board representation;

(B) Such compensation is provided for by public moneys other than moneys in the special fund of the local district created pursuant to section ~~1515.10~~ 940.12 of the Revised Code.

A supervisor is entitled to be reimbursed for the necessary expenses incurred in the discharge of ~~his~~ official duties.

The supervisors shall furnish to the Ohio soil and water conservation commission, upon its request, copies of rules, orders, contracts, forms, and other documents they adopt or employ and other information concerning their activities as it requires in the performance of its duties under this chapter.

At least once each year, a district shall submit to the commission a report of progress and operations, including a summary of receipts and disbursements during the period covered by the report. A district shall submit additional financial reports as requested by the commission.

The supervisors shall provide for the execution of surety bonds for all employees and officers who are entrusted with funds and shall provide for the keeping of a full and accurate record of all proceedings and of all resolutions and orders issued or adopted. Any supervisor may be removed by the commission upon notice and hearing for neglect of duty or malfeasance in office.

Sec. ~~1515.08~~ 940.06. The supervisors of a soil and water conservation district have the following powers in addition to their other powers:

(A) To conduct surveys, investigations, and research relating to the character of soil erosion, floodwater and sediment damages,

and the preventive and control measures and works of improvement 24813
for flood prevention and the conservation, development, 24814
utilization, and disposal of water needed within the district, and 24815
to publish the results of those surveys, investigations, or 24816
research, provided that no district shall initiate any research 24817
program except in cooperation or after consultation with the Ohio 24818
agricultural research and development center; 24819

(B) To develop plans for the conservation of soil resources, 24820
for the control and prevention of soil erosion, and for works of 24821
improvement for flood prevention and the conservation, 24822
development, utilization, and disposal of water within the 24823
district, and to publish those plans and information; 24824

(C) To implement, construct, repair, maintain, and operate 24825
preventive and control measures and other works of improvement for 24826
natural resource conservation and development and flood 24827
prevention, and the conservation, development, utilization, and 24828
disposal of water within the district on lands owned or controlled 24829
by this state or any of its agencies and on any other lands within 24830
the district, which works may include any facilities authorized 24831
under state or federal programs, and to acquire, by purchase or 24832
gift, to hold, encumber, or dispose of, and to lease real and 24833
personal property or interests in such property for those 24834
purposes; 24835

(D) To cooperate or enter into agreements with any occupier 24836
of lands within the district in the carrying on of natural 24837
resource conservation operations and works of improvement for 24838
flood prevention and the conservation, development, utilization, 24839
and management of natural resources within the district, subject 24840
to such conditions as the supervisors consider necessary; 24841

(E) To accept donations, gifts, grants, and contributions in 24842
money, service, materials, or otherwise, and to use or expend them 24843
according to their terms; 24844

(F) To adopt, amend, and rescind rules to carry into effect 24845
the purposes and powers of the district; 24846

(G) To sue and plead in the name of the district, and be sued 24847
and impleaded in the name of the district, with respect to its 24848
contracts and, as indicated in section ~~1515.081~~ 940.07 of the 24849
Revised Code, certain torts of its officers, employees, or agents 24850
acting within the scope of their employment or official 24851
responsibilities, or with respect to the enforcement of its 24852
obligations and covenants made under this chapter; 24853

(H) To make and enter into all contracts, leases, and 24854
agreements and execute all instruments necessary or incidental to 24855
the performance of the duties and the execution of the powers of 24856
the district under this chapter, provided that all of the 24857
following apply: 24858

(1) Except as provided in section 307.86 of the Revised Code 24859
regarding expenditures by boards of county commissioners, when the 24860
cost under any such contract, lease, or agreement, other than 24861
compensation for personal services or rental of office space, 24862
involves an expenditure of more than the amount established in 24863
that section regarding expenditures by boards of county 24864
commissioners, the supervisors shall make a written contract with 24865
the lowest and best bidder after advertisement, for not less than 24866
two nor more than four consecutive weeks preceding the day of the 24867
opening of bids, in a newspaper of general circulation within the 24868
district or as provided in section 7.16 of the Revised Code and in 24869
such other publications as the supervisors determine. The notice 24870
shall state the general character of the work and materials to be 24871
furnished, the place where plans and specifications may be 24872
examined, and the time and place of receiving bids. 24873

(2) Each bid for a contract shall contain the full name of 24874
every person interested in it. 24875

(3) Each bid for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement shall meet the requirements of section 153.54 of the Revised Code.

(4) Each bid for a contract, other than a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, at the discretion of the supervisors, may be accompanied by a bond or certified check on a solvent bank in an amount not to exceed five per cent of the bid, conditioned that, if the bid is accepted, a contract shall be entered into.

(5) The supervisors may reject any and all bids.

~~(I) To make agreements with the department of natural resources giving it control over lands of the district for the purpose of construction of improvements by the department under section 1501.011 of the Revised Code;~~

~~(J) To charge, alter, and collect rentals and other charges for the use or services of any works of the district;~~

~~(K)(J) To enter, either in person or by designated representatives, upon lands, private or public, in the necessary discharge of their duties;~~

~~(L)(K) To enter into agreements or contracts with the department of agriculture for the determination, implementation, inspection, and funding of agricultural pollution abatement and urban sediment pollution abatement measures whereby landowners, operators, managers, and developers may meet adopted state standards for a quality environment, except that failure of a district board of supervisors to negotiate an agreement or contract with the department shall authorize authorizes the division of soil and water resources department to implement the required program;~~

~~(M)(L) To conduct demonstrations and provide information to the public regarding practices and methods for natural resource~~

conservation, development, and utilization; 24907

~~(N)(M)~~ To enter into contracts or agreements with the chief 24908
~~of the division of soil and water resources to implement and~~ 24909
~~administer a program for~~ director of environmental protection in 24910
furtherance of actions to abate urban sediment pollution ~~abatement~~ 24911
~~and to receive and expend moneys provided by the chief for that~~ 24912
~~purpose;~~ 24913

~~(O)(N)~~ To develop operation and management plans as 24914
necessary; 24915

~~(P)(O)~~ To determine whether operation and management plans 24916
developed under division (A) of section ~~1511.021~~ 939.03 of the 24917
Revised Code comply with the standards established under division 24918
(E)(1) of section ~~1511.02~~ 939.02 of the Revised Code and to 24919
approve or disapprove the plans, based on such compliance. If an 24920
operation and management plan is disapproved, the board shall 24921
provide a written explanation to the person who submitted the 24922
plan. The person may appeal the plan disapproval to the ~~chief~~ 24923
director of agriculture or the director's designee, who shall 24924
afford the person a hearing. Following the hearing, the ~~chief~~ 24925
director or the director's designee shall uphold the plan 24926
disapproval or reverse it. If the ~~chief~~ director or the director's 24927
designee reverses the plan disapproval, the plan shall be deemed 24928
approved under this division. In the event that any person 24929
operating or owning agricultural land or an animal feeding 24930
operation in accordance with an approved operation and management 24931
plan who, in good faith, is following that plan, causes 24932
agricultural pollution, the plan shall be revised in a fashion 24933
necessary to mitigate the agricultural pollution, as determined 24934
and approved by the board of supervisors of the soil and water 24935
conservation district. 24936

~~(Q)(P)~~ To develop timber harvest plans; 24937

(Q) To determine whether timber harvest plans developed under division (A) of section 1503.52 of the Revised Code comply with the standards established under division (A)(1) of section 1503.51 of the Revised Code and to approve or disapprove the plans based on such compliance. If a timber harvest plan is disapproved, the board shall provide a written explanation to the person who submitted the plan. The person may appeal the plan disapproval to the chief of the division of forestry or the chief's designee, who shall afford the person a hearing. Following the hearing, the chief or the chief's designee shall uphold the plan disapproval or reverse it. If the chief or the chief's designee reverses the plan disapproval, the plan shall be deemed approved under this division. 24938
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(R) With regard to composting conducted in conjunction with agricultural operations, to do all of the following: 24951
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(1) Upon request or upon their own initiative, inspect composting at any such operation to determine whether the composting is being conducted in accordance with section ~~1511.022~~ 939.04 of the Revised Code; 24953
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(2) If the board determines that composting is not being so conducted, request the ~~chief to issue an order under division (G) of section 1511.02 of the Revised Code requiring~~ director to take corrective actions under section 939.07 of the Revised Code that require the person who is conducting the composting to prepare a composting plan in accordance with rules adopted under division (E)~~(8)(e)(5)(a)~~ of ~~that~~ section 939.02 of the Revised Code and to operate in accordance with that plan or to operate in accordance with a previously prepared plan, as applicable; 24957
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(3) In accordance with rules adopted under division (E)~~(8)(e)(5)(b)~~ of section ~~1511.02~~ 939.02 of the Revised Code, review and approve or disapprove any such composting plan. If a plan is disapproved, the board shall provide a written explanation 24966
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to the person who submitted the plan. 24970

As used in division ~~(Q)~~(R) of this section, "composting" has 24971
the same meaning as in section ~~1511.01~~ 939.01 of the Revised Code. 24972

~~(R)~~(S) With regard to conservation activities that are 24973
conducted in conjunction with agricultural operations, to assist 24974
the county auditor, upon request, in determining whether a 24975
conservation activity is a conservation practice for purposes of 24976
Chapter 929. or sections 5713.30 to 5713.37 and 5715.01 of the 24977
Revised Code. 24978

As used in this division, "conservation practice" has the 24979
same meaning as in section 5713.30 of the Revised Code. 24980

~~(S)~~(T) To develop and approve or disapprove voluntary 24981
nutrient management plans in accordance with section 905.323 of 24982
the Revised Code; 24983

~~(T)~~(U) To do all acts necessary or proper to carry out the 24984
powers granted in this chapter. 24985

The director ~~of natural resources~~ shall make recommendations 24986
to reduce the adverse environmental effects of each project that a 24987
soil and water conservation district plans to undertake under 24988
division (A), (B), (C), or (D) of this section and that will be 24989
funded in whole or in part by moneys authorized under section 24990
~~1515.16~~ 940.17 of the Revised Code and shall disapprove any such 24991
project that the director finds will adversely affect the 24992
environment without equal or greater benefit to the public. The 24993
director's disapproval or recommendations, upon the request of the 24994
district filed in accordance with rules adopted by the Ohio soil 24995
and water conservation commission, shall be reviewed by the 24996
commission, which may confirm the director's decision, modify it, 24997
or add recommendations to or approve a project the director has 24998
disapproved. 24999

Any instrument by which real property is acquired pursuant to 25000

this section shall identify the agency of the state that has the 25001
use and benefit of the real property as specified in section 25002
5301.012 of the Revised Code. 25003

Sec. ~~1515.081~~ 940.07. (A) As used in this section: 25004

(1) "Judgment" includes a consent judgment. 25005

(2) "Tort action" means a civil action for damages for 25006
injury, death, or loss to person or property, other than a civil 25007
action for damages for a breach of contract or another agreement 25008
between persons. 25009

(B) Except as provided in divisions (C) and (D) of this 25010
section, the provisions of Chapter 2744. of the Revised Code apply 25011
to soil and water conservation districts as political subdivisions 25012
of the state and to their supervisors and other officers, 25013
employees, and agents as employees of political subdivisions of 25014
the state. 25015

(C)(1) The attorney general, an assistant attorney general, 25016
or special counsel appointed by the attorney general shall defend 25017
a soil and water conservation district in any tort action that is 25018
commenced against the district as a political subdivision of the 25019
state under or pursuant to Chapter 2744. of the Revised Code, if a 25020
written request for the legal representation is submitted to the 25021
attorney general by the Ohio soil and water conservation 25022
commission. If a request is so submitted, the prosecuting attorney 25023
of the county associated with the district does not have legal 25024
representation duties in connection with the tort action under 25025
section ~~1515.11~~ 940.13 of the Revised Code. 25026

(2) The attorney general, an assistant attorney general, or 25027
special counsel appointed by the attorney general shall defend a 25028
supervisor or other officer, employee, or agent of a soil and 25029
water conservation district in any tort action that is commenced 25030

against that person and based upon an action or omission allegedly 25031
associated with ~~his~~ that person's employment or official 25032
responsibilities for the district, if both of the following apply: 25033

(a) At the time of the action or omission, the person was not 25034
acting manifestly outside the scope of ~~his~~ the person's employment 25035
or official responsibilities for the district or acting with 25036
malicious purpose, in bad faith, or in a wanton or reckless 25037
manner; 25038

(b) A written request for the legal representation is 25039
submitted to the attorney general by the Ohio soil and water 25040
conservation commission. 25041

(3) If a request for legal representation is submitted to the 25042
attorney general pursuant to division (C)(2) of this section, 25043
divisions (A)(1) and (C) of section 2744.07 of the Revised Code do 25044
not apply to the soil and water conservation district and the 25045
defense of its supervisor or other officer, employee, or agent. 25046

(D)(1) The state shall indemnify and hold harmless a soil and 25047
water conservation district as follows: 25048

(a) In the amount of any judgment that is rendered against 25049
the district in a tort action that is commenced under or pursuant 25050
to Chapter 2744. of the Revised Code; 25051

(b) In the amount of any settlement of a tort action against 25052
the district as described in division (D)(1)(a) of this section, 25053
or of a claim for damages for injury, death, or loss to person or 25054
property that could become a basis of a tort action against the 25055
district as described in division (D)(1)(a) of this section. 25056

(2) The state shall indemnify and hold harmless a supervisor 25057
or other officer, employee, or agent of a soil and water 25058
conservation district as follows: 25059

(a) Subject to the limitations specified in division (D)(3) 25060

of this section, in the amount of any judgment that is rendered 25061
against that person in a tort action based upon an action or 25062
omission allegedly associated with ~~his~~ the person's employment or 25063
official responsibilities for the district; 25064

(b) Subject to the limitations specified in division (D)(3) 25065
of this section, in the amount of any settlement of a tort action 25066
as described in division (D)(2)(a) of this section or of any 25067
settlement of a claim for damages for injury, death, or loss to 25068
person or property that could become a basis of a tort action as 25069
described in division (D)(2)(a) of this section. 25070

(3)(a) The maximum aggregate amount of indemnification paid 25071
directly from state funds to or on behalf of any supervisor or 25072
other officer, employee, or agent of a soil and water conservation 25073
district pursuant to divisions (D)(2)(a) and (b) of this section 25074
shall be one million dollars per occurrence, regardless of the 25075
number of persons who suffer injury, death, or loss to person or 25076
property as a result of the action or omission of that person. 25077

(b) An indemnification may be made pursuant to division 25078
(D)(2)(a) or (b) of this section only if, at the time of the 25079
action or omission, the supervisor or other officer, employee, or 25080
agent of a soil and water conservation district was not acting 25081
manifestly outside the scope of ~~his~~ the supervisor's or other 25082
officer's, employee's, or agent's employment or official 25083
responsibilities for the district or acting with malicious 25084
purpose, in bad faith, or in a wanton or reckless manner. 25085

(c) An indemnification shall not be made pursuant to division 25086
(D)(2)(a) or (b) of this section for any portion of a consent 25087
judgment or settlement that is unreasonable or for any portion of 25088
a judgment that represents punitive or exemplary damages. 25089

(4) Division (A)(2) of section 2744.07 of the Revised Code 25090
does not apply to a soil and water conservation district, or to 25091

any of its supervisors or other officers, employees, or agents, to 25092
the extent that division (D) of this section requires the state to 25093
indemnify and hold harmless a supervisor or other officer, 25094
employee, or agent of that district. 25095

Sec. ~~1515.09~~ 940.08. The supervisors of a soil and water 25096
conservation district may employ assistants and such other 25097
employees as they consider necessary and may provide for the 25098
payment of the reasonable compensation of such assistants and 25099
employees and expenses incurred by them in the discharge of their 25100
duties from the special fund established for the district pursuant 25101
to section ~~1515.10~~ 940.12 of the Revised Code. 25102

District employees are entitled to the sick leave benefits 25103
that are provided in section 124.38 of the Revised Code and the 25104
vacation leave benefits that are provided in section 325.19 of the 25105
Revised Code and are entitled to participate in the sick leave 25106
donation program established under section ~~1515.091~~ 940.09 of the 25107
Revised Code. 25108

The supervisors may designate the amounts and forms of other 25109
benefits, including insurance protection, to be provided to 25110
employees and may make payments of benefits from the district fund 25111
that is created with moneys accepted by the supervisors in 25112
accordance with division (E) of section ~~1515.08~~ 940.06 of the 25113
Revised Code or from the special fund created pursuant to section 25114
~~1515.10~~ 940.12 of the Revised Code. The board of county 25115
commissioners may make payments of benefits that are provided 25116
under this section. 25117

The supervisors may purchase such materials, equipment, and 25118
supplies, may lease such equipment, and may rent, purchase, or 25119
construct, and maintain, such offices, and provide for such 25120
equipment and supplies therefor, as they consider necessary and 25121
may pay for the same from the special fund established for the 25122

district pursuant to section ~~1515.10~~ 940.12 of the Revised Code. 25123

Sec. ~~1515.091~~ 940.09. (A) As used in this section: 25124

(1) "Receiving employee" means an employee of a soil and 25125
water conservation district who receives donated sick leave as 25126
authorized by this section. 25127

(2) "Donating employee" means an employee of a soil and water 25128
conservation district who donates sick leave as authorized by this 25129
section. 25130

(3) "Paid leave" has the same meaning as in section 124.391 25131
of the Revised Code. 25132

(4) "Full-time employee" means an employee of a soil and 25133
water conservation district whose regular hours of service for the 25134
district total forty hours per week or who renders any other 25135
standard of service accepted as full-time by the district. 25136

(5) "Full-time limited hours employee" means an employee of a 25137
soil and water conservation district whose regular hours of 25138
service for the district total twenty-five to thirty-nine hours 25139
per week or who renders any other standard of service accepted as 25140
full-time limited hours by the district. 25141

(B)(1) An employee of a soil and water conservation district 25142
is eligible to become a receiving employee if the employee is a 25143
full-time employee, or a full-time limited hours employee, who has 25144
completed the prescribed probationary period, has used up all 25145
accrued paid leave, and has been placed on an approved, unpaid, 25146
medical-related leave of absence for a period of at least thirty 25147
consecutive working days because of the employee's own serious 25148
illness or because of a serious illness of a member of the 25149
employee's immediate family. 25150

(2) An employee who desires to become a receiving employee 25151
shall submit to the board of supervisors of the employing soil and 25152

water conservation district, along with a satisfactory physician's 25153
certification, a written request for donated sick leave. The board 25154
of supervisors shall determine whether the employee is eligible to 25155
become a receiving employee and shall approve the request if it 25156
determines the employee is eligible. 25157

(C)(1) A board of supervisors that approves a request for an 25158
employee to become a receiving employee shall forward the approved 25159
application to a committee that the Ohio association of soil and 25160
water conservation district employees shall appoint to act as a 25161
clearinghouse for the donation of sick leave under this section. 25162
The committee shall post notice for not less than ten days 25163
informing all employees of soil and water conservation districts 25164
throughout the state that it has received an approved application 25165
to become a receiving employee. 25166

(2) A soil and water conservation district employee desiring 25167
to become a donating employee shall complete and submit a sick 25168
leave donation form to the employee's immediate supervisor within 25169
twenty days after the date of the initial posting of the notice 25170
described in division (C)(1) of this section. If the board of 25171
supervisors of the employing district of an employee desiring to 25172
become a donating employee approves the sick leave donation, the 25173
board shall forward to the committee, together with a check equal 25174
to the total value of the sick leave donation, a copy of the sick 25175
leave donation form, and the board shall notify the receiving 25176
employee regarding the donation. 25177

(D) If the committee described in division (C)(1) of this 25178
section receives a sick leave donation form and a check from a 25179
board of supervisors, the committee shall deposit the check into 25180
an account that it shall establish to be used to dispense funds to 25181
the employing district of a receiving employee. The committee 25182
shall notify the board of supervisors of the employing district of 25183
a receiving employee of the amount of sick leave donated. The 25184

board of supervisors shall bill the committee during each pay 25185
period for the receiving employee's gross hourly wages in an 25186
amount that does not exceed the amount donated to the receiving 25187
employee. The board of supervisors, with the approval of the 25188
county auditor, shall provide for the deposit into its appropriate 25189
payroll account of any payments it receives for the benefit of a 25190
receiving employee. 25191

(E) The donation and receipt of sick leave under this section 25192
is subject to all of the following: 25193

(1) All donations of sick leave shall be voluntary. 25194

(2) A donating employee is eligible to donate not less than 25195
eight hours and not more than eighty hours of sick leave during 25196
the same calendar year. 25197

(3) The value of an hour of sick leave donated is the value 25198
of the donating employee's gross hourly wage. The number of hours 25199
received by a receiving employee from a donating employee shall be 25200
a number that, when multiplied by the receiving employee's gross 25201
hourly wage, equals the amount resulting when the donating 25202
employee's gross hourly wage is multiplied by the number of hours 25203
of sick leave donated. 25204

(4) No paid leave shall accrue to a receiving employee for 25205
any compensation received through donated sick leave, and the 25206
receipt of donated sick leave does not affect the date on which a 25207
receiving employee first qualifies for continuation of health 25208
insurance coverage. 25209

(5) If a receiving employee does not use all donated sick 25210
leave during the period of the employee's leave of absence, the 25211
unused balance shall remain in the account that the committee 25212
described in division (C)(1) of this section established under 25213
division (D) of this section and shall be used to dispense funds 25214
in the future to the employing district of a receiving employee. 25215

~~Sec. 1515.092~~ 940.10. (A) When the supervisors of a soil and 25216
water conservation district find, by resolution, that the district 25217
has personal property, including motor vehicles acquired for the 25218
use of district officers, road machinery, equipment, tools, or 25219
supplies, ~~which~~ that is not needed for public use, or is obsolete 25220
or unfit for the use for which it was acquired, the supervisors 25221
may sell such property at public auction or by sealed bid to the 25222
highest bidder, after giving at least ten days' notice of the 25223
time, place, and manner of sale by posting a typewritten or 25224
printed notice in the office of the board of county commissioners. 25225
~~In case~~ If the fair market value of the property to be sold 25226
pursuant to this division is, in the opinion of the supervisors, 25227
in excess of two thousand dollars, notice of the time, place, and 25228
manner of the sale shall also be published in a newspaper of 25229
general circulation in the district at least ten days prior to 25230
such sale. The supervisors may authorize the sale of such personal 25231
property without advertisement or public notification and 25232
competitive bidding to the federal government, the state, or any 25233
political subdivision of the state. 25234

If the supervisors conduct a sale of personal property by 25235
sealed bid, the form of the bid shall be as prescribed by the 25236
supervisors, and each bid shall contain the name of the person 25237
submitting it. Bids received shall be opened and tabulated at the 25238
time stated in the notice. The property shall be sold to the 25239
highest bidder, except that the supervisors may reject all bids 25240
and hold another sale, by public auction or sealed bid, in the 25241
manner prescribed by this section. 25242

(B) Where the supervisors find, by resolution, that the 25243
district has vehicles, equipment, or machinery ~~which~~ that is not 25244
needed, or is unfit for public use, and the supervisors desire to 25245
sell such vehicles, equipment, or machinery to the person or firm 25246
from which they propose to purchase other vehicles, equipment, or 25247

machinery, the supervisors may offer to sell the vehicles, 25248
equipment, or machinery to such person or firm, and to have such 25249
selling price credited to the person or firm against the purchase 25250
price of other vehicles, equipment, or machinery. 25251

(C) Where the supervisors advertise for bids for the sale of 25252
new vehicles, equipment, or machinery to the district, they may 25253
include in the same advertisement a notice of their willingness to 25254
accept bids for the purchase of district-owned vehicles, 25255
equipment, or machinery ~~which~~ that is obsolete or not needed for 25256
public use, and to have the amount of such bids subtracted from 25257
the selling price of the other vehicles, equipment, or machinery 25258
as a means of determining the lowest responsible bidder. 25259

Sec. ~~1515.093~~ 940.11. The supervisors of a soil and water 25260
conservation district may hold one or more credit cards on behalf 25261
of the district and may authorize any supervisor or employee of 25262
the district to use such a credit card to pay for expenses related 25263
to the purposes of the district. The supervisors shall pay the 25264
debt incurred as a result of the use of such a credit card from 25265
money accepted by the supervisors as authorized under division (E) 25266
of section ~~1515.08~~ 940.06 of the Revised Code or from the special 25267
fund established for the district under section ~~1515.10~~ 940.12 of 25268
the Revised Code. 25269

The misuse of a credit card held on behalf of a soil and 25270
water conservation district is a violation of section 2913.21 of 25271
the Revised Code. In addition, a supervisor or employee of a 25272
district who makes unauthorized use of such a credit card may be 25273
held personally liable to the district for the unauthorized use. 25274
This section does not limit any other liability of a supervisor or 25275
employee of a district for the unauthorized use of such a credit 25276
card. 25277

A supervisor or employee of a soil and water conservation 25278

district who is authorized to use a credit card that is held on 25279
behalf of the district and who suspects the loss, theft, or 25280
possibility of another person's unauthorized use of the credit 25281
card immediately shall notify the supervisors in writing of the 25282
suspected loss, theft, or possible unauthorized use. 25283

Sec. ~~1515.10~~ 940.12. The board of county commissioners of 25284
each county in which there is a soil and water conservation 25285
district may levy a tax within the ten-mill limitation and may 25286
appropriate money from the proceeds of the levy or from the 25287
general fund of the county. The money shall be held in a special 25288
fund for the credit of the district, to be expended for the 25289
purposes prescribed in sections ~~1515.09~~ 940.08 and ~~1515.093~~ 940.11 25290
of the Revised Code, for construction and maintenance of 25291
improvements by the district, and for other expenses incurred in 25292
carrying out the program of the district upon the written order of 25293
the fiscal agent for the district after authorization by a 25294
majority of the supervisors of the district. 25295

Sec. ~~1515.11~~ 940.13. The prosecuting attorney of a county in 25296
which there is a soil and water conservation district shall be the 25297
legal adviser of the district. The prosecuting attorney shall be 25298
the legal counsel of such district in all civil actions brought by 25299
or against it and shall conduct all such actions in ~~his~~ the 25300
prosecuting attorney's official capacity. The supervisors of a 25301
district may also employ such attorneys as may be necessary or 25302
desirable in the operations of the district. 25303

Sec. ~~1515.13~~ 940.14. ~~Sections 1515.01 to 1515.29 of the~~ 25304
~~Revised Code do~~ This chapter does not infringe upon the rights, 25305
powers, and authority vested by law in the division of wildlife in 25306
the department of natural resources. 25307

Sec. ~~1515.14~~ 940.15. Within (A) Except as provided in 25308
division (B) of this section, within the limits of funds 25309
appropriated to the department of ~~natural resources~~ agriculture 25310
and the soil and water conservation district assistance fund 25311
created in this section, there shall be paid in each calendar year 25312
to each ~~local~~ soil and water conservation district an amount not 25313
to exceed one dollar for each one dollar received in accordance 25314
with section ~~1515.10~~ 940.12 of the Revised Code, received from tax 25315
levies in excess of the ten-mill levy limitation approved for the 25316
benefit of ~~local~~ soil and water conservation districts, received 25317
pursuant to a contract entered into under section 6117.021 of the 25318
Revised Code, or received from an appropriation by a municipal 25319
corporation or a township to a maximum of eight thousand dollars, 25320
provided that the Ohio soil and water conservation commission may 25321
approve payment to a district in an amount in excess of eight 25322
thousand dollars in any calendar year upon receipt of a request 25323
and justification from the district. The county auditor shall 25324
credit such payments to the special fund established pursuant to 25325
section ~~1515.10~~ 940.12 of the Revised Code for the ~~local~~ soil and 25326
water conservation district. The department may make advances at 25327
least quarterly to each district on the basis of the estimated 25328
contribution of the state to each district. Moneys received by 25329
each district shall be expended for the purposes of the district. 25330

~~For~~ (B) Money paid to a soil and water conservation district 25331
under division (A) of this section that results from a board of 25332
county commissioners' compensation to the district pursuant to a 25333
contract entered into under section 6117.021 of the Revised Code 25334
in calendar years 2015, 2016, and 2017 shall not exceed the amount 25335
of money paid to the district under that division during calendar 25336
year 2013 that resulted from the board of county commissioners' 25337
having used the proceeds of a contract entered into between the 25338
board of county commissioners and a district of a type similar to 25339

that which is authorized by section 6117.021 of the Revised Code, 25340
directly or indirectly, for matching funds in calendar year 2013, 25341
but may exceed that amount to the extent that other sources of 25342
local matching funds specified by division (A) of this section are 25343
used by the district for local matching funds in state fiscal 25344
years 2015, 2016, and 2017. 25345

(C) For the purpose of providing money to soil and water 25346
conservation districts under this section, there is hereby created 25347
in the state treasury the soil and water conservation district 25348
assistance fund consisting of money credited to it under sections 25349
3714.073 and 3734.901 and division (A)(4) of section 3734.57 of 25350
the Revised Code. 25351

Sec. ~~1515.15~~ 940.16. A board of county commissioners may 25352
apply to the Ohio soil and water conservation commission for an 25353
advance of moneys from the soil and water conservation fund, which 25354
is hereby created in the state treasury, to enable a soil and 25355
water conservation district to pay all or part of the cost of 25356
surveys and plans, appraisals, estimates of cost, land options, 25357
and other incidental expenses of constructing works of improvement 25358
for the district. The commission shall consider the application 25359
and shall recommend an amount of moneys reasonably needed for that 25360
purpose. 25361

The order of the commission recommending the amount of the 25362
moneys needed shall be certified to the controlling board. The 25363
controlling board shall then determine the amount to be advanced 25364
to the county and shall certify its action to the director of 25365
budget and management for payment. 25366

All such amounts received by any such district shall be 25367
repaid by the board of county commissioners to the state 25368
immediately upon the receipt by the board of funds from the sale 25369
of bonds or from other sources that may be used for that purpose, 25370

or in such number of equal annual installments, not exceeding 25371
five, and commencing at such time, as shall be specified in the 25372
order of the commission. 25373

If an unfavorable referendum or court decision has denied the 25374
work of improvement, the controlling board, upon receipt of 25375
sufficient and satisfactory evidence that the board and district 25376
have proceeded in good faith and the recommendation of the 25377
commission, shall relieve the board or district of its repayment 25378
obligation. 25379

Sec. ~~1515.16~~ 940.17. The director of ~~natural resources~~ 25380
agriculture, upon recommendation by the Ohio soil and water 25381
conservation commission, may enter into agreements with boards of 25382
county commissioners under which the state shares the cost of 25383
construction of works of improvement constructed by the county for 25384
a soil and water conservation district. The state share shall be 25385
paid from moneys appropriated for such purposes. The state share 25386
authorized under this section shall not exceed fifty per cent of 25387
the nonfederal cost of the project. 25388

Sec. ~~1515.17~~ 940.18. The supervisors of any two or more 25389
adjoining soil and water conservation districts may, with approval 25390
of the Ohio soil and water conservation commission, form a joint 25391
board of supervisors for the purpose of construction, maintenance, 25392
and operation of a work of improvement located or to be located in 25393
such districts. Each district shall have the same number of 25394
supervisors on the joint board, except that where the members on 25395
the joint board would otherwise be an even number, an additional 25396
supervisor shall be designated from the district in which it 25397
appears that the highest amount of taxes or assessment for 25398
benefits for the improvement is to be made. 25399

A joint board may exercise the powers given the supervisors 25400

of a soil and water conservation district under ~~Chapter 1515.~~ of 25401
~~the Revised Code~~ this chapter in connection with the work of 25402
improvement for which it was formed. 25403

Sec. ~~1515.18~~ 940.19. An owner of land that is located in a 25404
soil and water conservation district may file a petition with the 25405
supervisors of the district requesting the construction of a 25406
conservation ~~works~~ work of improvement. Upon the receipt of such a 25407
petition, the supervisors shall make a preliminary determination 25408
to accept or reject the petition. 25409

A petition may be rejected if the supervisors determine that 25410
the information that it contains about the proposed improvement is 25411
insufficient to enable the supervisors to proceed with the 25412
petition under this chapter or if the petition appears to be 25413
frivolous. The supervisors also may reject a petition on the 25414
grounds that the district lacks sufficient staff or other 25415
resources to proceed with the improvement in accordance with this 25416
chapter. If the supervisors reject a petition, they shall notify 25417
the petitioner of the reasons for the rejection. A petition that 25418
was rejected due to insufficient information may be supplemented 25419
with additional information and filed again. 25420

If the supervisors accept a petition for a proposed 25421
improvement, they shall establish a date and time for a view of 25422
the proposed improvement, which date shall be not fewer than 25423
twenty-five nor more than ninety days after the date on which the 25424
petition was filed. The supervisors shall designate a convenient 25425
place near the proposed improvement at which the view shall start. 25426

Upon receipt of a petition, the supervisors also shall 25427
establish a date and time on and at which and designate a location 25428
at which they will hold a hearing on the proposed improvement. The 25429
hearing shall occur not later than ninety days after the date 25430
established for the view. 25431

Sec. ~~1515.181~~ 940.20. As soon as the supervisors of a soil 25432
and water conservation district have established the dates, times, 25433
and locations of the view and the hearing concerning a proposed 25434
improvement, they shall send, at least twenty days prior to the 25435
date established for the view, a written notice of the view and 25436
the hearing to the landowners within the area to be benefited by 25437
the proposed improvement and to the board of county commissioners 25438
and the county engineer. The supervisors shall notify all 25439
landowners that are adjacent to the proposed improvement by 25440
certified mail and shall notify all others by certified mail or 25441
first class mailings. Any such written notice shall have the words 25442
"Legal Notice" printed in plain view on the face of the envelope. 25443
In addition, the supervisors shall invite to the view and the 25444
hearing the staff of the soil and water conservation district and 25445
the staff of the natural resources conservation service in the 25446
United States department of agriculture that is involved with the 25447
district together with any other people that the supervisors 25448
consider to be necessary to the proceedings. 25449

Sec. ~~1515.182~~ 940.21. On the date established for the view of 25450
a proposed improvement, the supervisors of a soil and water 25451
conservation district shall meet at the designated location near 25452
the proposed improvement at the established time. At that time, 25453
they shall hear proof of the need for the proposed improvement 25454
offered by any landowner that is affected by it. 25455

The supervisors shall view the area in which the proposed 25456
improvement is to be constructed. If the proposed improvement is a 25457
ditch, the view shall include the line of the proposed ditch and 25458
each branch, lateral, or spur of the ditch that is mentioned in 25459
the petition. If the area to be viewed is extensive, the 25460
supervisors may conduct the view on more than one day and may 25461
adjourn from day to day, or a longer period, until the view is 25462

completed. 25463

Sec. ~~1515.183~~ 940.22. Upon acceptance of a petition 25464
requesting the construction of an improvement, the supervisors of 25465
a soil and water conservation district shall begin to prepare, as 25466
a guide to the board of county commissioners and the petitioners, 25467
a preliminary report regarding the proposed improvement. The 25468
supervisors shall present the completed preliminary report at the 25469
hearing that is held on the proposed improvement. 25470

The preliminary report shall include a preliminary estimate 25471
of cost, comments on the feasibility of the project, and a 25472
statement of the supervisors' opinion as to whether the benefits 25473
from the project are likely to exceed the estimated cost. The 25474
preliminary report shall identify all factors that are apparent to 25475
the supervisors, both favorable and unfavorable to the proposed 25476
improvement, so that the petitioners may be informed concerning 25477
what is involved with the construction of the improvement. 25478

In addition to reporting on the improvement as petitioned, 25479
the supervisors may submit alternate proposals to accomplish the 25480
intent of the petition. The preliminary report and all alternate 25481
proposals shall be reviewed and receive concurrence from an 25482
engineer who is employed by the ~~division of soil and water~~ 25483
~~resources~~ department of agriculture or by the natural resources 25484
conservation service in the United States department of 25485
agriculture and who is responsible for providing technical 25486
assistance to the district or from any other registered 25487
professional engineer whom the supervisors choose. 25488

Sec. ~~1515.184~~ 940.23. On the date and at the time established 25489
for the hearing on a petition for a proposed improvement, the 25490
supervisors of a soil and water conservation district shall 25491
conduct the hearing. Prior to the hearing, landowners affected by 25492

the proposed improvement may file objections to it with the 25493
supervisors, and at the hearing the supervisors shall hear any 25494
objections so filed. In addition, the supervisors shall present 25495
their preliminary report on the proposed improvement and shall 25496
hear any evidence offered by any landowner for or against 25497
construction of the proposed improvement. If necessary, the 25498
hearing may occur on more than one day and may be adjourned from 25499
day to day or for a longer time that may be reasonable so that all 25500
interested landowners may have an opportunity to be heard in favor 25501
of or in opposition to the proposed improvement. 25502

25503

Sec. ~~1515.185~~ 940.24. If modifications or alternatives to a 25504
proposed improvement are proposed or discussed at the hearing on 25505
the improvement, the supervisors of the soil and water 25506
conservation district may adjourn the hearing for a period of time 25507
that is necessary to conduct a subsequent view of the proposed 25508
improvement in light of the proposed changes. If it appears that a 25509
subsequent view is necessary, the supervisors shall establish a 25510
date, time, and location for it and shall notify, in the same 25511
manner, the same persons that were required to be notified of the 25512
first view. 25513

Sec. ~~1515.19~~ 940.25. At the conclusion of the hearing on a 25514
proposed improvement, the supervisors of a soil and water 25515
conservation district may approve the petition for the improvement 25516
if they are reasonably certain that the cost of the proposed 25517
improvement will be less than the benefits from it and if they 25518
find that the improvement is necessary, that it will be conducive 25519
to the public welfare, that it will improve water management and 25520
development in the county in which the district is located to the 25521
advantage of lands located in it, and that it will aid lands in 25522

the area by promoting the economical, industrial, environmental, 25523
or social development of the area. 25524

Upon approval of the petition, the supervisors shall 25525
establish a date by which the supervisors must complete, in 25526
accordance with sections ~~1515.191~~ 940.26 to ~~1515.193~~ 940.28 of the 25527
Revised Code, plans and specifications for the improvement 25528
together with estimates of damages from and costs for it. The date 25529
established shall allow as much time as is necessary for the 25530
preparation of the plans, specifications, and estimates. The 25531
supervisors may extend the completion date if necessary. Upon 25532
completion of the plans, specifications, and estimates, the 25533
supervisors shall do both of the following: 25534

(A) Determine the area that would be benefited by the 25535
proposed improvement and certify the determination together with 25536
the supervisors' approval of the improvement to the board of 25537
county commissioners of each county containing land included in 25538
the benefited area; 25539

(B) Submit the plans, specifications, and estimates together 25540
with the preliminary report to each such board. 25541

Sec. ~~1515.191~~ 940.26. Upon approval by the supervisors of a 25542
soil and water conservation district of a petition for a proposed 25543
improvement, the supervisors or their designee shall conduct all 25544
necessary surveys for the proposed improvement. In addition, the 25545
supervisors or their designee shall prepare plans for constructing 25546
the improvement and shall prepare maps showing the location of the 25547
land that is proposed to be assessed in accordance with section 25548
~~1515.24~~ 940.33 of the Revised Code for the improvement. 25549

The supervisors or their designee shall prepare 25550
specifications for construction of the improvement and shall 25551
specify dimensions of any temporary easement that is necessary for 25552

construction purposes. In addition, the supervisors or their 25553
designee shall make estimates of the cost of material and any 25554
excavation costs. The construction of the improvement may be 25555
divided into construction areas if that would be expedient. 25556

In the case of an improvement that is a ditch or similar 25557
structure for the disposal of water, the specifications for its 25558
construction that the supervisors or their designee must prepare 25559
shall provide for spreading and leveling of spoil banks and shall 25560
provide for erosion and sediment control through the establishment 25561
of a sod or seeded strip not fewer than four feet nor more than 25562
fifteen feet wide, measured at right angles to the top of the 25563
ditch bank on both sides of the ditch, except where suitable 25564
vegetative cover exists. The strip or other such controls shall be 25565
considered to be part of the permanent improvement. Sod or seeded 25566
strips that are established and maintained in excess of four feet 25567
shall be compensated for by their removal from the taxable 25568
valuation of the property of which they are a part. 25569

The supervisors or their designee shall make note of all 25570
fences, floodgates, culverts, bridges, and other structures that 25571
will be removed or adjusted in constructing the improvement. The 25572
supervisors or their designee also shall make note of any gates 25573
that need to be installed in existing fences in order to provide 25574
access to the improvement for maintenance purposes. The gates 25575
shall be locked when requested by the owner of the fence and shall 25576
be considered to be a part of the original improvement and subject 25577
to maintenance along with the improvement. 25578

The supervisors shall submit the plans, specifications, and 25579
other information prepared in accordance with this section to the 25580
board of county commissioners of each county in which the proposed 25581
improvement is to be located. 25582

Sec. ~~1515.192~~ 940.27. The supervisors of a soil and water 25583

conservation district or their designee shall estimate the value 25584
of land or other property that must be taken and the damages to be 25585
sustained by any owner as a result of the construction and 25586
subsequent maintenance of a proposed improvement. The supervisors 25587
or their designee shall prepare a schedule of damages consisting 25588
of the name and address of each owner that is alleged to be 25589
damaged, the amount of the estimated damages, and an explanation 25590
of the injury upon which the estimate is based. The supervisors' 25591
or their designee's schedule of damages also shall contain the 25592
value of the land or other property that is necessary to be taken 25593
and a complete description of that land or other property. The 25594
supervisors shall include the total of the estimated damages and 25595
valuations as part of the estimate of the total cost of 25596
constructing the improvement and shall submit the schedule of 25597
damages to the board of county commissioners of each county in 25598
which the improvement is to be located. 25599

Sec. ~~1515.193~~ 940.28. The supervisors of a soil and water 25600
conservation district or their designee shall make an estimate of 25601
the cost of the construction of a proposed improvement, which 25602
shall include actual construction costs, any other expenses 25603
incurred in investigations and notifications related to the 25604
project, the value of land or other property that must be taken 25605
and the damages to be sustained by any owner as a result of the 25606
construction and subsequent maintenance of the proposed 25607
improvement, the cost of installing any gates in fences or any 25608
other structures that are necessary to provide access to the 25609
improvement for maintenance purposes, and any other incidental 25610
costs. Upon completion of the estimate of cost, the supervisors 25611
shall submit it to the board of county commissioners of each 25612
county in which the improvement is to be located. 25613

Sec. ~~1515.21~~ 940.29. Upon receipt of a certification under 25614
section ~~1515.19~~ 940.25 of the Revised Code, the board of county 25615
commissioners shall, within sixty days, approve or disapprove 25616
construction of the improvement. If a board disapproves 25617
construction of the improvement, the supervisors may revise the 25618
plan for the improvement and again proceed under section ~~1515.19~~ 25619
940.25 of the Revised Code. If the board of county commissioners 25620
of each county containing any of the territory included in the 25621
project area approves construction of the improvement, the board, 25622
or if there is more than one such county, the joint board formed 25623
under section ~~1515.22~~ 940.31 of the Revised Code, has in addition 25624
to its other powers, the powers of a soil and water conservation 25625
district granted by division (C) of section ~~1515.08~~ 940.06 of the 25626
Revised Code. 25627

When considering whether to approve or disapprove 25628
construction of an improvement, the board shall consider all of 25629
the following factors: 25630

(A) The cost of location and construction; 25631

(B) The compensation for land or other property that must be 25632
taken; 25633

(C) The benefits to the public welfare; 25634

(D) The benefits to land, public corporations, and the state 25635
needing the improvement; 25636

(E) In the case of an improvement involving the drainage of 25637
water, the effect on land below the improvement that may be caused 25638
by constructing the improvement and the sufficiency or 25639
insufficiency of the outlet that receives flow from the 25640
improvement; 25641

(F) Any other proper matter that will assist the board in 25642
approving or disapproving construction of the improvement. 25643

When, in the opinion of the board of county commissioners, it 25644
is necessary for the board to acquire real property or a 25645
right-of-way or other easement for a conservation works of 25646
improvement under this chapter, the board may appropriate the real 25647
property or right-of-way or other easement in accordance with 25648
sections 163.01 to 163.62 of the Revised Code. 25649

If the board approves construction of the improvement, the 25650
county engineer shall file with the county recorder a property 25651
plat showing the general location of the improvement and a 25652
statement describing the dimensions of any permanent easement that 25653
is necessary for maintenance of the improvement. In the case of an 25654
improvement that is an open ditch, provisions that govern the 25655
permanent easement for maintenance of the ditch that are 25656
established in section 6137.12 of the Revised Code shall apply. 25657

A board shall follow sections 307.86 to 307.91 of the Revised 25658
Code, except that the board may designate the board of supervisors 25659
as the contracting agency and it shall follow division (H) of 25660
section ~~1515.08~~ 940.06 of the Revised Code, or except that if the 25661
improvement is being undertaken through the joint efforts and 25662
cooperation of the board of county commissioners or board of 25663
supervisors and another state or federal agency, and if the state 25664
or federal regulations or procedures are in conflict with those 25665
sections with respect to the procedures for the preparing of 25666
contracts, the issuing of bids, the making of awards, and 25667
generally the administering of the contracts, the board of county 25668
commissioners or board of supervisors may adopt the state or 25669
federal regulations or procedures in those areas where conflict 25670
exists and proceed with the improvement in accordance with the 25671
requirements of the state or federal regulations or procedures. 25672

Sec. ~~1515.211~~ 940.30. (A) A board of county commissioners 25673
that approves construction of a proposed improvement or the 25674

board's designee shall prepare a schedule of estimated assessments 25675
on property within the area that is to be benefited by the 25676
improvement. In preparing the schedule, the board or its designee 25677
shall use information concerning the proposed improvement that 25678
must be submitted to the board by the supervisors of a soil and 25679
water conservation district. The information includes plans for 25680
the proposed improvement, including surveys, maps, and 25681
specifications, together with schedules of damages, cost 25682
estimates, and any related reports that the supervisors or their 25683
designee prepared. 25684

The schedule of estimated assessments that must be prepared 25685
shall include the name and address of each owner of land believed 25686
to be benefited by the proposed improvement together with a 25687
description of the land. The names and descriptions shall be 25688
obtained from the tax duplicates of the county. The board or its 25689
designee shall enter in the schedule the amount of each estimated 25690
assessment, which shall be determined using considerations 25691
established in section ~~1515.24~~ 940.33 of the Revised Code. In no 25692
case shall an assessment be less than twenty-five dollars for each 25693
parcel of land, except in the case of a multi-parcel lot, in which 25694
case the board may charge a minimum of twenty-five dollars with 25695
respect to all of the parcels comprising the multi-parcel lot. In 25696
addition, the board may charge an assessment of less than 25697
twenty-five dollars if the board determines that a lower amount is 25698
appropriate, provided that the lower amount includes the cost of 25699
preparing and mailing the notice required under division (D)(1) of 25700
section ~~1515.24~~ 940.33 of the Revised Code. The total of the 25701
estimated assessments, including the total estimated assessments 25702
allocated to public corporations and the state, shall equal the 25703
estimated cost of the proposed improvement. The board shall use 25704
the schedule of estimated assessments for purposes of levying 25705
final assessments under section ~~1515.24~~ 940.33 of the Revised 25706

Code. 25707

(B) As used in this section, "multi-parcel lot" means a site 25708
on which a dwelling is located and that comprises two or more 25709
contiguous parcels of land. 25710

Sec. ~~1515.22~~ 940.31. The boards of county commissioners of 25711
all the counties containing any of the territory included in the 25712
project area, if all such counties have approved construction of 25713
an improvement under section ~~1515.21~~ 940.29 of the Revised Code, 25714
are a joint board of county commissioners for the improvement. 25715

A joint board of county commissioners may do all the things 25716
that a board of county commissioners may do in connection with the 25717
improvement and shall proceed as if it were a board of county 25718
commissioners representing a county that included all the 25719
territory within the project area. 25720

The joint board may agree to apportion any cost of the 25721
improvement, or expenses incurred in connection therewith, not 25722
paid by assessments or taxes levied for the improvement, or funds 25723
other than county funds, among the participating counties. 25724

The joint board shall elect one of its members president and 25725
designate a clerk of one of the boards of county commissioners of 25726
the participating counties as clerk of the joint board. A majority 25727
of the county commissioners constituting the joint board 25728
constitutes a quorum. All decisions of the joint board shall be 25729
made by a majority vote of the county commissioners constituting 25730
the joint board. 25731

For the purpose of bringing a referendum petition against a 25732
soil and water conservation project under section 305.31 of the 25733
Revised Code, a resolution adopted by a joint board of county 25734
commissioners shall be considered to be a resolution adopted by 25735
the board of county commissioners of each county in the project 25736

area. The electors of any county in the project area may file a 25737
petition for referendum under that section against a resolution 25738
adopted by the joint board of county commissioners as if it had 25739
been adopted by the board of county commissioners for that county. 25740
The referendum shall be conducted only in the county in which the 25741
referendum petition was filed. The electors of any county in the 25742
project area in which no referendum petition was filed shall not 25743
be eligible to vote in the referendum, and the outcome of a 25744
referendum shall have effect only in the county in which the 25745
referendum was held. Any county in the project area in which a 25746
referendum is not held remains subject to the provisions of the 25747
resolution adopted by the joint board of county commissioners for 25748
the soil and water conservation district. 25749

Sec. ~~1515.23~~ 940.32. The county auditor and county treasurer 25750
of one of the counties represented by a joint board of county 25751
commissioners under section ~~1515.22~~ 940.31 of the Revised Code, to 25752
be designated by the joint board, shall ex officio become the 25753
fiscal agents of all the participating counties. Such auditor 25754
shall certify to the auditor of the other counties a schedule of 25755
any taxes or assessments to be levied for the improvement, and the 25756
auditor of such other county shall proceed forthwith to place such 25757
tax or assessment upon the duplicates. Taxes or assessments so 25758
certified for collection to an auditor of another county ~~is~~ are a 25759
lien on the land within such county from the date such certificate 25760
is received by the auditor of such other county. The treasurer of 25761
each county shall proceed to collect the same pursuant to the 25762
orders made in the proceedings of the joint board, and such taxes 25763
or assessments when collected shall be paid to the treasurer for 25764
the joint board. The auditor and treasurer shall receive and 25765
account for such funds in the same manner as they would for taxes 25766
or assessments collected within their county. The treasurer and 25767
auditor with their ~~bondsman~~ bondspersons are liable on their 25768

official bonds for any misappropriation of such funds. All 25769
warrants for the payment of costs in connection with the 25770
improvement shall be drawn by the auditor designated under this 25771
section, on the treasurer of ~~said~~ the county, payable out of the 25772
fund designated by the joint board to receive moneys for the 25773
improvement. 25774

Sec. ~~1515.24~~ 940.33. (A) Following receipt of a certification 25775
made by the supervisors of a soil and water conservation district 25776
pursuant to section ~~1515.19~~ 940.25 of the Revised Code together 25777
with receipt of all plans, specifications, and estimates submitted 25778
under that section and upon completion of a schedule of estimated 25779
assessments in accordance with section ~~1515.211~~ 940.30 of the 25780
Revised Code, the board of county commissioners may adopt a 25781
resolution levying upon the property within the project area an 25782
assessment at a uniform or varied rate based upon the benefit to 25783
the area certified by the supervisors, as necessary to pay the 25784
cost of construction of the improvement not otherwise funded and 25785
to repay advances made for purposes of the improvement from the 25786
fund created by section ~~1515.15~~ 940.16 of the Revised Code. The 25787
board of county commissioners shall direct the person or authority 25788
preparing assessments to give primary consideration, in 25789
determining a parcel's estimated assessments relating to the 25790
disposal of water, to the potential increase in productivity that 25791
the parcel may experience as a result of the improvement and also 25792
to give consideration to the amount of water disposed of, the 25793
location of the property relative to the project, the value of the 25794
project to the watershed, and benefits. The part of the assessment 25795
that is found to benefit state, county, or township roads or 25796
highways or municipal streets shall be assessed against the state, 25797
county, township, or municipal corporation, respectively, payable 25798
from motor vehicle revenues. The part of the assessment that is 25799
found to benefit property owned by any public corporation, any 25800

political subdivision of the state, or the state shall be assessed 25801
against the public corporation, the political subdivision, or the 25802
state and shall be paid out of the general funds or motor vehicle 25803
revenues of the public corporation, the political subdivision of 25804
the state, or the state, except as otherwise provided by law. 25805

25806

(B) The assessment shall be certified to the county auditor 25807
and by the county auditor to the county treasurer. The collection 25808
of the assessment shall conform in all matters to Chapter 323. of 25809
the Revised Code. 25810

(C) Any land owned and managed by the department of natural 25811
resources for wildlife, recreation, nature preserve, or forestry 25812
purposes is exempt from assessments if the director of natural 25813
resources determines that the land derives no benefit from the 25814
improvement. In making such a determination, the director shall 25815
consider the purposes for which the land is owned and managed and 25816
any relevant articles of dedication or existing management plans 25817
for the land. If the director determines that the land derives no 25818
benefit from the improvement, the director shall notify the board 25819
of county commissioners, within thirty days after receiving the 25820
assessment notification required by this section, indicating that 25821
the director has determined that the land is to be exempt and 25822
explaining the specific reason for making this determination. The 25823
board of county commissioners, within thirty days after receiving 25824
the director's exemption notification, may appeal the 25825
determination to the court of common pleas. If the court of common 25826
pleas finds in favor of the board of county commissioners, the 25827
department of natural resources shall pay all court costs and 25828
legal fees. 25829

(D)(1) The board shall give notice by first class mail to 25830
every public and private property owner whose property is subject 25831

to assessment, at the tax mailing or other known address of the owner. The notice shall contain a statement of the amount to be assessed against the property of the addressee, a description of the method used to determine the necessity for and the amount of the proposed assessment, a description of any easement on the property that is necessary for purposes of the improvement, and a statement that the addressee may file an objection in writing at the office of the board of county commissioners within thirty days after the mailing of notice. If the residence of any owner cannot be ascertained, or if any mailed notice is returned undelivered, the board shall publish the notice to all such owners in a newspaper of general circulation within the project area, once each week for three weeks or as provided in section 7.16 of the Revised Code. The notice shall include the information contained in the mailed notice, but shall state that the owner may file an objection in writing at the office of the board of county commissioners within thirty days after the last publication of the notice.

(2) Upon receipt of objections as provided in this section, the board shall proceed within thirty days to hold a final hearing on the objections by fixing a date and giving notice by first class mail to the objectors at the address provided in filing the objection. If any mailed notice is returned undelivered, the board shall give due notice to the objectors in a newspaper of general circulation in the project area or as provided in section 7.16 of the Revised Code, stating the time, place, and purpose of the hearing. Upon hearing the objectors, the board may adopt a resolution amending and approving the final schedule of assessments and shall enter it in the journal.

(3) Any owner whose objection is not allowed may appeal within thirty days to the court of common pleas of the county in which the property is located.

(4) The board of county commissioners shall make an order 25864
approving the levying of the assessment and shall proceed under 25865
section 6131.23 of the Revised Code after one of the following has 25866
occurred, as applicable: 25867

(a) Final notice is provided by mail or publication. 25868

(b) The imposition of assessments is upheld in the final 25869
disposition of an appeal that is filed pursuant to division (D)(3) 25870
of this section. 25871

(c) The resolution levying the assessments is approved in a 25872
referendum that is held pursuant to section 305.31 of the Revised 25873
Code. 25874

(5) The county treasurer shall deposit the proceeds of the 25875
assessment in the fund designated by the board and shall report to 25876
the county auditor the amount of money from the assessment that is 25877
collected by the treasurer. Moneys shall be expended from the fund 25878
for purposes of the improvement. 25879

(E) Any moneys collected in excess of the amount needed for 25880
construction of the improvement and the subsequent first year's 25881
maintenance may be maintained in a fund to be used for maintenance 25882
of the improvement. In any year subsequent to a year in which an 25883
assessment for construction of an improvement levied under this 25884
section has been collected, and upon determination by the board of 25885
county commissioners that funds are not otherwise available for 25886
maintenance or repair of the improvement, the board shall levy on 25887
the property within the project area an assessment for maintenance 25888
at a uniform percentage of all construction costs based upon the 25889
assessment schedule used in determining the construction 25890
assessment. The assessment is not subject to the provisions 25891
concerning notice and petition contained in this section. An 25892
assessment for maintenance shall not be levied in any year in 25893
which the unencumbered balance of funds available for maintenance 25894

of the improvement exceeds twenty per cent of the cost of 25895
construction of the improvement, except that the board may adjust 25896
the level of assessment within the twenty per cent limitation, or 25897
suspend temporarily the levying of an assessment, for maintenance 25898
purposes as maintenance funds are needed. 25899

For the purpose of levying an assessment for maintenance of 25900
an improvement, a board may use the procedures established in 25901
Chapter 6137. of the Revised Code regarding maintenance of 25902
improvements as defined in section 6131.01 of the Revised Code in 25903
lieu of using the procedures established under this section. 25904

(F) The board of county commissioners may issue bonds and 25905
notes as authorized by section 131.23 or 133.17 of the Revised 25906
Code. 25907

Sec. ~~1515.28~~ 940.34. A board of county commissioners may 25908
declare by resolution that it is necessary to levy a tax upon the 25909
property within the project area in order to pay the costs of the 25910
improvement not otherwise funded. 25911

Such resolution shall specify the rate ~~which~~ that it is 25912
necessary to levy, the purpose thereof, and the number of years 25913
during which such increase shall be in effect, which levy may 25914
include a levy upon the duplicate of the current year. 25915

A copy of the resolution shall be certified to the board of 25916
elections for the county not less than ninety days before the 25917
general election in any year and ~~said~~ the board shall submit the 25918
proposal to the electors within the project area at the succeeding 25919
November election in accordance with section 5705.25 of the 25920
Revised Code. For purposes of that section, the subdivision is the 25921
project area. 25922

If the per cent required for approval of a levy as set forth 25923
in section 5705.26 of the Revised Code vote in favor thereof, the 25924

board of county commissioners may levy a tax within the project 25925
area, outside the ten-mill limitation, during the period and for 25926
the purpose stated in the resolution, or at any less rate or for 25927
any less number of years. 25928

The board may issue bonds and notes in anticipation of the 25929
collection of taxes levied under this section, and notes in 25930
anticipation of the issuance of bonds. 25931

Sec. ~~1515.29~~ 940.35. The board of county commissioners, or, 25932
if a joint board of county commissioners has been created under 25933
section ~~1515.22~~ 940.31 of the Revised Code, the joint board, shall 25934
maintain the works of improvement constructed by the board for a 25935
soil and water conservation district. For that purpose, the board 25936
or joint board may use procedures and requirements established in 25937
sections 6137.08 to 6137.14 of the Revised Code and may contract 25938
with or authorize the supervisors or joint board of supervisors of 25939
a soil and water conservation district to perform maintenance of 25940
such works of improvement. 25941

Sec. 941.14. (A) The owner shall burn the body of an animal 25942
that has died of, or been destroyed because of, a dangerously 25943
infectious or contagious disease, bury it not less than four feet 25944
under the surface of the ground, dissolve it by alkaline 25945
hydrolysis, remove it in a watertight tank to a rendering 25946
establishment, or otherwise dispose of it in accordance with 25947
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within 25948
twenty-four hours after knowledge thereof or after notice in 25949
writing from the department of agriculture. 25950

(B) The owner of premises that contain a dead animal shall 25951
burn the body of the animal, bury it not less than four feet 25952
beneath the surface of the ground, dissolve it by alkaline 25953
hydrolysis, remove it in a watertight tank to a rendering 25954

establishment, or otherwise dispose of it in accordance with 25955
section 939.04 or 953.26 ~~or 1511.022~~ of the Revised Code within a 25956
reasonable time after knowledge thereof or after notice in writing 25957
from the department or from the township trustees of the township 25958
in which the owner's premises are located. 25959

(C) Notwithstanding division (A) or (B) of this section, the 25960
director of agriculture, in written notice sent to the owner of a 25961
dead animal, may require the owner to employ a specific method of 25962
disposition of the body, including burning, burying, rendering, 25963
composting, or alkaline hydrolysis, when that method does not 25964
conflict with any law or rule governing the disposal of infectious 25965
wastes and, in the director's judgment, is necessary for purposes 25966
of animal disease control. No person shall fail to employ the 25967
method of disposition required under this division. 25968

(D) The director, in written notice sent to the owner of a 25969
dead animal, may prohibit the owner from transporting the body of 25970
the dead animal on any street or highway if that prohibition does 25971
not conflict with any law or rule governing the transportation of 25972
infectious wastes and, in the director's judgment, is necessary 25973
for purposes of animal disease control. No person shall fail to 25974
comply with a prohibition issued under this division. 25975

(E) As used in this section, "infectious wastes" has the same 25976
meaning as in section 3734.01 of the Revised Code, and "street" or 25977
"highway" has the same meaning as in section 4511.01 of the 25978
Revised Code. 25979

Sec. 953.22. (A) No person shall engage in the business of 25980
disposing of, picking up, rendering, or collecting raw rendering 25981
material or transporting the material to a composting facility 25982
without a license to do so from the department of agriculture. 25983

(B) This chapter does not apply to any of the following: 25984

(1) A farmer who slaughters the farmer's own animals, raised 25985
by the farmer on the farmer's own farm, processes the farmer's own 25986
meat therefrom, and disposes of the farmer's raw rendering 25987
material only by delivery to a person licensed under section 25988
953.23 of the Revised Code; 25989

(2) A person whose only connection with raw rendering 25990
material is curing hides and skins; 25991

(3) A person whose only connection with raw rendering 25992
material is operating a pet cemetery; 25993

(4) A person who is conducting composting, as defined in 25994
section ~~1511.01~~ 939.01 of the Revised Code, in accordance with 25995
section ~~1511.022~~ 939.04 of the Revised Code; 25996

(5) A person whose only connection with raw rendering 25997
material is trapping wild animals in accordance with a nuisance 25998
wild animal permit issued by the chief of the division of wildlife 25999
in the department of natural resources under rules adopted 26000
pursuant to section 1531.08 of the Revised Code; 26001

(6) A county dog warden or animal control officer who 26002
transports raw rendering material only for disposal purposes. 26003

Sec. 955.12. Except as provided in section 955.121 of Revised 26004
Code, a board of county commissioners shall appoint or employ a 26005
county dog warden and deputies in such number, for such periods of 26006
time, and at such compensation as the board considers necessary to 26007
enforce sections 955.01 to 955.27, ~~955.29 to 955.38~~, and 955.50 to 26008
955.53 of the Revised Code. 26009

The warden and deputies shall give bond in a sum not less 26010
than five hundred dollars and not more than two thousand dollars, 26011
as set by the board, conditioned for the faithful performance of 26012
their duties. The bond or bonds may, in the discretion of the 26013
board, be individual or blanket bonds. The bonds shall be filed 26014

with the county auditor of their respective counties. 26015

The warden and deputies shall make a record of all dogs 26016
owned, kept, and harbored in their respective counties. They shall 26017
patrol their respective counties and seize and impound on sight 26018
all dogs found running at large and all dogs more than three 26019
months of age found not wearing a valid registration tag, except 26020
any dog that wears a valid registration tag and is: on the 26021
premises of its owner, keeper, or harborer, under the reasonable 26022
control of its owner or some other person, hunting with its owner 26023
or its handler at a field trial, kept constantly confined in a dog 26024
kennel registered under this chapter or one licensed under Chapter 26025
956. of the Revised Code, or acquired by, and confined on the 26026
premises of, an institution or organization of the type described 26027
in section 955.16 of the Revised Code. A dog that wears a valid 26028
registration tag may be seized on the premises of its owner, 26029
keeper, or harborer and impounded only in the event of a natural 26030
disaster. 26031

If a dog warden has reason to believe that a dog is being 26032
treated inhumanely on the premises of its owner, keeper, or 26033
harborer, the warden shall apply to the court of common pleas for 26034
the county in which the premises are located for an order to enter 26035
the premises, and if necessary, seize the dog. If the court finds 26036
probable cause to believe that the dog is being treated 26037
inhumanely, it shall issue such an order. 26038

The warden and deputies shall also ~~investigate all claims for~~ 26039
~~damages to animals reported to them under section 955.29 of the~~ 26040
~~Revised Code and assist claimants to fill out the claim form~~ 26041
~~therefor. They shall~~ make weekly reports, in writing, to the board 26042
in their respective counties of all dogs seized, impounded, 26043
redeemed, and destroyed ~~and of all claims for damage to animals~~ 26044
~~inflicted by dogs.~~ 26045

The wardens and deputies shall have the same police powers as 26046

are conferred upon sheriffs and police officers in the performance 26047
of their duties as prescribed by sections 955.01 to 955.27, ~~955.29~~ 26048
~~to 955.38,~~ and 955.50 to 955.53 of the Revised Code. They shall 26049
also have power to summon the assistance of bystanders in 26050
performing their duties and may serve writs and other legal 26051
processes issued by any court in their respective counties with 26052
reference to enforcing those sections. County auditors may 26053
deputize the wardens or deputies to issue dog licenses as provided 26054
in sections 955.01 and 955.14 of the Revised Code. 26055

Whenever any person files an affidavit in a court of 26056
competent jurisdiction that there is a dog running at large that 26057
is not kept constantly confined either in a dog kennel registered 26058
under this chapter or one licensed under Chapter 956. of the 26059
Revised Code or on the premises of an institution or organization 26060
of the type described in section 955.16 of the Revised Code or 26061
that a dog is kept or harbored in the warden's jurisdiction 26062
without being registered as required by law, the court shall 26063
immediately order the warden to seize and impound the dog. 26064
Thereupon the warden shall immediately seize and impound the dog 26065
complained of. The warden shall give immediate notice by certified 26066
mail to the owner, keeper, or harborer of the dog seized and 26067
impounded by the warden, if the owner, keeper, or harborer can be 26068
determined from the current year's registration list maintained by 26069
the warden and the county auditor of the county where the dog is 26070
registered, that the dog has been impounded and that, unless the 26071
dog is redeemed within fourteen days of the date of the notice, it 26072
may thereafter be sold or destroyed according to law. If the 26073
owner, keeper, or harborer cannot be determined from the current 26074
year's registration list maintained by the warden and the county 26075
auditor of the county where the dog is registered, the officer 26076
shall post a notice in the pound or animal shelter both describing 26077
the dog and place where seized and advising the unknown owner 26078
that, unless the dog is redeemed within three days, it may 26079

thereafter be sold or destroyed according to law. 26080

~~As used in this section, "animal" has the same meaning as in 26081~~

~~section 955.51 of the Revised Code. 26082~~

Sec. 955.121. (A)(1) In lieu of appointing a county dog 26083
warden and deputies under section 955.12 of the Revised Code, a 26084
board of county commissioners may appoint the county sheriff to 26085
enforce sections 955.01 to 955.27, ~~955.29 to 955.38,~~ and 955.50 to 26086
955.53 of the Revised Code. If a board chooses to appoint the 26087
county sheriff as the county dog warden, the board shall enter 26088
into a two-year written agreement with the sheriff for that 26089
purpose at the first meeting in a calendar year following a 26090
general election in which at least one of the members of the board 26091
was elected. 26092

(2) The agreement may authorize both of the following: 26093

(a) The sheriff to appoint sheriff's deputies or persons 26094
other than peace officers as deputy dog wardens; 26095

(b) The transfer of any benefits accrued by employees who are 26096
transferred as a result of the county sheriff's being appointed as 26097
the county dog warden. 26098

(B) Any dog warden and deputy dog wardens appointed under 26099
this section shall comply with both of the following: 26100

(1) Any training requirements applicable to county dog 26101
wardens and deputy dog wardens appointed or employed under section 26102
955.12 of the Revised Code; 26103

(2) The requirements established in that section. 26104

(C) If a county sheriff or a sheriff's deputies are appointed 26105
as a dog warden or deputy dog wardens under this section, 26106
references in this chapter and in Chapters 953., 956., and 959. of 26107
the Revised Code to "dog warden" and "deputy dog warden" shall be 26108
deemed to be replaced, respectively, with references to "sheriff" 26109

and "deputy sheriff." 26110

Sec. 955.14. (A) Notwithstanding section 955.01 of the 26111
Revised Code, a board of county commissioners by resolution may 26112
increase dog and kennel registration fees in the county. The 26113
amount of the fees shall not exceed an amount that the board, in 26114
its discretion, estimates is needed to pay all expenses for the 26115
administration of this chapter ~~and to pay claims allowed for~~ 26116
~~animals injured or destroyed by dogs.~~ Such a resolution shall be 26117
adopted not earlier than the first day of February and not later 26118
than the thirty-first day of August of any year and shall specify 26119
the registration period or periods to which the increased fees 26120
apply. An increase in fees adopted under this division shall be in 26121
the ratio of two dollars for each year of registration for a dog 26122
registration fee, twenty dollars for a permanent dog registration 26123
fee, and ten dollars for a kennel registration fee. 26124

(B) ~~Not later than the fifteenth day of October of each year,~~ 26125
~~the board of county commissioners shall determine if there is~~ 26126
~~sufficient money in the dog and kennel fund, after paying the~~ 26127
~~expenses of administration incurred or estimated to be incurred~~ 26128
~~for the remainder of the year, to pay the claims allowed for~~ 26129
~~animals injured or destroyed by dogs. If the board determines~~ 26130
~~there is not sufficient money in the dog and kennel fund to pay~~ 26131
~~the claims allowed, the board shall provide by resolution that all~~ 26132
~~claims remaining unpaid shall be paid from the general fund of the~~ 26133
~~county. All money paid out of the general fund for those purposes~~ 26134
~~may be replaced by the board from the dog and kennel fund at any~~ 26135
~~time during the following year notwithstanding section 5705.14 of~~ 26136
~~the Revised Code.~~ 26137

~~(C)~~ Notwithstanding section 955.20 of the Revised Code, if 26138
dog and kennel registration fees in any county are increased above 26139
two dollars for each year of registration and twenty dollars for a 26140

permanent registration for a dog registration fee and ten dollars 26141
for a kennel registration fee under authority of division (A) of 26142
this section, then on or before the first day of March following 26143
each year in which the increased fees are in effect, the county 26144
auditor shall draw on the dog and kennel fund a warrant payable to 26145
the college of veterinary medicine of the Ohio state university in 26146
an amount equal to ten cents for each one-year dog registration, 26147
thirty cents for each three-year dog registration, one dollar for 26148
each permanent dog registration, and ten cents for each kennel 26149
registration fee received during the preceding year. The money 26150
received by the college of veterinary medicine of the Ohio state 26151
university under this division shall be applied for research and 26152
study of the diseases of dogs, particularly those transmittable to 26153
humans, and for research of other diseases of dogs that by their 26154
nature will provide results applicable to the prevention and 26155
treatment of both human and canine illness. 26156

~~(D)~~(C) The Ohio state university college of veterinary 26157
medicine shall be responsible to report annually to the general 26158
assembly the progress of the research and study authorized and 26159
funded by division ~~(E)~~(B) of this section. The report shall 26160
briefly describe the research projects undertaken and assess the 26161
value of each. The report shall account for funds received 26162
pursuant to division ~~(E)~~(B) of this section and for the funds 26163
expended attributable to each research project and for other 26164
necessary expenses in conjunction with the research authorized by 26165
division ~~(E)~~(B) of this section. The report shall be filed with 26166
the general assembly by the first day of May of each year. 26167

~~(E)~~(D) The county auditor may authorize agents to receive 26168
applications for registration of dogs and kennels and to issue 26169
certificates of registration and tags. If authorized agents are 26170
employed in a county, each applicant for a dog or kennel 26171
registration shall pay to the agent an administrative fee of 26172

seventy-five cents in addition to the registration fee. The 26173
administrative fee shall be the compensation of the agent. The 26174
county auditor shall establish rules for reporting and accounting 26175
by the agents. No administrative or similar fee shall be charged 26176
in any county except as authorized by this division or division 26177
~~(F)~~(E) of this section. 26178

~~(F)~~(E) For any county that accepts the payment of dog and 26179
kennel registration fees by financial transaction devices in 26180
accordance with section 955.013 of the Revised Code, in addition 26181
to those registration fees, the county auditor shall collect for 26182
each registration paid by a financial transaction device one of 26183
the following: 26184

(1) An administrative fee of seventy-five cents or another 26185
amount necessary to cover actual costs designated by the county 26186
auditor; 26187

(2) If the board of county commissioners adopts a surcharge 26188
or convenience fee for making payments by a financial transaction 26189
device under division (E) of section 301.28 of the Revised Code, 26190
that surcharge or convenience fee; 26191

(3) If the county auditor contracts with a third party to 26192
provide services to enable registration via the internet as 26193
provided in section 955.013 of the Revised Code, a surcharge or 26194
convenience fee as agreed to between that third party and the 26195
county for those internet registration services. Any additional 26196
expenses incurred by the county auditor that result from a 26197
contract with a third party as provided in this section and 26198
section 955.013 of the Revised Code and that are not covered by a 26199
surcharge or convenience fee shall be paid out of the allowance 26200
provided to the county auditor under section 955.20 of the Revised 26201
Code. 26202

~~(G)~~(F) The county auditor shall post conspicuously the amount 26203

of the administrative fee, surcharge, or convenience fee that is 26204
permissible under this section on the web page where the auditor 26205
accepts payments for registrations made under division (B)(1) of 26206
section 955.013 of the Revised Code. If any person chooses to pay 26207
by financial transaction device, the administrative fee, 26208
surcharge, or convenience fee shall be considered voluntary and is 26209
not refundable. 26210

~~(H) As used in this section, "animal" has the same meaning as 26211
in section 955.51 of the Revised Code. 26212~~

Sec. 955.15. The board of county commissioners shall provide 26213
nets and other suitable devices for the taking of dogs in a humane 26214
manner, provide a suitable place for impounding dogs, make proper 26215
provision for feeding and caring for the same, and provide humane 26216
devices and methods for destroying dogs. In any county in which 26217
there is a society for the prevention of cruelty to children and 26218
animals, having one or more agents and maintaining an animal 26219
shelter suitable for a dog pound and devices for humanely 26220
destroying dogs, the board need not furnish a dog pound, but the 26221
county dog warden shall deliver all dogs seized by ~~him~~ the warden 26222
and ~~his~~ the warden's deputies to such society at its animal 26223
shelter, there to be dealt with in accordance with law. The board 26224
shall provide for the payment of reasonable compensation to such 26225
society for its services so performed out of the dog and kennel 26226
fund. The board may designate and appoint any officers regularly 26227
employed by any society organized under sections 1717.02 to 26228
1717.05, ~~inclusive,~~ of the Revised Code, to act as county dog 26229
warden or deputies for the purpose of carrying out sections 955.01 26230
to 955.27, ~~inclusive,~~ and ~~955.29 to 955.38, inclusive,~~ of the 26231
Revised Code, if such society whose agents are so employed owns or 26232
controls a suitable place for keeping and destroying dogs. 26233

Sec. 955.20. The registration fees provided for in sections 26234

955.01 to 955.14 of the Revised Code constitute a special fund 26235
known as "the dog and kennel fund." The fees shall be deposited by 26236
the county auditor in the county treasury daily as collected. 26237
Money in the fund shall be used for the purpose of defraying the 26238
cost of furnishing all blanks, records, tags, nets, and other 26239
equipment, for the purpose of paying the compensation of county 26240
dog wardens, deputies, poundkeepers, and other employees necessary 26241
to carry out and enforce sections 955.01 to 955.261 of the Revised 26242
Code, ~~and for the payment of animal claims as provided in sections~~ 26243
~~955.29 to 955.38 of the Revised Code,~~ and in accordance with 26244
section 955.27 of the Revised Code. The board of county 26245
commissioners, by resolution, shall appropriate sufficient funds 26246
out of the dog and kennel fund, not more than fifteen per cent of 26247
which shall be expended by the auditor for registration tags, 26248
blanks, records, and clerk hire, for the purpose of defraying the 26249
necessary expenses of registering, seizing, impounding, and 26250
destroying dogs in accordance with sections 955.01 to 955.27 of 26251
the Revised Code, and for the purpose of covering any additional 26252
expenses incurred by the county auditor as authorized by division 26253
(F)(E)(3) of section 955.14 of the Revised Code. 26254

If the funds so appropriated in any calendar year are found 26255
by the board to be insufficient to defray the necessary cost and 26256
expense of the county dog warden in enforcing sections 955.01 to 26257
955.27 of the Revised Code, the board, by resolution so provided, 26258
~~after setting aside a sum equal to the total amount of animal~~ 26259
~~claims filed in that calendar year, or an amount equal to the~~ 26260
~~total amount of animal claims paid or allowed the preceding year,~~ 26261
~~whichever amount is larger,~~ may appropriate further funds for the 26262
use and purpose of the county dog warden in administering those 26263
sections. 26264

Sec. 955.27. After paying all necessary expenses of 26265
administering the sections of the Revised Code relating to the 26266

registration, seizing, impounding, and destroying of dogs, 26267
including the purchase, construction, and repair of vehicles and 26268
facilities necessary for the proper administration of such 26269
sections, ~~making compensation for injuries to livestock inflicted~~ 26270
~~by dogs, and after paying all animal claims,~~ the board of county 26271
commissioners, at the December session, if there remains more than 26272
two thousand dollars in the dog and kennel fund for that year in a 26273
county in which there is a society for the prevention of cruelty 26274
to children and animals, incorporated and organized by law, and 26275
having one or more agents appointed pursuant to law, or any other 26276
society organized under Chapter 1717. of the Revised Code, that 26277
owns or controls a suitable dog kennel or a place for the keeping 26278
and destroying of dogs that has one or more agents appointed and 26279
employed pursuant to law, may pay to the treasurer of the society, 26280
upon warrant of the county auditor, all such excess as the board 26281
deems necessary for the uses and purposes of the society. 26282

~~As used in this section, "animal" has the same meaning as in~~ 26283
~~section 955.51 of the Revised Code.~~ 26284

Sec. 991.03. (A) The Ohio expositions commission shall: 26285

(1) Conduct at least one fair or exposition annually; 26286

(2) Maintain and manage property held by the state for the 26287
purpose of conducting fairs, expositions, and exhibits; 26288

(3) As provided in section 109.122 of the Revised Code, 26289
provide notice of or copies of any proposed entertainment or 26290
sponsorship contracts to the attorney general. 26291

(B) The commission may: 26292

(1) Conduct such additional fairs, expositions, or 26293
exhibitions as the commission determines are in the general public 26294
interest; 26295

(2) Accept on behalf of the state conveyances of property for 26296

the purposes of conducting fairs, expositions, and exhibits, 26297
subject to any terms and conditions agreed to by the commission 26298
and approved by the controlling board; 26299

(3) Accept gifts, devises, and bequests of money, lands, and 26300
other property and apply the money, lands, or other property 26301
according to the terms of the gift, devise, or bequest. A 26302
political subdivision as authorized by law may make gifts and 26303
devises to the commission, and the commission shall apply such a 26304
gift or devise according to the terms of the gift or devise. All 26305
gifts and bequests of money accepted under this division shall be 26306
deposited into the state treasury to the credit of the Ohio 26307
expositions support fund. 26308

(4) Enter into contracts that the commission considers 26309
necessary or worthwhile in the conduct of its purposes, provided 26310
that contracts made for a term exceeding two years, other than 26311
those described in division (B)(4) of this section, shall be 26312
subject to the approval of the controlling board and provided that 26313
the attorney general, pursuant to the attorney general's authority 26314
under section 109.122 of the Revised Code, has not disapproved the 26315
proposed contract; 26316

(5) Enter into contracts for the mutual exchange of goods or 26317
services; 26318

(6) Sell or convey all or a portion of the property, land, or 26319
buildings under its management subject to the approval of the 26320
legislature; 26321

(7) Grant leases on all or any part of the property, land, or 26322
buildings under the management of the commission to private or 26323
public organizations, which appear to be in the best interests of 26324
the state, with the approval of the controlling board and director 26325
of administrative services, subject to the following conditions: 26326

(a) The lessees shall make or construct improvements on such 26327

lands or buildings at no cost to the commission or to the state, 26328
subject to prior approval by the director of administrative 26329
services of detailed plans and specifications of such 26330
improvements. 26331

(b) No person, firm, or corporation shall cause a lien to be 26332
filed against any funds or property of the state or of the 26333
commission as a result of a lessee's activities pursuant to 26334
division (B)(7)(a) of this section. 26335

(c) Leases shall be entered into subject to the sale of such 26336
property, lands, or buildings during the term of the lease. 26337

(d) No leases shall be made which interfere with a fair, 26338
exposition, or exhibition on such lands. 26339

(8) Encumber appropriations for the entire amount of a 26340
contract at the time the contract is made, even though the 26341
contract will not be performed in the fiscal year for which the 26342
appropriations were made. 26343

(9) Implement a credit card payment program permitting 26344
payment by means of a credit card of any fees, charges, and 26345
rentals associated with conducting fairs, expositions, and 26346
exhibits. The commission may open an account outside the state 26347
treasury in a financial institution for the purpose of depositing 26348
credit card receipts. By the end of the business day following the 26349
deposit of the receipts, the financial institution shall make 26350
available to the commission funds in the amount of the receipts. 26351
The commission shall then pay these funds into the state treasury 26352
to the credit of the Ohio expositions fund. 26353

The commission shall adopt rules as necessary to carry out 26354
the purposes of division (B)(9) of this section. The rules shall 26355
include standards for determining eligible financial institutions 26356
and the manner in which funds shall be made available and shall be 26357
consistent with the standards contained in sections 135.03, 26358

135.18, ~~and 135.181,~~ and 135.182 of the Revised Code. 26359

The commission shall not adopt or enforce any rules which 26360
will prohibit livestock exhibited at the Ohio state fair from 26361
participating in county and independent fairs in the state. 26362

Sec. 1306.20. (A) Subject to section 1306.11 of the Revised 26363
Code, each state agency shall determine if, and the extent to 26364
which, it will send and receive electronic records and electronic 26365
signatures to and from other persons and otherwise create, 26366
generate, communicate, store, process, use, and rely upon 26367
electronic records and electronic signatures. 26368

(B)(1) Subject to division (B)(2) of this section, a state 26369
agency may waive a requirement in the Revised Code, other than a 26370
requirement in sections 1306.01 to 1306.15 of the Revised Code, 26371
that relates to any of the following: 26372

(a) The method of posting or displaying records; 26373

(b) The manner of sending, communicating, or transmitting 26374
records; 26375

(c) The manner of formatting records. 26376

(2) A state agency may exercise its authority to waive a 26377
requirement under division (B)(1) of this section only if the 26378
following apply: 26379

(a) The requirement relates to a matter over which the state 26380
agency has jurisdiction; 26381

(b) The waiver is consistent with criteria set forth in rules 26382
adopted by the state agency. The criteria, to the extent 26383
reasonable under the circumstances, shall contain standards to 26384
facilitate the use of electronic commerce by persons under the 26385
jurisdiction of the state agency consistent with rules adopted by 26386
the department of administrative services pursuant to division (A) 26387
of section 1306.21 of the Revised Code. 26388

(C) If a state agency creates, uses, receives, or retains electronic records, both of the following apply:

(1) Any rules adopted by a state agency relating to electronic records shall be consistent with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(2) Each state agency shall create, use, receive, and retain electronic records in accordance with section 149.40 of the Revised Code.

(D) If a state agency creates, uses, or receives electronic signatures, the state agency shall create, use, or receive the signatures in accordance with rules adopted by the department of administrative services pursuant to division (A) of section 1306.21 of the Revised Code.

(E)~~(1)~~ To the extent a state agency retains an electronic record, the state agency may retain a record in a format that is different from the format in which the record was originally created, used, sent, or received only if it can be demonstrated that the alternative format used accurately and completely reflects the record as it was originally created, used, sent, or received.

~~(2) If a state agency in retaining any set of electronic records pursuant to division (E)(1) of this section alters the format of the records, the state agency shall create a certificate of authenticity for each set of records that is altered.~~

~~(3) The department of administrative services, in consultation with the state archivist, shall adopt rules in accordance with section 111.15 of the Revised Code that establish the methods for creating certificates of authenticity pursuant to division (E)(2) of this section.~~

(F) Whenever any rule of law requires or authorizes the

filing of any information, notice, lien, or other document or 26420
record with any state agency, a filing made by an electronic 26421
record shall have the same force and effect as a filing made on 26422
paper in all cases where the state agency has authorized or agreed 26423
to such electronic filing and the filing is made in accordance 26424
with applicable rules or agreement. 26425

(G) Nothing in sections 1306.01 to 1306.23 of the Revised 26426
Code shall be construed to require any state agency to use or 26427
permit the use of electronic records and electronic signatures. 26428

~~(H)(1) Notwithstanding division (C)(1) or (D) of this 26429
section, any state agency that, prior to September 14, 2000, used 26430
or permitted the use of electronic records or electronic 26431
signatures pursuant to laws enacted, rules adopted, or agency 26432
policies adopted before September 14, 2000, may use or permit the 26433
use of electronic records or electronic signatures pursuant to 26434
those previously enacted laws, adopted rules, or adopted policies 26435
for a period of two years after September 14, 2000. 26436~~

~~(2) Subject to division (H)(3) of this section, after the 26437
two year period described in division (H)(1) of this section has 26438
concluded, all state agencies that use or permit the use of 26439
electronic records or electronic signatures before September 14, 26440
2000, shall only use or permit the use of electronic records or 26441
electronic signatures consistent with rules adopted by the 26442
department of administrative services pursuant to division (A) of 26443
section 1306.21 of the Revised Code. 26444~~

~~(3) After the two year period described in division (H)(1) of 26445
this section has concluded, the department of administrative 26446
services may permit a state agency to use electronic records or 26447
electronic signatures that do not comply with division (H)(2) of 26448
this section, if the state agency files a written request with the 26449
department. 26450~~

(I) For the purposes of this section, "state agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government, but does not include the general assembly, any legislative agency, the supreme court, the other courts of record in this state, any judicial agency, or any state university identified in section 3345.011 of the Revised Code, or the northeast Ohio medical university.

(I) A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, that uses or permits the use of electronic records or electronic signatures on ~~the effective date of this amendment~~ September 16, 2014, shall, within six months after ~~the effective date of this amendment~~ September 16, 2014, adopt rules in accordance with section 111.15 of the Revised Code to provide for the use or permission to use electronic records or electronic signatures. A state university identified in section 3345.011 of the Revised Code, and the northeast Ohio medical university, if not using or permitting the use of electronic records or electronic signatures on ~~the effective date of this amendment~~ September 16, 2014, shall adopt rules in accordance with section 111.15 of the Revised Code when it elects to begin using or permitting the use of electronic records or electronic signatures.

Sec. 1309.528. All fees collected by the secretary of state for filings under Title XIII or XVII of the Revised Code shall be deposited into the state treasury to the credit of the corporate and uniform commercial code filing fund, which is hereby created. The fund shall also receive revenue from fees charged to customers for special database requests. All moneys credited to the fund shall be used for the purpose of paying for the operations of the office of the secretary of state and for the purpose of paying for expenses relating to the processing of filings under Title XIII or

XVII of the Revised Code.	26483
Sec. 1332.25. (A) An application made to the director of	26484
commerce for a video service authorization under section 1332.24	26485
of the Revised Code shall require and contain only the following:	26486
(1) Specification of the location of the applicant's	26487
principal place of business and the names of the applicant's	26488
principal executive officers;	26489
(2) Specification of the geographic and political boundaries	26490
of the applicant's proposed video service area;	26491
(3) A general description of the type or types of	26492
technologies the applicant will use to deliver the video	26493
programming, which may include wireline, wireless, or any other	26494
alternative technology, subject, as applicable, to section 1332.29	26495
of the Revised Code;	26496
(4) An attestation that the applicant has filed or will	26497
timely file with the federal communications commission all forms	26498
required by that agency in advance of offering video service in	26499
this state;	26500
(5) An attestation that the applicant will comply with	26501
applicable federal, state, and local laws;	26502
(6) An attestation that the applicant is legally,	26503
financially, and technically qualified to provide video service;	26504
(7) A description of the applicant's customer complaint	26505
handling process, including policies on addressing customer	26506
service issues, billing adjustments, and communication with	26507
government officials regarding customer complaints, and a local or	26508
toll-free telephone number at which a customer may contact the	26509
applicant.	26510
(B) For the purpose of division (A)(2) of this section:	26511

(1) The video service areas of video service providers may overlap. 26512
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(2) A specified video service area shall be coextensive with municipal, township unincorporated area, or county boundaries, except as authorized under division (B)(3) or (4) of this section, but nothing in sections 1332.21 to 1332.34 of the Revised Code shall require a video service provider to provide access to video service within the entire video service area. 26514
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(3) The specified video service area of a person using telecommunications facilities to provide video service on September 24, 2007, or of any other person later so using telecommunications facilities shall be the geographic area in which the person ~~offers~~ offered basic local exchange service on September 24, 2007. 26520
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(4) Subject to division (C)(2) of section 1332.27 of the Revised Code, the specified video service area of an applicant cable operator that offers service under a franchise in effect on September 24, 2007, initially shall be, at minimum, the franchise area established under that franchise. 26526
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(C) A video service provider shall immediately file an application to amend its video service authorization with the director to reflect any change in the information required under division (A)(1), (2), or (3) of this section. An amendment pursuant to division (A)(2) of this section shall include any new delivery technology information required by division (A)(3) of this section. 26531
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(D) Within thirty days after its filing or within thirty days after the filing of supplemental information necessary to make it complete, the director shall determine the completeness of an application filed under division (A) or (C) of this section relative to the respective requirements of divisions (A), (B), and 26538
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(C) of this section and, as applicable, shall notify the applicant 26543
of an incompleteness determination, state the bases for that 26544
determination, and inform the applicant that it may resubmit a 26545
corrected application. The director shall issue a video service 26546
authorization, authorization renewal, or amended authorization 26547
within fifteen days after the director's determination that the 26548
filed application is complete. 26549

If the director does not notify the applicant regarding the 26550
completeness of the application within the time period specified 26551
in this division or does not issue the authorization requested by 26552
a completed application within the applicable time period, the 26553
application shall be deemed complete, and the authorization or 26554
amended authorization deemed issued on the forty-fifth day after 26555
the application's filing date. 26556

(E) An applicant shall pay a two thousand dollar 26557
nonrefundable fee for each application filed under division (A) of 26558
this section and a one hundred dollar nonrefundable fee for each 26559
application to amend filed under division (C) of this section. 26560
Fees collected under this division shall be deposited to the 26561
credit of the video service authorization fund in the state 26562
treasury, which is hereby created, to be used by the department of 26563
commerce in carrying out its duties under sections 1332.21 to 26564
1332.34 of the Revised Code. 26565

(F)(1) No video service provider shall identify or make 26566
reference to an application fee under division (E) of this section 26567
on any subscriber bill or in conjunction with charging any fee to 26568
the subscriber. 26569

(2) A video service provider may identify or make reference 26570
on a subscriber bill to an assessment under section 1332.24 of the 26571
Revised Code only if the provider opts to pass the cost of the 26572
assessment onto subscribers. 26573

(G) An applicant may identify any information in its application as trade secret information, and if, upon its written request to the director, the director reasonably affirms all or part of that information as trade secret information, the information so affirmed does not constitute a public record for the purpose of section 149.43 of the Revised Code.

Sec. 1347.08. (A) Every state or local agency that maintains a personal information system, upon the request and the proper identification of any person who is the subject of personal information in the system, shall:

(1) Inform the person of the existence of any personal information in the system of which the person is the subject;

(2) Except as provided in divisions (C) and (E)(2) of this section, permit the person, the person's legal guardian, or an attorney who presents a signed written authorization made by the person, to inspect all personal information in the system of which the person is the subject;

(3) Inform the person about the types of uses made of the personal information, including the identity of any users usually granted access to the system.

(B) Any person who wishes to exercise a right provided by this section may be accompanied by another individual of the person's choice.

(C)(1) A state or local agency, upon request, shall disclose medical, psychiatric, or psychological information to a person who is the subject of the information or to the person's legal guardian, unless a physician, psychiatrist, or psychologist determines for the agency that the disclosure of the information is likely to have an adverse effect on the person, in which case the information shall be released to a physician, psychiatrist, or

psychologist who is designated by the person or by the person's 26604
legal guardian. 26605

(2) Upon the signed written request of either a licensed 26606
attorney at law or a licensed physician designated by the inmate, 26607
together with the signed written request of an inmate of a 26608
correctional institution under the administration of the 26609
department of rehabilitation and correction, the department shall 26610
disclose medical information to the designated attorney or 26611
physician as provided in division (C) of section 5120.21 of the 26612
Revised Code. 26613

(D) If an individual who is authorized to inspect personal 26614
information that is maintained in a personal information system 26615
requests the state or local agency that maintains the system to 26616
provide a copy of any personal information that the individual is 26617
authorized to inspect, the agency shall provide a copy of the 26618
personal information to the individual. Each state and local 26619
agency may establish reasonable fees for the service of copying, 26620
upon request, personal information that is maintained by the 26621
agency. 26622

(E)(1) This section regulates access to personal information 26623
that is maintained in a personal information system by persons who 26624
are the subject of the information, but does not limit the 26625
authority of any person, including a person who is the subject of 26626
personal information maintained in a personal information system, 26627
to inspect or have copied, pursuant to section 149.43 of the 26628
Revised Code, a public record as defined in that section. 26629

(2) This section does not provide a person who is the subject 26630
of personal information maintained in a personal information 26631
system, the person's legal guardian, or an attorney authorized by 26632
the person, with a right to inspect or have copied, or require an 26633
agency that maintains a personal information system to permit the 26634
inspection of or to copy, a confidential law enforcement 26635

investigatory record or trial preparation record, as defined in	26636
divisions (A)(2) and (4) of section 149.43 of the Revised Code.	26637
(F) This section does not apply to any of the following:	26638
(1) The contents of an adoption file maintained by the	26639
department of health under sections 3705.12 to 3705.124 of the	26640
Revised Code;	26641
(2) Information contained in the putative father registry	26642
established by section 3107.062 of the Revised Code, regardless of	26643
whether the information is held by the department of job and	26644
family services or, pursuant to section 3111.69 of the Revised	26645
Code, the office of child support in the department or a child	26646
support enforcement agency;	26647
(3) Papers, records, and books that pertain to an adoption	26648
and that are subject to inspection in accordance with section	26649
3107.17 of the Revised Code;	26650
(4) Records specified in division (A) of section 3107.52 of	26651
the Revised Code;	26652
(5) Records that identify an individual described in division	26653
(A)(1) of section 3721.031 of the Revised Code, or that would tend	26654
to identify such an individual;	26655
(6) Files and records that have been expunged under division	26656
(D)(1) or (2) of section 3721.23 of the Revised Code;	26657
(7) Records that identify an individual described in division	26658
(A)(1) of section 3721.25 of the Revised Code, or that would tend	26659
to identify such an individual;	26660
(8) Records that identify an individual described in division	26661
(A)(1) of section 5165.88 of the Revised Code, or that would tend	26662
to identify such an individual;	26663
(9) Test materials, examinations, or evaluation tools used in	26664
an examination for licensure as a nursing home administrator that	26665

the board of executives of long-term services and supports 26666
administers under section 4751.04 of the Revised Code or contracts 26667
under that section with a private or government entity to 26668
administer; 26669

(10) Information contained in a database established and 26670
maintained pursuant to section 5101.13 of the Revised Code; 26671

(11) Information contained in a database established and 26672
maintained pursuant to section 5101.612 of the Revised Code. 26673

Sec. 1349.04. (A) As used in this section: 26674

(1) "Active duty" means active duty pursuant to an executive 26675
order of the president of the United States, an act of the 26676
congress of the United States, or section 5919.29 or 5923.21 of 26677
the Revised Code. 26678

(2) "Immediate family" means a person's spouse residing in 26679
the person's household; brothers and sisters of the whole or half 26680
blood; children, including adopted children and stepchildren; 26681
parents; and grandparents. 26682

(B) The attorney general shall appoint a member of the staff 26683
of the consumer protection division of the attorney general's 26684
office to expedite cases or issues raised by a person, or the 26685
immediate family of the person, who is deployed on active duty, 26686
which cases or issues raised relate to ~~sections 125.021,~~ section 26687
317.322, 1343.031, 1349.02, 1349.03, 1713.60, 1923.062, 3313.64, 26688
3332.20, 3345.53, 3915.053, 4933.12, or 4933.121 of the Revised 26689
Code or to any other relevant section of the Revised Code 26690
regulating consumer protection. 26691

Sec. 1501.01. (A) Except where otherwise expressly provided, 26692
the director of natural resources shall formulate and institute 26693
all the policies and programs of the department of natural 26694
resources. The chief of any division of the department shall not 26695

enter into any contract, agreement, or understanding unless it is 26696
approved by the director. No appointee or employee of the 26697
director, other than the assistant director, may bind the director 26698
in a contract except when given general or special authority to do 26699
so by the director. 26700

The director may enter into contracts or agreements with any 26701
agency of the United States government, any other public agency, 26702
or any private entity or organization for the performance of the 26703
duties of the department. 26704

(B) The director shall correlate and coordinate the work and 26705
activities of the divisions in the department to eliminate 26706
unnecessary duplications of effort and overlapping of functions. 26707
The chiefs of the various divisions of the department shall meet 26708
with the director at least once each month at a time and place 26709
designated by the director. 26710

The director may create advisory boards to any of those 26711
divisions in conformity with section 121.13 of the Revised Code. 26712

(C) The director may accept and expend gifts, devises, and 26713
bequests of money, lands, and other properties on behalf of the 26714
department or any division thereof under the terms set forth in 26715
section 9.20 of the Revised Code. Any political subdivision of 26716
this state may make contributions to the department for the use of 26717
the department or any division therein according to the terms of 26718
the contribution. 26719

(D) The director may publish and sell or otherwise distribute 26720
data, reports, and information. 26721

(E) The director may identify and develop the geographic 26722
information system needs for the department, which may include, 26723
but not be limited to, all of the following: 26724

(1) Assisting in the training and education of department 26725
resource managers, administrators, and other staff in the 26726

application and use of geographic information system technology;	26727
(2) Providing technical support to the department in the design, preparation of data, and use of appropriate geographic information system applications in order to help solve resource related problems and to improve the effectiveness and efficiency of department delivered services;	26728 26729 26730 26731 26732
(3) Creating, maintaining, and documenting spatial digital data bases;	26733 26734
(4) Providing information to and otherwise assisting government officials, planners, and resource managers in understanding land use planning and resource management;	26735 26736 26737
(5) Providing continuing assistance to local government officials and others in natural resource digital data base development and in applying and utilizing the geographic information system for land use planning, current agricultural use value assessment, development reviews, coastal management, and other resource management activities;	26738 26739 26740 26741 26742 26743
(6) Coordinating and administering the remote sensing needs of the department, including the collection and analysis of aerial photography, satellite data, and other data pertaining to land, water, and other resources of the state;	26744 26745 26746 26747
(7) Preparing and publishing maps and digital data relating to the state's land use and land cover over time on a local, regional, and statewide basis;	26748 26749 26750
(8) Locating and distributing hard copy maps, digital data, aerial photography, and other resource data and information to government agencies and the public;	26751 26752 26753
(9) Preparing special studies and executing any other related duties, functions, and responsibilities identified by the director;	26754 26755 26756

(10) Entering into contracts or agreements with any agency of 26757
the United States government, any other public agency, or any 26758
private agency or organization for the performance of the duties 26759
specified in division (E) of this section or for accomplishing 26760
cooperative projects within those duties; 26761

(11) Entering into agreements with local government agencies 26762
for the purposes of land use inventories, Ohio capability analysis 26763
data layers, and other duties related to resource management. 26764

(F) The director shall adopt rules in accordance with Chapter 26765
119. of the Revised Code to permit the department to accept by 26766
means of a credit card the payment of fees, charges, and rentals 26767
at those facilities described in section 1501.07 of the Revised 26768
Code that are operated by the department, for any data, reports, 26769
or information sold by the department, and for any other goods or 26770
services provided by the department. 26771

(G) Whenever authorized by the governor to do so, the 26772
director may appropriate property for the uses and purposes 26773
authorized to be performed by the department and on behalf of any 26774
division within the department. This authority shall be exercised 26775
in the manner provided in sections 163.01 to 163.22 of the Revised 26776
Code for the appropriation of property by the director of 26777
administrative services. This authority to appropriate property is 26778
in addition to the authority provided by law for the appropriation 26779
of property by divisions of the department. The director of 26780
natural resources also may acquire by purchase, lease, or 26781
otherwise such real and personal property rights or privileges in 26782
the name of the state as are necessary for the purposes of the 26783
department or any division therein. The director, ~~with the~~ 26784
~~approval of the governor and the attorney general~~ in accordance 26785
with section 5301.13 of the Revised Code, if applicable, may sell, 26786
lease, or exchange portions of lands or property, real or 26787
personal, of any division of the department or grant easements or 26788

licenses for the use thereof, or enter into agreements for the 26789
sale of water from lands and waters under the administration or 26790
care of the department or any of its divisions, when the sale, 26791
lease, exchange, easement, agreement, or license for use is in an 26792
amount that is less than fifty thousand dollars and is 26793
advantageous to the state, ~~provided that such approval is not~~ 26794
~~required for leases and contracts made under section 1501.07,~~ 26795
~~1501.09, or 1520.03 or Chapter 1523. of the Revised Code. With the~~ 26796
approval of the governor, the director, in accordance with section 26797
5301.13 of the Revised Code, if applicable, may sell, lease, or 26798
exchange portions of, grant easements or licenses for the use of, 26799
or enter into agreements for the sale of such lands, property, or 26800
waters in an amount of fifty thousand dollars or more when the 26801
sale, lease, exchange, easement, agreement, or license is 26802
advantageous to the state. Water may be sold from a reservoir only 26803
to the extent that the reservoir was designed to yield a supply of 26804
water for a purpose other than recreation or wildlife, and the 26805
water sold is in excess of that needed to maintain the reservoir 26806
for purposes of recreation or wildlife. 26807

Money received from such sales, leases, easements, exchanges, 26808
agreements, or licenses for use, except revenues required to be 26809
set aside or paid into depositories or trust funds for the payment 26810
of bonds issued under sections 1501.12 to 1501.15 of the Revised 26811
Code, and to maintain the required reserves therefor as provided 26812
in the orders authorizing the issuance of such bonds or the trust 26813
agreements securing such bonds, revenues required to be paid and 26814
credited pursuant to the bond proceeding applicable to obligations 26815
issued pursuant to section 154.22, and revenues generated under 26816
section 1520.05 of the Revised Code, shall be deposited in the 26817
state treasury to the credit of the fund of the division of the 26818
department having prior jurisdiction over the lands or property. 26819
If no such fund exists, the money shall be credited to the general 26820
revenue fund. All such money received from lands or properties 26821

administered by the division of wildlife shall be credited to the 26822
wildlife fund. 26823

(H) The director shall provide for the custody, safekeeping, 26824
and deposit of all moneys, checks, and drafts received by the 26825
department or its employees prior to paying them to the treasurer 26826
of state under section 113.08 of the Revised Code. 26827

(I) The director shall cooperate with the nature conservancy, 26828
other nonprofit organizations, and the United States fish and 26829
wildlife service in order to secure protection of islands in the 26830
Ohio river and the wildlife and wildlife habitat of those islands. 26831

(J) Any instrument by which real property is acquired 26832
pursuant to this section shall identify the agency of the state 26833
that has the use and benefit of the real property as specified in 26834
section 5301.012 of the Revised Code. 26835

Sec. 1501.011. (A) Except as provided in divisions (B), (C), 26836
and (D) of this section, the Ohio facilities construction 26837
commission shall supervise the design and construction of, and 26838
make contracts for the construction, reconstruction, improvement, 26839
enlargement, alteration, repair, or decoration of, any projects or 26840
improvements for the department of natural resources that may be 26841
authorized by legislative appropriations or any other funds 26842
available therefor, the estimated cost of which amounts to two 26843
hundred thousand dollars or more or the amount determined pursuant 26844
to section 153.53 of the Revised Code or more. 26845

~~(B) The department of natural resources shall administer the 26846
construction of improvements under an agreement with the 26847
supervisors of a soil and water conservation district pursuant to 26848
division (I) of section 1515.08 of the Revised Code. 26849~~

~~(C)~~(1) The department of natural resources shall supervise 26850
the design and construction of, and make contracts for the 26851

construction, reconstruction, improvement, enlargement, 26852
alteration, repair, or decoration of, any of the following 26853
activities, projects, or improvements: 26854

(a) Dam repairs administered by the division of engineering 26855
under Chapter 1507. of the Revised Code; 26856

(b) Projects or improvements administered by the division of 26857
watercraft and funded through the waterways safety fund 26858
established in section 1547.75 of the Revised Code; 26859

(c) Projects or improvements administered by the division of 26860
wildlife under Chapter 1531. or 1533. of the Revised Code; 26861

(d) Activities conducted by the department pursuant to 26862
section 5511.05 of the Revised Code in order to maintain the 26863
department's roadway inventory. 26864

(2) If a contract to be let under division ~~(C)~~(B)(1) of this 26865
section involves an exigency that concerns the public health, 26866
safety, or welfare or addresses an emergency situation in which 26867
timeliness is crucial in preventing the cost of the contract from 26868
increasing significantly, pursuant to the declaration of a public 26869
exigency, the department may award the contract without 26870
competitive bidding or selection as otherwise required by Chapter 26871
153. of the Revised Code. 26872

A notice published by the department of natural resources 26873
regarding an activity, project, or improvement shall be published 26874
as contemplated in section 7.16 of the Revised Code. 26875

~~(D)~~(C) The executive director of the Ohio facilities 26876
construction commission may authorize the department of natural 26877
resources to administer any other project or improvement, the 26878
estimated cost of which, including design fees, construction, 26879
equipment, and contingency amounts, is not more than one million 26880
five hundred thousand dollars. 26881

Sec. 1501.022. There is hereby created in the state treasury 26882
the injection well review fund consisting of moneys transferred to 26883
it under section 6111.046 of the Revised Code. Moneys in the fund 26884
shall be used by the chiefs of the divisions of mineral resources 26885
management, oil and gas resources management, geological survey, 26886
and ~~soil and~~ water resources in the department of natural 26887
resources exclusively for the purpose of executing their duties 26888
under sections 6111.043 to 6111.047 of the Revised Code. 26889

Sec. 1501.04. There is hereby created in the department of 26890
natural resources a recreation and resources commission composed 26891
of the chairperson of the wildlife council created under section 26892
1531.03 of the Revised Code, the chairperson of the parks and 26893
recreation council created under section 1541.40 of the Revised 26894
Code, the chairperson of the waterways safety council created 26895
under section 1547.73 of the Revised Code, the chairperson of the 26896
technical advisory council on oil and gas created under section 26897
1509.38 of the Revised Code, the chairperson of the forestry 26898
advisory council created under section 1503.40 of the Revised 26899
Code, ~~the chairperson of the Ohio soil and water conservation~~ 26900
~~commission created under section 1515.02 of the Revised Code,~~ 26901
the chairperson of the Ohio natural areas council created under 26902
section 1517.03 of the Revised Code, the chairperson of the Ohio 26903
water advisory council created under section 1521.031 of the 26904
Revised Code, the chairperson of the Ohio geology advisory council 26905
created under section 1505.11 of the Revised Code, and five 26906
members appointed by the governor with the advice and consent of 26907
the senate, not more than three of whom shall belong to the same 26908
political party. The director of natural resources shall be an ex 26909
officio member of the commission, with a voice in its 26910
deliberations, but without the power to vote. 26911

Terms of office of members of the commission appointed by the 26912

governor shall be for five years, commencing on the second day of 26913
February and ending on the first day of February. Each member 26914
shall hold office from the date of appointment until the end of 26915
the term for which the member was appointed. 26916

In the event of the death, removal, resignation, or 26917
incapacity of a member of the commission, the governor, with the 26918
advice and consent of the senate, shall appoint a successor who 26919
shall hold office for the remainder of the term for which the 26920
member's predecessor was appointed. Any member shall continue in 26921
office subsequent to the expiration date of the member's term 26922
until the member's successor takes office, or until a period of 26923
sixty days has elapsed, whichever occurs first. 26924

The governor may remove any appointed member of the 26925
commission for misfeasance, nonfeasance, or malfeasance in office. 26926

The commission shall exercise no administrative function, but 26927
may do any of the following: 26928

(A) Advise with and recommend to the director as to plans and 26929
programs for the management, development, utilization, and 26930
conservation of the natural resources of the state; 26931

(B) Advise with and recommend to the director as to methods 26932
of coordinating the work of the divisions of the department; 26933

(C) Consider and make recommendations upon any matter that 26934
the director may submit to it; 26935

(D) Submit to the governor biennially recommendations for 26936
amendments to the conservation laws of the state. 26937

Each member of the commission, before entering upon the 26938
discharge of the member's duties, shall take and subscribe to an 26939
oath of office, which oath, in writing, shall be filed in the 26940
office of the secretary of state. 26941

The members of the commission shall serve without 26942

compensation, but shall be entitled to receive their actual and 26943
necessary expenses incurred in the performance of their official 26944
duties. 26945

The commission, by a majority vote of all its members, shall 26946
adopt and amend bylaws. 26947

To be eligible for appointment, a person shall be a citizen 26948
of the United States and an elector of the state and shall possess 26949
a knowledge of and have an interest in the natural resources of 26950
this state. 26951

The commission shall hold at least four regular quarterly 26952
meetings each year. Special meetings shall be held at such times 26953
as the bylaws of the commission provide. Notices of all meetings 26954
shall be given in such manner as the bylaws provide. The 26955
commission shall choose annually from among its members a 26956
chairperson to preside over its meetings and a secretary to keep a 26957
record of its proceedings. A majority of the members of the 26958
commission constitutes a quorum. No advice shall be given or 26959
recommendation made without a majority of the members of the 26960
commission concurring in it. 26961

Sec. 1503.50. As used in sections 1503.50 to 1503.55 of the 26962
Revised Code: 26963

(A) "Conservation" means the wise use and management of 26964
natural resources. 26965

(B) "Forestry pollution" means failure to use management or 26966
conservation practices in silvicultural operations to abate wind 26967
or water erosion of the soil or to abate the degradation of the 26968
waters of the state by soil sediment, including attached 26969
substances, from silvicultural operations. 26970

(C) "Pollution abatement practice" means any erosion control 26971
practice or timber harvest best management practice or procedure 26972

and the operation and management associated with it as contained 26973
in a timber harvest plan. 26974

(D) "Soil and water conservation district" has the same 26975
meaning as in section 940.01 of the Revised Code. 26976

(E) "Timber harvest plan" means a written record, developed 26977
or approved by the chief of the division of forestry or the 26978
chief's designee that contains implementation schedules and 26979
operational procedures for a level of land and water management 26980
that will abate wind or water erosion of the soil or abate the 26981
degradation of the waters of the state by soil sediment, including 26982
attached substances, from silvicultural operations. 26983

(F) "Waters of the state" has the same meaning as in section 26984
903.01 of the Revised Code. 26985

Sec. 1503.51. (A) The chief of the division of forestry shall 26986
adopt rules in accordance with Chapter 119. of the Revised Code 26987
that do or comply with all of the following: 26988

(1) Establish technically feasible and economically 26989
reasonable standards to achieve a level of management and 26990
conservation practices in silvicultural operations that will abate 26991
wind or water erosion of the soil or abate the degradation of the 26992
waters of the state by soil sediment, including attached 26993
substances, from silvicultural operations and establish criteria 26994
for determination of the acceptability of such management and 26995
conservation practices; 26996

(2) Establish procedures for administration of the rules; 26997

(3) Specify the pollution abatement practices eligible for 26998
state cost sharing and determine the conditions for eligibility, 26999
the construction standards and specifications, the useful life, 27000
the maintenance requirements, and the limits of cost sharing for 27001
those practices. Eligible practices shall be limited to practices 27002

that address silvicultural operations, that require expenditures 27003
that are likely to exceed the economic returns to the owner or 27004
operator of a silvicultural operation, and that abate soil erosion 27005
or degradation of the waters of the state by soil sediment, 27006
including attached substances, from silvicultural operations. 27007

(B) The chief or the chief's designee shall do all of the 27008
following: 27009

(1) Issue orders requiring compliance with a rule adopted 27010
under this section. Before the chief or the chief's designee 27011
issues an order, the chief or the chief's designee shall afford 27012
the person an adjudication hearing under Chapter 119. of the 27013
Revised Code. The chief or the chief's designee may require in an 27014
order that a person who has caused forestry pollution by failure 27015
to comply with the standards established in rules adopted under 27016
this section operate under a timber harvest plan approved by the 27017
chief or the chief's designee under this section. An order shall 27018
be issued in writing and contain a finding by the chief or the 27019
chief's designee of the facts on which the order is based and the 27020
standard that is not being met. 27021

(2) Periodically monitor the use and effectiveness of 27022
management and conservation practices conducted in accordance with 27023
standards established in rules adopted under division (A)(1) of 27024
this section; 27025

(3) Assist in expediting state responsibilities for watershed 27026
development and other natural resource conservation works of 27027
improvement; 27028

(4) When necessary for the purposes of sections 1503.50 to 27029
1503.55 of the Revised Code, develop or approve timber harvest 27030
plans. 27031

Sec. 1503.52. (A) A person who owns or operates a 27032

silviculture operation may develop and operate under a timber 27033
harvest plan approved by the chief of the division of forestry or 27034
the chief's designee under section 1503.51 of the Revised Code or 27035
by the supervisors of the applicable soil and water conservation 27036
district under section 940.06 of the Revised Code. 27037

(B) Any person who wishes to make a complaint regarding 27038
nuisances involving forestry pollution may do so orally or by 27039
submitting a written, signed, and dated complaint to the chief or 27040
the chief's designee. After receiving an oral complaint, the chief 27041
or the chief's designee may cause an investigation to be conducted 27042
to determine whether forestry pollution has occurred or is 27043
imminent. After receiving a written, signed, and dated complaint, 27044
the chief or the chief's designee shall cause such an 27045
investigation to be conducted. 27046

(C) In a private civil action for nuisances involving 27047
forestry pollution, it is an affirmative defense if the person 27048
owning, operating, or otherwise responsible for a silvicultural 27049
operation is operating under and in substantial compliance with an 27050
approved timber harvest plan developed under division (A) of this 27051
section, with a timber harvest plan developed by the chief or the 27052
chief's designee under section 1503.51 of the Revised Code or by 27053
the supervisors of the applicable soil and water conservation 27054
district under section 940.06 of the Revised Code, or with a 27055
timber harvest plan required by an order issued by the chief or 27056
the chief's designee under division (B)(1) of section 1503.51 of 27057
the Revised Code. Nothing in this section is in derogation of the 27058
authority granted to the chief or the chief's designee in 1503.51 27059
of the Revised Code. 27060

Sec. 1503.53. (A) Except as provided in division (B) of this 27061
section, the chief of the division of forestry, an employee of the 27062
division of forestry, the supervisors of a soil and water 27063

conservation district, an employee of a district, and a contractor 27064
of the division or a district shall not disclose either of the 27065
following: 27066

(1) Information, including data from geographic information 27067
systems and global positioning systems, provided by a person who 27068
owns or operates a silvicultural operation that is operated under 27069
a timber harvest plan; 27070

(2) Information gathered as a result of an inspection to 27071
determine whether the person who owns or operates the operation is 27072
in compliance with a timber harvest plan. 27073

(B) The chief or the supervisors of a district may release or 27074
disclose information specified in division (A)(1) or (2) of this 27075
section to a person or a federal, state, or local agency working 27076
in cooperation with the chief or the supervisors in the 27077
development of a timber harvest plan or an inspection to determine 27078
compliance with such a plan if the chief or supervisors determine 27079
that the person or federal, state, or local agency will not 27080
subsequently disclose the information to another person. 27081

Sec. 1503.54. (A)(1) No person shall recklessly fail to 27082
comply with an order of the chief of the division of forestry or 27083
the chief's designee issued under section 1503.51 of the Revised 27084
Code. 27085

(2) In addition to the remedies provided and irrespective of 27086
whether an adequate remedy at law exists, the chief may apply to 27087
the court of common pleas in the county where a violation of a 27088
standard established in rules adopted under section 1503.51 of the 27089
Revised Code causes forestry pollution for an order to compel the 27090
violator to cease the violation and to remove the pollutant or to 27091
comply with the rules adopted under that section, as appropriate. 27092

(3) In addition to the remedies provided and irrespective of 27093

whether an adequate remedy at law exists, whenever the chief 27094
officially determines that an emergency exists because of forestry 27095
pollution, the chief may issue an order, without notice or 27096
hearing, stating the existence of the emergency and requiring that 27097
action be taken that is necessary to address the emergency. The 27098
order shall be effective immediately. 27099

A person to whom the order is issued shall comply with the 27100
order immediately, but on application to the chief shall be 27101
afforded an adjudication hearing in accordance with Chapter 119. 27102
of the Revised Code as soon as possible, but not later than twenty 27103
days after the chief's receipt of the application. Following the 27104
hearing, the chief shall continue the order in effect, revoke it, 27105
or modify it. The order may be appealed in accordance with section 27106
119.12 of the Revised Code. An emergency order shall not remain in 27107
effect for more than sixty days after its issuance. 27108

If a person to whom an order is issued does not comply with 27109
the order within a reasonable period of time as determined by the 27110
chief, the chief or the chief's designee may enter on private or 27111
public lands to investigate and take action to mitigate, minimize, 27112
remove, or abate the conditions that are the subject of the order. 27113

(B) The attorney general, upon the written request of the 27114
chief, shall bring appropriate legal action in Franklin county 27115
against any person who fails to comply with an order of the chief 27116
or the chief's designee issued under section 1503.51 of the 27117
Revised Code. 27118

Sec. 1503.55. (A) There is hereby created in the state 27119
treasury the forestry pollution abatement fund, which shall be 27120
administered by the chief of the division of forestry. 27121

(B) The fund may be used to pay costs incurred under all of 27122
the following: 27123

(1) Rules adopted under division (A)(3) of section 1503.51 of the Revised Code; 27124
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(2) Division (B)(2) of section 1503.51 of the Revised Code; 27126

(3) Division (A)(3) of section 1503.54 of the Revised Code in investigating, mitigating, minimizing, removing, or abating any pollution of the waters of the state caused by forestry pollution that requires emergency action to protect public health. 27127
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(C) Any person responsible for causing or allowing forestry pollution or an unauthorized release, spill, or discharge is liable to the chief for any costs incurred by the chief in investigating, mitigating, minimizing, removing, or abating the forestry pollution or release, spill, or discharge regardless of whether those costs were paid from the forestry pollution abatement fund or any other fund of the division. Upon the request of the chief, the attorney general shall bring a civil action against the responsible person to recover those costs. Money recovered under this section shall be credited to the forestry pollution abatement fund. 27131
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Sec. 1503.99. (A) Whoever violates section 1503.01 or 1503.12 of the Revised Code is guilty of a minor misdemeanor. 27142
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(B) Whoever violates section 1503.18 or 1503.43 of the Revised Code is guilty of a misdemeanor of the third degree. 27144
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(C) Whoever violates division (A) of section 1503.54 of the Revised Code is guilty of a misdemeanor of the first degree. Each day of violation is a separate offense. In addition to the penalty provided in this division, the sentencing court may assess damages in an amount equal to the costs of reclaiming, restoring, or otherwise repairing any damage to public or private property caused by any violation of division (A) of section 1503.54 of the Revised Code. All fines and moneys assessed as damages under this 27146
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section shall be credited to the forestry pollution abatement fund 27154
created in section 1503.55 of the Revised Code. 27155

Sec. 1505.10. ~~The chief of the division of geological survey~~ 27156
director of natural resources or the director's designee shall 27157
prepare and publish for public distribution annual reports that 27158
shall include all of the following: 27159

(A) A list of the operators of mines, quarries, pits, or 27160
other mineral resource extraction operations in this state; 27161

(B) Information on the location of and commodity extracted at 27162
each operation; 27163

(C) Information on the employment at each operation; 27164

(D) Information on the tonnage of coal or other minerals 27165
extracted at each operation along with the method of extraction; 27166

(E) Information on the production, use, distribution, value, 27167
and other facts relative to the mineral resources of the state 27168
that may be of public interest. 27169

The director or the director's designee may require the 27170
division of mineral resources management to perform the duties 27171
required by this section. 27172

Each operator engaged in the extraction of minerals shall 27173
submit an accurate and complete annual report, on or before the 27174
last day of January each year, to the ~~chief of the division of~~ 27175
~~geological survey~~ director or the director's designee on forms 27176
provided by the ~~chief~~ director or the director's designee and 27177
containing the information specified in divisions (A) to (E) of 27178
this section for the immediately preceding calendar year. The 27179
~~chief of the division of mineral resources management~~ director or 27180
the director's designee may use all or portions of the information 27181
collected pursuant to this section in preparing the annual report 27182
required by section 1561.04 of the Revised Code. 27183

No person shall fail to comply with this section. 27184

Sec. 1506.01. As used in this chapter: 27185

(A) "Coastal area" means the waters of Lake Erie, the islands 27186
in the lake, and the lands under and adjacent to the lake, 27187
including transitional areas, wetlands, and beaches. The coastal 27188
area extends in Lake Erie to the international boundary line 27189
between the United States and Canada and landward only to the 27190
extent necessary to include shorelands, the uses of which have a 27191
direct and significant impact on coastal waters as determined by 27192
the director of natural resources. 27193

(B) "Coastal management program" means the comprehensive 27194
action of the state and its political subdivisions cooperatively 27195
to preserve, protect, develop, restore, or enhance the resources 27196
of the coastal area and to ensure wise use of the land and water 27197
resources of the coastal area, giving attention to natural, 27198
cultural, historic, and aesthetic values; agricultural, 27199
recreational, energy, and economic needs; and the national 27200
interest. "Coastal management program" includes the establishment 27201
of objectives, policies, standards, and criteria concerning, 27202
without limitation, protection of air, water, wildlife, rare and 27203
endangered species, wetlands and natural areas, and other natural 27204
resources in the coastal area; management of coastal development 27205
and redevelopment; preservation and restoration of historic, 27206
cultural, and aesthetic coastal features; and public access to the 27207
coastal area for recreation purposes. 27208

(C) "Coastal management program document" means a 27209
comprehensive statement consisting of, without limitation, text, 27210
maps, and illustrations that is adopted by the director in 27211
accordance with this chapter, describes the objectives, policies, 27212
standards, and criteria of the coastal management program for 27213
guiding public and private uses of lands and waters in the coastal 27214

area, lists the governmental agencies, including, without 27215
limitation, state agencies, involved in implementing the coastal 27216
management program, describes their applicable policies and 27217
programs, and cites the statutes and rules under which they may 27218
adopt and implement those policies and programs. 27219

(D) "Person" means any agency of this state, any political 27220
subdivision of this state or of the United States, and any legal 27221
entity defined as a person under section 1.59 of the Revised Code. 27222

(E) "Director" means the director of natural resources or the 27223
director's designee. 27224

(F) "Permanent structure" means any residential, commercial, 27225
industrial, institutional, or agricultural building, any mobile 27226
home as defined in division (O) of section 4501.01 of the Revised 27227
Code, any manufactured home as defined in division (C)(4) of 27228
section 3781.06 of the Revised Code, and any septic system that 27229
receives sewage from a single-family, two-family, or three-family 27230
dwelling, but does not include any recreational vehicle as defined 27231
in section 4501.01 of the Revised Code. 27232

(G) "State agency" or "agency of the state" has the same 27233
meaning as "agency" as defined in section 111.15 of the Revised 27234
Code. 27235

(H) "Coastal flood hazard area" means any territory within 27236
the coastal area that has been identified as a flood hazard area 27237
under the "Flood Disaster Protection Act of 1973," 87 Stat. 975, 27238
42 U.S.C.A. 4002, as amended. 27239

(I) "Coastal erosion area" means any territory included in 27240
Lake Erie coastal erosion areas identified by the director under 27241
section 1506.06 of the Revised Code. 27242

(J) "Conservancy district" means a conservancy district that 27243
is established under Chapter 6101. of the Revised Code. 27244

(K) "Park board" means the board of park commissioners of a park district that is created under Chapter 1545. of the Revised Code.

(L) "Erosion control structure" means a structure that is designed solely and specifically to reduce or control erosion of the shore along or near Lake Erie, including, without limitation, revetments, seawalls, bulkheads, certain breakwaters, and similar structures.

(M) "Shore structure" includes, but is not limited to, beaches; groins; revetments; bulkheads; seawalls; breakwaters; certain dikes designated by the chief of the division of ~~soil and~~ water resources; piers; docks; jetties; wharves; marinas; boat ramps; any associated fill or debris used as part of the construction of shore structures that may affect shore erosion, wave action, or inundation; and fill or debris that is placed along or near the shore, including bluffs, banks, or beach ridges, for the purpose of stabilizing slopes.

Sec. 1509.01. As used in this chapter:

(A) "Well" means any borehole, whether drilled or bored, within the state for production, extraction, or injection of any gas or liquid mineral, excluding potable water to be used as such, but including natural or artificial brines and oil field waters.

(B) "Oil" means crude petroleum oil and all other hydrocarbons, regardless of gravity, that are produced in liquid form by ordinary production methods, but does not include hydrocarbons that were originally in a gaseous phase in the reservoir.

(C) "Gas" means all natural gas and all other fluid hydrocarbons that are not oil, including condensate.

(D) "Condensate" means liquid hydrocarbons separated at or

near the well pad or along the gas production or gathering system 27275
prior to gas processing. 27276

(E) "Pool" means an underground reservoir containing a common 27277
accumulation of oil or gas, or both, but does not include a gas 27278
storage reservoir. Each zone of a geological structure that is 27279
completely separated from any other zone in the same structure may 27280
contain a separate pool. 27281

(F) "Field" means the general area underlaid by one or more 27282
pools. 27283

(G) "Drilling unit" means the minimum acreage on which one 27284
well may be drilled, but does not apply to a well for injecting 27285
gas into or removing gas from a gas storage reservoir. 27286

(H) "Waste" includes all of the following: 27287

(1) Physical waste, as that term generally is understood in 27288
the oil and gas industry; 27289

(2) Inefficient, excessive, or improper use, or the 27290
unnecessary dissipation, of reservoir energy; 27291

(3) Inefficient storing of oil or gas; 27292

(4) Locating, drilling, equipping, operating, or producing an 27293
oil or gas well in a manner that reduces or tends to reduce the 27294
quantity of oil or gas ultimately recoverable under prudent and 27295
proper operations from the pool into which it is drilled or that 27296
causes or tends to cause unnecessary or excessive surface loss or 27297
destruction of oil or gas; 27298

(5) Other underground or surface waste in the production or 27299
storage of oil, gas, or condensate, however caused. 27300

(I) "Correlative rights" means the reasonable opportunity to 27301
every person entitled thereto to recover and receive the oil and 27302
gas in and under the person's tract or tracts, or the equivalent 27303
thereof, without having to drill unnecessary wells or incur other 27304

unnecessary expense. 27305

(J) "Tract" means a single, ~~individually taxed~~ individual 27306
parcel of land ~~appearing on the tax list~~ or a portion of a single, 27307
individual parcel of land. 27308

(K) "Owner," unless referring to a mine, means the person who 27309
has the right to drill on a tract or drilling unit, to drill into 27310
and produce from a pool, and to appropriate the oil or gas 27311
produced therefrom either for the person or for others, except 27312
that a person ceases to be an owner with respect to a well when 27313
the well has been plugged in accordance with applicable rules 27314
adopted and orders issued under this chapter. "Owner" does not 27315
include a person who obtains a lease of the mineral rights for oil 27316
and gas on a parcel of land if the person does not attempt to 27317
produce or produce oil or gas from a well or obtain a permit under 27318
this chapter for a well or if the entire interest of a well is 27319
transferred to the person in accordance with division (B) of 27320
section 1509.31 of the Revised Code. 27321

(L) "Royalty interest" means the fee holder's share in the 27322
production from a well. 27323

(M) "Discovery well" means the first well capable of 27324
producing oil or gas in commercial quantities from a pool. 27325

(N) "Prepared clay" means a clay that is plastic and is 27326
thoroughly saturated with fresh water to a weight and consistency 27327
great enough to settle through saltwater in the well in which it 27328
is to be used, except as otherwise approved by the chief of the 27329
division of oil and gas resources management. 27330

(O) "Rock sediment" means the combined cutting and residue 27331
from drilling sedimentary rocks and formation. 27332

(P) "Excavations and workings," "mine," and "pillar" have the 27333
same meanings as in section 1561.01 of the Revised Code. 27334

(Q) "Coal bearing township" means a township designated as 27335
such by the chief of the division of mineral resources management 27336
under section 1561.06 of the Revised Code. 27337

(R) "Gas storage reservoir" means a continuous area of a 27338
subterranean porous sand or rock stratum or strata into which gas 27339
is or may be injected for the purpose of storing it therein and 27340
removing it therefrom and includes a gas storage reservoir as 27341
defined in section 1571.01 of the Revised Code. 27342

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 27343
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 27344
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 27345
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 27346
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 27347
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 27348
regulations adopted under those acts. 27349

(T) "Person" includes any political subdivision, department, 27350
agency, or instrumentality of this state; the United States and 27351
any department, agency, or instrumentality thereof; ~~and~~ any legal 27352
entity defined as a person under section 1.59 of the Revised Code; 27353
any limited liability company; any joint venture; and any other 27354
form of business entity. 27355

(U) "Brine" means all saline geological formation water 27356
resulting from, obtained from, or produced in connection with 27357
exploration, drilling, well stimulation, production of oil or gas, 27358
or plugging of a well. 27359

(V) "Waters of the state" means all streams, lakes, ponds, 27360
marshes, watercourses, waterways, springs, irrigation systems, 27361
drainage systems, and other bodies of water, surface or 27362
underground, natural or artificial, that are situated wholly or 27363
partially within this state or within its jurisdiction, except 27364
those private waters that do not combine or effect a junction with 27365

natural surface or underground waters.	27366
(W) "Exempt Mississippian well" means a well that meets all of the following criteria:	27367
(1) Was drilled and completed before January 1, 1980;	27368
(2) Is located in an unglaciated part of the state;	27369
(3) Was completed in a reservoir no deeper than the Mississippian Big Injun sandstone in areas underlain by Pennsylvanian or Permian stratigraphy, or the Mississippian Berea sandstone in areas directly underlain by Permian stratigraphy;	27370
(4) Is used primarily to provide oil or gas for domestic use.	27371
(X) "Exempt domestic well" means a well that meets all of the following criteria:	27372
(1) Is owned by the owner of the surface estate of the tract on which the well is located;	27373
(2) Is used primarily to provide gas for the owner's domestic use;	27374
(3) Is located more than two hundred feet horizontal distance from any inhabited private dwelling house other than an inhabited private dwelling house located on the tract on which the well is located;	27375
(4) Is located more than two hundred feet horizontal distance from any public building that may be used as a place of resort, assembly, education, entertainment, lodging, trade, manufacture, repair, storage, traffic, or occupancy by the public.	27376
(Y) "Urbanized area" means an area where a well or production facilities of a well are located within a municipal corporation or within a township that has an unincorporated population of more than five thousand in the most recent federal decennial census prior to the issuance of the permit for the well or production facilities.	27377
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(Z) "Well stimulation" or "stimulation of a well" means the process of enhancing well productivity, including hydraulic fracturing operations.

(AA) "Production operation" means all operations and activities and all related equipment, facilities, and other structures that may be used in or associated with the exploration and production of oil, gas, or other mineral resources that are regulated under this chapter, including operations and activities associated with site preparation, site construction, access road construction, well drilling, well completion, well stimulation, well site activities, reclamation, and plugging. "Production operation" also includes all of the following:

(1) The piping, equipment, and facilities used for the production and preparation of hydrocarbon gas or liquids for transportation or delivery;

(2) The processes of extraction and recovery, lifting, stabilization, treatment, separation, production processing, storage, waste disposal, and measurement of hydrocarbon gas and liquids, including related equipment and facilities;

(3) The processes and related equipment and facilities associated with production compression, gas lift, gas injection, fuel gas supply, well drilling, well stimulation, and well completion activities, including dikes, pits, and earthen and other impoundments used for the temporary storage of fluids and waste substances associated with well drilling, well stimulation, and well completion activities;

(4) Equipment and facilities at a wellpad or other location that are used for the transportation, handling, recycling, temporary storage, management, processing, or treatment of any equipment, material, and by-products or other substances from an operation at a wellpad that may be used or reused at the same or

another operation at a wellpad or that will be disposed of in 27427
accordance with applicable laws and rules adopted under them. 27428

(BB) "Annular overpressurization" means the accumulation of 27429
fluids within an annulus with sufficient pressure to allow 27430
migration of annular fluids into underground sources of drinking 27431
water. 27432

(CC) "Idle and orphaned well" means a well for which a bond 27433
has been forfeited or an abandoned well for which no money is 27434
available to plug the well in accordance with this chapter and 27435
rules adopted under it. 27436

(DD) "Temporarily inactive well" means a well that has been 27437
granted temporary inactive status under section 1509.062 of the 27438
Revised Code. 27439

(EE) "Material and substantial violation" means any of the 27440
following: 27441

(1) Failure to obtain a permit to drill, reopen, convert, 27442
plugback, or plug a well under this chapter; 27443

(2) Failure to obtain, maintain, update, or submit proof of 27444
insurance coverage that is required under this chapter; 27445

(3) Failure to obtain, maintain, update, or submit proof of a 27446
surety bond that is required under this chapter; 27447

(4) Failure to plug an abandoned well or idle and orphaned 27448
well unless the well has been granted temporary inactive status 27449
under section 1509.062 of the Revised Code or the chief of the 27450
division of oil and gas resources management has approved another 27451
option concerning the abandoned well or idle and orphaned well; 27452

(5) Failure to restore a disturbed land surface as required 27453
by section 1509.072 of the Revised Code; 27454

(6) Failure to reimburse the oil and gas well fund pursuant 27455
to a final order issued under section 1509.071 of the Revised 27456

Code;	27457
(7) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code;	27458 27459
(8) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it.	27460 27461
(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code.	27462 27463
(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated.	27464 27465 27466 27467
(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells.	27468 27469
Sec. 1509.06. (A) An application for a permit to drill a new well, drill an existing well deeper, reopen a well, convert a well to any use other than its original purpose, or plug back a well to a different source of supply, including associated production operations, shall be filed with the chief of the division of oil and gas resources management upon such form as the chief prescribes and shall contain each of the following that is applicable:	27470 27471 27472 27473 27474 27475 27476 27477
(1) The name and address of the owner and, if a corporation, the name and address of the statutory agent;	27478 27479
(2) The signature of the owner or the owner's authorized agent. When an authorized agent signs an application, it shall be accompanied by a certified copy of the appointment as such agent.	27480 27481 27482
(3) The names and addresses of all persons holding the royalty interest in the tract upon which the well is located or is to be drilled or within a proposed drilling unit;	27483 27484 27485

(4) The location of the tract or drilling unit on which the well is located or is to be drilled identified by section or lot number, city, village, township, and county;	27486 27487 27488
(5) Designation of the well by name and number;	27489
(6)(a) The geological formation to be tested or used and the proposed total depth of the well;	27490 27491
(b) If the well is for the injection of a liquid, identity of the geological formation to be used as the injection zone and the composition of the liquid to be injected.	27492 27493 27494
(7) The type of drilling equipment to be used;	27495
(8)(a) An identification, to the best of the owner's knowledge, of each proposed source of ground water and surface water that will be used in the production operations of the well. The identification of each proposed source of water shall indicate if the water will be withdrawn from the Lake Erie watershed or the Ohio river watershed. In addition, the owner shall provide, to the best of the owner's knowledge, the proposed estimated rate and volume of the water withdrawal for the production operations. If recycled water will be used in the production operations, the owner shall provide the estimated volume of recycled water to be used. The owner shall submit to the chief an update of any of the information that is required by division (A)(8)(a) of this section if any of that information changes before the chief issues a permit for the application.	27496 27497 27498 27499 27500 27501 27502 27503 27504 27505 27506 27507 27508 27509
(b) Except as provided in division (A)(8)(c) of this section, for an application for a permit to drill a new well within an urbanized area, the results of sampling of water wells within three hundred feet of the proposed well prior to commencement of drilling. In addition, the owner shall include a list that identifies the location of each water well where the owner of the property on which the water well is located denied the owner	27510 27511 27512 27513 27514 27515 27516

access to sample the water well. The sampling shall be conducted 27517
in accordance with the guidelines established in "Best Management 27518
Practices For Pre-drilling Water Sampling" in effect at the time 27519
that the application is submitted. The division shall furnish 27520
those guidelines upon request and shall make them available on the 27521
division's web site. If the chief determines that conditions at 27522
the proposed well site warrant a revision, the chief may revise 27523
the distance established in this division for purposes of 27524
pre-drilling water sampling. 27525

(c) For an application for a permit to drill a new horizontal 27526
well, the results of sampling of water wells within one thousand 27527
five hundred feet of the proposed horizontal wellhead prior to 27528
commencement of drilling. In addition, the owner shall include a 27529
list that identifies the location of each water well where the 27530
owner of the property on which the water well is located denied 27531
the owner access to sample the water well. The sampling shall be 27532
conducted in accordance with the guidelines established in "Best 27533
Management Practices For Pre-drilling Water Sampling" in effect at 27534
the time that the application is submitted. The division shall 27535
furnish those guidelines upon request and shall make them 27536
available on the division's web site. If the chief determines that 27537
conditions at the proposed well site warrant a revision, the chief 27538
may revise the distance established in this division for purposes 27539
of pre-drilling water sampling. 27540

(9) For an application for a permit to drill a new well 27541
within an urbanized area, a sworn statement that the applicant has 27542
provided notice by regular mail of the application to the owner of 27543
each parcel of real property that is located within five hundred 27544
feet of the surface location of the well and to the executive 27545
authority of the municipal corporation or the board of township 27546
trustees of the township, as applicable, in which the well is to 27547
be located. In addition, the notice shall contain a statement that 27548

informs an owner of real property who is required to receive the 27549
notice under division (A)(9) of this section that within five days 27550
of receipt of the notice, the owner is required to provide notice 27551
under section 1509.60 of the Revised Code to each residence in an 27552
occupied dwelling that is located on the owner's parcel of real 27553
property. The notice shall contain a statement that an application 27554
has been filed with the division of oil and gas resources 27555
management, identify the name of the applicant and the proposed 27556
well location, include the name and address of the division, and 27557
contain a statement that comments regarding the application may be 27558
sent to the division. The notice may be provided by hand delivery 27559
or regular mail. The identity of the owners of parcels of real 27560
property shall be determined using the tax records of the 27561
municipal corporation or county in which a parcel of real property 27562
is located as of the date of the notice. 27563

(10) A plan for restoration of the land surface disturbed by 27564
drilling operations. The plan shall provide for compliance with 27565
the restoration requirements of division (A) of section 1509.072 27566
of the Revised Code and any rules adopted by the chief pertaining 27567
to that restoration. 27568

(11)(a) A description by name or number of the county, 27569
township, and municipal corporation roads, streets, and highways 27570
that the applicant anticipates will be used for access to and 27571
egress from the well site; 27572

(b) For an application for a permit for a horizontal well, a 27573
copy of an agreement concerning maintenance and safe use of the 27574
roads, streets, and highways described in division (A)(11)(a) of 27575
this section entered into on reasonable terms with the public 27576
official that has the legal authority to enter into such 27577
maintenance and use agreements for each county, township, and 27578
municipal corporation, as applicable, in which any such road, 27579
street, or highway is located or an affidavit on a form prescribed 27580

by the chief attesting that the owner attempted in good faith to 27581
enter into an agreement under division (A)(11)(b) of this section 27582
with the applicable public official of each such county, township, 27583
or municipal corporation, but that no agreement was executed. 27584

(12) Such other relevant information as the chief prescribes 27585
by rule. 27586

Each application shall be accompanied by a map, on a scale 27587
not smaller than four hundred feet to the inch, prepared by an 27588
Ohio registered surveyor, showing the location of the well and 27589
containing such other data as may be prescribed by the chief. If 27590
the well is or is to be located within the excavations and 27591
workings of a mine, the map also shall include the location of the 27592
mine, the name of the mine, and the name of the person operating 27593
the mine. 27594

(B) The chief shall cause a copy of the weekly circular 27595
prepared by the division to be provided to the county engineer of 27596
each county that contains active or proposed drilling activity. 27597
The weekly circular shall contain, in the manner prescribed by the 27598
chief, the names of all applicants for permits, the location of 27599
each well or proposed well, the information required by division 27600
(A)(11) of this section, and any additional information the chief 27601
prescribes. In addition, the chief promptly shall transfer an 27602
electronic copy or facsimile, or if those methods are not 27603
available to a municipal corporation or township, a copy via 27604
regular mail, of a drilling permit application to the clerk of the 27605
legislative authority of the municipal corporation or to the clerk 27606
of the township in which the well or proposed well is or is to be 27607
located if the legislative authority of the municipal corporation 27608
or the board of township trustees has asked to receive copies of 27609
such applications and the appropriate clerk has provided the chief 27610
an accurate, current electronic mailing address or facsimile 27611
number, as applicable. 27612

(C)(1) Except as provided in division (C)(2) of this section, 27613
the chief shall not issue a permit for at least ten days after the 27614
date of filing of the application for the permit unless, upon 27615
reasonable cause shown, the chief waives that period or a request 27616
for expedited review is filed under this section. However, the 27617
chief shall issue a permit within twenty-one days of the filing of 27618
the application unless the chief denies the application by order. 27619

(2) If the location of a well or proposed well will be or is 27620
within an urbanized area, the chief shall not issue a permit for 27621
at least eighteen days after the date of filing of the application 27622
for the permit unless, upon reasonable cause shown, the chief 27623
waives that period or the chief at the chief's discretion grants a 27624
request for an expedited review. However, the chief shall issue a 27625
permit for a well or proposed well within an urbanized area within 27626
thirty days of the filing of the application unless the chief 27627
denies the application by order. 27628

(D) An applicant may file a request with the chief for 27629
expedited review of a permit application if the well is not or is 27630
not to be located in a gas storage reservoir or reservoir 27631
protective area, as "reservoir protective area" is defined in 27632
section 1571.01 of the Revised Code. If the well is or is to be 27633
located in a coal bearing township, the application shall be 27634
accompanied by the affidavit of the landowner prescribed in 27635
section 1509.08 of the Revised Code. 27636

In addition to a complete application for a permit that meets 27637
the requirements of this section and the permit fee prescribed by 27638
this section, a request for expedited review shall be accompanied 27639
by a separate nonrefundable filing fee of two hundred fifty 27640
dollars. Upon the filing of a request for expedited review, the 27641
chief shall cause the county engineer of the county in which the 27642
well is or is to be located to be notified of the filing of the 27643
permit application and the request for expedited review by 27644

telephone or other means that in the judgment of the chief will 27645
provide timely notice of the application and request. The chief 27646
shall issue a permit within seven days of the filing of the 27647
request unless the chief denies the application by order. 27648
Notwithstanding the provisions of this section governing expedited 27649
review of permit applications, the chief may refuse to accept 27650
requests for expedited review if, in the chief's judgment, the 27651
acceptance of the requests would prevent the issuance, within 27652
twenty-one days of their filing, of permits for which applications 27653
are pending. 27654

(E) A well shall be drilled and operated in accordance with 27655
the plans, sworn statements, and other information submitted in 27656
the approved application. 27657

(F) The chief shall issue an order denying a permit if the 27658
chief finds that there is a substantial risk that the operation 27659
will result in violations of this chapter or rules adopted under 27660
it that will present an imminent danger to public health or safety 27661
or damage to the environment, provided that where the chief finds 27662
that terms or conditions to the permit can reasonably be expected 27663
to prevent such violations, the chief shall issue the permit 27664
subject to those terms or conditions, including, if applicable, 27665
terms and conditions regarding subjects identified in rules 27666
adopted under section 1509.03 of the Revised Code. The issuance of 27667
a permit shall not be considered an order of the chief. 27668

The chief shall post notice of each permit that has been 27669
approved under this section on the division's web site not later 27670
than two business days after the application for a permit has been 27671
approved. 27672

(G) Each application for a permit required by section 1509.05 27673
of the Revised Code, except an application ~~to plug back an~~ 27674
~~existing well that is required by that section and an application~~ 27675
for a well drilled or reopened for purposes of section 1509.22 of 27676

the Revised Code, also shall be accompanied by a nonrefundable fee 27677
as follows: 27678

(1) Five hundred dollars for a permit to conduct activities 27679
in a township with a population of fewer than ten thousand; 27680

(2) Seven hundred fifty dollars for a permit to conduct 27681
activities in a township with a population of ten thousand or 27682
more, but fewer than fifteen thousand; 27683

(3) One thousand dollars for a permit to conduct activities 27684
in either of the following: 27685

(a) A township with a population of fifteen thousand or more; 27686

(b) A municipal corporation regardless of population. 27687

(4) If the application is for a permit that requires 27688
mandatory pooling, an additional five thousand dollars. 27689

For purposes of calculating fee amounts, populations shall be 27690
determined using the most recent federal decennial census. 27691

Each application for the revision or reissuance of a permit 27692
shall be accompanied by a nonrefundable fee of two hundred fifty 27693
dollars. 27694

(H)(1) Prior to the commencement of well pad construction and 27695
prior to the issuance of a permit to drill a proposed horizontal 27696
well or a proposed well that is to be located in an urbanized 27697
area, the division shall conduct a site review to identify and 27698
evaluate any site-specific terms and conditions that may be 27699
attached to the permit. At the site review, a representative of 27700
the division shall consider fencing, screening, and landscaping 27701
requirements, if any, for similar structures in the community in 27702
which the well is proposed to be located. The terms and conditions 27703
that are attached to the permit shall include the establishment of 27704
fencing, screening, and landscaping requirements for the surface 27705
facilities of the proposed well, including a tank battery of the 27706

well. 27707

(2) Prior to the issuance of a permit to drill a proposed well, the division shall conduct a review to identify and evaluate any site-specific terms and conditions that may be attached to the permit if the proposed well will be located in a one-hundred-year floodplain or within the five-year time of travel associated with a public drinking water supply. 27708
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(I) A permit shall be issued by the chief in accordance with this chapter. A permit issued under this section for a well that is or is to be located in an urbanized area shall be valid for twelve months, and all other permits issued under this section shall be valid for twenty-four months. 27714
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(J) An applicant or a permittee, as applicable, shall submit to the chief an update of the information that is required under division (A)(8)(a) of this section if any of that information changes prior to commencement of production operations. 27719
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(K) A permittee or a permittee's authorized representative shall notify an inspector from the division at least twenty-four hours, or another time period agreed to by the chief's authorized representative, prior to the commencement of well pad construction and of drilling, reopening, converting, well stimulation, or plugback operations. 27723
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Sec. 1509.11. (A)(1) The owner of any well, except a horizontal well, that is producing or capable of producing oil or gas shall file with the chief of the division of oil and gas resources management, on or before the thirty-first day of March, a statement of production of oil, gas, and brine for the last preceding calendar year in such form as the chief may prescribe. An owner that has more than one hundred such wells in this state shall submit electronically the statement of production in a format that is approved by the chief. ~~The chief shall include on~~ 27729
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~~the form, at the minimum, a request for the submittal of the 27738
information that a person who is regulated under this chapter is 27739
required to submit under the "Emergency Planning and Community 27740
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C.A. 11001, and 27741
regulations adopted under it, and that the division of oil and gas 27742
resources management does not obtain through other reporting 27743
mechanisms. 27744~~

(2) The owner of any horizontal well that is producing or 27745
capable of producing oil or gas shall file with the chief, on the 27746
forty-fifth day following the close of each calendar quarter, a 27747
statement of production of oil, gas, and brine for the preceding 27748
calendar quarter in a form that the chief prescribes. An owner 27749
that has more than one hundred horizontal wells in this state 27750
shall submit electronically the statement of production in a 27751
format that is approved by the chief. ~~The chief shall include on 27752
the form, at a minimum, a request for the submittal of the 27753
information that a person who is regulated under this chapter is 27754
required to submit under the "Emergency Planning and Community 27755
Right To Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11001, and 27756
regulations adopted under it, and that the division does not 27757
obtain through other reporting mechanisms. 27758~~

(B) The chief shall not disclose information received from 27759
the department of taxation under division (C)(12) of section 27760
5703.21 of the Revised Code until the related statement of 27761
production required by division (A) of this section is filed with 27762
the chief. 27763

Sec. 1509.23. ~~(A)~~ Rules of the chief of the division of oil 27764
and gas resources management may specify practices to be followed 27765
in the drilling and treatment of wells, production of oil and gas, 27766
and plugging of wells for protection of public health or safety or 27767
to prevent damage to natural resources, including specification of 27768

the following: 27769

~~(1)~~(A) Appropriate devices; 27770

~~(2)~~(B) Minimum distances that wells and other excavations, 27771
structures, and equipment shall be located from water wells, 27772
streets, roads, highways, rivers, lakes, streams, ponds, other 27773
bodies of water, railroad tracks, public or private recreational 27774
areas, zoning districts, and buildings or other structures. Rules 27775
adopted under this division ~~(A)(2) of this section~~ shall not 27776
conflict with section 1509.021 of the Revised Code. 27777

~~(3)~~(C) Other methods of operation; 27778

~~(4)~~(D) Procedures, methods, and equipment and other 27779
requirements for equipment to prevent and contain discharges of 27780
oil and brine from oil production facilities and oil drilling and 27781
workover facilities consistent with and equivalent in scope, 27782
content, and coverage to section 311(j)(1)(c) of the "Federal 27783
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 27784
U.S.C.A. 1251, as amended, and regulations adopted under it. In 27785
addition, the rules may specify procedures, methods, and equipment 27786
and other requirements for equipment to prevent and contain 27787
surface and subsurface discharges of fluids, condensates, and 27788
gases. 27789

~~(5)~~(E) Notifications; 27790

~~(6)~~(F) Requirements governing the location and construction 27791
of fresh water impoundments that are part of a production 27792
operation. 27793

~~(B) The chief, in consultation with the emergency response 27794
commission created in section 3750.02 of the Revised Code, shall 27795
adopt rules in accordance with Chapter 119. of the Revised Code 27796
that specify the information that shall be included in an 27797
electronic database that the chief shall create and host. The 27798
information shall be that which the chief considers to be 27799~~

~~appropriate for the purpose of responding to emergency situations 27800
that pose a threat to public health or safety or the environment. 27801
At the minimum, the information shall include that which a person 27802
who is regulated under this chapter is required to submit under 27803
the "Emergency Planning and Community Right To Know Act of 1986," 27804
100 Stat. 1728, 42 U.S.C.A. 11001, and regulations adopted under 27805
it. 27806~~

~~In addition, the rules shall specify whether and to what 27807
extent the database and the information that it contains will be 27808
made accessible to the public. The rules shall ensure that the 27809
database will be made available via the internet or a system of 27810
computer disks to the emergency response commission and to every 27811
local emergency planning committee and fire department in this 27812
state. 27813~~

Sec. 1509.231. (A) A person that is regulated under this 27814
chapter and rules adopted under it and that is required to submit 27815
information under the "Emergency Planning and Community 27816
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 27817
regulations adopted under it shall submit the information to the 27818
chief of the division of oil and gas resources management on or 27819
before the first day of March of each calendar year. The person 27820
shall submit the information in accordance with rules adopted 27821
under division (B) of this section. 27822

(B) The chief, in consultation with the emergency response 27823
commission created in section 3750.02 of the Revised Code, shall 27824
adopt rules in accordance with Chapter 119. of the Revised Code 27825
that specify the information that shall be included in an 27826
electronic database that the chief shall create and host. The 27827
information shall be information that the chief considers to be 27828
appropriate for the purpose of responding to emergency situations 27829
that pose a threat to public health or safety or the environment. 27830

The rules shall require that the information be consistent with 27831
the information that a person that is regulated under this chapter 27832
is required to submit under the "Emergency Planning and Community 27833
Right-To-Know Act of 1986," 100 Stat. 1728, 42 U.S.C. 11022, and 27834
regulations adopted under it. 27835

In addition, the rules shall do all of the following: 27836

(1) Specify whether and to what extent the database and the 27837
information that it contains will be made accessible to the 27838
public; 27839

(2) Ensure that the information submitted for the database 27840
will be made immediately available to the emergency response 27841
commission, the local emergency planning committee of the 27842
emergency planning district in which a facility is located, and 27843
the fire department having jurisdiction over a facility; 27844

(3) Ensure that the information submitted for the database 27845
includes the information required to be reported under section 27846
3750.08 of the Revised Code and rules adopted under section 27847
3750.02 of the Revised Code. 27848

(C) As used in this section, "emergency planning district," 27849
"facility," and "fire department" have the same meanings as in 27850
section 3750.01 of the Revised Code. 27851

Sec. 1509.232. (A) An owner, a person to whom an order is 27852
issued under this chapter or rules adopted under it, a person to 27853
whom a registration certificate is issued under section 1509.222 27854
of the Revised Code, or a person engaged in an activity pursuant 27855
to section 1509.226 of the Revised Code shall notify the division 27856
of oil and gas resources management by means of a toll free 27857
telephone number designated by the chief of the division of oil 27858
and gas resources management or by electronic means designated by 27859
the chief within thirty minutes after becoming aware of the 27860

occurrence of any of the following unless notification within that 27861
time is impracticable under the circumstances: 27862

(1) An uncontrolled or unplanned release of gas associated 27863
with a production operation or other activity regulated under this 27864
chapter or rules adopted under it in an amount determined, in good 27865
faith, to equal or exceed one hundred MCF as defined in section 27866
5727.80 of the Revised Code; 27867

(2) A release of oil outside a containment area associated 27868
with a production operation or other activity regulated under this 27869
chapter or rules adopted under it if the release is in an amount 27870
determined, in good faith, to exceed two hundred ten United States 27871
gallons or as specified by rule adopted by the chief in accordance 27872
with Chapter 119. of the Revised Code; 27873

(3) A release of brine, drill cuttings, or other drilling 27874
wastes regulated under this chapter or rules adopted under it 27875
outside the boundary of a site or facility regulated under this 27876
chapter or rules adopted under it; 27877

(4) A release of hydrogen sulfide associated with a 27878
production operation or other activity regulated under this 27879
chapter or rules adopted under it in an amount determined, in good 27880
faith, to exceed twenty parts per million; 27881

(5) A discharge or spill of a liquid, solid, or semisolid 27882
substance or material associated with a production operation or 27883
other activity regulated under this chapter or rules adopted under 27884
it in an amount determined, in good faith, to exceed a reportable 27885
quantity as defined in rules adopted under section 3750.02 of the 27886
Revised Code, excluding a discharge or spill consisting solely of 27887
fresh water or storm water; 27888

(6) A fire or explosion associated with a production 27889
operation or other activity regulated under this chapter or rules 27890

adopted under it, excluding flaring or controlled burns authorized 27891
under this chapter or rules adopted under it or by the terms and 27892
conditions of a permit issued under this chapter; 27893

(7) The response by a fire department as defined in section 27894
742.01 of the Revised Code or a person providing emergency medical 27895
services as defined in section 4765.01 of the Revised Code to the 27896
location of, and for the purpose of responding to, an occurrence 27897
specified in division (A)(1), (2), (3), (4), (5), or (6) of this 27898
section. 27899

(B) If a contractor performs services on behalf of a person 27900
specified in division (A) of this section, the contractor shall 27901
notify that person within thirty minutes after the contractor 27902
becomes aware of any occurrence specified in that division unless 27903
notification within that time is impracticable under the 27904
circumstances. 27905

(C) The chief may adopt rules in accordance with Chapter 119. 27906
of the Revised Code that are necessary for the administration of 27907
this section. 27908

(D) No person shall fail to comply with this section. 27909

(E)(1) Section 1509.33 of the Revised Code applies to this 27910
section. 27911

(2) Section 1509.99 of the Revised Code does not apply to 27912
this section. 27913

Sec. 1509.27. ~~If a tract of land is~~ or tracts are of 27914
insufficient size or shape to meet the requirements for drilling a 27915
proposed well thereon as provided in section 1509.24 or 1509.25 of 27916
the Revised Code, whichever is applicable, and the owner ~~of the~~ 27917
~~tract who also is the owner of the mineral interest~~ has been 27918
unable to form a drilling unit under agreement as provided in 27919
section 1509.26 of the Revised Code, on a just and equitable 27920

basis, ~~such an~~ the owner may make application to the division of 27921
oil and gas resources management for a mandatory pooling order. 27922

The application shall include information as shall be 27923
reasonably required by the chief of the division of oil and gas 27924
resources management and shall be accompanied by an application 27925
for a permit as required by section 1509.05 of the Revised Code. 27926
The chief shall notify all mineral rights owners of ~~land tracts~~ 27927
within the area proposed to be pooled by an order and included 27928
within the drilling unit of the filing of the application and of 27929
their right to a hearing. After the hearing or after the 27930
expiration of thirty days from the date notice of application was 27931
mailed to such owners, the chief, if satisfied that the 27932
application is proper in form and that mandatory pooling is 27933
necessary to protect correlative rights and to provide effective 27934
development, use, and conservation of oil and gas, shall issue a 27935
drilling permit and a mandatory pooling order complying with the 27936
requirements for drilling a well as provided in section 1509.24 or 27937
1509.25 of the Revised Code, whichever is applicable. The 27938
mandatory pooling order shall: 27939

(A) Designate the boundaries of the drilling unit within 27940
which the well shall be drilled; 27941

(B) Designate the proposed production site; 27942

(C) Describe each separately owned tract or part thereof 27943
pooled by the order; 27944

(D) Allocate on a surface acreage basis a pro rata portion of 27945
the production to ~~the owner of~~ each tract pooled by the order. The 27946
pro rata portion shall be in the same proportion that the 27947
percentage of the ~~owner's~~ tract's acreage is to the state minimum 27948
acreage requirements established in rules adopted under this 27949
chapter for a drilling unit unless the applicant demonstrates to 27950
the chief using geological evidence that the geologic structure 27951

containing the oil or gas is larger than the minimum acreage 27952
requirement in which case the pro rata portion shall be in the 27953
same proportion that the percentage of the ~~owner's~~ tract's acreage 27954
is to the geologic structure. 27955

(E) Specify the basis upon which each mineral rights owner of 27956
a tract pooled by the order shall share all reasonable costs and 27957
expenses of drilling and producing if the mineral rights owner 27958
elects to participate in the drilling and operation of the well; 27959

(F) Designate the person to whom the permit shall be issued. 27960

A person shall not submit more than five applications for 27961
mandatory pooling orders per year under this section unless 27962
otherwise approved by the chief. 27963

No surface operations or disturbances to the surface of the 27964
land shall occur on a tract pooled by an order without the written 27965
consent of or a written agreement with the surface rights owner of 27966
the tract that approves the operations or disturbances. 27967

If ~~an~~ a mineral rights owner of a tract pooled by the order 27968
does not elect to participate in the risk and cost of the drilling 27969
and operation of a well, the mineral rights owner shall be 27970
designated as a nonparticipating owner in the drilling and 27971
operation of the well on a limited or carried basis and is subject 27972
to terms and conditions determined by the chief to be just and 27973
reasonable. In addition, if ~~an~~ a mineral rights owner is 27974
designated as a nonparticipating owner, the mineral rights owner 27975
is not liable for actions or conditions associated with the 27976
drilling or operation of the well. If the applicant bears the 27977
costs of drilling, equipping, and operating a well for the benefit 27978
of a nonparticipating owner, as provided for in the pooling order, 27979
then the applicant shall be entitled to the share of production 27980
from the drilling unit accruing to the interest of that 27981
nonparticipating owner, exclusive of the nonparticipating owner's 27982

proportionate share of the royalty interest until there has been 27983
received the share of costs charged to that nonparticipating owner 27984
plus such additional percentage of the share of costs as the chief 27985
shall determine. The total amount receivable hereunder shall in no 27986
event exceed two hundred per cent of the share of costs charged to 27987
that nonparticipating owner. After receipt of that share of costs 27988
by such an applicant, a nonparticipating owner shall receive a 27989
proportionate share of the working interest in the well in 27990
addition to a proportionate share of the royalty interest, if any. 27991

If there is a dispute as to costs of drilling, equipping, or 27992
operating a well, the chief shall determine those costs. 27993

Sec. 1509.33. (A) Whoever violates sections 1509.01 to 27994
1509.31 of the Revised Code, or any rules adopted or orders or 27995
terms or conditions of a permit or registration certificate issued 27996
pursuant to these sections for which no specific penalty is 27997
provided in this section, shall pay a civil penalty of not more 27998
than ~~four~~ ten thousand dollars for each offense. 27999

(B) Whoever violates section 1509.221 of the Revised Code or 28000
any rules adopted or orders or terms or conditions of a permit 28001
issued thereunder shall pay a civil penalty of not more than ~~two~~ 28002
ten thousand ~~five hundred~~ dollars for each violation. 28003

(C) Whoever violates division (D) of section 1509.22 or 28004
division (A)(1) of section 1509.222 of the Revised Code shall pay 28005
a civil penalty of not less than two thousand five hundred dollars 28006
nor more than twenty thousand dollars for each violation. 28007

(D) Whoever violates division (A) of section 1509.22 of the 28008
Revised Code shall pay a civil penalty of not less than two 28009
thousand five hundred dollars nor more than ten thousand dollars 28010
for each violation. 28011

(E) Whoever violates division (A) of section 1509.223 of the 28012

Revised Code shall pay a civil penalty of not more than ten 28013
thousand dollars for each violation. 28014

(F) Whoever violates section 1509.072 of the Revised Code or 28015
any rules adopted or orders issued to administer, implement, or 28016
enforce that section shall pay a civil penalty of not more than 28017
five thousand dollars for each violation. 28018

(G) In addition to any other penalties provided in this 28019
chapter, whoever violates section 1509.05, section 1509.21, 28020
division (B) of section 1509.22, or division (A)(1) of section 28021
1509.222 of the Revised Code or a term or condition of a permit or 28022
an order issued by the chief of the division of oil and gas 28023
resources management under this chapter or knowingly violates 28024
division (A) of section 1509.223 of the Revised Code is liable for 28025
any damage or injury caused by the violation and for the actual 28026
cost of rectifying the violation and conditions caused by the 28027
violation. If two or more persons knowingly violate one or more of 28028
those divisions in connection with the same event, activity, or 28029
transaction, they are jointly and severally liable under this 28030
division. 28031

(H) The attorney general, upon the request of the chief of 28032
the division of oil and gas resources management, shall commence 28033
an action under this section against any person who violates 28034
sections 1509.01 to 1509.31 of the Revised Code, or any rules 28035
adopted or orders or terms or conditions of a permit or 28036
registration certificate issued pursuant to these sections. Any 28037
action under this section is a civil action, governed by the Rules 28038
of Civil Procedure and other rules of practice and procedure 28039
applicable to civil actions. The remedy provided in this division 28040
is cumulative and concurrent with any other remedy provided in 28041
this chapter, and the existence or exercise of one remedy does not 28042
prevent the exercise of any other, except that no person shall be 28043
subject to both a civil penalty under division (A), (B), (C), or 28044

(D) of this section and a ~~criminal penalty under~~ fine established 28045
in section 1509.99 of the Revised Code for the same offense. 28046

(I) For purposes of this section, each day of violation 28047
constitutes a separate offense. 28048

Sec. 1513.07. (A)(1) No operator shall conduct a coal mining 28049
operation without a permit for the operation issued by the chief 28050
of the division of mineral resources management. 28051

(2) All permits issued pursuant to this chapter shall be 28052
issued for a term not to exceed five years, except that, if the 28053
applicant demonstrates that a specified longer term is reasonably 28054
needed to allow the applicant to obtain necessary financing for 28055
equipment and the opening of the operation and if the application 28056
is full and complete for the specified longer term, the chief may 28057
grant a permit for the longer term. A successor in interest to a 28058
permittee who applies for a new permit within thirty days after 28059
succeeding to the interest and who is able to obtain the 28060
performance security of the original permittee may continue coal 28061
mining and reclamation operations according to the approved mining 28062
and reclamation plan of the original permittee until the 28063
successor's application is granted or denied. 28064

(3) A permit shall terminate if the permittee has not 28065
commenced the coal mining operations covered by the permit within 28066
three years after the issuance of the permit, except that the 28067
chief may grant reasonable extensions of the time upon a showing 28068
that the extensions are necessary by reason of litigation 28069
precluding the commencement or threatening substantial economic 28070
loss to the permittee or by reason of conditions beyond the 28071
control and without the fault or negligence of the permittee, and 28072
except that with respect to coal to be mined for use in a 28073
synthetic fuel facility or specified major electric generating 28074
facility, the permittee shall be deemed to have commenced coal 28075

mining operations at the time construction of the synthetic fuel 28076
or generating facility is initiated. 28077

(4)(a) Any permit issued pursuant to this chapter shall carry 28078
with it the right of successive renewal upon expiration with 28079
respect to areas within the boundaries of the permit. The holders 28080
of the permit may apply for renewal and the renewal shall be 28081
issued unless the chief determines by written findings, subsequent 28082
to fulfillment of the public notice requirements of this section 28083
and section 1513.071 of the Revised Code through demonstrations by 28084
opponents of renewal or otherwise, that one or more of the 28085
following circumstances exists: 28086

(i) The terms and conditions of the existing permit are not 28087
being satisfactorily met. 28088

(ii) The present coal mining and reclamation operation is not 28089
in compliance with the environmental protection standards of this 28090
chapter. 28091

(iii) The renewal requested substantially jeopardizes the 28092
operator's continuing responsibilities on existing permit areas. 28093

(iv) The applicant has not provided evidence that the 28094
performance security in effect for the operation will continue in 28095
effect for any renewal requested in the application. 28096

(v) Any additional, revised, or updated information required 28097
by the chief has not been provided. Prior to the approval of any 28098
renewal of a permit, the chief shall provide notice to the 28099
appropriate public authorities as prescribed by rule of the chief. 28100

(b) If an application for renewal of a valid permit includes 28101
a proposal to extend the mining operation beyond the boundaries 28102
authorized in the existing permit, the portion of the application 28103
for renewal of a valid permit that addresses any new land areas 28104
shall be subject to the full standards applicable to new 28105
applications under this chapter. 28106

(c) A permit renewal shall be for a term not to exceed the 28107
period of the original permit established by this chapter. 28108
Application for permit renewal shall be made at least one hundred 28109
twenty days prior to the expiration of the valid permit. 28110

(5) A permit issued pursuant to this chapter does not 28111
eliminate the requirements for obtaining a permit to install or 28112
modify a disposal system or any part thereof or to discharge 28113
sewage, industrial waste, or other wastes into the waters of the 28114
state in accordance with Chapter 6111. of the Revised Code. 28115

(B)(1) The permit application shall be submitted in a manner 28116
satisfactory to the chief and shall contain, among other things, 28117
all of the following: 28118

(a) The names and addresses of all of the following: 28119

(i) The permit applicant; 28120

(ii) Every legal owner of record of the property, surface and 28121
mineral, to be mined; 28122

(iii) The holders of record of any leasehold interest in the 28123
property; 28124

(iv) Any purchaser of record of the property under a real 28125
estate contract; 28126

(v) The operator if different from the applicant; 28127

(vi) If any of these are business entities other than a 28128
single proprietor, the names and addresses of the principals, 28129
officers, and statutory agent for service of process. 28130

(b) The names and addresses of the owners of record of all 28131
surface and subsurface areas adjacent to any part of the permit 28132
area; 28133

(c) A statement of any current or previous coal mining 28134
permits in the United States held by the applicant, the permit 28135
identification, and any pending applications; 28136

(d) If the applicant is a partnership, corporation, 28137
association, or other business entity, the following where 28138
applicable: the names and addresses of every officer, partner, 28139
director, or person performing a function similar to a director, 28140
of the applicant, the name and address of any person owning, of 28141
record, ten per cent or more of any class of voting stock of the 28142
applicant, a list of all names under which the applicant, partner, 28143
or principal shareholder previously operated a coal mining 28144
operation within the United States within the five-year period 28145
preceding the date of submission of the application, and a list of 28146
the person or persons primarily responsible for ensuring that the 28147
applicant complies with the requirements of this chapter and rules 28148
adopted pursuant thereto while mining and reclaiming under the 28149
permit; 28150

(e) A statement of whether the applicant, any subsidiary, 28151
affiliate, or persons controlled by or under common control with 28152
the applicant, any partner if the applicant is a partnership, any 28153
officer, principal shareholder, or director if the applicant is a 28154
corporation, or any other person who has a right to control or in 28155
fact controls the management of the applicant or the selection of 28156
officers, directors, or managers of the applicant: 28157

(i) Has ever held a federal or state coal mining permit that 28158
in the five-year period prior to the date of submission of the 28159
application has been suspended or revoked or has had a coal mining 28160
bond, performance security, or similar security deposited in lieu 28161
of bond forfeited and, if so, a brief explanation of the facts 28162
involved; 28163

(ii) Has been an officer, partner, director, principal 28164
shareholder, or person having the right to control or has in fact 28165
controlled the management of or the selection of officers, 28166
directors, or managers of a business entity that has had a coal 28167
mining or surface mining permit that in the five-year period prior 28168

to the date of submission of the application has been suspended or 28169
revoked or has had a coal mining or surface mining bond, 28170
performance security, or similar security deposited in lieu of 28171
bond forfeited and, if so, a brief explanation of the facts 28172
involved. 28173

(f) A copy of the applicant's advertisement to be published 28174
in a newspaper of general circulation in the locality of the 28175
proposed site at least once a week for four successive weeks, 28176
which shall include the ownership of the proposed mine, a 28177
description of the exact location and boundaries of the proposed 28178
site sufficient to make the proposed operation readily 28179
identifiable by local residents, and the location where the 28180
application is available for public inspection; 28181

(g) A description of the type and method of coal mining 28182
operation that exists or is proposed, the engineering techniques 28183
proposed or used, and the equipment used or proposed to be used; 28184

(h) The anticipated or actual starting and termination dates 28185
of each phase of the mining operation and number of acres of land 28186
to be affected; 28187

(i) An accurate map or plan, to an appropriate scale, clearly 28188
showing the land to be affected ~~and~~, the land upon which the 28189
applicant has the legal right to enter and commence coal mining 28190
operations, and the land for which the applicant will acquire the 28191
legal right to enter and commence coal mining operations during 28192
the term of the permit, copies of those documents upon which is 28193
based the applicant's legal right to enter and commence coal 28194
mining operations or a notarized statement describing the 28195
applicant's legal right to enter and commence coal mining 28196
operations, and a statement whether that right is the subject of 28197
pending litigation. This chapter does not authorize the chief to 28198
adjudicate property title disputes. 28199

(j) The name of the watershed and location of the surface stream or tributary into which drainage from the operation will be discharged; 28200
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(k) A determination of the probable hydrologic consequences of the mining and reclamation operations, both on and off the mine site, with respect to the hydrologic regime, providing information on the quantity and quality of water in surface and ground water systems including the dissolved and suspended solids under seasonal flow conditions and the collection of sufficient data for the mine site and surrounding areas so that an assessment can be made by the chief of the probable cumulative impacts of all anticipated mining in the area upon the hydrology of the area and particularly upon water availability, but this determination shall not be required until hydrologic information of the general area prior to mining is made available from an appropriate federal or state agency; however, the permit shall not be approved until the information is available and is incorporated into the application; 28203
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(l) When requested by the chief, the climatological factors that are peculiar to the locality of the land to be affected, including the average seasonal precipitation, the average direction and velocity of prevailing winds, and the seasonal temperature ranges; 28217
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(m) Accurate maps prepared by or under the direction of and certified by a qualified registered professional engineer, registered surveyor, or licensed landscape architect to an appropriate scale clearly showing all types of information set forth on topographical maps of the United States geological survey of a scale of not more than four hundred feet to the inch, including all artificial features and significant known archeological sites. The map, among other things specified by the chief, shall show all boundaries of the land to be affected, the boundary lines and names of present owners of record of all 28222
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surface areas abutting the permit area, and the location of all 28232
buildings within one thousand feet of the permit area. 28233

(n)(i) Cross-section maps or plans of the land to be affected 28234
including the actual area to be mined, prepared by or under the 28235
direction of and certified by a qualified registered professional 28236
engineer or certified professional geologist with assistance from 28237
experts in related fields such as hydrology, hydrogeology, 28238
geology, and landscape architecture, showing pertinent elevations 28239
and locations of test borings or core samplings and depicting the 28240
following information: the nature and depth of the various strata 28241
of overburden; the nature and thickness of any coal or rider seam 28242
above the coal seam to be mined; the nature of the stratum 28243
immediately beneath the coal seam to be mined; all mineral crop 28244
lines and the strike and dip of the coal to be mined within the 28245
area to be affected; existing or previous coal mining limits; the 28246
location and extent of known workings of any underground mines, 28247
including mine openings to the surface; the location of spoil, 28248
waste, or refuse areas and topsoil preservation areas; the 28249
location of all impoundments for waste or erosion control; any 28250
settling or water treatment facility; constructed or natural 28251
drainways and the location of any discharges to any surface body 28252
of water on the land to be affected or adjacent thereto; profiles 28253
at appropriate cross sections of the anticipated final surface 28254
configuration that will be achieved pursuant to the operator's 28255
proposed reclamation plan; the location of subsurface water, if 28256
encountered; the location and quality of aquifers; and the 28257
estimated elevation of the water table. Registered surveyors shall 28258
be allowed to perform all plans, maps, and certifications under 28259
this chapter as they are authorized under Chapter 4733. of the 28260
Revised Code. 28261

(ii) A statement of the quality and locations of subsurface 28262
water. The chief shall provide by rule the number of locations to 28263

be sampled, frequency of collection, and parameters to be analyzed 28264
to obtain the statement required. 28265

(o) A statement of the results of test borings or core 28266
samplings from the permit area, including logs of the drill holes, 28267
the thickness of the coal seam found, an analysis of the chemical 28268
properties of the coal, the sulfur content of any coal seam, 28269
chemical analysis of potentially acid or toxic forming sections of 28270
the overburden, and chemical analysis of the stratum lying 28271
immediately underneath the coal to be mined, except that this 28272
division may be waived by the chief with respect to the specific 28273
application by a written determination that its requirements are 28274
unnecessary. If the test borings or core samplings from the permit 28275
area indicate the existence of potentially acid forming or toxic 28276
forming quantities of sulfur in the coal or overburden to be 28277
disturbed by mining, the application also shall include a 28278
statement of the acid generating potential and the acid 28279
neutralizing potential of the rock strata to be disturbed as 28280
calculated in accordance with the calculation method established 28281
under section 1513.075 of the Revised Code or with another 28282
calculation method. 28283

(p) For those lands in the permit application that a 28284
reconnaissance inspection suggests may be prime farmlands, a soil 28285
survey shall be made or obtained according to standards 28286
established by the secretary of the United States department of 28287
agriculture in order to confirm the exact location of the prime 28288
farmlands, if any; 28289

(q) A certificate issued by an insurance company authorized 28290
to do business in this state certifying that the applicant has a 28291
public liability insurance policy in force for the coal mining and 28292
reclamation operations for which the permit is sought or evidence 28293
that the applicant has satisfied other state self-insurance 28294
requirements. The policy shall provide for personal injury and 28295

property damage protection in an amount adequate to compensate any persons damaged as a result of coal mining and reclamation operations, including the use of explosives, and entitled to compensation under the applicable provisions of state law. The policy shall be maintained in effect during the term of the permit or any renewal, including the length of all reclamation operations. The insurance company shall give prompt notice to the permittee and the chief if the public liability insurance policy lapses for any reason including the nonpayment of insurance premiums. Upon the lapse of the policy, the chief may suspend the permit and all other outstanding permits until proper insurance coverage is obtained.

(r) The business telephone number of the applicant;

(s) If the applicant seeks an authorization under division (E)(7) of this section to conduct coal mining and reclamation operations on areas to be covered by the permit that were affected by coal mining operations before August 3, 1977, that have resulted in continuing water pollution from or on the previously mined areas, such additional information pertaining to those previously mined areas as may be required by the chief, including, without limitation, maps, plans, cross sections, data necessary to determine existing water quality from or on those areas with respect to pH, iron, and manganese, and a pollution abatement plan that may improve water quality from or on those areas with respect to pH, iron, and manganese.

(2) Information pertaining to coal seams, test borings, core samplings, or soil samples as required by this section shall be made available by the chief to any person with an interest that is or may be adversely affected, except that information that pertains only to the analysis of the chemical and physical properties of the coal, excluding information regarding mineral or elemental content that is potentially toxic in the environment,

shall be kept confidential and not made a matter of public record. 28328

(3)(a) If the chief finds that the probable total annual 28329
production at all locations of any operator will not exceed three 28330
hundred thousand tons, the following activities, upon the written 28331
request of the operator in connection with a permit application, 28332
shall be performed by a qualified public or private laboratory or 28333
another public or private qualified entity designated by the 28334
chief, and the cost of the activities shall be assumed by the 28335
chief, provided that sufficient moneys for such assistance are 28336
available: 28337

(i) The determination of probable hydrologic consequences 28338
required under division (B)(1)(k) of this section; 28339

(ii) The development of cross-section maps and plans required 28340
under division (B)(1)(n)(i) of this section; 28341

(iii) The geologic drilling and statement of results of test 28342
borings and core samplings required under division (B)(1)(o) of 28343
this section; 28344

(iv) The collection of archaeological information required 28345
under division (B)(1)(m) of this section and any other 28346
archaeological and historical information required by the chief, 28347
and the preparation of plans necessitated thereby; 28348

(v) Pre-blast surveys required under division (E) of section 28349
1513.161 of the Revised Code; 28350

(vi) The collection of site-specific resource information and 28351
production of protection and enhancement plans for fish and 28352
wildlife habitats and other environmental values required by the 28353
chief under this chapter. 28354

(b) A coal operator that has received assistance under 28355
division (B)(3)(a) of this section shall reimburse the chief for 28356
the cost of the services rendered if the chief finds that the 28357

operator's actual and attributed annual production of coal for all 28358
locations exceeds three hundred thousand tons during the twelve 28359
months immediately following the date on which the operator was 28360
issued a coal mining and reclamation permit. 28361

(4) Each applicant for a permit shall submit to the chief as 28362
part of the permit application a reclamation plan that meets the 28363
requirements of this chapter. 28364

(5) Each applicant for a coal mining and reclamation permit 28365
shall file a copy of the application for a permit, excluding that 28366
information pertaining to the coal seam itself, for public 28367
inspection with the county recorder or an appropriate public 28368
office approved by the chief in the county where the mining is 28369
proposed to occur. 28370

(6) Each applicant for a coal mining and reclamation permit 28371
shall submit to the chief as part of the permit application a 28372
blasting plan that describes the procedures and standards by which 28373
the operator will comply with section 1513.161 of the Revised 28374
Code. 28375

(C) Each reclamation plan submitted as part of a permit 28376
application shall include, in the detail necessary to demonstrate 28377
that reclamation required by this chapter can be accomplished and 28378
in the detail necessary for the chief to determine the estimated 28379
cost of reclamation if the reclamation has to be performed by the 28380
division of mineral resources management in the event of 28381
forfeiture of the performance security by the applicant, a 28382
statement of: 28383

(1) The identification of the lands subject to coal mining 28384
operations over the estimated life of those operations and the 28385
size, sequence, and timing of the subareas for which it is 28386
anticipated that individual permits for mining will be sought; 28387

(2) The condition of the land to be covered by the permit 28388

prior to any mining, including all of the following: 28389

(a) The uses existing at the time of the application and, if 28390
the land has a history of previous mining, the uses that preceded 28391
any mining; 28392

(b) The capability of the land prior to any mining to support 28393
a variety of uses, giving consideration to soil and foundation 28394
characteristics, topography, and vegetative cover and, if 28395
applicable, a soil survey prepared pursuant to division (B)(1)(p) 28396
of this section; 28397

(c) The productivity of the land prior to mining, including 28398
appropriate classification as prime farmlands as well as the 28399
average yield of food, fiber, forage, or wood products obtained 28400
from the land under high levels of management. 28401

(3) The use that is proposed to be made of the land following 28402
reclamation, including information regarding the utility and 28403
capacity of the reclaimed land to support a variety of alternative 28404
uses, the relationship of the proposed use to existing land use 28405
policies and plans, and the comments of any owner of the land and 28406
state and local governments or agencies thereof that would have to 28407
initiate, implement, approve, or authorize the proposed use of the 28408
land following reclamation; 28409

(4) A detailed description of how the proposed postmining 28410
land use is to be achieved and the necessary support activities 28411
that may be needed to achieve the proposed land use; 28412

(5) The engineering techniques proposed to be used in mining 28413
and reclamation and a description of the major equipment; a plan 28414
for the control of surface water drainage and of water 28415
accumulation; a plan, where appropriate, for backfilling, soil 28416
stabilization, and compacting, grading, and appropriate 28417
revegetation; a plan for soil reconstruction, replacement, and 28418
stabilization, pursuant to the performance standards in section 28419

1513.16 of the Revised Code, for those food, forage, and forest 28420
lands identified in that section; and a statement as to how the 28421
permittee plans to comply with each of the requirements set out in 28422
section 1513.16 of the Revised Code; 28423

(6) A description of the means by which the utilization and 28424
conservation of the solid fuel resource being recovered will be 28425
maximized so that re-affecting the land in the future can be 28426
minimized; 28427

(7) A detailed estimated timetable for the accomplishment of 28428
each major step in the reclamation plan; 28429

(8) A description of the degree to which the coal mining and 28430
reclamation operations are consistent with surface owner plans and 28431
applicable state and local land use plans and programs; 28432

(9) The steps to be taken to comply with applicable air and 28433
water quality laws and regulations and any applicable health and 28434
safety standards; 28435

(10) A description of the degree to which the reclamation 28436
plan is consistent with local physical, environmental, and 28437
climatological conditions; 28438

(11) A description of all lands, interests in lands, or 28439
options on such interests held by the applicant or pending bids on 28440
interests in lands by the applicant, which lands are contiguous to 28441
the area to be covered by the permit; 28442

(12) The results of test borings that the applicant has made 28443
at the area to be covered by the permit, or other equivalent 28444
information and data in a form satisfactory to the chief, 28445
including the location of subsurface water, and an analysis of the 28446
chemical properties, including acid forming properties of the 28447
mineral and overburden; except that information that pertains only 28448
to the analysis of the chemical and physical properties of the 28449
coal, excluding information regarding mineral or elemental 28450

contents that are potentially toxic in the environment, shall be 28451
kept confidential and not made a matter of public record; 28452

(13) A detailed description of the measures to be taken 28453
during the mining and reclamation process to ensure the protection 28454
of all of the following: 28455

(a) The quality of surface and ground water systems, both on- 28456
and off-site, from adverse effects of the mining and reclamation 28457
process; 28458

(b) The rights of present users to such water; 28459

(c) The quantity of surface and ground water systems, both 28460
on- and off-site, from adverse effects of the mining and 28461
reclamation process or, where such protection of quantity cannot 28462
be assured, provision of alternative sources of water. 28463

(14) Any other requirements the chief prescribes by rule. 28464

(D)(1) Any information required by division (C) of this 28465
section that is not on public file pursuant to this chapter shall 28466
be held in confidence by the chief. 28467

(2) With regard to requests for an exemption from the 28468
requirements of this chapter for coal extraction incidental to the 28469
extraction of other minerals, as described in division (H)(1)(a) 28470
of section 1513.01 of the Revised Code, confidential information 28471
includes and is limited to information concerning trade secrets or 28472
privileged commercial or financial information relating to the 28473
competitive rights of the persons intending to conduct the 28474
extraction of minerals. 28475

(E)(1) Upon the basis of a complete mining application and 28476
reclamation plan or a revision or renewal thereof, as required by 28477
this chapter, and information obtained as a result of public 28478
notification and public hearing, if any, as provided by section 28479
1513.071 of the Revised Code, the chief shall grant, require 28480

modification of, or deny the application for a permit and notify 28481
the applicant in writing in accordance with division (I)(3) of 28482
this section. An application is deemed to be complete as submitted 28483
to the chief unless the chief, within fourteen days of the 28484
submission, identifies deficiencies in the application in writing 28485
and subsequently submits a copy of a written list of deficiencies 28486
to the applicant. An application shall not be considered 28487
incomplete or denied by reason of right of entry documentation, 28488
provided that the applicant documents the applicant's legal right 28489
to enter and mine at least sixty-seven per cent of the total area 28490
for which coal mining operations are proposed. 28491

A decision of the chief denying a permit shall state in 28492
writing the specific reasons for the denial. 28493

The applicant for a permit or revision of a permit has the 28494
burden of establishing that the application is in compliance with 28495
all the requirements of this chapter. Within ten days after the 28496
granting of a permit, the chief shall notify the boards of 28497
township trustees and county commissioners, the mayor, and the 28498
legislative authority in the township, county, and municipal 28499
corporation in which the area of land to be affected is located 28500
that a permit has been issued and shall describe the location of 28501
the land. However, failure of the chief to notify the local 28502
officials shall not affect the status of the permit. 28503

(2) No permit application or application for revision of an 28504
existing permit shall be approved unless the application 28505
affirmatively demonstrates and the chief finds in writing on the 28506
basis of the information set forth in the application or from 28507
information otherwise available, which shall be documented in the 28508
approval and made available to the applicant, all of the 28509
following: 28510

(a) The application is accurate and complete and all the 28511
requirements of this chapter have been complied with. 28512

(b) The applicant has demonstrated that the reclamation 28513
required by this chapter can be accomplished under the reclamation 28514
plan contained in the application. 28515

(c)(i) Assessment of the probable cumulative impact of all 28516
anticipated mining in the general and adjacent area on the 28517
hydrologic balance specified in division (B)(1)(k) of this section 28518
has been made by the chief, and the proposed operation has been 28519
designed to prevent material damage to hydrologic balance outside 28520
the permit area. 28521

(ii) There shall be an ongoing process conducted by the chief 28522
in cooperation with other state and federal agencies to review all 28523
assessments of probable cumulative impact of coal mining in light 28524
of post-mining data and any other hydrologic information as it 28525
becomes available to determine if the assessments were realistic. 28526
The chief shall take appropriate action as indicated in the review 28527
process. 28528

(d) The area proposed to be mined is not included within an 28529
area designated unsuitable for coal mining pursuant to section 28530
1513.073 of the Revised Code or is not within an area under study 28531
for such designation in an administrative proceeding commenced 28532
pursuant to division (A)(3)(c) or (B) of section 1513.073 of the 28533
Revised Code unless in an area as to which an administrative 28534
proceeding has commenced pursuant to division (A)(3)(c) or (B) of 28535
section 1513.073 of the Revised Code, the operator making the 28536
permit application demonstrates that, prior to January 1, 1977, 28537
the operator made substantial legal and financial commitments in 28538
relation to the operation for which a permit is sought. 28539

(e) In cases where the private mineral estate has been 28540
severed from the private surface estate and surface disturbance 28541
will result from the applicant's proposed use of a strip mining 28542
method, the applicant has submitted to the chief one of the 28543
following: 28544

(i) The written consent of the surface owner to the surface disturbance that will result from the extraction of coal by the applicant's proposed strip mining method;

(ii) A conveyance that expressly grants or reserves the right to extract the coal by strip mining methods that cause surface disturbance;

(iii) If the conveyance does not expressly grant the right to extract coal by strip mining methods that cause surface disturbance, the surface-subsurface legal relationship concerning surface disturbance shall be determined under the law of this state. This chapter does not authorize the chief to adjudicate property rights disputes.

(3)(a) The applicant shall file with the permit application a schedule listing all notices of violations of any law, rule, or regulation of the United States or of any department or agency thereof or of any state pertaining to air or water environmental protection incurred by the applicant in connection with any coal mining operation during the three-year period prior to the date of application. The schedule also shall indicate the final resolution of such a notice of violation. Upon receipt of an application, the chief shall provide a schedule listing all notices of violations of this chapter pertaining to air or water environmental protection incurred by the applicant during the three-year period prior to receipt of the application and the final resolution of all such notices of violation. The chief shall provide this schedule to the applicant for filing by the applicant with the application filed for public review, as required by division (B)(5) of this section. When the schedule or other information available to the chief indicates that any coal mining operation owned or controlled by the applicant is currently in violation of such laws, the permit shall not be issued until the applicant submits proof that the violation has been corrected or is in the

process of being corrected to the satisfaction of the regulatory 28577
authority, department, or agency that has jurisdiction over the 28578
violation and that any civil penalties owed to the state for a 28579
violation and not the subject of an appeal have been paid. No 28580
permit shall be issued to an applicant after a finding by the 28581
chief that the applicant or the operator specified in the 28582
application controls or has controlled mining operations with a 28583
demonstrated pattern of willful violations of this chapter of a 28584
nature and duration to result in irreparable damage to the 28585
environment as to indicate an intent not to comply with or a 28586
disregard of this chapter. 28587

(b) For the purposes of division (E)(3)(a) of this section, 28588
any violation resulting from an unanticipated event or condition 28589
at a surface coal mining operation on lands eligible for remining 28590
under a permit held by the person submitting an application for a 28591
coal mining permit under this section shall not prevent issuance 28592
of that permit. As used in this division, "unanticipated event or 28593
condition" means an event or condition encountered in a remining 28594
operation that was not contemplated by the applicable surface coal 28595
mining and reclamation permit. 28596

(4)(a) In addition to finding the application in compliance 28597
with division (E)(2) of this section, if the area proposed to be 28598
mined contains prime farmland as determined pursuant to division 28599
(B)(1)(p) of this section, the chief, after consultation with the 28600
secretary of the United States department of agriculture and 28601
pursuant to regulations issued by the secretary of the interior 28602
with the concurrence of the secretary of agriculture, may grant a 28603
permit to mine on prime farmland if the chief finds in writing 28604
that the operator has the technological capability to restore the 28605
mined area, within a reasonable time, to equivalent or higher 28606
levels of yield as nonmined prime farmland in the surrounding area 28607
under equivalent levels of management and can meet the soil 28608

reconstruction standards in section 1513.16 of the Revised Code. 28609

(b) Division (E)(4)(a) of this section does not apply to a 28610
permit issued prior to August 3, 1977, or revisions or renewals 28611
thereof. 28612

(5) The chief shall issue an order denying a permit after 28613
finding that the applicant has misrepresented or omitted any 28614
material fact in the application for the permit. 28615

(6) The chief may issue an order denying a permit after 28616
finding that the applicant, any partner, if the applicant is a 28617
partnership, any officer, principal shareholder, or director, if 28618
the applicant is a corporation, or any other person who has a 28619
right to control or in fact controls the management of the 28620
applicant or the selection of officers, directors, or managers of 28621
the applicant has been a sole proprietor or partner, officer, 28622
director, principal shareholder, or person having the right to 28623
control or has in fact controlled the management of or the 28624
selection of officers, directors, or managers of a business entity 28625
that ever has had a coal mining license or permit issued by this 28626
or any other state or the United States suspended or revoked, ever 28627
has forfeited a coal or surface mining bond, performance security, 28628
or similar security deposited in lieu of bond in this or any other 28629
state or with the United States, or ever has substantially or 28630
materially failed to comply with this chapter. 28631

(7) When issuing a permit under this section, the chief may 28632
authorize an applicant to conduct coal mining and reclamation 28633
operations on areas to be covered by the permit that were affected 28634
by coal mining operations before August 3, 1977, that have 28635
resulted in continuing water pollution from or on the previously 28636
mined areas for the purpose of potentially reducing the pollution 28637
loadings of pH, iron, and manganese from discharges from or on the 28638
previously mined areas. Following the chief's authorization to 28639
conduct such operations on those areas, the areas shall be 28640

designated as pollution abatement areas for the purposes of this 28641
chapter. 28642

The chief shall not grant an authorization under division 28643
(E)(7) of this section to conduct coal mining and reclamation 28644
operations on any such previously mined areas unless the applicant 28645
demonstrates to the chief's satisfaction that all of the following 28646
conditions are met: 28647

(a) The applicant's pollution abatement plan for mining and 28648
reclaiming the previously mined areas represents the best 28649
available technology economically achievable. 28650

(b) Implementation of the plan will potentially reduce 28651
pollutant loadings of pH, iron, and manganese resulting from 28652
discharges of surface waters or ground water from or on the 28653
previously mined areas within the permit area. 28654

(c) Implementation of the plan will not cause any additional 28655
degradation of surface water quality off the permit area with 28656
respect to pH, iron, and manganese. 28657

(d) Implementation of the plan will not cause any additional 28658
degradation of ground water. 28659

(e) The plan meets the requirements governing mining and 28660
reclamation of such previously mined pollution abatement areas 28661
established by the chief in rules adopted under section 1513.02 of 28662
the Revised Code. 28663

(f) Neither the applicant; any partner, if the applicant is a 28664
partnership; any officer, principal shareholder, or director, if 28665
the applicant is a corporation; any other person who has a right 28666
to control or in fact controls the management of the applicant or 28667
the selection of officers, directors, or managers of the 28668
applicant; nor any contractor or subcontractor of the applicant, 28669
has any of the following: 28670

(i) Responsibility or liability under this chapter or rules 28671
adopted under it as an operator for treating the discharges of 28672
water pollutants from or on the previously mined areas for which 28673
the authorization is sought; 28674

(ii) Any responsibility or liability under this chapter or 28675
rules adopted under it for reclaiming the previously mined areas 28676
for which the authorization is sought; 28677

(iii) During the eighteen months prior to submitting the 28678
permit application requesting an authorization under division 28679
(E)(7) of this section, had a coal mining and reclamation permit 28680
suspended or revoked under division (D)(3) of section 1513.02 of 28681
the Revised Code for violating this chapter or Chapter 6111. of 28682
the Revised Code or rules adopted under them with respect to water 28683
quality, effluent limitations, or surface or ground water 28684
monitoring; 28685

(iv) Ever forfeited a coal or surface mining bond, 28686
performance security, or similar security deposited in lieu of a 28687
bond in this or any other state or with the United States. 28688

(8) In the case of the issuance of a permit that involves a 28689
conflict of results between various methods of calculating 28690
potential acidity and neutralization potential for purposes of 28691
assessing the potential for acid mine drainage to occur at a mine 28692
site, the permit shall include provisions for monitoring and 28693
record keeping to identify the creation of unanticipated acid 28694
water at the mine site. If the monitoring detects the creation of 28695
acid water at the site, the permit shall impose on the permittee 28696
additional requirements regarding mining practices and site 28697
reclamation to prevent the discharge of acid mine drainage from 28698
the mine site. As used in division (E)(8) of this section, 28699
"potential acidity" and "neutralization potential" have the same 28700
meanings as in section 1513.075 of the Revised Code. 28701

(F)(1) During the term of the permit, the permittee may 28702
submit an application for a revision of the permit, together with 28703
a revised reclamation plan, to the chief. 28704

(2) An application for a revision of a permit shall not be 28705
approved unless the chief finds that reclamation required by this 28706
chapter can be accomplished under the revised reclamation plan. 28707
The revision shall be approved or disapproved within ninety days 28708
after receipt of a complete revision application. The chief shall 28709
establish, by rule, criteria for determining the extent to which 28710
all permit application information requirements and procedures, 28711
including notice and hearings, shall apply to the revision 28712
request, except that any revisions that propose significant 28713
alterations in the reclamation plan, at a minimum, shall be 28714
subject to notice and hearing requirements. 28715

(3) Any extensions to the area covered by the permit except 28716
incidental boundary revisions shall be made by application for a 28717
permit. 28718

(4) Documents or a notarized statement that form the basis of 28719
the applicant's legal right to enter and commence coal mining 28720
operations on land that is located within an area covered by the 28721
permit and that was legally acquired subsequent to the issuance of 28722
the permit for the area shall be submitted with an application for 28723
a revision of the permit. 28724

(G) No transfer, assignment, or sale of the rights granted 28725
under a permit issued pursuant to this chapter shall be made 28726
without the written approval of the chief. 28727

(H) The chief, within a time limit prescribed in the chief's 28728
rules, shall review outstanding permits and may require reasonable 28729
revision or modification of a permit. A revision or modification 28730
shall be based upon a written finding and subject to notice and 28731
hearing requirements established by rule of the chief. 28732

(I)(1) If an informal conference has been held pursuant to 28733
section 1513.071 of the Revised Code, the chief shall issue and 28734
furnish the applicant for a permit, persons who participated in 28735
the informal conference, and persons who filed written objections 28736
pursuant to division (B) of section 1513.071 of the Revised Code, 28737
with the written finding of the chief granting or denying the 28738
permit in whole or in part and stating the reasons therefor within 28739
sixty days of the conference, provided that the chief shall comply 28740
with the time frames established in division (I)(3) of this 28741
section. 28742

(2) If there has been no informal conference held pursuant to 28743
section 1513.071 of the Revised Code, the chief shall submit to 28744
the applicant for a permit the written finding of the chief 28745
granting or denying the permit in whole or in part and stating the 28746
reasons therefor within the time frames established in division 28747
(I)(3) of this section. 28748

(3) The chief shall grant or deny a permit not later than two 28749
hundred forty days after the submission of a complete application 28750
for the permit. Any time during which the applicant is making 28751
revisions to an application or providing additional information 28752
requested by the chief regarding an application shall not be 28753
included in the two hundred forty days. If the chief determines 28754
that a permit cannot be granted or denied within the 28755
two-hundred-forty-day time frame, the chief, not later than two 28756
hundred ten days after the submission of a complete application 28757
for the permit, shall provide the applicant with written notice of 28758
the expected delay. 28759

(4) If the application is approved, the permit shall be 28760
issued. However, the permit shall prohibit the commencement of 28761
coal mining operations on any land that is located within an area 28762
covered by the permit if the permittee has not provided to the 28763
chief documents that form the basis of the permittee's legal right 28764

to enter and conduct coal mining operations on that land. If the 28765
application is disapproved, specific reasons therefor shall be set 28766
forth in the notification. Within thirty days after the applicant 28767
is notified of the final decision of the chief on the permit 28768
application, the applicant or any person with an interest that is 28769
or may be adversely affected may appeal the decision to the 28770
reclamation commission pursuant to section 1513.13 of the Revised 28771
Code. 28772

(5) Any applicant or any person with an interest that is or 28773
may be adversely affected who has participated in the 28774
administrative proceedings as an objector and is aggrieved by the 28775
decision of the reclamation commission, or if the commission fails 28776
to act within the time limits specified in this chapter, may 28777
appeal in accordance with section 1513.14 of the Revised Code. 28778

Sec. 1513.16. (A) Any permit issued under this chapter to 28779
conduct coal mining operations shall require that the operations 28780
meet all applicable performance standards of this chapter and such 28781
other requirements as the chief of the division of mineral 28782
resources management shall adopt by rule. General performance 28783
standards shall apply to all coal mining and reclamation 28784
operations and shall require the operator at a minimum to do all 28785
of the following: 28786

(1) Conduct coal mining operations so as to maximize the 28787
utilization and conservation of the solid fuel resource being 28788
recovered so that re-affecting the land in the future through coal 28789
mining can be minimized; 28790

(2) Restore the land affected to a condition capable of 28791
supporting the uses that it was capable of supporting prior to any 28792
mining, or higher or better uses of which there is reasonable 28793
likelihood, so long as the uses do not present any actual or 28794
probable hazard to public health or safety or pose any actual or 28795

probable threat of diminution or pollution of the waters of the state, and the permit applicants' declared proposed land uses following reclamation are not considered to be impractical or unreasonable, to be inconsistent with applicable land use policies and plans, to involve unreasonable delay in implementation, or to violate federal, state, or local law;

(3) Except as provided in division (B) of this section, with respect to all coal mining operations, backfill, compact where advisable to ensure stability or to prevent leaching of toxic materials, and grade in order to restore the approximate original contour of the land with all highwalls, spoil piles, and depressions eliminated unless small depressions are needed in order to retain moisture to assist revegetation or as otherwise authorized pursuant to this chapter, provided that if the operator demonstrates that due to volumetric expansion the amount of overburden and the spoil and waste materials removed in the course of the mining operation are more than sufficient to restore the approximate original contour, the operator shall backfill, grade, and compact the excess overburden and other spoil and waste materials to attain the lowest grade, but not more than the angle of repose, and to cover all acid-forming and other toxic materials in order to achieve an ecologically sound land use compatible with the surrounding region in accordance with the approved mining plan. The overburden or spoil shall be shaped and graded in such a way as to prevent slides, erosion, and water pollution and shall be revegetated in accordance with this chapter.

(4) Stabilize and protect all surface areas, including spoil piles affected by the coal mining and reclamation operation, to control erosion and attendant air and water pollution effectively;

(5) Remove the topsoil from the land in a separate layer, replace it on the backfill area, or, if not utilized immediately, segregate it in a separate pile from the spoil, and when the

topsoil is not replaced on a backfill area within a time short 28828
enough to avoid deterioration of the topsoil, maintain a 28829
successful cover by quick-growing plants or other means thereafter 28830
so that the topsoil is preserved from wind and water erosion, 28831
remains free of any contamination by acid or other toxic material, 28832
and is in a usable condition for sustaining vegetation when 28833
restored during reclamation. If the topsoil is of insufficient 28834
quantity or of poor quality for sustaining vegetation or if other 28835
strata can be shown to be more suitable for vegetation 28836
requirements, the operator shall remove, segregate, and preserve 28837
in a like manner such other strata as are best able to support 28838
vegetation. 28839

(6) Restore the topsoil or the best available subsoil that is 28840
best able to support vegetation; 28841

(7) For all prime farmlands as identified in division 28842
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 28843
reclaimed, perform soil removal, storage, replacement, and 28844
reconstruction in accordance with specifications established by 28845
the secretary of the United States department of agriculture under 28846
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 28847
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 28848
required to do all of the following: 28849

(a) Segregate the A horizon of the natural soil, except where 28850
it can be shown that other available soil materials will create a 28851
final soil having a greater productive capacity, and, if not 28852
utilized immediately, stockpile this material separately from the 28853
spoil and provide needed protection from wind and water erosion or 28854
contamination by acid or other toxic material; 28855

(b) Segregate the B horizon of the natural soil, or 28856
underlying C horizons or other strata, or a combination of such 28857
horizons or other strata that are shown to be both texturally and 28858
chemically suitable for plant growth and that can be shown to be 28859

equally or more favorable for plant growth than the B horizon, in 28860
sufficient quantities to create in the regraded final soil a root 28861
zone of comparable depth and quality to that which existed in the 28862
natural soil, and, if not utilized immediately, stockpile this 28863
material separately from the spoil and provide needed protection 28864
from wind and water erosion or contamination by acid or other 28865
toxic material; 28866

(c) Replace and regrade the root zone material described in 28867
division (A)(7)(b) of this section with proper compaction and 28868
uniform depth over the regraded spoil material; 28869

(d) Redistribute and grade in a uniform manner the surface 28870
soil horizon described in division (A)(7)(a) of this section. 28871

(8) Create, if authorized in the approved mining and 28872
reclamation plan and permit, permanent impoundments of water on 28873
mining sites as part of reclamation activities only when it is 28874
adequately demonstrated by the operator that all of the following 28875
conditions will be met: 28876

(a) The size of the impoundment is adequate for its intended 28877
purposes. 28878

(b) The impoundment dam construction will be so designed as 28879
to achieve necessary stability with an adequate margin of safety 28880
compatible with that of structures constructed under the 28881
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 28882
(1954), 16 U.S.C. 1001, as amended. 28883

(c) The quality of impounded water will be suitable on a 28884
permanent basis for its intended use and discharges from the 28885
impoundment will not degrade the water quality below water quality 28886
standards established pursuant to applicable federal and state law 28887
in the receiving stream. 28888

(d) The level of water will be reasonably stable. 28889

(e) Final grading will provide adequate safety and access for proposed water users. 28890
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(f) The water impoundments will not result in the diminution of the quality or quantity of water utilized by adjacent or surrounding landowners for agricultural, industrial, recreational, or domestic uses. 28892
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(9) Conduct any augering operation associated with strip mining in a manner to maximize recoverability of mineral reserves remaining after the operation and reclamation are complete and seal all auger holes with an impervious and noncombustible material in order to prevent drainage, except where the chief determines that the resulting impoundment of water in such auger holes may create a hazard to the environment or the public health or safety. The chief may prohibit augering if necessary to maximize the utilization, recoverability, or conservation of the solid fuel resources or to protect against adverse water quality impacts. 28896
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(10) Minimize the disturbances to the prevailing hydrologic balance at the mine site and in associated offsite areas and to the quality and quantity of water in surface and ground water systems both during and after coal mining operations and during reclamation by doing all of the following: 28907
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(a) Avoiding acid or other toxic mine drainage by such measures as, but not limited to: 28912
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(i) Preventing or removing water from contact with toxic producing deposits; 28914
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(ii) Treating drainage to reduce toxic content that adversely affects downstream water upon being released to water courses in accordance with rules adopted by the chief in accordance with section 1513.02 of the Revised Code; 28916
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(iii) Casing, sealing, or otherwise managing boreholes, 28920

shafts, and wells, and keeping acid or other toxic drainage from 28921
entering ground and surface waters. 28922

(b)(i) Conducting coal mining operations so as to prevent, to 28923
the extent possible using the best technology currently available, 28924
additional contributions of suspended solids to streamflow or 28925
runoff outside the permit area, but in no event shall 28926
contributions be in excess of requirements set by applicable state 28927
or federal laws; 28928

(ii) Constructing any siltation structures pursuant to 28929
division (A)(10)(b)(i) of this section prior to commencement of 28930
coal mining operations. The structures shall be certified by 28931
persons approved by the chief to be constructed as designed and as 28932
approved in the reclamation plan. 28933

(c) Cleaning out and removing temporary or large settling 28934
ponds or other siltation structures from drainways after disturbed 28935
areas are revegetated and stabilized, and depositing the silt and 28936
debris at a site and in a manner approved by the chief; 28937

(d) Restoring recharge capacity of the mined area to 28938
approximate premining conditions; 28939

(e) Avoiding channel deepening or enlargement in operations 28940
requiring the discharge of water from mines; 28941

(f) Such other actions as the chief may prescribe. 28942

(11) With respect to surface disposal of mine wastes, 28943
tailings, coal processing wastes, and other wastes in areas other 28944
than the mine working areas or excavations, stabilize all waste 28945
piles in designated areas through construction in compacted 28946
layers, including the use of noncombustible and impervious 28947
materials if necessary, and ensure that the final contour of the 28948
waste pile will be compatible with natural surroundings and that 28949
the site can and will be stabilized and revegetated according to 28950
this chapter; 28951

(12) Refrain from coal mining within five hundred feet of active and abandoned underground mines in order to prevent breakthroughs and to protect the health or safety of miners. The chief shall permit an operator to mine near, through, or partially through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for

specific areas within the reclamation plan from the requirement 28983
that reclamation efforts proceed as contemporaneously as 28984
practicable to permit underground mining operations prior to 28985
reclamation if: 28986

(a) The chief finds in writing that: 28987

(i) The applicant has presented, as part of the permit 28988
application, specific, feasible plans for the proposed underground 28989
mining operations. 28990

(ii) The proposed underground mining operations are necessary 28991
or desirable to ensure maximum practical recovery of the mineral 28992
resource and will avoid multiple disturbance of the surface. 28993

(iii) The applicant has satisfactorily demonstrated that the 28994
plan for the underground mining operations conforms to 28995
requirements for underground mining in this state and that permits 28996
necessary for the underground mining operations have been issued 28997
by the appropriate authority. 28998

(iv) The areas proposed for the variance have been shown by 28999
the applicant to be necessary for the implementing of the proposed 29000
underground mining operations. 29001

(v) No substantial adverse environmental damage, either 29002
on-site or off-site, will result from the delay in completion of 29003
reclamation as required by this chapter. 29004

(vi) Provisions for the off-site storage of spoil will comply 29005
with division (A)(21) of this section. 29006

(b) The chief has adopted specific rules to govern the 29007
granting of such variances in accordance with this division and 29008
has imposed such additional requirements as the chief considers 29009
necessary. 29010

(c) Variances granted under this division shall be reviewed 29011
by the chief not more than three years from the date of issuance 29012

of the permit. 29013

(d) Liability under the performance security filed by the 29014
applicant with the chief pursuant to section 1513.08 of the 29015
Revised Code shall be for the duration of the underground mining 29016
operations and until the requirements of this section and section 29017
1513.08 of the Revised Code have been fully complied with. 29018

(16) Ensure that the construction, maintenance, and 29019
postmining conditions of access roads into and across the site of 29020
operations will control or prevent erosion and siltation, 29021
pollution of water, and damage to fish or wildlife or their 29022
habitat, or to public or private property; 29023

(17) Refrain from the construction of roads or other access 29024
ways up a stream bed or drainage channel or in such proximity to 29025
the channel as to seriously alter the normal flow of water; 29026

(18) Establish, on the regraded areas and all other lands 29027
affected, a diverse, effective, and permanent vegetative cover of 29028
the same seasonal variety native to the area of land to be 29029
affected and capable of self-regeneration and plant succession at 29030
least equal in extent of cover to the natural vegetation of the 29031
area, except that introduced species may be used in the 29032
revegetation process where desirable and necessary to achieve the 29033
approved postmining land use plan; 29034

(19)(a) Assume the responsibility for successful 29035
revegetation, as required by division (A)(18) of this section, for 29036
a period of five full years after the last year of augmented 29037
seeding, fertilizing, irrigation, or other work in order to ensure 29038
compliance with that division, except that when the chief approves 29039
a long-term intensive agricultural postmining land use, the 29040
applicable five-year period of responsibility for revegetation 29041
shall commence at the date of initial planting for that long-term 29042
intensive agricultural postmining land use, and except that when 29043

the chief issues a written finding approving a long-term intensive 29044
agricultural postmining land use as part of the mining and 29045
reclamation plan, the chief may grant an exception to division 29046
(A)(18) of this section; 29047

(b) On lands eligible for remining, assume the responsibility 29048
for successful revegetation, as required by division (A)(18) of 29049
this section, for a period of two full years after the last year 29050
of augmented seeding, fertilizing, irrigation, or other work in 29051
order to ensure compliance with that division. 29052

(20) Protect off-site areas from slides or damage occurring 29053
during the coal mining and reclamation operations and not deposit 29054
spoil material or locate any part of the operations or waste 29055
accumulations outside the permit area; 29056

(21) Place all excess spoil material resulting from coal 29057
mining and reclamation operations in such a manner that all of the 29058
following apply: 29059

(a) Spoil is transported and placed in a controlled manner in 29060
position for concurrent compaction and in such a way as to ensure 29061
mass stability and to prevent mass movement. 29062

(b) The areas of disposal are within the permit areas for 29063
which performance security has been provided. All organic matter 29064
shall be removed immediately prior to spoil placement except in 29065
the zoned concept method. 29066

(c) Appropriate surface and internal drainage systems and 29067
diversion ditches are used so as to prevent spoil erosion and mass 29068
movement. 29069

(d) The disposal area does not contain springs, natural 29070
watercourses, or wet weather seeps unless lateral drains are 29071
constructed from the wet areas to the main underdrains in such a 29072
manner that filtration of the water into the spoil pile will be 29073
prevented unless the zoned concept method is used. 29074

(e) If placed on a slope, the spoil is placed upon the most moderate slope among those slopes upon which, in the judgment of the chief, the spoil could be placed in compliance with all the requirements of this chapter and is placed, where possible, upon, or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement.

(f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed.

(g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses.

(h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards.

(i) All other provisions of this chapter are met.

(22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site;

(23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable;

(24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion;

(25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or

1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:

(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be

approved prior to the construction of required mitigation 29136
activities off the permit area. 29137

(B)(1) The chief may permit mining operations for the 29138
purposes set forth in division (B)(3) of this section. 29139

(2) When an applicant meets the requirements of divisions 29140
(B)(3) and (4) of this section, a permit without regard to the 29141
requirement to restore to approximate original contour known as 29142
mountain top removal set forth in divisions (A)(3) or (C)(2) and 29143
(3) of this section may be granted for the mining of coal where 29144
the mining operation will remove an entire coal seam or seams 29145
running through the upper fraction of a mountain, ridge, or hill, 29146
except as provided in division (B)(4)(a) of this section, by 29147
removing all of the overburden and creating a level plateau or a 29148
gently rolling contour with no highwalls remaining, and capable of 29149
supporting postmining uses in accordance with this division. 29150

(3) In cases where an industrial, commercial, agricultural, 29151
residential, or public facility use, including recreational 29152
facilities, is proposed for the postmining use of the affected 29153
land, the chief may grant a permit for a mining operation of the 29154
nature described in division (B)(2) of this section when all of 29155
the following apply: 29156

(a) After consultation with the appropriate land use planning 29157
agencies, if any, the proposed postmining land use is considered 29158
to constitute an equal or better economic or public use of the 29159
affected land, as compared with premining use. 29160

(b) The applicant presents specific plans for the proposed 29161
postmining land use and appropriate assurances that the use will 29162
be all of the following: 29163

(i) Compatible with adjacent land uses; 29164

(ii) Obtainable according to data regarding expected need and 29165
market; 29166

(iii) Assured of investment in necessary public facilities;	29167
(iv) Supported by commitments from public agencies where appropriate;	29168 29169
(v) Practicable with respect to private financial capability for completion of the proposed use;	29170 29171
(vi) Planned pursuant to a schedule attached to the reclamation plan so as to integrate the mining operation and reclamation with the postmining land use;	29172 29173 29174
(vii) Designed by a registered engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.	29175 29176 29177 29178
(c) The proposed use is consistent with adjacent land uses and existing state and local land use plans and programs.	29179 29180
(d) The chief provides the governing body of the unit of general-purpose local government in which the land is located, and any state or federal agency that the chief, in the chief's discretion, determines to have an interest in the proposed use, an opportunity of not more than sixty days to review and comment on the proposed use.	29181 29182 29183 29184 29185 29186
(e) All other requirements of this chapter will be met.	29187
(4) In granting a permit pursuant to this division, the chief shall require that each of the following is met:	29188 29189
(a) The toe of the lowest coal seam and the overburden associated with it are retained in place as a barrier to slides and erosion.	29190 29191 29192
(b) The reclaimed area is stable.	29193
(c) The resulting plateau or rolling contour drains inward from the out slopes except at specified points.	29194 29195

(d) No damage will be done to natural watercourses.	29196
(e) Spoil will be placed on the mountaintop bench as is necessary to achieve the planned postmining land use, except that all excess spoil material not retained on the mountaintop bench shall be placed in accordance with division (A)(21) of this section.	29197 29198 29199 29200 29201
(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met.	29202 29203
(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary.	29204 29205 29206 29207
(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan.	29208 29209 29210 29211 29212 29213
(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section:	29214 29215 29216 29217 29218 29219 29220 29221
(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate	29222 29223 29224 29225 29226

original contour under division (A)(3) or (C)(2) of this section 29227
shall be permanently stored pursuant to division (A)(21) of this 29228
section. 29229

(2) The operator shall complete backfilling with spoil 29230
material to cover completely the highwall and return the site to 29231
the approximate original contour, which material will maintain 29232
stability following mining and reclamation. 29233

(3) The operator shall not disturb land above the top of the 29234
highwall unless the chief finds that the disturbance will 29235
facilitate compliance with the environmental protection standards 29236
of this section, except that any such disturbance involving land 29237
above the highwall shall be limited to that amount of land 29238
necessary to facilitate compliance. 29239

(D)(1) The chief may permit variances for the purposes set 29240
forth in division (D)(3) of this section, provided that the 29241
watershed control of the area is improved and that complete 29242
backfilling with spoil material shall be required to cover 29243
completely the highwall, which material will maintain stability 29244
following mining and reclamation. 29245

(2) Where an applicant meets the requirements of divisions 29246
(D)(3) and (4) of this section, a variance from the requirement to 29247
restore to approximate original contour set forth in division 29248
(C)(2) of this section may be granted for the mining of coal when 29249
the owner of the surface knowingly requests in writing, as a part 29250
of the permit application, that such a variance be granted so as 29251
to render the land, after reclamation, suitable for an industrial, 29252
commercial, residential, or public use, including recreational 29253
facilities, in accordance with divisions (D)(3) and (4) of this 29254
section. 29255

(3) A variance pursuant to division (D)(2) of this section 29256
may be granted if: 29257

(a) After consultation with the appropriate land use planning agencies, if any, the potential use of the affected land is considered to constitute an equal or better economic or public use.

(b) The postmining land condition is designed and certified by a registered professional engineer in conformity with professional standards established to ensure the stability, drainage, and configuration necessary for the intended use of the site.

(c) After approval of the appropriate state environmental agencies, the watershed of the affected land is considered to be improved.

(4) In granting a variance pursuant to division (D) of this section, the chief shall require that only such amount of spoil will be placed off the mine bench as is necessary to achieve the planned postmining land use, ensure stability of the spoil retained on the bench, and meet all other requirements of this chapter. All spoil placement off the mine bench shall comply with division (A)(21) of this section.

(5) The chief shall adopt specific rules to govern the granting of variances under division (D) of this section and may impose such additional requirements as the chief considers necessary.

(6) All variances granted under division (D) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the permittee affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the reclamation plan.

(E) The chief shall establish standards and criteria regulating the design, location, construction, operation, maintenance, enlargement, modification, removal, and abandonment

of new and existing coal mine waste piles referred to in division 29289
(A)(13) of this section and division (A)(5) of section 1513.35 of 29290
the Revised Code. The standards and criteria shall conform to the 29291
standards and criteria used by the chief of the United States army 29292
corps of engineers to ensure that flood control structures are 29293
safe and effectively perform their intended function. In addition 29294
to engineering and other technical specifications, the standards 29295
and criteria developed pursuant to this division shall include 29296
provisions for review and approval of plans and specifications 29297
prior to construction, enlargement, modification, removal, or 29298
abandonment; performance of periodic inspections during 29299
construction; issuance of certificates of approval upon completion 29300
of construction; performance of periodic safety inspections; and 29301
issuance of notices for required remedial or maintenance work. 29302

(F)(1) The permittee may file a request with the chief for 29303
release of a part of a performance security under division (F)(3) 29304
of this section. Within thirty days after any request for 29305
performance security release under this section has been filed 29306
with the chief, the operator shall submit a copy of an 29307
advertisement placed at least once a week for four successive 29308
weeks in a newspaper of general circulation in the locality of the 29309
coal mining operation. The advertisement shall be considered part 29310
of any performance security release application and shall contain 29311
a notification of the precise location of the land affected, the 29312
number of acres, the permit number and the date approved, the 29313
amount of the performance security filed and the portion sought to 29314
be released, the type and appropriate dates of reclamation work 29315
performed, and a description of the results achieved as they 29316
relate to the operator's approved reclamation plan and, if 29317
applicable, the operator's pollution abatement plan. In addition, 29318
as part of any performance security release application, the 29319
applicant shall submit copies of the letters sent to adjoining 29320
property owners, local governmental bodies, planning agencies, and 29321

sewage and water treatment authorities or water companies in the 29322
locality in which the coal mining and reclamation activities took 29323
place, notifying them of the applicant's intention to seek release 29324
from the performance security. 29325

(2) Upon receipt of a copy of the advertisement and request 29326
for release of a performance security under division (F)(3)(c) of 29327
this section, the chief, within thirty days, shall conduct an 29328
inspection and evaluation of the reclamation work involved. The 29329
evaluation shall consider, among other things, the degree of 29330
difficulty to complete any remaining reclamation, whether 29331
pollution of surface and subsurface water is occurring, the 29332
probability of continuation or future occurrence of the pollution, 29333
and the estimated cost of abating the pollution. The chief shall 29334
notify the permittee in writing of the decision to release or not 29335
to release all or part of the performance security within sixty 29336
days after the filing of the request if no public hearing is held 29337
pursuant to division (F)(6) of this section or, if there has been 29338
a public hearing held pursuant to division (F)(6) of this section, 29339
within thirty days thereafter. 29340

(3) The chief may release the performance security if the 29341
reclamation covered by the performance security or portion thereof 29342
has been accomplished as required by this chapter and rules 29343
adopted under it according to the following schedule: 29344

(a) When the operator completes the backfilling, regrading, 29345
and drainage control of an area for which performance security has 29346
been provided in accordance with the approved reclamation plan, 29347
and, if the area covered by the performance security is one for 29348
which an authorization was made under division (E)(7) of section 29349
1513.07 of the Revised Code, the operator has complied with the 29350
approved pollution abatement plan and all additional requirements 29351
established by the chief in rules adopted under section 1513.02 of 29352
the Revised Code governing coal mining and reclamation operations 29353

on pollution abatement areas, the chief shall grant a release of 29354
fifty per cent of the performance security for the applicable 29355
permit area. 29356

(b) After resoiling and revegetation have been established on 29357
the regraded mined lands in accordance with the approved 29358
reclamation plan, the chief shall grant a release in an amount not 29359
exceeding thirty-five per cent of the original performance 29360
security for all or part of the affected area under the permit. 29361
When determining the amount of performance security to be released 29362
after successful revegetation has been established, the chief 29363
shall retain that amount of performance security for the 29364
revegetated area that would be sufficient for a third party to 29365
cover the cost of reestablishing revegetation for the period 29366
specified for operator responsibility in this section for 29367
reestablishing revegetation. No part of the performance security 29368
shall be released under this division so long as the lands to 29369
which the release would be applicable are contributing suspended 29370
solids to streamflow or runoff outside the permit area in excess 29371
of the requirements of this section or until soil productivity for 29372
prime farmlands has returned to equivalent levels of yield as 29373
nonmined land of the same soil type in the surrounding area under 29374
equivalent management practices as determined from the soil survey 29375
performed pursuant to section 1513.07 of the Revised Code. If the 29376
area covered by the performance security is one for which an 29377
authorization was made under division (E)(7) of section 1513.07 of 29378
the Revised Code, no part of the performance security shall be 29379
released under this division until the operator has complied with 29380
the approved pollution abatement plan and all additional 29381
requirements established by the chief in rules adopted under 29382
section 1513.02 of the Revised Code governing coal mining and 29383
reclamation operations on pollution abatement areas. Where a silt 29384
dam is to be retained as a permanent impoundment pursuant to 29385
division (A)(10) of this section, the portion of performance 29386

security may be released under this division so long as provisions 29387
for sound future maintenance by the operator or the landowner have 29388
been made with the chief. 29389

(c) When the operator has completed successfully all coal 29390
mining and reclamation activities, including, if applicable, all 29391
additional requirements established in the pollution abatement 29392
plan approved under division (E)(7) of section 1513.07 of the 29393
Revised Code and all additional requirements established by the 29394
chief in rules adopted under section 1513.02 of the Revised Code 29395
governing coal mining and reclamation operations on pollution 29396
abatement areas, the chief shall release all or any of the 29397
remaining portion of the performance security for all or part of 29398
the affected area under a permit, but not before the expiration of 29399
the period specified for operator responsibility in this section, 29400
except that the chief may adopt rules for a variance to the 29401
operator period of responsibility considering vegetation success 29402
and probability of continued growth and consent of the landowner, 29403
provided that no performance security shall be fully released 29404
until all reclamation requirements of this chapter are fully met. 29405

(4) If the chief disapproves the application for release of 29406
the performance security or portion thereof, the chief shall 29407
notify the permittee, in writing, stating the reasons for 29408
disapproval and recommending corrective actions necessary to 29409
secure the release, and allowing the opportunity for a public 29410
adjudicatory hearing. 29411

(5) When any application for total or partial performance 29412
security release is filed with the chief under this section, the 29413
chief shall notify the municipal corporation in which the coal 29414
mining operation is located by certified mail at least thirty days 29415
prior to the release of all or a portion of the performance 29416
security. 29417

(6) A person with a valid legal interest that might be 29418

adversely affected by release of a performance security under this 29419
section or the responsible officer or head of any federal, state, 29420
or local government agency that has jurisdiction by law or special 29421
expertise with respect to any environmental, social, or economic 29422
impact involved in the operation or is authorized to develop and 29423
enforce environmental standards with respect to such operations 29424
may file written objections to the proposed release from the 29425
performance security with the chief within thirty days after the 29426
last publication of the notice required by division (F)(1) of this 29427
section. If written objections are filed and an informal 29428
conference is requested, the chief shall inform all interested 29429
parties of the time and place of the conference. The date, time, 29430
and location of the informal conference shall be advertised by the 29431
chief in a newspaper of general circulation in the locality of the 29432
coal mining operation proposed for performance security release 29433
for at least once a week for two consecutive weeks. The informal 29434
conference shall be held in the locality of the coal mining 29435
operation proposed for performance security release or in Franklin 29436
county, at the option of the objector, within thirty days after 29437
the request for the conference. An electronic or stenographic 29438
record shall be made of the conference proceeding unless waived by 29439
all parties. The record shall be maintained and shall be 29440
accessible to the parties until final release of the performance 29441
security at issue. In the event all parties requesting the 29442
informal conference stipulate agreement prior to the requested 29443
informal conference and withdraw their request, the informal 29444
conference need not be held. 29445

(7) If an informal conference has been held pursuant to 29446
division (F)(6) of this section, the chief shall issue and furnish 29447
the applicant and persons who participated in the conference with 29448
the written decision regarding the release within sixty days after 29449
the conference. Within thirty days after notification of the final 29450
decision of the chief regarding the performance security release, 29451

the applicant or any person with an interest that is or may be 29452
adversely affected by the decision may appeal the decision to the 29453
reclamation commission pursuant to section 1513.13 of the Revised 29454
Code. 29455

(8)(a) If the chief determines that a permittee is 29456
responsible for mine drainage that requires water treatment after 29457
reclamation is completed under the terms of the permit or that a 29458
permittee must provide an alternative water supply after 29459
reclamation is completed under the terms of the permit, the 29460
permittee shall provide alternative financial security in an 29461
amount determined by the chief prior to the release of the 29462
remaining portion of performance security under division (F)(3)(c) 29463
of this section. The alternative financial security shall be in an 29464
amount that is equal to or greater than the present value of the 29465
estimated cost over time to develop and implement mine drainage 29466
plans and provide water treatment or in an amount that is 29467
necessary to provide and maintain an alternative water supply, as 29468
applicable. The alternative financial security shall include a 29469
contract, trust, or other agreement or mechanism that is 29470
enforceable under law to provide long-term water treatment or a 29471
long-term alternative water supply, or both. The contract, trust, 29472
or other agreement or mechanism included with the alternative 29473
financial security may provide for the funding of the alternative 29474
financial security incrementally over a period of time, not to 29475
exceed five years, with reliance on guarantees or other collateral 29476
provided by the permittee and approved by the chief for the 29477
balance of the alternative financial security required until the 29478
alternative financial security has been fully funded by the 29479
permittee. 29480

(b) The chief shall adopt rules in accordance with Chapter 29481
119. of the Revised Code that are necessary for the administration 29482
of division (F)(8)(a) of this section. 29483

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the permittee may fund the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on the reclamation forfeiture fund created in section 1513.18 of the Revised Code for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee. The permittee semiannually shall pay to the division of mineral resources management a fee that is equal to seven and one-half per cent of the average balance of the alternative financial security that is being provided by reliance on the reclamation forfeiture fund over the previous six months. All money received from the fee shall be credited to the reclamation forfeiture fund.

(9) Final release of the performance security in accordance with division (F)(3)(c) of this section terminates the jurisdiction of the chief under this chapter over the reclaimed site of a surface coal mining and reclamation operation or applicable portion of an operation. However, the chief shall reassert jurisdiction over such a site if the release was based on fraud, collusion, or misrepresentation of a material fact and the chief, in writing, demonstrates evidence of the fraud, collusion, or misrepresentation. Any person with an interest that is or may be adversely affected by the chief's determination may appeal the determination to the reclamation commission in accordance with section 1513.13 of the Revised Code.

(G) The chief shall adopt rules governing the criteria for forfeiture of performance security, the method of determining the forfeited amount, and the procedures to be followed in the event of forfeiture. Cash received as the result of such forfeiture is

the property of the state. 29516

Sec. 1514.06. (A) There is hereby created in the state 29517
treasury the surface mining fund consisting of all money that 29518
becomes the property of the state pursuant to sections 1514.05 and 29519
1514.051 of the Revised Code, money credited to the fund under 29520
divisions (C)(1) and (2) of section 1514.071, and other money 29521
specified in section 1514.11 of the Revised Code. All investment 29522
earnings of the fund shall be credited to the fund. Expenditures 29523
from the fund shall be made by the chief of the division of 29524
mineral resources management for the purpose of reclaiming areas 29525
of land affected by surface or in-stream mining under a permit 29526
issued under this chapter that the operator has failed to reclaim 29527
and. Provided that the chief maintains a balance in the fund that 29528
is sufficient to achieve that purpose and, in doing so, considers 29529
the timeliness of reclamation activity, the chief may use the fund 29530
for other purposes specified in section 1514.11 of the Revised 29531
Code. 29532

(B) Expenditures of moneys from the fund, except as otherwise 29533
provided by this section, shall be made pursuant to contracts 29534
entered into by the chief with persons who agree to furnish all of 29535
the materials, equipment, work, and labor, as specified and 29536
provided in the contracts, for the prices stipulated therein. With 29537
the approval of the director of natural resources, the chief may 29538
reclaim the land in the same manner as the chief required of the 29539
operator who failed to reclaim the land. Each contract awarded by 29540
the chief shall be awarded to the lowest responsive and 29541
responsible bidder, in accordance with section 9.312 of the 29542
Revised Code, after sealed bids are received, opened, and 29543
published at the time and place fixed by the chief. The chief 29544
shall publish notice of the time and place at which bids will be 29545
received, opened, and published, at least once at least ten days 29546
before the date of the opening of the bids, in a newspaper of 29547

general circulation in the county in which the area of land to be 29548
reclaimed under the contract is located. If, after so advertising 29549
for bids, no bids are received by the chief at the time and place 29550
fixed for receiving them, the chief may advertise again for bids, 29551
or, if the chief considers the public interest will be best 29552
served, the chief may enter into a contract for the reclamation of 29553
the area of land without further advertisement for bids. The chief 29554
may reject any or all bids received and again publish notice of 29555
the time and place at which bids for contracts will be received, 29556
opened, and published. 29557

(C) With the approval of the director, the chief, without 29558
advertising for bids, may enter into a contract with the 29559
landowner, a surface or in-stream mine operator or coal mine 29560
operator mining under a current, valid permit issued under this 29561
chapter or Chapter 1513. of the Revised Code, or a contractor 29562
hired by a surety to complete reclamation, to carry out 29563
reclamation on land affected by surface or in-stream mining 29564
operations that an operator has failed to reclaim. 29565

(D) With the approval of the director, the chief may carry 29566
out all or part of the reclamation work on land affected by 29567
surface or in-stream mining operations that the operator has 29568
failed to reclaim using the employees and equipment of any 29569
division of the department of natural resources. 29570

(E) The chief shall require every contractor performing 29571
reclamation work under this section to pay workers at the greater 29572
of their regular rate of pay, as established by contract, 29573
agreement, or prior custom or practice, or the average wage rate 29574
paid in this state for the same or similar work, as determined by 29575
the chief under section 1513.02 of the Revised Code. 29576

(F) Each contract entered into by the chief under this 29577
section shall provide only for the reclamation of land affected by 29578
the surface or in-stream mining operation or operations of one 29579

operator and not reclaimed by the operator as required by this 29580
chapter. If there is money in the fund derived from the 29581
performance bond deposited with the chief by one operator to 29582
ensure the reclamation of two or more areas of land affected by 29583
the surface or in-stream mining operation or operations of one 29584
operator and not reclaimed by the operator as required by this 29585
chapter, the chief may award a single contract for the reclamation 29586
of all such areas of land. 29587

(G) The cost of the reclamation work done under this section 29588
on each area of land affected by surface or in-stream mining 29589
operations that an operator has failed to reclaim shall be paid 29590
out of the money in the fund derived from the performance bond 29591
that was deposited with the chief to ensure the reclamation of 29592
that area of land. If the amount of money is not sufficient to pay 29593
the cost of doing all of the reclamation work on the area of land 29594
that the operator should have done, but failed to do, the chief 29595
may expend from the reclamation forfeiture fund created in section 29596
1513.18 of the Revised Code or the surface mining fund created in 29597
this section the amount of money needed to complete reclamation to 29598
the standards required by this chapter. The operator is liable for 29599
that expense in addition to any other liabilities imposed by law. 29600
At the request of the chief, the attorney general shall bring an 29601
action against the operator for the amount of the expenditures 29602
from either fund. Moneys so recovered shall be deposited in the 29603
state treasury to the credit of the fund from which the 29604
expenditures were made. 29605

(H) If any part of the money in the surface mining fund 29606
remains in the fund after the chief has caused the area of land to 29607
be reclaimed and has paid all the reclamation costs and expenses, 29608
or if any money remains because the area of land has been 29609
repermitted under this chapter or reclaimed by a person other than 29610
the chief, the chief may expend the remaining money to complete 29611

other reclamation work performed under this section. The chief 29612
shall prepare an annual report that summarizes the money credited 29613
to the fund and expenditures made from the fund and post the 29614
report on the division of mineral resources management's web site. 29615

Sec. 1514.08. (A) The chief of the division of mineral 29616
resources management may adopt, amend, and rescind rules in 29617
accordance with Chapter 119. of the Revised Code in order to 29618
prescribe procedures for submitting applications for permits, 29619
amendments to permits, and amendments to plans of mining and 29620
reclamation; filing annual reports and final reports; requesting 29621
inspection and approval of reclamation; paying permit and filing 29622
fees; and filing and obtaining the release of performance bonds 29623
deposited with the state. For the purpose of preventing damage to 29624
adjoining property or achieving one or more of the performance 29625
standards established in division (A)(10) of section 1514.02 of 29626
the Revised Code, the chief may establish classes of mining 29627
industries, based upon industrial categories, combinations of 29628
minerals produced, and geological conditions in which surface or 29629
in-stream mining operations occur, and may prescribe different 29630
rules consistent with the performance standards for each class. 29631
For the purpose of apportioning the workload of the division of 29632
mineral resources management among the quarters of the year, the 29633
rules may require that applications for permits and annual reports 29634
be filed in different quarters of the year, depending upon the 29635
county in which the operation is located. 29636

(B) The chief shall adopt rules under this section that do 29637
all of the following: 29638

(1) With respect to in-stream mining, and in consultation 29639
with the chief of the division of ~~soil and~~ water resources, 29640
determine periods of low flow, which are the only time periods 29641
during which in-stream mining is allowed, and develop and 29642

implement any criteria, in addition to the criteria established in 29643
section 1514.02 of the Revised Code, that the chief determines are 29644
necessary for the permitting of in-stream mining; 29645

(2) Establish criteria and procedures for approving or 29646
disapproving the transfer of a surface or in-stream mining permit 29647
under division (F) of section 1514.02 of the Revised Code; 29648

(3) Define when any of the following may be considered to be 29649
"significant" for purposes of section 1514.022 of the Revised 29650
Code: 29651

(a) An amendment to a permit issued under section 1514.02 of 29652
the Revised Code for a surface or in-stream mining operation; 29653

(b) An amendment to the plan of mining and reclamation that 29654
must be filed with an application for either permit under section 29655
1514.02 of the Revised Code; 29656

(c) Changes to that plan of mining and reclamation that are 29657
proposed in a permit renewal application filed under section 29658
1514.021 of the Revised Code. 29659

In defining "significant," the chief shall focus on changes 29660
that increase the likelihood that the mining operation may have a 29661
negative impact on the public. 29662

(4) Establish a framework and procedures under which the 29663
amount of any bond required to be filed under this chapter to 29664
ensure the satisfactory performance of the reclamation measures 29665
required under this chapter may be reduced by subtracting a credit 29666
based on the operator's past compliance with this chapter and 29667
rules adopted and orders issued under it. The rules also shall 29668
apply to cash, an irrevocable letter of credit, or a certificate 29669
of deposit that is on deposit in lieu of a bond. In establishing 29670
the amount of credit that an operator or applicant may receive 29671
based on past compliance, the chief may consider past compliance 29672
with respect to any permit for a surface or in-stream mining 29673

operation that has been issued in this state to the operator or 29674
applicant. 29675

(5) Establish criteria and procedures for granting a variance 29676
from compliance with the prohibitions established in divisions 29677
(E)(3) and (F)(3) of section 1514.10 of the Revised Code. The 29678
criteria shall ensure that an operator may obtain a variance only 29679
if compliance with the applicable prohibition is not necessary to 29680
prevent damage to the watercourse or surrounding areas. 29681

Sec. 1514.13. (A) The chief of the division of mineral 29682
resources management shall use the compilation of data for ground 29683
water modeling submitted under section 1514.02 of the Revised Code 29684
to establish a projected cone of depression for any surface mining 29685
operation that may result in dewatering. The chief shall consult 29686
with the chief of the division of ~~soil and~~ water resources when 29687
projecting a cone of depression. An applicant for a surface mining 29688
permit for such an operation may submit ground water modeling that 29689
shows a projected cone of depression for that operation to the 29690
chief, provided that the modeling complies with rules adopted by 29691
the chief regarding ground water modeling. However, the chief 29692
shall establish the projected cone of depression for the purposes 29693
of this section. 29694

The chief shall adopt, and may amend and rescind, rules in 29695
accordance with Chapter 119. of the Revised Code establishing 29696
requirements and standards governing both of the following: 29697

(1) Ground water modeling for establishing a projected cone 29698
of depression. A ground water model shall be generally accepted in 29699
the scientific community. 29700

(2) Replacement of water supplies. 29701

(B)(1) If an owner of real property who obtains all or part 29702
of the owner's water supply for domestic, agricultural, 29703

industrial, or other legitimate use from ground water has a 29704
diminution, contamination, or interruption of that water supply 29705
and the owner's real property is located within the projected cone 29706
of depression of a surface mining operation established under this 29707
section, the owner may submit a written complaint to the operator 29708
of that operation or to the chief informing the operator or the 29709
chief that there is a diminution, contamination, or interruption 29710
of the owner's water supply. The complaint shall include the 29711
owner's name, address, and telephone number. 29712

If the chief receives a written complaint, the chief 29713
immediately shall send a copy of the complaint to the operator, 29714
and the operator immediately shall respond by sending the chief a 29715
statement that explains how the operator resolved or will resolve 29716
the complaint. If the operator receives a written complaint, the 29717
operator immediately shall send to the chief a copy of the 29718
complaint and include a statement that explains how the operator 29719
resolved or will resolve the complaint. Not later than seventy-two 29720
hours after receipt of the complaint, the operator shall provide 29721
the owner a supply of water that is comparable, in quantity and 29722
quality, to the owner's water supply prior to the diminution, 29723
contamination, or interruption of the owner's water supply. The 29724
operator shall maintain that water supply until the operator 29725
provides a permanent replacement water supply to the owner under 29726
division (B)(3) of this section or until the division of mineral 29727
resources management completes the evaluation under division 29728
(B)(2) of this section, whichever is applicable. 29729

(2) A rebuttable presumption exists that the operation caused 29730
the diminution, contamination, or interruption of the owner's 29731
water supply. However, not later than fourteen days after receipt 29732
of the complaint, the operator may submit to the division 29733
information showing that the operation is not the proximate cause 29734
of the diminution, contamination, or interruption of the owner's 29735

water supply. The division shall evaluate the information 29736
submitted by the operator to determine if the presumption is 29737
rebutted. If the operator fails to rebut the presumption, the 29738
division immediately shall notify the operator that the operator 29739
failed to rebut the presumption. Not later than fourteen days 29740
after receipt of that notice, the operator shall provide the owner 29741
a permanent replacement water supply that is comparable, in 29742
quantity and quality, to the owner's water supply prior to the 29743
diminution, contamination, or interruption of the owner's water 29744
supply. If the operator rebuts the presumption, the division 29745
immediately shall notify the operator that the operator rebutted 29746
the presumption, and, upon receipt of that notice, the operator 29747
may cease providing a supply of water to the owner under division 29748
(B)(1) of this section. 29749

(3) If, within fourteen days after receipt of the complaint, 29750
the operator does not submit to the division information showing 29751
that the operation is not the proximate cause of the diminution, 29752
contamination, or interruption of the owner's water supply, the 29753
operator shall provide the owner, not later than twenty-eight days 29754
after receipt of the complaint, a permanent replacement water 29755
supply that is comparable, in quantity and quality, to the owner's 29756
water supply prior to the diminution, contamination, or 29757
interruption of the owner's water supply. 29758

(4) The division may investigate a complaint under division 29759
(B) of this section. 29760

(C) If an owner of real property who obtains all or part of 29761
the owner's water supply for domestic, agricultural, industrial, 29762
or other legitimate use from ground water has a diminution, 29763
contamination, or interruption of that water supply and the 29764
owner's real property is not located within the projected cone of 29765
depression of a surface mining operation established under this 29766
section, the owner may submit a written complaint to the operator 29767

of that operation or to the chief informing the operator or the 29768
chief that there is a diminution, contamination, or interruption 29769
of the owner's water supply. The complaint shall include the 29770
owner's name, address, and telephone number. 29771

If the operator receives a written complaint, the operator 29772
immediately shall send the chief a copy of the complaint. If the 29773
chief receives a written complaint, the chief immediately shall 29774
send the operator a copy of the complaint. The chief shall 29775
investigate any complaint submitted under this division and, upon 29776
completion of the investigation, immediately shall send the 29777
results of the investigation to the operator and to the owner that 29778
filed the complaint. 29779

An owner that submits a written complaint under this division 29780
may resolve the diminution, contamination, or interruption of the 29781
owner's water supply with the operator of that operation or may 29782
commence a civil action for that purpose. 29783

(D) An operator may request the chief to amend the plan of 29784
mining and reclamation filed with the application under section 29785
1514.02 of the Revised Code when a ground water user may affect 29786
the projected cone of depression established for the operation 29787
under division (A) of this section. The operator shall submit 29788
additional data that reflect the ground water user's impact on the 29789
ground water. The chief shall perform ground water modeling using 29790
the additional data and may establish a revised projected cone of 29791
depression for that operation. 29792

(E) This section shall not be construed as creating, 29793
modifying, or affecting any right, liability, or remedy of surface 29794
riparian owners. 29795

Sec. 1514.40. In accordance with Chapter 119. of the Revised 29796
Code, the chief of the division of mineral resources management, 29797
in consultation with a statewide association that represents the 29798

surface mining industry, shall adopt rules that do all of the 29799
following: 29800

(A) For the purpose of establishing safety standards 29801
governing surface mining operations, incorporate by reference 30 29802
C.F.R. parts 46, 47, 50, 56, 58, and 62, as amended; 29803

(B) Establish criteria, standards, and procedures governing 29804
safety performance evaluations conducted under section 1514.45 of 29805
the Revised Code, including requirements for the notification of 29806
operators and the identification of authorized representatives of 29807
miners at surface mining operations for purposes of inspections 29808
conducted under sections 1514.41 to 1514.47 of the Revised Code; 29809

(C) Establish requirements governing the reporting and 29810
investigation of accidents at surface mining operations. In 29811
adopting the rules, the chief shall establish requirements that 29812
minimize duplication with any reporting and investigations of 29813
accidents that are conducted by the mine safety and health 29814
administration in the United States department of labor. 29815

(D) Establish the time, place, and frequency of mine safety 29816
training conducted under section 1514.06 of the Revised Code and a 29817
fee, if any, for the purpose of that section. The amount of the 29818
fee shall not exceed the costs of conducting the training that is 29819
required under that section. 29820

(E) Establish the minimum qualifications necessary to take 29821
the examination that is required for certification of certified 29822
mine forepersons under division (B) of section 1514.47 of the 29823
Revised Code and requirements, fees, and procedures governing the 29824
taking of the examination; 29825

(F) Establish requirements and fees governing the ~~renewal~~ 29826
reissuance of certificates under division (C) of that section; 29827

(G) Establish requirements and procedures for the approval of 29828
training plans submitted under division ~~(E)~~ (D) of that section 29829

for the use of qualified persons to conduct examinations of 29830
surface mining operations in lieu of certified mine forepersons 29831
and minimum qualifications of those persons. The rules shall 29832
include requirements governing training frequency and curriculum 29833
that must be provided for qualified persons under such plans and 29834
shall establish related reporting and record keeping requirements. 29835

As used in sections 1514.41 to 1514.47 of the Revised Code, 29836
"rule" means a rule adopted under this section unless the context 29837
indicates otherwise. 29838

Sec. 1514.42. The chief of the division of mineral resources 29839
management ~~shall~~ may conduct a one safety audit at a surface 29840
mining operation annually if the operator of the operation has 29841
requested the division of mineral resources management to conduct 29842
mine safety training for that year. The safety audit shall be 29843
scheduled at a time to which the chief and the operator mutually 29844
agree and shall not continue more than one day. The chief shall 29845
conduct additional safety audits at any surface mining operation 29846
if requested by the operator of the operation. If the chief 29847
conducts a safety audit, the operator shall ensure that the chief 29848
has a copy of the training plan that is required by 30 C.F.R. part 29849
46, as amended, at the time of the audit. 29850

After completion of an audit, the chief shall prepare a 29851
report that describes the general conditions of the surface mining 29852
operation, lists any hazardous conditions at the operation, lists 29853
any violations of the safety standards established in rules, and 29854
describes the nature and extent of any hazardous condition or 29855
violation found and the corresponding remedy for each hazardous 29856
condition or violation. The chief shall provide two copies of the 29857
report to the operator of the operation. The operator shall post 29858
one copy of the report at the operation for review by the 29859
employees of the operation. 29860

Sec. 1514.47. (A)(1) The operator of a surface mining 29861
operation shall employ a certified mine foreperson ~~or a person who~~ 29862
~~is qualified in accordance with this section and rules to conduct~~ 29863
~~examinations of surface mining operations for purposes of 30~~ 29864
~~C.F.R. part 56, as amended to be in charge of the conditions and~~ 29865
~~practices at the mine and to be responsible for conducting~~ 29866
~~examinations of the surface mining operation under 30 C.F.R. part~~ 29867
~~56, as amended.~~ 29868

(2) Examinations of surface mining operations for the 29869
purposes of 30 C.F.R. part 56, as amended, shall be conducted by 29870
one of the following: 29871

(i) A certified mine foreperson; 29872

(ii) A person who is qualified to conduct such examinations 29873
as provided in division (D) of this section; 29874

(iii) A person designated by the certified mine foreperson as 29875
a competent person. 29876

(3) For purposes of this section, a competent person is a 29877
person who has been trained in accordance with 30 C.F.R. part 46 29878
and been determined by a certified mine foreperson to have 29879
demonstrated the ability, training, knowledge, or experience 29880
necessary to perform the duty to which the person is assigned. A 29881
person is not a competent person if the chief of the division of 29882
mineral resources management demonstrates, with good cause, that 29883
the person does not have the ability, training, knowledge, or 29884
experience necessary to perform that duty. 29885

(4) The operator of a surface mining operation shall maintain 29886
records demonstrating that a competent person designated by a 29887
certified mine foreperson has the ability, training, knowledge, or 29888
experience to perform the duty to which the person is assigned as 29889
well as records of the competent person's training in accordance 29890

with 30 C.F.R. part 46. The operator shall make the records 29891
available to the chief upon request. 29892

(B) ~~The chief of the division of mineral resources management~~ 29893
shall conduct examinations for the position of certified mine 29894
foreperson in accordance with rules. In order to be eligible for 29895
examination as a certified mine foreperson, an applicant shall 29896
file with the chief an affidavit establishing the applicant's 29897
qualifications to take the examination. The chief shall grade 29898
examinations and issue certificates. 29899

(C)(1) A certificate issued under this section shall not 29900
~~expire five years after the date of issuance. A certificate may be~~ 29901
~~renewed, provided that the applicant verifies that all required~~ 29902
~~training pursuant to 30 C.F.R. part 46, as amended, has been~~ 29903
~~completed and any other requirements for renewal have been~~ 29904
~~satisfied.~~ 29905

~~(D) If~~ unless the certificate holder has not been employed in 29906
a surface mining operation for five consecutive years. If the 29907
certificate holder has not been employed in a surface mining 29908
operation for five consecutive years, the certificate holder may 29909
retake the mine foreperson examination or may petition the chief 29910
to accept past employment history in lieu of fulfilling the 29911
employment requirement established in this division. The chief 29912
shall grant or deny the petition by issuance of an order. If the 29913
chief grants the petition, the chief shall reissue the 29914
certificate. 29915

(2) If a certificate issued under this section is suspended, 29916
the certificate shall not be renewed until the suspension period 29917
expires and the person whose certificate is suspended successfully 29918
completes all actions required by the chief. If an applicant's 29919
license, certificate, or similar authority that is issued by 29920
another state to perform specified mining duties is suspended or 29921
revoked by that state, the applicant shall be ineligible for 29922

examination for or renewal of a certificate in this state during 29923
that period of suspension or revocation. A certificate that has 29924
been revoked shall not be renewed. 29925

(3) If a person who has been certified by the chief under 29926
this section purposely violates this chapter, the chief may 29927
suspend or revoke the certificate after an investigation and 29928
hearing conducted in accordance with Chapter 119. of the Revised 29929
Code are completed. 29930

~~(E)~~(4) If a person holds a certificate issued under this 29931
section that has not expired prior to the effective date of this 29932
amendment, the chief, upon request, shall reissue to that person a 29933
certificate that does not expire as provided in division (C)(1) of 29934
this section. 29935

(5) If a person holds a certificate issued under this section 29936
that expired on or after April 7, 2012, and has not been issued a 29937
new certificate prior to the effective date of this amendment, the 29938
chief, upon request, shall issue to that person a certificate that 29939
does not expire as provided in division (C)(1) of this section, 29940
provided that the person is in compliance with all other 29941
applicable requirements established in this chapter and rules 29942
adopted under it. 29943

(D) In lieu of employing a certified mine foreperson, the 29944
operator of a surface mining operation may submit to the chief a 29945
detailed training plan under which persons who qualify under the 29946
plan may conduct and document examinations at the surface mining 29947
operation for purposes of 30 C.F.R. part 56, as amended. The chief 29948
shall review the plan and determine if the plan complies with the 29949
requirements established in rules. The chief shall approve or deny 29950
the plan and notify in writing the operator who submitted the plan 29951
of the chief's decision. 29952

Sec. 1521.03. The chief of the division of ~~soil and~~ water 29953

resources shall do all of the following: 29954

(A) Assist in an advisory capacity any properly constituted 29955
watershed district, conservancy district, or soil and water 29956
conservation district or any county, municipal corporation, or 29957
other government agency of the state in the planning of works for 29958
ground water recharge, flood mitigation, floodplain management, 29959
flood control, flow capacity and stability of streams, rivers, and 29960
watercourses, or the establishment of water conservation 29961
practices, within the limits of the appropriations for those 29962
purposes; 29963

(B) Have authority to conduct basic inventories of the water 29964
and related natural resources in each drainage basin in the state; 29965
to develop a plan on a watershed basis that will recognize the 29966
variety of uses to which water may be put and the need for its 29967
management for those uses; with the approval of the director of 29968
natural resources and the controlling board, to transfer 29969
appropriated or other funds, authorized for those inventories and 29970
plan, to any division of the department of natural resources or 29971
other state agencies for the purpose of developing pertinent data 29972
relating to the plan of water management; and to accept and expend 29973
moneys contributed by any person for implementing the development 29974
of the plan; 29975

(C) Have authority to make detailed investigations of all 29976
factors relating to floods, floodplain management, and flood 29977
control in the state with particular attention to those factors 29978
bearing upon the hydraulic and hydrologic characteristics of 29979
rivers, streams, and watercourses, recognizing the variety of uses 29980
to which water and watercourses may be put; 29981

(D) Cooperate with the United States or any agency thereof 29982
and with any political subdivision of the state in planning and 29983
constructing flood control works; 29984

(E) Hold meetings or public hearings, whichever is considered 29985
appropriate by the chief, to assist in the resolution of conflicts 29986
between ground water users. Such meetings or hearings shall be 29987
called upon written request from boards of health of city or 29988
general health districts created by or under the authority of 29989
Chapter 3709. of the Revised Code or authorities having the duties 29990
of a board of health as authorized by section 3709.05 of the 29991
Revised Code, boards of county commissioners, boards of township 29992
trustees, legislative authorities of municipal corporations, or 29993
boards of directors of conservancy districts and may be called by 29994
the chief upon the request of any other person or at the chief's 29995
discretion. The chief shall collect and present at such meetings 29996
or hearings the available technical information relevant to the 29997
conflicts and to the ground water resource. The chief shall 29998
prepare a report, and may make recommendations, based upon the 29999
available technical data and the record of the meetings or 30000
hearings, about the use of the ground water resource. In making 30001
the report and any recommendations, the chief also may consider 30002
the factors listed in division (B) of section 1521.17 of the 30003
Revised Code. The technical information presented, the report 30004
prepared, and any recommendations made under this division shall 30005
be presumed to be prima-facie authentic and admissible as evidence 30006
in any court pursuant to Evidence Rule 902. 30007

(F) Perform stream or ground water gauging and may contract 30008
with the United States government or any other agency for the 30009
gauging of any streams or ground water within the state; 30010

(G) Primarily with regard to water quantity, have authority 30011
to collect, study, map, and interpret all available information, 30012
statistics, and data pertaining to the availability, supply, use, 30013
conservation, and replenishment of the ground and surface waters 30014
in the state in coordination with other agencies of this state; 30015

(H) Primarily with regard to water quantity and availability, 30016

be authorized to cooperate with and negotiate for the state with 30017
any agency of the United States government, of this state, or of 30018
any other state pertaining to the water resources of the state; 30019

(I) Provide engineering support for the coastal management 30020
program established under Chapter 1506. of the Revised Code. 30021

Sec. 1521.031. There is hereby created in the department of 30022
natural resources the Ohio water advisory council. The council 30023
shall consist of seven members appointed by the governor with the 30024
advice and consent of the senate. No more than four of the members 30025
shall be of the same political party. Members shall be persons who 30026
have a demonstrated interest in water management and whose 30027
expertise reflects the various responsibilities of the division of 30028
~~soil and~~ water resources under this chapter and Chapter 1523. of 30029
the Revised Code, including, but not limited to, dam safety, 30030
surface water, groundwater, and flood plain management. The chief 30031
of the division of ~~soil and~~ water resources may participate in the 30032
deliberations of the council, but shall not vote. 30033

Terms of office of members shall be for two years commencing 30034
on the second day of February and ending on the first day of 30035
February. Each member shall hold office from the date of 30036
appointment until the end of the term for which appointed. The 30037
governor may remove any member at any time for inefficiency, 30038
neglect of duty, or malfeasance in office. In the event of the 30039
death, removal, resignation, or incapacity of any member, the 30040
governor, with the advice and consent of the senate, shall appoint 30041
a successor to hold office for the remainder of the term for which 30042
the member's predecessor was appointed. Any member shall continue 30043
in office following the expiration date of the member's term until 30044
the member's successor takes office or until sixty days have 30045
elapsed, whichever occurs first. Membership on the council does 30046
not constitute holding a public office or position of employment 30047

under the Revised Code and is not grounds for removal of public 30048
officers or employees from their offices or positions of 30049
employment. 30050

The council annually shall select from its members a 30051
chairperson and a vice-chairperson. The council shall hold at 30052
least one meeting each calendar quarter and shall keep a record of 30053
its proceedings, which shall be open to the public for inspection. 30054
Special meetings may be called by the chairperson and shall be 30055
called upon the written request of two or more members. A majority 30056
of the members constitutes a quorum. The division shall furnish 30057
clerical, technical, legal, and other services required by the 30058
council in the performance of its duties. 30059

Members shall receive no compensation, but shall be 30060
reimbursed from the appropriations for the division for the actual 30061
and necessary expenses incurred by them in the performance of 30062
their official duties. 30063

The council shall: 30064

(A) Advise the chief of the division of ~~soil and~~ water 30065
resources in carrying out the duties of the division under this 30066
chapter and Chapter 1523. of the Revised Code; 30067

(B) Recommend such policy and legislation with respect to 30068
water management and conservation as will promote the economic, 30069
industrial, and social development of the state while minimizing 30070
threats to the state's natural environment; 30071

(C) Review and make recommendations on the development of 30072
plans and programs for long-term, comprehensive water management 30073
throughout the state; and 30074

(D) Recommend ways to enhance cooperation among governmental 30075
agencies having an interest in water to encourage wise use and 30076
protection of the state's ground and surface waters. To this end, 30077
the council shall request nonvoting representation from 30078

appropriate governmental agencies. 30079

Sec. 1521.04. The chief of the division of ~~soil and~~ water 30080
resources, with the approval of the director of natural resources, 30081
may make loans and grants from the water management fund created 30082
in section 1501.32 of the Revised Code to governmental agencies 30083
for water management, water supply improvements, and planning and 30084
may administer grants from the federal government and from other 30085
public or private sources for carrying out those functions and for 30086
the performance of any acts that may be required by the United 30087
States or by any agency or department thereof as a condition for 30088
the participation by any governmental agency in any federal 30089
financial or technical assistance program. Direct and indirect 30090
costs of administration may be paid from the fund. 30091

The chief may use the water management fund for the purposes 30092
of administering the water diversion and consumptive use permit 30093
programs established in sections 1501.30 to 1501.35 of the Revised 30094
Code and the withdrawal and consumptive use permit program 30095
established under sections 1522.10 to 1522.21 of the Revised Code; 30096
to perform watershed and water resources studies for the purposes 30097
of water management planning; and to acquire, construct, 30098
reconstruct, improve, equip, maintain, operate, and dispose of 30099
water management improvements. The chief may fix, alter, charge, 30100
and collect rates, fees, rentals, and other charges to be paid 30101
into the fund by governmental agencies and persons who are 30102
supplied with water by facilities constructed or operated by the 30103
department of natural resources in order to amortize and defray 30104
the cost of the construction, maintenance, and operation of those 30105
facilities. 30106

Sec. 1521.05. (A) As used in this section: 30107

(1) "Construct" or "construction" includes drilling, boring, 30108

digging, deepening, altering, and logging. 30109

(2) "Altering" means changing the configuration of a well, 30110
including, without limitation, deepening a well, extending or 30111
replacing any portion of the inside or outside casing or wall of a 30112
well that extends below ground level, plugging a portion of a well 30113
back to a certain depth, and reaming out a well to enlarge its 30114
original diameter. 30115

(3) "Logging" means describing the lithology, grain size, 30116
color, and texture of the formations encountered during the 30117
drilling, boring, digging, deepening, or altering of a well. 30118

(4) "Grouting" means neat cement; bentonite products in 30119
slurry, granular, or pelletized form, excluding drilling mud or 30120
fluids; or any combination of neat cement and bentonite products 30121
that is placed within a well to seal the annular space or to seal 30122
an abandoned well and that is impervious to and capable of 30123
preventing the movement of water. 30124

(5) "Abandoned well" means a well whose use has been 30125
permanently discontinued and that poses potential health and 30126
safety hazards or that has the potential to transmit surface 30127
contaminants into the aquifer in which the well has been 30128
constructed. 30129

(6) "Sealing" means the complete filling of an abandoned well 30130
with grouting or other approved materials in order to permanently 30131
prevent the vertical movement of water in the well and thus 30132
prevent the contamination of ground water or the intermixing of 30133
water between aquifers. 30134

(B) Any person that constructs a well shall keep a careful 30135
and accurate log of the construction of the well. The log shall 30136
show all of the following: 30137

(1) The character, including, without limitation, the 30138
lithology, color, texture, and grain size, the name, if known, and 30139

the depth of all formations passed through or encountered;	30140
(2) The depths at which water is encountered;	30141
(3) The static water level of the completed well;	30142
(4) A copy of the record of all pumping tests and analyses related to those tests, if any;	30143 30144
(5) Construction details, including lengths, diameters, and thicknesses of casing and screening and the volume, type of material, and method of introducing gravel packing and grouting into the well;	30145 30146 30147 30148
(6) The type of pumping equipment installed, if any;	30149
(7) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30150 30151 30152
(8) The signature of the individual who constructed the well and filed the well log;	30153 30154
(9) Any other information required by the chief of the division of soil and water resources.	30155 30156
The log shall be filed with the division of soil and water resources within thirty days after the completion of construction of the well on forms prescribed and prepared by the division. The log shall be kept on file by the division.	30157 30158 30159 30160
(C) Any person that seals a well shall keep a careful and accurate report of the sealing of the well. The sealing report shall show all of the following:	30161 30162 30163
(1) The name of the owner of the well, the address of the location where the well was constructed, and either the state plane coordinates or the latitude and longitude of the well;	30164 30165 30166
(2) The depth of the well, the size and length of its casing, and the static water level of the well;	30167 30168

(3) The sealing procedures, including the volume and type of sealing material or materials and the method and depth of placement of each material; 30169
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(4) The date on which the sealing was performed; 30172

(5) The signature of the individual who sealed the well and filed the sealing report; 30173
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(6) Any other information required by the chief. 30175

The sealing report shall be filed with the division within thirty days after the completion of the sealing of the well on forms prescribed and prepared by the division. 30176
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(D) In accordance with Chapter 119. of the Revised Code, the chief may adopt, amend, and rescind rules requiring other persons that are involved in the construction or subsequent development of a well to submit well logs under division (B) of this section containing any or all of the information specified in divisions (B)(1) to (9) of this section and specifying additional information to be included in sealing reports required under division (C) of this section. The chief shall adopt rules establishing procedures and requirements governing the payment and collection of water well log filing fees, including the amount of any filing fee to be imposed as an alternative to the twenty-dollar filing fee established in division (G) of this section and including procedures for the quarterly transfer of filing fees by boards of health and the director of environmental protection under that division. 30179
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(E)(1) No person shall fail to keep and file a well log or a sealing report as required by this section. 30194
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(2) No person shall make a false statement in any well log or sealing report required to be kept and filed under this section. Violation of division (E)(2) of this section is falsification under section 2921.13 of the Revised Code. 30196
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(F) For the purposes of prosecution of a violation of 30200
division (E)(1) of this section, a prima-facie case is established 30201
when the division obtains either of the following: 30202

(1) A certified copy of a permit for a private water system 30203
issued in accordance with rules adopted under section 3701.344 of 30204
the Revised Code, or a certified copy of the invoice or a canceled 30205
check from the owner of a well indicating the construction or 30206
sealing services performed; 30207

(2) A certified copy of any permit issued under Chapter 3734. 30208
or 6111. of the Revised Code or plan approval granted under 30209
Chapter 6109. of the Revised Code for any activity that includes 30210
the construction or sealing of a well as applicable. 30211

(G) In accordance with rules adopted under this section, a 30212
person or entity that constructs a well for the purpose of 30213
extracting potable water as part of a private water system that is 30214
subject to rules adopted under section 3701.344 of the Revised 30215
Code or a public water system that is required to be licensed 30216
under Chapter 6109. of the Revised Code shall pay a well log 30217
filing fee of twenty dollars per well log or, if the chief has 30218
adopted rules establishing an alternative fee amount, the fee 30219
amount established under rules. The fee shall be collected by a 30220
board of health under section 3701.344 of the Revised Code or the 30221
environmental protection agency under section 6109.22 of the 30222
Revised Code, as applicable. 30223

Each calendar quarter, a board of health or the environmental 30224
protection agency, as applicable, shall forward all well log 30225
filing fees collected during the previous calendar quarter to the 30226
division of ~~soil and~~ water resources. The fees shall be forwarded 30227
in accordance with procedures established in rules adopted under 30228
this section. 30229

Proceeds of well log filing fees shall be used by the 30230

division of ~~soil and~~ water resources for the purposes of 30231
acquiring, maintaining, and dispensing digital and paper records 30232
of well logs that are filed with the division. 30233

Sec. 1521.06. (A) No dam may be constructed for the purpose 30234
of storing, conserving, or retarding water, or for any other 30235
purpose, nor shall any levee be constructed for the purpose of 30236
diverting or retaining flood water, unless the person or 30237
governmental agency desiring the construction has a construction 30238
permit for the dam or levee issued by the chief of the division of 30239
~~soil and~~ water resources. 30240

A construction permit is not required under this section for: 30241

(1) A dam that is or will be less than ten feet in height and 30242
that has or will have a storage capacity of not more than fifty 30243
acre-feet at the elevation of the top of the dam, as determined by 30244
the chief. For the purposes of this section, the height of a dam 30245
shall be measured from the natural stream bed or lowest ground 30246
elevation at the downstream or outside limit of the dam to the 30247
elevation of the top of the dam. 30248

(2) A dam, regardless of height, that has or will have a 30249
storage capacity of not more than fifteen acre-feet at the 30250
elevation of the top of the dam, as determined by the chief; 30251

(3) A dam, regardless of storage capacity, that is or will be 30252
six feet or less in height, as determined by the chief; 30253

(4) A dam or levee that belongs to a class exempted by the 30254
chief; 30255

(5) The repair, maintenance, improvement, alteration, or 30256
removal of a dam or levee that is subject to section 1521.062 of 30257
the Revised Code, unless the construction constitutes an 30258
enlargement or reconstruction of the structure as determined by 30259
the chief; 30260

(6) A dam or impoundment constructed under Chapter 1513. of the Revised Code. 30261
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(B) Before a construction permit may be issued, three copies of the plans and specifications, including a detailed cost estimate, for the proposed construction, prepared by a registered professional engineer, together with the filing fee specified by this section and the bond or other security required by section 1521.061 of the Revised Code, shall be filed with the chief. The detailed estimate of the cost shall include all costs associated with the construction of the dam or levee, including supervision and inspection of the construction by a registered professional engineer. The filing fee shall be based on the detailed cost estimate for the proposed construction as filed with and approved by the chief, and shall be determined by the following schedule unless otherwise provided by rules adopted under this section: 30263
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(1) For the first one hundred thousand dollars of estimated cost, a fee of four per cent; 30276
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(2) For the next four hundred thousand dollars of estimated cost, a fee of three per cent; 30278
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(3) For the next five hundred thousand dollars of estimated cost, a fee of two per cent; 30280
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(4) For all costs in excess of one million dollars, a fee of one-half of one per cent. 30282
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In no case shall the filing fee be less than one thousand dollars or more than one hundred thousand dollars. If the actual cost exceeds the estimated cost by more than fifteen per cent, an additional filing fee shall be required equal to the fee determined by the preceding schedule less the original filing fee. All fees collected pursuant to this section, and all fines collected pursuant to section 1521.99 of the Revised Code, shall be deposited in the state treasury to the credit of the dam safety 30284
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fund, which is hereby created. Expenditures from the fund shall be 30292
made by the chief for the purpose of administering this section 30293
and sections 1521.061 and 1521.062 of the Revised Code. 30294

(C) The chief shall, within thirty days from the date of the 30295
receipt of the application, fee, and bond or other security, issue 30296
or deny a construction permit for the construction or may issue a 30297
construction permit conditioned upon the making of such changes in 30298
the plans and specifications for the construction as the chief 30299
considers advisable if the chief determines that the construction 30300
of the proposed dam or levee, in accordance with the plans and 30301
specifications filed, would endanger life, health, or property. 30302

(D) The chief may deny a construction permit after finding 30303
that a dam or levee built in accordance with the plans and 30304
specifications would endanger life, health, or property, because 30305
of improper or inadequate design, or for such other reasons as the 30306
chief may determine. 30307

In the event the chief denies a permit for the construction 30308
of the dam or levee, or issues a permit conditioned upon a making 30309
of changes in the plans or specifications for the construction, 30310
the chief shall state the reasons therefor and so notify, in 30311
writing, the person or governmental agency making the application 30312
for a permit. If the permit is denied, the chief shall return the 30313
bond or other security to the person or governmental agency making 30314
application for the permit. 30315

The decision of the chief conditioning or denying a 30316
construction permit is subject to appeal as provided in Chapter 30317
119. of the Revised Code. A dam or levee built substantially at 30318
variance from the plans and specifications upon which a 30319
construction permit was issued is in violation of this section. 30320
The chief may at any time inspect any dam or levee, or site upon 30321
which any dam or levee is to be constructed, in order to determine 30322
whether it complies with this section. 30323

(E) A registered professional engineer shall inspect the 30324
construction for which the permit was issued during all phases of 30325
construction and shall furnish to the chief such regular reports 30326
of the engineer's inspections as the chief may require. When the 30327
chief finds that construction has been fully completed in 30328
accordance with the terms of the permit and the plans and 30329
specifications approved by the chief, the chief shall approve the 30330
construction. When one year has elapsed after approval of the 30331
completed construction, and the chief finds that within this 30332
period no fact has become apparent to indicate that the 30333
construction was not performed in accordance with the terms of the 30334
permit and the plans and specifications approved by the chief, or 30335
that the construction as performed would endanger life, health, or 30336
property, the chief shall release the bond or other security. No 30337
bond or other security shall be released until one year after 30338
final approval by the chief, unless the dam or levee has been 30339
modified so that it will not retain water and has been approved as 30340
nonhazardous after determination by the chief that the dam or 30341
levee as modified will not endanger life, health, or property. 30342

(F) When inspections required by this section are not being 30343
performed, the chief shall notify the person or governmental 30344
agency to which the permit has been issued that inspections are 30345
not being performed by the registered professional engineer and 30346
that the chief will inspect the remainder of the construction. 30347
Thereafter, the chief shall inspect the construction and the cost 30348
of inspection shall be charged against the owner. Failure of the 30349
registered professional engineer to submit required inspection 30350
reports shall be deemed notice that the engineer's inspections are 30351
not being performed. 30352

(G) The chief may order construction to cease on any dam or 30353
levee that is being built in violation of this section, and may 30354
prohibit the retention of water behind any dam or levee that has 30355

been built in violation of this section. The attorney general, 30356
upon written request of the chief, may bring an action for an 30357
injunction against any person who violates this section or to 30358
enforce an order or prohibition of the chief made pursuant to this 30359
section. 30360

(H) The chief may adopt rules in accordance with Chapter 119. 30361
of the Revised Code, for the design and construction of dams and 30362
levees for which a construction permit is required by this section 30363
or for which periodic inspection is required by section 1521.062 30364
of the Revised Code, for establishing a filing fee schedule in 30365
lieu of the schedule established under division (B) of this 30366
section, for deposit and forfeiture of bonds and other securities 30367
required by section 1521.061 of the Revised Code, for the periodic 30368
inspection, operation, repair, improvement, alteration, or removal 30369
of all dams and levees, as specified in section 1521.062 of the 30370
Revised Code, and for establishing classes of dams or levees that 30371
are exempt from the requirements of this section and section 30372
1521.062 of the Revised Code as being of a size, purpose, or 30373
situation that does not present a substantial hazard to life, 30374
health, or property. The chief may, by rule, limit the period 30375
during which a construction permit issued under this section is 30376
valid. The rules may allow for the extension of the period during 30377
which a permit is valid upon written request, provided that the 30378
written request includes a revised construction cost estimate, and 30379
may require the payment of an additional filing fee for the 30380
requested extension. If a construction permit expires without an 30381
extension before construction is completed, the person or agency 30382
shall apply for a new permit, and shall not continue construction 30383
until the new permit is issued. 30384

Sec. 1521.061. Except as otherwise provided in this section, 30385
a construction permit shall not be issued under section 1521.06 of 30386
the Revised Code unless the person or governmental agency applying 30387

for the permit executes and files a surety bond conditioned on 30388
completion of the dam or levee in accordance with the terms of the 30389
permit and the plans and specifications approved by the chief of 30390
the division of ~~soil and~~ water resources, in an amount equal to 30391
fifty per cent of the estimated cost of the project. 30392

If a permittee requests an extension of the time period 30393
during which a construction permit is valid in accordance with 30394
rules adopted under section 1521.06 of the Revised Code, the chief 30395
shall determine whether the revised construction cost estimate 30396
provided with the request exceeds the original construction cost 30397
estimate that was filed with the chief by more than twenty-five 30398
per cent. If the revised construction cost estimate exceeds the 30399
original construction cost estimate by more than twenty-five per 30400
cent, the chief may require an additional surety bond to be filed 30401
so that the total amount of the surety bonds equals at least fifty 30402
per cent of the revised construction cost estimate. 30403

The chief shall not approve any bond until it is personally 30404
signed and acknowledged by both principal and surety, or as to 30405
either by the attorney in fact thereof, with a certified copy of 30406
the power of attorney attached. The chief shall not approve the 30407
bond unless there is attached a certificate of the superintendent 30408
of insurance that the company is authorized to transact a fidelity 30409
and surety business in this state. 30410

All bonds shall be given in a form prescribed by the chief 30411
and shall run to the state as obligee. 30412

The applicant may deposit, in lieu of a bond, cash in an 30413
amount equal to the amount of the bond or United States government 30414
securities or negotiable certificates of deposit issued by any 30415
bank organized or transacting business in this state having a par 30416
value equal to or greater than the amount of the bond. Such cash 30417
or securities shall be deposited upon the same terms as bonds. If 30418
one or more certificates of deposit are deposited in lieu of a 30419

bond, the chief shall require the bank that issued any such 30420
certificate to pledge securities of the aggregate market value 30421
equal to the amount of the certificate that is in excess of the 30422
amount insured by the federal deposit insurance corporation. The 30423
securities to be pledged shall be those designated as eligible 30424
under section 135.18 of the Revised Code. The securities shall be 30425
security for the repayment of the certificate of deposit. 30426

Immediately upon a deposit of cash, securities, or 30427
certificates of deposit, the chief shall deliver them to the 30428
treasurer of state, who shall hold them in trust for the purposes 30429
for which they have been deposited. The treasurer of state is 30430
responsible for the safekeeping of such deposits. An applicant 30431
making a deposit of cash, securities, or certificates of deposit 30432
may withdraw and receive from the treasurer of state, on the 30433
written order of the chief, all or any portion of the cash, 30434
securities, or certificates of deposit, upon depositing with the 30435
treasurer of state cash, other United States government 30436
securities, or negotiable certificates of deposit issued by any 30437
bank organized or transacting business in this state equal in par 30438
value to the par value of the cash, securities, or certificates of 30439
deposit withdrawn. An applicant may demand and receive from the 30440
treasurer of state all interest or other income from any such 30441
securities or certificates as it becomes due. If securities so 30442
deposited with and in the possession of the treasurer of state 30443
mature or are called for payment by the issuer thereof, the 30444
treasurer of state, at the request of the applicant who deposited 30445
them, shall convert the proceeds of the redemption or payment of 30446
the securities into such other United States government 30447
securities, negotiable certificates of deposit issued by any bank 30448
organized or transacting business in this state, or cash as the 30449
applicant designates. 30450

When the chief finds that a person or governmental agency has 30451

failed to comply with the conditions of the person's or agency's 30452
bond, the chief shall make a finding of that fact and declare the 30453
bond, cash, securities, or certificates of deposit forfeited in 30454
the amount set by rule of the chief. The chief shall thereupon 30455
certify the total forfeiture to the attorney general, who shall 30456
proceed to collect that amount. 30457

In lieu of total forfeiture, the surety, at its option, may 30458
cause the dam or levee to be completed as required by section 30459
1521.06 of the Revised Code and rules of the chief, or otherwise 30460
rendered nonhazardous, or pay to the treasurer of state the cost 30461
thereof. 30462

All moneys collected on account of forfeitures of bonds, 30463
cash, securities, and certificates of deposit under this section 30464
shall be credited to the dam safety fund created in section 30465
1521.06 of the Revised Code. The chief shall make expenditures 30466
from the fund to complete dams and levees for which bonds have 30467
been forfeited or to otherwise render them nonhazardous. 30468

Expenditures from the fund for those purposes shall be made 30469
pursuant to contracts entered into by the chief with persons who 30470
agree to furnish all of the materials, equipment, work, and labor 30471
as specified and provided in the contract. 30472

A surety bond shall not be required for a permit for a dam or 30473
levee that is to be designed and constructed by an agency of the 30474
United States government, if the agency files with the chief 30475
written assurance of the agency's financial responsibility for the 30476
structure during the one-year period following the chief's 30477
approval of the completed construction provided for under division 30478
(E) of section 1521.06 of the Revised Code. 30479

Sec. 1521.062. (A) All dams and levees constructed in this 30480
state and not exempted by this section or by the chief of the 30481
division of ~~soil and~~ water resources under section 1521.06 of the 30482

Revised Code shall be inspected periodically by the chief, except 30483
for classes of dams that, in accordance with rules adopted under 30484
this section, are required to be inspected by registered 30485
professional engineers who have been approved for that purpose by 30486
the chief. The inspection shall ensure that continued operation 30487
and use of the dam or levee does not constitute a hazard to life, 30488
health, or property. Periodic inspections shall not be required of 30489
the following structures: 30490

(1) A dam that is less than ten feet in height and has a 30491
storage capacity of not more than fifty acre-feet at the elevation 30492
of the top of the dam, as determined by the chief. For the 30493
purposes of this section, the height of a dam shall be measured 30494
from the natural stream bed or lowest ground elevation at the 30495
downstream or outside limit of the dam to the elevation of the top 30496
of the dam. 30497

(2) A dam, regardless of height, that has a storage capacity 30498
of not more than fifteen acre-feet at the elevation of the top of 30499
the dam, as determined by the chief; 30500

(3) A dam, regardless of storage capacity, that is six feet 30501
or less in height, as determined by the chief; 30502

(4) A dam or levee belonging to a class exempted by the 30503
chief; 30504

(5) A dam or levee that has been exempted in accordance with 30505
rules adopted under section 1521.064 of the Revised Code. 30506

(B) In accordance with rules adopted under this section, the 30507
owner of a dam that is in a class of dams that is designated in 30508
the rules for inspection by registered professional engineers 30509
shall obtain the services of a registered professional engineer 30510
who has been approved by the chief to conduct the periodic 30511
inspection of dams pursuant to schedules and other standards and 30512
procedures established in the rules. The registered professional 30513

engineer shall prepare a report of the inspection in accordance 30514
with the rules and provide the inspection report to the dam owner 30515
who shall submit it to the chief. A dam that is designated under 30516
the rules for inspection by a registered professional engineer, 30517
but that is not inspected within a five-year period may be 30518
inspected by the chief at the owner's expense. 30519

(C) Intervals between periodic inspections shall be 30520
determined by the chief, but shall not exceed five years. 30521

(D) In the case of a dam or levee that the chief inspects, 30522
the chief shall furnish a report of the inspection to the owner of 30523
the dam or levee. With regard to a dam or levee that has been 30524
inspected, either by the chief or by a registered professional 30525
engineer, and that is the subject of an inspection report prepared 30526
or received by the chief, the chief shall inform the owner of any 30527
required repairs, maintenance, investigations, and other remedial 30528
and operational measures. The chief shall order the owner to 30529
perform such repairs, maintenance, investigations, or other 30530
remedial or operational measures as the chief considers necessary 30531
to safeguard life, health, or property. The order shall permit the 30532
owner a reasonable time in which to perform the needed repairs, 30533
maintenance, investigations, or other remedial measures, and the 30534
cost thereof shall be borne by the owner. All orders of the chief 30535
are subject to appeal as provided in Chapter 119. of the Revised 30536
Code. The attorney general, upon written request of the chief, may 30537
bring an action for an injunction against any person who violates 30538
this section or to enforce an order of the chief made pursuant to 30539
this section. 30540

(E) The owner of a dam or levee shall monitor, maintain, and 30541
operate the structure and its appurtenances safely in accordance 30542
with state rules, terms and conditions of permits, orders, and 30543
other requirements issued pursuant to this section or section 30544
1521.06 of the Revised Code. The owner shall fully and promptly 30545

notify the division of ~~soil~~ and water resources and other 30546
responsible authorities of any condition that threatens the safety 30547
of the structure and shall take all necessary actions to safeguard 30548
life, health, and property. 30549

(F) Before commencing the repair, improvement, alteration, or 30550
removal of a dam or levee, the owner shall file an application 30551
including plans, specifications, and other required information 30552
with the division and shall secure written approval of the 30553
application by the chief. Emergency actions by the owner required 30554
to safeguard life, health, or property are exempt from this 30555
requirement. The chief may, by rule, define maintenance, repairs, 30556
or other remedial measures of a routine nature that are exempt 30557
from this requirement. 30558

(G) The chief may remove or correct, at the expense of the 30559
owner, any unsafe structures found to be constructed or maintained 30560
in violation of this section or section 1521.06 of the Revised 30561
Code. In the case of an owner other than a governmental agency, 30562
the cost of removal or correction of any unsafe structure, 30563
together with a description of the property on which the unsafe 30564
structure is located, shall be certified by the chief to the 30565
county auditor and placed by the county auditor upon the tax 30566
duplicate. This cost is a lien upon the lands from the date of 30567
entry and shall be collected as other taxes and returned to the 30568
division. In the case of an owner that is a governmental agency, 30569
the cost of removal or correction of any unsafe structure shall be 30570
recoverable from the owner by appropriate action in a court of 30571
competent jurisdiction. 30572

(H) If the condition of any dam or levee is found, in the 30573
judgment of the chief, to be so dangerous to the safety of life, 30574
health, or property as not to permit time for the issuance and 30575
enforcement of an order relative to repair, maintenance, or 30576
operation, the chief shall employ any of the following remedial 30577

means necessary to protect life, health, and property:	30578
(1) Lower the water level of the lake or reservoir by releasing water;	30579 30580
(2) Completely drain the lake or reservoir;	30581
(3) Take such other measures or actions as the chief considers necessary to safeguard life, health, and property.	30582 30583
The chief shall continue in full charge and control of the dam or levee until the structure is rendered safe. The cost of the remedy shall be recoverable from the owner of the structure by appropriate action in a court of competent jurisdiction.	30584 30585 30586 30587
(I) The chief may accept and expend gifts, bequests, and grants from the United States government or from any other public or private source and may contract with the United States government or any other agency or entity for the purpose of carrying out the dam safety functions set forth in this section and section 1521.06 of the Revised Code.	30588 30589 30590 30591 30592 30593
(J) In accordance with Chapter 119. of the Revised Code, the chief may adopt, and may amend or rescind, rules that do all of the following:	30594 30595 30596
(1) Designate classes of dams for which dam owners must obtain the services of a registered professional engineer to periodically inspect the dams and to prepare reports of the inspections for submittal to the chief;	30597 30598 30599 30600
(2) Establish standards in accordance with which the chief must approve or disapprove registered professional engineers to inspect dams together with procedures governing the approval process;	30601 30602 30603 30604
(3) Establish schedules, standards, and procedures governing periodic inspections and standards and procedures governing the preparation and submittal of inspection reports;	30605 30606 30607

(4) Establish provisions regarding the enforcement of this section and rules adopted under it. 30608
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(K) The owner of a dam or levee shall notify the chief in writing of a change in ownership of the dam or levee prior to the exchange of the property. 30610
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Sec. 1521.063. (A) Except for the federal government, the owner of a dam, that is classified as a class I, class II, or class III dam under rules adopted under section 1521.06 of the Revised Code and subject to section 1521.062 of the Revised Code shall pay an annual fee, based upon the height of the dam, the linear foot length of the dam, and the per-acre foot of volume of water impounded by the dam. The fee shall be paid to the division of ~~soil and~~ water resources on or before the thirtieth day of June of each year. The annual fee shall be as follows until otherwise provided by rules adopted under this section: 30613
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(1) For any dam classified as a class I dam under rules adopted by the chief of the division of ~~soil and~~ water resources under section 1521.06 of the Revised Code, three hundred dollars plus ten dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 30623
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(2) For any dam classified as a class II dam under those rules, ninety dollars plus six dollars per foot of height of dam, five cents per foot of length of the dam and five cents per-acre foot of water impounded by the dam; 30629
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(3) For any dam classified as a class III dam under those rules, ninety dollars plus four dollars per foot of height of the dam, five cents per foot of length of the dam, and five cents per-acre foot of volume of water impounded by the dam. 30633
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For purposes of this section, the height of a dam is the 30637

vertical height, to the nearest foot, as determined by the 30638
division under section 1521.062 of the Revised Code. 30639

All fees collected under this section shall be deposited in 30640
the dam safety fund created in section 1521.06 of the Revised 30641
Code. Any owner who fails to pay any annual fee required by this 30642
section within sixty days after the due date shall be assessed a 30643
penalty of ten per cent of the annual fee plus interest at the 30644
rate of one-half per cent per month from the due date until the 30645
date of payment. 30646

There is hereby created the compliant dam discount program to 30647
be administered by the chief. Under the program, the chief may 30648
reduce the amount of the annual fee that an owner of a dam is 30649
required to pay under division (A)(1), (2), or (3) of this section 30650
if the owner is in compliance with section 1521.062 of the Revised 30651
Code and has developed an emergency action plan pursuant to 30652
standards established in rules adopted under this section. The 30653
chief shall not discount an annual fee by more than twenty-five 30654
per cent of the total annual fee that is due. In addition, the 30655
chief shall not discount the annual fee that is due from the owner 30656
of a dam who has been assessed a penalty under this section. 30657

(B) The chief shall, in accordance with Chapter 119. of the 30658
Revised Code and subject to the prior approval of the director of 30659
natural resources, adopt, and may amend or rescind, rules for the 30660
collection of fees and the administration, implementation, and 30661
enforcement of this section and for the establishment of an annual 30662
fee schedule in lieu of the schedule established in division (A) 30663
of this section. 30664

(C)(1) No person, political subdivision, or state 30665
governmental agency shall violate or fail to comply with this 30666
section or any rule or order adopted or issued under it. 30667

(2) The attorney general, upon written request of the chief, 30668

may commence an action against any such violator. Any action under 30669
division (C)(2) of this section is a civil action. 30670

(D) As used in this section, "political subdivision" includes 30671
townships, municipal corporations, counties, school districts, 30672
municipal universities, park districts, sanitary districts, and 30673
conservancy districts and subdivisions thereof. 30674

Sec. 1521.064. The chief of the division of ~~soil and~~ water 30675
resources, in accordance with Chapter 119. of the Revised Code, 30676
shall adopt, and may amend and rescind, rules establishing a 30677
program under which dams and levees may be exempted from 30678
inspections under section 1521.062 of the Revised Code if the 30679
continued operation and use of, and any rupturing of or other 30680
structural damage to, the dams and levees will not constitute a 30681
hazard to life, health, or property. The rules shall establish, 30682
without limitation, all of the following: 30683

(A) A procedure by which the owner of such a dam or levee may 30684
apply for an exemption under this section; 30685

(B) The standards that a dam or levee shall meet in order to 30686
be exempted under this section; 30687

(C) A procedure by which the chief shall periodically review 30688
the status of a dam or levee that has been exempted under this 30689
section to determine if the exemption should be rescinded; 30690

(D) A requirement that the owner of any dam or levee exempted 30691
under this section shall agree, in writing, to accept liability 30692
for any injury, death, or loss to persons or property caused by 30693
the rupturing of or other structural damage to the dam or levee. 30694

Sec. 1521.07. The chief of the division of ~~soil and~~ water 30695
resources or any employee in the service of the division may enter 30696
upon lands to make surveys and inspections in accordance with this 30697
chapter, when necessary in the discharge of the duties enumerated 30698

in this chapter. 30699

Sec. 1521.10. In order to be entitled to the compensation 30700
provided for in section 1521.09 of the Revised Code, the landowner 30701
shall have prepared and submit to the division of ~~soil and~~ water 30702
resources complete plans for the dam provided for in such section. 30703
The plans shall have the approval of the chief of the division of 30704
~~soil and~~ water resources and the dam shall be constructed in 30705
accordance with such plans before compensation can be claimed. 30706

Sec. 1521.11. Upon the completion of the dam referred to in 30707
section 1521.09 of the Revised Code to the satisfaction of the 30708
division of ~~soil and~~ water resources, it shall certify the 30709
completion and the capacity thereof to the county auditor who 30710
shall thereupon make such reduction in the assessed valuation of 30711
the contiguous landowner as the contiguous landowner is entitled 30712
to receive under sections 1521.09 to 1521.12 of the Revised Code. 30713

Sec. 1521.12. In the event that any dam is constructed before 30714
plans are submitted to and approved by the division of ~~soil and~~ 30715
water resources as required by section 1521.10 of the Revised 30716
Code, the landowner may submit plans of the dam the landowner has 30717
built, showing the area of the drainage basin above the dam, a 30718
cross section of the dam site, a cross section, plan, and 30719
elevation of the dam, a map of the spillway, a topographic map of 30720
the reservoir basin, and such other data and information as the 30721
division requires. If the plans receive the approval of the 30722
division, and upon examination the dam is found to be 30723
satisfactorily completed in accordance with such plans, the 30724
division shall certify the completion and capacity thereof to the 30725
county auditor. If the plans fail to meet the requirements of the 30726
division, the owner may submit revised plans, and when such 30727
revised plans have been approved and the dam rebuilt to conform to 30728

such plans, the completion of the dam and its capacity shall then 30729
be certified to the auditor who shall thereupon make such 30730
reduction in the assessed valuation of the contiguous land as such 30731
owner is entitled to receive under sections 1521.09 to 1521.12 of 30732
the Revised Code. 30733

Sec. 1521.13. (A) Development in one-hundred-year floodplain 30734
areas shall be protected to at least the one-hundred-year flood 30735
level, and flood water conveyance shall be maintained, at a 30736
minimum, in accordance with standards established under the 30737
national flood insurance program. This division does not preclude 30738
a state agency or political subdivision from establishing flood 30739
protection standards that are more restrictive than this division. 30740

(B) Prior to the expenditure of money for or the construction 30741
of buildings, structures, roads, bridges, or other facilities in 30742
locations that may be subject to flooding or flood damage, all 30743
state agencies and political subdivisions shall notify and consult 30744
with the division of ~~soil and~~ water resources and shall furnish 30745
information that the division reasonably requires in order to 30746
avoid the uneconomic, hazardous, or unnecessary use of floodplains 30747
in connection with such facilities. 30748

(C) The chief of the division of ~~soil and~~ water resources 30749
shall do all of the following: 30750

(1) Coordinate the floodplain management activities of state 30751
agencies and political subdivisions with the floodplain management 30752
activities of the United States, including the national flood 30753
insurance program; 30754

(2) Collect, prepare, and maintain technical data and 30755
information on floods and floodplain management and make the data 30756
and information available to the public, state agencies, political 30757
subdivisions, and agencies of the United States; 30758

- (3) Cooperate and enter into agreements with persons for the preparation of studies and reports on floods and floodplain management; 30759
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- (4) Assist any county, municipal corporation, or state agency in developing comprehensive floodplain management programs; 30762
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- (5) Provide technical assistance to any county, municipal corporation, or state agency through engineering assistance, data collection, preparation of model laws, training, and other activities relating to floodplain management; 30764
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- (6) For the purpose of reducing damages and the threat to life, health, and property in the event of a flood, cooperate with state agencies, political subdivisions, and the United States in the development of flood warning systems, evacuation plans, and flood emergency preparedness plans; 30768
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- (7) Upon request, assist the emergency management agency established by section 5502.22 of the Revised Code in the preparation of flood hazard mitigation reports required as a condition for receiving federal disaster aid under the "Disaster Relief Act of 1974," 88 Stat. 143, 42 U.S.C.A. 5121, as amended, and regulations adopted under it; 30773
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- (8) Adopt, and may amend or rescind, rules in accordance with Chapter 119. of the Revised Code for the administration, implementation, and enforcement of this section and sections 1521.14 and 1521.18 of the Revised Code; 30779
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- (9) Establish, by rule, technical standards for the delineation and mapping of floodplains and for the conduct of engineering studies to determine the vertical and horizontal limits of floodplains and for the assessment of development impacts on flood heights and flood conveyance. The standards established in rules adopted under this division shall be consistent with and no more stringent than the analogous standards 30783
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established under the national flood insurance program. 30790

(10) On behalf of the director of natural resources, 30791
administer section 1506.04 of the Revised Code. 30792

In addition to the duties imposed in divisions (C)(1) to (10) 30793
of this section, and with respect to existing publicly owned 30794
facilities that have suffered flood damage or that may be subject 30795
to flood damage, the chief may conspicuously mark past and 30796
probable flood heights in order to assist in creating public 30797
awareness of and knowledge about flood hazards. 30798

(D)(1) Development that is funded, financed, undertaken, or 30799
preempted by state agencies shall comply with division (A) of this 30800
section and with rules adopted under division (C)(9) of this 30801
section. 30802

(2) State agencies shall apply floodproofing measures in 30803
order to reduce potential additional flood damage of existing 30804
publicly owned facilities that have suffered flood damage. 30805

(3) Before awarding funding or financing or granting a 30806
license, permit, or other authorization for a development that is 30807
or is to be located within a one-hundred-year floodplain, a state 30808
agency shall require the applicant to demonstrate to the 30809
satisfaction of the agency that the development will comply with 30810
division (A) of this section, rules adopted under division (C)(9) 30811
of this section, and any applicable local floodplain management 30812
resolution or ordinance. 30813

(4) Prior to the disbursement of any state disaster 30814
assistance money in connection with any incident of flooding to or 30815
within a county or municipal corporation that is not listed by the 30816
chief as being in compliance under division (D)(1) of section 30817
1521.18 of the Revised Code, a state agency that has authority to 30818
disburse such money shall require the county or municipal 30819
corporation to establish or reestablish compliance as provided in 30820

that division. 30821

(E)(1) Subject to section 1521.18 of the Revised Code, a 30822
county or a municipal corporation may do all of the following: 30823

(a) Adopt floodplain maps that reflect the best available 30824
data and that indicate the areas to be regulated under a 30825
floodplain management resolution or ordinance, as applicable; 30826

(b) Develop and adopt a floodplain management resolution or 30827
ordinance, as applicable; 30828

(c) Adopt floodplain management standards that exceed the 30829
standards that are established under the national flood insurance 30830
program. 30831

(2) A county or municipal corporation shall examine and 30832
apply, where economically feasible, floodproofing measures in 30833
order to reduce potential additional flood damage of existing 30834
publicly owned facilities that have suffered flood damage. 30835

(3) A county that adopts a floodplain management resolution 30836
shall do so in accordance with the procedures established in 30837
section 307.37 of the Revised Code. The county may enforce the 30838
resolution by issuing stop work orders, seeking injunctive relief, 30839
or pursuing other civil actions that the county considers 30840
necessary to ensure compliance with the resolution. In addition, 30841
failure to comply with the floodplain management resolution 30842
constitutes a violation of division (D) of section 307.37 of the 30843
Revised Code. 30844

(4) No action challenging the validity of a floodplain 30845
management resolution adopted by a county or a floodplain 30846
management ordinance adopted by a municipal corporation, or an 30847
amendment to such a resolution or ordinance, because of a 30848
procedural error in the adoption of the resolution, ordinance, or 30849
amendment shall be brought more than two years after the adoption 30850
of the resolution, ordinance, or amendment. 30851

Sec. 1521.14. Upon the written request of the director of 30852
natural resources, the attorney general shall bring an action for 30853
appropriate relief in a court of competent jurisdiction against 30854
any development that is not in compliance with the standards of 30855
the national flood insurance program and that is one of the 30856
following: 30857

(A) Located in a county or municipal corporation that is not 30858
listed by the chief of the division of ~~soil and~~ water resources as 30859
being in compliance under division (D)(1) of section 1521.18 of 30860
the Revised Code; 30861

(B) Funded, financed, undertaken, or preempted by a state 30862
agency. 30863

Sec. 1521.15. (A) The chief of the division of ~~soil and~~ water 30864
resources shall develop and maintain, in cooperation with local, 30865
state, federal, and private agencies and entities, a water 30866
resources inventory for the collection, interpretation, storage, 30867
retrieval, exchange, and dissemination of information concerning 30868
the water resources of this state, including, but not limited to, 30869
information on the location, type, quantity, and use of those 30870
resources and the location, type, and quantity of consumptive use 30871
and diversion of the water resources. The water resources 30872
inventory also shall include, without limitation, information to 30873
assist in determining the reasonableness of water use and sharing 30874
under common law, promoting reasonable use and development of 30875
water resources, and resolving water use conflicts. 30876

All agencies of the state shall cooperate with the chief in 30877
the development and maintenance of the inventory. 30878

(B) The chief shall cooperate with the other great lakes 30879
states and provinces to develop a common base of data regarding 30880
the management of the water resources of the Lake Erie drainage 30881

basin and to establish systematic arrangements for the exchange of 30882
those data. 30883

Sec. 1521.16. (A) Any person who owns a facility that has the 30884
capacity to withdraw waters of the state in an amount greater than 30885
one hundred thousand gallons per day from all sources and whose 30886
construction is completed before January 1, 1990, shall register 30887
the facility by January 1, 1991, with the chief of the division of 30888
~~soil and~~ water resources, and any person who owns a facility that 30889
has the capacity to withdraw waters of the state in such an amount 30890
and whose construction is completed on or after January 1, 1990, 30891
shall register the facility with the chief within three months 30892
after the facility is completed. The person shall register the 30893
facility using a form prescribed by the chief that shall include, 30894
without limitation, the name and address of the registrant and 30895
date of registration; the locations and sources of the facility's 30896
water supply; the facility's withdrawal capacity per day and the 30897
amount withdrawn from each source; the uses made of the water, 30898
places of use, and places of discharge; and such other information 30899
as the chief may require by rule. 30900

The registration date of any facility whose construction was 30901
completed prior to January 1, 1990, and that is registered under 30902
this division prior to January 1, 1991, shall be January 1, 1990. 30903
The registration date of any facility whose construction was 30904
completed prior to January 1, 1990, and that is required to 30905
register under this division prior to January 1, 1991, but that is 30906
not registered prior to that date, and the registration date of 30907
any facility whose construction was completed after January 1, 30908
1990, and that is required to register under this division shall 30909
be the date on which the registration is received by the chief. 30910

(B) In accordance with division (D) of this section, the 30911
chief shall adopt rules establishing standards and criteria for 30912

determining when an area of ground water is a ground water stress area, the geographic limits of such an area, and a threshold withdrawal capacity for the area below which registration under this division shall not be required. At any time following the adoption of those rules, the chief may by order designate an area of ground water as a ground water stress area and shall establish in any such order a threshold withdrawal capacity for the area below which registration under this division shall not be required.

Following the designation of a ground water stress area, the chief immediately shall give notice by publication in a newspaper of general circulation in the designated area that shall include a map delineating the designated ground water stress area and a statement of the threshold withdrawal capacity established for the area below which registration under this division shall not be required. The notice shall not appear in the legal notices section of the newspaper. Any person who owns a facility in the designated ground water stress area that is not registered under division (A) of this section and that has the capacity to withdraw waters of the state in an amount greater than the threshold withdrawal capacity for the area from all sources shall register the facility with the chief not later than thirty days after publication of the notice. A person registering a facility under this division shall do so using a form prescribed by the chief. The form shall include the information specified in division (A) of this section.

(C) Any person who owns a facility registered under division (A) or (B) of this section shall file a report annually with the chief listing the amount of water withdrawn per day by the facility, the return flow per day, and any other information the chief may require by rule. Any person who, under Chapter 6109. of the Revised Code, provides such information to the Ohio environmental protection agency is exempt from reporting under

this division. The director of environmental protection shall 30945
provide the chief any such reported information upon request. 30946

(D) The chief shall adopt, and may amend or rescind, rules in 30947
accordance with Chapter 119. of the Revised Code to carry out this 30948
section. 30949

(E)(1) No person knowingly shall fail to register a facility 30950
or file a report as required under this section. 30951

(2) No person shall file a false report under this section. 30952
Violation of division (E)(2) of this section is falsification 30953
under section 2921.13 of the Revised Code. 30954

(F) At the request of the director of natural resources, the 30955
attorney general may commence a civil action to compel compliance 30956
with this section, in a court of common pleas, against any person 30957
who has violated or is violating division (E)(1) of this section. 30958
The court of common pleas in which a civil action is commenced 30959
under this division has jurisdiction to and shall compel 30960
compliance with this section upon a showing that the person 30961
against whom the action is brought has violated or is violating 30962
that division. 30963

Any action under this division is a civil action, governed by 30964
the rules of civil procedure and other rules of practice and 30965
procedure applicable to civil actions. 30966

Sec. 1521.18. (A) For the purposes of this section, a 30967
one-hundred-year floodplain is limited to an area identified as a 30968
one-hundred-year floodplain in accordance with the "National Flood 30969
Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as 30970
amended. 30971

(B) Each municipal corporation or county that has within its 30972
boundaries a one-hundred-year floodplain and that adopts a 30973
floodplain management ordinance or resolution or any amendments to 30974

such an ordinance or resolution on or after April 11, 1991, after 30975
adopting the ordinance, resolution, or amendments and before 30976
submitting the ordinance, resolution, or amendments to the federal 30977
emergency management agency for final approval for compliance with 30978
applicable standards adopted under the "National Flood Insurance 30979
Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, shall 30980
submit the ordinance, resolution, or amendments to the chief of 30981
the division of ~~soil~~ and water resources for the chief's review 30982
for compliance with those standards. Within forty-five days after 30983
receiving any such ordinance, resolution, or amendments, the chief 30984
shall complete the review and notify the municipal corporation or 30985
county as to whether the ordinance, resolution, or amendments 30986
comply with those standards. If the chief finds that the 30987
ordinance, resolution, or amendments comply with those standards, 30988
the chief shall forward it or them to the federal emergency 30989
management agency for final approval. 30990

(C)(1) If the chief determines that a county or municipal 30991
corporation that has adopted a floodplain management resolution or 30992
ordinance fails to administer or enforce the resolution or 30993
ordinance, the chief shall send a written notice by certified mail 30994
to the board of county commissioners of the county or the chief 30995
executive officer of the municipal corporation stating the nature 30996
of the noncompliance. 30997

(2) In order to maintain its compliance status in accordance 30998
with division (D) of this section, a county or municipal 30999
corporation that has received a notice of noncompliance under 31000
division (C)(1) of this section may submit information to the 31001
chief not later than thirty days after receiving the notice that 31002
demonstrates compliance or indicates the actions that the county 31003
or municipal corporation is taking to administer or enforce the 31004
resolution or ordinance. The chief shall review the information 31005
and shall issue a final determination by certified mail to the 31006

county or municipal corporation of the compliance or noncompliance 31007
status of the county or municipal corporation. If the chief issues 31008
a final determination of noncompliance, the chief shall send a 31009
copy of that determination to the federal emergency management 31010
agency concurrently with mailing the notice to the municipal 31011
corporation or county. 31012

(D)(1) A county or municipal corporation is considered to be 31013
in compliance for the purposes of this section if either of the 31014
following applies: 31015

(a) The county or municipal corporation has adopted a 31016
floodplain management resolution or ordinance that the chief has 31017
determined complies with applicable standards adopted under the 31018
"National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 31019
4001, as amended, and is adequately administering and enforcing it 31020
as determined under division (C) of this section. 31021

(b) The county or municipal corporation is participating in 31022
the national flood insurance program and has not received a notice 31023
of noncompliance under division (B) or (C) of this section. 31024

(2) The chief shall maintain a list of all counties and 31025
municipal corporations that have one-hundred-year floodplains 31026
within their boundaries. The list shall indicate whether each such 31027
county or municipal corporation is in compliance or noncompliance 31028
as provided in division (D)(1) of this section and whether each 31029
such county or municipal corporation is participating in the 31030
national flood insurance program. The chief shall provide a copy 31031
of the list to the general assembly and all state agencies 31032
annually and shall notify the general assembly and the agencies of 31033
any changes at least quarterly. 31034

(E) Any county or municipal corporation that is adversely 31035
affected by any determination of the chief under this section may 31036
appeal it in accordance with Chapter 119. of the Revised Code not 31037

later than thirty days after the final determination. 31038

Sec. 1521.19. (A) There is hereby created the Ohio water 31039
resources council consisting of the directors of agriculture, 31040
development services, environmental protection, health, natural 31041
resources, transportation, and the Ohio public works commission, 31042
the chairperson of the public utilities commission of Ohio, the 31043
executive director of the Ohio water development authority, and an 31044
executive assistant in the office of the governor appointed by the 31045
governor. The governor shall appoint one of the members of the 31046
council to serve as its chairperson. The council may adopt bylaws 31047
that are necessary for the implementation of this section. The 31048
council shall provide a forum for policy development, 31049
collaboration and coordination among state agencies, and strategic 31050
direction with respect to state water resource programs. The 31051
council shall be assisted in its functions by a state agency 31052
coordinating group and an advisory group as provided in this 31053
section. 31054

(B) The state agency coordinating group shall consist of the 31055
executive director of the Ohio Lake Erie commission and a member 31056
or members from each state agency, commission, and authority 31057
represented on the council, to be appointed by the applicable 31058
director, chairperson, or executive director. However, the 31059
environmental protection agency shall be represented on the group 31060
by the chiefs of the divisions within that agency having 31061
responsibility for surface water programs and drinking and ground 31062
water programs, and the department of natural resources shall be 31063
represented on the group by the chief of the division of ~~soil and~~ 31064
water resources. The chairperson of the council shall appoint a 31065
leader of the state agency coordinating group. The group shall 31066
provide assistance to and perform duties on behalf of the council 31067
as directed by the council. 31068

(C) The advisory group shall consist of not more than 31069
twenty-four members, each representing an organization or entity 31070
with an interest in water resource issues. The council shall 31071
appoint the members of the advisory group. Of the initial 31072
appointments, not more than ten members shall be appointed for 31073
one-year terms, and not more than ten members shall be appointed 31074
for two-year terms. Of the four initial appointments made after 31075
April 6, 2007, two of the members shall be appointed for one-year 31076
terms, and two of the members shall be appointed for two-year 31077
terms. Thereafter, all advisory group members shall serve two-year 31078
terms. Members may be reappointed. Each member shall hold office 31079
from the date of the member's appointment until the end of the 31080
member's term. A member shall continue in office subsequent to the 31081
expiration date of the member's term until the member's successor 31082
takes office or until a period of sixty days has elapsed, 31083
whichever occurs first. The council may remove a member for 31084
misfeasance, nonfeasance, or malfeasance in office. The council 31085
shall appoint members to fill any vacancies on the group. A member 31086
appointed to fill a vacancy shall hold office for the remainder of 31087
the term for which that member was appointed. 31088

The chairperson of the council shall appoint a chairperson of 31089
the advisory group. The advisory group shall advise the council on 31090
water resources issues addressed by the council. 31091

(D) There is hereby created in the state treasury the Ohio 31092
water resources council fund. The department of natural resources 31093
shall serve as the fiscal agent for the fund. The departments of 31094
agriculture, ~~development, environmental protection,~~ health, 31095
natural resources, and transportation, the environmental 31096
protection agency, and the development services agency shall 31097
transfer moneys to the fund in equal amounts via intrastate 31098
transfer voucher. The public utilities commission of Ohio, Ohio 31099
public works commission, and Ohio water development authority may 31100

transfer moneys to the fund. If a voluntary transfer of moneys is 31101
made to the fund, the portion that is required to be transferred 31102
by the departments of agriculture, ~~development, environmental~~ 31103
~~protection~~, health, natural resources, and transportation, the 31104
environmental protection agency, and the development services 31105
agency may be equally reduced. Moneys in the fund shall be used to 31106
pay the operating expenses of the Ohio water resources council, 31107
including those specified in division (E) of this section. 31108

(E) The Ohio water resources council may hire staff to 31109
support its activities. The council may enter into contracts and 31110
agreements with federal agencies, state agencies, political 31111
subdivisions, and private entities to assist in accomplishing its 31112
objectives. Advisory group members shall be reimbursed for 31113
expenses necessarily incurred in the performance of their duties 31114
pursuant to section 126.31 of the Revised Code and any applicable 31115
rules pertaining to travel reimbursement adopted by the office of 31116
budget and management. 31117

Sec. 1522.03. The chief of the division of ~~soil and~~ water 31118
resources shall do all of the following: 31119

(A) Adopt rules in accordance with Chapter 119. of the 31120
Revised Code for the implementation, administration, and 31121
enforcement of the great lakes-st. Lawrence river basin water 31122
resources compact; 31123

(B) Enforce the great lakes-st. Lawrence river basin water 31124
resources compact and take appropriate actions to effectuate its 31125
purposes and intent; 31126

(C) Adopt rules in accordance with Chapter 119. of the 31127
Revised Code for the development, implementation, administration, 31128
and enforcement of any permit program established under this 31129
chapter. 31130

Rules adopted under this section shall be no more stringent 31131
than the great lakes-st. Lawrence river basin water resources 31132
compact. The chief shall convene a working group consisting of 31133
parties with interests in Lake Erie, the Lake Erie watershed, and 31134
the great lakes-st. Lawrence river basin water resources compact. 31135
The working group shall consult with the chief regarding the 31136
adoption of rules under this section. 31137

Sec. 1522.05. Pursuant to Section 9.2 of the great lakes-st. 31138
Lawrence river basin water resources compact, the governor may 31139
take such actions as are necessary for the initial organization 31140
and operation of the great lakes-st. Lawrence river basin water 31141
resources council created in Section 2.1 of the compact. Agencies 31142
of the state are hereby authorized to cooperate with the council. 31143

The chief of the division of ~~soil and~~ water resources shall 31144
adopt voluntary watershedwide goals, objectives, and standards for 31145
water conservation and efficiency consistent with Section 4.2 of 31146
the great lakes-st. Lawrence river basin water resources compact. 31147

Sec. 1522.11. (A) No person shall install or operate a 31148
facility or equipment that results in a new or increased diversion 31149
of any water out of the Lake Erie watershed to another watershed 31150
without first obtaining a permit to do so issued by the chief of 31151
the division of ~~soil and~~ water resources. An application for such 31152
a permit shall be submitted to the chief on a form that the chief 31153
prescribes. An application shall be accompanied by a nonrefundable 31154
fee of one thousand dollars, which shall be credited to the water 31155
management fund created in section 1501.32 of the Revised Code. 31156

(B) The chief shall approve a permit application submitted 31157
under this section only if the chief determines that it meets the 31158
criteria required to qualify as an exception to the prohibition 31159
against diversions established in Section 4.9 of the compact. The 31160

chief shall issue or deny a permit through issuance of an order. 31161

Sec. 1522.12. (A) For purposes of the compact, not later than 31162
one hundred eighty days after ~~the effective date of this section~~ 31163
September 4, 2012, the chief of the division of ~~soil and~~ water 31164
resources shall establish a program for the issuance of permits 31165
for the withdrawal and consumptive use of water from the Lake Erie 31166
watershed. Upon establishment of the program, the owner or 31167
operator of a facility within the Lake Erie watershed that is not 31168
otherwise exempt under section 1522.14 of the Revised Code shall 31169
obtain a withdrawal and consumptive use permit from the chief if 31170
the facility meets any of the following threshold criteria: 31171
31172

(1) The facility has a new or increased capacity for 31173
withdrawals or consumptive uses from Lake Erie or a recognized 31174
navigation channel of at least two and one-half million gallons 31175
per day. 31176

(2) Except as provided in division (A)(3) of this section, 31177
the facility has a new or increased capacity for withdrawals or 31178
consumptive uses from any river or stream or from ground water in 31179
the Lake Erie watershed of at least one million gallons per day. 31180

(3)(a) Except as provided in division (A)(3)(b) of this 31181
section, the facility has a new or increased capacity for 31182
withdrawals or consumptive uses from any river or stream in the 31183
Lake Erie watershed that is a high quality water of at least one 31184
hundred thousand gallons per day. Division (A)(3) of this section 31185
does not apply to withdrawals and consumptive uses from 31186
outstanding state waters that are designated as such by the 31187
environmental protection agency due to their exceptional 31188
recreational values. 31189

(b) If a river or stream or segment thereof is designated as 31190
a high quality water as of ~~the effective date of this section~~ 31191

September 4, 2012, the threshold established in division (A)(3)(a) 31192
of this section applies to the river or stream or segment thereof 31193
and the entire watershed upstream of that river, stream, or 31194
segment. If a river or stream or segment thereof is designated as 31195
a high quality water after ~~the effective date of this section~~ 31196
September 4, 2012, the threshold established in division (A)(3)(a) 31197
of this section applies to the river or stream or segment thereof 31198
and the entire watershed upstream of that river, stream, or 31199
segment, provided that the director of environmental protection 31200
and the director of natural resources, or their designees, jointly 31201
determine that the proposed withdrawal or consumptive use would 31202
cause the high quality water to lose its designation as a high 31203
quality water. If the directors determine that the proposed 31204
withdrawal or consumptive use would not cause the high quality 31205
water to lose that designation, the threshold established in 31206
division (A)(2) of this section applies to the withdrawal or 31207
consumptive use at a point beginning one thousand feet upstream of 31208
the upstream end of the designated high quality water segment or 31209
at a point beginning two times the length of the river, stream, or 31210
segment that has been designated as a high quality water, 31211
whichever is greater. 31212

Upon establishment of the withdrawal and consumptive use 31213
permit program under this division, the owner or operator of a 31214
facility that is not otherwise exempt under section 1522.14 of the 31215
Revised Code and that is subject to a threshold specified in 31216
division (A)(1) or (2) of this section, after submitting an 31217
application for a permit under this section and a determination by 31218
the chief that the application is complete, may commence 31219
installation of the facility or equipment that will result in a 31220
new or increased withdrawal or consumptive use of water in the 31221
Lake Erie watershed prior to issuance of the withdrawal and 31222
consumptive use permit. 31223

Upon establishment of the withdrawal and consumptive use permit program under this division, the owner or operator of a facility that is not otherwise exempt under section 1522.14 of the Revised Code and that is subject to a threshold specified in division (A)(3) of this section shall not install or operate the facility or equipment that will result in a new or increased withdrawal or consumptive use of water in the Lake Erie watershed without first obtaining a withdrawal and consumptive use permit.

(B) Permits issued under this section shall be issued only for the amount of withdrawal or consumptive use capacity of a facility that meets or exceeds threshold amounts established in division (A) of this section. A permit shall not be required for the portion of the withdrawal and consumptive use capacity of the facility below that threshold amount.

(C) An applicant for a permit shall submit an application to the chief on a form that the chief prescribes. The applicant shall include with the application all of the following:

(1) The name, address, and telephone number of the applicant and of a contact person for the applicant;

(2) The names, addresses, and other necessary contact information of any other owners and operators of the facility;

(3) A description of all of the following:

(a) The facility's current withdrawal capacity per day if the withdrawal is to occur at a facility already in operation;

(b) The total new or increased daily withdrawal capacity proposed for the facility;

(c) The locations and sources of water proposed to be withdrawn;

(d) The locations of proposed discharges or return flows;

(e) The locations and nature of proposed consumptive uses and

the applicable consumptive use coefficient for the facility; 31254

(f) The estimated average annual and monthly volumes and 31255
rates of withdrawal; 31256

(g) The estimated average annual and monthly volumes and 31257
rates of consumptive use; 31258

(h) The environmentally sound and economically feasible water 31259
conservation measures to be undertaken by the applicant; 31260

(i) Other ways the applicant's need for water may be 31261
satisfied if the application is denied or modified; 31262

(j) Any other information the chief may require to adequately 31263
consider the application. 31264

(4) A nonrefundable application fee of one thousand dollars, 31265
the proceeds of which shall be credited to the water management 31266
fund created in section 1501.32 of the Revised Code. 31267

(D) Provided that a facility meets all applicable permit 31268
conditions, a permit for the facility is valid until the facility 31269
is the subject of facility abandonment. Once every five years, the 31270
owner or operator of a facility shall certify to the chief that 31271
the facility is in compliance with the permit that has been issued 31272
for the facility. 31273

(E) No person that is required to do so shall fail to apply 31274
for and receive a withdrawal and consumptive use permit. 31275

(F) A permit issued under this section shall include terms 31276
and conditions restricting the withdrawal and consumptive use by a 31277
facility to amounts not exceeding the capacity of the facility. 31278

(G) The chief shall issue or deny a permit not later than 31279
ninety days after receipt of a complete application. If 31280
applicable, the chief shall comply with the requirements regarding 31281
prior notice established in Section 4.6 of the compact. The chief 31282
shall issue or deny a permit through issuance of an order. The 31283

chief shall issue a permit if all applicable criteria for 31284
receiving the permit are met as provided in sections 1522.10 to 31285
1522.21 of the Revised Code. 31286

Sec. 1522.13. (A) The chief of the division of ~~soil and~~ water 31287
resources shall issue a withdrawal and consumptive use permit for 31288
a facility if the chief determines that the facility meets all of 31289
the criteria established in Section 4.11 of the compact. 31290
31291

(B) In applying the provision of the decision-making standard 31292
established in Section 4.11.2 of the compact, the chief shall 31293
require that a withdrawal or consumptive use will be implemented 31294
so as to ensure that the withdrawal or consumptive use will result 31295
in no significant individual or cumulative adverse impacts on the 31296
quantity or quality of the waters and water dependent natural 31297
resources of the great lakes basin considered as a whole or of the 31298
Lake Erie source watershed considered as a whole. As part of the 31299
evaluation of a permit application under Section 4.11.2 of the 31300
compact, the chief shall do all of the following: 31301

(1) Rely on the best generally accepted scientific methods 31302
appropriate for this state derived from professionally accepted 31303
resources and practices; 31304

(2) Consider the long-term mean annual inflow and outflow of 31305
the Lake Erie source watershed; 31306

(3) Consider the withdrawal and the portion of the withdrawal 31307
that is not returned to the Lake Erie source watershed. 31308

(C) Impacts of a withdrawal or consumptive use on the 31309
quantity or quality of waters and water dependent natural 31310
resources of more localized areas that affect less than the great 31311
lakes basin considered as a whole or the Lake Erie source 31312
watershed considered as a whole shall be considered as a part of 31313

the evaluation of whether a proposed withdrawal or consumptive use 31314
is reasonable as provided in Section 4.11.5 of the compact. 31315

(D) The chief shall not submit an application for a 31316
withdrawal and consumptive use permit for regional review under 31317
Section 4.5.2(c)(ii) of the compact to the regional body as 31318
defined in Section 1.2 of the compact unless regional review is 31319
agreed to by the applicant. 31320

(E) Nothing in sections 1522.10 to 1522.21 of the Revised 31321
Code shall be construed to affect, limit, diminish, or impair any 31322
rights validly established and existing under the laws of this 31323
state as of December 8, 2008, including, but not limited to, 31324
sections 1506.10 and 1521.17 of the Revised Code, or to limit a 31325
person's right to the reasonable use of ground water, water in a 31326
lake, or any other watercourse in contravention of Section 19b of 31327
Article I, Ohio Constitution. 31328

Sec. 1522.131. (A) To encourage the development of innovative 31329
water use practices and technologies that ensure sustainable water 31330
use for industrial, commercial, residential, agricultural, or 31331
public purposes, including recreational and cultural resources, as 31332
a means to facilitate sustainable economic growth and job 31333
creation, the chief of the division of ~~soil and~~ water resources, 31334
with the approval of the director of natural resources, may issue 31335
experimental use permits. An experimental use permit may be issued 31336
in lieu of a withdrawal and consumptive use permit as determined 31337
appropriate by the chief. 31338

(B) An experimental use permit may be issued if all of the 31339
following apply: 31340

(1) The experimental use is reasonable based on a 31341
consideration of the factors specified in Section 4.11.5 of the 31342
compact. 31343

(2) The experimental use will use no more water than is 31344
necessary to determine the effectiveness and economic feasibility 31345
of the experimental use. 31346

(3) The experimental use does not reduce the protection 31347
afforded the waters and water dependent natural resources of the 31348
source watershed as defined in the compact below what is provided 31349
in this chapter and rules adopted under it. 31350

(C) The chief may refuse to issue an experimental use permit 31351
if the chief determines that the proposed use will result in 31352
significant individual or cumulative adverse impacts on the 31353
quantity or quality of the waters and water dependent natural 31354
resources of the great lakes basin considered as a whole or the 31355
Lake Erie source watershed considered as a whole. 31356

(D) The chief shall issue or deny a permit under this section 31357
through issuance of an order. 31358

(E) The chief shall establish the terms and conditions of an 31359
experimental use permit and may suspend such a permit, at any 31360
time, if the chief finds that its terms or conditions are being 31361
violated or that its terms and conditions are inadequate to avoid 31362
significant individual or cumulative adverse impacts on the 31363
quantity or quality of the waters and water dependent natural 31364
resources of the great lakes basin considered as a whole or the 31365
Lake Erie source watershed considered as a whole. 31366

(F) An experimental use permit issued under this section 31367
shall expire not later than twenty-four months after the date of 31368
issuance of the permit. 31369

Sec. 1522.15. (A)(1) Transfer of a withdrawal and consumptive 31370
use permit upon the sale or transfer of a facility may occur so 31371
long as the location of the facility, the source of water, and the 31372
withdrawal and consumptive use capacities do not change. Transfer 31373

of the baseline withdrawal and consumptive use capacity of a 31374
baseline facility upon the sale or transfer of the baseline 31375
facility may occur so long as the location of the facility, the 31376
source of water, and the withdrawal and consumptive use capacities 31377
do not change. Transferred capacity of a baseline facility does 31378
not require a withdrawal and consumptive use permit. 31379

Notice of a transfer shall be provided to the chief of the 31380
division of ~~soil~~ and water resources in a manner prescribed by the 31381
chief. 31382

(2) If the owner of a facility for which a withdrawal and 31383
consumptive use permit has been issued sells or transfers a 31384
portion of the facility, transfer of the applicable portion of the 31385
withdrawal and consumptive use capacity authorized by the 31386
withdrawal and consumptive use permit may occur so long as the 31387
location of the facility, the source of water, and the total 31388
withdrawal and consumptive use capacities do not change. The 31389
permittee shall provide notice of such a transfer to the chief in 31390
a manner prescribed by the chief. Upon receipt of the notice and 31391
if a permit is required for the transferred portion based on the 31392
threshold amounts established in divisions (A)(1) to (3) of 31393
section 1522.12 of the Revised Code, the chief shall issue a new 31394
permit for the transferred portion of the facility to the 31395
transferee and a modified permit for the remaining portion of the 31396
facility to the original permittee upon a showing that the 31397
transferee will meet the conditions of the original permit and all 31398
applicable requirements of this chapter and rules adopted under 31399
it. Any new permit shall reflect the portion of the withdrawal and 31400
consumptive use capacity that has been transferred. 31401

(3) If the owner of a baseline facility sells or transfers a 31402
portion of the baseline facility, transfer of the applicable 31403
portion of the withdrawal and consumptive use capacity listed in 31404
the baseline report for that facility may occur so long as the 31405

location of the facility, the source of water, and the total 31406
withdrawal and consumptive use capacities do not change. The owner 31407
shall provide notice of such a transfer to the chief in a manner 31408
prescribed by the chief. The chief shall not require the owner of 31409
the baseline facility or the transferee to obtain a withdrawal and 31410
consumptive use permit, but shall update the baseline report to 31411
reflect the transfer. 31412

(4) The chief may deny a transfer under this section by 31413
issuing an order denying the transfer and sending written notice 31414
to the permittee and the transferee not later than thirty days 31415
after notice of the intended transfer. The chief shall deny the 31416
transfer if the chief determines that the transfer will result in 31417
noncompliance with this chapter, rules adopted under it, or the 31418
terms and conditions of a withdrawal and consumptive use permit. 31419

(5) The chief shall remove a facility from the baseline 31420
report when the facility is subject to baseline facility 31421
abandonment. However, a baseline facility shall not be removed 31422
from the baseline report due to the transfer of the facility's 31423
baseline capacity. 31424

(B) No person shall sell or transfer a withdrawal and 31425
consumptive use permit for purposes of evading the requirements 31426
established in sections 1522.10 to 1522.21 of the Revised Code. 31427

Sec. 1522.16. (A)(1) The owner or operator of a facility may 31428
petition the chief of the division of ~~soil and~~ water resources for 31429
either of the following: 31430

(a) Inclusion in the baseline report if the owner or operator 31431
believes that the facility was erroneously excluded from the 31432
report; 31433

(b) The amendment of the amount of a withdrawal and 31434
consumptive use or other information included in the baseline 31435

report regarding the facility if the owner or operator believes 31436
that the information is incorrect. 31437

(2) The chief shall issue an order either approving or 31438
disapproving a petition submitted under this section. The chief 31439
shall issue the order based on a thorough examination of the 31440
circumstances concerning the petition. 31441

(3) The chief shall adopt rules in accordance with Chapter 31442
119. of the Revised Code that establish procedures for the 31443
submission of petitions under this division. 31444

(B) With regard to the nonuse of a baseline facility's or a 31445
facility's withdrawal and consumptive use capacity, not later than 31446
sixty days after the time period specified in division (B)(1) or 31447
(2) or (I)(1) or (2) of section 1522.10 of the Revised Code, the 31448
owner or operator of the facility may request an extension from 31449
the chief to retain the facility's active status. The request 31450
shall be made in a manner prescribed by the chief. The chief shall 31451
determine the appropriate terms and conditions of the extension, 31452
if approved, based on information submitted by the owner or 31453
operator. The chief shall issue an order approving or disapproving 31454
the request and shall do so in a manner prescribed by the chief. 31455

Sec. 1522.17. (A) The owner or operator of a facility who is 31456
applying for a withdrawal and consumptive use permit shall submit 31457
to the chief of the division of ~~soil and~~ water resources a 31458
facility water conservation plan that incorporates environmentally 31459
sound and economically feasible water conservation measures in 31460
accordance with Section 4.11.3 of the compact. If the plan 31461
reasonably incorporates environmentally sound and economically 31462
feasible water conservation measures applicable to the facility, 31463
it shall be deemed to be in compliance with Section 4.11.3 of the 31464
compact. 31465

(B) The chief shall keep confidential any portions of a 31466

facility water conservation plan that constitute a trade secret as 31467
defined in section 1333.61 of the Revised Code as follows: 31468

(1) During the period of time after confidentiality is 31469
requested under division (C) of this section and until the chief 31470
makes a determination to approve or disapprove the request; 31471

(2) On and after the date on which the chief approves a 31472
request for confidentiality under division (C) of this section. 31473

Any portions of a facility water conservation plan that are 31474
kept confidential as provided in this division are not subject to 31475
section 149.43 of the Revised Code. 31476

(C)(1) The owner or operator of a facility may request that 31477
any portions of a facility water conservation plan be kept 31478
confidential. The request for confidentiality shall be submitted 31479
at the same time that an owner or operator submits a facility 31480
water conservation plan under division (A) of this section. The 31481
owner or operator shall clearly indicate the information that the 31482
owner or operator considers a trade secret and shall label it as 31483
"trade secret." Failure to make such a request shall constitute a 31484
waiver of the right to prevent public disclosure of the 31485
information. A request for confidentiality shall be accompanied by 31486
documents that support the request. The documents shall describe 31487
the measures that the requestor has taken to safeguard the 31488
confidentiality of the information and indicate whether or not 31489
others are bound by a confidentiality agreement related to the 31490
information. 31491

(2) The chief, by order, shall issue a decision regarding the 31492
confidentiality request not later than forty-five days after the 31493
receipt of the request. Until the decision is issued, the 31494
information that is the subject of the request shall be 31495
confidential and maintained by the chief in a separate file 31496
labeled "confidential." The applicant shall be notified by mail of 31497

the decision. 31498

Sec. 1522.18. The chief of the division of ~~soil and~~ water 31499
resources, on the chief's own initiative or upon written complaint 31500
by any person, may investigate or make inquiries into any alleged 31501
failure to comply with this chapter, any rule adopted under it, 31502
any order issued under it, or the terms and conditions of a permit 31503
issued under it. The chief or the chief's duly authorized 31504
representative may enter at reasonable times on any private or 31505
public property to inspect and investigate conditions relating to 31506
any such alleged act of noncompliance and, if necessary, may apply 31507
to the court of common pleas having jurisdiction for a warrant 31508
permitting the entrance and inspection. 31509

Sec. 1522.20. (A)(1) The chief of the division of ~~soil and~~ 31510
water resources may issue an order to a person that the chief 31511
determines has violated, is violating, or is threatening to 31512
violate any provisions of this chapter, rules adopted under it, or 31513
permits or orders issued under it. The order shall be effective 31514
upon issuance and shall identify the facility where the violation 31515
has occurred, is occurring, or is threatened to occur, the 31516
specific violation, and actions that the owner or operator of the 31517
facility must take to comply with the order. The order shall 31518
establish a reasonable date by which the owner or operator must 31519
comply with the order. 31520

(2) An order issued under division (A)(1) of this section 31521
shall be in writing and shall contain a finding of the facts on 31522
which the order is based. Notice of the order shall be given by 31523
certified mail to the applicable owner or operator of a facility. 31524
Notice also shall be provided to a person who initiated a 31525
complaint that resulted in the order and shall be posted on the 31526
web site of the department of natural resources in a manner 31527
prescribed by the chief. 31528

(B)(1) The chief, by order, may propose to suspend or revoke 31529
a permit issued under this chapter if the chief determines that 31530
any term or condition of the permit is being violated. The chief's 31531
order shall identify the facility where the violation allegedly 31532
occurred, describe the nature of the violation, and prescribe what 31533
action the permittee may take to bring the facility into 31534
compliance with the permit. The chief shall fix and specify in the 31535
order a reasonable date or time by which the permittee must 31536
comply. The order shall state that the chief may suspend or revoke 31537
the permit if the permittee fails to comply with the order by that 31538
date or time. If on that date or time the chief finds that the 31539
permittee has not complied with the order, the chief may issue a 31540
new order suspending or revoking the permit. 31541

(2) The chief or the chief's designee may enter on private or 31542
public lands and take action to mitigate, minimize, remove, or 31543
abate the conditions caused by a violation that is the subject of 31544
an order issued under division (B)(1) of this section. 31545

(C) The attorney general, upon written request of the chief, 31546
shall bring an action for an injunction or other appropriate legal 31547
or equitable action against any person who has violated, is 31548
violating, or is threatening to violate any provision of this 31549
chapter, any rule or order adopted or issued under it, or any term 31550
or condition of a permit issued under it. The attorney general 31551
shall bring the action in the court of common pleas of Franklin 31552
county or the county where the applicable facility is located. In 31553
an action for injunction, any factual findings of the chief 31554
presented at a hearing conducted under division (A) of section 31555
1522.21 of the Revised Code is prima-facie evidence of the facts 31556
regarding the order that is the subject of the hearing. 31557

(D) A person who violates any provision of this chapter, any 31558
rule or order adopted or issued under it, or any term or condition 31559
of a permit issued under it is liable to the chief for any costs 31560

incurred by the division of ~~soil and~~ water resources in 31561
investigating, mitigating, minimizing, removing, or abating the 31562
violation and conditions caused by it. Upon the request of the 31563
chief, the attorney general shall bring a civil action against the 31564
responsible person to recover those costs in the court of common 31565
pleas of Franklin county. Moneys recovered under this division 31566
shall be deposited in the state treasury to the credit of the 31567
water management fund created in section 1501.32 of the Revised 31568
Code. 31569

Sec. 1522.21. (A) As used in this section, "person who is or 31570
will be aggrieved or adversely affected" means a person with a 31571
direct economic or property interest that is or will be adversely 31572
affected by an order or rule issued or adopted by the chief of the 31573
division of ~~soil and~~ water resources under this chapter. 31574

(B)(1) Before issuance of a final order denying the issuance 31575
of a permit under section 1522.11, 1522.12, or 1522.131 of the 31576
Revised Code, denying a transfer under section 1522.15 of the 31577
Revised Code, denying a petition to the chief under section 31578
1522.16 of the Revised Code, or denying a request for 31579
confidentiality under section 1522.17 of the Revised Code, or 31580
before the issuance of a final order under section 1522.20 of the 31581
Revised Code, the chief shall issue a proposed order indicating 31582
the chief's intent to issue a final order. If the chief receives a 31583
written objection from a person who is or will be aggrieved or 31584
adversely affected by the issuance of the final order, the chief 31585
shall conduct an adjudication hearing with respect to the proposed 31586
order in accordance with Chapter 119. of the Revised Code. A 31587
person who is or will be aggrieved or adversely affected by the 31588
issuance of the final order and who submitted a written objection 31589
under this division may be a party to the adjudication. 31590

(2) Any person who is issued a proposed order or a final 31591

order by the chief shall be a party in any administrative or legal proceeding in which the proposed order or final order is at issue. This division is in addition to any other rights that a person may have as a person aggrieved or adversely affected.

(C)(1) After the issuance of a final order, a person who is or will be aggrieved or adversely affected by the issuance of the order may appeal the order to the court of common pleas of Franklin county or the court of common pleas of the county in which the facility that is the subject of the order is located. Subject to the exceptions specified in section 2506.03 of the Revised Code, the court is confined to the record as certified to it by the chief if an adjudication hearing was conducted by the chief under division (B) of this section. However, the court also may grant a request for the admission of additional evidence when satisfied that the additional evidence is newly discovered and could not with reasonable diligence have been ascertained prior to the hearing before the chief. If no adjudication hearing was conducted under division (B) of this section, the court shall conduct a hearing de novo.

(2) The filing of an appeal under division (C)(1) of this section does not automatically suspend the order that is the subject of the appeal. Upon application by the appellant, the court may suspend or stay the order, pending an immediate hearing on the appeal.

(3) If the court finds that the order was lawful and reasonable, it shall issue a written order affirming the order. If the court finds that the order was unreasonable or unlawful, it shall issue a written order vacating or modifying the order. The judgment of the court is final unless reversed, vacated, or modified on appeal.

(4) Attorney's fees shall not be awarded to any party to an administrative or legal proceeding under this section.

Sec. 1523.01. In addition to all other powers granted to and 31624
duties devolving upon the chief of the division of ~~soil and~~ water 31625
resources, when in the chief's judgment it is for the public 31626
welfare and the best interests of the citizens of the state that 31627
the surplus, flood, and other waters of any of the watersheds, 31628
rivers, streams, watercourses, or public waters should be 31629
conserved, impounded, and stored in order to insure and promote 31630
the public health, welfare, and safety and to encourage and 31631
promote agriculture, commerce, manufacturing, and other public 31632
purposes, such chief shall proceed in furtherance of the purposes 31633
of sections 1523.01 to 1523.13 of the Revised Code, and for the 31634
preservation of the use of such waters for navigation, in case 31635
such waters are required for navigation, to construct such 31636
reservoirs, dams, storage basins, dikes, canals, raceways, and 31637
other improvements as are necessary for such purposes, or the 31638
chief may make additions to, enlarge, and make alterations in and 31639
upon such reservoirs, dams, storage basins, dikes, canals, 31640
raceways, and other improvements already in existence and 31641
constituting a part of the public works, as are necessary for such 31642
purposes. Any rights or privileges granted by sections 1523.01 to 31643
1523.13 of the Revised Code, shall not interfere with the control 31644
and maintenance of the state reservoirs or public parks which have 31645
been dedicated to the public for purposes of recreation and 31646
pleasure. 31647

The chief, subject to the written approval of the director of 31648
natural resources and the governor, may acquire by gift, purchase, 31649
or by appropriation proceedings, in the name of and on behalf of 31650
the state, such real and personal property, rights, privileges, 31651
and appurtenances as are necessary in the chief's judgment for the 31652
construction of such reservoirs, dams, storage basins, dikes, 31653
canals, raceways, and other improvements, or for the alteration, 31654
enlargement, or maintenance of existing reservoirs, dams, and 31655

other improvements, together with such rights of way, drives, and 31656
roadways as are necessary for convenient access thereto. The 31657
appropriation proceedings referred to in this section shall be 31658
restricted to private property only. 31659

Before proceeding to purchase or appropriate any such 31660
property or rights, the cost of which, together with the land or 31661
real estate necessary upon which to locate and construct such 31662
improvements, including damages to remaining property, is in 31663
excess of one thousand dollars, the chief shall prepare plans, 31664
specifications, and estimates of such cost, including all material 31665
and labor therefor, together with the cost of such land or real 31666
estate and damages, and shall thereupon submit such plans, 31667
specifications, and estimates to the director, who in turn shall 31668
submit them to the governor for approval. 31669

The governor shall thereupon publish written notice once a 31670
week for two consecutive weeks in a newspaper published in and of 31671
general circulation in the counties where any such improvements 31672
are proposed to be constructed, setting forth the location and 31673
character of the proposed improvements, that the plans, 31674
specifications, and estimates therefor are on file in the 31675
governor's office, and that objections thereto will be heard by 31676
the governor on a day to be named in the notice, which day shall 31677
be not less than ten nor more than twenty days after the first 31678
publication thereof. Within thirty days after the date fixed for 31679
the hearing, the governor shall return such plans, specifications, 31680
and estimates to the director, with the governor's written 31681
approval or rejection thereof indorsed thereon. The director shall 31682
immediately return such plans, specifications, and estimates, 31683
together with the governor's indorsement thereon, to the chief. 31684

Any instrument by which real property is acquired pursuant to 31685
this section shall identify the agency of the state that has the 31686
use and benefit of the real property as specified in section 31687

5301.012 of the Revised Code. 31688

Sec. 1523.02. If the governor approves the plans, 31689
specifications, and estimates authorized by section 1523.01 of the 31690
Revised Code, the chief of the division of ~~soil and~~ water 31691
resources shall thereupon proceed, as provided in sections 1523.02 31692
to 1523.13 of the Revised Code, to construct the improvements or 31693
to make alterations in or to enlarge those already existing, in 31694
such manner and form as is shown by such plans and specifications. 31695
In order to provide the funds for such construction, alteration, 31696
or enlargement, the chief shall issue and sell bonds of the state, 31697
not in excess of the estimated cost of such improvements. The 31698
bonds shall be issued in denominations of not less than one 31699
hundred dollars payable as a whole or in series on or before fifty 31700
years from the date thereof, with interest not to exceed the rate 31701
provided in section 9.95 of the Revised Code, payable either 31702
annually or semiannually. 31703

The bonds shall show on their face the purpose for which 31704
issued and shall create no liability upon or be considered an 31705
indebtedness of the state, but both the principal and interest 31706
shall be paid solely out of the proceeds arising from the 31707
improvements constructed, altered, or enlarged by the chief, or 31708
from the proceeds of the sale or foreclosure of the lien securing 31709
the bonds on such improvement or such part thereof as is 31710
constructed from the money realized from the sale of the bonds. 31711

The form of the bonds shall be approved by the attorney 31712
general, and they shall be signed by the governor and attested by 31713
the director of natural resources and the chief. The bonds may be 31714
issued as coupon bonds, payable to bearer only, or upon demand of 31715
the owner or holder thereof as registered bonds. 31716

Such bonds shall be sold by the chief to the highest bidder 31717
therefor, but for not less than the par value thereof, with 31718

accrued interest thereon, after thirty days' notice in at least 31719
two newspapers of general circulation in the county where such 31720
improvements are to be constructed, altered, or enlarged, setting 31721
forth the nature, amount, rate of interest, and length of time the 31722
bonds have to run, with the time and place of sale. 31723

The treasurer of state shall be the treasurer of the fund 31724
realized from the sale of such bonds, and the auditor of state 31725
shall be the auditor of such fund. The proceeds of such sale shall 31726
be turned over to the treasurer of state and shall be deposited by 31727
the treasurer of state in a solvent bank, located either in 31728
Columbus or in the county in which such improvements are located. 31729
Such proceeds shall be kept by such bank in a fund to be known as 31730
the water conservation improvement fund. Such fund shall be used 31731
to acquire the necessary real estate and to construct such new 31732
improvements and for no other purpose, except that the treasurer 31733
of state may pay the interest on the bonds during the period of 31734
condemnation and the construction, alteration, or enlargement of 31735
such improvements out of the proceeds arising from the sale of the 31736
bonds for a term not exceeding three years from the date on which 31737
the bonds are issued. The bank shall give bond to the state in 31738
such amount as the treasurer of state considers advisable, and 31739
with surety to the satisfaction of the treasurer of state, for the 31740
benefit of the holders of the bonds, and for the benefit of any 31741
contractors performing labor or furnishing material for such 31742
improvements, as provided by law, conditioned that it will safely 31743
keep the money and will make no payments or disbursements 31744
therefrom except as provided in sections 1523.01 to 1523.13 of the 31745
Revised Code. 31746

The treasurer of state shall hold such fund as trustee for 31747
the holders of the bonds and for all persons performing labor or 31748
furnishing material for the construction, alteration, or 31749
enlargement of any improvement made under such sections. Such 31750

funds shall not be turned into the state treasury, but shall be 31751
deposited and disbursed by the treasurer of state as provided in 31752
such sections. The interest coupons attached to such bonds shall 31753
bear the signature of the treasurer of state, executed by the 31754
treasurer of state or printed or lithographed thereon. 31755

Both the interest and principal of such bonds shall be made 31756
payable at the office of the treasurer of state in Columbus, and 31757
shall be paid by the treasurer of state, without warrant or 31758
authority of the director of budget and management, to the owner 31759
or holder of such bonds upon presentation by the owner or holder 31760
of matured interest coupons or bonds. 31761

Sec. 1523.03. Immediately after the sale of the bonds 31762
authorized by section 1523.02 of the Revised Code and the payment 31763
of the proceeds thereof to the treasurer of state as provided in 31764
such section, the chief of the division of ~~soil and~~ water 31765
resources shall make a written contract for the construction of 31766
the improvements or for the making of additions to or alterations 31767
in existing improvements with the lowest responsive and 31768
responsible bidder, in accordance with section 9.312 of the 31769
Revised Code, after advertisements once a week for four 31770
consecutive weeks in one newspaper in each of the cities of 31771
Columbus, Cleveland, and Cincinnati having a general circulation 31772
therein, one trade paper having a circulation among contractors 31773
engaged in the construction of public improvement work of like 31774
character, and two newspapers having a general circulation within 31775
the county in which the dam, reservoir, storage basin, or other 31776
improvement is located or is to be located. 31777

All bids shall be filed with the chief, within the time fixed 31778
for the filing of such bids in the advertisement. The bids shall 31779
be opened and publicly read by the chief at twelve noon on the 31780
last day for filing them. Each bid shall contain the full names of 31781

every person or company interested in it, shall separately state 31782
the price of both the labor and material to be furnished under it, 31783
and shall meet the requirements of section 153.54 of the Revised 31784
Code. 31785

The chief may reject any bids. If the chief rejects all bids, 31786
the chief shall within sixty days thereafter readvertise for bids 31787
for the construction of such improvements, as provided in this 31788
section, and may continue to readvertise for bids every sixty days 31789
until bids are received which are made to the chief's satisfaction 31790
and in conformity to sections 1523.01 to 1523.13 of the Revised 31791
Code. 31792

The chief may award separate contracts to bidders for each 31793
part of the labor to be done or material to be furnished for the 31794
construction of such improvements, provided that the amount of the 31795
contract, if awarded as a whole, or the aggregate of the several 31796
contracts, if awarded separately, shall not, together with the 31797
cost of the land necessary for such improvements and the estimated 31798
damages to remaining property, be in excess of the estimated cost 31799
of the construction thereof, including such land and damages. Such 31800
contracts shall provide that all payments thereunder shall be made 31801
only from the proceeds of the sale of the bonds issued for the 31802
construction of such improvements. No contractor shall receive 31803
payment for any work or labor performed or material furnished for 31804
such improvements unless the contract therefor was, at the time of 31805
its execution, approved by the governor by the governor's written 31806
indorsement on such contract. 31807

Sec. 1523.04. When estimates or statements for either 31808
material theretofore furnished or labor theretofore performed 31809
under a contract entered into as provided in section 1523.03 of 31810
the Revised Code are presented to the chief of the division of 31811
~~soil and~~ water resources by the contractor, certified as to the 31812

correctness thereof under oath by the contractor or the 31813
contractor's authorized agent and approved in writing by the 31814
chief, the chief shall pay the amount of such estimates or 31815
statements from the water conservation improvement fund. 31816

Sec. 1523.05. The chief of the division of ~~soil and~~ water 31817
resources shall by contract in writing sell or lease for 31818
agricultural, commercial, manufacturing, or other lawful purposes, 31819
for any term not exceeding fifty years, the water, or any part 31820
thereof, conserved and stored by the improvements then existing, 31821
or that will be conserved and stored by any improvements 31822
thereafter to be constructed by the chief. The chief may lease the 31823
land surrounding the water for a term not exceeding fifty years, 31824
as shown by the plans and specifications prepared by the chief and 31825
approved by the governor as provided in section 1523.01 of the 31826
Revised Code. Such agreements shall be for a certain price or 31827
rental for the water or lands furnished to or used by the 31828
grantees, lessees, or their assigns, to be paid quarterly, 31829
semiannually, or annually as the chief deems advisable. 31830

The chief may, for a term not exceeding fifty years, sell or 31831
lease power generated by any head of water raised or maintained by 31832
any such improvement, or the chief may sell or lease the right to 31833
use such head of water for generating power or other hydraulic 31834
purposes. 31835

All such contracts of sale or lease, whether for water or 31836
power, shall contain such reservations or restrictions as the 31837
chief deems necessary and proper in furtherance of the purposes of 31838
sections 1523.01 to 1523.13 of the Revised Code, and the 31839
preservation of the use of such waters for navigation in case they 31840
are required therefor. 31841

Such contracts or leases shall be approved by the attorney 31842
general as to their general form and legality and, before becoming 31843

binding obligations on the state, they shall be approved by the 31844
governor by the governor's written indorsement thereon. 31845

Sec. 1523.06. (A) The chief of the division of ~~soil and~~ water 31846
resources before selling bonds as provided in section 1523.02 of 31847
the Revised Code or before receiving bids for the construction of 31848
improvements as authorized by section 1523.03 of the Revised Code 31849
may enter into tentative agreements for the sale or lease of water 31850
or power to: 31851

(1) Ascertain whether the public interest and welfare 31852
reasonably require the proposed improvements in the proposed 31853
locality; 31854

(2) Determine whether the revenues which the state may derive 31855
from the lease of lands and the lease and sale of the waters which 31856
are estimated will be conserved, impounded, and stored, or from 31857
the sale or lease of the power generated by such improvements, 31858
will be sufficient: 31859

(a) To pay the interest on bonds issued under section 1523.02 31860
of the Revised Code; 31861

(b) To create a sinking fund to retire the bonds at their 31862
maturity; 31863

(c) To maintain and keep the improvements in repair. 31864

(B) The performance and carrying out of such tentative 31865
agreements shall be conditioned upon the ability of such chief to: 31866

(1) Sell the proposed bonds at not less than par and accrued 31867
interest; 31868

(2) Secure bids for the furnishing of all the labor and 31869
material necessary in the construction of such improvements, 31870
including all real estate required and damages incurred, at such a 31871
price that the rentals or compensation to be paid will provide 31872
during the terms of such contracts or leases a sum sufficient to 31873

pay the interest, retire the bonds, and maintain and keep the 31874
improvements in repair. 31875

Sec. 1523.07. The treasurer of state shall be treasurer and 31876
the auditor of state shall be auditor of all moneys derived from 31877
the use of the improvements authorized by sections 1523.01 to 31878
1523.13 of the Revised Code. The treasurer of state shall hold the 31879
moneys as trustee for the maintenance of any improvements 31880
constructed under such sections, and for the holders of any bonds 31881
issued in accordance with section 1523.02 of the Revised Code. The 31882
moneys shall not be turned into the state treasury, but shall be 31883
deposited and disbursed by the treasurer of state in the manner 31884
provided in this section. All such moneys shall be collected by 31885
the treasurer of state on statements to be furnished by the chief 31886
of the division of ~~soil and~~ water resources and when so collected 31887
shall be deposited in solvent banks in the state upon the same 31888
terms as state funds are now loaned. The funds shall be kept by 31889
such banks in a fund known as the "water conservation fund" and 31890
shall be used, first, to maintain and keep in repair the dams, 31891
reservoirs, storage basins, and other improvements, and, second, 31892
to pay the interest upon and principal of the bonds issued and 31893
sold pursuant to section 1523.02 of the Revised Code, as such 31894
interest falls due or the bonds mature. 31895

The banks in which the treasurer of state deposits any of the 31896
moneys belonging either to the water conservation improvement fund 31897
provided for in section 1523.02 of the Revised Code or the water 31898
conservation fund provided for in this section shall be state 31899
depository banks as provided for in sections 135.01 to 135.21 of 31900
the Revised Code. An amount not to exceed fifty thousand dollars 31901
of the money on deposit at any one time in the water conservation 31902
improvement fund, and an amount not to exceed ten thousand dollars 31903
in the water conservation fund shall be held by any of the banks 31904
as an active deposit, and the banks shall pay the treasurer of 31905

state on such deposits, both active and inactive, the same rate of 31906
interest then being paid by them upon the funds of the state then 31907
deposited with them by the treasurer of state. All such payments 31908
of interest shall be credited to the respective funds upon which 31909
such interest is paid. 31910

Sec. 1523.08. When the cost of any repairs to the 31911
improvements authorized by section 1523.01 of the Revised Code 31912
does not exceed one thousand dollars, the chief of the division of 31913
~~soil and~~ water resources either may make such repairs or may let a 31914
contract therefor without advertising for bids. If the cost of any 31915
such repairs is in excess of one thousand dollars, the chief shall 31916
advertise for bids for the making of such repairs and let a 31917
contract therefor as provided in section 1523.03 of the Revised 31918
Code. 31919

When itemized statements are presented to the chief showing 31920
the amount of labor performed and material furnished in the making 31921
of such repairs, verified by the person making them and approved 31922
in writing by the chief, the chief shall pay the amount of such 31923
statement from the water conservation fund. 31924

Sec. 1523.09. If a reservoir, dam, storage basin, or other 31925
improvement constructed or enlarged by the chief of the division 31926
of ~~soil and~~ water resources as provided in sections 1523.01 to 31927
1523.13 of the Revised Code constitutes a part of the canal system 31928
of the state or is located upon any river, stream, or body of 31929
water formerly used as a feeder for the canal system, no water 31930
shall be sold or leased from the improvement except in accordance 31931
with section 1520.03 of the Revised Code. 31932

Sec. 1523.10. The funds derived from the sale, use, or lease 31933
of the water impounded and conserved or the power generated by the 31934
improvements constructed pursuant to sections 1523.01 to 1523.13 31935

of the Revised Code, or from the lease of the lands and 31936
improvements adjacent thereto are hereby expressly pledged for the 31937
purpose of maintaining and keeping the improvements in repair and 31938
for the payment of the interest on and principal of the bonds 31939
issued under section 1523.02 of the Revised Code, as the same fall 31940
due and mature. The owners of such bonds are hereby given a lien 31941
for the payment of the principal and interest of such bonds upon 31942
any dam, reservoir, storage basin, or other improvements, or any 31943
part thereof, with the appurtenances belonging thereto, 31944
constructed by the chief of the division of ~~soil and~~ water 31945
resources with the funds derived from the sale of such bonds. 31946

If default is made in the payment of the interest on any of 31947
the bonds for three or more successive years, or if bonds, 31948
aggregating in par value not less than ten per cent of the total 31949
amount of such bonds then outstanding are not paid at maturity, 31950
then all of the bonds, both principal and interest, shall become 31951
due and payable, and the owners of any of the bonds, aggregating 31952
in par value not less than ten per cent of the total amount of 31953
such bonds then outstanding, may institute proceedings to 31954
foreclose such lien against the state in the court of common pleas 31955
of the county in which is located any of the improvements, 31956
constructed, altered, or enlarged out of the proceeds of the sale 31957
of such bonds. 31958

The court shall have jurisdiction of such action with full 31959
power to foreclose such lien and to make an order to the sheriff 31960
of the county, acting as a master commissioner, directing the 31961
sheriff to make a sale of such improvements or part thereof at not 31962
less than two-thirds of the appraised value thereof, and upon such 31963
terms and in manner and form as provided for in the order, and to 31964
pay the proceeds of such sale to the clerk of the court of common 31965
pleas. Upon motion of the purchaser of such improvements at such 31966
sale, the court, if such sale is found to be regular in all 31967

respects and according to law, shall confirm the sale and order 31968
the sheriff to execute a deed to such purchaser and the 31969
purchaser's assigns, conveying to the purchaser and the 31970
purchaser's assigns all the right, title, and interest of the 31971
holders of the bonds in and to the improvements, and all the 31972
right, title, and interest of the state, for a period of not more 31973
than fifty years from the date of such conveyance, in the same, 31974
with full right and franchise, for the period of not to exceed 31975
fifty years, to operate the improvements and dispose of the water 31976
conserved or the power generated thereby, with the further right, 31977
for the period of fifty years, to flow, transport, and convey the 31978
water from the improvements, or to conduct and transmit power 31979
generated thereby through, over, and upon any of the lands of the 31980
state or channels or beds of any of its reservoirs, lakes, canals, 31981
races, aqueducts, or watercourses. In the exercise of such rights, 31982
such purchaser or the purchaser's assigns shall at all times 31983
during the term of the grant maintain the improvements so conveyed 31984
to them in a good state of repair and shall not interfere with the 31985
navigation of the canals of the state or with the control and 31986
maintenance thereof or with the sale of water by the state from 31987
its dams, reservoirs, and improvements other than those so 31988
constructed. The state does not incur any liability by reason of 31989
such sale and the rights granted thereunder to continue to 31990
maintain such canals, races, channels, or watercourses, or to 31991
continue the use thereof. Such conveyance or grant by the sheriff 31992
as such master commissioner shall contain a clause giving the 31993
chief such control of waste gates and wickets as to regulate the 31994
flow of water in the state reservoirs or canals, in such manner as 31995
to maintain the proper level therein and to prevent the flowing 31996
into such reservoirs and canals of such quantities of water as 31997
might impair any of the property of the state or its lessees, 31998
except as otherwise provided in section 1520.03 of the Revised 31999
Code. 32000

Upon the foreclosure of the lien and the sale of the 32001
improvements, all contracts or leases for the sale, use, or lease 32002
of water, the lands and improvements adjacent thereto, or power 32003
rights then outstanding shall become void, and the rights of the 32004
state and the several lessees thereunder, shall cease. 32005

Upon the making of an order by the court for the sale of such 32006
improvements, and before they are offered for sale by the sheriff, 32007
the court shall appoint three disinterested appraisers, one of 32008
whom shall be a water-works or hydraulic engineer with at least 32009
five years' experience in the practice of the engineer's 32010
profession, and two of whom shall be freeholders residing in the 32011
county in which any of such improvements are located. The 32012
appraisers shall appraise the improvements and shall, within the 32013
time fixed by the court, file such appraisal in writing with the 32014
clerk. If the lien given by this section as security for the 32015
payment of the bonds covers a part only of the improvements, the 32016
appraisers shall appraise the improvements as an entirety, and 32017
shall also appraise separately the part constructed from the 32018
proceeds of the sale of the bonds, the lien of which is being 32019
foreclosed in such proceeding. 32020

In making such appraisal and fixing the value of the 32021
improvements or of such part thereof, the appraisers shall have 32022
access to all papers and documents on file in the office of the 32023
chief relating to such improvements, including the plans and 32024
specifications therefor, and the bids made and contracts entered 32025
into for the construction thereof, and all leases and contracts 32026
for the sale of water impounded therein and power generated 32027
thereby. The order of the court shall direct the sale only of such 32028
part of the improvements as have been constructed from the 32029
proceeds of the sale of the bonds. The purchaser at such sale, in 32030
the operation of such improvements during the term of the 32031
franchise granted to the purchaser by this section, shall draw 32032

from the dam or reservoir impounding such water only such portion 32033
thereof as the appraised value of that part of such improvements, 32034
constructed from the proceeds of the sale of such bonds and sold 32035
to the purchaser under the order of the court, bears to the entire 32036
appraised value of such improvements. 32037

If at any time during the term of the franchise granted to 32038
the purchaser of such improvements at such foreclosure sale any 32039
controversy arises between the purchaser or the purchaser's 32040
assigns and the chief as to the operation of such improvements, or 32041
as to the amount of water which the purchaser is drawing or is 32042
entitled to draw therefrom, either the purchaser or the chief may 32043
file a petition in the court, setting forth the facts connected 32044
with such controversy. 32045

Notice in writing of the filing of such petition shall be 32046
given to the opposite party to the controversy within thirty days 32047
from the date of the filing thereof, either by service of such 32048
notice personally upon such opposite party by the sheriff of such 32049
county or by service by mail by the clerk. Such notice shall be 32050
mailed to the name and address which the purchaser filed with the 32051
clerk at the time of the delivery to the purchaser by the sheriff 32052
of the deed. Within thirty days from the serving or mailing of 32053
such notice, the opposite party to the controversy shall file an 32054
answer in the court, and thereupon the court shall hear and 32055
determine the controversy and make such order in regard to it as 32056
is just and proper, which order shall be binding upon all the 32057
parties to the controversy. 32058

At the termination of the period of not to exceed fifty 32059
years, all of the rights and privileges conveyed to the purchaser 32060
by the deed and grant of such sheriff as master commissioner shall 32061
cease and the improvements, with all the appurtenances belonging 32062
thereto, shall revert to and become the property of the state, 32063
free and clear of any claims whatever against them. 32064

The clerk shall distribute and pay the money received by the clerk from the sheriff as such master commissioner from the sale of such improvements to the holders of the bonds pro rata, and upon such payment to any of the bondholders, they shall surrender to the ~~the~~ clerk their bonds, with all unpaid interest coupons thereon. The clerk shall thereupon cancel the same and deliver them, so canceled, to the treasurer of the water conservation improvement fund.

Sec. 1523.11. All appropriations of property made by the chief of the division of ~~soil and~~ water resources in carrying out sections 1523.01 to 1523.13 of the Revised Code, shall be made in accordance with sections 163.01 to 163.22 of the Revised Code, provided that possession of any property so appropriated shall not be taken by the state or the chief before the compensation and damages awarded therefor in the appropriation proceedings have been paid into court.

Sec. 1523.12. Sections 1523.01 to 1523.13 of the Revised Code do not authorize any reduction in the quantity or any impairment in the quality of the water in any watershed, stream, or basin, developed or undeveloped, from which any political subdivision is, at the time the chief of the division of ~~soil and~~ water resources proposes and is proceeding to construct in such watershed, stream, or basin any of the improvements authorized by such sections, taking water for the use of itself or its inhabitants, or has plans under way, or has made or begun appropriation of any property or rights in such watershed, stream, or basin for the purpose of acquiring a water supply for itself or its inhabitants for either domestic, industrial, or other uses. Such sections do not authorize the chief to sell or lease the right to use water at any time for any purpose or to such an extent as to prejudice, abrogate, or supersede any of the water rights granted by the

state to the city of Akron as provided in volume 102, Ohio Laws, 32096
page 175, sections 1 to 3. 32097

Sec. 1523.13. If by reason of severe drought or other causes 32098
the water supply of any political subdivision is, in the judgment 32099
of the chief of the division of ~~soil and~~ water resources, at any 32100
time so reduced or impaired as to endanger the property of such 32101
political subdivision, or the health, safety, or property of the 32102
inhabitants thereof, then the chief, under such regulations as the 32103
chief prescribes, may grant to such political subdivision the 32104
right, during the continuance of such emergency, to draw or take 32105
such quantity of water as is necessary to protect the property of 32106
such political subdivision and the health, safety, or property of 32107
its inhabitants from any improvement constructed under sections 32108
1523.01 to 1523.13 of the Revised Code, before any of the lessees 32109
or grantees of the state using the water for industrial purposes 32110
take water therefrom. Such political subdivision shall pay such 32111
price per thousand gallons for the water so taken by it as is 32112
fixed by the chief and the governor. The price so fixed shall not 32113
exceed the maximum price then being paid for water to the state by 32114
any of its lessees or grantees. Such grant by the chief to such 32115
political subdivision shall not modify the terms or impair the 32116
validity of any leases then existing between the state and other 32117
persons, firms, or corporations, except as expressly provided in 32118
this section. 32119

Sec. 1523.14. The director of transportation in constructing 32120
highways, bridges, and culverts as provided by law; the board of 32121
county commissioners in constructing highways, bridges, and 32122
culverts as provided by law; the board of township trustees of any 32123
township in constructing highways, bridges, and culverts as 32124
provided by law; and any municipal corporation constructing or 32125
improving viaducts, bridges, and culverts under section 717.01 of 32126

the Revised Code, either severally or jointly, upon request of the 32127
chief of the division of ~~soil and~~ water resources and with the 32128
approval of the director of transportation, may construct and 32129
maintain slack-water dams in connection with the highway, highway 32130
bridge, or culvert so as to create reservoirs, ponds, water parks, 32131
basins, lakes, or other incidental works to conserve the water 32132
supply of the state. 32133

Sec. 1523.15. The chief of the division of ~~soil and~~ water 32134
resources may request the public authority having charge of the 32135
construction of state, county, or township highways, highway 32136
bridges, and culverts, or municipal streets, for the construction 32137
of slack-water dams in connection with the construction of any 32138
such highway, street, highway bridge, or culvert whenever, in the 32139
chief's opinion, the construction of such dam is desirable and 32140
feasible for the economical creation and construction of 32141
reservoirs, ponds, water parks, basins, lakes, or other incidental 32142
works for the conservation of the water supply of the state. 32143

The public authority having charge of such construction may 32144
approve such request when, in its opinion, the construction of 32145
such dams will not unnecessarily delay or hinder the construction 32146
of the highway, street, highway bridge, or culvert, or will not 32147
interfere with its value or use for highway purposes. 32148

If such request is approved, the chief, in cooperation with 32149
the department of transportation and the public authority 32150
participating in the project, shall make a survey and prepare 32151
plans, specifications, and estimates for the construction of such 32152
dams and the reservoir, pond, water park, basin, lake, or other 32153
incidental works in connection therewith. 32154

Upon approval of the plans and specifications and 32155
determination to proceed with the project, the chief shall enter 32156
into an agreement with the public authority on the distribution of 32157

the cost and expense of the construction of such dams and 32158
incidental works in connection therewith. The portion of the cost 32159
to be paid by the division of ~~soil and~~ water resources shall be 32160
paid from any funds appropriated for or paid into the division and 32161
available for such purpose. 32162

Such dams shall be constructed under and subject to any laws 32163
governing the construction of state, county, or township highways, 32164
bridges, or culverts. Any public authority undertaking 32165
construction under sections 1523.14 to 1523.20 of the Revised Code 32166
shall proceed in the same manner as provided for the construction 32167
of highway or street improvements. 32168

Sec. 1523.16. Any department or division of the state 32169
government, or any county, township, municipal corporation, park 32170
board, or district, or any organization, club, corporation, or 32171
private person may petition the chief of the division of ~~soil and~~ 32172
water resources for the construction of dams and reservoir 32173
projects in connection with the construction of any highway, 32174
highway bridge, or culvert. 32175

Upon receipt of such a petition and its approval by the 32176
chief, the chief shall proceed as authorized by section 1523.15 of 32177
the Revised Code. If the public authority having charge of the 32178
construction of such highway, street, highway bridge, or culvert 32179
approves the request, then the chief shall enter into an agreement 32180
with the public authority, organization, or person petitioning for 32181
the construction of such dam or reservoir on the apportionment of 32182
the cost and expense of construction. The cost and expense of such 32183
dam project shall include the cost of clearing and grubbing and 32184
the cost of property and damages incidental thereto. Such 32185
agreement shall also contain provisions for the proper maintenance 32186
and repair of such projects after completion, and also apportion 32187
the revenue derived therefrom between the division of ~~soil and~~ 32188

water resources and the petitioner. 32189

Sec. 1523.17. In all cases in which a public authority, 32190
private organization, or person petitions for the construction of 32191
a dam and reservoir project as authorized by sections 1523.14 to 32192
1523.20 of the Revised Code, the chief of the division of ~~soil and~~ 32193
water resources, as a condition precedent to the construction of 32194
such project, shall require the petitioning authority, 32195
organization, or person to pay the petitioning authority's, 32196
organization's, or person's share of the cost and expense of such 32197
project. 32198

Any deficiency shall be made up by the parties bearing the 32199
cost before any further work is done. If the deficiency is not 32200
made up within sixty days after it is known, the amount paid in, 32201
less the expense incurred by the chief and the cooperating public 32202
authorities, shall be refunded to the donor. After completion of 32203
the work, any amount remaining to the credit of the project shall 32204
likewise be refunded. 32205

Sec. 1523.18. In the construction of dams, reservoirs, and 32206
other incidental works under sections 1523.14 to 1523.20 of the 32207
Revised Code, the chief of the division of ~~soil and~~ water 32208
resources shall proceed as provided by law, and shall enter into 32209
contracts therefor as provided in sections 153.01 to 153.29 of the 32210
Revised Code. The director of transportation, the chief of the 32211
division of wildlife with the approval of the director of natural 32212
resources, and any county, township, municipal corporation, and 32213
public park board or district may proceed with the letting of 32214
contracts for the construction of such dams or reservoir projects, 32215
approved by the chief of the division of ~~soil and~~ water resources, 32216
under any laws regulating the letting of contracts applicable to 32217
their respective departments, divisions, districts, or political 32218
subdivisions, and the authority of sections 1523.14 to 1523.20 of 32219

the Revised Code. 32220

Sec. 1523.19. The chief of the division of ~~soil and~~ water 32221
resources shall have the supervision, care, and control of all 32222
dams, reservoirs, ponds, water parks, basins, lakes, or other 32223
incidental works constructed under sections 1523.14 to 1523.20 of 32224
the Revised Code, and shall maintain and keep them in repair. The 32225
cost of such maintenance and repair shall be paid from any funds 32226
appropriated to the division of ~~soil and~~ water resources for that 32227
purpose or paid into the state treasury as agreed upon with the 32228
public or contracting authorities co-operating in the construction 32229
of such projects. 32230

Such projects may also be maintained by any department or 32231
division of state government or other public authorities leasing 32232
or operating the projects, through agreements made with the chief. 32233
All rentals derived from the lessees of such projects shall be 32234
used by the chief in the maintenance or repair of all such 32235
projects constructed under such sections. The costs and expenses 32236
of the reconstruction of any such projects shall be distributed, 32237
unless otherwise agreed, on the same basis and pro-rata share of 32238
the costs and expenses as was paid by the contracting authorities 32239
contributing to the cost of the original project. 32240

Sec. 1523.20. When the chief of the division of ~~soil and~~ 32241
water resources and the owners of the lands, waters, or riparian 32242
rights are unable to agree upon the terms, purchase price, and 32243
sale thereof, the chief may acquire the lands by appropriation 32244
proceedings in the manner provided by sections 163.01 to 163.22 of 32245
the Revised Code. 32246

The title or lease to any such lands, waters, or riparian 32247
rights shall be taken by the chief, subject to the approval of the 32248
governor and the attorney general, in the name of the state. The 32249

lease rentals or purchase price of any such lands, waters, or 32250
riparian rights, as well as all costs and expenses of constructing 32251
any such reservoirs, ponds, water parks, basins, lakes, or other 32252
incidental works on those lands, may be paid for from any funds 32253
appropriated for the use of or paid into the division of ~~soil and~~ 32254
water resources and available for that purpose. The chief may 32255
accept contributions to those funds from individuals, 32256
associations, clubs, organizations, and corporations. 32257

Sec. 1531.35. The wildlife boater angler fund is hereby 32258
created in the state treasury. The fund shall consist of money 32259
credited to the fund pursuant to section 5735.051 of the Revised 32260
Code and other money contributed to the division of wildlife for 32261
the purposes of the fund. The fund shall be used for boating 32262
access construction, improvements, ~~and~~ maintenance and repair of 32263
dams and impoundments, and acquisitions, including lands and 32264
facilities for boating access, and to pay for equipment and 32265
personnel costs involved with those activities, on ~~lakes~~ waters on 32266
which the operation of gasoline-powered watercraft is permissible. 32267
However, not more than ~~two~~ five hundred thousand dollars of the 32268
annual expenditures from the fund may be used to pay for the 32269
equipment and personnel costs. 32270

Sec. 1547.69. (A) As used in this section: 32271

(1) "Firearm," "concealed handgun license," "handgun," and 32272
"valid concealed handgun license" have the same meanings as in 32273
section 2923.11 of the Revised Code. 32274

(2) "Unloaded" has the same meanings as in divisions (K)(5) 32275
and (6) of section 2923.16 of the Revised Code, except that all 32276
references in the definition in division (K)(5) of that section to 32277
"vehicle" shall be construed for purposes of this section to be 32278
references to "vessel." 32279

(B) No person shall knowingly discharge a firearm while in or on a vessel. 32280
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(C) No person shall knowingly transport or have a loaded firearm in a vessel in a manner that the firearm is accessible to the operator or any passenger. 32282
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(D) No person shall knowingly transport or have a firearm in a vessel unless it is unloaded and is carried in one of the following ways: 32285
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(1) In a closed package, box, or case; 32288

(2) In plain sight with the action opened or the weapon stripped, or, if the firearm is of a type on which the action will not stay open or that cannot easily be stripped, in plain sight. 32289
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(E)(1) The affirmative defenses authorized in divisions (D)(1) and (2) of section 2923.12 of the Revised Code are affirmative defenses to a charge under division (C) or (D) of this section that involves a firearm other than a handgun. It is an affirmative defense to a charge under division (C) or (D) of this section of transporting or having a firearm of any type, including a handgun, in a vessel that the actor transported or had the firearm in the vessel for any lawful purpose and while the vessel was on the actor's own property, provided that this affirmative defense is not available unless the actor, prior to arriving at the vessel on the actor's own property, did not transport or possess the firearm in the vessel or in a motor vehicle in a manner prohibited by this section or division (B) or (C) of section 2923.16 of the Revised Code while the vessel was being operated on a waterway that was not on the actor's own property or while the motor vehicle was being operated on a street, highway, or other public or private property used by the public for vehicular traffic. 32292
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(2) No person who is charged with a violation of division (C) 32310

or (D) of this section shall be required to obtain a license or 32311
temporary emergency license to carry a concealed handgun under 32312
section 2923.125 or 2923.1213 of the Revised Code as a condition 32313
for the dismissal of the charge. 32314

(F) Divisions (B), (C), and (D) of this section do not apply 32315
to the possession or discharge of a United States coast guard 32316
approved signaling device required to be carried aboard a vessel 32317
under section 1547.251 of the Revised Code when the signaling 32318
device is possessed or used for the purpose of giving a visual 32319
distress signal. No person shall knowingly transport or possess 32320
any signaling device of that nature in or on a vessel in a loaded 32321
condition at any time other than immediately prior to the 32322
discharge of the signaling device for the purpose of giving a 32323
visual distress signal. 32324

(G) No person shall operate or permit to be operated any 32325
vessel on the waters in this state in violation of this section. 32326

(H)(1) This section does not apply to any of the following: 32327

(a) An officer, agent, or employee of this or any other state 32328
or of the United States, or to a law enforcement officer, when 32329
authorized to carry or have loaded or accessible firearms in a 32330
vessel and acting within the scope of the officer's, agent's, or 32331
employee's duties; 32332

(b) Any person who is employed in this state, who is 32333
authorized to carry or have loaded or accessible firearms in a 32334
vessel, and who is subject to and in compliance with the 32335
requirements of section 109.801 of the Revised Code, unless the 32336
appointing authority of the person has expressly specified that 32337
the exemption provided in division (H)(1)(b) of this section does 32338
not apply to the person; 32339

(c) Any person legally engaged in hunting. 32340

(2) Divisions (C) and (D) of this section do not apply to a 32341

person who transports or possesses a handgun in a vessel and who, 32342
at the time of that transportation or possession, either is 32343
carrying a valid concealed handgun license or is eighteen years of 32344
age or older, is an active member of the armed forces of the 32345
United States, and is carrying a valid military identification 32346
card and a certificate issued by the person's applicable service 32347
branch indicating that the person has successfully completed small 32348
arms qualification, unless the person knowingly is in a place on 32349
the vessel described in division (B) of section 2923.126 of the 32350
Revised Code. 32351

(I) If a law enforcement officer stops a vessel for a 32352
violation of this section or any other law enforcement purpose, if 32353
any person on the vessel surrenders a firearm to the officer, 32354
either voluntarily or pursuant to a request or demand of the 32355
officer, and if the officer does not charge the person with a 32356
violation of this section or arrest the person for any offense, 32357
the person is not otherwise prohibited by law from possessing the 32358
firearm, and the firearm is not contraband, the officer shall 32359
return the firearm to the person at the termination of the stop. 32360

(J) Division (L) of section 2923.16 of the Revised Code 32361
applies with respect to division (A)(2) of this section, except 32362
that all references in division (L) of section 2923.16 of the 32363
Revised Code to "vehicle," to "this chapter," or to "division 32364
(K)(5)(a) or (b) of this section" shall be construed for purposes 32365
of this section to be, respectively, references to "vessel," to 32366
"section 1547.69 of the Revised Code," and to divisions (K)(5)(a) 32367
and (b) of section 2923.16 of the Revised Code as incorporated 32368
under the definition of firearm adopted under division (A)(2) of 32369
this section. 32370

Sec. 1548.11. (A) In the event of the transfer of ownership 32371
of a watercraft or outboard motor by operation of law, as upon 32372

inheritance, devise, bequest, order in bankruptcy, insolvency, 32373
replevin, or execution of sale, or whenever the engine of a 32374
watercraft is replaced by another engine, a watercraft or outboard 32375
motor is sold to satisfy storage or repair charges, or 32376
repossession is had upon default in performance of the terms of a 32377
security agreement as provided in Chapter 1309. of the Revised 32378
Code, a clerk of a court of common pleas, upon the surrender of 32379
the prior certificate of title or the manufacturer's or importer's 32380
certificate, or, when that is not possible, upon presentation of 32381
satisfactory proof to the clerk of ownership and rights of 32382
possession to the watercraft or outboard motor, and upon payment 32383
of the fee prescribed in section 1548.10 of the Revised Code and 32384
presentation of an application for certificate of title, may issue 32385
to the applicant a certificate of title to the watercraft or 32386
outboard motor. Only an affidavit by the person or agent of the 32387
person to whom possession of the watercraft or outboard motor has 32388
passed, setting forth the facts entitling the person to possession 32389
and ownership, together with a copy of the journal entry, court 32390
order, or instrument upon which the claim of possession and 32391
ownership is founded, is satisfactory proof of ownership and right 32392
of possession. If the applicant cannot produce such proof of 32393
ownership, the applicant may apply directly to the chief of the 32394
division of watercraft and submit such evidence as the applicant 32395
has, and the chief, if the chief finds the evidence sufficient, 32396
may authorize the clerk to issue a certificate of title. If the 32397
chief finds the evidence insufficient, the applicant may petition 32398
the court of common pleas for a court order ordering the clerk to 32399
issue a certificate of title. The court shall grant or deny the 32400
petition based on the sufficiency of the evidence presented to the 32401
court. If, from the records in the office of the clerk, there 32402
appears to be any lien on the watercraft or outboard motor, the 32403
certificate of title shall contain a statement of the lien unless 32404
the application is accompanied by proper evidence of its 32405

extinction. 32406

(B) Upon the death of one of the persons who have established 32407
joint ownership with right of survivorship under section 2131.12 32408
of the Revised Code in a watercraft or outboard motor and the 32409
presentation to the clerk of the title and the certificate of 32410
death of the deceased person, the clerk shall enter into the 32411
records the transfer of the watercraft or outboard motor to the 32412
surviving person, and the title to the watercraft or outboard 32413
motor immediately passes to the surviving person. The transfer 32414
does not affect any liens on the watercraft or outboard motor. 32415

(C) The clerk shall transfer a decedent's interest in one 32416
watercraft, one watercraft trailer, one outboard motor, or one of 32417
each to the decedent's surviving spouse as provided in section 32418
2106.19 of the Revised Code. 32419

(D) Upon the death of an owner of a watercraft or outboard 32420
motor designated in beneficiary form under section 2131.13 of the 32421
Revised Code, upon application of the transfer-on-death 32422
beneficiary or beneficiaries designated pursuant to that section, 32423
and upon presentation to the clerk of the certificate of title and 32424
the certificate of death of the deceased owner, the clerk shall 32425
transfer the watercraft or outboard motor and issue a certificate 32426
of title to the transfer-on-death beneficiary or beneficiaries. 32427
The transfer does not affect any liens upon any watercraft or 32428
outboard motor so transferred. 32429

Sec. 1561.04. The ~~chief of the division of mineral resources~~ 32430
~~management~~ director of natural resources or the director's 32431
designee shall annually make a report to the governor, which shall 32432
include: 32433

(A) A summary of the activities and of the reports of the 32434
deputy mine inspectors; 32435

(B) A statement of the condition and the operation of the mines of the state;

(C) A statement of the number of accidents in and about the mines, the manner in which they occurred, and any other data and facts bearing upon the prevention of accidents and the preservation of life, health, and property, and any suggestions relative to the better preservation of the life, health, and property of those engaged in the mining industry.

The records of the bureau of workers' compensation shall be available to the ~~chief~~ director or the director's designee for information concerning such a report. The ~~chief~~ director or the director's designee shall send by mail to each coal operator in the state, to a duly designated representative of the miners at each mine, and to such other persons as the ~~chief~~ director or the director's designee deems proper, a copy of such report. The ~~chief~~ director or the director's designee may have as many copies of such report printed as are needed to make the distribution thereof as provided in this section.

The ~~chief~~ director or the director's designee shall also prepare and publish for public distribution quarterly reports, including therein information relative to the items enumerated in this section that is pertinent or available at such times.

Sec. 1707.01. As used in this chapter:

(A) Whenever the context requires it, "division" or "division of securities" may be read as "director of commerce" or as "commissioner of securities."

(B) "Security" means any certificate or instrument, or any oral, written, or electronic agreement, understanding, or opportunity, that represents title to or interest in, or is secured by any lien or charge upon, the capital, assets, profits,

property, or credit of any person or of any public or governmental 32466
body, subdivision, or agency. It includes shares of stock, 32467
certificates for shares of stock, an uncertificated security, 32468
membership interests in limited liability companies, voting-trust 32469
certificates, warrants and options to purchase securities, 32470
subscription rights, interim receipts, interim certificates, 32471
promissory notes, all forms of commercial paper, evidences of 32472
indebtedness, bonds, debentures, land trust certificates, fee 32473
certificates, leasehold certificates, syndicate certificates, 32474
endowment certificates, interests in or under profit-sharing or 32475
participation agreements, interests in or under oil, gas, or 32476
mining leases, preorganization or reorganization subscriptions, 32477
preorganization certificates, reorganization certificates, 32478
interests in any trust or pretended trust, any investment 32479
contract, any life settlement interest, any instrument evidencing 32480
a promise or an agreement to pay money, warehouse receipts for 32481
intoxicating liquor, and the currency of any government other than 32482
those of the United States and Canada, but sections 1707.01 to 32483
1707.45 of the Revised Code do not apply to the sale of real 32484
estate. 32485

(C)(1) "Sale" has the full meaning of "sale" as applied by or 32486
accepted in courts of law or equity, and includes every 32487
disposition, or attempt to dispose, of a security or of an 32488
interest in a security. "Sale" also includes a contract to sell, 32489
an exchange, an attempt to sell, an option of sale, a solicitation 32490
of a sale, a solicitation of an offer to buy, a subscription, or 32491
an offer to sell, directly or indirectly, by agent, circular, 32492
pamphlet, advertisement, or otherwise. 32493

(2) "Sell" means any act by which a sale is made. 32494

(3) The use of advertisements, circulars, or pamphlets in 32495
connection with the sale of securities in this state exclusively 32496
to the purchasers specified in division (D) of section 1707.03 of 32497

the Revised Code is not a sale when the advertisements, circulars, and pamphlets describing and offering those securities bear a readily legible legend in substance as follows: "This offer is made on behalf of dealers licensed under sections 1707.01 to 1707.45 of the Revised Code, and is confined in this state exclusively to institutional investors and licensed dealers."

(4) The offering of securities by any person in conjunction with a licensed dealer by use of advertisement, circular, or pamphlet is not a sale if that person does not otherwise attempt to sell securities in this state.

(5) Any security given with, or as a bonus on account of, any purchase of securities is conclusively presumed to constitute a part of the subject of that purchase and has been "sold."

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person acting in a representative capacity, includes sale on behalf of such party by an agent, including a licensed dealer or salesperson.

(D) "Person," except as otherwise provided in this chapter, means a natural person, firm, partnership, limited partnership, partnership association, syndicate, joint-stock company, unincorporated association, trust or trustee except where the trust was created or the trustee designated by law or judicial authority or by a will, and a corporation or limited liability company organized under the laws of any state, any foreign government, or any political subdivision of a state or foreign government.

(E)(1) "Dealer," except as otherwise provided in this chapter, means every person, other than a salesperson, who engages or professes to engage, in this state, for either all or part of the person's time, directly or indirectly, either in the business of the sale of securities for the person's own account, or in the

business of the purchase or sale of securities for the account of 32529
others in the reasonable expectation of receiving a commission, 32530
fee, or other remuneration as a result of engaging in the purchase 32531
and sale of securities. "Dealer" does not mean any of the 32532
following: 32533

(a) Any issuer, including any officer, director, employee, or 32534
trustee of, or member or manager of, or partner in, or any general 32535
partner of, any issuer, that sells, offers for sale, or does any 32536
act in furtherance of the sale of a security that represents an 32537
economic interest in that issuer, provided no commission, fee, or 32538
other similar remuneration is paid to or received by the issuer 32539
for the sale; 32540

(b) Any licensed attorney, public accountant, or firm of such 32541
attorneys or accountants, whose activities are incidental to the 32542
practice of the attorney's, accountant's, or firm's profession; 32543

(c) Any person that, for the account of others, engages in 32544
the purchase or sale of securities that are issued and outstanding 32545
before such purchase and sale, if a majority or more of the equity 32546
interest of an issuer is sold in that transaction, and if, in the 32547
case of a corporation, the securities sold in that transaction 32548
represent a majority or more of the voting power of the 32549
corporation in the election of directors; 32550

(d) Any person that brings an issuer together with a 32551
potential investor and whose compensation is not directly or 32552
indirectly based on the sale of any securities by the issuer to 32553
the investor; 32554

(e) Any bank; 32555

(f) Any person that the division of securities by rule 32556
exempts from the definition of "dealer" under division (E)(1) of 32557
this section. 32558

(2) "Licensed dealer" means a dealer licensed under this 32559

chapter. 32560

(F)(1) "Salesman" or "salesperson" means every natural 32561
person, other than a dealer, who is employed, authorized, or 32562
appointed by a dealer to sell securities within this state. 32563

(2) The general partners of a partnership, and the executive 32564
officers of a corporation or unincorporated association, licensed 32565
as a dealer are not salespersons within the meaning of this 32566
definition, nor are clerical or other employees of an issuer or 32567
dealer that are employed for work to which the sale of securities 32568
is secondary and incidental; but the division of securities may 32569
require a license from any such partner, executive officer, or 32570
employee if it determines that protection of the public 32571
necessitates the licensing. 32572

(3) "Licensed salesperson" means a salesperson licensed under 32573
this chapter. 32574

(G) "Issuer" means every person who has issued, proposes to 32575
issue, or issues any security. 32576

(H) "Director" means each director or trustee of a 32577
corporation, each trustee of a trust, each general partner of a 32578
partnership, except a partnership association, each manager of a 32579
partnership association, and any person vested with managerial or 32580
directory power over an issuer not having a board of directors or 32581
trustees. 32582

(I) "Incorporator" means any incorporator of a corporation 32583
and any organizer of, or any person participating, other than in a 32584
representative or professional capacity, in the organization of an 32585
unincorporated issuer. 32586

(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent 32587
practices," or "fraudulent transactions" means anything recognized 32588
on or after July 22, 1929, as such in courts of law or equity; any 32589
device, scheme, or artifice to defraud or to obtain money or 32590

property by means of any false pretense, representation, or 32591
promise; any fictitious or pretended purchase or sale of 32592
securities; and any act, practice, transaction, or course of 32593
business relating to the purchase or sale of securities that is 32594
fraudulent or that has operated or would operate as a fraud upon 32595
the seller or purchaser. 32596

(K) Except as otherwise specifically provided, whenever any 32597
classification or computation is based upon "par value," as 32598
applied to securities without par value, the average of the 32599
aggregate consideration received or to be received by the issuer 32600
for each class of those securities shall be used as the basis for 32601
that classification or computation. 32602

(L)(1) "Intangible property" means patents, copyrights, 32603
secret processes, formulas, services, good will, promotion and 32604
organization fees and expenses, trademarks, trade brands, trade 32605
names, licenses, franchises, any other assets treated as 32606
intangible according to generally accepted accounting principles, 32607
and securities, accounts receivable, or contract rights having no 32608
readily determinable value. 32609

(2) "Tangible property" means all property other than 32610
intangible property and includes securities, accounts receivable, 32611
and contract rights, when the securities, accounts receivable, or 32612
contract rights have a readily determinable value. 32613

(M) "Public utilities" means those utilities defined in 32614
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 32615
Code; in the case of a foreign corporation, it means those 32616
utilities defined as public utilities by the laws of its domicile; 32617
and in the case of any other foreign issuer, it means those 32618
utilities defined as public utilities by the laws of the situs of 32619
its principal place of business. The term always includes 32620
railroads whether or not they are so defined as public utilities. 32621

(N) "State" means any state of the United States, any 32622
territory or possession of the United States, the District of 32623
Columbia, and any province of Canada. 32624

(O) "Bank" means any bank, trust company, savings and loan 32625
association, savings bank, or credit union that is incorporated or 32626
organized under the laws of the United States, any state of the 32627
United States, Canada, or any province of Canada and that is 32628
subject to regulation or supervision by that country, state, or 32629
province. 32630

(P) "Include," when used in a definition, does not exclude 32631
other things or persons otherwise within the meaning of the term 32632
defined. 32633

(Q)(1) "Registration by description" means that the 32634
requirements of section 1707.08 of the Revised Code have been 32635
complied with. 32636

(2) "Registration by qualification" means that the 32637
requirements of sections 1707.09 and 1707.11 of the Revised Code 32638
have been complied with. 32639

(3) "Registration by coordination" means that there has been 32640
compliance with section 1707.091 of the Revised Code. Reference in 32641
this chapter to registration by qualification also includes 32642
registration by coordination unless the context otherwise 32643
indicates. 32644

(R) "Intoxicating liquor" includes all liquids and compounds 32645
that contain more than three and two-tenths per cent of alcohol by 32646
weight and are fit for use for beverage purposes. 32647

(S) "Institutional investor" means ~~any corporation, bank,~~ 32648
~~insurance company, pension fund or pension fund trust, employees'~~ 32649
~~profit sharing fund or employees' profit sharing trust, any~~ 32650
~~association engaged, as a substantial part of its business or~~ 32651
~~operations, in purchasing or holding securities, or any trust in~~ 32652

~~respect of which a bank is trustee or cotrustee. "Institutional investor" does not include any business entity formed for the primary purpose of evading sections 1707.01 to 1707.45 of the Revised Code any of the following, whether acting for itself or for others in a fiduciary capacity:~~ 32653
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(1) A bank or international banking institution; 32658

(2) An insurance company; 32659

(3) A separate account of an insurance company; 32660

(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3; 32661
32662

(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer; 32663
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(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following: 32666
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32670

(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended; 32671
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(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3; 32673
32674
32675

(c) An investment adviser registered under this chapter, a bank, or an insurance company. 32676
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(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated 32678
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public official or by a named fiduciary, as defined in the 32683
"Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, 32684
that is one of the following: 32685

(a) A broker-dealer registered under the "Securities Exchange 32686
Act of 1934," 15 U.S.C. 78o, as amended; 32687

(b) An investment adviser registered or exempt from 32688
registration under the "Investment Advisers Act of 1940," 15 32689
U.S.C. 80b-3; 32690

(c) An investment adviser registered under this chapter, a 32691
bank, or an insurance company. 32692

(8) A trust, if it has total assets in excess of ten million 32693
dollars, its trustee is a bank, and its participants are 32694
exclusively plans of the types identified in division (S)(6) or 32695
(7) of this section, regardless of the size of their assets, 32696
except a trust that includes as participants self-directed 32697
individual retirement accounts or similar self-directed plans; 32698

(9) An organization described in section 501(c)(3) of the 32699
"Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, 32700
corporation, Massachusetts trust or similar business trust, 32701
limited liability company, or partnership, not formed for the 32702
specific purpose of acquiring the securities offered, with total 32703
assets in excess of ten million dollars; 32704

(10) A small business investment company licensed by the 32705
small business administration under section 301(c) of the "Small 32706
Business Investment Act of 1958," 15 U.S.C. 681(c), with total 32707
assets in excess of ten million dollars; 32708

(11) A private business development company as defined in 32709
section 202(a)(22) of the "Investment Advisers Act of 1940," 15 32710
U.S.C. 80b-2(a)(22), with total assets in excess of ten million 32711
dollars; 32712

<u>(12) A federal covered investment adviser acting for its own</u>	32713
<u>account;</u>	32714
<u>(13) A "qualified institutional buyer" as defined in 17</u>	32715
<u>C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);</u>	32716
<u>(14) A "major U.S. institutional investor" as defined in 17</u>	32717
<u>C.F.R. 240.15a-6(b)(4)(i);</u>	32718
<u>(15) Any other person, other than an individual, of</u>	32719
<u>institutional character with total assets in excess of ten million</u>	32720
<u>dollars not organized for the specific purpose of evading this</u>	32721
<u>chapter;</u>	32722
<u>(16) Any other person specified by rule adopted or order</u>	32723
<u>issued under this chapter.</u>	32724
(T) A reference to a statute of the United States or to a	32725
rule, regulation, or form promulgated by the securities and	32726
exchange commission or by another federal agency means the	32727
statute, rule, regulation, or form as it exists at the time of the	32728
act, omission, event, or transaction to which it is applied under	32729
this chapter.	32730
(U) "Securities and exchange commission" means the securities	32731
and exchange commission established by the Securities Exchange Act	32732
of 1934.	32733
(V)(1) "Control bid" means the purchase of or offer to	32734
purchase any equity security of a subject company from a resident	32735
of this state if either of the following applies:	32736
(a) After the purchase of that security, the offeror would be	32737
directly or indirectly the beneficial owner of more than ten per	32738
cent of any class of the issued and outstanding equity securities	32739
of the issuer.	32740
(b) The offeror is the subject company, there is a pending	32741
control bid by a person other than the issuer, and the number of	32742

the issued and outstanding shares of the subject company would be 32743
reduced by more than ten per cent. 32744

(2) For purposes of division (V)(1) of this section, "control 32745
bid" does not include any of the following: 32746

(a) A bid made by a dealer for the dealer's own account in 32747
the ordinary course of business of buying and selling securities; 32748

(b) An offer to acquire any equity security solely in 32749
exchange for any other security, or the acquisition of any equity 32750
security pursuant to an offer, for the sole account of the 32751
offeror, in good faith and not for the purpose of avoiding the 32752
provisions of this chapter, and not involving any public offering 32753
of the other security within the meaning of Section 4 of Title I 32754
of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), 32755
as amended; 32756

(c) Any other offer to acquire any equity security, or the 32757
acquisition of any equity security pursuant to an offer, for the 32758
sole account of the offeror, from not more than fifty persons, in 32759
good faith and not for the purpose of avoiding the provisions of 32760
this chapter. 32761

(W) "Offeror" means a person who makes, or in any way 32762
participates or aids in making, a control bid and includes persons 32763
acting jointly or in concert, or who intend to exercise jointly or 32764
in concert any voting rights attached to the securities for which 32765
the control bid is made and also includes any subject company 32766
making a control bid for its own securities. 32767

(X)(1) "Investment adviser" means any person who, for 32768
compensation, engages in the business of advising others, either 32769
directly or through publications or writings, as to the value of 32770
securities or as to the advisability of investing in, purchasing, 32771
or selling securities, or who, for compensation and as a part of 32772
regular business, issues or promulgates analyses or reports 32773

concerning securities. 32774

(2) "Investment adviser" does not mean any of the following: 32775

(a) Any attorney, accountant, engineer, or teacher, whose 32776
performance of investment advisory services described in division 32777
(X)(1) of this section is solely incidental to the practice of the 32778
attorney's, accountant's, engineer's, or teacher's profession; 32779

(b) A publisher of any bona fide newspaper, news magazine, or 32780
business or financial publication of general and regular 32781
circulation; 32782

(c) A person who acts solely as an investment adviser 32783
representative; 32784

(d) A bank holding company, as defined in the "Bank Holding 32785
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 32786
investment company; 32787

(e) A bank, or any receiver, conservator, or other 32788
liquidating agent of a bank; 32789

(f) Any licensed dealer or licensed salesperson whose 32790
performance of investment advisory services described in division 32791
(X)(1) of this section is solely incidental to the conduct of the 32792
dealer's or salesperson's business as a licensed dealer or 32793
licensed salesperson and who receives no special compensation for 32794
the services; 32795

(g) Any person, the advice, analyses, or reports of which do 32796
not relate to securities other than securities that are direct 32797
obligations of, or obligations guaranteed as to principal or 32798
interest by, the United States, or securities issued or guaranteed 32799
by corporations in which the United States has a direct or 32800
indirect interest, and that have been designated by the secretary 32801
of the treasury as exempt securities as defined in the "Securities 32802
Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c; 32803

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal executive office is located in this state, or it owns or controls assets located within this state that have a fair market value of at least one million dollars.

(b) More than ten per cent of its beneficial or record equity security holders are resident in this state, more than ten per cent of its equity securities are owned beneficially or of record by residents in this state, or more than one thousand of its beneficial or record equity security holders are resident in this state.

(2) The division of securities may adopt rules to establish more specific application of the provisions set forth in division (Y)(1) of this section. Notwithstanding the provisions set forth

in division (Y)(1) of this section and any rules adopted under 32835
this division, the division, by rule or in an adjudicatory 32836
proceeding, may make a determination that an issuer does not 32837
constitute a "subject company" under division (Y)(1) of this 32838
section if appropriate review of control bids involving the issuer 32839
is to be made by any regulatory authority of another jurisdiction. 32840

(Z) "Beneficial owner" includes any person who directly or 32841
indirectly through any contract, arrangement, understanding, or 32842
relationship has or shares, or otherwise has or shares, the power 32843
to vote or direct the voting of a security or the power to dispose 32844
of, or direct the disposition of, the security. "Beneficial 32845
ownership" includes the right, exercisable within sixty days, to 32846
acquire any security through the exercise of any option, warrant, 32847
or right, the conversion of any convertible security, or 32848
otherwise. Any security subject to any such option, warrant, 32849
right, or conversion privilege held by any person shall be deemed 32850
to be outstanding for the purpose of computing the percentage of 32851
outstanding securities of the class owned by that person, but 32852
shall not be deemed to be outstanding for the purpose of computing 32853
the percentage of the class owned by any other person. A person 32854
shall be deemed the beneficial owner of any security beneficially 32855
owned by any relative or spouse or relative of the spouse residing 32856
in the home of that person, any trust or estate in which that 32857
person owns ten per cent or more of the total beneficial interest 32858
or serves as trustee or executor, any corporation or entity in 32859
which that person owns ten per cent or more of the equity, and any 32860
affiliate or associate of that person. 32861

(AA) "Offeree" means the beneficial or record owner of any 32862
security that an offeror acquires or offers to acquire in 32863
connection with a control bid. 32864

(BB) "Equity security" means any share or similar security, 32865
or any security convertible into any such security, or carrying 32866

any warrant or right to subscribe to or purchase any such 32867
security, or any such warrant or right, or any other security 32868
that, for the protection of security holders, is treated as an 32869
equity security pursuant to rules of the division of securities. 32870

(CC)(1) "Investment adviser representative" means a 32871
supervised person of an investment adviser, provided that the 32872
supervised person has more than five clients who are natural 32873
persons other than excepted persons defined in division (EE) of 32874
this section, and that more than ten per cent of the supervised 32875
person's clients are natural persons other than excepted persons 32876
defined in division (EE) of this section. "Investment adviser 32877
representative" does not mean any of the following: 32878

(a) A supervised person that does not on a regular basis 32879
solicit, meet with, or otherwise communicate with clients of the 32880
investment adviser; 32881

(b) A supervised person that provides only investment 32882
advisory services described in division (X)(1) of this section by 32883
means of written materials or oral statements that do not purport 32884
to meet the objectives or needs of specific individuals or 32885
accounts; 32886

(c) Any other person that the division designates by rule, if 32887
the division finds that the designation is necessary or 32888
appropriate in the public interest or for the protection of 32889
investors or clients and is consistent with the provisions fairly 32890
intended by the policy and provisions of this chapter. 32891

(2) For the purpose of the calculation of clients in division 32892
(CC)(1) of this section, a natural person and the following 32893
persons are deemed a single client: Any minor child of the natural 32894
person; any relative, spouse, or relative of the spouse of the 32895
natural person who has the same principal residence as the natural 32896
person; all accounts of which the natural person or the persons 32897

referred to in division (CC)(2) of this section are the only 32898
primary beneficiaries; and all trusts of which the natural person 32899
or persons referred to in division (CC)(2) of this section are the 32900
only primary beneficiaries. Persons who are not residents of the 32901
United States need not be included in the calculation of clients 32902
under division (CC)(1) of this section. 32903

(3) If subsequent to March 18, 1999, amendments are enacted 32904
or adopted defining "investment adviser representative" for 32905
purposes of the Investment Advisers Act of 1940 or additional 32906
rules or regulations are promulgated by the securities and 32907
exchange commission regarding the definition of "investment 32908
adviser representative" for purposes of the Investment Advisers 32909
Act of 1940, the division of securities shall, by rule, adopt the 32910
substance of the amendments, rules, or regulations, unless the 32911
division finds that the amendments, rules, or regulations are not 32912
necessary for the protection of investors or in the public 32913
interest. 32914

(DD) "Supervised person" means a natural person who is any of 32915
the following: 32916

(1) A partner, officer, or director of an investment adviser, 32917
or other person occupying a similar status or performing similar 32918
functions with respect to an investment adviser; 32919

(2) An employee of an investment adviser; 32920

(3) A person who provides investment advisory services 32921
described in division (X)(1) of this section on behalf of the 32922
investment adviser and is subject to the supervision and control 32923
of the investment adviser. 32924

(EE) "Excepted person" means a natural person to whom any of 32925
the following applies: 32926

(1) Immediately after entering into the investment advisory 32927
contract with the investment adviser, the person has at least 32928

seven hundred fifty thousand dollars under the management of the 32929
investment adviser. 32930

(2) The investment adviser reasonably believes either of the 32931
following at the time the investment advisory contract is entered 32932
into with the person: 32933

(a) The person has a net worth, together with assets held 32934
jointly with a spouse, of more than one million five hundred 32935
thousand dollars. 32936

(b) The person is a qualified purchaser as defined in 32937
division (FF) of this section. 32938

(3) Immediately prior to entering into an investment advisory 32939
contract with the investment adviser, the person is either of the 32940
following: 32941

(a) An executive officer, director, trustee, general partner, 32942
or person serving in a similar capacity, of the investment 32943
adviser; 32944

(b) An employee of the investment adviser, other than an 32945
employee performing solely clerical, secretarial, or 32946
administrative functions or duties for the investment adviser, 32947
which employee, in connection with the employee's regular 32948
functions or duties, participates in the investment activities of 32949
the investment adviser, provided that, for at least twelve months, 32950
the employee has been performing such nonclerical, nonsecretarial, 32951
or nonadministrative functions or duties for or on behalf of the 32952
investment adviser or performing substantially similar functions 32953
or duties for or on behalf of another company. 32954

If subsequent to March 18, 1999, amendments are enacted or 32955
adopted defining "excepted person" for purposes of the Investment 32956
Advisers Act of 1940 or additional rules or regulations are 32957
promulgated by the securities and exchange commission regarding 32958
the definition of "excepted person" for purposes of the Investment 32959

Advisers Act of 1940, the division of securities shall, by rule, 32960
adopt the substance of the amendments, rules, or regulations, 32961
unless the division finds that the amendments, rules, or 32962
regulations are not necessary for the protection of investors or 32963
in the public interest. 32964

(FF)(1) "Qualified purchaser" means either of the following: 32965

(a) A natural person who owns not less than five million 32966
dollars in investments as defined by rule by the division of 32967
securities; 32968

(b) A natural person, acting for the person's own account or 32969
accounts of other qualified purchasers, who in the aggregate owns 32970
and invests on a discretionary basis, not less than twenty-five 32971
million dollars in investments as defined by rule by the division 32972
of securities. 32973

(2) If subsequent to March 18, 1999, amendments are enacted 32974
or adopted defining "qualified purchaser" for purposes of the 32975
Investment Advisers Act of 1940 or additional rules or regulations 32976
are promulgated by the securities and exchange commission 32977
regarding the definition of "qualified purchaser" for purposes of 32978
the Investment Advisers Act of 1940, the division of securities 32979
shall, by rule, adopt the amendments, rules, or regulations, 32980
unless the division finds that the amendments, rules, or 32981
regulations are not necessary for the protection of investors or 32982
in the public interest. 32983

(GG)(1) "Purchase" has the full meaning of "purchase" as 32984
applied by or accepted in courts of law or equity and includes 32985
every acquisition of, or attempt to acquire, a security or an 32986
interest in a security. "Purchase" also includes a contract to 32987
purchase, an exchange, an attempt to purchase, an option to 32988
purchase, a solicitation of a purchase, a solicitation of an offer 32989
to sell, a subscription, or an offer to purchase, directly or 32990

indirectly, by agent, circular, pamphlet, advertisement, or 32991
otherwise. 32992

(2) "Purchase" means any act by which a purchase is made. 32993

(3) Any security given with, or as a bonus on account of, any 32994
purchase of securities is conclusively presumed to constitute a 32995
part of the subject of that purchase. 32996

(HH) "Life settlement interest" means the entire interest or 32997
any fractional interest in an insurance policy or certificate of 32998
insurance, or in an insurance benefit under such a policy or 32999
certificate, that is the subject of a life settlement contract. 33000

For purposes of this division, "life settlement contract" 33001
means an agreement for the purchase, sale, assignment, transfer, 33002
devise, or bequest of any portion of the death benefit or 33003
ownership of any life insurance policy or contract, in return for 33004
consideration or any other thing of value that is less than the 33005
expected death benefit of the life insurance policy or contract. 33006
"Life settlement contract" includes a viatical settlement contract 33007
as defined in section 3916.01 of the Revised Code, but does not 33008
include any of the following: 33009

(1) A loan by an insurer under the terms of a life insurance 33010
policy, including, but not limited to, a loan secured by the cash 33011
value of the policy; 33012

(2) An agreement with a bank that takes an assignment of a 33013
life insurance policy as collateral for a loan; 33014

(3) The provision of accelerated benefits as defined in 33015
section 3915.21 of the Revised Code; 33016

(4) Any agreement between an insurer and a reinsurer; 33017

(5) An agreement by an individual to purchase an existing 33018
life insurance policy or contract from the original owner of the 33019
policy or contract, if the individual does not enter into more 33020

than one life settlement contract per calendar year; 33021

(6) The initial purchase of an insurance policy or 33022
certificate of insurance from its owner by a viatical settlement 33023
provider, as defined in section 3916.01 of the Revised Code, that 33024
is licensed under Chapter 3916. of the Revised Code. 33025

(II) "State retirement system" means the public employees 33026
retirement system, Ohio police and fire pension fund, state 33027
teachers retirement system, school employees retirement system, 33028
and state highway patrol retirement system. 33029

(JJ) "State retirement system investment officer" means an 33030
individual employed by a state retirement system as a chief 33031
investment officer, assistant investment officer, or the person in 33032
charge of a class of assets or in a position that is substantially 33033
equivalent to chief investment officer, assistant investment 33034
officer, or person in charge of a class of assets. 33035

(KK) "Bureau of workers' compensation chief investment 33036
officer" means an individual employed by the administrator of 33037
workers' compensation as a chief investment officer or in a 33038
position that is substantially equivalent to a chief investment 33039
officer. 33040

Sec. 1707.14. (A)~~(1)~~ No person shall act as a dealer, unless 33041
the person is licensed as a dealer by the division of securities, 33042
except ~~in~~ when at least one of the following cases applies: 33043

~~(a)~~(1) When the person is transacting business through or 33044
with a licensed dealer; 33045

~~(b)~~(2) When the securities are the subject matter of one or 33046
more transactions enumerated in divisions (B) to (L), (O) to (R), 33047
and (U) to (Y) of section 1707.03, or in section 1707.06 of the 33048
Revised Code, except when a commission, discount, or other 33049
remuneration is paid or given in consideration with transactions 33050

enumerated in divisions (O), (Q), (W), (X), and (Y) of section 33051
1707.03, or in section 1707.06 of the Revised Code; 33052

~~(e)(3)~~ When the person is an issuer selling securities issued 33053
by it or by its subsidiary, if such securities are specified under 33054
division (G) or (I) of section 1707.02, or under section 1707.04 33055
of the Revised Code; 33056

~~(d)(4)~~ When the person is participating in transactions 33057
exempt, under section 1707.34 of the Revised Code, from this 33058
chapter; 33059

(5) When the person has no place of business in this state, 33060
is registered with the securities and exchange commission, and the 33061
only transactions effected in this state are with institutional 33062
investors. 33063

~~(2) Notwithstanding the exceptions to licensure set forth in 33064
divisions (A)(1)(a) to (d) of this section, no person other than 33065
an issuer selling its own securities shall engage in the business 33066
of selling securities to an institutional investor unless the 33067
person is licensed as a dealer or the division, by rule, finds 33068
that such licensure is not necessary for the protection of 33069
investors or in the public interest.~~ 33070

(B) Each dealer that in any twelve-month or shorter period, 33071
alone or with any other dealer with which it is affiliated, has 33072
total revenues of one hundred fifty thousand dollars or more 33073
derived from the business of buying, selling, or otherwise dealing 33074
in securities, and that at any time during such period has one 33075
hundred or more retail securities customers, shall be registered 33076
as a broker or dealer with the securities and exchange commission 33077
under the Securities Exchange Act of 1934, except the following 33078
entities: 33079

(1) A bank; 33080

(2) A dealer that enters into and is in compliance with an 33081

undertaking accepted by the division, in which the dealer agrees 33082
that it will not engage in any transaction involving the buying, 33083
selling, or otherwise dealing in securities with any natural 33084
person in this state, except for transactions involving either of 33085
the following: 33086

(a) Securities of corporations or associations that have 33087
qualified for treatment as nonprofit organizations pursuant to 33088
section 501(c)(3) of the "Internal Revenue Code of 1986," 100 33089
Stat. 2085, 26 U.S.C.A. 501, as amended; 33090

(b) Securities or transactions that are described in 33091
divisions (A)(1)~~(a)~~ to ~~(d)~~(4) of this section. 33092

(C) Every dealer that must be registered as a broker or 33093
dealer with the securities and exchange commission pursuant to 33094
division (B) of this section shall become so registered no later 33095
than ninety days after the date on which the dealer meets the 33096
requirements for such registration. 33097

(D) The division by rule may exempt any dealer from complying 33098
with the licensing or registration requirements of this section, 33099
if the division finds that such licensing or registration is not 33100
necessary for the protection of investors or in the public 33101
interest. 33102

(E) As used in division (B) of this section, "retail 33103
securities customer" means a person that purchases from or through 33104
or sells securities to or through a dealer, and that is not an 33105
officer, a director, a principal, a general partner, or an 33106
employee of, the dealer. Each of the following is deemed to be a 33107
single retail securities customer: 33108

(1) A husband and wife; 33109

(2) A minor child and the minor child's parent or legal 33110
guardian; 33111

(3) A corporation, a partnership, an association or other 33112
unincorporated entity, a joint stock company, or a trust. 33113

Sec. 1711.15. In any county in which there is a duly 33114
organized county agricultural society, the board of county 33115
commissioners or the county agricultural society itself may 33116
purchase or lease, for a term of not less than twenty years, real 33117
estate on which to hold fairs under the management and control of 33118
the county agricultural society, and may erect suitable buildings 33119
on the real estate and otherwise improve it. 33120

In counties in which there is a county agricultural society 33121
that has purchased, or leased, for a term of not less than twenty 33122
years, real estate as a site on which to hold fairs, ~~or in which~~ 33123
if the title to the site is vested in fee in the county, the board 33124
of county commissioners may erect or repair buildings or otherwise 33125
improve the site and pay the rental of it, or contribute to or pay 33126
any other form of indebtedness of the society, if the director of 33127
agriculture has certified to the board that the county 33128
agricultural society is complying with all laws and rules 33129
governing the operation of county agricultural societies. The 33130
board may appropriate from the county's general fund or permanent 33131
improvement fund, and may appropriate revenue from a tax levied 33132
under division (L) of section 5739.09 of the Revised Code, any 33133
amount that it considers necessary for any of those purposes, 33134
provided that an appropriation of revenue from that tax may be 33135
expended only for the purposes provided in the resolution levying 33136
that tax. 33137

Sec. 1711.16. When the control and management of a fairground 33138
is in a county agricultural society, and the board of county 33139
commissioners has appropriated an amount for the aid of the 33140
society as provided in section 1711.15 of the Revised Code, the 33141
society, with the consent of the board, may contract for the 33142

erection or repair of buildings or otherwise improve the 33143
fairground, to the extent that the payment for the improvement is 33144
provided by the board. 33145

When the appropriation is made by the board, the county 33146
auditor shall place the proceeds in a special fund, designated the 33147
"county agricultural society fund," indicating the purpose for 33148
which it is available, provided that an appropriation of revenue 33149
from a tax levied by the board under division (L) of section 33150
5739.09 of the Revised Code may be expended only for the purposes 33151
provided in the resolution levying that tax. On application of the 33152
treasurer of the society, the auditor shall issue an order for the 33153
amount of the appropriation to the treasurer of the society, if 33154
the society has secured the certificate required under section 33155
1711.05 of the Revised Code, on the treasurer's filing with the 33156
auditor a bond in double the amount collected, with good and 33157
sufficient sureties approved by the auditor, conditioned for the 33158
satisfactory paying over and accounting of the funds for the 33159
purposes for which they were provided. The funds shall remain in 33160
the special fund in which they are placed by the auditor until 33161
they are applied ~~or~~ for by the treasurer of the society and the 33162
bond is given, or until they are expended by the board for the 33163
purposes for which the fund was created. If the society ceases to 33164
exist or releases the fund as not required for the purposes for 33165
which the fund was created, the board may by resolution transfer 33166
the fund to the general fund of the county. 33167

Sec. 1713.02. (A) Any institution described in division (A) 33168
of section 1713.01 of the Revised Code may become incorporated 33169
under sections 1702.01 to 1702.58 of the Revised Code. 33170

(B) Except as provided in division (E) of this section, no 33171
nonprofit institution or corporation of the type described in 33172
division (A) of section 1713.01 of the Revised Code that is 33173

established after October 13, 1967, may confer degrees, diplomas, 33174
or other written evidences of proficiency or achievement, until it 33175
has received a certificate of authorization issued by the ~~Ohio~~ 33176
~~board of regents~~ chancellor of higher education, nor shall any 33177
such institution or corporation identify itself as a "college" or 33178
"university" unless it has received a certificate of authorization 33179
from the ~~board~~ chancellor. 33180

(C) Except as provided in division (E) of this section, no 33181
institution of the type described in division (A)(3) or (B) of 33182
section 1713.01 of the Revised Code that intends to offer or 33183
offers a course or courses within this state, but that did not 33184
offer a course or courses within this state on or before October 33185
13, 1967, may confer degrees, diplomas, or other written evidences 33186
of proficiency or achievement or offer any course or courses 33187
within this state until it has received a certificate of 33188
authorization from the ~~Ohio board of regents~~ chancellor, nor shall 33189
the institution identify itself as a "college" or "university" 33190
unless it has received such a certificate from the ~~board~~ 33191
chancellor. 33192

(D) Each certificate of authorization shall specify the 33193
diplomas or degrees authorized to be given, courses authorized to 33194
be offered, and the sites at which courses are to be conducted. A 33195
copy of such certificate shall be filed with the secretary of 33196
state if the institution is incorporated. Any institution or 33197
corporation established or that offered a course or courses of 33198
instruction in this state prior to October 13, 1967, may apply to 33199
the ~~board~~ chancellor for a certificate of authorization, and the 33200
~~board~~ chancellor shall issue a certificate if it finds that such 33201
institution or corporation meets the requirements established 33202
pursuant to sections 1713.01, 1713.02, 1713.03, 1713.04, 1713.06, 33203
1713.09, and 1713.25 of the Revised Code. 33204

(E) An institution that clearly identifies itself in its name 33205

with the phrase "bible college" or "bible institute" and has not 33206
received a certificate of authorization may confer diplomas and 33207
other written evidences of proficiency or achievement other than 33208
associate, baccalaureate, master's, and doctoral degrees or any 33209
other type of degree and may identify itself as a "bible college" 33210
if such institution: 33211

(1) Prominently discloses on any transcripts, diplomas, or 33212
other written evidences of proficiency or achievement, and 33213
includes with any promotional material or other literature 33214
intended for the public, the statement: "this institution is not 33215
certified by the ~~board of regents~~ department of higher education 33216
or the state of Ohio." 33217

(2) Limits its course of instruction to religion, theology, 33218
or preparation for a religious vocation, or is operated by a 33219
church or religious organization and limits its instruction to 33220
preparation for service to churches or other religious 33221
organizations. 33222

(3) Confers only diplomas and other written evidences of 33223
proficiency or achievement that bear titles clearly signifying the 33224
religious nature of the instruction offered by the institution. 33225

(F) Except as otherwise provided in section 3333.046 of the 33226
Revised Code, no school of the type described in division (E) of 33227
section 3332.01 of the Revised Code that intends to offer or 33228
offers a degree program within this state or solicits students 33229
within this state may confer a baccalaureate, master's, or 33230
doctoral degree or solicit students for such degree programs until 33231
it has received both a certificate of authorization from the ~~board~~ 33232
~~of regents~~ chancellor of higher education under this chapter and 33233
program authorization from the state board of career colleges and 33234
schools for such degree program under section 3332.05 of the 33235
Revised Code. 33236

Sec. 1713.03. The ~~Ohio board of regents~~ chancellor of higher 33237
education shall establish standards for certificates of 33238
authorization to be issued to institutions as defined in section 33239
1713.01 of the Revised Code, to private institutions exempt from 33240
regulation under Chapter 3332. of the Revised Code as prescribed 33241
in section 3333.046 of the Revised Code, and to schools holding 33242
certificates of registration issued by the state board of career 33243
colleges and schools pursuant to division (C) of section 3332.05 33244
of the Revised Code. A certificate of authorization may permit an 33245
institution or school to award one or more types of degrees. 33246

The standards for a certificate of authorization may include, 33247
for various types of institutions, schools, or degrees, minimum 33248
qualifications for faculty, library, laboratories, and other 33249
facilities as adopted and published by the ~~Ohio board of regents~~ 33250
chancellor. The standards shall be adopted by the ~~board~~ chancellor 33251
pursuant to Chapter 119. of the Revised Code. 33252

An institution or school shall apply to the ~~board~~ chancellor 33253
for a certificate of authorization on forms containing such 33254
information as is prescribed by the ~~board~~ chancellor. Each 33255
institution or school with a certificate of authorization shall 33256
file an annual report with the ~~board~~ chancellor in such form and 33257
containing such information as the ~~board~~ chancellor prescribes. 33258

The ~~board~~ chancellor shall adopt a rule under Chapter 119. of 33259
the Revised Code establishing fees to pay the cost of reviewing an 33260
application for a certificate of authorization, which the 33261
institution or school shall pay when it applies for a certificate 33262
of authorization, and establishing fees, which an institution or 33263
school shall pay, for any further reviews the ~~board~~ chancellor 33264
determines necessary upon examining an institution's or school's 33265
annual report. 33266

Sec. 1713.031. The ~~Ohio board of regents~~ chancellor of higher education shall review an application for a certificate of authorization from a school described in division (E) of section 3332.01 of the Revised Code within twenty-two weeks.

Sec. 1713.04. A certificate of authorization provided for in section 1713.02 of the Revised Code is subject to revocation by the ~~Ohio board of regents~~ chancellor of higher education for cause pursuant to Chapter 119. of the Revised Code.

Sec. 1713.05. (A) As used in this section:

(1) "College or university" means a nonprofit educational institution qualifying under division (A)(2) of section 1713.01 and holding a certificate of authorization issued under section 1713.02 of the Revised Code.

(2) "Controlled entity" means a wholly owned subsidiary of a college or a university or a partnership in which a college or a university, or its wholly owned subsidiary, is the sole general partner.

(3) "Student" means a person attending a college or university who borrows money or obtains credit from such college or university, or from a controlled entity of such college or university, to finance the costs of attending such college or university, and includes the parents, guardians, and spouse of the student.

(B) Notwithstanding section 1343.01 of the Revised Code, a college or university, or a controlled entity of such college or university, may charge interest or finance charges on loans made or credit granted to a student for the student's costs of attending such college or university at any rate or rates agreed upon or consented to by the student in any open accounts

receivable, loan agreement, or promissory note, but not to exceed 33296
the maximum interest rate applicable to the federal Stafford loan 33297
program under 34 C.F.R. 682.202(a)(1). The ~~Ohio board of regents~~ 33298
chancellor of higher education shall adopt rules specifying a 33299
schedule for the certification of such maximum interest rate. 33300

(C) A college or university, or a controlled entity of such 33301
college or university, may charge students for the late payment of 33302
any costs of attending such college or university, including any 33303
payment under an agreement or note pursuant to division (B) of 33304
this section, at a rate not exceeding five per cent of any unpaid 33305
amount due and not paid per month for two months and not exceeding 33306
two per cent of such amount for subsequent months. A charge for a 33307
full month may be made for payments more than ten days late. 33308

Sec. 1713.06. If any institution, school, or person confers 33309
degrees, diplomas, or other written evidences of proficiency or 33310
achievement or offers or intends to offer a course or courses in 33311
this state applicable to requirements for a diploma or degree 33312
without the certificate of authorization required by section 33313
1713.02 of the Revised Code, the ~~Ohio board of regents~~ chancellor 33314
of higher education may, through the office of the attorney 33315
general, apply to the court of common pleas in the county in which 33316
such institution, school, or person is operating to restrain such 33317
institution, school, or person from the exercise of its franchise, 33318
if the institution, school, or person is a corporation, from the 33319
awarding of the degrees or diplomas the institution, school, or 33320
person is not authorized to award, and from offering any course or 33321
courses or enrolling any student in any course or courses it is 33322
not authorized to conduct. 33323

The ~~board~~ chancellor may, through the office of the attorney 33324
general, petition the court of common pleas in the county in which 33325
the institution, school, or person is operating for an order 33326

enjoining the awarding of diplomas or degrees, the offering of 33327
courses, and the enrolling of students. The court may grant such 33328
injunctive relief upon a showing that the institution, school, or 33329
person named in the petition is awarding degrees or diplomas, 33330
offering courses applicable to requirements for such degrees or 33331
diplomas, or enrolling students in such courses to be offered in 33332
the state without receiving the appropriate certificate of 33333
authorization issued by the ~~board of regents~~ chancellor. 33334

Sec. 1713.09. A college, university, or other institution of 33335
learning, existing by virtue of an act of incorporation, or that 33336
becomes incorporated for any of the purposes specified in sections 33337
1713.01 to 1713.39, inclusive, of the Revised Code, if 33338
three-fourths of the trustees or directors thereof deem it proper, 33339
or if the institution is owned in shares, or by stock subscribed 33340
or taken, by a vote of the holders of three-fourths of the stock 33341
or shares, may change the location of such institution, convey its 33342
real estate, and transfer the effects thereof, and invest them at 33343
the place to which such institution is removed. Any institution 33344
which has a certificate of authorization from the ~~Ohio board of~~ 33345
~~regents~~ chancellor of higher education shall give written notice 33346
to the ~~board~~ chancellor before such institution changes its 33347
location. No such removal shall be ordered, and no vote taken 33348
thereon, until after publication in the manner provided by law in 33349
case of a sale and distribution of the property of such an 33350
institution. Such publication shall fully set forth the place to 33351
which it is proposed to remove the institution. In case of 33352
removal, a copy of the proceedings of such meeting shall be filed 33353
with the secretary of state. 33354

Sec. 1713.25. The board of trustees of an institution of 33355
learning incorporated under the authority of this state for the 33356
sole purpose of promoting education, religion and morality, or the 33357

fine arts, at a regular or special meeting of such board called 33358
for that purpose, after thirty days' actual notice to each 33359
trustee, may change the name and enlarge the purposes and objects 33360
of such institution of learning, by amendment to its charter, 33361
approved by a majority of the board. 33362

No institution as defined in section 1713.01 of the Revised 33363
Code or school that holds a certificate of registration issued by 33364
the state board of career colleges and schools pursuant to 33365
division (C) of section 3332.05 of the Revised Code, that has been 33366
issued a certificate of authorization by the ~~Ohio board of regents~~ 33367
chancellor of higher education shall change the purposes of the 33368
institution without giving written notice to the ~~Ohio board of~~ 33369
~~regents, which~~ chancellor, who shall issue an amended certificate 33370
of authorization to the institution or school upon receipt of such 33371
notice. 33372

Sec. 1724.04. A county ~~having a population of more than sixty~~ 33373
~~thousand as of the most recent decennial census~~ that elects under 33374
section 5722.02 of the Revised Code to adopt and implement the 33375
procedures set forth in sections 5722.02 to 5722.15 of the Revised 33376
Code may organize a county land reutilization corporation under 33377
this chapter and Chapter 1702. of the Revised Code for the purpose 33378
of exercising the powers granted to a county under Chapter 5722. 33379
of the Revised Code. The county treasurer of the county for the 33380
benefit of which the corporation is being organized shall be the 33381
incorporator of the county land reutilization corporation. The 33382
form of the articles of incorporation of the corporation shall be 33383
approved by resolution of the board of county commissioners of the 33384
county. 33385

When the articles of incorporation of any community 33386
improvement corporation, or any amendment, amended articles, 33387
merger, or consolidation which provides for the creation of such a 33388

corporation, are deposited for filing and recording in the office 33389
of the secretary of state, the secretary of state shall submit 33390
them to the attorney general for examination. If such articles, 33391
amendment, amended articles, merger, or consolidation, are found 33392
by the attorney general to be in accordance with Chapter 1724. of 33393
the Revised Code, and not inconsistent with the constitution and 33394
laws of the United States and of this state, the attorney general 33395
shall endorse thereon the attorney general's approval and deliver 33396
them to the secretary of state, who shall file and record them 33397
pursuant to section 1702.07 of the Revised Code. 33398

Sec. 1739.02. (A) ~~A trade association, industry association,~~ 33399
~~or professional association~~ The following groups that has have 33400
been organized and maintained in good faith for a continuous 33401
period of ~~one year~~ five years or more for purposes other than 33402
obtaining insurance may establish, maintain, or operate a group 33403
self-insurance program under a multiple employer welfare 33404
arrangement that is chartered and created in this state under 33405
sections 1739.01 to 1739.22 of the Revised Code: 33406

(1) A chamber of commerce; 33407

(2) A trade association; 33408

(3) An industry association; 33409

(4) A professional association; 33410

(5) A voluntary employee beneficiary association that is 33411
exempt from taxation by the internal revenue service under section 33412
501(c)(9) of the Internal Revenue Code of 1986, as amended; 33413

(6) A business league that is exempt from taxation by the 33414
internal revenue service under section 501(c)(6) of the Internal 33415
Revenue Code of 1986, as amended; 33416

(7) Any other association that the superintendent of 33417
insurance may define by rule. 33418

(B) Except as provided in section 9.833 and sections 1739.01 33419
to 1739.22 of the Revised Code, no multiple employer welfare 33420
arrangement or other entity by which two or more employers jointly 33421
participate in a common employee welfare benefit plan shall 33422
operate a group self-insurance program in this state after four 33423
months after ~~the effective date of this section~~ April 9, 1993. 33424

(C) Sections 1739.01 to 1739.22 of the Revised Code do not 33425
apply to any entity that establishes, maintains, or operates a 33426
~~fully insured~~ fully insured program. 33427

(D) No person shall establish, operate, or maintain a 33428
multiple employer welfare arrangement providing benefits through a 33429
group self-insurance program in this state unless the multiple 33430
employer welfare arrangement has a valid certificate of authority 33431
from the superintendent of insurance. 33432

Sec. 1739.03. (A) No employer shall enter into an agreement 33433
to participate in a group self-insurance program unless the 33434
multiple employer welfare arrangement has been issued a 33435
certificate of authority by the superintendent of insurance. 33436
Employers or other organizers that propose to create an 33437
arrangement or arrangements and provide benefits through a group 33438
self-insurance program or group self-insurance programs shall 33439
apply to the superintendent for a certificate of authority. 33440

If a ~~trade association, industry association, or professional~~ 33441
~~association~~ group listed under division (A) of section 1739.02 of 33442
the Revised Code establishes, maintains, or operates more than one 33443
multiple employer welfare arrangement subject to sections 1739.01 33444
to 1739.22 of the Revised Code, the ~~trade association, industry~~ 33445
~~association, or professional association~~ group shall apply to the 33446
superintendent for only one certificate of authority which shall 33447
cover all such arrangements. 33448

(B) When applying for a certificate of authority, a proposed 33449

multiple employer welfare arrangement or arrangements shall file 33450
with the superintendent a nonrefundable filing fee of one thousand 33451
dollars and an application setting forth all of the following: 33452

(1) The name of each arrangement; 33453

(2) The address of each arrangement's principal place of 33454
business; 33455

(3) The name and address of a resident of this state 33456
designated and appointed as the registered agent of each proposed 33457
arrangement for service of process in this state in accordance 33458
with division ~~(B)~~(C) of section 1739.15 of the Revised Code. The 33459
person so designated and appointed shall be an officer of the 33460
arrangement. 33461

(4) The names and addresses of the officers, directors, and 33462
trustees of each proposed arrangement and a statement of whether 33463
any of such officers, directors, and trustees have been convicted 33464
of any felony or misdemeanor within ten years prior to the date of 33465
the application; 33466

(5) The powers of the officers, directors, and trustees; 33467

(6) The term of office of each officer, director, and 33468
trustee; 33469

(7) A brief outline of the method by which the administrative 33470
obligations of each arrangement will be met; 33471

(8) A business plan describing the arrangement's anticipated 33472
method of operations for two years from its commencement of 33473
activities. 33474

(9) A copy of the articles and bylaws of each arrangement; 33475

(10) A copy of the agreement; 33476

(11) The name and address of all third-party administrators; 33477

(12) A copy of each agreement between each arrangement and 33478

all third-party administrators;	33479
(13) A statement certified by an independent certified public accountant regarding the financial condition of each arrangement listing, on a form as may be prescribed by the superintendent, all of its assets and liabilities for the last month ending forty-five days prior to the application date;	33480 33481 33482 33483 33484
(14) A copy of each contract, certificate, endorsement, and application form each proposed arrangement intends to issue or use;	33485 33486 33487
(15) The names of any co-sponsors, promoters, trustees, or other facilitators involved with the establishment of each arrangement;	33488 33489 33490
(16) Other information, documents, or statements as the superintendent requires.	33491 33492
(C) All fees collected under division (B) of this section shall be paid into the state treasury to the credit of the department of insurance operating fund created under section 3901.021 of the Revised Code.	33493 33494 33495 33496
Sec. 1739.05. (A) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program may be established only if any of the following applies:	33497 33498 33499 33500
(1) The arrangement has and maintains a minimum enrollment of three hundred employees of two or more employers.	33501 33502
(2) The arrangement has and maintains a minimum enrollment of three hundred self-employed individuals.	33503 33504
(3) The arrangement has and maintains a minimum enrollment of three hundred employees or self-employed individuals in any combination of divisions (A)(1) and (2) of this section.	33505 33506 33507

(B) A multiple employer welfare arrangement that is created pursuant to sections 1739.01 to 1739.22 of the Revised Code and that operates a group self-insurance program shall comply with all laws applicable to self-funded programs in this state, including sections 3901.04, 3901.041, 3901.19 to 3901.26, 3901.38, 3901.381 to 3901.3814, 3901.40, 3901.45, 3901.46, 3902.01 to 3902.14, 3923.24, 3923.282, 3923.30, 3923.301, 3923.38, 3923.581, 3923.63, 3923.80, 3923.85, 3924.031, 3924.032, and 3924.27 of the Revised Code.

(C) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall solicit enrollments only through agents or solicitors licensed pursuant to Chapter 3905. of the Revised Code to sell or solicit sickness and accident insurance.

(D) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code shall provide benefits only to individuals who are members, employees of members, or the dependents of members or employees, or are eligible for continuation of coverage under section 1751.53 or 3923.38 of the Revised Code or under Title X of the "Consolidated Omnibus Budget Reconciliation Act of 1985," 100 Stat. 227, 29 U.S.C.A. 1161, as amended.

(E) A multiple employer welfare arrangement created pursuant to sections 1739.01 to 1739.22 of the Revised Code is subject to, and shall comply with, sections 3903.81 to 3903.93 of the Revised Code in the same manner as other life or health insurers, as defined in section 3903.81 of the Revised Code.

Sec. 1739.07. (A)(1) ~~Except as provided in division (B) of section 1739.15 of the Revised Code, unless~~ Unless otherwise stated in the agreement, a member may elect to terminate voluntarily its participation in a multiple employer welfare

arrangement operating a group self-insurance program by giving no 33539
less than thirty days' written notice to the arrangement. Except 33540
as provided in division (A)(2) of this section, the voluntary 33541
termination shall be approved by the board of the arrangement upon 33542
a finding that the member is in good standing, that both the 33543
member and the arrangement have met all the requirements of 33544
sections 1739.01 to 1739.22 of the Revised Code and any rules 33545
adopted by the superintendent of insurance pursuant to such 33546
sections, and that the member has complied with all the 33547
requirements of the agreement as of the proposed effective date of 33548
termination. 33549

(2) If a member voluntarily terminates its participation in a 33550
multiple employer welfare arrangement at a time when the total 33551
number of covered employees employed by the member represents less 33552
than five per cent of the total number of covered employees 33553
employed by all members of the arrangement, the member's voluntary 33554
termination of its participation, unless otherwise stated in the 33555
agreement, does not require approval by the board of the 33556
arrangement. 33557

(B)(1) A multiple employer welfare arrangement operating a 33558
group self-insurance program may involuntarily terminate a member 33559
upon a finding by the board of the arrangement, after notice is 33560
given in accordance with division (B)(2) of this section, that the 33561
member has done any of the following: 33562

(a) Failed to comply with the requirements of sections 33563
1739.01 to 1739.22 of the Revised Code; 33564

(b) Failed to comply with the articles and bylaws of the 33565
arrangement or the applicable agreement; 33566

(c) Failed to pay its proportionate share of any premiums or 33567
installments thereof due the arrangement; 33568

(d) Otherwise failed to discharge its obligations to the 33569

arrangement when due. 33570

(2) A multiple employer welfare arrangement operating a group 33571
self-insurance program shall give the member written notice 33572
stating the time when the termination is effective, which time 33573
shall not be less than fifteen days from the date of the notice or 33574
any longer period as may be specified by rule of the 33575
superintendent or the agreement. Notice may be delivered in 33576
person, or sent by ~~certified mail to the last address of record of~~ 33577
~~the member~~ any manner permitted in the agreement. The notice may 33578
or may not be accompanied by a tender of the unearned premium paid 33579
by the member, calculated on a pro rata basis. If the tender is 33580
not made simultaneously with the notice, it shall be made within 33581
fifteen days after notice of termination unless an audit or rate 33582
investigation is required, in which case the tender shall be made 33583
as soon as practicable after completion of the audit or 33584
investigation. 33585

(C) Any member that terminates its membership or is 33586
involuntarily terminated from membership in a multiple employer 33587
welfare arrangement pursuant to division (A) or (B) of this 33588
section shall remain liable for all obligations of the arrangement 33589
incurred during its membership in proportion to the ratio of the 33590
total number of covered employees employed by the member at the 33591
time of termination to the total number of covered employees 33592
employed by all members of the arrangement at the time of 33593
termination. 33594

Sec. 1739.12. (A) The excess loss funding program of a 33595
multiple employer welfare arrangement operating a group 33596
self-insurance program shall be filed with the superintendent of 33597
insurance. 33598

(B) As a condition to the issuance and maintenance of a 33599
certificate of authority, a multiple employer welfare arrangement 33600

operating a group self-insurance program shall purchase individual 33601
stop-loss insurance from insurers authorized to transact business 33602
in this state with a deductible retention of no more than five per 33603
cent of the arrangement's annual aggregate premium up to one 33604
million dollars and no more than two and one-half per cent of the 33605
arrangement's annual aggregate premium above that amount. ~~If the~~ 33606
~~superintendent determines that aggregate stop-loss insurance is~~ 33607
~~available for arrangements, the~~ The arrangement also shall 33608
purchase, as a condition to the issuance and maintenance of a 33609
certificate of authority, aggregate stop-loss insurance from 33610
insurers authorized to transact business in this state with a 33611
deductible retention of no more than one hundredtwenty-five per 33612
cent of its projected claims for the succeeding fiscal year. 33613

(C) Any excess or stop-loss insurance policy purchased by a 33614
multiple employer welfare arrangement shall provide that the 33615
superintendent must be notified by the arrangement of the 33616
cancellation of the policy for any reason, including the failure 33617
of the arrangement to pay any applicable premium. 33618

(D) No excess or stop-loss insurance policy purchased by a 33619
multiple employer welfare arrangement shall do any of the 33620
following on the basis of actual or expected claims for an 33621
individual or an individual's given diagnosis: 33622

(1) Assign a different attachment point for that individual; 33623

(2) Assign a deductible to that individual that must be met 33624
before excess or stop-loss insurance applies; 33625

(3) Deny excess or stop-loss insurance coverage to that 33626
individual. 33627

Sec. 1739.13. (A) A multiple employer welfare arrangement 33628
operating a group self-insurance program shall maintain a minimum 33629
surplus of not less than ~~one~~ five hundred ~~fifty~~ thousand dollars 33630

or such higher amounts of surplus as the superintendent of 33631
insurance may establish by rule for the protection of the members 33632
and their employees. 33633

(B) Except as otherwise provided for in sections 1739.01 to 33634
1739.21 of the Revised Code, the assets of a multiple employer 33635
welfare arrangement operating a group self-insurance program shall 33636
be invested only in securities or other investments permitted by 33637
the laws of this state for the investment of assets of domestic 33638
insurance companies other than life. 33639

(C) A multiple employer welfare arrangement operating a group 33640
self-insurance program shall maintain assets in cash, receivables, 33641
or securities authorized by the laws of this state for the 33642
investment of assets of domestic insurance companies other than 33643
life in an amount that is equivalent to or higher than the 33644
unearned premiums and minimum surplus required under sections 33645
1739.01 to 1739.22 of the Revised Code, the reserves for losses 33646
outstanding and unpaid, and any other liabilities of the 33647
arrangement. 33648

Sec. 1739.141. (A) Each multiple employer welfare arrangement 33649
operating a group self-insurance program shall file annually with 33650
the superintendent of insurance an actuarial certification 33651
including a statement that the underwriting and rating methods of 33652
the carrier do all of the following: 33653

(1) Comply with accepted actuarial practices; 33654

(2) Are uniformly applied to arrangement members, employees 33655
of members, and the dependents of members or employees; 33656

(3) Comply with the provisions of section 1739.06 of the 33657
Revised Code. 33658

(B) The certification shall be filed with the superintendent 33659
not later than the thirty-first day of March. 33660

Sec. 1739.20. (A) No multiple employer welfare arrangement 33661
operating a group self-insurance program shall do any of the 33662
following: 33663

(1) Refuse, without just cause, to pay proper claims arising 33664
under coverage provided by the arrangement; 33665

(2) Compel, without just cause, employee claimants of members 33666
or other persons entitled to the proceeds of the coverage to 33667
accept less than the amount due them; 33668

(3) Compel, without just cause, employee claimants of members 33669
or other persons entitled to the proceeds of the coverage to bring 33670
an action against the arrangement to secure full payment or 33671
settlement thereof; 33672

(4) Enroll a member into the group self-insurance program 33673
until the arrangement has provided to the member written 33674
notification stating that the member may be required to make 33675
additional payments in the event the program has insufficient 33676
funds to cover its liabilities. The arrangement shall maintain a 33677
copy of the notification in its program files to evidence 33678
compliance with this requirement. 33679

(B) No officer, director, trustee, third-party administrator, 33680
member of any board or committee, or employee of a multiple 33681
employer welfare arrangement operating a group self-insurance 33682
program who is charged with the duty of investing or handling the 33683
arrangement's assets shall do any of the following: 33684

(1) Deposit or invest the assets except in the name of the 33685
arrangement; 33686

(2) Borrow the assets of the arrangement; 33687

(3) Have a pecuniary interest in any loan, pledge of deposit, 33688
security, investment, sale, purchase, exchange, reinsurance, or 33689
other similar transaction or property of the arrangement; 33690

(4) Take or receive for ~~his own~~ personal use any fee, 33691
brokerage, commission, gift, or other consideration for, or use 33692
any fee, brokerage, commission, gift, or other consideration for, 33693
or on account of any transaction made by or on behalf of the 33694
arrangement. Division (B)(4) of this section does not prevent 33695
either of the following: 33696

(a) The reimbursement of a third-party administrator for 33697
administrative services related to the adjustment and settlement 33698
of claims pursuant to a contract with an arrangement; 33699

(b) The payment of reasonable compensation to a corporation 33700
or firm, which is affiliated with ~~a trade association, industry~~ 33701
~~association, or professional association~~ any of the groups listed 33702
in division (A) of section 1739.02 of the Revised Code that 33703
establishes, maintains, or operates the arrangement, for necessary 33704
services performed or sales or purchases made to or for the 33705
arrangement in the ordinary course of the arrangement's business. 33706

(C) No multiple employer welfare arrangement operating a 33707
group self-insurance program shall guarantee any financial 33708
obligation of any of its officers, directors, trustees, board or 33709
committee members, or third-party administrators. 33710

(D) This section does not prohibit a trustee, officer, 33711
director, member of a board or committee, or employee of a 33712
multiple employer welfare arrangement operating a group 33713
self-insurance program from being covered by the arrangement as a 33714
member or an employee of a member. 33715

(E) The superintendent of insurance may allow, by rule, 33716
exceptions to division (B) of this section to allow the payment of 33717
reasonable compensation to a trustee or third-party administrator 33718
who is not an officer or employee of the multiple employer welfare 33719
arrangement operating a group self-insurance program or to a 33720
corporation or firm with which a trustee or third-party 33721

administrator is affiliated, for necessary services performed or 33722
sales or purchases made to or for the arrangement in the ordinary 33723
course of the arrangement's business and in the usual, private, 33724
professional or business capacity of the trustee, third-party 33725
administrator, corporation, or firm. 33726

Sec. 1739.21. (A) The superintendent of insurance, after 33727
notice and opportunity for hearing in accordance with Chapter 119. 33728
of the Revised Code, may impose a fine upon a multiple employer 33729
welfare arrangement operating a group self-insurance program, a 33730
third-party administrator, or other entity ~~if he finds~~ after 33731
finding either of the following: 33732

(1) The arrangement, third-party administrator, or other 33733
entity, through the acts of its officers, directors, board or 33734
committee members, employees, agents, or representatives, has 33735
engaged in an act in violation of any applicable provision of 33736
division (B) of section 1739.02, division (F) of section 1739.09, 33737
or division (A), (B), or (C) of section 1739.20 of the Revised 33738
Code or of any rule or order adopted or issued by the 33739
superintendent to enforce or carry out the purposes of such 33740
sections; 33741

(2) Division (C)(2), (3), or (4), ~~or (6)~~ of section 1739.04 33742
of the Revised Code, or any rule or order adopted or issued by the 33743
superintendent to enforce or carry out the purposes of such 33744
section, applies to the arrangement, third-party administrator, or 33745
other entity. 33746

(B) The fine imposed for any violation described in division 33747
(A) of this section shall not exceed one thousand dollars for each 33748
violation, except that a fine of not more than five thousand 33749
dollars may be imposed for each act of willful misconduct 33750
constituting a violation described in division (A) of this 33751
section. 33752

(C) In addition to any penalty provided under this section, the superintendent, in lieu of an order of suspension or revocation under section 1739.04 of the Revised Code, may place any multiple employer welfare arrangement on probation for a period not to exceed one year for each violation described in division (A) of this section, and may subject the arrangement to a fine of up to one thousand dollars for each such violation. If the arrangement or its third-party administrator knew or reasonably should have known that the arrangement was engaged in a violation described in division (A) of this section, the fine provided in this division may be increased to an amount up to five thousand dollars for each such violation.

(D)(1) If the superintendent places an arrangement on probation under division (C) of this section, the superintendent may appoint a supervisor to supervise the arrangement and may prohibit the arrangement from doing any of the following, during the period of probation, without the prior approval of the ~~superintendent~~ superintendent or the supervisor:

(a) Dispose of, convey, or encumber any of its assets or its business in force;

(b) Withdraw from any of its bank accounts;

(c) Lend any of its funds;

(d) Invest any of its funds;

(e) Transfer any of its property;

(f) Incur any debt, obligation, or liability;

(g) Merge or consolidate with another company;

(h) Enter into any new reinsurance contract or treaty.

(2) All expenses incurred as a result of probation shall be borne by the arrangement.

(E) All fines collected under this section shall be paid into

the state treasury to the credit of the department of insurance 33783
operating fund created under section 3901.021 of the Revised Code. 33784

Sec. 1776.82. (A) The name of a limited liability partnership 33785
shall contain "registered limited liability partnership," 33786
"registered partnership having limited liability," "limited 33787
liability partnership," "R.L.L.P.," "P.L.L.," "L.L.P.," "RLLP," 33788
"PLL," or "LLP." 33789

(B) The name of a domestic registered limited liability 33790
partnership or foreign limited liability partnership shall be 33791
distinguishable upon the records in the office of the secretary of 33792
state from all of the following: 33793

(1) The name of any other limited liability partnership 33794
registered in the office of the secretary of state pursuant to 33795
this chapter or Chapter 1775. of the Revised Code, whether 33796
domestic or foreign; 33797

(2) The name of any domestic corporation that is formed under 33798
Chapter 1701. or 1702. of the Revised Code or any foreign 33799
corporation that is registered pursuant to Chapter 1703. of the 33800
Revised Code; 33801

(3) The name of any limited liability company registered in 33802
the office of the secretary of state pursuant to Chapter 1705. of 33803
the Revised Code, whether domestic or foreign; 33804

(4) The name of any limited partnership registered in the 33805
office of the secretary of state pursuant to Chapter 1782. of the 33806
Revised Code, whether domestic or foreign; 33807

(5) Any trade name the exclusive right to which is at the 33808
time in question registered in the office of the secretary of 33809
state pursuant to Chapter 1329. of the Revised Code. 33810

Sec. 2106.19. (A) Upon the death of a married resident who 33811

owned at least one watercraft, one watercraft trailer, one 33812
outboard motor, or one of each at the time of death, the interest 33813
of the deceased spouse in one watercraft, one watercraft trailer, 33814
one outboard motor, or one of each that is not otherwise 33815
specifically disposed of by testamentary disposition and that is 33816
selected by the surviving spouse immediately shall pass to the 33817
surviving spouse upon receipt by the clerk of the court of common 33818
pleas, or in the case of an untitled but registered watercraft 33819
trailer, upon receipt by the bureau of motor vehicles, of both of 33820
the following: 33821

(1) The title executed by the surviving spouse, if titled; 33822

(2) An affidavit sworn by the surviving spouse stating the 33823
date of the decedent's death, a description of the watercraft, 33824
watercraft trailer, or outboard motor, ~~or both, its or their the~~ 33825
approximate value, and that the watercraft, watercraft trailer, or 33826
outboard motor, ~~or both are~~ is not disposed of by testamentary 33827
disposition. 33828

The watercraft, watercraft trailer, or outboard motor, ~~or~~ 33829
~~both~~ shall not be considered an estate asset and shall not be 33830
included and stated in the estate inventory. 33831

Transfer of a decedent's interest under this division does 33832
not affect the existence of any lien against a watercraft, 33833
watercraft trailer, or outboard motor so transferred. 33834

(B) Except for a watercraft, watercraft trailer, or outboard 33835
motor, ~~or both~~ transferred as provided in division (A) of this 33836
section, the executor or administrator may transfer title to a 33837
watercraft, watercraft trailer, or outboard motor in the manner 33838
provided for transfer of an automobile under divisions (B) and (C) 33839
of section 2106.18 of the Revised Code. 33840

(C) A watercraft trailer under this section only refers to 33841
one trailer used to transport the watercraft transferred under 33842

this section. 33843

Sec. 2109.301. (A) An administrator or executor shall render 33844
an account at any time other than a time otherwise mentioned in 33845
this section upon an order of the probate court issued for good 33846
cause shown either at its own instance or upon the motion of any 33847
person interested in the estate. Except as otherwise provided in 33848
division (B)(2) of this section, an administrator or executor 33849
shall render a final account within thirty days after completing 33850
the administration of the estate or within any other period of 33851
time that the court may order. 33852

Every account shall include an itemized statement of all 33853
receipts of the administrator or executor during the accounting 33854
period and of all disbursements and distributions made by the 33855
executor or administrator during the accounting period. In 33856
addition, the account shall include an itemized statement of all 33857
funds, assets, and investments of the estate known to or in the 33858
possession of the administrator or executor at the end of the 33859
accounting period and shall show any changes in investments since 33860
the last previous account. 33861

Every account shall be upon the signature of the 33862
administrator or executor. When two or more administrators or 33863
executors render an account, the court may allow the account upon 33864
the signature of one of them. The court may examine the 33865
administrator or executor under oath concerning the account. 33866

When an administrator or executor is authorized by law or by 33867
the instrument governing distribution to distribute the assets of 33868
the estate, in whole or in part, the administrator or executor may 33869
do so and include a report of the distribution in the 33870
administrator's or executor's succeeding account. 33871

In estates of decedents in which none of the legatees, 33872
devisees, or heirs is under a legal disability, each partial 33873

accounting of an executor or administrator may be waived by the 33874
written consent of all the legatees, devisees, or heirs filed in 33875
lieu of a partial accounting otherwise required. 33876

(B)(1) Every administrator and executor, within six months 33877
after appointment, shall render a final and distributive account 33878
of the administrator's or executor's administration of the estate 33879
unless one or more of the following circumstances apply: 33880

(a) An Ohio estate tax return must be filed for the estate. 33881

(b) A proceeding contesting the validity of the decedent's 33882
will pursuant to section 2107.71 of the Revised Code has been 33883
commenced. 33884

(c) The surviving spouse has filed an election to take 33885
against the will. 33886

(d) The administrator or executor is a party in a civil 33887
action. 33888

(e) The estate is insolvent. 33889

(f) For other reasons set forth by the administrator or 33890
executor, subject to court approval, it would be detrimental to 33891
the estate and its beneficiaries or heirs to file a final and 33892
distributive account. 33893

(2) In estates of decedents in which the sole legatee, 33894
devisee, or heir is also the administrator or executor of the 33895
estate, no partial accountings are required. The administrator or 33896
executor of an estate of that type shall file a final account or 33897
final and distributive account or, in lieu of filing a final 33898
account, the administrator or executor may file with the court 33899
within thirty days after completing the administration of the 33900
estate a certificate of termination of an estate that states all 33901
of the following: 33902

(a) All debts and claims presented to the estate have been 33903

paid in full or settled finally. 33904

(b) An estate tax return, if required under the provisions of 33905
the Internal Revenue Code or Chapter 5731. of the Revised Code, 33906
has been filed, and any estate tax has been paid. 33907

(c) All attorney's fees have been waived by or paid to 33908
counsel of record of the estate, and all executor or administrator 33909
fees have been waived or paid. 33910

(d) The amount of attorney's fees and the amount of 33911
administrator or executor fees that have been paid. 33912

(e) All assets remaining after completion of the activities 33913
described in divisions (B)(2)(a) to (d) of this section have been 33914
distributed to the sole legatee, devisee, or heir. 33915

(3) In an estate of the type described in division (B)(2) of 33916
this section, a sole legatee, devisee, or heir of a decedent may 33917
be liable to creditors for debts of and claims against the estate 33918
that are presented after the filing of the certificate of 33919
termination described in that division and within the time allowed 33920
by section 2117.06 of the Revised Code for presentation of the 33921
creditors' claims. 33922

(4) Not later than thirteen months after appointment, every 33923
administrator and executor shall render an account of the 33924
administrator's or executor's administration, unless a partial 33925
account is waived under division (A) of this section or a 33926
certificate of termination is filed under division (B)(2) of this 33927
section. ~~Except as provided in divisions (B)(1) and (2) of this~~ 33928
~~section, after~~ After the initial account is rendered or a waiver 33929
of a partial account is filed, every administrator and executor 33930
shall ~~render further accounts,~~ at least once each year, render 33931
further accounts or file waivers of partial accounts until the 33932
estate is closed, unless a certificate of termination is filed 33933
under division (B)(2) of this section. 33934

Sec. 2113.35. (A) Executors and administrators shall be 33935
allowed fees upon the amount of all the personal property, 33936
including the income from the personal property, that is received 33937
and accounted for by them and upon the proceeds of real property 33938
that is sold, as follows: 33939

(1) For the first one hundred thousand dollars, at the rate 33940
of four per cent; 33941

(2) All above one hundred thousand dollars and not exceeding 33942
four hundred thousand dollars, at the rate of three per cent; 33943

(3) All above four hundred thousand dollars, at the rate of 33944
two per cent. 33945

(B) Executors and administrators shall be allowed a fee of 33946
one per cent on the value of real property that is not sold. 33947
Executors and administrators also shall be allowed a fee of one 33948
per cent on the value of all property that is not subject to 33949
administration and that ~~is~~ would have been includable for purposes 33950
of computing the Ohio estate tax, except joint and survivorship 33951
property, had the decedent died on December 31, 2012, so that 33952
section 5731.02 of the Revised Code applied to the estate. 33953

(C) The basis of valuation for the allowance of the fees on 33954
real property sold shall be the gross proceeds of sale, and for 33955
all other property the fair market value of the other property as 33956
of the date of death of the decedent. The fees allowed to 33957
executors and administrators in this section shall be received in 33958
full compensation for all their ordinary services. 33959

(D) If the probate court finds, after a hearing, that an 33960
executor or administrator, in any respect, has not faithfully 33961
discharged the duties as executor or administrator, the court may 33962
deny the executor or administrator any compensation whatsoever or 33963
may allow the executor or administrator the reduced compensation 33964

that the court thinks proper. 33965

Sec. 2151.3514. (A) As used in this section: 33966

(1) "Community addiction services provider" has the same 33967
meaning as in section 5119.01 of the Revised Code; 33968

(2) "Chemical dependency" means either of the following: 33969

(a) The chronic and habitual use of alcoholic beverages to 33970
the extent that the user no longer can control the use of alcohol 33971
or endangers the user's health, safety, or welfare or that of 33972
others; 33973

(b) The use of a drug of abuse to the extent that the user 33974
becomes physically or psychologically dependent on the drug or 33975
endangers the user's health, safety, or welfare or that of others. 33976

(3) "Drug of abuse" has the same meaning as in section 33977
3719.011 of the Revised Code. 33978

(B) If the juvenile court issues an order of temporary 33979
custody or protective supervision under division (A) of section 33980
2151.353 of the Revised Code with respect to a child adjudicated 33981
to be an abused, neglected, or dependent child and the alcohol or 33982
other drug addiction of a parent or other caregiver of the child 33983
was the basis for the adjudication of abuse, neglect, or 33984
dependency, the court shall issue an order requiring the parent or 33985
other caregiver to submit to an assessment and, if needed, 33986
treatment from a community addiction services provider ~~certified~~ 33987
~~by the department of mental health and addiction services.~~ The 33988
court may order the parent or other caregiver to submit to alcohol 33989
or other drug testing during, after, or both during and after, the 33990
treatment. The court shall send any order issued pursuant to this 33991
division to the public children services agency that serves the 33992
county in which the court is located for use as described in 33993
section 340.15 of the Revised Code. 33994

(C) Any order requiring alcohol or other drug testing that is 33995
issued pursuant to division (B) of this section shall require one 33996
alcohol or other drug test to be conducted each month during a 33997
period of twelve consecutive months beginning the month 33998
immediately following the month in which the order for alcohol or 33999
other drug testing is issued. Arrangements for administering the 34000
alcohol or other drug tests, as well as funding the costs of the 34001
tests, shall be locally determined in accordance with sections 34002
340.03 and 340.15 of the Revised Code. If a parent or other 34003
caregiver required to submit to alcohol or other drug tests under 34004
this section is not a recipient of medicaid, the agency that 34005
refers the parent or caregiver for the tests may require the 34006
parent or caregiver to reimburse the agency for the cost of 34007
conducting the tests. 34008

(D) The ~~certified~~ community addiction services provider that 34009
conducts any alcohol or other drug tests ordered in accordance 34010
with divisions (B) and (C) of this section shall send the results 34011
of the tests, along with the provider's recommendations as to the 34012
benefits of continued treatment, to the court and to the public 34013
children services agency providing services to the involved 34014
family, according to federal regulations set forth in 42 C.F.R. 34015
Part 2, and division (B) of section 340.15 of the Revised Code. 34016
The court shall consider the results and the recommendations sent 34017
to it under this division in any adjudication or review by the 34018
court, according to section 2151.353, 2151.414, or 2151.419 of the 34019
Revised Code. 34020

Sec. 2151.421. (A)(1)(a) No person described in division 34021
(A)(1)(b) of this section who is acting in an official or 34022
professional capacity and knows, or has reasonable cause to 34023
suspect based on facts that would cause a reasonable person in a 34024
similar position to suspect, that a child under eighteen years of 34025
age or a mentally retarded, developmentally disabled, or 34026

physically impaired child under twenty-one years of age has 34027
suffered or faces a threat of suffering any physical or mental 34028
wound, injury, disability, or condition of a nature that 34029
reasonably indicates abuse or neglect of the child shall fail to 34030
immediately report that knowledge or reasonable cause to suspect 34031
to the entity or persons specified in this division. Except as 34032
provided in section 5120.173 of the Revised Code, the person 34033
making the report shall make it to the public children services 34034
agency or a municipal or county peace officer in the county in 34035
which the child resides or in which the abuse or neglect is 34036
occurring or has occurred. In the circumstances described in 34037
section 5120.173 of the Revised Code, the person making the report 34038
shall make it to the entity specified in that section. 34039

(b) Division (A)(1)(a) of this section applies to any person 34040
who is an attorney; physician, including a hospital intern or 34041
resident; dentist; podiatrist; practitioner of a limited branch of 34042
medicine as specified in section 4731.15 of the Revised Code; 34043
registered nurse; licensed practical nurse; visiting nurse; other 34044
health care professional; licensed psychologist; licensed school 34045
psychologist; certified Ohio behavior analyst; independent 34046
marriage and family therapist or marriage and family therapist; 34047
speech pathologist or audiologist; coroner; administrator or 34048
employee of a child day-care center; administrator or employee of 34049
a residential camp or child day camp; administrator or employee of 34050
a certified child care agency or other public or private children 34051
services agency; school teacher; school employee; school 34052
authority; person engaged in social work or the practice of 34053
professional counseling; agent of a county humane society; person, 34054
other than a cleric, rendering spiritual treatment through prayer 34055
in accordance with the tenets of a well-recognized religion; 34056
employee of a county department of job and family services who is 34057
a professional and who works with children and families; 34058
superintendent or regional administrator employed by the 34059

department of youth services; superintendent, board member, or 34060
employee of a county board of developmental disabilities; 34061
investigative agent contracted with by a county board of 34062
developmental disabilities; employee of the department of 34063
developmental disabilities; employee of a facility or home that 34064
provides respite care in accordance with section 5123.171 of the 34065
Revised Code; employee of a home health agency; employee of an 34066
entity that provides homemaker services; a person performing the 34067
duties of an assessor pursuant to Chapter 3107. or 5103. of the 34068
Revised Code; third party employed by a public children services 34069
agency to assist in providing child or family related services; 34070
court appointed special advocate; or guardian adlitem. 34071

(2) Except as provided in division (A)(3) of this section, an 34072
attorney or a physician is not required to make a report pursuant 34073
to division (A)(1) of this section concerning any communication 34074
the attorney or physician receives from a client or patient in an 34075
attorney-client or physician-patient relationship, if, in 34076
accordance with division (A) or (B) of section 2317.02 of the 34077
Revised Code, the attorney or physician could not testify with 34078
respect to that communication in a civil or criminal proceeding. 34079

(3) The client or patient in an attorney-client or 34080
physician-patient relationship described in division (A)(2) of 34081
this section is deemed to have waived any testimonial privilege 34082
under division (A) or (B) of section 2317.02 of the Revised Code 34083
with respect to any communication the attorney or physician 34084
receives from the client or patient in that attorney-client or 34085
physician-patient relationship, and the attorney or physician 34086
shall make a report pursuant to division (A)(1) of this section 34087
with respect to that communication, if all of the following apply: 34088

(a) The client or patient, at the time of the communication, 34089
is either a child under eighteen years of age or a mentally 34090
retarded, developmentally disabled, or physically impaired person 34091

under twenty-one years of age. 34092

(b) The attorney or physician knows, or has reasonable cause 34093
to suspect based on facts that would cause a reasonable person in 34094
similar position to suspect, as a result of the communication or 34095
any observations made during that communication, that the client 34096
or patient has suffered or faces a threat of suffering any 34097
physical or mental wound, injury, disability, or condition of a 34098
nature that reasonably indicates abuse or neglect of the client or 34099
patient. 34100

(c) The abuse or neglect does not arise out of the client's 34101
or patient's attempt to have an abortion without the notification 34102
of her parents, guardian, or custodian in accordance with section 34103
2151.85 of the Revised Code. 34104

(4)(a) No cleric and no person, other than a volunteer, 34105
designated by any church, religious society, or faith acting as a 34106
leader, official, or delegate on behalf of the church, religious 34107
society, or faith who is acting in an official or professional 34108
capacity, who knows, or has reasonable cause to believe based on 34109
facts that would cause a reasonable person in a similar position 34110
to believe, that a child under eighteen years of age or a mentally 34111
retarded, developmentally disabled, or physically impaired child 34112
under twenty-one years of age has suffered or faces a threat of 34113
suffering any physical or mental wound, injury, disability, or 34114
condition of a nature that reasonably indicates abuse or neglect 34115
of the child, and who knows, or has reasonable cause to believe 34116
based on facts that would cause a reasonable person in a similar 34117
position to believe, that another cleric or another person, other 34118
than a volunteer, designated by a church, religious society, or 34119
faith acting as a leader, official, or delegate on behalf of the 34120
church, religious society, or faith caused, or poses the threat of 34121
causing, the wound, injury, disability, or condition that 34122
reasonably indicates abuse or neglect shall fail to immediately 34123

report that knowledge or reasonable cause to believe to the entity 34124
or persons specified in this division. Except as provided in 34125
section 5120.173 of the Revised Code, the person making the report 34126
shall make it to the public children services agency or a 34127
municipal or county peace officer in the county in which the child 34128
resides or in which the abuse or neglect is occurring or has 34129
occurred. In the circumstances described in section 5120.173 of 34130
the Revised Code, the person making the report shall make it to 34131
the entity specified in that section. 34132

(b) Except as provided in division (A)(4)(c) of this section, 34133
a cleric is not required to make a report pursuant to division 34134
(A)(4)(a) of this section concerning any communication the cleric 34135
receives from a penitent in a cleric-penitent relationship, if, in 34136
accordance with division (C) of section 2317.02 of the Revised 34137
Code, the cleric could not testify with respect to that 34138
communication in a civil or criminal proceeding. 34139

(c) The penitent in a cleric-penitent relationship described 34140
in division (A)(4)(b) of this section is deemed to have waived any 34141
testimonial privilege under division (C) of section 2317.02 of the 34142
Revised Code with respect to any communication the cleric receives 34143
from the penitent in that cleric-penitent relationship, and the 34144
cleric shall make a report pursuant to division (A)(4)(a) of this 34145
section with respect to that communication, if all of the 34146
following apply: 34147

(i) The penitent, at the time of the communication, is either 34148
a child under eighteen years of age or a mentally retarded, 34149
developmentally disabled, or physically impaired person under 34150
twenty-one years of age. 34151

(ii) The cleric knows, or has reasonable cause to believe 34152
based on facts that would cause a reasonable person in a similar 34153
position to believe, as a result of the communication or any 34154
observations made during that communication, the penitent has 34155

suffered or faces a threat of suffering any physical or mental 34156
wound, injury, disability, or condition of a nature that 34157
reasonably indicates abuse or neglect of the penitent. 34158

(iii) The abuse or neglect does not arise out of the 34159
penitent's attempt to have an abortion performed upon a child 34160
under eighteen years of age or upon a mentally retarded, 34161
developmentally disabled, or physically impaired person under 34162
twenty-one years of age without the notification of her parents, 34163
guardian, or custodian in accordance with section 2151.85 of the 34164
Revised Code. 34165

(d) Divisions (A)(4)(a) and (c) of this section do not apply 34166
in a cleric-penitent relationship when the disclosure of any 34167
communication the cleric receives from the penitent is in 34168
violation of the sacred trust. 34169

(e) As used in divisions (A)(1) and (4) of this section, 34170
"cleric" and "sacred trust" have the same meanings as in section 34171
2317.02 of the Revised Code. 34172

(B) Anyone who knows, or has reasonable cause to suspect 34173
based on facts that would cause a reasonable person in similar 34174
circumstances to suspect, that a child under eighteen years of age 34175
or a mentally retarded, developmentally disabled, or physically 34176
impaired person under twenty-one years of age has suffered or 34177
faces a threat of suffering any physical or mental wound, injury, 34178
disability, or other condition of a nature that reasonably 34179
indicates abuse or neglect of the child may report or cause 34180
reports to be made of that knowledge or reasonable cause to 34181
suspect to the entity or persons specified in this division. 34182
Except as provided in section 5120.173 of the Revised Code, a 34183
person making a report or causing a report to be made under this 34184
division shall make it or cause it to be made to the public 34185
children services agency or to a municipal or county peace 34186
officer. In the circumstances described in section 5120.173 of the 34187

Revised Code, a person making a report or causing a report to be made under this division shall make it or cause it to be made to the entity specified in that section.

(C) Any report made pursuant to division (A) or (B) of this section shall be made forthwith either by telephone or in person and shall be followed by a written report, if requested by the receiving agency or officer. The written report shall contain:

(1) The names and addresses of the child and the child's parents or the person or persons having custody of the child, if known;

(2) The child's age and the nature and extent of the child's injuries, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist, including any evidence of previous injuries, abuse, or neglect;

(3) Any other information that might be helpful in establishing the cause of the injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to have occurred or of the threat of injury, abuse, or neglect that is known or reasonably suspected or believed, as applicable, to exist.

Any person, who is required by division (A) of this section to report child abuse or child neglect that is known or reasonably suspected or believed to have occurred, may take or cause to be taken color photographs of areas of trauma visible on a child and, if medically indicated, cause to be performed radiological examinations of the child.

(D) As used in this division, "children's advocacy center" and "sexual abuse of a child" have the same meanings as in section 2151.425 of the Revised Code.

(1) When a municipal or county peace officer receives a 34219
report concerning the possible abuse or neglect of a child or the 34220
possible threat of abuse or neglect of a child, upon receipt of 34221
the report, the municipal or county peace officer who receives the 34222
report shall refer the report to the appropriate public children 34223
services agency. 34224

(2) When a public children services agency receives a report 34225
pursuant to this division or division (A) or (B) of this section, 34226
upon receipt of the report, the public children services agency 34227
shall do both of the following: 34228

(a) Comply with section 2151.422 of the Revised Code; 34229

(b) If the county served by the agency is also served by a 34230
children's advocacy center and the report alleges sexual abuse of 34231
a child or another type of abuse of a child that is specified in 34232
the memorandum of understanding that creates the center as being 34233
within the center's jurisdiction, comply regarding the report with 34234
the protocol and procedures for referrals and investigations, with 34235
the coordinating activities, and with the authority or 34236
responsibility for performing or providing functions, activities, 34237
and services stipulated in the interagency agreement entered into 34238
under section 2151.428 of the Revised Code relative to that 34239
center. 34240

(E) No township, municipal, or county peace officer shall 34241
remove a child about whom a report is made pursuant to this 34242
section from the child's parents, stepparents, or guardian or any 34243
other persons having custody of the child without consultation 34244
with the public children services agency, unless, in the judgment 34245
of the officer, and, if the report was made by physician, the 34246
physician, immediate removal is considered essential to protect 34247
the child from further abuse or neglect. The agency that must be 34248
consulted shall be the agency conducting the investigation of the 34249
report as determined pursuant to section 2151.422 of the Revised 34250

Code. 34251

(F)(1) Except as provided in section 2151.422 of the Revised Code or in an interagency agreement entered into under section 2151.428 of the Revised Code that applies to the particular report, the public children services agency shall investigate, within twenty-four hours, each report of child abuse or child neglect that is known or reasonably suspected or believed to have occurred and of a threat of child abuse or child neglect that is known or reasonably suspected or believed to exist that is referred to it under this section to determine the circumstances surrounding the injuries, abuse, or neglect or the threat of injury, abuse, or neglect, the cause of the injuries, abuse, neglect, or threat, and the person or persons responsible. The investigation shall be made in cooperation with the law enforcement agency and in accordance with the memorandum of understanding prepared under division (J) of this section. A representative of the public children services agency shall, at the time of initial contact with the person subject to the investigation, inform the person of the specific complaints or allegations made against the person. The information shall be given in a manner that is consistent with division (H)(1) of this section and protects the rights of the person making the report under this section.

A failure to make the investigation in accordance with the memorandum is not grounds for, and shall not result in, the dismissal of any charges or complaint arising from the report or the suppression of any evidence obtained as a result of the report and does not give, and shall not be construed as giving, any rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of job and family services shall

maintain in accordance with section 5101.13 of the Revised Code. 34283
The public children services agency shall submit a report of its 34284
investigation, in writing, to the law enforcement agency. 34285

(2) The public children services agency shall make any 34286
recommendations to the county prosecuting attorney or city 34287
director of law that it considers necessary to protect any 34288
children that are brought to its attention. 34289

(G)(1)(a) Except as provided in division (H)(3) of this 34290
section, anyone or any hospital, institution, school, health 34291
department, or agency participating in the making of reports under 34292
division (A) of this section, anyone or any hospital, institution, 34293
school, health department, or agency participating in good faith 34294
in the making of reports under division (B) of this section, and 34295
anyone participating in good faith in a judicial proceeding 34296
resulting from the reports, shall be immune from any civil or 34297
criminal liability for injury, death, or loss to person or 34298
property that otherwise might be incurred or imposed as a result 34299
of the making of the reports or the participation in the judicial 34300
proceeding. 34301

(b) Notwithstanding section 4731.22 of the Revised Code, the 34302
physician-patient privilege shall not be a ground for excluding 34303
evidence regarding a child's injuries, abuse, or neglect, or the 34304
cause of the injuries, abuse, or neglect in any judicial 34305
proceeding resulting from a report submitted pursuant to this 34306
section. 34307

(2) In any civil or criminal action or proceeding in which it 34308
is alleged and proved that participation in the making of a report 34309
under this section was not in good faith or participation in a 34310
judicial proceeding resulting from a report made under this 34311
section was not in good faith, the court shall award the 34312
prevailing party reasonable attorney's fees and costs and, if a 34313
civil action or proceeding is voluntarily dismissed, may award 34314

reasonable attorney's fees and costs to the party against whom the 34315
civil action or proceeding is brought. 34316

(H)(1) Except as provided in divisions (H)(4) and (N) of this 34317
section, a report made under this section is confidential. The 34318
information provided in a report made pursuant to this section and 34319
the name of the person who made the report shall not be released 34320
for use, and shall not be used, as evidence in any civil action or 34321
proceeding brought against the person who made the report. Nothing 34322
in this division shall preclude the use of reports of other 34323
incidents of known or suspected abuse or neglect in a civil action 34324
or proceeding brought pursuant to division (M) of this section 34325
against a person who is alleged to have violated division (A)(1) 34326
of this section, provided that any information in a report that 34327
would identify the child who is the subject of the report or the 34328
maker of the report, if the maker of the report is not the 34329
defendant or an agent or employee of the defendant, has been 34330
redacted. In a criminal proceeding, the report is admissible in 34331
evidence in accordance with the Rules of Evidence and is subject 34332
to discovery in accordance with the Rules of Criminal Procedure. 34333

(2) No person shall permit or encourage the unauthorized 34334
dissemination of the contents of any report made under this 34335
section. 34336

(3) A person who knowingly makes or causes another person to 34337
make a false report under division (B) of this section that 34338
alleges that any person has committed an act or omission that 34339
resulted in a child being an abused child or a neglected child is 34340
guilty of a violation of section 2921.14 of the Revised Code. 34341

(4) If a report is made pursuant to division (A) or (B) of 34342
this section and the child who is the subject of the report dies 34343
for any reason at any time after the report is made, but before 34344
the child attains eighteen years of age, the public children 34345
services agency or municipal or county peace officer to which the 34346

report was made or referred, on the request of the child fatality 34347
review board or the director of health pursuant to guidelines 34348
established under section 3701.70 of the Revised Code, shall 34349
submit a summary sheet of information providing a summary of the 34350
report to the review board of the county in which the deceased 34351
child resided at the time of death or to the director. On the 34352
request of the review board or director, the agency or peace 34353
officer may, at its discretion, make the report available to the 34354
review board or director. If the county served by the public 34355
children services agency is also served by a children's advocacy 34356
center and the report of alleged sexual abuse of a child or 34357
another type of abuse of a child is specified in the memorandum of 34358
understanding that creates the center as being within the center's 34359
jurisdiction, the agency or center shall perform the duties and 34360
functions specified in this division in accordance with the 34361
interagency agreement entered into under section 2151.428 of the 34362
Revised Code relative to that advocacy center. 34363

(5) A public children services agency shall advise a person 34364
alleged to have inflicted abuse or neglect on a child who is the 34365
subject of a report made pursuant to this section, including a 34366
report alleging sexual abuse of a child or another type of abuse 34367
of a child referred to a children's advocacy center pursuant to an 34368
interagency agreement entered into under section 2151.428 of the 34369
Revised Code, in writing of the disposition of the investigation. 34370
The agency shall not provide to the person any information that 34371
identifies the person who made the report, statements of 34372
witnesses, or police or other investigative reports. 34373

(I) Any report that is required by this section, other than a 34374
report that is made to the state highway patrol as described in 34375
section 5120.173 of the Revised Code, shall result in protective 34376
services and emergency supportive services being made available by 34377
the public children services agency on behalf of the children 34378

about whom the report is made, in an effort to prevent further 34379
neglect or abuse, to enhance their welfare, and, whenever 34380
possible, to preserve the family unit intact. The agency required 34381
to provide the services shall be the agency conducting the 34382
investigation of the report pursuant to section 2151.422 of the 34383
Revised Code. 34384

(J)(1) Each public children services agency shall prepare a 34385
memorandum of understanding that is signed by all of the 34386
following: 34387

(a) If there is only one juvenile judge in the county, the 34388
juvenile judge of the county or the juvenile judge's 34389
representative; 34390

(b) If there is more than one juvenile judge in the county, a 34391
juvenile judge or the juvenile judges' representative selected by 34392
the juvenile judges or, if they are unable to do so for any 34393
reason, the juvenile judge who is senior in point of service or 34394
the senior juvenile judge's representative; 34395

(c) The county peace officer; 34396

(d) All chief municipal peace officers within the county; 34397

(e) Other law enforcement officers handling child abuse and 34398
neglect cases in the county; 34399

(f) The prosecuting attorney of the county; 34400

(g) If the public children services agency is not the county 34401
department of job and family services, the county department of 34402
job and family services; 34403

(h) The county humane society; 34404

(i) If the public children services agency participated in 34405
the execution of a memorandum of understanding under section 34406
2151.426 of the Revised Code establishing a children's advocacy 34407
center, each participating member of the children's advocacy 34408

center established by the memorandum. 34409

(2) A memorandum of understanding shall set forth the normal 34410
operating procedure to be employed by all concerned officials in 34411
the execution of their respective responsibilities under this 34412
section and division (C) of section 2919.21, division (B)(1) of 34413
section 2919.22, division (B) of section 2919.23, and section 34414
2919.24 of the Revised Code and shall have as two of its primary 34415
goals the elimination of all unnecessary interviews of children 34416
who are the subject of reports made pursuant to division (A) or 34417
(B) of this section and, when feasible, providing for only one 34418
interview of a child who is the subject of any report made 34419
pursuant to division (A) or (B) of this section. A failure to 34420
follow the procedure set forth in the memorandum by the concerned 34421
officials is not grounds for, and shall not result in, the 34422
dismissal of any charges or complaint arising from any reported 34423
case of abuse or neglect or the suppression of any evidence 34424
obtained as a result of any reported child abuse or child neglect 34425
and does not give, and shall not be construed as giving, any 34426
rights or any grounds for appeal or post-conviction relief to any 34427
person. 34428

(3) A memorandum of understanding shall include all of the 34429
following: 34430

(a) The roles and responsibilities for handling emergency and 34431
nonemergency cases of abuse and neglect; 34432

(b) Standards and procedures to be used in handling and 34433
coordinating investigations of reported cases of child abuse and 34434
reported cases of child neglect, methods to be used in 34435
interviewing the child who is the subject of the report and who 34436
allegedly was abused or neglected, and standards and procedures 34437
addressing the categories of persons who may interview the child 34438
who is the subject of the report and who allegedly was abused or 34439
neglected. 34440

(4) If a public children services agency participated in the 34441
execution of a memorandum of understanding under section 2151.426 34442
of the Revised Code establishing a children's advocacy center, the 34443
agency shall incorporate the contents of that memorandum in the 34444
memorandum prepared pursuant to this section. 34445

(5) The clerk of the court of common pleas in the county may 34446
sign the memorandum of understanding prepared under division 34447
(J)(1) of this section. If the clerk signs the memorandum of 34448
understanding, the clerk shall execute all relevant 34449
responsibilities as required of officials specified in the 34450
memorandum. 34451

(K)(1) Except as provided in division (K)(4) of this section, 34452
a person who is required to make a report pursuant to division (A) 34453
of this section may make a reasonable number of requests of the 34454
public children services agency that receives or is referred the 34455
report, or of the children's advocacy center that is referred the 34456
report if the report is referred to a children's advocacy center 34457
pursuant to an interagency agreement entered into under section 34458
2151.428 of the Revised Code, to be provided with the following 34459
information: 34460

(a) Whether the agency or center has initiated an 34461
investigation of the report; 34462

(b) Whether the agency or center is continuing to investigate 34463
the report; 34464

(c) Whether the agency or center is otherwise involved with 34465
the child who is the subject of the report; 34466

(d) The general status of the health and safety of the child 34467
who is the subject of the report; 34468

(e) Whether the report has resulted in the filing of a 34469
complaint in juvenile court or of criminal charges in another 34470
court. 34471

(2) A person may request the information specified in 34472
division (K)(1) of this section only if, at the time the report is 34473
made, the person's name, address, and telephone number are 34474
provided to the person who receives the report. 34475

When a municipal or county peace officer or employee of a 34476
public children services agency receives a report pursuant to 34477
division (A) or (B) of this section the recipient of the report 34478
shall inform the person of the right to request the information 34479
described in division (K)(1) of this section. The recipient of the 34480
report shall include in the initial child abuse or child neglect 34481
report that the person making the report was so informed and, if 34482
provided at the time of the making of the report, shall include 34483
the person's name, address, and telephone number in the report. 34484

Each request is subject to verification of the identity of 34485
the person making the report. If that person's identity is 34486
verified, the agency shall provide the person with the information 34487
described in division (K)(1) of this section a reasonable number 34488
of times, except that the agency shall not disclose any 34489
confidential information regarding the child who is the subject of 34490
the report other than the information described in those 34491
divisions. 34492

(3) A request made pursuant to division (K)(1) of this 34493
section is not a substitute for any report required to be made 34494
pursuant to division (A) of this section. 34495

(4) If an agency other than the agency that received or was 34496
referred the report is conducting the investigation of the report 34497
pursuant to section 2151.422 of the Revised Code, the agency 34498
conducting the investigation shall comply with the requirements of 34499
division (K) of this section. 34500

(L) The director of job and family services shall adopt rules 34501
in accordance with Chapter 119. of the Revised Code to implement 34502

this section. The department of job and family services may enter 34503
into a plan of cooperation with any other governmental entity to 34504
aid in ensuring that children are protected from abuse and 34505
neglect. The department shall make recommendations to the attorney 34506
general that the department determines are necessary to protect 34507
children from child abuse and child neglect. 34508

(M) Whoever violates division (A) of this section is liable 34509
for compensatory and exemplary damages to the child who would have 34510
been the subject of the report that was not made. A person who 34511
brings a civil action or proceeding pursuant to this division 34512
against a person who is alleged to have violated division (A)(1) 34513
of this section may use in the action or proceeding reports of 34514
other incidents of known or suspected abuse or neglect, provided 34515
that any information in a report that would identify the child who 34516
is the subject of the report or the maker of the report, if the 34517
maker is not the defendant or an agent or employee of the 34518
defendant, has been redacted. 34519

(N)(1) As used in this division: 34520

(a) "Out-of-home care" includes a nonchartered nonpublic 34521
school if the alleged child abuse or child neglect, or alleged 34522
threat of child abuse or child neglect, described in a report 34523
received by a public children services agency allegedly occurred 34524
in or involved the nonchartered nonpublic school and the alleged 34525
perpetrator named in the report holds a certificate, permit, or 34526
license issued by the state board of education under section 34527
3301.071 or Chapter 3319. of the Revised Code. 34528

(b) "Administrator, director, or other chief administrative 34529
officer" means the superintendent of the school district if the 34530
out-of-home care entity subject to a report made pursuant to this 34531
section is a school operated by the district. 34532

(2) No later than the end of the day following the day on 34533

which a public children services agency receives a report of 34534
alleged child abuse or child neglect, or a report of an alleged 34535
threat of child abuse or child neglect, that allegedly occurred in 34536
or involved an out-of-home care entity, the agency shall provide 34537
written notice of the allegations contained in and the person 34538
named as the alleged perpetrator in the report to the 34539
administrator, director, or other chief administrative officer of 34540
the out-of-home care entity that is the subject of the report 34541
unless the administrator, director, or other chief administrative 34542
officer is named as an alleged perpetrator in the report. If the 34543
administrator, director, or other chief administrative officer of 34544
an out-of-home care entity is named as an alleged perpetrator in a 34545
report of alleged child abuse or child neglect, or a report of an 34546
alleged threat of child abuse or child neglect, that allegedly 34547
occurred in or involved the out-of-home care entity, the agency 34548
shall provide the written notice to the owner or governing board 34549
of the out-of-home care entity that is the subject of the report. 34550
The agency shall not provide witness statements or police or other 34551
investigative reports. 34552

(3) No later than three days after the day on which a public 34553
children services agency that conducted the investigation as 34554
determined pursuant to section 2151.422 of the Revised Code makes 34555
a disposition of an investigation involving a report of alleged 34556
child abuse or child neglect, or a report of an alleged threat of 34557
child abuse or child neglect, that allegedly occurred in or 34558
involved an out-of-home care entity, the agency shall send written 34559
notice of the disposition of the investigation to the 34560
administrator, director, or other chief administrative officer and 34561
the owner or governing board of the out-of-home care entity. The 34562
agency shall not provide witness statements or police or other 34563
investigative reports. 34564

(0) As used in this section, "investigation" means the public 34565

children services agency's response to an accepted report of child 34566
abuse or neglect through either an alternative response or a 34567
traditional response. 34568

Sec. 2301.03. (A) In Franklin county, the judges of the court 34569
of common pleas whose terms begin on January 1, 1953, January 2, 34570
1953, January 5, 1969, January 5, 1977, and January 2, 1997, and 34571
successors, shall have the same qualifications, exercise the same 34572
powers and jurisdiction, and receive the same compensation as 34573
other judges of the court of common pleas of Franklin county and 34574
shall be elected and designated as judges of the court of common 34575
pleas, division of domestic relations. They shall have all the 34576
powers relating to juvenile courts, and all cases under Chapters 34577
2151. and 2152. of the Revised Code, all parentage proceedings 34578
under Chapter 3111. of the Revised Code over which the juvenile 34579
court has jurisdiction, and all divorce, dissolution of marriage, 34580
legal separation, and annulment cases shall be assigned to them. 34581
In addition to the judge's regular duties, the judge who is senior 34582
in point of service shall serve on the children services board and 34583
the county advisory board and shall be the administrator of the 34584
domestic relations division and its subdivisions and departments. 34585
34586

(B) In Hamilton county: 34587

(1) The judge of the court of common pleas, whose term begins 34588
on January 1, 1957, and successors, and the judge of the court of 34589
common pleas, whose term begins on February 14, 1967, and 34590
successors, shall be the juvenile judges as provided in Chapters 34591
2151. and 2152. of the Revised Code, with the powers and 34592
jurisdiction conferred by those chapters. 34593

(2) The judges of the court of common pleas whose terms begin 34594
on January 5, 1957, January 16, 1981, and July 1, 1991, and 34595
successors, shall be elected and designated as judges of the court 34596

of common pleas, division of domestic relations, and shall have 34597
assigned to them all divorce, dissolution of marriage, legal 34598
separation, and annulment cases coming before the court. On or 34599
after the first day of July and before the first day of August of 34600
1991 and each year thereafter, a majority of the judges of the 34601
division of domestic relations shall elect one of the judges of 34602
the division as administrative judge of that division. If a 34603
majority of the judges of the division of domestic relations are 34604
unable for any reason to elect an administrative judge for the 34605
division before the first day of August, a majority of the judges 34606
of the Hamilton county court of common pleas, as soon as possible 34607
after that date, shall elect one of the judges of the division of 34608
domestic relations as administrative judge of that division. The 34609
term of the administrative judge shall begin on the earlier of the 34610
first day of August of the year in which the administrative judge 34611
is elected or the date on which the administrative judge is 34612
elected by a majority of the judges of the Hamilton county court 34613
of common pleas and shall terminate on the date on which the 34614
administrative judge's successor is elected in the following year. 34615

In addition to the judge's regular duties, the administrative 34616
judge of the division of domestic relations shall be the 34617
administrator of the domestic relations division and its 34618
subdivisions and departments and shall have charge of the 34619
employment, assignment, and supervision of the personnel of the 34620
division engaged in handling, servicing, or investigating divorce, 34621
dissolution of marriage, legal separation, and annulment cases, 34622
including any referees considered necessary by the judges in the 34623
discharge of their various duties. 34624

The administrative judge of the division of domestic 34625
relations also shall designate the title, compensation, expense 34626
allowances, hours, leaves of absence, and vacations of the 34627
personnel of the division, and shall fix the duties of its 34628

personnel. The duties of the personnel, in addition to those 34629
provided for in other sections of the Revised Code, shall include 34630
the handling, servicing, and investigation of divorce, dissolution 34631
of marriage, legal separation, and annulment cases and counseling 34632
and conciliation services that may be made available to persons 34633
requesting them, whether or not the persons are parties to an 34634
action pending in the division. 34635

The board of county commissioners shall appropriate the sum 34636
of money each year as will meet all the administrative expenses of 34637
the division of domestic relations, including reasonable expenses 34638
of the domestic relations judges and the division counselors and 34639
other employees designated to conduct the handling, servicing, and 34640
investigation of divorce, dissolution of marriage, legal 34641
separation, and annulment cases, conciliation and counseling, and 34642
all matters relating to those cases and counseling, and the 34643
expenses involved in the attendance of division personnel at 34644
domestic relations and welfare conferences designated by the 34645
division, and the further sum each year as will provide for the 34646
adequate operation of the division of domestic relations. 34647

The compensation and expenses of all employees and the salary 34648
and expenses of the judges shall be paid by the county treasurer 34649
from the money appropriated for the operation of the division, 34650
upon the warrant of the county auditor, certified to by the 34651
administrative judge of the division of domestic relations. 34652

The summonses, warrants, citations, subpoenas, and other 34653
writs of the division may issue to a bailiff, constable, or staff 34654
investigator of the division or to the sheriff of any county or 34655
any marshal, constable, or police officer, and the provisions of 34656
law relating to the subpoenaing of witnesses in other cases shall 34657
apply insofar as they are applicable. When a summons, warrant, 34658
citation, subpoena, or other writ is issued to an officer, other 34659
than a bailiff, constable, or staff investigator of the division, 34660

the expense of serving it shall be assessed as a part of the costs 34661
in the case involved. 34662

(3) The judge of the court of common pleas of Hamilton county 34663
whose term begins on January 3, 1997, and the successors to that 34664
judge shall each be elected and designated as the drug court judge 34665
of the court of common pleas of Hamilton county. The drug court 34666
judge may accept or reject any case referred to the drug court 34667
judge under division (B)(3) of this section. After the drug court 34668
judge accepts a referred case, the drug court judge has full 34669
authority over the case, including the authority to conduct 34670
arraignment, accept pleas, enter findings and dispositions, 34671
conduct trials, order treatment, and if treatment is not 34672
successfully completed pronounce and enter sentence. 34673

A judge of the general division of the court of common pleas 34674
of Hamilton county and a judge of the Hamilton county municipal 34675
court may refer to the drug court judge any case, and any 34676
companion cases, the judge determines meet the criteria described 34677
under divisions (B)(3)(a) and (b) of this section. If the drug 34678
court judge accepts referral of a referred case, the case, and any 34679
companion cases, shall be transferred to the drug court judge. A 34680
judge may refer a case meeting the criteria described in divisions 34681
(B)(3)(a) and (b) of this section that involves a violation of a 34682
condition of a community control sanction to the drug court judge, 34683
and, if the drug court judge accepts the referral, the referring 34684
judge and the drug court judge have concurrent jurisdiction over 34685
the case. 34686

A judge of the general division of the court of common pleas 34687
of Hamilton county and a judge of the Hamilton county municipal 34688
court may refer a case to the drug court judge under division 34689
(B)(3) of this section if the judge determines that both of the 34690
following apply: 34691

(a) One of the following applies: 34692

(i) The case involves a drug abuse offense, as defined in section 2925.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.

(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.

(b) All of the following apply:

(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.

(ii) The defendant has no history of violent behavior.

(iii) The defendant has no history of mental illness.

(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.

(v) The defendant demonstrates a sincere willingness to participate in a fifteen-month treatment process.

(vi) The defendant has no acute health condition.

(vii) If the defendant is incarcerated, the county prosecutor approves of the referral.

(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in

accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.

(C)(1) In Lorain county:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other judge of the court of common pleas. From February 9, 2009, through September 28, 2009, the judge of the court of common pleas whose term begins on February 9, 2009, shall have all the powers relating to juvenile courts, and cases under Chapters 2151. and

2152. of the Revised Code, parentage proceedings over which the 34755
juvenile court has jurisdiction, and divorce, dissolution of 34756
marriage, legal separation, and annulment cases shall be assigned 34757
to that judge, except cases that for some special reason are 34758
assigned to some other judge of the court of common pleas. 34759

(b) From January 1, 2006, through September 28, 2009, the 34760
judges of the court of common pleas, division of domestic 34761
relations, in addition to the powers and jurisdiction set forth in 34762
division (C)(1)(a) of this section, shall have jurisdiction over 34763
matters that are within the jurisdiction of the probate court 34764
under Chapter 2101. and other provisions of the Revised Code. 34765

(c) The judge of the court of common pleas, division of 34766
domestic relations, whose term begins on February 9, 2009, is the 34767
successor to the probate judge who was elected in 2002 for a term 34768
that began on February 9, 2003. After September 28, 2009, the 34769
judge of the court of common pleas, division of domestic 34770
relations, whose term begins on February 9, 2009, shall be the 34771
probate judge. 34772

(2)(a) From February 9, 2009, through September 28, 2009, 34773
with respect to Lorain county, all references in law to the 34774
probate court shall be construed as references to the court of 34775
common pleas, division of domestic relations, and all references 34776
to the probate judge shall be construed as references to the 34777
judges of the court of common pleas, division of domestic 34778
relations. 34779

(b) From February 9, 2009, through September 28, 2009, with 34780
respect to Lorain county, all references in law to the clerk of 34781
the probate court shall be construed as references to the judge 34782
who is serving pursuant to Rule 4 of the Rules of Superintendence 34783
for the Courts of Ohio as the administrative judge of the court of 34784
common pleas, division of domestic relations. 34785

(D) In Lucas county: 34786

(1) The judges of the court of common pleas whose terms begin 34787
on January 1, 1955, and January 3, 1965, and successors, shall 34788
have the same qualifications, exercise the same powers and 34789
jurisdiction, and receive the same compensation as other judges of 34790
the court of common pleas of Lucas county and shall be elected and 34791
designated as judges of the court of common pleas, division of 34792
domestic relations. All divorce, dissolution of marriage, legal 34793
separation, and annulment cases shall be assigned to them. 34794

The judge of the division of domestic relations, senior in 34795
point of service, shall be considered as the presiding judge of 34796
the court of common pleas, division of domestic relations, and 34797
shall be charged exclusively with the assignment and division of 34798
the work of the division and the employment and supervision of all 34799
other personnel of the domestic relations division. 34800

(2) The judges of the court of common pleas whose terms begin 34801
on January 5, 1977, and January 2, 1991, and successors shall have 34802
the same qualifications, exercise the same powers and 34803
jurisdiction, and receive the same compensation as other judges of 34804
the court of common pleas of Lucas county, shall be elected and 34805
designated as judges of the court of common pleas, juvenile 34806
division, and shall be the juvenile judges as provided in Chapters 34807
2151. and 2152. of the Revised Code with the powers and 34808
jurisdictions conferred by those chapters. In addition to the 34809
judge's regular duties, the judge of the court of common pleas, 34810
juvenile division, senior in point of service, shall be the 34811
administrator of the juvenile division and its subdivisions and 34812
departments and shall have charge of the employment, assignment, 34813
and supervision of the personnel of the division engaged in 34814
handling, servicing, or investigating juvenile cases, including 34815
any referees considered necessary by the judges of the division in 34816
the discharge of their various duties. 34817

The judge of the court of common pleas, juvenile division, 34818
senior in point of service, also shall designate the title, 34819
compensation, expense allowance, hours, leaves of absence, and 34820
vacation of the personnel of the division and shall fix the duties 34821
of the personnel of the division. The duties of the personnel, in 34822
addition to other statutory duties include the handling, 34823
servicing, and investigation of juvenile cases and counseling and 34824
conciliation services that may be made available to persons 34825
requesting them, whether or not the persons are parties to an 34826
action pending in the division. 34827

(3) If one of the judges of the court of common pleas, 34828
division of domestic relations, or one of the judges of the 34829
juvenile division is sick, absent, or unable to perform that 34830
judge's judicial duties or the volume of cases pending in that 34831
judge's division necessitates it, the duties shall be performed by 34832
the judges of the other of those divisions. 34833

(E) In Mahoning county: 34834

(1) The judge of the court of common pleas whose term began 34835
on January 1, 1955, and successors, shall have the same 34836
qualifications, exercise the same powers and jurisdiction, and 34837
receive the same compensation as other judges of the court of 34838
common pleas of Mahoning county, shall be elected and designated 34839
as judge of the court of common pleas, division of domestic 34840
relations, and shall be assigned all the divorce, dissolution of 34841
marriage, legal separation, and annulment cases coming before the 34842
court. In addition to the judge's regular duties, the judge of the 34843
court of common pleas, division of domestic relations, shall be 34844
the administrator of the domestic relations division and its 34845
subdivisions and departments and shall have charge of the 34846
employment, assignment, and supervision of the personnel of the 34847
division engaged in handling, servicing, or investigating divorce, 34848
dissolution of marriage, legal separation, and annulment cases, 34849

including any referees considered necessary in the discharge of 34850
the various duties of the judge's office. 34851

The judge also shall designate the title, compensation, 34852
expense allowances, hours, leaves of absence, and vacations of the 34853
personnel of the division and shall fix the duties of the 34854
personnel of the division. The duties of the personnel, in 34855
addition to other statutory duties, include the handling, 34856
servicing, and investigation of divorce, dissolution of marriage, 34857
legal separation, and annulment cases and counseling and 34858
conciliation services that may be made available to persons 34859
requesting them, whether or not the persons are parties to an 34860
action pending in the division. 34861

(2) The judge of the court of common pleas whose term began 34862
on January 2, 1969, and successors, shall have the same 34863
qualifications, exercise the same powers and jurisdiction, and 34864
receive the same compensation as other judges of the court of 34865
common pleas of Mahoning county, shall be elected and designated 34866
as judge of the court of common pleas, juvenile division, and 34867
shall be the juvenile judge as provided in Chapters 2151. and 34868
2152. of the Revised Code, with the powers and jurisdictions 34869
conferred by those chapters. In addition to the judge's regular 34870
duties, the judge of the court of common pleas, juvenile division, 34871
shall be the administrator of the juvenile division and its 34872
subdivisions and departments and shall have charge of the 34873
employment, assignment, and supervision of the personnel of the 34874
division engaged in handling, servicing, or investigating juvenile 34875
cases, including any referees considered necessary by the judge in 34876
the discharge of the judge's various duties. 34877

The judge also shall designate the title, compensation, 34878
expense allowances, hours, leaves of absence, and vacation of the 34879
personnel of the division and shall fix the duties of the 34880
personnel of the division. The duties of the personnel, in 34881

addition to other statutory duties, include the handling, 34882
servicing, and investigation of juvenile cases and counseling and 34883
conciliation services that may be made available to persons 34884
requesting them, whether or not the persons are parties to an 34885
action pending in the division. 34886

(3) If a judge of the court of common pleas, division of 34887
domestic relations or juvenile division, is sick, absent, or 34888
unable to perform that judge's judicial duties, or the volume of 34889
cases pending in that judge's division necessitates it, that 34890
judge's duties shall be performed by another judge of the court of 34891
common pleas. 34892

(F) In Montgomery county: 34893

(1) The judges of the court of common pleas whose terms begin 34894
on January 2, 1953, and January 4, 1977, and successors, shall 34895
have the same qualifications, exercise the same powers and 34896
jurisdiction, and receive the same compensation as other judges of 34897
the court of common pleas of Montgomery county and shall be 34898
elected and designated as judges of the court of common pleas, 34899
division of domestic relations. These judges shall have assigned 34900
to them all divorce, dissolution of marriage, legal separation, 34901
and annulment cases. 34902

The judge of the division of domestic relations, senior in 34903
point of service, shall be charged exclusively with the assignment 34904
and division of the work of the division and shall have charge of 34905
the employment and supervision of the personnel of the division 34906
engaged in handling, servicing, or investigating divorce, 34907
dissolution of marriage, legal separation, and annulment cases, 34908
including any necessary referees, except those employees who may 34909
be appointed by the judge, junior in point of service, under this 34910
section and sections 2301.12 and 2301.18 of the Revised Code. The 34911
judge of the division of domestic relations, senior in point of 34912
service, also shall designate the title, compensation, expense 34913

allowances, hours, leaves of absence, and vacation of the 34914
personnel of the division and shall fix their duties. 34915

(2) The judges of the court of common pleas whose terms begin 34916
on January 1, 1953, and January 1, 1993, and successors, shall 34917
have the same qualifications, exercise the same powers and 34918
jurisdiction, and receive the same compensation as other judges of 34919
the court of common pleas of Montgomery county, shall be elected 34920
and designated as judges of the court of common pleas, juvenile 34921
division, and shall be, and have the powers and jurisdiction of, 34922
the juvenile judge as provided in Chapters 2151. and 2152. of the 34923
Revised Code. 34924

In addition to the judge's regular duties, the judge of the 34925
court of common pleas, juvenile division, senior in point of 34926
service, shall be the administrator of the juvenile division and 34927
its subdivisions and departments and shall have charge of the 34928
employment, assignment, and supervision of the personnel of the 34929
juvenile division, including any necessary referees, who are 34930
engaged in handling, servicing, or investigating juvenile cases. 34931
The judge, senior in point of service, also shall designate the 34932
title, compensation, expense allowances, hours, leaves of absence, 34933
and vacation of the personnel of the division and shall fix their 34934
duties. The duties of the personnel, in addition to other 34935
statutory duties, shall include the handling, servicing, and 34936
investigation of juvenile cases and of any counseling and 34937
conciliation services that are available upon request to persons, 34938
whether or not they are parties to an action pending in the 34939
division. 34940

If one of the judges of the court of common pleas, division 34941
of domestic relations, or one of the judges of the court of common 34942
pleas, juvenile division, is sick, absent, or unable to perform 34943
that judge's duties or the volume of cases pending in that judge's 34944
division necessitates it, the duties of that judge may be 34945

performed by the judge or judges of the other of those divisions. 34946

(G) In Richland county: 34947

(1) The judge of the court of common pleas whose term begins 34948
on January 1, 1957, and successors, shall have the same 34949
qualifications, exercise the same powers and jurisdiction, and 34950
receive the same compensation as the other judges of the court of 34951
common pleas of Richland county and shall be elected and 34952
designated as judge of the court of common pleas, division of 34953
domestic relations. That judge shall be assigned and hear all 34954
divorce, dissolution of marriage, legal separation, and annulment 34955
cases, all domestic violence cases arising under section 3113.31 34956
of the Revised Code, and all post-decree proceedings arising from 34957
any case pertaining to any of those matters. The division of 34958
domestic relations has concurrent jurisdiction with the juvenile 34959
division of the court of common pleas of Richland county to 34960
determine the care, custody, or control of any child not a ward of 34961
another court of this state, and to hear and determine a request 34962
for an order for the support of any child if the request is not 34963
ancillary to an action for divorce, dissolution of marriage, 34964
annulment, or legal separation, a criminal or civil action 34965
involving an allegation of domestic violence, or an action for 34966
support brought under Chapter 3115. of the Revised Code. Except in 34967
cases that are subject to the exclusive original jurisdiction of 34968
the juvenile court, the judge of the division of domestic 34969
relations shall be assigned and hear all cases pertaining to 34970
paternity or parentage, the care, custody, or control of children, 34971
parenting time or visitation, child support, or the allocation of 34972
parental rights and responsibilities for the care of children, all 34973
proceedings arising under Chapter 3111. of the Revised Code, all 34974
proceedings arising under the uniform interstate family support 34975
act contained in Chapter 3115. of the Revised Code, and all 34976
post-decree proceedings arising from any case pertaining to any of 34977

those matters. 34978

In addition to the judge's regular duties, the judge of the 34979
court of common pleas, division of domestic relations, shall be 34980
the administrator of the domestic relations division and its 34981
subdivisions and departments. The judge shall have charge of the 34982
employment, assignment, and supervision of the personnel of the 34983
domestic relations division, including any magistrates the judge 34984
considers necessary for the discharge of the judge's duties. The 34985
judge shall also designate the title, compensation, expense 34986
allowances, hours, leaves of absence, vacation, and other 34987
employment-related matters of the personnel of the division and 34988
shall fix their duties. 34989

(2) The judge of the court of common pleas whose term begins 34990
on January 3, 2005, and successors, shall have the same 34991
qualifications, exercise the same powers and jurisdiction, and 34992
receive the same compensation as other judges of the court of 34993
common pleas of Richland county, shall be elected and designated 34994
as judge of the court of common pleas, juvenile division, and 34995
shall be, and have the powers and jurisdiction of, the juvenile 34996
judge as provided in Chapters 2151. and 2152. of the Revised Code. 34997
Except in cases that are subject to the exclusive original 34998
jurisdiction of the juvenile court, the judge of the juvenile 34999
division shall not have jurisdiction or the power to hear, and 35000
shall not be assigned, any case pertaining to paternity or 35001
parentage, the care, custody, or control of children, parenting 35002
time or visitation, child support, or the allocation of parental 35003
rights and responsibilities for the care of children or any 35004
post-decree proceeding arising from any case pertaining to any of 35005
those matters. The judge of the juvenile division shall not have 35006
jurisdiction or the power to hear, and shall not be assigned, any 35007
proceeding under the uniform interstate family support act 35008
contained in Chapter 3115. of the Revised Code. 35009

In addition to the judge's regular duties, the judge of the juvenile division shall be the administrator of the division and its subdivisions and departments. The judge shall have charge of the employment, assignment, and supervision of the personnel of the juvenile division who are engaged in handling, servicing, or investigating juvenile cases, including any magistrates whom the judge considers necessary for the discharge of the judge's various duties.

The judge of the juvenile division also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling, conciliation, and mediation services that the court makes available to persons, whether or not the persons are parties to an action pending in the court, who request the services.

(H)(1) In Stark county, the judges of the court of common pleas whose terms begin on January 1, 1953, January 2, 1959, and January 1, 1993, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Stark county and shall be elected and designated as judges of the court of common pleas, family court division ~~of domestic relations~~. They shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases, except cases that are assigned to some other judge of the court of common pleas for some special reason, shall be assigned to the judges.

(2) The judge of the family court division ~~of domestic~~

~~relations~~, second most senior in point of service, shall have 35042
charge of the employment and supervision of the personnel of the 35043
division engaged in handling, servicing, or investigating divorce, 35044
dissolution of marriage, legal separation, and annulment cases, 35045
and necessary referees required for the judge's respective court. 35046

(3) The judge of the family court division ~~of domestic~~ 35047
~~relations~~, senior in point of service, shall be charged 35048
exclusively with the administration of sections 2151.13, 2151.16, 35049
2151.17, and 2152.71 of the Revised Code and with the assignment 35050
and division of the work of the division and the employment and 35051
supervision of all other personnel of the division, including, but 35052
not limited to, that judge's necessary referees, but excepting 35053
those employees who may be appointed by the judge second most 35054
senior in point of service. The senior judge further shall serve 35055
in every other position in which the statutes permit or require a 35056
juvenile judge to serve. 35057

(4) On and after the effective date of this amendment, all 35058
references in law to "the division of domestic relations," "the 35059
domestic relations division," "the domestic relations court," "the 35060
judge of the division of domestic relations," or "the judge of the 35061
domestic relations division" shall be construed, with respect to 35062
Stark county, as being references to "the family court division" 35063
or "the judge of the family court division." 35064

(I) In Summit county: 35065

(1) The judges of the court of common pleas whose terms begin 35066
on January 4, 1967, and January 6, 1993, and successors, shall 35067
have the same qualifications, exercise the same powers and 35068
jurisdiction, and receive the same compensation as other judges of 35069
the court of common pleas of Summit county and shall be elected 35070
and designated as judges of the court of common pleas, division of 35071
domestic relations. The judges of the division of domestic 35072
relations shall have assigned to them and hear all divorce, 35073

dissolution of marriage, legal separation, and annulment cases 35074
that come before the court. Except in cases that are subject to 35075
the exclusive original jurisdiction of the juvenile court, the 35076
judges of the division of domestic relations shall have assigned 35077
to them and hear all cases pertaining to paternity, custody, 35078
visitation, child support, or the allocation of parental rights 35079
and responsibilities for the care of children and all post-decree 35080
proceedings arising from any case pertaining to any of those 35081
matters. The judges of the division of domestic relations shall 35082
have assigned to them and hear all proceedings under the uniform 35083
interstate family support act contained in Chapter 3115. of the 35084
Revised Code. 35085

The judge of the division of domestic relations, senior in 35086
point of service, shall be the administrator of the domestic 35087
relations division and its subdivisions and departments and shall 35088
have charge of the employment, assignment, and supervision of the 35089
personnel of the division, including any necessary referees, who 35090
are engaged in handling, servicing, or investigating divorce, 35091
dissolution of marriage, legal separation, and annulment cases. 35092
That judge also shall designate the title, compensation, expense 35093
allowances, hours, leaves of absence, and vacations of the 35094
personnel of the division and shall fix their duties. The duties 35095
of the personnel, in addition to other statutory duties, shall 35096
include the handling, servicing, and investigation of divorce, 35097
dissolution of marriage, legal separation, and annulment cases and 35098
of any counseling and conciliation services that are available 35099
upon request to all persons, whether or not they are parties to an 35100
action pending in the division. 35101

(2) The judge of the court of common pleas whose term begins 35102
on January 1, 1955, and successors, shall have the same 35103
qualifications, exercise the same powers and jurisdiction, and 35104
receive the same compensation as other judges of the court of 35105

common pleas of Summit county, shall be elected and designated as 35106
judge of the court of common pleas, juvenile division, and shall 35107
be, and have the powers and jurisdiction of, the juvenile judge as 35108
provided in Chapters 2151. and 2152. of the Revised Code. Except 35109
in cases that are subject to the exclusive original jurisdiction 35110
of the juvenile court, the judge of the juvenile division shall 35111
not have jurisdiction or the power to hear, and shall not be 35112
assigned, any case pertaining to paternity, custody, visitation, 35113
child support, or the allocation of parental rights and 35114
responsibilities for the care of children or any post-decree 35115
proceeding arising from any case pertaining to any of those 35116
matters. The judge of the juvenile division shall not have 35117
jurisdiction or the power to hear, and shall not be assigned, any 35118
proceeding under the uniform interstate family support act 35119
contained in Chapter 3115. of the Revised Code. 35120

The juvenile judge shall be the administrator of the juvenile 35121
division and its subdivisions and departments and shall have 35122
charge of the employment, assignment, and supervision of the 35123
personnel of the juvenile division, including any necessary 35124
referees, who are engaged in handling, servicing, or investigating 35125
juvenile cases. The judge also shall designate the title, 35126
compensation, expense allowances, hours, leaves of absence, and 35127
vacation of the personnel of the division and shall fix their 35128
duties. The duties of the personnel, in addition to other 35129
statutory duties, shall include the handling, servicing, and 35130
investigation of juvenile cases and of any counseling and 35131
conciliation services that are available upon request to persons, 35132
whether or not they are parties to an action pending in the 35133
division. 35134

(J) In Trumbull county, the judges of the court of common 35135
pleas whose terms begin on January 1, 1953, and January 2, 1977, 35136
and successors, shall have the same qualifications, exercise the 35137

same powers and jurisdiction, and receive the same compensation as 35138
other judges of the court of common pleas of Trumbull county and 35139
shall be elected and designated as judges of the court of common 35140
pleas, division of domestic relations. They shall have all the 35141
powers relating to juvenile courts, and all cases under Chapters 35142
2151. and 2152. of the Revised Code, all parentage proceedings 35143
over which the juvenile court has jurisdiction, and all divorce, 35144
dissolution of marriage, legal separation, and annulment cases 35145
shall be assigned to them, except cases that for some special 35146
reason are assigned to some other judge of the court of common 35147
pleas. 35148

(K) In Butler county: 35149

(1) The judges of the court of common pleas whose terms begin 35150
on January 1, 1957, and January 4, 1993, and successors, shall 35151
have the same qualifications, exercise the same powers and 35152
jurisdiction, and receive the same compensation as other judges of 35153
the court of common pleas of Butler county and shall be elected 35154
and designated as judges of the court of common pleas, division of 35155
domestic relations. The judges of the division of domestic 35156
relations shall have assigned to them all divorce, dissolution of 35157
marriage, legal separation, and annulment cases coming before the 35158
court, except in cases that for some special reason are assigned 35159
to some other judge of the court of common pleas. The judges of 35160
the division of domestic relations also have concurrent 35161
jurisdiction with judges of the juvenile division of the court of 35162
common pleas of Butler county with respect to and may hear cases 35163
to determine the custody, support, or custody and support of a 35164
child who is born of issue of a marriage and who is not the ward 35165
of another court of this state, cases commenced by a party of the 35166
marriage to obtain an order requiring support of any child when 35167
the request for that order is not ancillary to an action for 35168
divorce, dissolution of marriage, annulment, or legal separation, 35169

a criminal or civil action involving an allegation of domestic 35170
violence, an action for support under Chapter 3115. of the Revised 35171
Code, or an action that is within the exclusive original 35172
jurisdiction of the juvenile division of the court of common pleas 35173
of Butler county and that involves an allegation that the child is 35174
an abused, neglected, or dependent child, and post-decree 35175
proceedings and matters arising from those types of cases. The 35176
judge senior in point of service shall be charged with the 35177
assignment and division of the work of the division and with the 35178
employment and supervision of all other personnel of the domestic 35179
relations division. 35180

The judge senior in point of service also shall designate the 35181
title, compensation, expense allowances, hours, leaves of absence, 35182
and vacations of the personnel of the division and shall fix their 35183
duties. The duties of the personnel, in addition to other 35184
statutory duties, shall include the handling, servicing, and 35185
investigation of divorce, dissolution of marriage, legal 35186
separation, and annulment cases and providing any counseling and 35187
conciliation services that the division makes available to 35188
persons, whether or not the persons are parties to an action 35189
pending in the division, who request the services. 35190

(2) The judges of the court of common pleas whose terms begin 35191
on January 3, 1987, and January 2, 2003, and successors, shall 35192
have the same qualifications, exercise the same powers and 35193
jurisdiction, and receive the same compensation as other judges of 35194
the court of common pleas of Butler county, shall be elected and 35195
designated as judges of the court of common pleas, juvenile 35196
division, and shall be the juvenile judges as provided in Chapters 35197
2151. and 2152. of the Revised Code, with the powers and 35198
jurisdictions conferred by those chapters. Except in cases that 35199
are subject to the exclusive original jurisdiction of the juvenile 35200
court, the judges of the juvenile division shall not have 35201

jurisdiction or the power to hear and shall not be assigned, but 35202
shall have the limited ability and authority to certify, any case 35203
commenced by a party of a marriage to determine the custody, 35204
support, or custody and support of a child who is born of issue of 35205
the marriage and who is not the ward of another court of this 35206
state when the request for the order in the case is not ancillary 35207
to an action for divorce, dissolution of marriage, annulment, or 35208
legal separation. The judge of the court of common pleas, juvenile 35209
division, who is senior in point of service, shall be the 35210
administrator of the juvenile division and its subdivisions and 35211
departments. The judge, senior in point of service, shall have 35212
charge of the employment, assignment, and supervision of the 35213
personnel of the juvenile division who are engaged in handling, 35214
servicing, or investigating juvenile cases, including any referees 35215
whom the judge considers necessary for the discharge of the 35216
judge's various duties. 35217

The judge, senior in point of service, also shall designate 35218
the title, compensation, expense allowances, hours, leaves of 35219
absence, and vacation of the personnel of the division and shall 35220
fix their duties. The duties of the personnel, in addition to 35221
other statutory duties, include the handling, servicing, and 35222
investigation of juvenile cases and providing any counseling and 35223
conciliation services that the division makes available to 35224
persons, whether or not the persons are parties to an action 35225
pending in the division, who request the services. 35226

(3) If a judge of the court of common pleas, division of 35227
domestic relations or juvenile division, is sick, absent, or 35228
unable to perform that judge's judicial duties or the volume of 35229
cases pending in the judge's division necessitates it, the duties 35230
of that judge shall be performed by the other judges of the 35231
domestic relations and juvenile divisions. 35232

(L)(1) In Cuyahoga county, the judges of the court of common 35233

pleas whose terms begin on January 8, 1961, January 9, 1961, 35234
January 18, 1975, January 19, 1975, and January 13, 1987, and 35235
successors, shall have the same qualifications, exercise the same 35236
powers and jurisdiction, and receive the same compensation as 35237
other judges of the court of common pleas of Cuyahoga county and 35238
shall be elected and designated as judges of the court of common 35239
pleas, division of domestic relations. They shall have all the 35240
powers relating to all divorce, dissolution of marriage, legal 35241
separation, and annulment cases, except in cases that are assigned 35242
to some other judge of the court of common pleas for some special 35243
reason. 35244

(2) The administrative judge is administrator of the domestic 35245
relations division and its subdivisions and departments and has 35246
the following powers concerning division personnel: 35247

(a) Full charge of the employment, assignment, and 35248
supervision; 35249

(b) Sole determination of compensation, duties, expenses, 35250
allowances, hours, leaves, and vacations. 35251

(3) "Division personnel" include persons employed or referees 35252
engaged in hearing, servicing, investigating, counseling, or 35253
conciliating divorce, dissolution of marriage, legal separation 35254
and annulment matters. 35255

(M) In Lake county: 35256

(1) The judge of the court of common pleas whose term begins 35257
on January 2, 1961, and successors, shall have the same 35258
qualifications, exercise the same powers and jurisdiction, and 35259
receive the same compensation as the other judges of the court of 35260
common pleas of Lake county and shall be elected and designated as 35261
judge of the court of common pleas, division of domestic 35262
relations. The judge shall be assigned all the divorce, 35263
dissolution of marriage, legal separation, and annulment cases 35264

coming before the court, except in cases that for some special 35265
reason are assigned to some other judge of the court of common 35266
pleas. The judge shall be charged with the assignment and division 35267
of the work of the division and with the employment and 35268
supervision of all other personnel of the domestic relations 35269
division. 35270

The judge also shall designate the title, compensation, 35271
expense allowances, hours, leaves of absence, and vacations of the 35272
personnel of the division and shall fix their duties. The duties 35273
of the personnel, in addition to other statutory duties, shall 35274
include the handling, servicing, and investigation of divorce, 35275
dissolution of marriage, legal separation, and annulment cases and 35276
providing any counseling and conciliation services that the 35277
division makes available to persons, whether or not the persons 35278
are parties to an action pending in the division, who request the 35279
services. 35280

(2) The judge of the court of common pleas whose term begins 35281
on January 4, 1979, and successors, shall have the same 35282
qualifications, exercise the same powers and jurisdiction, and 35283
receive the same compensation as other judges of the court of 35284
common pleas of Lake county, shall be elected and designated as 35285
judge of the court of common pleas, juvenile division, and shall 35286
be the juvenile judge as provided in Chapters 2151. and 2152. of 35287
the Revised Code, with the powers and jurisdictions conferred by 35288
those chapters. The judge of the court of common pleas, juvenile 35289
division, shall be the administrator of the juvenile division and 35290
its subdivisions and departments. The judge shall have charge of 35291
the employment, assignment, and supervision of the personnel of 35292
the juvenile division who are engaged in handling, servicing, or 35293
investigating juvenile cases, including any referees whom the 35294
judge considers necessary for the discharge of the judge's various 35295
duties. 35296

The judge also shall designate the title, compensation, 35297
expense allowances, hours, leaves of absence, and vacation of the 35298
personnel of the division and shall fix their duties. The duties 35299
of the personnel, in addition to other statutory duties, include 35300
the handling, servicing, and investigation of juvenile cases and 35301
providing any counseling and conciliation services that the 35302
division makes available to persons, whether or not the persons 35303
are parties to an action pending in the division, who request the 35304
services. 35305

(3) If a judge of the court of common pleas, division of 35306
domestic relations or juvenile division, is sick, absent, or 35307
unable to perform that judge's judicial duties or the volume of 35308
cases pending in the judge's division necessitates it, the duties 35309
of that judge shall be performed by the other judges of the 35310
domestic relations and juvenile divisions. 35311

(N) In Erie county: 35312

(1) The judge of the court of common pleas whose term begins 35313
on January 2, 1971, and the successors to that judge whose terms 35314
begin before January 2, 2007, shall have the same qualifications, 35315
exercise the same powers and jurisdiction, and receive the same 35316
compensation as the other judge of the court of common pleas of 35317
Erie county and shall be elected and designated as judge of the 35318
court of common pleas, division of domestic relations. The judge 35319
shall have all the powers relating to juvenile courts, and shall 35320
be assigned all cases under Chapters 2151. and 2152. of the 35321
Revised Code, parentage proceedings over which the juvenile court 35322
has jurisdiction, and divorce, dissolution of marriage, legal 35323
separation, and annulment cases, except cases that for some 35324
special reason are assigned to some other judge. 35325

On or after January 2, 2007, the judge of the court of common 35326
pleas who is elected in 2006 shall be the successor to the judge 35327
of the domestic relations division whose term expires on January 35328

1, 2007, shall be designated as judge of the court of common 35329
pleas, juvenile division, and shall be the juvenile judge as 35330
provided in Chapters 2151. and 2152. of the Revised Code with the 35331
powers and jurisdictions conferred by those chapters. 35332

(2) The judge of the court of common pleas, general division, 35333
whose term begins on January 1, 2005, and successors, the judge of 35334
the court of common pleas, general division whose term begins on 35335
January 2, 2005, and successors, and the judge of the court of 35336
common pleas, general division, whose term begins February 9, 35337
2009, and successors, shall have assigned to them, in addition to 35338
all matters that are within the jurisdiction of the general 35339
division of the court of common pleas, all divorce, dissolution of 35340
marriage, legal separation, and annulment cases coming before the 35341
court, and all matters that are within the jurisdiction of the 35342
probate court under Chapter 2101., and other provisions, of the 35343
Revised Code. 35344

(0) In Greene county: 35345

(1) The judge of the court of common pleas whose term begins 35346
on January 1, 1961, and successors, shall have the same 35347
qualifications, exercise the same powers and jurisdiction, and 35348
receive the same compensation as the other judges of the court of 35349
common pleas of Greene county and shall be elected and designated 35350
as the judge of the court of common pleas, division of domestic 35351
relations. The judge shall be assigned all divorce, dissolution of 35352
marriage, legal separation, annulment, uniform reciprocal support 35353
enforcement, and domestic violence cases and all other cases 35354
related to domestic relations, except cases that for some special 35355
reason are assigned to some other judge of the court of common 35356
pleas. 35357

The judge shall be charged with the assignment and division 35358
of the work of the division and with the employment and 35359
supervision of all other personnel of the division. The judge also 35360

shall designate the title, compensation, hours, leaves of absence, 35361
and vacations of the personnel of the division and shall fix their 35362
duties. The duties of the personnel of the division, in addition 35363
to other statutory duties, shall include the handling, servicing, 35364
and investigation of divorce, dissolution of marriage, legal 35365
separation, and annulment cases and the provision of counseling 35366
and conciliation services that the division considers necessary 35367
and makes available to persons who request the services, whether 35368
or not the persons are parties in an action pending in the 35369
division. The compensation for the personnel shall be paid from 35370
the overall court budget and shall be included in the 35371
appropriations for the existing judges of the general division of 35372
the court of common pleas. 35373

(2) The judge of the court of common pleas whose term begins 35374
on January 1, 1995, and successors, shall have the same 35375
qualifications, exercise the same powers and jurisdiction, and 35376
receive the same compensation as the other judges of the court of 35377
common pleas of Greene county, shall be elected and designated as 35378
judge of the court of common pleas, juvenile division, and, on or 35379
after January 1, 1995, shall be the juvenile judge as provided in 35380
Chapters 2151. and 2152. of the Revised Code with the powers and 35381
jurisdiction conferred by those chapters. The judge of the court 35382
of common pleas, juvenile division, shall be the administrator of 35383
the juvenile division and its subdivisions and departments. The 35384
judge shall have charge of the employment, assignment, and 35385
supervision of the personnel of the juvenile division who are 35386
engaged in handling, servicing, or investigating juvenile cases, 35387
including any referees whom the judge considers necessary for the 35388
discharge of the judge's various duties. 35389

The judge also shall designate the title, compensation, 35390
expense allowances, hours, leaves of absence, and vacation of the 35391
personnel of the division and shall fix their duties. The duties 35392

of the personnel, in addition to other statutory duties, include 35393
the handling, servicing, and investigation of juvenile cases and 35394
providing any counseling and conciliation services that the court 35395
makes available to persons, whether or not the persons are parties 35396
to an action pending in the court, who request the services. 35397

(3) If one of the judges of the court of common pleas, 35398
general division, is sick, absent, or unable to perform that 35399
judge's judicial duties or the volume of cases pending in the 35400
general division necessitates it, the duties of that judge of the 35401
general division shall be performed by the judge of the division 35402
of domestic relations and the judge of the juvenile division. 35403

(P) In Portage county, the judge of the court of common 35404
pleas, whose term begins January 2, 1987, and successors, shall 35405
have the same qualifications, exercise the same powers and 35406
jurisdiction, and receive the same compensation as the other 35407
judges of the court of common pleas of Portage county and shall be 35408
elected and designated as judge of the court of common pleas, 35409
division of domestic relations. The judge shall be assigned all 35410
divorce, dissolution of marriage, legal separation, and annulment 35411
cases coming before the court, except in cases that for some 35412
special reason are assigned to some other judge of the court of 35413
common pleas. The judge shall be charged with the assignment and 35414
division of the work of the division and with the employment and 35415
supervision of all other personnel of the domestic relations 35416
division. 35417

The judge also shall designate the title, compensation, 35418
expense allowances, hours, leaves of absence, and vacations of the 35419
personnel of the division and shall fix their duties. The duties 35420
of the personnel, in addition to other statutory duties, shall 35421
include the handling, servicing, and investigation of divorce, 35422
dissolution of marriage, legal separation, and annulment cases and 35423
providing any counseling and conciliation services that the 35424

division makes available to persons, whether or not the persons 35425
are parties to an action pending in the division, who request the 35426
services. 35427

(Q) In Clermont county, the judge of the court of common 35428
pleas, whose term begins January 2, 1987, and successors, shall 35429
have the same qualifications, exercise the same powers and 35430
jurisdiction, and receive the same compensation as the other 35431
judges of the court of common pleas of Clermont county and shall 35432
be elected and designated as judge of the court of common pleas, 35433
division of domestic relations. The judge shall be assigned all 35434
divorce, dissolution of marriage, legal separation, and annulment 35435
cases coming before the court, except in cases that for some 35436
special reason are assigned to some other judge of the court of 35437
common pleas. The judge shall be charged with the assignment and 35438
division of the work of the division and with the employment and 35439
supervision of all other personnel of the domestic relations 35440
division. 35441

The judge also shall designate the title, compensation, 35442
expense allowances, hours, leaves of absence, and vacations of the 35443
personnel of the division and shall fix their duties. The duties 35444
of the personnel, in addition to other statutory duties, shall 35445
include the handling, servicing, and investigation of divorce, 35446
dissolution of marriage, legal separation, and annulment cases and 35447
providing any counseling and conciliation services that the 35448
division makes available to persons, whether or not the persons 35449
are parties to an action pending in the division, who request the 35450
services. 35451

(R) In Warren county, the judge of the court of common pleas, 35452
whose term begins January 1, 1987, and successors, shall have the 35453
same qualifications, exercise the same powers and jurisdiction, 35454
and receive the same compensation as the other judges of the court 35455
of common pleas of Warren county and shall be elected and 35456

designated as judge of the court of common pleas, division of 35457
domestic relations. The judge shall be assigned all divorce, 35458
dissolution of marriage, legal separation, and annulment cases 35459
coming before the court, except in cases that for some special 35460
reason are assigned to some other judge of the court of common 35461
pleas. The judge shall be charged with the assignment and division 35462
of the work of the division and with the employment and 35463
supervision of all other personnel of the domestic relations 35464
division. 35465

The judge also shall designate the title, compensation, 35466
expense allowances, hours, leaves of absence, and vacations of the 35467
personnel of the division and shall fix their duties. The duties 35468
of the personnel, in addition to other statutory duties, shall 35469
include the handling, servicing, and investigation of divorce, 35470
dissolution of marriage, legal separation, and annulment cases and 35471
providing any counseling and conciliation services that the 35472
division makes available to persons, whether or not the persons 35473
are parties to an action pending in the division, who request the 35474
services. 35475

(S) In Licking county, the judges of the court of common 35476
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 35477
and successors, shall have the same qualifications, exercise the 35478
same powers and jurisdiction, and receive the same compensation as 35479
the other judges of the court of common pleas of Licking county 35480
and shall be elected and designated as judges of the court of 35481
common pleas, division of domestic relations. The judges shall be 35482
assigned all divorce, dissolution of marriage, legal separation, 35483
and annulment cases, all cases arising under Chapter 3111. of the 35484
Revised Code, all proceedings involving child support, the 35485
allocation of parental rights and responsibilities for the care of 35486
children and the designation for the children of a place of 35487
residence and legal custodian, parenting time, and visitation, and 35488

all post-decree proceedings and matters arising from those cases 35489
and proceedings, except in cases that for some special reason are 35490
assigned to another judge of the court of common pleas. The 35491
administrative judge of the division of domestic relations shall 35492
be charged with the assignment and division of the work of the 35493
division and with the employment and supervision of the personnel 35494
of the division. 35495

The administrative judge of the division of domestic 35496
relations shall designate the title, compensation, expense 35497
allowances, hours, leaves of absence, and vacations of the 35498
personnel of the division and shall fix the duties of the 35499
personnel of the division. The duties of the personnel of the 35500
division, in addition to other statutory duties, shall include the 35501
handling, servicing, and investigation of divorce, dissolution of 35502
marriage, legal separation, and annulment cases, cases arising 35503
under Chapter 3111. of the Revised Code, and proceedings involving 35504
child support, the allocation of parental rights and 35505
responsibilities for the care of children and the designation for 35506
the children of a place of residence and legal custodian, 35507
parenting time, and visitation and providing any counseling and 35508
conciliation services that the division makes available to 35509
persons, whether or not the persons are parties to an action 35510
pending in the division, who request the services. 35511

(T) In Allen county, the judge of the court of common pleas, 35512
whose term begins January 1, 1993, and successors, shall have the 35513
same qualifications, exercise the same powers and jurisdiction, 35514
and receive the same compensation as the other judges of the court 35515
of common pleas of Allen county and shall be elected and 35516
designated as judge of the court of common pleas, division of 35517
domestic relations. The judge shall be assigned all divorce, 35518
dissolution of marriage, legal separation, and annulment cases, 35519
all cases arising under Chapter 3111. of the Revised Code, all 35520

proceedings involving child support, the allocation of parental 35521
rights and responsibilities for the care of children and the 35522
designation for the children of a place of residence and legal 35523
custodian, parenting time, and visitation, and all post-decree 35524
proceedings and matters arising from those cases and proceedings, 35525
except in cases that for some special reason are assigned to 35526
another judge of the court of common pleas. The judge shall be 35527
charged with the assignment and division of the work of the 35528
division and with the employment and supervision of the personnel 35529
of the division. 35530

The judge shall designate the title, compensation, expense 35531
allowances, hours, leaves of absence, and vacations of the 35532
personnel of the division and shall fix the duties of the 35533
personnel of the division. The duties of the personnel of the 35534
division, in addition to other statutory duties, shall include the 35535
handling, servicing, and investigation of divorce, dissolution of 35536
marriage, legal separation, and annulment cases, cases arising 35537
under Chapter 3111. of the Revised Code, and proceedings involving 35538
child support, the allocation of parental rights and 35539
responsibilities for the care of children and the designation for 35540
the children of a place of residence and legal custodian, 35541
parenting time, and visitation, and providing any counseling and 35542
conciliation services that the division makes available to 35543
persons, whether or not the persons are parties to an action 35544
pending in the division, who request the services. 35545

(U) In Medina county, the judge of the court of common pleas 35546
whose term begins January 1, 1995, and successors, shall have the 35547
same qualifications, exercise the same powers and jurisdiction, 35548
and receive the same compensation as other judges of the court of 35549
common pleas of Medina county and shall be elected and designated 35550
as judge of the court of common pleas, division of domestic 35551
relations. The judge shall be assigned all divorce, dissolution of 35552

marriage, legal separation, and annulment cases, all cases arising 35553
under Chapter 3111. of the Revised Code, all proceedings involving 35554
child support, the allocation of parental rights and 35555
responsibilities for the care of children and the designation for 35556
the children of a place of residence and legal custodian, 35557
parenting time, and visitation, and all post-decree proceedings 35558
and matters arising from those cases and proceedings, except in 35559
cases that for some special reason are assigned to another judge 35560
of the court of common pleas. The judge shall be charged with the 35561
assignment and division of the work of the division and with the 35562
employment and supervision of the personnel of the division. 35563

The judge shall designate the title, compensation, expense 35564
allowances, hours, leaves of absence, and vacations of the 35565
personnel of the division and shall fix the duties of the 35566
personnel of the division. The duties of the personnel, in 35567
addition to other statutory duties, include the handling, 35568
servicing, and investigation of divorce, dissolution of marriage, 35569
legal separation, and annulment cases, cases arising under Chapter 35570
3111. of the Revised Code, and proceedings involving child 35571
support, the allocation of parental rights and responsibilities 35572
for the care of children and the designation for the children of a 35573
place of residence and legal custodian, parenting time, and 35574
visitation, and providing counseling and conciliation services 35575
that the division makes available to persons, whether or not the 35576
persons are parties to an action pending in the division, who 35577
request the services. 35578

(V) In Fairfield county, the judge of the court of common 35579
pleas whose term begins January 2, 1995, and successors, shall 35580
have the same qualifications, exercise the same powers and 35581
jurisdiction, and receive the same compensation as the other 35582
judges of the court of common pleas of Fairfield county and shall 35583
be elected and designated as judge of the court of common pleas, 35584

division of domestic relations. The judge shall be assigned all 35585
divorce, dissolution of marriage, legal separation, and annulment 35586
cases, all cases arising under Chapter 3111. of the Revised Code, 35587
all proceedings involving child support, the allocation of 35588
parental rights and responsibilities for the care of children and 35589
the designation for the children of a place of residence and legal 35590
custodian, parenting time, and visitation, and all post-decree 35591
proceedings and matters arising from those cases and proceedings, 35592
except in cases that for some special reason are assigned to 35593
another judge of the court of common pleas. The judge also has 35594
concurrent jurisdiction with the probate-juvenile division of the 35595
court of common pleas of Fairfield county with respect to and may 35596
hear cases to determine the custody of a child, as defined in 35597
section 2151.011 of the Revised Code, who is not the ward of 35598
another court of this state, cases that are commenced by a parent, 35599
guardian, or custodian of a child, as defined in section 2151.011 35600
of the Revised Code, to obtain an order requiring a parent of the 35601
child to pay child support for that child when the request for 35602
that order is not ancillary to an action for divorce, dissolution 35603
of marriage, annulment, or legal separation, a criminal or civil 35604
action involving an allegation of domestic violence, an action for 35605
support under Chapter 3115. of the Revised Code, or an action that 35606
is within the exclusive original jurisdiction of the 35607
probate-juvenile division of the court of common pleas of 35608
Fairfield county and that involves an allegation that the child is 35609
an abused, neglected, or dependent child, and post-decree 35610
proceedings and matters arising from those types of cases. 35611

The judge of the domestic relations division shall be charged 35612
with the assignment and division of the work of the division and 35613
with the employment and supervision of the personnel of the 35614
division. 35615

The judge shall designate the title, compensation, expense 35616

allowances, hours, leaves of absence, and vacations of the 35617
personnel of the division and shall fix the duties of the 35618
personnel of the division. The duties of the personnel of the 35619
division, in addition to other statutory duties, shall include the 35620
handling, servicing, and investigation of divorce, dissolution of 35621
marriage, legal separation, and annulment cases, cases arising 35622
under Chapter 3111. of the Revised Code, and proceedings involving 35623
child support, the allocation of parental rights and 35624
responsibilities for the care of children and the designation for 35625
the children of a place of residence and legal custodian, 35626
parenting time, and visitation, and providing any counseling and 35627
conciliation services that the division makes available to 35628
persons, regardless of whether the persons are parties to an 35629
action pending in the division, who request the services. When the 35630
judge hears a case to determine the custody of a child, as defined 35631
in section 2151.011 of the Revised Code, who is not the ward of 35632
another court of this state or a case that is commenced by a 35633
parent, guardian, or custodian of a child, as defined in section 35634
2151.011 of the Revised Code, to obtain an order requiring a 35635
parent of the child to pay child support for that child when the 35636
request for that order is not ancillary to an action for divorce, 35637
dissolution of marriage, annulment, or legal separation, a 35638
criminal or civil action involving an allegation of domestic 35639
violence, an action for support under Chapter 3115. of the Revised 35640
Code, or an action that is within the exclusive original 35641
jurisdiction of the probate-juvenile division of the court of 35642
common pleas of Fairfield county and that involves an allegation 35643
that the child is an abused, neglected, or dependent child, the 35644
duties of the personnel of the domestic relations division also 35645
include the handling, servicing, and investigation of those types 35646
of cases. 35647

(W)(1) In Clark county, the judge of the court of common 35648
pleas whose term begins on January 2, 1995, and successors, shall 35649

have the same qualifications, exercise the same powers and 35650
jurisdiction, and receive the same compensation as other judges of 35651
the court of common pleas of Clark county and shall be elected and 35652
designated as judge of the court of common pleas, domestic 35653
relations division. The judge shall have all the powers relating 35654
to juvenile courts, and all cases under Chapters 2151. and 2152. 35655
of the Revised Code and all parentage proceedings under Chapter 35656
3111. of the Revised Code over which the juvenile court has 35657
jurisdiction shall be assigned to the judge of the division of 35658
domestic relations. All divorce, dissolution of marriage, legal 35659
separation, annulment, uniform reciprocal support enforcement, and 35660
other cases related to domestic relations shall be assigned to the 35661
domestic relations division, and the presiding judge of the court 35662
of common pleas shall assign the cases to the judge of the 35663
domestic relations division and the judges of the general 35664
division. 35665

(2) In addition to the judge's regular duties, the judge of 35666
the division of domestic relations shall serve on the children 35667
services board and the county advisory board. 35668

(3) If the judge of the court of common pleas of Clark 35669
county, division of domestic relations, is sick, absent, or unable 35670
to perform that judge's judicial duties or if the presiding judge 35671
of the court of common pleas of Clark county determines that the 35672
volume of cases pending in the division of domestic relations 35673
necessitates it, the duties of the judge of the division of 35674
domestic relations shall be performed by the judges of the general 35675
division or probate division of the court of common pleas of Clark 35676
county, as assigned for that purpose by the presiding judge of 35677
that court, and the judges so assigned shall act in conjunction 35678
with the judge of the division of domestic relations of that 35679
court. 35680

(X) In Scioto county, the judge of the court of common pleas 35681

whose term begins January 2, 1995, and successors, shall have the 35682
same qualifications, exercise the same powers and jurisdiction, 35683
and receive the same compensation as other judges of the court of 35684
common pleas of Scioto county and shall be elected and designated 35685
as judge of the court of common pleas, division of domestic 35686
relations. The judge shall be assigned all divorce, dissolution of 35687
marriage, legal separation, and annulment cases, all cases arising 35688
under Chapter 3111. of the Revised Code, all proceedings involving 35689
child support, the allocation of parental rights and 35690
responsibilities for the care of children and the designation for 35691
the children of a place of residence and legal custodian, 35692
parenting time, visitation, and all post-decree proceedings and 35693
matters arising from those cases and proceedings, except in cases 35694
that for some special reason are assigned to another judge of the 35695
court of common pleas. The judge shall be charged with the 35696
assignment and division of the work of the division and with the 35697
employment and supervision of the personnel of the division. 35698

The judge shall designate the title, compensation, expense 35699
allowances, hours, leaves of absence, and vacations of the 35700
personnel of the division and shall fix the duties of the 35701
personnel of the division. The duties of the personnel, in 35702
addition to other statutory duties, include the handling, 35703
servicing, and investigation of divorce, dissolution of marriage, 35704
legal separation, and annulment cases, cases arising under Chapter 35705
3111. of the Revised Code, and proceedings involving child 35706
support, the allocation of parental rights and responsibilities 35707
for the care of children and the designation for the children of a 35708
place of residence and legal custodian, parenting time, and 35709
visitation, and providing counseling and conciliation services 35710
that the division makes available to persons, whether or not the 35711
persons are parties to an action pending in the division, who 35712
request the services. 35713

(Y) In Auglaize county, the judge of the probate and juvenile 35714
divisions of the Auglaize county court of common pleas also shall 35715
be the administrative judge of the domestic relations division of 35716
the court and shall be assigned all divorce, dissolution of 35717
marriage, legal separation, and annulment cases coming before the 35718
court. The judge shall have all powers as administrator of the 35719
domestic relations division and shall have charge of the personnel 35720
engaged in handling, servicing, or investigating divorce, 35721
dissolution of marriage, legal separation, and annulment cases, 35722
including any referees considered necessary for the discharge of 35723
the judge's various duties. 35724

(Z)(1) In Marion county, the judge of the court of common 35725
pleas whose term begins on February 9, 1999, and the successors to 35726
that judge, shall have the same qualifications, exercise the same 35727
powers and jurisdiction, and receive the same compensation as the 35728
other judges of the court of common pleas of Marion county and 35729
shall be elected and designated as judge of the court of common 35730
pleas, domestic relations-juvenile-probate division. Except as 35731
otherwise specified in this division, that judge, and the 35732
successors to that judge, shall have all the powers relating to 35733
juvenile courts, and all cases under Chapters 2151. and 2152. of 35734
the Revised Code, all cases arising under Chapter 3111. of the 35735
Revised Code, all divorce, dissolution of marriage, legal 35736
separation, and annulment cases, all proceedings involving child 35737
support, the allocation of parental rights and responsibilities 35738
for the care of children and the designation for the children of a 35739
place of residence and legal custodian, parenting time, and 35740
visitation, and all post-decree proceedings and matters arising 35741
from those cases and proceedings shall be assigned to that judge 35742
and the successors to that judge. Except as provided in division 35743
(Z)(2) of this section and notwithstanding any other provision of 35744
any section of the Revised Code, on and after February 9, 2003, 35745
the judge of the court of common pleas of Marion county whose term 35746

begins on February 9, 1999, and the successors to that judge, 35747
shall have all the powers relating to the probate division of the 35748
court of common pleas of Marion county in addition to the powers 35749
previously specified in this division, and shall exercise 35750
concurrent jurisdiction with the judge of the probate division of 35751
that court over all matters that are within the jurisdiction of 35752
the probate division of that court under Chapter 2101., and other 35753
provisions, of the Revised Code in addition to the jurisdiction of 35754
the domestic relations-juvenile-probate division of that court 35755
otherwise specified in division (Z)(1) of this section. 35756

(2) The judge of the domestic relations-juvenile-probate 35757
division of the court of common pleas of Marion county or the 35758
judge of the probate division of the court of common pleas of 35759
Marion county, whichever of those judges is senior in total length 35760
of service on the court of common pleas of Marion county, 35761
regardless of the division or divisions of service, shall serve as 35762
the clerk of the probate division of the court of common pleas of 35763
Marion county. 35764

(3) On and after February 9, 2003, all references in law to 35765
"the probate court," "the probate judge," "the juvenile court," or 35766
"the judge of the juvenile court" shall be construed, with respect 35767
to Marion county, as being references to both "the probate 35768
division" and "the domestic relations-juvenile-probate division" 35769
and as being references to both "the judge of the probate 35770
division" and "the judge of the domestic relations- 35771
juvenile-probate division." On and after February 9, 2003, all 35772
references in law to "the clerk of the probate court" shall be 35773
construed, with respect to Marion county, as being references to 35774
the judge who is serving pursuant to division (Z)(2) of this 35775
section as the clerk of the probate division of the court of 35776
common pleas of Marion county. 35777

(AA) In Muskingum county, the judge of the court of common 35778

pleas whose term begins on January 2, 2003, and successors, shall 35779
have the same qualifications, exercise the same powers and 35780
jurisdiction, and receive the same compensation as the other 35781
judges of the court of common pleas of Muskingum county and shall 35782
be elected and designated as the judge of the court of common 35783
pleas, division of domestic relations. The judge shall be assigned 35784
all divorce, dissolution of marriage, legal separation, and 35785
annulment cases, all cases arising under Chapter 3111. of the 35786
Revised Code, all proceedings involving child support, the 35787
allocation of parental rights and responsibilities for the care of 35788
children and the designation for the children of a place of 35789
residence and legal custodian, parenting time, and visitation, and 35790
all post-decree proceedings and matters arising from those cases 35791
and proceedings, except in cases that for some special reason are 35792
assigned to another judge of the court of common pleas. The judge 35793
shall be charged with the assignment and division of the work of 35794
the division and with the employment and supervision of the 35795
personnel of the division. 35796

The judge shall designate the title, compensation, expense 35797
allowances, hours, leaves of absence, and vacations of the 35798
personnel of the division and shall fix the duties of the 35799
personnel of the division. The duties of the personnel of the 35800
division, in addition to other statutory duties, shall include the 35801
handling, servicing, and investigation of divorce, dissolution of 35802
marriage, legal separation, and annulment cases, cases arising 35803
under Chapter 3111. of the Revised Code, and proceedings involving 35804
child support, the allocation of parental rights and 35805
responsibilities for the care of children and the designation for 35806
the children of a place of residence and legal custodian, 35807
parenting time, and visitation and providing any counseling and 35808
conciliation services that the division makes available to 35809
persons, whether or not the persons are parties to an action 35810
pending in the division, who request the services. 35811

(BB) In Henry county, the judge of the court of common pleas 35812
whose term begins on January 1, 2005, and successors, shall have 35813
the same qualifications, exercise the same powers and 35814
jurisdiction, and receive the same compensation as the other judge 35815
of the court of common pleas of Henry county and shall be elected 35816
and designated as the judge of the court of common pleas, division 35817
of domestic relations. The judge shall have all of the powers 35818
relating to juvenile courts, and all cases under Chapter 2151. or 35819
2152. of the Revised Code, all parentage proceedings arising under 35820
Chapter 3111. of the Revised Code over which the juvenile court 35821
has jurisdiction, all divorce, dissolution of marriage, legal 35822
separation, and annulment cases, all proceedings involving child 35823
support, the allocation of parental rights and responsibilities 35824
for the care of children and the designation for the children of a 35825
place of residence and legal custodian, parenting time, and 35826
visitation, and all post-decree proceedings and matters arising 35827
from those cases and proceedings shall be assigned to that judge, 35828
except in cases that for some special reason are assigned to the 35829
other judge of the court of common pleas. 35830

(CC)(1) In Logan county, the judge of the court of common 35831
pleas whose term begins January 2, 2005, and the successors to 35832
that judge, shall have the same qualifications, exercise the same 35833
powers and jurisdiction, and receive the same compensation as the 35834
other judges of the court of common pleas of Logan county and 35835
shall be elected and designated as judge of the court of common 35836
pleas, domestic relations-juvenile-probate division. Except as 35837
otherwise specified in this division, that judge, and the 35838
successors to that judge, shall have all the powers relating to 35839
juvenile courts, and all cases under Chapters 2151. and 2152. of 35840
the Revised Code, all cases arising under Chapter 3111. of the 35841
Revised Code, all divorce, dissolution of marriage, legal 35842
separation, and annulment cases, all proceedings involving child 35843
support, the allocation of parental rights and responsibilities 35844

for the care of children and designation for the children of a 35845
place of residence and legal custodian, parenting time, and 35846
visitation, and all post-decree proceedings and matters arising 35847
from those cases and proceedings shall be assigned to that judge 35848
and the successors to that judge. Notwithstanding any other 35849
provision of any section of the Revised Code, on and after January 35850
2, 2005, the judge of the court of common pleas of Logan county 35851
whose term begins on January 2, 2005, and the successors to that 35852
judge, shall have all the powers relating to the probate division 35853
of the court of common pleas of Logan county in addition to the 35854
powers previously specified in this division and shall exercise 35855
concurrent jurisdiction with the judge of the probate division of 35856
that court over all matters that are within the jurisdiction of 35857
the probate division of that court under Chapter 2101., and other 35858
provisions, of the Revised Code in addition to the jurisdiction of 35859
the domestic relations-juvenile-probate division of that court 35860
otherwise specified in division (CC)(1) of this section. 35861

(2) The judge of the domestic relations-juvenile-probate 35862
division of the court of common pleas of Logan county or the 35863
probate judge of the court of common pleas of Logan county who is 35864
elected as the administrative judge of the probate division of the 35865
court of common pleas of Logan county pursuant to Rule 4 of the 35866
Rules of Superintendence shall be the clerk of the probate 35867
division and juvenile division of the court of common pleas of 35868
Logan county. The clerk of the court of common pleas who is 35869
elected pursuant to section 2303.01 of the Revised Code shall keep 35870
all of the journals, records, books, papers, and files pertaining 35871
to the domestic relations cases. 35872

(3) On and after January 2, 2005, all references in law to 35873
"the probate court," "the probate judge," "the juvenile court," or 35874
"the judge of the juvenile court" shall be construed, with respect 35875
to Logan county, as being references to both "the probate 35876

division" and the "domestic relations-juvenile-probate division" 35877
and as being references to both "the judge of the probate 35878
division" and the "judge of the domestic 35879
relations-juvenile-probate division." On and after January 2, 35880
2005, all references in law to "the clerk of the probate court" 35881
shall be construed, with respect to Logan county, as being 35882
references to the judge who is serving pursuant to division 35883
(CC)(2) of this section as the clerk of the probate division of 35884
the court of common pleas of Logan county. 35885

(DD)(1) In Champaign county, the judge of the court of common 35886
pleas whose term begins February 9, 2003, and the judge of the 35887
court of common pleas whose term begins February 10, 2009, and the 35888
successors to those judges, shall have the same qualifications, 35889
exercise the same powers and jurisdiction, and receive the same 35890
compensation as the other judges of the court of common pleas of 35891
Champaign county and shall be elected and designated as judges of 35892
the court of common pleas, domestic relations-juvenile-probate 35893
division. Except as otherwise specified in this division, those 35894
judges, and the successors to those judges, shall have all the 35895
powers relating to juvenile courts, and all cases under Chapters 35896
2151. and 2152. of the Revised Code, all cases arising under 35897
Chapter 3111. of the Revised Code, all divorce, dissolution of 35898
marriage, legal separation, and annulment cases, all proceedings 35899
involving child support, the allocation of parental rights and 35900
responsibilities for the care of children and the designation for 35901
the children of a place of residence and legal custodian, 35902
parenting time, and visitation, and all post-decree proceedings 35903
and matters arising from those cases and proceedings shall be 35904
assigned to those judges and the successors to those judges. 35905
Notwithstanding any other provision of any section of the Revised 35906
Code, on and after February 9, 2009, the judges designated by this 35907
division as judges of the court of common pleas of Champaign 35908
county, domestic relations-juvenile-probate division, and the 35909

successors to those judges, shall have all the powers relating to 35910
probate courts in addition to the powers previously specified in 35911
this division and shall exercise jurisdiction over all matters 35912
that are within the jurisdiction of probate courts under Chapter 35913
2101., and other provisions, of the Revised Code in addition to 35914
the jurisdiction of the domestic relations-juvenile-probate 35915
division otherwise specified in division (DD)(1) of this section. 35916

(2) On and after February 9, 2009, all references in law to 35917
"the probate court," "the probate judge," "the juvenile court," or 35918
"the judge of the juvenile court" shall be construed with respect 35919
to Champaign county as being references to the "domestic 35920
relations-juvenile-probate division" and as being references to 35921
the "judge of the domestic relations-juvenile-probate division." 35922
On and after February 9, 2009, all references in law to "the clerk 35923
of the probate court" shall be construed with respect to Champaign 35924
county as being references to the judge who is serving pursuant to 35925
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 35926
the administrative judge of the court of common pleas, domestic 35927
relations-juvenile-probate division. 35928

(EE) If a judge of the court of common pleas, division of 35929
domestic relations, or juvenile judge, of any of the counties 35930
mentioned in this section is sick, absent, or unable to perform 35931
that judge's judicial duties or the volume of cases pending in the 35932
judge's division necessitates it, the duties of that judge shall 35933
be performed by another judge of the court of common pleas of that 35934
county, assigned for that purpose by the presiding judge of the 35935
court of common pleas of that county to act in place of or in 35936
conjunction with that judge, as the case may require. 35937

Sec. 2305.231. (A) As used in this section: 35938

(1) "Dentist" means a person who is licensed under Chapter 35939
4715. of the Revised Code to practice dentistry. 35940

(2) "Physician" means a person who holds a certificate issued 35941
by the state medical board to practice medicine and surgery, 35942
osteopathic medicine and surgery, or podiatric medicine and 35943
surgery. 35944

(3) "Registered nurse" means a nurse who is licensed as a 35945
registered nurse under Chapter 4723. of the Revised Code. 35946

(4) "Therapeutic recreation" means adoptive recreation 35947
services to persons with illnesses or disabling conditions in 35948
order to do any of the following: 35949

(a) Restore, remediate, or rehabilitate; 35950

(b) Improve functioning and independence; 35951

(c) Reduce or eliminate the effects of illness or disability. 35952

(B) No physician who volunteers the physician's services as a 35953
team physician or team podiatrist to a school's athletics program, 35954
no dentist who volunteers the dentist's services as a team dentist 35955
to a school's athletics program, and no registered nurse who 35956
volunteers the registered nurse's services as a team nurse to a 35957
school's athletics program is liable in damages in a civil action 35958
for administering emergency medical care, emergency dental care, 35959
other emergency professional care, or first aid treatment to a 35960
participant in an athletic event involving the school, at the 35961
scene of the event or while the participant is being transported 35962
to a hospital, physician's or dentist's office, or other medical 35963
or dental facility, or for acts performed in administering the 35964
care or treatment, unless the acts of the physician, dentist, or 35965
registered nurse constitute willful or wanton misconduct. 35966

(C)(1) No physician who volunteers the physician's services 35967
as a camp physician at a camp that specializes in therapeutic 35968
recreation, and no registered nurse who volunteers the registered 35969
nurse's services at such a camp, is liable in damages in a civil 35970
action for either of the following: 35971

(a) Administering medical care, or emergency professional care, or first aid treatment to a participant in the camp or while the participant is being transported to a hospital, physician's or dentist's office, or other medical or dental facility; 35972
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(b) Acts performed in administering that care or treatment. 35976

(2) Division (C)(1) of this section does not apply if the acts of the physician or registered nurse constitute willful or wanton misconduct. 35977
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(D) This section does not apply if the administration of emergency medical care, emergency dental care, other emergency professional care, or first aid treatment is rendered for remuneration, or with the expectation of remuneration, from the recipient of the care or treatment or from someone on the recipient's behalf. 35980
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Sec. 2323.44. (A) As used in this section: 35986

(1) "Health care provider-sponsored organization" means an entity that is sponsored by hospitals, physician groups, other licensed health care providers, or any combination of hospitals, physician groups, or other licensed health care providers that are affiliated through common ownership or control and share financial risk for the purpose of delivering health care services. 35987
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(2) "Injured party" means any person who claims any injury, death, or loss to person in a tort action or an estate that makes a survivorship claim due to injury, death, or loss to person, but not including a derivative claim, a claim made by a beneficiary in a wrongful death action pursuant to section 2125.02 of the Revised Code, or a claim for punitive damages arising from a person's claim of injury, death, or loss to person. 35993
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(3) "Injured party's interest" means the injured party's past and future income loss, past and future medical expense, past and 36000
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future life care expense, and past and future noneconomic damages. 36002

(4) "Recovery" means the amount obtained from a third party in a tort action or the amount obtained for a claim in connection with uninsured or underinsured motorist coverage. 36003
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(5) "Third party" means any individual, automobile insurance company, or public or private entity against which a person or estate has a tort action. 36006
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(6) "Subrogee" means any of the following: 36009

(a) An insurance company doing business in this state; 36010

(b) A self-funded plan providing health, sickness, or disability benefits; 36011
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(c) A health care provider-sponsored organization; 36013

(d) Any person or entity that claims a right of subrogation by contract or common law. 36014
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(7) "Subrogee's interest" means medical expenses paid by a subrogee on behalf of an injured party that are directly and proximately related to the injury, death, or loss to person that is the basis of the tort action. 36016
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(8) "Tort action" means a civil action for injury, death, or loss to person. "Tort action" includes any claim for damages for injury, death, or loss to person, whether or not a lawsuit is pending, or a claim in connection with uninsured or underinsured motorist coverage, but does not include a civil action for breach of contract or another agreement between persons. 36020
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(B) Notwithstanding any contract or statutory provision to the contrary, the rights of a subrogee or any other person or entity that asserts a contractual, statutory, or common law subrogation claim against a third party or an injured party in a tort action shall be subject to all of the following: 36026
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(1) If less than the full value of the tort action is 36031

recovered for any reason, including, but not limited to, 36032
comparative negligence, diminishment due to a party's liability 36033
under sections 2307.22 to 2307.28 of the Revised Code, or by 36034
reason of the collectability of the full value of the claim for 36035
injury, death, or loss to person resulting from limited liability 36036
insurance or any other cause, the subrogee's or other person's or 36037
entity's claim shall be diminished in the same proportion as the 36038
injured party's interest is diminished. 36039

(2) Regardless of the recovery in the tort action, any 36040
reasonable attorney's fees contracted by the injured party and the 36041
expenses of procuring a recovery in the tort action, including, 36042
but not limited to, deposition costs, court costs, expert and 36043
other witness fees, and costs for trial preparation and 36044
presentation, shall be shared by the injured party and the 36045
subrogee or other person or entity on a pro rata basis. 36046

(3) A tort action and any settlement of a tort action shall 36047
be controlled solely by the injured party. If a dispute regarding 36048
the distribution of the recovery in the tort action arises, either 36049
party may file an action under Chapter 2721. of the Revised Code 36050
to resolve the issue of the distribution of the recovery. 36051

Sec. 2919.21. (A) No person shall abandon, or fail to provide 36052
adequate support to: 36053

(1) The person's spouse, as required by law; 36054

(2) The person's child who is under age eighteen, or mentally 36055
or physically handicapped child who is under age twenty-one; 36056

(3) The person's aged or infirm parent or adoptive parent, 36057
who from lack of ability and means is unable to provide adequately 36058
for the parent's own support. 36059

(B) No person shall abandon, or fail to provide support as 36060
established by a court order to, another person whom, by court 36061

order or decree, the person is legally obligated to support. 36062

(C) No person shall aid, abet, induce, cause, encourage, or 36063
contribute to a child or a ward of the juvenile court becoming a 36064
dependent child, as defined in section 2151.04 of the Revised 36065
Code, or a neglected child, as defined in section 2151.03 of the 36066
Revised Code. 36067

(D) It is an affirmative defense to a charge of failure to 36068
provide adequate support under division (A) of this section or a 36069
charge of failure to provide support established by a court order 36070
under division (B) of this section that the accused was unable to 36071
provide adequate support or the established support but did 36072
provide the support that was within the accused's ability and 36073
means. 36074

(E) It is an affirmative defense to a charge under division 36075
(A)(3) of this section that the parent abandoned the accused or 36076
failed to support the accused as required by law, while the 36077
accused was under age eighteen, or was mentally or physically 36078
handicapped and under age twenty-one. 36079

(F) It is not a defense to a charge under division (B) of 36080
this section that the person whom a court has ordered the accused 36081
to support is being adequately supported by someone other than the 36082
accused. 36083

(G)(1) Except as otherwise provided in this division, whoever 36084
violates division (A) or (B) of this section is guilty of 36085
nonsupport of dependents, a misdemeanor of the first degree. If 36086
the offender previously has been convicted of or pleaded guilty to 36087
a violation of division (A)(2) or (B) of this section or if the 36088
offender has failed to provide support under division (A)(2) or 36089
(B) of this section for a total accumulated period of twenty-six 36090
weeks out of one hundred four consecutive weeks, whether or not 36091
the twenty-six weeks were consecutive, then a violation of 36092

division (A)(2) or (B) of this section is a felony of the fifth 36093
degree. If the offender previously has been convicted of or 36094
pleaded guilty to a felony violation of this section, a violation 36095
of division (A)(2) or (B) of this section is a felony of the 36096
fourth degree. 36097

If the violation of division (A) or (B) of this section is a 36098
felony, all of the following apply to the sentencing of the 36099
offender: 36100

(a) Except as otherwise provided in division (G)(1)(b) of 36101
this section, the court in imposing sentence on the offender shall 36102
first consider placing the offender on one or more community 36103
control sanctions under section 2929.16, 2929.17, or 2929.18 of 36104
the Revised Code, with an emphasis under the sanctions on 36105
intervention for nonsupport, obtaining or maintaining employment, 36106
or another related condition. 36107

(b) The preference for placement on community control 36108
sanctions described in division (G)(1)(a) of this section does not 36109
apply to any offender to whom one or more of the following 36110
applies: 36111

(i) The court determines that the imposition of a prison term 36112
on the offender is consistent with the purposes and principles of 36113
sentencing set forth in section 2929.11 of the Revised Code. 36114

(ii) The offender previously was convicted of or pleaded 36115
guilty to a violation of this section that was a felony, and the 36116
offender was sentenced to a prison term for that violation. 36117

(iii) The offender previously was convicted of or pleaded 36118
guilty to a violation of this section that was a felony, the 36119
offender was sentenced to one or more community control sanctions 36120
of a type described in division (G)(1)(a) of this section for that 36121
violation, and the offender failed to comply with the conditions 36122
of any of those community control sanctions. 36123

(2) If the offender is guilty of nonsupport of dependents by 36124
reason of failing to provide support to the offender's child as 36125
required by a child support order issued on or after April 15, 36126
1985, pursuant to section 2151.23, 2151.231, 2151.232, 2151.33, 36127
3105.21, 3109.05, 3111.13, 3113.04, 3113.31, 3115.401, or former 36128
section 3115.31 of the Revised Code, the court, in addition to any 36129
other sentence imposed, shall assess all court costs arising out 36130
of the charge against the person and require the person to pay any 36131
reasonable attorney's fees of any adverse party other than the 36132
state, as determined by the court, that arose in relation to the 36133
charge. 36134

(3) Whoever violates division (C) of this section is guilty 36135
of contributing to the nonsupport of dependents, a misdemeanor of 36136
the first degree. Each day of violation of division (C) of this 36137
section is a separate offense. 36138

Sec. 2923.12. (A) No person shall knowingly carry or have, 36139
concealed on the person's person or concealed ready at hand, any 36140
of the following: 36141

(1) A deadly weapon other than a handgun; 36142

(2) A handgun other than a dangerous ordnance; 36143

(3) A dangerous ordnance. 36144

(B) No person who has been issued a concealed handgun license 36145
shall do any of the following: 36146

(1) If the person is stopped for a law enforcement purpose 36147
and is carrying a concealed handgun, fail to promptly inform any 36148
law enforcement officer who approaches the person after the person 36149
has been stopped that the person has been issued a concealed 36150
handgun license and that the person then is carrying a concealed 36151
handgun; 36152

(2) If the person is stopped for a law enforcement purpose 36153

and is carrying a concealed handgun, knowingly fail to keep the person's hands in plain sight at any time after any law enforcement officer begins approaching the person while stopped and before the law enforcement officer leaves, unless the failure is pursuant to and in accordance with directions given by a law enforcement officer;

(3) If the person is stopped for a law enforcement purpose, if the person is carrying a concealed handgun, and if the person is approached by any law enforcement officer while stopped, knowingly remove or attempt to remove the loaded handgun from the holster, pocket, or other place in which the person is carrying it, knowingly grasp or hold the loaded handgun, or knowingly have contact with the loaded handgun by touching it with the person's hands or fingers at any time after the law enforcement officer begins approaching and before the law enforcement officer leaves, unless the person removes, attempts to remove, grasps, holds, or has contact with the loaded handgun pursuant to and in accordance with directions given by the law enforcement officer;

(4) If the person is stopped for a law enforcement purpose and is carrying a concealed handgun, knowingly disregard or fail to comply with any lawful order of any law enforcement officer given while the person is stopped, including, but not limited to, a specific order to the person to keep the person's hands in plain sight.

(C)(1) This section does not apply to any of the following:

(a) An officer, agent, or employee of this or any other state or the United States, or to a law enforcement officer, who is authorized to carry concealed weapons or dangerous ordnance or is authorized to carry handguns and is acting within the scope of the officer's, agent's, or employee's duties;

(b) Any person who is employed in this state, who is

authorized to carry concealed weapons or dangerous ordnance or is 36185
authorized to carry handguns, and who is subject to and in 36186
compliance with the requirements of section 109.801 of the Revised 36187
Code, unless the appointing authority of the person has expressly 36188
specified that the exemption provided in division (C)(1)(b) of 36189
this section does not apply to the person; 36190

(c) A person's transportation or storage of a firearm, other 36191
than a firearm described in divisions (G) to (M) of section 36192
2923.11 of the Revised Code, in a motor vehicle for any lawful 36193
purpose if the firearm is not on the actor's person; 36194

(d) A person's storage or possession of a firearm, other than 36195
a firearm described in divisions (G) to (M) of section 2923.11 of 36196
the Revised Code, in the actor's own home for any lawful purpose. 36197

(2) Division (A)(2) of this section does not apply to any 36198
person who, at the time of the alleged carrying or possession of a 36199
handgun, either is carrying a valid concealed handgun license or 36200
is a person who is eighteen years of age or older, is an active 36201
member of the armed forces of the United States, and is carrying a 36202
valid military identification card and a certificate issued by the 36203
person's applicable service branch indicating that the person has 36204
successfully completed small arms qualification, unless the person 36205
knowingly is in a place described in division (B) of section 36206
2923.126 of the Revised Code. 36207

(D) It is an affirmative defense to a charge under division 36208
(A)(1) of this section of carrying or having control of a weapon 36209
other than a handgun and other than a dangerous ordnance that the 36210
actor was not otherwise prohibited by law from having the weapon 36211
and that any of the following applies: 36212

(1) The weapon was carried or kept ready at hand by the actor 36213
for defensive purposes while the actor was engaged in or was going 36214
to or from the actor's lawful business or occupation, which 36215

business or occupation was of a character or was necessarily 36216
carried on in a manner or at a time or place as to render the 36217
actor particularly susceptible to criminal attack, such as would 36218
justify a prudent person in going armed. 36219

(2) The weapon was carried or kept ready at hand by the actor 36220
for defensive purposes while the actor was engaged in a lawful 36221
activity and had reasonable cause to fear a criminal attack upon 36222
the actor, a member of the actor's family, or the actor's home, 36223
such as would justify a prudent person in going armed. 36224

(3) The weapon was carried or kept ready at hand by the actor 36225
for any lawful purpose and while in the actor's own home. 36226

(E) No person who is charged with a violation of this section 36227
shall be required to obtain a concealed handgun license as a 36228
condition for the dismissal of the charge. 36229

(F)(1) Whoever violates this section is guilty of carrying 36230
concealed weapons. Except as otherwise provided in this division 36231
or division (F)(2) of this section, carrying concealed weapons in 36232
violation of division (A) of this section is a misdemeanor of the 36233
first degree. Except as otherwise provided in this division or 36234
division (F)(2) of this section, if the offender previously has 36235
been convicted of a violation of this section or of any offense of 36236
violence, if the weapon involved is a firearm that is either 36237
loaded or for which the offender has ammunition ready at hand, or 36238
if the weapon involved is dangerous ordnance, carrying concealed 36239
weapons in violation of division (A) of this section is a felony 36240
of the fourth degree. Except as otherwise provided in division 36241
(F)(2) of this section, if the offense is committed aboard an 36242
aircraft, or with purpose to carry a concealed weapon aboard an 36243
aircraft, regardless of the weapon involved, carrying concealed 36244
weapons in violation of division (A) of this section is a felony 36245
of the third degree. 36246

(2) If a person being arrested for a violation of division 36247
(A)(2) of this section promptly produces a valid concealed handgun 36248
license or promptly produces a valid military identification card 36249
and a certificate issued by the person's applicable service branch 36250
indicating that the person has successfully completed small arms 36251
qualification and the person is eighteen years of age or older and 36252
an active member of the armed forces of the United States, and if 36253
at the time of the violation the person was not knowingly in a 36254
place described in division (B) of section 2923.126 of the Revised 36255
Code, the officer shall not arrest the person for a violation of 36256
that division. If the person is not able to promptly produce any 36257
concealed handgun license or a combination of a valid military 36258
identification card and a certificate issued by the person's 36259
applicable service branch indicating that the person has 36260
successfully completed small arms qualification and if the person 36261
is not in a place described in that section, the officer may 36262
arrest the person for a violation of that division, and the 36263
offender shall be punished as follows: 36264

(a) The offender shall be guilty of a minor misdemeanor if 36265
both of the following apply: 36266

(i) Within ten days after the arrest, the offender presents a 36267
concealed handgun license or a combination of a military 36268
identification card and a certificate issued by the person's 36269
applicable service branch indicating that the person has 36270
successfully completed small arms qualification, which license or 36271
card and certificate was valid at the time of the arrest to the 36272
law enforcement agency that employs the arresting officer. 36273

(ii) At the time of the arrest, the offender was not 36274
knowingly in a place described in division (B) of section 2923.126 36275
of the Revised Code. 36276

(b) The offender shall be guilty of a misdemeanor and shall 36277
be fined five hundred dollars if all of the following apply: 36278

(i) The offender previously had been issued a concealed handgun license, and that license expired within the two years immediately preceding the arrest. 36279
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(ii) Within forty-five days after the arrest, the offender presents a concealed handgun license to the law enforcement agency that employed the arresting officer, and the offender waives in writing the offender's right to a speedy trial on the charge of the violation that is provided in section 2945.71 of the Revised Code. 36282
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(iii) At the time of the commission of the offense, the offender was not knowingly in a place described in division (B) of section 2923.126 of the Revised Code. 36288
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(iv) The offender did not present a valid military identification card and a certificate issued by the person's applicable service branch indicating that the person has successfully completed small arms qualification within ten days after the arrest. 36291
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(c) If neither division (F)(2)(a) nor (b) of this section applies, the offender shall be punished under division (F)(1) of this section. 36296
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(3) Except as otherwise provided in this division, carrying concealed weapons in violation of division (B)(1) of this section is a misdemeanor of the first degree, and, in addition to any other penalty or sanction imposed for a violation of division (B)(1) of this section, the offender's concealed handgun license shall be suspended pursuant to division (A)(2) of section 2923.128 of the Revised Code. If, at the time of the stop of the offender for a law enforcement purpose that was the basis of the violation, any law enforcement officer involved with the stop had actual knowledge that the offender has been issued a concealed handgun license, carrying concealed weapons in violation of division 36299
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(B)(1) of this section is a minor misdemeanor, and the offender's
concealed handgun license shall not be suspended pursuant to
division (A)(2) of section 2923.128 of the Revised Code.

(4) Carrying concealed weapons in violation of division
(B)(2) or (4) of this section is a misdemeanor of the first degree
or, if the offender previously has been convicted of or pleaded
guilty to a violation of division (B)(2) or (4) of this section, a
felony of the fifth degree. In addition to any other penalty or
sanction imposed for a misdemeanor violation of division (B)(2) or
(4) of this section, the offender's concealed handgun license
shall be suspended pursuant to division (A)(2) of section 2923.128
of the Revised Code.

(5) Carrying concealed weapons in violation of division
(B)(3) of this section is a felony of the fifth degree.

(G) If a law enforcement officer stops a person to question
the person regarding a possible violation of this section, for a
traffic stop, or for any other law enforcement purpose, if the
person surrenders a firearm to the officer, either voluntarily or
pursuant to a request or demand of the officer, and if the officer
does not charge the person with a violation of this section or
arrest the person for any offense, the person is not otherwise
prohibited by law from possessing the firearm, and the firearm is
not contraband, the officer shall return the firearm to the person
at the termination of the stop. If a court orders a law
enforcement officer to return a firearm to a person pursuant to
the requirement set forth in this division, division (B) of
section 2923.163 of the Revised Code applies.

Sec. 2923.121. (A) No person shall possess a firearm in any
room in which any person is consuming beer or intoxicating liquor
in a premises for which a D permit has been issued under Chapter
4303. of the Revised Code or in an open air arena for which a

permit of that nature has been issued. 36341

(B)(1) This section does not apply to any of the following: 36342

(a) An officer, agent, or employee of this or any other state 36343
or the United States, or to a law enforcement officer, who is 36344
authorized to carry firearms and is acting within the scope of the 36345
officer's, agent's, or employee's duties; 36346

(b) Any person who is employed in this state, who is 36347
authorized to carry firearms, and who is subject to and in 36348
compliance with the requirements of section 109.801 of the Revised 36349
Code, unless the appointing authority of the person has expressly 36350
specified that the exemption provided in division (B)(1)(b) of 36351
this section does not apply to the person; 36352

(c) Any room used for the accommodation of guests of a hotel, 36353
as defined in section 4301.01 of the Revised Code; 36354

(d) The principal holder of a D permit issued for a premises 36355
or an open air arena under Chapter 4303. of the Revised Code while 36356
in the premises or open air arena for which the permit was issued 36357
if the principal holder of the D permit also possesses a valid 36358
concealed handgun license and as long as the principal holder is 36359
not consuming beer or intoxicating liquor or under the influence 36360
of alcohol or a drug of abuse, or any agent or employee of that 36361
holder who also is a peace officer, as defined in section 36362
2151.3515 of the Revised Code, who is off duty, and who otherwise 36363
is authorized to carry firearms while in the course of the 36364
officer's official duties and while in the premises or open air 36365
arena for which the permit was issued and as long as the agent or 36366
employee of that holder is not consuming beer or intoxicating 36367
liquor or under the influence of alcohol or a drug of abuse. 36368

(e) Any person who is carrying a valid concealed handgun 36369
license or any person who is eighteen years of age or older, is an 36370

active member of the armed forces of the United States, and is 36371
carrying a valid military identification card and a certificate 36372
issued by the person's applicable service branch indicating that 36373
the person has successfully completed small arms qualification, as 36374
long as the person is not consuming beer or intoxicating liquor or 36375
under the influence of alcohol or a drug of abuse. 36376

(2) This section does not prohibit any person who is a member 36377
of a veteran's organization, as defined in section 2915.01 of the 36378
Revised Code, from possessing a rifle in any room in any premises 36379
owned, leased, or otherwise under the control of the veteran's 36380
organization, if the rifle is not loaded with live ammunition and 36381
if the person otherwise is not prohibited by law from having the 36382
rifle. 36383

(3) This section does not apply to any person possessing or 36384
displaying firearms in any room used to exhibit unloaded firearms 36385
for sale or trade in a soldiers' memorial established pursuant to 36386
Chapter 345. of the Revised Code, in a convention center, or in 36387
any other public meeting place, if the person is an exhibitor, 36388
trader, purchaser, or seller of firearms and is not otherwise 36389
prohibited by law from possessing, trading, purchasing, or selling 36390
the firearms. 36391

(C) It is an affirmative defense to a charge under this 36392
section of illegal possession of a firearm in a liquor permit 36393
premises that involves the possession of a firearm other than a 36394
handgun, that the actor was not otherwise prohibited by law from 36395
having the firearm, and that any of the following apply: 36396

(1) The firearm was carried or kept ready at hand by the 36397
actor for defensive purposes, while the actor was engaged in or 36398
was going to or from the actor's lawful business or occupation, 36399
which business or occupation was of such character or was 36400
necessarily carried on in such manner or at such a time or place 36401
as to render the actor particularly susceptible to criminal 36402

attack, such as would justify a prudent person in going armed. 36403

(2) The firearm was carried or kept ready at hand by the 36404
actor for defensive purposes, while the actor was engaged in a 36405
lawful activity, and had reasonable cause to fear a criminal 36406
attack upon the actor or a member of the actor's family, or upon 36407
the actor's home, such as would justify a prudent person in going 36408
armed. 36409

(D) No person who is charged with a violation of this section 36410
shall be required to obtain a concealed handgun license as a 36411
condition for the dismissal of the charge. 36412

(E) Whoever violates this section is guilty of illegal 36413
possession of a firearm in a liquor permit premises. Except as 36414
otherwise provided in this division, illegal possession of a 36415
firearm in a liquor permit premises is a felony of the fifth 36416
degree. If the offender commits the violation of this section by 36417
knowingly carrying or having the firearm concealed on the 36418
offender's person or concealed ready at hand, illegal possession 36419
of a firearm in a liquor permit premises is a felony of the third 36420
degree. 36421

(F) As used in this section, "beer" and "intoxicating liquor" 36422
have the same meanings as in section 4301.01 of the Revised Code. 36423

Sec. 2923.122. (A) No person shall knowingly convey, or 36424
attempt to convey, a deadly weapon or dangerous ordnance into a 36425
school safety zone. 36426

(B) No person shall knowingly possess a deadly weapon or 36427
dangerous ordnance in a school safety zone. 36428

(C) No person shall knowingly possess an object in a school 36429
safety zone if both of the following apply: 36430

(1) The object is indistinguishable from a firearm, whether 36431
or not the object is capable of being fired. 36432

(2) The person indicates that the person possesses the object 36433
and that it is a firearm, or the person knowingly displays or 36434
brandishes the object and indicates that it is a firearm. 36435

(D)(1) This section does not apply to any of the following: 36436

(a) An officer, agent, or employee of this or any other state 36437
or the United States, or a law enforcement officer, who is 36438
authorized to carry deadly weapons or dangerous ordnance and is 36439
acting within the scope of the officer's, agent's, or employee's 36440
duties, a security officer employed by a board of education or 36441
governing body of a school during the time that the security 36442
officer is on duty pursuant to that contract of employment, or any 36443
other person who has written authorization from the board of 36444
education or governing body of a school to convey deadly weapons 36445
or dangerous ordnance into a school safety zone or to possess a 36446
deadly weapon or dangerous ordnance in a school safety zone and 36447
who conveys or possesses the deadly weapon or dangerous ordnance 36448
in accordance with that authorization; 36449

(b) Any person who is employed in this state, who is 36450
authorized to carry deadly weapons or dangerous ordnance, and who 36451
is subject to and in compliance with the requirements of section 36452
109.801 of the Revised Code, unless the appointing authority of 36453
the person has expressly specified that the exemption provided in 36454
division (D)(1)(b) of this section does not apply to the person. 36455

(2) Division (C) of this section does not apply to premises 36456
upon which home schooling is conducted. Division (C) of this 36457
section also does not apply to a school administrator, teacher, or 36458
employee who possesses an object that is indistinguishable from a 36459
firearm for legitimate school purposes during the course of 36460
employment, a student who uses an object that is indistinguishable 36461
from a firearm under the direction of a school administrator, 36462
teacher, or employee, or any other person who with the express 36463
prior approval of a school administrator possesses an object that 36464

is indistinguishable from a firearm for a legitimate purpose, 36465
including the use of the object in a ceremonial activity, a play, 36466
reenactment, or other dramatic presentation, or a ROTC activity or 36467
another similar use of the object. 36468

(3) This section does not apply to a person who conveys or 36469
attempts to convey a handgun into, or possesses a handgun in, a 36470
school safety zone if, at the time of that conveyance, attempted 36471
conveyance, or possession of the handgun, all of the following 36472
apply: 36473

(a) The person does not enter into a school building or onto 36474
school premises and is not at a school activity. 36475

(b) The person is carrying a valid concealed handgun license 36476
or the person is eighteen years of age or older, is an active 36477
member of the armed forces of the United States, and is carrying a 36478
valid military identification card and a certificate issued by the 36479
person's applicable service branch indicating that the person has 36480
successfully completed small arms qualification. 36481

(c) The person is in the school safety zone in accordance 36482
with 18 U.S.C. 922(q)(2)(B). 36483

(d) The person is not knowingly in a place described in 36484
division (B)(1) or (B)(3) to (10) of section 2923.126 of the 36485
Revised Code. 36486

(4) This section does not apply to a person who conveys or 36487
attempts to convey a handgun into, or possesses a handgun in, a 36488
school safety zone if at the time of that conveyance, attempted 36489
conveyance, or possession of the handgun all of the following 36490
apply: 36491

(a) The person is carrying a valid concealed handgun license 36492
or the person is eighteen years of age or older, is an active 36493
member of the armed forces of the United States, and is carrying a 36494
valid military identification card and a certificate issued by the 36495

person's applicable service branch indicating that the person has 36496
successfully completed small arms qualification. 36497

(b) The person is the driver or passenger in a motor vehicle 36498
and is in the school safety zone while immediately in the process 36499
of picking up or dropping off a child. 36500

(c) The person is not in violation of section 2923.16 of the 36501
Revised Code. 36502

(E)(1) Whoever violates division (A) or (B) of this section 36503
is guilty of illegal conveyance or possession of a deadly weapon 36504
or dangerous ordnance in a school safety zone. Except as otherwise 36505
provided in this division, illegal conveyance or possession of a 36506
deadly weapon or dangerous ordnance in a school safety zone is a 36507
felony of the fifth degree. If the offender previously has been 36508
convicted of a violation of this section, illegal conveyance or 36509
possession of a deadly weapon or dangerous ordnance in a school 36510
safety zone is a felony of the fourth degree. 36511

(2) Whoever violates division (C) of this section is guilty 36512
of illegal possession of an object indistinguishable from a 36513
firearm in a school safety zone. Except as otherwise provided in 36514
this division, illegal possession of an object indistinguishable 36515
from a firearm in a school safety zone is a misdemeanor of the 36516
first degree. If the offender previously has been convicted of a 36517
violation of this section, illegal possession of an object 36518
indistinguishable from a firearm in a school safety zone is a 36519
felony of the fifth degree. 36520

(F)(1) In addition to any other penalty imposed upon a person 36521
who is convicted of or pleads guilty to a violation of this 36522
section and subject to division (F)(2) of this section, if the 36523
offender has not attained nineteen years of age, regardless of 36524
whether the offender is attending or is enrolled in a school 36525
operated by a board of education or for which the state board of 36526

education prescribes minimum standards under section 3301.07 of 36527
the Revised Code, the court shall impose upon the offender a class 36528
four suspension of the offender's probationary driver's license, 36529
restricted license, driver's license, commercial driver's license, 36530
temporary instruction permit, or probationary commercial driver's 36531
license that then is in effect from the range specified in 36532
division (A)(4) of section 4510.02 of the Revised Code and shall 36533
deny the offender the issuance of any permit or license of that 36534
type during the period of the suspension. 36535

If the offender is not a resident of this state, the court 36536
shall impose a class four suspension of the nonresident operating 36537
privilege of the offender from the range specified in division 36538
(A)(4) of section 4510.02 of the Revised Code. 36539

(2) If the offender shows good cause why the court should not 36540
suspend one of the types of licenses, permits, or privileges 36541
specified in division (F)(1) of this section or deny the issuance 36542
of one of the temporary instruction permits specified in that 36543
division, the court in its discretion may choose not to impose the 36544
suspension, revocation, or denial required in that division, but 36545
the court, in its discretion, instead may require the offender to 36546
perform community service for a number of hours determined by the 36547
court. 36548

(G) As used in this section, "object that is 36549
indistinguishable from a firearm" means an object made, 36550
constructed, or altered so that, to a reasonable person without 36551
specialized training in firearms, the object appears to be a 36552
firearm. 36553

Sec. 2923.123. (A) No person shall knowingly convey or 36554
attempt to convey a deadly weapon or dangerous ordnance into a 36555
courthouse or into another building or structure in which a 36556
courtroom is located. 36557

(B) No person shall knowingly possess or have under the person's control a deadly weapon or dangerous ordnance in a courthouse or in another building or structure in which a courtroom is located.

(C) This section does not apply to any of the following:

(1) Except as provided in division (E) of this section, a judge of a court of record of this state or a magistrate;

(2) A peace officer, officer of a law enforcement agency, or person who is in either of the following categories:

(a) Except as provided in division (E) of this section, a peace officer, or an officer of a law enforcement agency of another state, a political subdivision of another state, or the United States, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that individual's duties, and who is acting within the scope of that individual's duties at the time of that possession or control;

(b) Except as provided in division (E) of this section, a person who is employed in this state, who is authorized to carry a deadly weapon or dangerous ordnance, who possesses or has under that individual's control a deadly weapon or dangerous ordnance as a requirement of that person's duties, and who is subject to and in compliance with the requirements of section 109.801 of the Revised Code, unless the appointing authority of the person has expressly specified that the exemption provided in division (C)(2)(b) of this section does not apply to the person.

(3) A person who conveys, attempts to convey, possesses, or has under the person's control a deadly weapon or dangerous ordnance that is to be used as evidence in a pending criminal or civil action or proceeding;

(4) Except as provided in division (E) of this section, a 36589
bailiff or deputy bailiff of a court of record of this state who 36590
is authorized to carry a firearm pursuant to section 109.77 of the 36591
Revised Code, who possesses or has under that individual's control 36592
a firearm as a requirement of that individual's duties, and who is 36593
acting within the scope of that individual's duties at the time of 36594
that possession or control; 36595

(5) Except as provided in division (E) of this section, a 36596
prosecutor, or a secret service officer appointed by a county 36597
prosecuting attorney, who is authorized to carry a deadly weapon 36598
or dangerous ordnance in the performance of the individual's 36599
duties, who possesses or has under that individual's control a 36600
deadly weapon or dangerous ordnance as a requirement of that 36601
individual's duties, and who is acting within the scope of that 36602
individual's duties at the time of that possession or control; 36603

(6) Except as provided in division (E) of this section, a 36604
person who conveys or attempts to convey a handgun into a 36605
courthouse or into another building or structure in which a 36606
courtroom is located, who, at the time of the conveyance or 36607
attempt, either is carrying a valid concealed handgun license or 36608
is eighteen years of age or older, is an active member of the 36609
armed forces of the United States, and is carrying a valid 36610
military identification card and a certificate issued by the 36611
person's applicable service branch indicating that the person has 36612
successfully completed small arms qualification, and who transfers 36613
possession of the handgun to the officer or officer's designee who 36614
has charge of the courthouse or building. The officer shall secure 36615
the handgun until the licensee is prepared to leave the premises. 36616
The exemption described in this division applies only if the 36617
officer who has charge of the courthouse or building provides 36618
services of the nature described in this division. An officer who 36619
has charge of the courthouse or building is not required to offer 36620

services of the nature described in this division. 36621

(D)(1) Whoever violates division (A) of this section is 36622
guilty of illegal conveyance of a deadly weapon or dangerous 36623
ordnance into a courthouse. Except as otherwise provided in this 36624
division, illegal conveyance of a deadly weapon or dangerous 36625
ordnance into a courthouse is a felony of the fifth degree. If the 36626
offender previously has been convicted of a violation of division 36627
(A) or (B) of this section, illegal conveyance of a deadly weapon 36628
or dangerous ordnance into a courthouse is a felony of the fourth 36629
degree. 36630

(2) Whoever violates division (B) of this section is guilty 36631
of illegal possession or control of a deadly weapon or dangerous 36632
ordnance in a courthouse. Except as otherwise provided in this 36633
division, illegal possession or control of a deadly weapon or 36634
dangerous ordnance in a courthouse is a felony of the fifth 36635
degree. If the offender previously has been convicted of a 36636
violation of division (A) or (B) of this section, illegal 36637
possession or control of a deadly weapon or dangerous ordnance in 36638
a courthouse is a felony of the fourth degree. 36639

(E) The exemptions described in divisions (C)(1), (2)(a), 36640
(2)(b), (4), (5), and (6) of this section do not apply to any 36641
judge, magistrate, peace officer, officer of a law enforcement 36642
agency, bailiff, deputy bailiff, prosecutor, secret service 36643
officer, or other person described in any of those divisions if a 36644
rule of superintendence or another type of rule adopted by the 36645
supreme court pursuant to Article IV, Ohio Constitution, or an 36646
applicable local rule of court prohibits all persons from 36647
conveying or attempting to convey a deadly weapon or dangerous 36648
ordnance into a courthouse or into another building or structure 36649
in which a courtroom is located or from possessing or having under 36650
one's control a deadly weapon or dangerous ordnance in a 36651
courthouse or in another building or structure in which a 36652

courtroom is located. 36653

(F) As used in this section: 36654

(1) "Magistrate" means an individual who is appointed by a 36655
court of record of this state and who has the powers and may 36656
perform the functions specified in Civil Rule 53, Criminal Rule 36657
19, or Juvenile Rule 40. 36658

(2) "Peace officer" and "prosecutor" have the same meanings 36659
as in section 2935.01 of the Revised Code. 36660

Sec. 2923.126. (A) A concealed handgun license that is issued 36661
under section 2923.125 of the Revised Code shall expire five years 36662
after the date of issuance. A licensee who has been issued a 36663
license under that section shall be granted a grace period of 36664
thirty days after the licensee's license expires during which the 36665
licensee's license remains valid. Except as provided in divisions 36666
(B) and (C) of this section, a licensee who has been issued a 36667
concealed handgun license under section 2923.125 or 2923.1213 of 36668
the Revised Code may carry a concealed handgun anywhere in this 36669
state if the licensee also carries a valid license and valid 36670
identification when the licensee is in actual possession of a 36671
concealed handgun. The licensee shall give notice of any change in 36672
the licensee's residence address to the sheriff who issued the 36673
license within forty-five days after that change. 36674

If a licensee is the driver or an occupant of a motor vehicle 36675
that is stopped as the result of a traffic stop or a stop for 36676
another law enforcement purpose and if the licensee is 36677
transporting or has a loaded handgun in the motor vehicle at that 36678
time, the licensee shall promptly inform any law enforcement 36679
officer who approaches the vehicle while stopped that the licensee 36680
has been issued a concealed handgun license and that the licensee 36681
currently possesses or has a loaded handgun; the licensee shall 36682
not knowingly disregard or fail to comply with lawful orders of a 36683

law enforcement officer given while the motor vehicle is stopped, 36684
knowingly fail to remain in the motor vehicle while stopped, or 36685
knowingly fail to keep the licensee's hands in plain sight after 36686
any law enforcement officer begins approaching the licensee while 36687
stopped and before the officer leaves, unless directed otherwise 36688
by a law enforcement officer; and the licensee shall not knowingly 36689
have contact with the loaded handgun by touching it with the 36690
licensee's hands or fingers, in any manner in violation of 36691
division (E) of section 2923.16 of the Revised Code, after any law 36692
enforcement officer begins approaching the licensee while stopped 36693
and before the officer leaves. Additionally, if a licensee is the 36694
driver or an occupant of a commercial motor vehicle that is 36695
stopped by an employee of the motor carrier enforcement unit for 36696
the purposes defined in section ~~5503.04~~ 5503.34 of the Revised 36697
Code and if the licensee is transporting or has a loaded handgun 36698
in the commercial motor vehicle at that time, the licensee shall 36699
promptly inform the employee of the unit who approaches the 36700
vehicle while stopped that the licensee has been issued a 36701
concealed handgun license and that the licensee currently 36702
possesses or has a loaded handgun. 36703

If a licensee is stopped for a law enforcement purpose and if 36704
the licensee is carrying a concealed handgun at the time the 36705
officer approaches, the licensee shall promptly inform any law 36706
enforcement officer who approaches the licensee while stopped that 36707
the licensee has been issued a concealed handgun license and that 36708
the licensee currently is carrying a concealed handgun; the 36709
licensee shall not knowingly disregard or fail to comply with 36710
lawful orders of a law enforcement officer given while the 36711
licensee is stopped or knowingly fail to keep the licensee's hands 36712
in plain sight after any law enforcement officer begins 36713
approaching the licensee while stopped and before the officer 36714
leaves, unless directed otherwise by a law enforcement officer; 36715
and the licensee shall not knowingly remove, attempt to remove, 36716

grasp, or hold the loaded handgun or knowingly have contact with 36717
the loaded handgun by touching it with the licensee's hands or 36718
fingers, in any manner in violation of division (B) of section 36719
2923.12 of the Revised Code, after any law enforcement officer 36720
begins approaching the licensee while stopped and before the 36721
officer leaves. 36722

(B) A valid concealed handgun license does not authorize the 36723
licensee to carry a concealed handgun in any manner prohibited 36724
under division (B) of section 2923.12 of the Revised Code or in 36725
any manner prohibited under section 2923.16 of the Revised Code. A 36726
valid license does not authorize the licensee to carry a concealed 36727
handgun into any of the following places: 36728

(1) A police station, sheriff's office, or state highway 36729
patrol station, premises controlled by the bureau of criminal 36730
identification and investigation, a state correctional 36731
institution, jail, workhouse, or other detention facility, an 36732
airport passenger terminal, or an institution that is maintained, 36733
operated, managed, and governed pursuant to division (A) of 36734
section 5119.14 of the Revised Code or division (A)(1) of section 36735
5123.03 of the Revised Code; 36736

(2) A school safety zone if the licensee's carrying the 36737
concealed handgun is in violation of section 2923.122 of the 36738
Revised Code; 36739

(3) A courthouse or another building or structure in which a 36740
courtroom is located, in violation of section 2923.123 of the 36741
Revised Code; 36742

(4) Any premises or open air arena for which a D permit has 36743
been issued under Chapter 4303. of the Revised Code if the 36744
licensee's carrying the concealed handgun is in violation of 36745
section 2923.121 of the Revised Code; 36746

(5) Any premises owned or leased by any public or private 36747

college, university, or other institution of higher education, 36748
unless the handgun is in a locked motor vehicle or the licensee is 36749
in the immediate process of placing the handgun in a locked motor 36750
vehicle; 36751

(6) Any church, synagogue, mosque, or other place of worship, 36752
unless the church, synagogue, mosque, or other place of worship 36753
posts or permits otherwise; 36754

(7) A child day-care center, a type A family day-care home, 36755
or a type B family day-care home, except that this division does 36756
not prohibit a licensee who resides in a type A family day-care 36757
home or a type B family day-care home from carrying a concealed 36758
handgun at any time in any part of the home that is not dedicated 36759
or used for day-care purposes, or from carrying a concealed 36760
handgun in a part of the home that is dedicated or used for 36761
day-care purposes at any time during which no children, other than 36762
children of that licensee, are in the home; 36763

(8) An aircraft that is in, or intended for operation in, 36764
foreign air transportation, interstate air transportation, 36765
intrastate air transportation, or the transportation of mail by 36766
aircraft; 36767

(9) Any building that is a government facility of this state 36768
or a political subdivision of this state and that is not a 36769
building that is used primarily as a shelter, restroom, parking 36770
facility for motor vehicles, or rest facility and is not a 36771
courthouse or other building or structure in which a courtroom is 36772
located that is subject to division (B)(3) of this section; 36773

(10) A place in which federal law prohibits the carrying of 36774
handguns. 36775

(C)(1) Nothing in this section shall negate or restrict a 36776
rule, policy, or practice of a private employer that is not a 36777
private college, university, or other institution of higher 36778

education concerning or prohibiting the presence of firearms on 36779
the private employer's premises or property, including motor 36780
vehicles owned by the private employer. Nothing in this section 36781
shall require a private employer of that nature to adopt a rule, 36782
policy, or practice concerning or prohibiting the presence of 36783
firearms on the private employer's premises or property, including 36784
motor vehicles owned by the private employer. 36785

(2)(a) A private employer shall be immune from liability in a 36786
civil action for any injury, death, or loss to person or property 36787
that allegedly was caused by or related to a licensee bringing a 36788
handgun onto the premises or property of the private employer, 36789
including motor vehicles owned by the private employer, unless the 36790
private employer acted with malicious purpose. A private employer 36791
is immune from liability in a civil action for any injury, death, 36792
or loss to person or property that allegedly was caused by or 36793
related to the private employer's decision to permit a licensee to 36794
bring, or prohibit a licensee from bringing, a handgun onto the 36795
premises or property of the private employer. As used in this 36796
division, "private employer" includes a private college, 36797
university, or other institution of higher education. 36798

(b) A political subdivision shall be immune from liability in 36799
a civil action, to the extent and in the manner provided in 36800
Chapter 2744. of the Revised Code, for any injury, death, or loss 36801
to person or property that allegedly was caused by or related to a 36802
licensee bringing a handgun onto any premises or property owned, 36803
leased, or otherwise under the control of the political 36804
subdivision. As used in this division, "political subdivision" has 36805
the same meaning as in section 2744.01 of the Revised Code. 36806

(3)(a) Except as provided in division (C)(3)(b) of this 36807
section, the owner or person in control of private land or 36808
premises, and a private person or entity leasing land or premises 36809
owned by the state, the United States, or a political subdivision 36810

of the state or the United States, may post a sign in a 36811
conspicuous location on that land or on those premises prohibiting 36812
persons from carrying firearms or concealed firearms on or onto 36813
that land or those premises. Except as otherwise provided in this 36814
division, a person who knowingly violates a posted prohibition of 36815
that nature is guilty of criminal trespass in violation of 36816
division (A)(4) of section 2911.21 of the Revised Code and is 36817
guilty of a misdemeanor of the fourth degree. If a person 36818
knowingly violates a posted prohibition of that nature and the 36819
posted land or premises primarily was a parking lot or other 36820
parking facility, the person is not guilty of criminal trespass 36821
under section 2911.21 of the Revised Code or under any other 36822
criminal law of this state or criminal law, ordinance, or 36823
resolution of a political subdivision of this state, and instead 36824
is subject only to a civil cause of action for trespass based on 36825
the violation. 36826

(b) A landlord may not prohibit or restrict a tenant who is a 36827
licensee and who on or after September 9, 2008, enters into a 36828
rental agreement with the landlord for the use of residential 36829
premises, and the tenant's guest while the tenant is present, from 36830
lawfully carrying or possessing a handgun on those residential 36831
premises. 36832

(c) As used in division (C)(3) of this section: 36833

(i) "Residential premises" has the same meaning as in section 36834
5321.01 of the Revised Code, except "residential premises" does 36835
not include a dwelling unit that is owned or operated by a college 36836
or university. 36837

(ii) "Landlord," "tenant," and "rental agreement" have the 36838
same meanings as in section 5321.01 of the Revised Code. 36839

(D) A person who holds a valid concealed handgun license 36840
issued by another state that is recognized by the attorney general 36841

pursuant to a reciprocity agreement entered into pursuant to 36842
section 109.69 of the Revised Code or a person who holds a valid 36843
concealed handgun license under the circumstances described in 36844
division (B) of section 109.69 of the Revised Code has the same 36845
right to carry a concealed handgun in this state as a person who 36846
was issued a concealed handgun license under section 2923.125 of 36847
the Revised Code and is subject to the same restrictions that 36848
apply to a person who carries a license issued under that section. 36849

(E)(1) A peace officer has the same right to carry a 36850
concealed handgun in this state as a person who was issued a 36851
concealed handgun license under section 2923.125 of the Revised 36852
Code. For purposes of reciprocity with other states, a peace 36853
officer shall be considered to be a licensee in this state. 36854

(2) An active member of the armed forces of the United States 36855
who is eighteen years of age or older and who is carrying a valid 36856
military identification card and a certificate issued by the 36857
person's applicable service branch indicating that the person has 36858
successfully completed small arms qualification has the same right 36859
to carry a concealed handgun in this state as a person who was 36860
issued a concealed handgun license under section 2923.125 of the 36861
Revised Code and is subject to the same restrictions as specified 36862
in this section. 36863

(F)(1) A qualified retired peace officer who possesses a 36864
retired peace officer identification card issued pursuant to 36865
division (F)(2) of this section and a valid firearms 36866
requalification certification issued pursuant to division (F)(3) 36867
of this section has the same right to carry a concealed handgun in 36868
this state as a person who was issued a concealed handgun license 36869
under section 2923.125 of the Revised Code and is subject to the 36870
same restrictions that apply to a person who carries a license 36871
issued under that section. For purposes of reciprocity with other 36872
states, a qualified retired peace officer who possesses a retired 36873

peace officer identification card issued pursuant to division 36874
(F)(2) of this section and a valid firearms requalification 36875
certification issued pursuant to division (F)(3) of this section 36876
shall be considered to be a licensee in this state. 36877

(2)(a) Each public agency of this state or of a political 36878
subdivision of this state that is served by one or more peace 36879
officers shall issue a retired peace officer identification card 36880
to any person who retired from service as a peace officer with 36881
that agency, if the issuance is in accordance with the agency's 36882
policies and procedures and if the person, with respect to the 36883
person's service with that agency, satisfies all of the following: 36884

(i) The person retired in good standing from service as a 36885
peace officer with the public agency, and the retirement was not 36886
for reasons of mental instability. 36887

(ii) Before retiring from service as a peace officer with 36888
that agency, the person was authorized to engage in or supervise 36889
the prevention, detection, investigation, or prosecution of, or 36890
the incarceration of any person for, any violation of law and the 36891
person had statutory powers of arrest. 36892

(iii) At the time of the person's retirement as a peace 36893
officer with that agency, the person was trained and qualified to 36894
carry firearms in the performance of the peace officer's duties. 36895

(iv) Before retiring from service as a peace officer with 36896
that agency, the person was regularly employed as a peace officer 36897
for an aggregate of fifteen years or more, or, in the alternative, 36898
the person retired from service as a peace officer with that 36899
agency, after completing any applicable probationary period of 36900
that service, due to a service-connected disability, as determined 36901
by the agency. 36902

(b) A retired peace officer identification card issued to a 36903
person under division (F)(2)(a) of this section shall identify the 36904

person by name, contain a photograph of the person, identify the public agency of this state or of the political subdivision of this state from which the person retired as a peace officer and that is issuing the identification card, and specify that the person retired in good standing from service as a peace officer with the issuing public agency and satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section. In addition to the required content specified in this division, a retired peace officer identification card issued to a person under division (F)(2)(a) of this section may include the firearms requalification certification described in division (F)(3) of this section, and if the identification card includes that certification, the identification card shall serve as the firearms requalification certification for the retired peace officer. If the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to

attend a firearms requalification program that is approved for 36937
purposes of firearms requalification required under section 36938
109.801 of the Revised Code. The retired peace officer may be 36939
required to pay the cost of the course. 36940

If a retired peace officer who satisfies the criteria set 36941
forth in divisions (F)(2)(a)(i) to (iv) of this section attends a 36942
firearms requalification program that is approved for purposes of 36943
firearms requalification required under section 109.801 of the 36944
Revised Code, the retired peace officer's successful completion of 36945
the firearms requalification program requalifies the retired peace 36946
officer for purposes of division (F) of this section for five 36947
years from the date on which the program was successfully 36948
completed, and the requalification is valid during that five-year 36949
period. If a retired peace officer who satisfies the criteria set 36950
forth in divisions (F)(2)(a)(i) to (iv) of this section 36951
satisfactorily completes such a firearms requalification program, 36952
the retired peace officer shall be issued a firearms 36953
requalification certification that identifies the retired peace 36954
officer by name, identifies the entity that taught the program, 36955
specifies that the retired peace officer successfully completed 36956
the program, specifies the date on which the course was 36957
successfully completed, and specifies that the requalification is 36958
valid for five years from that date of successful completion. The 36959
firearms requalification certification for a retired peace officer 36960
may be included in the retired peace officer identification card 36961
issued to the retired peace officer under division (F)(2) of this 36962
section. 36963

A retired peace officer who attends a firearms 36964
requalification program that is approved for purposes of firearms 36965
requalification required under section 109.801 of the Revised Code 36966
may be required to pay the cost of the program. 36967

(G) As used in this section: 36968

(1) "Qualified retired peace officer" means a person who satisfies all of the following:	36969 36970
(a) The person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (v) of this section.	36971 36972
(b) The person is not under the influence of alcohol or another intoxicating or hallucinatory drug or substance.	36973 36974
(c) The person is not prohibited by federal law from receiving firearms.	36975 36976
(2) "Retired peace officer identification card" means an identification card that is issued pursuant to division (F)(2) of this section to a person who is a retired peace officer.	36977 36978 36979
(3) "Government facility of this state or a political subdivision of this state" means any of the following:	36980 36981
(a) A building or part of a building that is owned or leased by the government of this state or a political subdivision of this state and where employees of the government of this state or the political subdivision regularly are present for the purpose of performing their official duties as employees of the state or political subdivision;	36982 36983 36984 36985 36986 36987
(b) The office of a deputy registrar serving pursuant to Chapter 4503. of the Revised Code that is used to perform deputy registrar functions.	36988 36989 36990
Sec. 2923.129. (A)(1) If a sheriff, the superintendent of the bureau of criminal identification and investigation, the employees of the bureau, the Ohio peace officer training commission, or the employees of the commission make a good faith effort in performing the duties imposed upon the sheriff, the superintendent, the bureau's employees, the commission, or the commission's employees by sections 109.731, 311.41, and 2923.124 to 2923.1213 of the Revised Code, in addition to the personal immunity provided by	36991 36992 36993 36994 36995 36996 36997 36998

section 9.86 of the Revised Code or division (A)(6) of section 36999
2744.03 of the Revised Code and the governmental immunity of 37000
sections 2744.02 and 2744.03 of the Revised Code and in addition 37001
to any other immunity possessed by the bureau, the commission, and 37002
their employees, the sheriff, the sheriff's office, the county in 37003
which the sheriff has jurisdiction, the bureau, the superintendent 37004
of the bureau, the bureau's employees, the commission, and the 37005
commission's employees are immune from liability in a civil action 37006
for injury, death, or loss to person or property that allegedly 37007
was caused by or related to any of the following: 37008

(a) The issuance, renewal, suspension, or revocation of a 37009
concealed handgun license; 37010

(b) The failure to issue, renew, suspend, or revoke a 37011
concealed handgun license; 37012

(c) Any action or misconduct with a handgun committed by a 37013
licensee. 37014

(2) Any action of a sheriff relating to the issuance, 37015
renewal, suspension, or revocation of a concealed handgun license 37016
shall be considered to be a governmental function for purposes of 37017
Chapter 2744. of the Revised Code. 37018

(3) An entity that or instructor who provides a competency 37019
certification of a type described in division (B)(3) of section 37020
2923.125 of the Revised Code is immune from civil liability that 37021
might otherwise be incurred or imposed for any death or any injury 37022
or loss to person or property that is caused by or related to a 37023
person to whom the entity or instructor has issued the competency 37024
certificate if all of the following apply: 37025

(a) The alleged liability of the entity or instructor relates 37026
to the training provided in the course, class, or program covered 37027
by the competency certificate. 37028

(b) The entity or instructor makes a good faith effort in 37029

determining whether the person has satisfactorily completed the 37030
course, class, or program and makes a good faith effort in 37031
assessing the person in the competency examination conducted 37032
pursuant to division (G)(2) of section 2923.125 of the Revised 37033
Code. 37034

(c) The entity or instructor did not issue the competency 37035
certificate with malicious purpose, in bad faith, or in a wanton 37036
or reckless manner. 37037

(4) An entity that or instructor who, prior to ~~the effective~~ 37038
~~date of this amendment~~ March 27, 2013, provides a renewed 37039
competency certification of a type described in division (G)(4) of 37040
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37041
~~effective date of this amendment~~ March 27, 2013, is immune from 37042
civil liability that might otherwise be incurred or imposed for 37043
any death or any injury or loss to person or property that is 37044
caused by or related to a person to whom the entity or instructor 37045
has issued the renewed competency certificate if all of the 37046
following apply: 37047

(a) The entity or instructor makes a good faith effort in 37048
assessing the person in the physical demonstrations or the 37049
competency examination conducted pursuant to division (G)(4) of 37050
section 2923.125 of the Revised Code as it existed prior to ~~the~~ 37051
~~effective date of this amendment~~ March 27, 2013. 37052

(b) The entity or instructor did not issue the renewed 37053
competency certificate with malicious purpose, in bad faith, or in 37054
a wanton or reckless manner. 37055

(5) A law enforcement agency that employs a peace officer is 37056
immune from liability in a civil action to recover damages for 37057
injury, death, or loss to person or property allegedly caused by 37058
any act of that peace officer if the act occurred while the peace 37059
officer carried a concealed handgun and was off duty and if the 37060

act allegedly involved the peace officer's use of the concealed 37061
handgun. Sections 9.86 and 9.87, and Chapter 2744., of the Revised 37062
Code apply to any civil action involving a peace officer's use of 37063
a concealed handgun in the performance of the peace officer's 37064
official duties while the peace officer is off duty. 37065

(B)~~(1)~~ Notwithstanding section 149.43 of the Revised Code, 37066
~~except as provided in division (B)(2) of this section,~~ the records 37067
that a sheriff keeps relative to the issuance, renewal, 37068
suspension, or revocation of a concealed handgun license, 37069
including, but not limited to, completed applications for the 37070
issuance or renewal of a license, completed affidavits submitted 37071
regarding an application for a license on a temporary emergency 37072
basis, reports of criminal records checks and incompetency records 37073
checks under section 311.41 of the Revised Code, and applicants' 37074
social security numbers and fingerprints that are obtained under 37075
division (A) of section 311.41 of the Revised Code, are 37076
confidential and are not public records. ~~Except as provided in~~ 37077
~~division (B)(2) of this section, no~~ No person shall release or 37078
otherwise disseminate records that are confidential under this 37079
division unless required to do so pursuant to a court order. 37080

~~(2)(a) A journalist, on or after April 8, 2004, may submit to~~ 37081
~~a sheriff a signed, written request to view the name, county of~~ 37082
~~residence, and date of birth of each person to whom the sheriff~~ 37083
~~has issued, renewed, or issued a replacement for a concealed~~ 37084
~~handgun license, or a signed, written request to view the name,~~ 37085
~~county of residence, and date of birth of each person for whom the~~ 37086
~~sheriff has suspended or revoked a concealed handgun license. The~~ 37087
~~request shall include the journalist's name and title, shall~~ 37088
~~include the name and address of the journalist's employer, and~~ 37089
~~shall state that disclosure of the information sought would be in~~ 37090
~~the public interest. If a journalist submits a signed, written~~ 37091
~~request to the sheriff to view the information described in this~~ 37092

~~division, the sheriff shall grant the journalist's request. The 37093
journalist shall not copy the name, county of residence, or date 37094
of birth of each person to or for whom the sheriff has issued, 37095
suspended, or revoked a license described in this division. 37096~~

~~(b) As used in division (B)(2) of this section, "journalist" 37097
means a person engaged in, connected with, or employed by any news 37098
medium, including a newspaper, magazine, press association, news 37099
agency, or wire service, a radio or television station, or a 37100
similar medium, for the purpose of gathering, processing, 37101
transmitting, compiling, editing, or disseminating information for 37102
the general public. 37103~~

(C) Each sheriff shall report to the Ohio peace officer 37104
training commission the number of concealed handgun licenses that 37105
the sheriff issued, renewed, suspended, revoked, or denied under 37106
section 2923.125 of the Revised Code during the previous quarter 37107
of the calendar year, the number of applications for those 37108
licenses for which processing was suspended in accordance with 37109
division (D)(3) of section 2923.125 of the Revised Code during the 37110
previous quarter of the calendar year, and the number of concealed 37111
handgun licenses on a temporary emergency basis that the sheriff 37112
issued, suspended, revoked, or denied under section 2923.1213 of 37113
the Revised Code during the previous quarter of the calendar year. 37114
The sheriff shall not include in the report the name or any other 37115
identifying information of an applicant or licensee. The sheriff 37116
shall report that information in a manner that permits the 37117
commission to maintain the statistics described in division (C) of 37118
section 109.731 of the Revised Code and to timely prepare the 37119
statistical report described in that division. The information 37120
that is received by the commission under this division is a public 37121
record kept by the commission for the purposes of section 149.43 37122
of the Revised Code. 37123

(D) Law enforcement agencies may use the information a 37124

sheriff makes available through the use of the law enforcement 37125
automated data system pursuant to division (H) of section 2923.125 37126
or division (B)(2) or (D) of section 2923.1213 of the Revised Code 37127
for law enforcement purposes only. The information is confidential 37128
and is not a public record. A person who releases or otherwise 37129
disseminates this information obtained through the law enforcement 37130
automated data system in a manner not described in this division 37131
is guilty of a violation of section 2913.04 of the Revised Code. 37132

(E) Whoever violates division (B) of this section is guilty 37133
of illegal release of confidential concealed handgun license 37134
records, a felony of the fifth degree. In addition to any 37135
penalties imposed under Chapter 2929. of the Revised Code for a 37136
violation of division (B) of this section or a violation of 37137
section 2913.04 of the Revised Code described in division (D) of 37138
this section, if the offender is a sheriff, an employee of a 37139
sheriff, or any other public officer or employee, and if the 37140
violation was willful and deliberate, the offender shall be 37141
subject to a civil fine of one thousand dollars. Any person who is 37142
harmed by a violation of division (B) or (C) of this section or a 37143
violation of section 2913.04 of the Revised Code described in 37144
division (D) of this section has a private cause of action against 37145
the offender for any injury, death, or loss to person or property 37146
that is a proximate result of the violation and may recover court 37147
costs and attorney's fees related to the action. 37148

Sec. 2923.16. (A) No person shall knowingly discharge a 37149
firearm while in or on a motor vehicle. 37150

(B) No person shall knowingly transport or have a loaded 37151
firearm in a motor vehicle in such a manner that the firearm is 37152
accessible to the operator or any passenger without leaving the 37153
vehicle. 37154

(C) No person shall knowingly transport or have a firearm in 37155

a motor vehicle, unless the person may lawfully possess that 37156
firearm under applicable law of this state or the United States, 37157
the firearm is unloaded, and the firearm is carried in one of the 37158
following ways: 37159

(1) In a closed package, box, or case; 37160

(2) In a compartment that can be reached only by leaving the 37161
vehicle; 37162

(3) In plain sight and secured in a rack or holder made for 37163
the purpose; 37164

(4) If the firearm is at least twenty-four inches in overall 37165
length as measured from the muzzle to the part of the stock 37166
furthest from the muzzle and if the barrel is at least eighteen 37167
inches in length, either in plain sight with the action open or 37168
the weapon stripped, or, if the firearm is of a type on which the 37169
action will not stay open or which cannot easily be stripped, in 37170
plain sight. 37171

(D) No person shall knowingly transport or have a loaded 37172
handgun in a motor vehicle if, at the time of that transportation 37173
or possession, any of the following applies: 37174

(1) The person is under the influence of alcohol, a drug of 37175
abuse, or a combination of them. 37176

(2) The person's whole blood, blood serum or plasma, breath, 37177
or urine contains a concentration of alcohol, a listed controlled 37178
substance, or a listed metabolite of a controlled substance 37179
prohibited for persons operating a vehicle, as specified in 37180
division (A) of section 4511.19 of the Revised Code, regardless of 37181
whether the person at the time of the transportation or possession 37182
as described in this division is the operator of or a passenger in 37183
the motor vehicle. 37184

(E) No person who has been issued a concealed handgun license 37185

or who is eighteen years of age or older, is an active member of 37186
the armed forces of the United States, and is carrying a valid 37187
military identification card and a certificate issued by the 37188
person's applicable service branch indicating that the person has 37189
successfully completed small arms qualification, who is the driver 37190
or an occupant of a motor vehicle that is stopped as a result of a 37191
traffic stop or a stop for another law enforcement purpose or is 37192
the driver or an occupant of a commercial motor vehicle that is 37193
stopped by an employee of the motor carrier enforcement unit for 37194
the purposes defined in section 5503.34 of the Revised Code, and 37195
who is transporting or has a loaded handgun in the motor vehicle 37196
or commercial motor vehicle in any manner, shall do any of the 37197
following: 37198

(1) Fail to promptly inform any law enforcement officer who 37199
approaches the vehicle while stopped that the person has been 37200
issued a concealed handgun license and that the person then 37201
possesses or has a loaded handgun in the motor vehicle; 37202

(2) Fail to promptly inform the employee of the unit who 37203
approaches the vehicle while stopped that the person has been 37204
issued a concealed handgun license and that the person then 37205
possesses or has a loaded handgun in the commercial motor vehicle; 37206

(3) Knowingly fail to remain in the motor vehicle while 37207
stopped or knowingly fail to keep the person's hands in plain 37208
sight at any time after any law enforcement officer begins 37209
approaching the person while stopped and before the law 37210
enforcement officer leaves, unless the failure is pursuant to and 37211
in accordance with directions given by a law enforcement officer; 37212

(4) Knowingly have contact with the loaded handgun by 37213
touching it with the person's hands or fingers in the motor 37214
vehicle at any time after the law enforcement officer begins 37215
approaching and before the law enforcement officer leaves, unless 37216
the person has contact with the loaded handgun pursuant to and in 37217

accordance with directions given by the law enforcement officer; 37218

(5) Knowingly disregard or fail to comply with any lawful 37219
order of any law enforcement officer given while the motor vehicle 37220
is stopped, including, but not limited to, a specific order to the 37221
person to keep the person's hands in plain sight. 37222

(F)(1) Divisions (A), (B), (C), and (E) of this section do 37223
not apply to any of the following: 37224

(a) An officer, agent, or employee of this or any other state 37225
or the United States, or a law enforcement officer, when 37226
authorized to carry or have loaded or accessible firearms in motor 37227
vehicles and acting within the scope of the officer's, agent's, or 37228
employee's duties; 37229

(b) Any person who is employed in this state, who is 37230
authorized to carry or have loaded or accessible firearms in motor 37231
vehicles, and who is subject to and in compliance with the 37232
requirements of section 109.801 of the Revised Code, unless the 37233
appointing authority of the person has expressly specified that 37234
the exemption provided in division (F)(1)(b) of this section does 37235
not apply to the person. 37236

(2) Division (A) of this section does not apply to a person 37237
if all of the following circumstances apply: 37238

(a) The person discharges a firearm from a motor vehicle at a 37239
coyote or groundhog, the discharge is not during the deer gun 37240
hunting season as set by the chief of the division of wildlife of 37241
the department of natural resources, and the discharge at the 37242
coyote or groundhog, but for the operation of this section, is 37243
lawful. 37244

(b) The motor vehicle from which the person discharges the 37245
firearm is on real property that is located in an unincorporated 37246
area of a township and that either is zoned for agriculture or is 37247
used for agriculture. 37248

(c) The person owns the real property described in division 37249
(F)(2)(b) of this section, is the spouse or a child of another 37250
person who owns that real property, is a tenant of another person 37251
who owns that real property, or is the spouse or a child of a 37252
tenant of another person who owns that real property. 37253

(d) The person does not discharge the firearm in any of the 37254
following manners: 37255

(i) While under the influence of alcohol, a drug of abuse, or 37256
alcohol and a drug of abuse; 37257

(ii) In the direction of a street, highway, or other public 37258
or private property used by the public for vehicular traffic or 37259
parking; 37260

(iii) At or into an occupied structure that is a permanent or 37261
temporary habitation; 37262

(iv) In the commission of any violation of law, including, 37263
but not limited to, a felony that includes, as an essential 37264
element, purposely or knowingly causing or attempting to cause the 37265
death of or physical harm to another and that was committed by 37266
discharging a firearm from a motor vehicle. 37267

(3) Division (A) of this section does not apply to a person 37268
if all of the following apply: 37269

(a) The person possesses a valid electric-powered all-purpose 37270
vehicle permit issued under section 1533.103 of the Revised Code 37271
by the chief of the division of wildlife. 37272

(b) The person discharges a firearm at a wild quadruped or 37273
game bird as defined in section 1531.01 of the Revised Code during 37274
the open hunting season for the applicable wild quadruped or game 37275
bird. 37276

(c) The person discharges a firearm from a stationary 37277
electric-powered all-purpose vehicle as defined in section 1531.01 37278

of the Revised Code or a motor vehicle that is parked on a road 37279
that is owned or administered by the division of wildlife, 37280
provided that the road is identified by an electric-powered 37281
all-purpose vehicle sign. 37282

(d) The person does not discharge the firearm in any of the 37283
following manners: 37284

(i) While under the influence of alcohol, a drug of abuse, or 37285
alcohol and a drug of abuse; 37286

(ii) In the direction of a street, a highway, or other public 37287
or private property that is used by the public for vehicular 37288
traffic or parking; 37289

(iii) At or into an occupied structure that is a permanent or 37290
temporary habitation; 37291

(iv) In the commission of any violation of law, including, 37292
but not limited to, a felony that includes, as an essential 37293
element, purposely or knowingly causing or attempting to cause the 37294
death of or physical harm to another and that was committed by 37295
discharging a firearm from a motor vehicle. 37296

(4) Divisions (B) and (C) of this section do not apply to a 37297
person if all of the following circumstances apply: 37298

(a) At the time of the alleged violation of either of those 37299
divisions, the person is the operator of or a passenger in a motor 37300
vehicle. 37301

(b) The motor vehicle is on real property that is located in 37302
an unincorporated area of a township and that either is zoned for 37303
agriculture or is used for agriculture. 37304

(c) The person owns the real property described in division 37305
(D)(4)(b) of this section, is the spouse or a child of another 37306
person who owns that real property, is a tenant of another person 37307
who owns that real property, or is the spouse or a child of a 37308

tenant of another person who owns that real property. 37309

(d) The person, prior to arriving at the real property 37310
described in division (D)(4)(b) of this section, did not transport 37311
or possess a firearm in the motor vehicle in a manner prohibited 37312
by division (B) or (C) of this section while the motor vehicle was 37313
being operated on a street, highway, or other public or private 37314
property used by the public for vehicular traffic or parking. 37315

(5) Divisions (B) and (C) of this section do not apply to a 37316
person who transports or possesses a handgun in a motor vehicle 37317
if, at the time of that transportation or possession, both of the 37318
following apply: 37319

(a) The person transporting or possessing the handgun is 37320
either carrying a valid concealed handgun license or is eighteen 37321
years of age or older, is an active member of the armed forces of 37322
the United States, and is carrying a valid military identification 37323
card and a certificate issued by the person's applicable service 37324
branch indicating that the person has successfully completed small 37325
arms qualification. 37326

(b) The person transporting or possessing the handgun is not 37327
knowingly in a place described in division (B) of section 2923.126 37328
of the Revised Code. 37329

(6) Divisions (B) and (C) of this section do not apply to a 37330
person if all of the following apply: 37331

(a) The person possesses a valid electric-powered all-purpose 37332
vehicle permit issued under section 1533.103 of the Revised Code 37333
by the chief of the division of wildlife. 37334

(b) The person is on or in an electric-powered all-purpose 37335
vehicle as defined in section 1531.01 of the Revised Code or a 37336
motor vehicle during the open hunting season for a wild quadruped 37337
or game bird. 37338

(c) The person is on or in an electric-powered all-purpose 37339
vehicle as defined in section 1531.01 of the Revised Code or a 37340
motor vehicle that is parked on a road that is owned or 37341
administered by the division of wildlife, provided that the road 37342
is identified by an electric-powered all-purpose vehicle sign. 37343

(7) Nothing in this section prohibits or restricts a person 37344
from possessing, storing, or leaving a firearm in a locked motor 37345
vehicle that is parked in the state underground parking garage at 37346
the state capitol building or in the parking garage at the Riffe 37347
center for government and the arts in Columbus, if the person's 37348
transportation and possession of the firearm in the motor vehicle 37349
while traveling to the premises or facility was not in violation 37350
of division (A), (B), (C), (D), or (E) of this section or any 37351
other provision of the Revised Code. 37352

(G)(1) The affirmative defenses authorized in divisions 37353
(D)(1) and (2) of section 2923.12 of the Revised Code are 37354
affirmative defenses to a charge under division (B) or (C) of this 37355
section that involves a firearm other than a handgun. 37356

(2) It is an affirmative defense to a charge under division 37357
(B) or (C) of this section of improperly handling firearms in a 37358
motor vehicle that the actor transported or had the firearm in the 37359
motor vehicle for any lawful purpose and while the motor vehicle 37360
was on the actor's own property, provided that this affirmative 37361
defense is not available unless the person, immediately prior to 37362
arriving at the actor's own property, did not transport or possess 37363
the firearm in a motor vehicle in a manner prohibited by division 37364
(B) or (C) of this section while the motor vehicle was being 37365
operated on a street, highway, or other public or private property 37366
used by the public for vehicular traffic. 37367

(H)(1) No person who is charged with a violation of division 37368
(B), (C), or (D) of this section shall be required to obtain a 37369
concealed handgun license as a condition for the dismissal of the 37370

charge. 37371

(2)(a) If a person is convicted of, was convicted of, pleads 37372
guilty to, or has pleaded guilty to a violation of division (E) of 37373
this section as it existed prior to September 30, 2011, and if the 37374
conduct that was the basis of the violation no longer would be a 37375
violation of division (E) of this section on or after September 37376
30, 2011, the person may file an application under section 2953.37 37377
of the Revised Code requesting the expungement of the record of 37378
conviction. 37379

If a person is convicted of, was convicted of, pleads guilty 37380
to, or has pleaded guilty to a violation of division (B) or (C) of 37381
this section as the division existed prior to September 30, 2011, 37382
and if the conduct that was the basis of the violation no longer 37383
would be a violation of division (B) or (C) of this section on or 37384
after September 30, 2011, due to the application of division 37385
(F)(5) of this section as it exists on and after September 30, 37386
2011, the person may file an application under section 2953.37 of 37387
the Revised Code requesting the expungement of the record of 37388
conviction. 37389

(b) The attorney general shall develop a public media 37390
advisory that summarizes the expungement procedure established 37391
under section 2953.37 of the Revised Code and the offenders 37392
identified in division (H)(2)(a) of this section who are 37393
authorized to apply for the expungement. Within thirty days after 37394
September 30, 2011, the attorney general shall provide a copy of 37395
the advisory to each daily newspaper published in this state and 37396
each television station that broadcasts in this state. The 37397
attorney general may provide the advisory in a tangible form, an 37398
electronic form, or in both tangible and electronic forms. 37399

(I) Whoever violates this section is guilty of improperly 37400
handling firearms in a motor vehicle. Violation of division (A) of 37401
this section is a felony of the fourth degree. Violation of 37402

division (C) of this section is a misdemeanor of the fourth 37403
degree. A violation of division (D) of this section is a felony of 37404
the fifth degree or, if the loaded handgun is concealed on the 37405
person's person, a felony of the fourth degree. Except as 37406
otherwise provided in this division, a violation of division 37407
(E)(1) or (2) of this section is a misdemeanor of the first 37408
degree, and, in addition to any other penalty or sanction imposed 37409
for the violation, the offender's concealed handgun license shall 37410
be suspended pursuant to division (A)(2) of section 2923.128 of 37411
the Revised Code. If at the time of the stop of the offender for a 37412
traffic stop, for another law enforcement purpose, or for a 37413
purpose defined in section 5503.34 of the Revised Code that was 37414
the basis of the violation any law enforcement officer involved 37415
with the stop or the employee of the motor carrier enforcement 37416
unit who made the stop had actual knowledge of the offender's 37417
status as a licensee, a violation of division (E)(1) or (2) of 37418
this section is a minor misdemeanor, and the offender's concealed 37419
handgun license shall not be suspended pursuant to division (A)(2) 37420
of section 2923.128 of the Revised Code. A violation of division 37421
(E)(4) of this section is a felony of the fifth degree. A 37422
violation of division (E)(3) or (5) of this section is a 37423
misdemeanor of the first degree or, if the offender previously has 37424
been convicted of or pleaded guilty to a violation of division 37425
(E)(3) or (5) of this section, a felony of the fifth degree. In 37426
addition to any other penalty or sanction imposed for a 37427
misdemeanor violation of division (E)(3) or (5) of this section, 37428
the offender's concealed handgun license shall be suspended 37429
pursuant to division (A)(2) of section 2923.128 of the Revised 37430
Code. A violation of division (B) of this section is a felony of 37431
the fourth degree. 37432

(J) If a law enforcement officer stops a motor vehicle for a 37433
traffic stop or any other purpose, if any person in the motor 37434
vehicle surrenders a firearm to the officer, either voluntarily or 37435

pursuant to a request or demand of the officer, and if the officer 37436
does not charge the person with a violation of this section or 37437
arrest the person for any offense, the person is not otherwise 37438
prohibited by law from possessing the firearm, and the firearm is 37439
not contraband, the officer shall return the firearm to the person 37440
at the termination of the stop. If a court orders a law 37441
enforcement officer to return a firearm to a person pursuant to 37442
the requirement set forth in this division, division (B) of 37443
section 2923.163 of the Revised Code applies. 37444

(K) As used in this section: 37445

(1) "Motor vehicle," "street," and "highway" have the same 37446
meanings as in section 4511.01 of the Revised Code. 37447

(2) "Occupied structure" has the same meaning as in section 37448
2909.01 of the Revised Code. 37449

(3) "Agriculture" has the same meaning as in section 519.01 37450
of the Revised Code. 37451

(4) "Tenant" has the same meaning as in section 1531.01 of 37452
the Revised Code. 37453

(5)(a) "Unloaded" means, with respect to a firearm other than 37454
a firearm described in division (K)(6) of this section, that no 37455
ammunition is in the firearm in question, no magazine or speed 37456
loader containing ammunition is inserted into the firearm in 37457
question, and one of the following applies: 37458

(i) There is no ammunition in a magazine or speed loader that 37459
is in the vehicle in question and that may be used with the 37460
firearm in question. 37461

(ii) Any magazine or speed loader that contains ammunition 37462
and that may be used with the firearm in question is stored in a 37463
compartment within the vehicle in question that cannot be accessed 37464
without leaving the vehicle or is stored in a container that 37465

provides complete and separate enclosure. 37466

(b) For the purposes of division (K)(5)(a)(ii) of this 37467
section, a "container that provides complete and separate 37468
enclosure" includes, but is not limited to, any of the following: 37469

(i) A package, box, or case with multiple compartments, as 37470
long as the loaded magazine or speed loader and the firearm in 37471
question either are in separate compartments within the package, 37472
box, or case, or, if they are in the same compartment, the 37473
magazine or speed loader is contained within a separate enclosure 37474
in that compartment that does not contain the firearm and that 37475
closes using a snap, button, buckle, zipper, hook and loop closing 37476
mechanism, or other fastener that must be opened to access the 37477
contents or the firearm is contained within a separate enclosure 37478
of that nature in that compartment that does not contain the 37479
magazine or speed loader; 37480

(ii) A pocket or other enclosure on the person of the person 37481
in question that closes using a snap, button, buckle, zipper, hook 37482
and loop closing mechanism, or other fastener that must be opened 37483
to access the contents. 37484

(c) For the purposes of divisions (K)(5)(a) and (b) of this 37485
section, ammunition held in stripper-clips or in en-bloc clips is 37486
not considered ammunition that is loaded into a magazine or speed 37487
loader. 37488

(6) "Unloaded" means, with respect to a firearm employing a 37489
percussion cap, flintlock, or other obsolete ignition system, when 37490
the weapon is uncapped or when the priming charge is removed from 37491
the pan. 37492

(7) "Commercial motor vehicle" has the same meaning as in 37493
division (A) of section 4506.25 of the Revised Code. 37494

(8) "Motor carrier enforcement unit" means the motor carrier 37495
enforcement unit in the department of public safety, division of 37496

state highway patrol, that is created by section 5503.34 of the Revised Code. 37497
37498

(L) Divisions (K)(5)(a) and (b) of this section do not affect 37499
the authority of a person who is carrying a valid concealed 37500
handgun license to have one or more magazines or speed loaders 37501
containing ammunition anywhere in a vehicle, without being 37502
transported as described in those divisions, as long as no 37503
ammunition is in a firearm, other than a handgun, in the vehicle 37504
other than as permitted under any other provision of this chapter. 37505
A person who is carrying a valid concealed handgun license may 37506
have one or more magazines or speed loaders containing ammunition 37507
anywhere in a vehicle without further restriction, as long as no 37508
ammunition is in a firearm, other than a handgun, in the vehicle 37509
other than as permitted under any provision of this chapter. 37510

Sec. 2923.21. (A) No person shall do any of the following: 37511

(1) Sell any firearm to a person who is under eighteen years 37512
of age; 37513

(2) Subject to division (B) of this section, sell any handgun 37514
to a person who is under twenty-one years of age; 37515

(3) Furnish any firearm to a person who is under eighteen 37516
years of age or, subject to division (B) of this section, furnish 37517
any handgun to a person who is under twenty-one years of age, 37518
except for lawful hunting, sporting, or educational purposes, 37519
including, but not limited to, instruction in firearms or handgun 37520
safety, care, handling, or marksmanship under the supervision or 37521
control of a responsible adult; 37522

(4) Sell or furnish a firearm to a person who is eighteen 37523
years of age or older if the seller or furnisher knows, or has 37524
reason to know, that the person is purchasing or receiving the 37525
firearm for the purpose of selling the firearm in violation of 37526

division (A)(1) of this section to a person who is under eighteen 37527
years of age or for the purpose of furnishing the firearm in 37528
violation of division (A)(3) of this section to a person who is 37529
under eighteen years of age; 37530

(5) Sell or furnish a handgun to a person who is twenty-one 37531
years of age or older if the seller or furnisher knows, or has 37532
reason to know, that the person is purchasing or receiving the 37533
handgun for the purpose of selling the handgun in violation of 37534
division (A)(2) of this section to a person who is under 37535
twenty-one years of age or for the purpose of furnishing the 37536
handgun in violation of division (A)(3) of this section to a 37537
person who is under twenty-one years of age; 37538

(6) Purchase or attempt to purchase any firearm with the 37539
intent to sell the firearm in violation of division (A)(1) of this 37540
section to a person who is under eighteen years of age or with the 37541
intent to furnish the firearm in violation of division (A)(3) of 37542
this section to a person who is under eighteen years of age; 37543

(7) Purchase or attempt to purchase any handgun with the 37544
intent to sell the handgun in violation of division (A)(2) of this 37545
section to a person who is under twenty-one years of age or with 37546
the intent to furnish the handgun in violation of division (A)(3) 37547
of this section to a person who is under twenty-one years of age. 37548

(B) Divisions (A)(1) and (2) of this section do not apply to 37549
the sale or furnishing of a handgun to a person eighteen years of 37550
age or older and under twenty-one years of age if the person 37551
eighteen years of age or older and under twenty-one years of age 37552
is either a law enforcement officer who is properly appointed or 37553
employed as a law enforcement officer and has received firearms 37554
training approved by the Ohio peace officer training council or 37555
equivalent firearms training or is an active member of the armed 37556
forces of the United States and the person has received small arms 37557
training from the armed forces or the equivalent small arms 37558

training. 37559

(C) Whoever violates this section is guilty of improperly 37560
furnishing firearms to a minor, a felony of the fifth degree. 37561

Sec. 2925.03. (A) No person shall knowingly do any of the 37562
following: 37563

(1) Sell or offer to sell a controlled substance or a 37564
controlled substance analog; 37565

(2) Prepare for shipment, ship, transport, deliver, prepare 37566
for distribution, or distribute a controlled substance or a 37567
controlled substance analog, when the offender knows or has 37568
reasonable cause to believe that the controlled substance or a 37569
controlled substance analog is intended for sale or resale by the 37570
offender or another person. 37571

(B) This section does not apply to any of the following: 37572

(1) Manufacturers, licensed health professionals authorized 37573
to prescribe drugs, pharmacists, owners of pharmacies, and other 37574
persons whose conduct is in accordance with Chapters 3719., 4715., 37575
4723., 4729., 4730., 4731., and 4741. of the Revised Code; 37576

(2) If the offense involves an anabolic steroid, any person 37577
who is conducting or participating in a research project involving 37578
the use of an anabolic steroid if the project has been approved by 37579
the United States food and drug administration; 37580

(3) Any person who sells, offers for sale, prescribes, 37581
dispenses, or administers for livestock or other nonhuman species 37582
an anabolic steroid that is expressly intended for administration 37583
through implants to livestock or other nonhuman species and 37584
approved for that purpose under the "Federal Food, Drug, and 37585
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 37586
and is sold, offered for sale, prescribed, dispensed, or 37587
administered for that purpose in accordance with that act. 37588

(C) Whoever violates division (A) of this section is guilty 37589
of one of the following: 37590

(1) If the drug involved in the violation is any compound, 37591
mixture, preparation, or substance included in schedule I or 37592
schedule II, with the exception of marihuana, cocaine, L.S.D., 37593
heroin, hashish, and controlled substance analogs, whoever 37594
violates division (A) of this section is guilty of aggravated 37595
trafficking in drugs. The penalty for the offense shall be 37596
determined as follows: 37597

(a) Except as otherwise provided in division (C)(1)(b), (c), 37598
(d), (e), or (f) of this section, aggravated trafficking in drugs 37599
is a felony of the fourth degree, and division (C) of section 37600
2929.13 of the Revised Code applies in determining whether to 37601
impose a prison term on the offender. 37602

(b) Except as otherwise provided in division (C)(1)(c), (d), 37603
(e), or (f) of this section, if the offense was committed in the 37604
vicinity of a school or in the vicinity of a juvenile, aggravated 37605
trafficking in drugs is a felony of the third degree, and division 37606
(C) of section 2929.13 of the Revised Code applies in determining 37607
whether to impose a prison term on the offender. 37608

(c) Except as otherwise provided in this division, if the 37609
amount of the drug involved equals or exceeds the bulk amount but 37610
is less than five times the bulk amount, aggravated trafficking in 37611
drugs is a felony of the third degree, and, except as otherwise 37612
provided in this division, there is a presumption for a prison 37613
term for the offense. If aggravated trafficking in drugs is a 37614
felony of the third degree under this division and if the offender 37615
within ten years of the offense two or more times previously has 37616
been convicted of or pleaded guilty to a felony drug abuse 37617
offense, the court shall impose as a mandatory prison term one of 37618
the prison terms prescribed for a felony of the third degree. If 37619
the amount of the drug involved is within that range and if the 37620

offense was committed in the vicinity of a school or in the 37621
vicinity of a juvenile, aggravated trafficking in drugs is a 37622
felony of the second degree, and the court shall impose as a 37623
mandatory prison term one of the prison terms prescribed for a 37624
felony of the second degree. 37625

(d) Except as otherwise provided in this division, if the 37626
amount of the drug involved equals or exceeds five times the bulk 37627
amount but is less than fifty times the bulk amount, aggravated 37628
trafficking in drugs is a felony of the second degree, and the 37629
court shall impose as a mandatory prison term one of the prison 37630
terms prescribed for a felony of the second degree. If the amount 37631
of the drug involved is within that range and if the offense was 37632
committed in the vicinity of a school or in the vicinity of a 37633
juvenile, aggravated trafficking in drugs is a felony of the first 37634
degree, and the court shall impose as a mandatory prison term one 37635
of the prison terms prescribed for a felony of the first degree. 37636

(e) If the amount of the drug involved equals or exceeds 37637
fifty times the bulk amount but is less than one hundred times the 37638
bulk amount and regardless of whether the offense was committed in 37639
the vicinity of a school or in the vicinity of a juvenile, 37640
aggravated trafficking in drugs is a felony of the first degree, 37641
and the court shall impose as a mandatory prison term one of the 37642
prison terms prescribed for a felony of the first degree. 37643

(f) If the amount of the drug involved equals or exceeds one 37644
hundred times the bulk amount and regardless of whether the 37645
offense was committed in the vicinity of a school or in the 37646
vicinity of a juvenile, aggravated trafficking in drugs is a 37647
felony of the first degree, the offender is a major drug offender, 37648
and the court shall impose as a mandatory prison term the maximum 37649
prison term prescribed for a felony of the first degree. 37650

(2) If the drug involved in the violation is any compound, 37651
mixture, preparation, or substance included in schedule III, IV, 37652

or V, whoever violates division (A) of this section is guilty of 37653
trafficking in drugs. The penalty for the offense shall be 37654
determined as follows: 37655

(a) Except as otherwise provided in division (C)(2)(b), (c), 37656
(d), or (e) of this section, trafficking in drugs is a felony of 37657
the fifth degree, and division (B) of section 2929.13 of the 37658
Revised Code applies in determining whether to impose a prison 37659
term on the offender. 37660

(b) Except as otherwise provided in division (C)(2)(c), (d), 37661
or (e) of this section, if the offense was committed in the 37662
vicinity of a school or in the vicinity of a juvenile, trafficking 37663
in drugs is a felony of the fourth degree, and division (C) of 37664
section 2929.13 of the Revised Code applies in determining whether 37665
to impose a prison term on the offender. 37666

(c) Except as otherwise provided in this division, if the 37667
amount of the drug involved equals or exceeds the bulk amount but 37668
is less than five times the bulk amount, trafficking in drugs is a 37669
felony of the fourth degree, and division (B) of section 2929.13 37670
of the Revised Code applies in determining whether to impose a 37671
prison term for the offense. If the amount of the drug involved is 37672
within that range and if the offense was committed in the vicinity 37673
of a school or in the vicinity of a juvenile, trafficking in drugs 37674
is a felony of the third degree, and there is a presumption for a 37675
prison term for the offense. 37676

(d) Except as otherwise provided in this division, if the 37677
amount of the drug involved equals or exceeds five times the bulk 37678
amount but is less than fifty times the bulk amount, trafficking 37679
in drugs is a felony of the third degree, and there is a 37680
presumption for a prison term for the offense. If the amount of 37681
the drug involved is within that range and if the offense was 37682
committed in the vicinity of a school or in the vicinity of a 37683
juvenile, trafficking in drugs is a felony of the second degree, 37684

and there is a presumption for a prison term for the offense. 37685

(e) Except as otherwise provided in this division, if the 37686
amount of the drug involved equals or exceeds fifty times the bulk 37687
amount, trafficking in drugs is a felony of the second degree, and 37688
the court shall impose as a mandatory prison term one of the 37689
prison terms prescribed for a felony of the second degree. If the 37690
amount of the drug involved equals or exceeds fifty times the bulk 37691
amount and if the offense was committed in the vicinity of a 37692
school or in the vicinity of a juvenile, trafficking in drugs is a 37693
felony of the first degree, and the court shall impose as a 37694
mandatory prison term one of the prison terms prescribed for a 37695
felony of the first degree. 37696

(3) If the drug involved in the violation is marihuana or a 37697
compound, mixture, preparation, or substance containing marihuana 37698
other than hashish, whoever violates division (A) of this section 37699
is guilty of trafficking in marihuana. The penalty for the offense 37700
shall be determined as follows: 37701

(a) Except as otherwise provided in division (C)(3)(b), (c), 37702
(d), (e), (f), (g), or (h) of this section, trafficking in 37703
marihuana is a felony of the fifth degree, and division (B) of 37704
section 2929.13 of the Revised Code applies in determining whether 37705
to impose a prison term on the offender. 37706

(b) Except as otherwise provided in division (C)(3)(c), (d), 37707
(e), (f), (g), or (h) of this section, if the offense was 37708
committed in the vicinity of a school or in the vicinity of a 37709
juvenile, trafficking in marihuana is a felony of the fourth 37710
degree, and division (B) of section 2929.13 of the Revised Code 37711
applies in determining whether to impose a prison term on the 37712
offender. 37713

(c) Except as otherwise provided in this division, if the 37714
amount of the drug involved equals or exceeds two hundred grams 37715

but is less than one thousand grams, trafficking in marihuana is a 37716
felony of the fourth degree, and division (B) of section 2929.13 37717
of the Revised Code applies in determining whether to impose a 37718
prison term on the offender. If the amount of the drug involved is 37719
within that range and if the offense was committed in the vicinity 37720
of a school or in the vicinity of a juvenile, trafficking in 37721
marihuana is a felony of the third degree, and division (C) of 37722
section 2929.13 of the Revised Code applies in determining whether 37723
to impose a prison term on the offender. 37724

(d) Except as otherwise provided in this division, if the 37725
amount of the drug involved equals or exceeds one thousand grams 37726
but is less than five thousand grams, trafficking in marihuana is 37727
a felony of the third degree, and division (C) of section 2929.13 37728
of the Revised Code applies in determining whether to impose a 37729
prison term on the offender. If the amount of the drug involved is 37730
within that range and if the offense was committed in the vicinity 37731
of a school or in the vicinity of a juvenile, trafficking in 37732
marihuana is a felony of the second degree, and there is a 37733
presumption that a prison term shall be imposed for the offense. 37734

(e) Except as otherwise provided in this division, if the 37735
amount of the drug involved equals or exceeds five thousand grams 37736
but is less than twenty thousand grams, trafficking in marihuana 37737
is a felony of the third degree, and there is a presumption that a 37738
prison term shall be imposed for the offense. If the amount of the 37739
drug involved is within that range and if the offense was 37740
committed in the vicinity of a school or in the vicinity of a 37741
juvenile, trafficking in marihuana is a felony of the second 37742
degree, and there is a presumption that a prison term shall be 37743
imposed for the offense. 37744

(f) Except as otherwise provided in this division, if the 37745
amount of the drug involved equals or exceeds twenty thousand 37746
grams but is less than forty thousand grams, trafficking in 37747

marihuana is a felony of the second degree, and the court shall 37748
impose a mandatory prison term of five, six, seven, or eight 37749
years. If the amount of the drug involved is within that range and 37750
if the offense was committed in the vicinity of a school or in the 37751
vicinity of a juvenile, trafficking in marihuana is a felony of 37752
the first degree, and the court shall impose as a mandatory prison 37753
term the maximum prison term prescribed for a felony of the first 37754
degree. 37755

(g) Except as otherwise provided in this division, if the 37756
amount of the drug involved equals or exceeds forty thousand 37757
grams, trafficking in marihuana is a felony of the second degree, 37758
and the court shall impose as a mandatory prison term the maximum 37759
prison term prescribed for a felony of the second degree. If the 37760
amount of the drug involved equals or exceeds forty thousand grams 37761
and if the offense was committed in the vicinity of a school or in 37762
the vicinity of a juvenile, trafficking in marihuana is a felony 37763
of the first degree, and the court shall impose as a mandatory 37764
prison term the maximum prison term prescribed for a felony of the 37765
first degree. 37766

(h) Except as otherwise provided in this division, if the 37767
offense involves a gift of twenty grams or less of marihuana, 37768
trafficking in marihuana is a minor misdemeanor upon a first 37769
offense and a misdemeanor of the third degree upon a subsequent 37770
offense. If the offense involves a gift of twenty grams or less of 37771
marihuana and if the offense was committed in the vicinity of a 37772
school or in the vicinity of a juvenile, trafficking in marihuana 37773
is a misdemeanor of the third degree. 37774

(4) If the drug involved in the violation is cocaine or a 37775
compound, mixture, preparation, or substance containing cocaine, 37776
whoever violates division (A) of this section is guilty of 37777
trafficking in cocaine. The penalty for the offense shall be 37778
determined as follows: 37779

(a) Except as otherwise provided in division (C)(4)(b), (c), 37780
(d), (e), (f), or (g) of this section, trafficking in cocaine is a 37781
felony of the fifth degree, and division (B) of section 2929.13 of 37782
the Revised Code applies in determining whether to impose a prison 37783
term on the offender. 37784

(b) Except as otherwise provided in division (C)(4)(c), (d), 37785
(e), (f), or (g) of this section, if the offense was committed in 37786
the vicinity of a school or in the vicinity of a juvenile, 37787
trafficking in cocaine is a felony of the fourth degree, and 37788
division (C) of section 2929.13 of the Revised Code applies in 37789
determining whether to impose a prison term on the offender. 37790

(c) Except as otherwise provided in this division, if the 37791
amount of the drug involved equals or exceeds five grams but is 37792
less than ten grams of cocaine, trafficking in cocaine is a felony 37793
of the fourth degree, and division (B) of section 2929.13 of the 37794
Revised Code applies in determining whether to impose a prison 37795
term for the offense. If the amount of the drug involved is within 37796
that range and if the offense was committed in the vicinity of a 37797
school or in the vicinity of a juvenile, trafficking in cocaine is 37798
a felony of the third degree, and there is a presumption for a 37799
prison term for the offense. 37800

(d) Except as otherwise provided in this division, if the 37801
amount of the drug involved equals or exceeds ten grams but is 37802
less than twenty grams of cocaine, trafficking in cocaine is a 37803
felony of the third degree, and, except as otherwise provided in 37804
this division, there is a presumption for a prison term for the 37805
offense. If trafficking in cocaine is a felony of the third degree 37806
under this division and if the offender within ten years of the 37807
offense two or more times previously has been convicted of or 37808
pleaded guilty to a felony drug abuse offense, the court shall 37809
impose as a mandatory prison term one of the prison terms 37810
prescribed for a felony of the third degree. If the amount of the 37811

drug involved is within that range and if the offense was 37812
committed in the vicinity of a school or in the vicinity of a 37813
juvenile, trafficking in cocaine is a felony of the second degree, 37814
and the court shall impose as a mandatory prison term one of the 37815
prison terms prescribed for a felony of the second degree. 37816

(e) Except as otherwise provided in this division, if the 37817
amount of the drug involved equals or exceeds twenty grams but is 37818
less than twenty-seven grams of cocaine, trafficking in cocaine is 37819
a felony of the second degree, and the court shall impose as a 37820
mandatory prison term one of the prison terms prescribed for a 37821
felony of the second degree. If the amount of the drug involved is 37822
within that range and if the offense was committed in the vicinity 37823
of a school or in the vicinity of a juvenile, trafficking in 37824
cocaine is a felony of the first degree, and the court shall 37825
impose as a mandatory prison term one of the prison terms 37826
prescribed for a felony of the first degree. 37827

(f) If the amount of the drug involved equals or exceeds 37828
twenty-seven grams but is less than one hundred grams of cocaine 37829
and regardless of whether the offense was committed in the 37830
vicinity of a school or in the vicinity of a juvenile, trafficking 37831
in cocaine is a felony of the first degree, and the court shall 37832
impose as a mandatory prison term one of the prison terms 37833
prescribed for a felony of the first degree. 37834

(g) If the amount of the drug involved equals or exceeds one 37835
hundred grams of cocaine and regardless of whether the offense was 37836
committed in the vicinity of a school or in the vicinity of a 37837
juvenile, trafficking in cocaine is a felony of the first degree, 37838
the offender is a major drug offender, and the court shall impose 37839
as a mandatory prison term the maximum prison term prescribed for 37840
a felony of the first degree. 37841

(5) If the drug involved in the violation is L.S.D. or a 37842
compound, mixture, preparation, or substance containing L.S.D., 37843

whoever violates division (A) of this section is guilty of 37844
trafficking in L.S.D. The penalty for the offense shall be 37845
determined as follows: 37846

(a) Except as otherwise provided in division (C)(5)(b), (c), 37847
(d), (e), (f), or (g) of this section, trafficking in L.S.D. is a 37848
felony of the fifth degree, and division (B) of section 2929.13 of 37849
the Revised Code applies in determining whether to impose a prison 37850
term on the offender. 37851

(b) Except as otherwise provided in division (C)(5)(c), (d), 37852
(e), (f), or (g) of this section, if the offense was committed in 37853
the vicinity of a school or in the vicinity of a juvenile, 37854
trafficking in L.S.D. is a felony of the fourth degree, and 37855
division (C) of section 2929.13 of the Revised Code applies in 37856
determining whether to impose a prison term on the offender. 37857

(c) Except as otherwise provided in this division, if the 37858
amount of the drug involved equals or exceeds ten unit doses but 37859
is less than fifty unit doses of L.S.D. in a solid form or equals 37860
or exceeds one gram but is less than five grams of L.S.D. in a 37861
liquid concentrate, liquid extract, or liquid distillate form, 37862
trafficking in L.S.D. is a felony of the fourth degree, and 37863
division (B) of section 2929.13 of the Revised Code applies in 37864
determining whether to impose a prison term for the offense. If 37865
the amount of the drug involved is within that range and if the 37866
offense was committed in the vicinity of a school or in the 37867
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37868
third degree, and there is a presumption for a prison term for the 37869
offense. 37870

(d) Except as otherwise provided in this division, if the 37871
amount of the drug involved equals or exceeds fifty unit doses but 37872
is less than two hundred fifty unit doses of L.S.D. in a solid 37873
form or equals or exceeds five grams but is less than twenty-five 37874
grams of L.S.D. in a liquid concentrate, liquid extract, or liquid 37875

distillate form, trafficking in L.S.D. is a felony of the third 37876
degree, and, except as otherwise provided in this division, there 37877
is a presumption for a prison term for the offense. If trafficking 37878
in L.S.D. is a felony of the third degree under this division and 37879
if the offender within ten years of the offense two or more times 37880
previously has been convicted of or pleaded guilty to a felony 37881
drug abuse offense, the court shall impose as a mandatory prison 37882
term one of the prison terms prescribed for a felony of the third 37883
degree. If the amount of the drug involved is within that range 37884
and if the offense was committed in the vicinity of a school or in 37885
the vicinity of a juvenile, trafficking in L.S.D. is a felony of 37886
the second degree, and the court shall impose as a mandatory 37887
prison term one of the prison terms prescribed for a felony of the 37888
second degree. 37889

(e) Except as otherwise provided in this division, if the 37890
amount of the drug involved equals or exceeds two hundred fifty 37891
unit doses but is less than one thousand unit doses of L.S.D. in a 37892
solid form or equals or exceeds twenty-five grams but is less than 37893
one hundred grams of L.S.D. in a liquid concentrate, liquid 37894
extract, or liquid distillate form, trafficking in L.S.D. is a 37895
felony of the second degree, and the court shall impose as a 37896
mandatory prison term one of the prison terms prescribed for a 37897
felony of the second degree. If the amount of the drug involved is 37898
within that range and if the offense was committed in the vicinity 37899
of a school or in the vicinity of a juvenile, trafficking in 37900
L.S.D. is a felony of the first degree, and the court shall impose 37901
as a mandatory prison term one of the prison terms prescribed for 37902
a felony of the first degree. 37903

(f) If the amount of the drug involved equals or exceeds one 37904
thousand unit doses but is less than five thousand unit doses of 37905
L.S.D. in a solid form or equals or exceeds one hundred grams but 37906
is less than five hundred grams of L.S.D. in a liquid concentrate, 37907

liquid extract, or liquid distillate form and regardless of 37908
whether the offense was committed in the vicinity of a school or 37909
in the vicinity of a juvenile, trafficking in L.S.D. is a felony 37910
of the first degree, and the court shall impose as a mandatory 37911
prison term one of the prison terms prescribed for a felony of the 37912
first degree. 37913

(g) If the amount of the drug involved equals or exceeds five 37914
thousand unit doses of L.S.D. in a solid form or equals or exceeds 37915
five hundred grams of L.S.D. in a liquid concentrate, liquid 37916
extract, or liquid distillate form and regardless of whether the 37917
offense was committed in the vicinity of a school or in the 37918
vicinity of a juvenile, trafficking in L.S.D. is a felony of the 37919
first degree, the offender is a major drug offender, and the court 37920
shall impose as a mandatory prison term the maximum prison term 37921
prescribed for a felony of the first degree. 37922

(6) If the drug involved in the violation is heroin or a 37923
compound, mixture, preparation, or substance containing heroin, 37924
whoever violates division (A) of this section is guilty of 37925
trafficking in heroin. The penalty for the offense shall be 37926
determined as follows: 37927

(a) Except as otherwise provided in division (C)(6)(b), (c), 37928
(d), (e), (f), or (g) of this section, trafficking in heroin is a 37929
felony of the fifth degree, and division (B) of section 2929.13 of 37930
the Revised Code applies in determining whether to impose a prison 37931
term on the offender. 37932

(b) Except as otherwise provided in division (C)(6)(c), (d), 37933
(e), (f), or (g) of this section, if the offense was committed in 37934
the vicinity of a school or in the vicinity of a juvenile, 37935
trafficking in heroin is a felony of the fourth degree, and 37936
division (C) of section 2929.13 of the Revised Code applies in 37937
determining whether to impose a prison term on the offender. 37938

(c) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds ten unit doses but is less than fifty unit doses or equals or exceeds one gram but is less than five grams, trafficking in heroin is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense.

(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds fifty unit doses but is less than one hundred unit doses or equals or exceeds five grams but is less than ten grams, trafficking in heroin is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the second degree, and there is a presumption for a prison term for the offense.

(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds one hundred unit doses but is less than five hundred unit doses or equals or exceeds ten grams but is less than fifty grams, trafficking in heroin is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in heroin is a felony of the first degree, and the court shall impose as a mandatory prison term one of the

prison terms prescribed for a felony of the first degree. 37971

(f) If the amount of the drug involved equals or exceeds five 37972
hundred unit doses but is less than two thousand five hundred unit 37973
doses or equals or exceeds fifty grams but is less than two 37974
hundred fifty grams and regardless of whether the offense was 37975
committed in the vicinity of a school or in the vicinity of a 37976
juvenile, trafficking in heroin is a felony of the first degree, 37977
and the court shall impose as a mandatory prison term one of the 37978
prison terms prescribed for a felony of the first degree. 37979

(g) If the amount of the drug involved equals or exceeds two 37980
thousand five hundred unit doses or equals or exceeds two hundred 37981
fifty grams and regardless of whether the offense was committed in 37982
the vicinity of a school or in the vicinity of a juvenile, 37983
trafficking in heroin is a felony of the first degree, the 37984
offender is a major drug offender, and the court shall impose as a 37985
mandatory prison term the maximum prison term prescribed for a 37986
felony of the first degree. 37987

(7) If the drug involved in the violation is hashish or a 37988
compound, mixture, preparation, or substance containing hashish, 37989
whoever violates division (A) of this section is guilty of 37990
trafficking in hashish. The penalty for the offense shall be 37991
determined as follows: 37992

(a) Except as otherwise provided in division (C)(7)(b), (c), 37993
(d), (e), (f), or (g) of this section, trafficking in hashish is a 37994
felony of the fifth degree, and division (B) of section 2929.13 of 37995
the Revised Code applies in determining whether to impose a prison 37996
term on the offender. 37997

(b) Except as otherwise provided in division (C)(7)(c), (d), 37998
(e), (f), or (g) of this section, if the offense was committed in 37999
the vicinity of a school or in the vicinity of a juvenile, 38000
trafficking in hashish is a felony of the fourth degree, and 38001

division (B) of section 2929.13 of the Revised Code applies in 38002
determining whether to impose a prison term on the offender. 38003

(c) Except as otherwise provided in this division, if the 38004
amount of the drug involved equals or exceeds ten grams but is 38005
less than fifty grams of hashish in a solid form or equals or 38006
exceeds two grams but is less than ten grams of hashish in a 38007
liquid concentrate, liquid extract, or liquid distillate form, 38008
trafficking in hashish is a felony of the fourth degree, and 38009
division (B) of section 2929.13 of the Revised Code applies in 38010
determining whether to impose a prison term on the offender. If 38011
the amount of the drug involved is within that range and if the 38012
offense was committed in the vicinity of a school or in the 38013
vicinity of a juvenile, trafficking in hashish is a felony of the 38014
third degree, and division (C) of section 2929.13 of the Revised 38015
Code applies in determining whether to impose a prison term on the 38016
offender. 38017

(d) Except as otherwise provided in this division, if the 38018
amount of the drug involved equals or exceeds fifty grams but is 38019
less than two hundred fifty grams of hashish in a solid form or 38020
equals or exceeds ten grams but is less than fifty grams of 38021
hashish in a liquid concentrate, liquid extract, or liquid 38022
distillate form, trafficking in hashish is a felony of the third 38023
degree, and division (C) of section 2929.13 of the Revised Code 38024
applies in determining whether to impose a prison term on the 38025
offender. If the amount of the drug involved is within that range 38026
and if the offense was committed in the vicinity of a school or in 38027
the vicinity of a juvenile, trafficking in hashish is a felony of 38028
the second degree, and there is a presumption that a prison term 38029
shall be imposed for the offense. 38030

(e) Except as otherwise provided in this division, if the 38031
amount of the drug involved equals or exceeds two hundred fifty 38032
grams but is less than one thousand grams of hashish in a solid 38033

form or equals or exceeds fifty grams but is less than two hundred 38034
grams of hashish in a liquid concentrate, liquid extract, or 38035
liquid distillate form, trafficking in hashish is a felony of the 38036
third degree, and there is a presumption that a prison term shall 38037
be imposed for the offense. If the amount of the drug involved is 38038
within that range and if the offense was committed in the vicinity 38039
of a school or in the vicinity of a juvenile, trafficking in 38040
hashish is a felony of the second degree, and there is a 38041
presumption that a prison term shall be imposed for the offense. 38042

(f) Except as otherwise provided in this division, if the 38043
amount of the drug involved equals or exceeds one thousand grams 38044
but is less than two thousand grams of hashish in a solid form or 38045
equals or exceeds two hundred grams but is less than four hundred 38046
grams of hashish in a liquid concentrate, liquid extract, or 38047
liquid distillate form, trafficking in hashish is a felony of the 38048
second degree, and the court shall impose a mandatory prison term 38049
of five, six, seven, or eight years. If the amount of the drug 38050
involved is within that range and if the offense was committed in 38051
the vicinity of a school or in the vicinity of a juvenile, 38052
trafficking in hashish is a felony of the first degree, and the 38053
court shall impose as a mandatory prison term the maximum prison 38054
term prescribed for a felony of the first degree. 38055

(g) Except as otherwise provided in this division, if the 38056
amount of the drug involved equals or exceeds two thousand grams 38057
of hashish in a solid form or equals or exceeds four hundred grams 38058
of hashish in a liquid concentrate, liquid extract, or liquid 38059
distillate form, trafficking in hashish is a felony of the second 38060
degree, and the court shall impose as a mandatory prison term the 38061
maximum prison term prescribed for a felony of the second degree. 38062
If the amount of the drug involved equals or exceeds two thousand 38063
grams of hashish in a solid form or equals or exceeds four hundred 38064
grams of hashish in a liquid concentrate, liquid extract, or 38065

liquid distillate form and if the offense was committed in the 38066
vicinity of a school or in the vicinity of a juvenile, trafficking 38067
in hashish is a felony of the first degree, and the court shall 38068
impose as a mandatory prison term the maximum prison term 38069
prescribed for a felony of the first degree. 38070

(8) If the drug involved in the violation is a controlled 38071
substance analog or compound, mixture, preparation, or substance 38072
that contains a controlled substance analog, whoever violates 38073
division (A) of this section is guilty of trafficking in a 38074
controlled substance analog. The penalty for the offense shall be 38075
determined as follows: 38076

(a) Except as otherwise provided in division (C)(8)(b), (c), 38077
(d), (e), (f), or (g) of this section, trafficking in a controlled 38078
substance analog is a felony of the fifth degree, and division (C) 38079
of section 2929.13 of the Revised Code applies in determining 38080
whether to impose a prison term on the offender. 38081

(b) Except as otherwise provided in division (C)(8)(c), (d), 38082
(e), (f), or (g) of this section, if the offense was committed in 38083
the vicinity of a school or in the vicinity of a juvenile, 38084
trafficking in a controlled substance analog is a felony of the 38085
fourth degree, and division (C) of section 2929.13 of the Revised 38086
Code applies in determining whether to impose a prison term on the 38087
offender. 38088

(c) Except as otherwise provided in this division, if the 38089
amount of the drug involved equals or exceeds ten grams but is 38090
less than twenty grams, trafficking in a controlled substance 38091
analog is a felony of the fourth degree, and division (B) of 38092
section 2929.13 of the Revised Code applies in determining whether 38093
to impose a prison term for the offense. If the amount of the drug 38094
involved is within that range and if the offense was committed in 38095
the vicinity of a school or in the vicinity of a juvenile, 38096
trafficking in a controlled substance analog is a felony of the 38097

third degree, and there is a presumption for a prison term for the offense. 38098
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(d) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds twenty grams but is less than thirty grams, trafficking in a controlled substance analog is a felony of the third degree, and there is a presumption for a prison term for the offense. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the second degree, and there is a presumption for a prison term for the offense. 38100
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(e) Except as otherwise provided in this division, if the amount of the drug involved equals or exceeds thirty grams but is less than forty grams, trafficking in a controlled substance analog is a felony of the second degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the second degree. If the amount of the drug involved is within that range and if the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 38110
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(f) If the amount of the drug involved equals or exceeds forty grams but is less than fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree. 38122
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(g) If the amount of the drug involved equals or exceeds 38129

fifty grams and regardless of whether the offense was committed in the vicinity of a school or in the vicinity of a juvenile, trafficking in a controlled substance analog is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) In addition to any prison term authorized or required by division (C) of this section and sections 2929.13 and 2929.14 of the Revised Code, and in addition to any other sanction imposed for the offense under this section or sections 2929.11 to 2929.18 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of division (A) of this section shall do all of the following that are applicable regarding the offender:

(1) If the violation of division (A) of this section is a felony of the first, second, or third degree, the court shall impose upon the offender the mandatory fine specified for the offense under division (B)(1) of section 2929.18 of the Revised Code unless, as specified in that division, the court determines that the offender is indigent. Except as otherwise provided in division (H)(1) of this section, a mandatory fine or any other fine imposed for a violation of this section is subject to division (F) of this section. If a person is charged with a violation of this section that is a felony of the first, second, or third degree, posts bail, and forfeits the bail, the clerk of the court shall pay the forfeited bail pursuant to divisions (D)(1) and (F) of this section, as if the forfeited bail was a fine imposed for a violation of this section. If any amount of the forfeited bail remains after that payment and if a fine is imposed under division (H)(1) of this section, the clerk of the court shall pay the remaining amount of the forfeited bail pursuant to divisions (H)(2) and (3) of this section, as if that remaining

amount was a fine imposed under division (H)(1) of this section. 38162

(2) The court shall suspend the driver's or commercial 38163
driver's license or permit of the offender in accordance with 38164
division (G) of this section. 38165

(3) If the offender is a professionally licensed person, the 38166
court immediately shall comply with section 2925.38 of the Revised 38167
Code. 38168

(E) When a person is charged with the sale of or offer to 38169
sell a bulk amount or a multiple of a bulk amount of a controlled 38170
substance, the jury, or the court trying the accused, shall 38171
determine the amount of the controlled substance involved at the 38172
time of the offense and, if a guilty verdict is returned, shall 38173
return the findings as part of the verdict. In any such case, it 38174
is unnecessary to find and return the exact amount of the 38175
controlled substance involved, and it is sufficient if the finding 38176
and return is to the effect that the amount of the controlled 38177
substance involved is the requisite amount, or that the amount of 38178
the controlled substance involved is less than the requisite 38179
amount. 38180

(F)(1) Notwithstanding any contrary provision of section 38181
3719.21 of the Revised Code and except as provided in division (H) 38182
of this section, the clerk of the court shall pay any mandatory 38183
fine imposed pursuant to division (D)(1) of this section and any 38184
fine other than a mandatory fine that is imposed for a violation 38185
of this section pursuant to division (A) or (B)(5) of section 38186
2929.18 of the Revised Code to the county, township, municipal 38187
corporation, park district, as created pursuant to section 511.18 38188
or 1545.04 of the Revised Code, or state law enforcement agencies 38189
in this state that primarily were responsible for or involved in 38190
making the arrest of, and in prosecuting, the offender. However, 38191
the clerk shall not pay a mandatory fine so imposed to a law 38192
enforcement agency unless the agency has adopted a written 38193

internal control policy under division (F)(2) of this section that 38194
addresses the use of the fine moneys that it receives. Each agency 38195
shall use the mandatory fines so paid to subsidize the agency's 38196
law enforcement efforts that pertain to drug offenses, in 38197
accordance with the written internal control policy adopted by the 38198
recipient agency under division (F)(2) of this section. 38199

(2) Prior to receiving any fine moneys under division (F)(1) 38200
of this section or division (B) of section 2925.42 of the Revised 38201
Code, a law enforcement agency shall adopt a written internal 38202
control policy that addresses the agency's use and disposition of 38203
all fine moneys so received and that provides for the keeping of 38204
detailed financial records of the receipts of those fine moneys, 38205
the general types of expenditures made out of those fine moneys, 38206
and the specific amount of each general type of expenditure. The 38207
policy shall not provide for or permit the identification of any 38208
specific expenditure that is made in an ongoing investigation. All 38209
financial records of the receipts of those fine moneys, the 38210
general types of expenditures made out of those fine moneys, and 38211
the specific amount of each general type of expenditure by an 38212
agency are public records open for inspection under section 149.43 38213
of the Revised Code. Additionally, a written internal control 38214
policy adopted under this division is such a public record, and 38215
the agency that adopted it shall comply with it. 38216

(3) As used in division (F) of this section: 38217

(a) "Law enforcement agencies" includes, but is not limited 38218
to, the state board of pharmacy and the office of a prosecutor. 38219

(b) "Prosecutor" has the same meaning as in section 2935.01 38220
of the Revised Code. 38221

(G) When required under division (D)(2) of this section or 38222
any other provision of this chapter, the court shall suspend for 38223
not less than six months or more than five years the driver's or 38224

commercial driver's license or permit of any person who is 38225
convicted of or pleads guilty to any violation of this section or 38226
any other specified provision of this chapter. If an offender's 38227
driver's or commercial driver's license or permit is suspended 38228
pursuant to this division, the offender, at any time after the 38229
expiration of two years from the day on which the offender's 38230
sentence was imposed or from the day on which the offender finally 38231
was released from a prison term under the sentence, whichever is 38232
later, may file a motion with the sentencing court requesting 38233
termination of the suspension; upon the filing of such a motion 38234
and the court's finding of good cause for the termination, the 38235
court may terminate the suspension. 38236

(H)(1) In addition to any prison term authorized or required 38237
by division (C) of this section and sections 2929.13 and 2929.14 38238
of the Revised Code, in addition to any other penalty or sanction 38239
imposed for the offense under this section or sections 2929.11 to 38240
2929.18 of the Revised Code, and in addition to the forfeiture of 38241
property in connection with the offense as prescribed in Chapter 38242
2981. of the Revised Code, the court that sentences an offender 38243
who is convicted of or pleads guilty to a violation of division 38244
(A) of this section may impose upon the offender an additional 38245
fine specified for the offense in division (B)(4) of section 38246
2929.18 of the Revised Code. A fine imposed under division (H)(1) 38247
of this section is not subject to division (F) of this section and 38248
shall be used solely for the support of one or more eligible 38249
community addiction services ~~provider~~ providers in accordance with 38250
divisions (H)(2) and (3) of this section. 38251

(2) The court that imposes a fine under division (H)(1) of 38252
this section shall specify in the judgment that imposes the fine 38253
one or more eligible community addiction services ~~provider~~ 38254
providers for the support of which the fine money is to be used. 38255
No community addiction services provider shall receive or use 38256

money paid or collected in satisfaction of a fine imposed under 38257
division (H)(1) of this section unless the services provider is 38258
specified in the judgment that imposes the fine. No community 38259
addiction services provider shall be specified in the judgment 38260
unless the services provider is an eligible community addiction 38261
services provider and, except as otherwise provided in division 38262
(H)(2) of this section, unless the services provider is located in 38263
the county in which the court that imposes the fine is located or 38264
in a county that is immediately contiguous to the county in which 38265
that court is located. If no eligible community addiction services 38266
provider is located in any of those counties, the judgment may 38267
specify an eligible community addiction services provider that is 38268
located anywhere within this state. 38269

(3) Notwithstanding any contrary provision of section 3719.21 38270
of the Revised Code, the clerk of the court shall pay any fine 38271
imposed under division (H)(1) of this section to the eligible 38272
community addiction services provider specified pursuant to 38273
division (H)(2) of this section in the judgment. The eligible 38274
community addiction services provider that receives the fine 38275
moneys shall use the moneys only for the alcohol and drug 38276
addiction services identified in the application for certification 38277
of services under section 5119.36 of the Revised Code or in the 38278
application for a license under section 5119.391 of the Revised 38279
Code filed with the department of mental health and addiction 38280
services by the community addiction services provider specified in 38281
the judgment. 38282

(4) Each community addiction services provider that receives 38283
in a calendar year any fine moneys under division (H)(3) of this 38284
section shall file an annual report covering that calendar year 38285
with the court of common pleas and the board of county 38286
commissioners of the county in which the services provider is 38287
located, with the court of common pleas and the board of county 38288

commissioners of each county from which the services provider 38289
received the moneys if that county is different from the county in 38290
which the services provider is located, and with the attorney 38291
general. The community addiction services provider shall file the 38292
report no later than the first day of March in the calendar year 38293
following the calendar year in which the services provider 38294
received the fine moneys. The report shall include statistics on 38295
the number of persons served by the community addiction services 38296
provider, identify the types of alcohol and drug addiction 38297
services provided to those persons, and include a specific 38298
accounting of the purposes for which the fine moneys received were 38299
used. No information contained in the report shall identify, or 38300
enable a person to determine the identity of, any person served by 38301
the community addiction services provider. Each report received by 38302
a court of common pleas, a board of county commissioners, or the 38303
attorney general is a public record open for inspection under 38304
section 149.43 of the Revised Code. 38305

(5) As used in divisions (H)(1) to (5) of this section: 38306

(a) "Community addiction services provider" and "alcohol and 38307
drug addiction services" have the same meanings as in section 38308
5119.01 of the Revised Code. 38309

(b) "Eligible community addiction services provider" means a 38310
community addiction services provider ~~that is certified under~~ 38311
~~section 5119.36, as defined in section 5119.01~~ of the Revised 38312
Code, or a community addiction services provider that maintains a 38313
methadone treatment program licensed under section 5119.391 of the 38314
Revised Code ~~by the department of mental health and addiction~~ 38315
~~services.~~ 38316

(I) As used in this section, "drug" includes any substance 38317
that is represented to be a drug. 38318

(J) It is an affirmative defense to a charge of trafficking 38319

in a controlled substance analog under division (C)(8) of this 38320
section that the person charged with violating that offense sold 38321
or offered to sell, or prepared for shipment, shipped, 38322
transported, delivered, prepared for distribution, or distributed 38323
an item described in division (HH)(2)(a), (b), or (c) of section 38324
3719.01 of the Revised Code. 38325

Sec. 2925.11. (A) No person shall knowingly obtain, possess, 38326
or use a controlled substance or a controlled substance analog. 38327

(B) This section does not apply to any of the following: 38328

(1) Manufacturers, licensed health professionals authorized 38329
to prescribe drugs, pharmacists, owners of pharmacies, and other 38330
persons whose conduct was in accordance with Chapters 3719., 38331
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 38332

(2) If the offense involves an anabolic steroid, any person 38333
who is conducting or participating in a research project involving 38334
the use of an anabolic steroid if the project has been approved by 38335
the United States food and drug administration; 38336

(3) Any person who sells, offers for sale, prescribes, 38337
dispenses, or administers for livestock or other nonhuman species 38338
an anabolic steroid that is expressly intended for administration 38339
through implants to livestock or other nonhuman species and 38340
approved for that purpose under the "Federal Food, Drug, and 38341
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 38342
and is sold, offered for sale, prescribed, dispensed, or 38343
administered for that purpose in accordance with that act; 38344

(4) Any person who obtained the controlled substance pursuant 38345
to a lawful prescription issued by a licensed health professional 38346
authorized to prescribe drugs. 38347

(C) Whoever violates division (A) of this section is guilty 38348
of one of the following: 38349

(1) If the drug involved in the violation is a compound, 38350
mixture, preparation, or substance included in schedule I or II, 38351
with the exception of marihuana, cocaine, L.S.D., heroin, hashish, 38352
and controlled substance analogs, whoever violates division (A) of 38353
this section is guilty of aggravated possession of drugs. The 38354
penalty for the offense shall be determined as follows: 38355

(a) Except as otherwise provided in division (C)(1)(b), (c), 38356
(d), or (e) of this section, aggravated possession of drugs is a 38357
felony of the fifth degree, and division (B) of section 2929.13 of 38358
the Revised Code applies in determining whether to impose a prison 38359
term on the offender. 38360

(b) If the amount of the drug involved equals or exceeds the 38361
bulk amount but is less than five times the bulk amount, 38362
aggravated possession of drugs is a felony of the third degree, 38363
and there is a presumption for a prison term for the offense. 38364

(c) If the amount of the drug involved equals or exceeds five 38365
times the bulk amount but is less than fifty times the bulk 38366
amount, aggravated possession of drugs is a felony of the second 38367
degree, and the court shall impose as a mandatory prison term one 38368
of the prison terms prescribed for a felony of the second degree. 38369

(d) If the amount of the drug involved equals or exceeds 38370
fifty times the bulk amount but is less than one hundred times the 38371
bulk amount, aggravated possession of drugs is a felony of the 38372
first degree, and the court shall impose as a mandatory prison 38373
term one of the prison terms prescribed for a felony of the first 38374
degree. 38375

(e) If the amount of the drug involved equals or exceeds one 38376
hundred times the bulk amount, aggravated possession of drugs is a 38377
felony of the first degree, the offender is a major drug offender, 38378
and the court shall impose as a mandatory prison term the maximum 38379
prison term prescribed for a felony of the first degree. 38380

(2) If the drug involved in the violation is a compound, 38381
mixture, preparation, or substance included in schedule III, IV, 38382
or V, whoever violates division (A) of this section is guilty of 38383
possession of drugs. The penalty for the offense shall be 38384
determined as follows: 38385

(a) Except as otherwise provided in division (C)(2)(b), (c), 38386
or (d) of this section, possession of drugs is a misdemeanor of 38387
the first degree or, if the offender within ten years of the 38388
offense previously has been convicted of a drug abuse offense, a 38389
felony of the fifth degree. 38390

(b) If the amount of the drug involved equals or exceeds the 38391
bulk amount but is less than five times the bulk amount, 38392
possession of drugs is a felony of the fourth degree, and division 38393
(C) of section 2929.13 of the Revised Code applies in determining 38394
whether to impose a prison term on the offender. 38395

(c) If the amount of the drug involved equals or exceeds five 38396
times the bulk amount but is less than fifty times the bulk 38397
amount, possession of drugs is a felony of the third degree, and 38398
there is a presumption for a prison term for the offense. 38399

(d) If the amount of the drug involved equals or exceeds 38400
fifty times the bulk amount, possession of drugs is a felony of 38401
the second degree, and the court shall impose upon the offender as 38402
a mandatory prison term one of the prison terms prescribed for a 38403
felony of the second degree. 38404

(3) If the drug involved in the violation is marihuana or a 38405
compound, mixture, preparation, or substance containing marihuana 38406
other than hashish, whoever violates division (A) of this section 38407
is guilty of possession of marihuana. The penalty for the offense 38408
shall be determined as follows: 38409

(a) Except as otherwise provided in division (C)(3)(b), (c), 38410
(d), (e), (f), or (g) of this section, possession of marihuana is 38411

a minor misdemeanor. 38412

(b) If the amount of the drug involved equals or exceeds one 38413
hundred grams but is less than two hundred grams, possession of 38414
marihuana is a misdemeanor of the fourth degree. 38415

(c) If the amount of the drug involved equals or exceeds two 38416
hundred grams but is less than one thousand grams, possession of 38417
marihuana is a felony of the fifth degree, and division (B) of 38418
section 2929.13 of the Revised Code applies in determining whether 38419
to impose a prison term on the offender. 38420

(d) If the amount of the drug involved equals or exceeds one 38421
thousand grams but is less than five thousand grams, possession of 38422
marihuana is a felony of the third degree, and division (C) of 38423
section 2929.13 of the Revised Code applies in determining whether 38424
to impose a prison term on the offender. 38425

(e) If the amount of the drug involved equals or exceeds five 38426
thousand grams but is less than twenty thousand grams, possession 38427
of marihuana is a felony of the third degree, and there is a 38428
presumption that a prison term shall be imposed for the offense. 38429

(f) If the amount of the drug involved equals or exceeds 38430
twenty thousand grams but is less than forty thousand grams, 38431
possession of marihuana is a felony of the second degree, and the 38432
court shall impose a mandatory prison term of five, six, seven, or 38433
eight years. 38434

(g) If the amount of the drug involved equals or exceeds 38435
forty thousand grams, possession of marihuana is a felony of the 38436
second degree, and the court shall impose as a mandatory prison 38437
term the maximum prison term prescribed for a felony of the second 38438
degree. 38439

(4) If the drug involved in the violation is cocaine or a 38440
compound, mixture, preparation, or substance containing cocaine, 38441
whoever violates division (A) of this section is guilty of 38442

possession of cocaine. The penalty for the offense shall be 38443
determined as follows: 38444

(a) Except as otherwise provided in division (C)(4)(b), (c), 38445
(d), (e), or (f) of this section, possession of cocaine is a 38446
felony of the fifth degree, and division (B) of section 2929.13 of 38447
the Revised Code applies in determining whether to impose a prison 38448
term on the offender. 38449

(b) If the amount of the drug involved equals or exceeds five 38450
grams but is less than ten grams of cocaine, possession of cocaine 38451
is a felony of the fourth degree, and division (B) of section 38452
2929.13 of the Revised Code applies in determining whether to 38453
impose a prison term on the offender. 38454

(c) If the amount of the drug involved equals or exceeds ten 38455
grams but is less than twenty grams of cocaine, possession of 38456
cocaine is a felony of the third degree, and, except as otherwise 38457
provided in this division, there is a presumption for a prison 38458
term for the offense. If possession of cocaine is a felony of the 38459
third degree under this division and if the offender within ten 38460
years of the offense two or more times previously has been 38461
convicted of or pleaded guilty to a felony drug abuse offense, the 38462
court shall impose as a mandatory prison term one of the prison 38463
terms prescribed for a felony of the third degree. 38464

(d) If the amount of the drug involved equals or exceeds 38465
twenty grams but is less than twenty-seven grams of cocaine, 38466
possession of cocaine is a felony of the second degree, and the 38467
court shall impose as a mandatory prison term one of the prison 38468
terms prescribed for a felony of the second degree. 38469

(e) If the amount of the drug involved equals or exceeds 38470
twenty-seven grams but is less than one hundred grams of cocaine, 38471
possession of cocaine is a felony of the first degree, and the 38472
court shall impose as a mandatory prison term one of the prison 38473

terms prescribed for a felony of the first degree. 38474

(f) If the amount of the drug involved equals or exceeds one 38475
hundred grams of cocaine, possession of cocaine is a felony of the 38476
first degree, the offender is a major drug offender, and the court 38477
shall impose as a mandatory prison term the maximum prison term 38478
prescribed for a felony of the first degree. 38479

(5) If the drug involved in the violation is L.S.D., whoever 38480
violates division (A) of this section is guilty of possession of 38481
L.S.D. The penalty for the offense shall be determined as follows: 38482

(a) Except as otherwise provided in division (C)(5)(b), (c), 38483
(d), (e), or (f) of this section, possession of L.S.D. is a felony 38484
of the fifth degree, and division (B) of section 2929.13 of the 38485
Revised Code applies in determining whether to impose a prison 38486
term on the offender. 38487

(b) If the amount of L.S.D. involved equals or exceeds ten 38488
unit doses but is less than fifty unit doses of L.S.D. in a solid 38489
form or equals or exceeds one gram but is less than five grams of 38490
L.S.D. in a liquid concentrate, liquid extract, or liquid 38491
distillate form, possession of L.S.D. is a felony of the fourth 38492
degree, and division (C) of section 2929.13 of the Revised Code 38493
applies in determining whether to impose a prison term on the 38494
offender. 38495

(c) If the amount of L.S.D. involved equals or exceeds fifty 38496
unit doses, but is less than two hundred fifty unit doses of 38497
L.S.D. in a solid form or equals or exceeds five grams but is less 38498
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 38499
extract, or liquid distillate form, possession of L.S.D. is a 38500
felony of the third degree, and there is a presumption for a 38501
prison term for the offense. 38502

(d) If the amount of L.S.D. involved equals or exceeds two 38503
hundred fifty unit doses but is less than one thousand unit doses 38504

of L.S.D. in a solid form or equals or exceeds twenty-five grams 38505
but is less than one hundred grams of L.S.D. in a liquid 38506
concentrate, liquid extract, or liquid distillate form, possession 38507
of L.S.D. is a felony of the second degree, and the court shall 38508
impose as a mandatory prison term one of the prison terms 38509
prescribed for a felony of the second degree. 38510

(e) If the amount of L.S.D. involved equals or exceeds one 38511
thousand unit doses but is less than five thousand unit doses of 38512
L.S.D. in a solid form or equals or exceeds one hundred grams but 38513
is less than five hundred grams of L.S.D. in a liquid concentrate, 38514
liquid extract, or liquid distillate form, possession of L.S.D. is 38515
a felony of the first degree, and the court shall impose as a 38516
mandatory prison term one of the prison terms prescribed for a 38517
felony of the first degree. 38518

(f) If the amount of L.S.D. involved equals or exceeds five 38519
thousand unit doses of L.S.D. in a solid form or equals or exceeds 38520
five hundred grams of L.S.D. in a liquid concentrate, liquid 38521
extract, or liquid distillate form, possession of L.S.D. is a 38522
felony of the first degree, the offender is a major drug offender, 38523
and the court shall impose as a mandatory prison term the maximum 38524
prison term prescribed for a felony of the first degree. 38525

(6) If the drug involved in the violation is heroin or a 38526
compound, mixture, preparation, or substance containing heroin, 38527
whoever violates division (A) of this section is guilty of 38528
possession of heroin. The penalty for the offense shall be 38529
determined as follows: 38530

(a) Except as otherwise provided in division (C)(6)(b), (c), 38531
(d), (e), or (f) of this section, possession of heroin is a felony 38532
of the fifth degree, and division (B) of section 2929.13 of the 38533
Revised Code applies in determining whether to impose a prison 38534
term on the offender. 38535

(b) If the amount of the drug involved equals or exceeds ten 38536
unit doses but is less than fifty unit doses or equals or exceeds 38537
one gram but is less than five grams, possession of heroin is a 38538
felony of the fourth degree, and division (C) of section 2929.13 38539
of the Revised Code applies in determining whether to impose a 38540
prison term on the offender. 38541

(c) If the amount of the drug involved equals or exceeds 38542
fifty unit doses but is less than one hundred unit doses or equals 38543
or exceeds five grams but is less than ten grams, possession of 38544
heroin is a felony of the third degree, and there is a presumption 38545
for a prison term for the offense. 38546

(d) If the amount of the drug involved equals or exceeds one 38547
hundred unit doses but is less than five hundred unit doses or 38548
equals or exceeds ten grams but is less than fifty grams, 38549
possession of heroin is a felony of the second degree, and the 38550
court shall impose as a mandatory prison term one of the prison 38551
terms prescribed for a felony of the second degree. 38552

(e) If the amount of the drug involved equals or exceeds five 38553
hundred unit doses but is less than two thousand five hundred unit 38554
doses or equals or exceeds fifty grams but is less than two 38555
hundred fifty grams, possession of heroin is a felony of the first 38556
degree, and the court shall impose as a mandatory prison term one 38557
of the prison terms prescribed for a felony of the first degree. 38558

(f) If the amount of the drug involved equals or exceeds two 38559
thousand five hundred unit doses or equals or exceeds two hundred 38560
fifty grams, possession of heroin is a felony of the first degree, 38561
the offender is a major drug offender, and the court shall impose 38562
as a mandatory prison term the maximum prison term prescribed for 38563
a felony of the first degree. 38564

(7) If the drug involved in the violation is hashish or a 38565
compound, mixture, preparation, or substance containing hashish, 38566

whoever violates division (A) of this section is guilty of 38567
possession of hashish. The penalty for the offense shall be 38568
determined as follows: 38569

(a) Except as otherwise provided in division (C)(7)(b), (c), 38570
(d), (e), (f), or (g) of this section, possession of hashish is a 38571
minor misdemeanor. 38572

(b) If the amount of the drug involved equals or exceeds five 38573
grams but is less than ten grams of hashish in a solid form or 38574
equals or exceeds one gram but is less than two grams of hashish 38575
in a liquid concentrate, liquid extract, or liquid distillate 38576
form, possession of hashish is a misdemeanor of the fourth degree. 38577

(c) If the amount of the drug involved equals or exceeds ten 38578
grams but is less than fifty grams of hashish in a solid form or 38579
equals or exceeds two grams but is less than ten grams of hashish 38580
in a liquid concentrate, liquid extract, or liquid distillate 38581
form, possession of hashish is a felony of the fifth degree, and 38582
division (B) of section 2929.13 of the Revised Code applies in 38583
determining whether to impose a prison term on the offender. 38584

(d) If the amount of the drug involved equals or exceeds 38585
fifty grams but is less than two hundred fifty grams of hashish in 38586
a solid form or equals or exceeds ten grams but is less than fifty 38587
grams of hashish in a liquid concentrate, liquid extract, or 38588
liquid distillate form, possession of hashish is a felony of the 38589
third degree, and division (C) of section 2929.13 of the Revised 38590
Code applies in determining whether to impose a prison term on the 38591
offender. 38592

(e) If the amount of the drug involved equals or exceeds two 38593
hundred fifty grams but is less than one thousand grams of hashish 38594
in a solid form or equals or exceeds fifty grams but is less than 38595
two hundred grams of hashish in a liquid concentrate, liquid 38596
extract, or liquid distillate form, possession of hashish is a 38597

felony of the third degree, and there is a presumption that a 38598
prison term shall be imposed for the offense. 38599

(f) If the amount of the drug involved equals or exceeds one 38600
thousand grams but is less than two thousand grams of hashish in a 38601
solid form or equals or exceeds two hundred grams but is less than 38602
four hundred grams of hashish in a liquid concentrate, liquid 38603
extract, or liquid distillate form, possession of hashish is a 38604
felony of the second degree, and the court shall impose a 38605
mandatory prison term of five, six, seven, or eight years. 38606

(g) If the amount of the drug involved equals or exceeds two 38607
thousand grams of hashish in a solid form or equals or exceeds 38608
four hundred grams of hashish in a liquid concentrate, liquid 38609
extract, or liquid distillate form, possession of hashish is a 38610
felony of the second degree, and the court shall impose as a 38611
mandatory prison term the maximum prison term prescribed for a 38612
felony of the second degree. 38613

(8) If the drug involved is a controlled substance analog or 38614
compound, mixture, preparation, or substance that contains a 38615
controlled substance analog, whoever violates division (A) of this 38616
section is guilty of possession of a controlled substance analog. 38617
The penalty for the offense shall be determined as follows: 38618

(a) Except as otherwise provided in division (C)(8)(b), (c), 38619
(d), (e), or (f) of this section, possession of a controlled 38620
substance analog is a felony of the fifth degree, and division (B) 38621
of section 2929.13 of the Revised Code applies in determining 38622
whether to impose a prison term on the offender. 38623

(b) If the amount of the drug involved equals or exceeds ten 38624
grams but is less than twenty grams, possession of a controlled 38625
substance analog is a felony of the fourth degree, and there is a 38626
presumption for a prison term for the offense. 38627

(c) If the amount of the drug involved equals or exceeds 38628

twenty grams but is less than thirty grams, possession of a 38629
controlled substance analog is a felony of the third degree, and 38630
there is a presumption for a prison term for the offense. 38631

(d) If the amount of the drug involved equals or exceeds 38632
thirty grams but is less than forty grams, possession of a 38633
controlled substance analog is a felony of the second degree, and 38634
the court shall impose as a mandatory prison term one of the 38635
prison terms prescribed for a felony of the second degree. 38636

(e) If the amount of the drug involved equals or exceeds 38637
forty grams but is less than fifty grams, possession of a 38638
controlled substance analog is a felony of the first degree, and 38639
the court shall impose as a mandatory prison term one of the 38640
prison terms prescribed for a felony of the first degree. 38641

(f) If the amount of the drug involved equals or exceeds 38642
fifty grams, possession of a controlled substance analog is a 38643
felony of the first degree, the offender is a major drug offender, 38644
and the court shall impose as a mandatory prison term the maximum 38645
prison term prescribed for a felony of the first degree. 38646

(D) Arrest or conviction for a minor misdemeanor violation of 38647
this section does not constitute a criminal record and need not be 38648
reported by the person so arrested or convicted in response to any 38649
inquiries about the person's criminal record, including any 38650
inquiries contained in any application for employment, license, or 38651
other right or privilege, or made in connection with the person's 38652
appearance as a witness. 38653

(E) In addition to any prison term or jail term authorized or 38654
required by division (C) of this section and sections 2929.13, 38655
2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in 38656
addition to any other sanction that is imposed for the offense 38657
under this section, sections 2929.11 to 2929.18, or sections 38658
2929.21 to 2929.28 of the Revised Code, the court that sentences 38659

an offender who is convicted of or pleads guilty to a violation of 38660
division (A) of this section shall do all of the following that 38661
are applicable regarding the offender: 38662

(1)(a) If the violation is a felony of the first, second, or 38663
third degree, the court shall impose upon the offender the 38664
mandatory fine specified for the offense under division (B)(1) of 38665
section 2929.18 of the Revised Code unless, as specified in that 38666
division, the court determines that the offender is indigent. 38667

(b) Notwithstanding any contrary provision of section 3719.21 38668
of the Revised Code, the clerk of the court shall pay a mandatory 38669
fine or other fine imposed for a violation of this section 38670
pursuant to division (A) of section 2929.18 of the Revised Code in 38671
accordance with and subject to the requirements of division (F) of 38672
section 2925.03 of the Revised Code. The agency that receives the 38673
fine shall use the fine as specified in division (F) of section 38674
2925.03 of the Revised Code. 38675

(c) If a person is charged with a violation of this section 38676
that is a felony of the first, second, or third degree, posts 38677
bail, and forfeits the bail, the clerk shall pay the forfeited 38678
bail pursuant to division (E)(1)(b) of this section as if it were 38679
a mandatory fine imposed under division (E)(1)(a) of this section. 38680

(2) The court shall suspend for not less than six months or 38681
more than five years the offender's driver's or commercial 38682
driver's license or permit. 38683

(3) If the offender is a professionally licensed person, in 38684
addition to any other sanction imposed for a violation of this 38685
section, the court immediately shall comply with section 2925.38 38686
of the Revised Code. 38687

(F) It is an affirmative defense, as provided in section 38688
2901.05 of the Revised Code, to a charge of a fourth degree felony 38689
violation under this section that the controlled substance that 38690

gave rise to the charge is in an amount, is in a form, is 38691
prepared, compounded, or mixed with substances that are not 38692
controlled substances in a manner, or is possessed under any other 38693
circumstances, that indicate that the substance was possessed 38694
solely for personal use. Notwithstanding any contrary provision of 38695
this section, if, in accordance with section 2901.05 of the 38696
Revised Code, an accused who is charged with a fourth degree 38697
felony violation of division (C)(2), (4), (5), or (6) of this 38698
section sustains the burden of going forward with evidence of and 38699
establishes by a preponderance of the evidence the affirmative 38700
defense described in this division, the accused may be prosecuted 38701
for and may plead guilty to or be convicted of a misdemeanor 38702
violation of division (C)(2) of this section or a fifth degree 38703
felony violation of division (C)(4), (5), or (6) of this section 38704
respectively. 38705

(G) When a person is charged with possessing a bulk amount or 38706
multiple of a bulk amount, division (E) of section 2925.03 of the 38707
Revised Code applies regarding the determination of the amount of 38708
the controlled substance involved at the time of the offense. 38709

(H) It is an affirmative defense to a charge of possession of 38710
a controlled substance analog under division (C)(8) of this 38711
section that the person charged with violating that offense 38712
obtained, possessed, or used an item described in division 38713
(HH)(2)(a), (b), or (c) of section 3719.01 of the Revised Code. 38714

Sec. 2929.13. (A) Except as provided in division (E), (F), or 38715
(G) of this section and unless a specific sanction is required to 38716
be imposed or is precluded from being imposed pursuant to law, a 38717
court that imposes a sentence upon an offender for a felony may 38718
impose any sanction or combination of sanctions on the offender 38719
that are provided in sections 2929.14 to 2929.18 of the Revised 38720
Code. 38721

If the offender is eligible to be sentenced to community control sanctions, the court shall consider the appropriateness of imposing a financial sanction pursuant to section 2929.18 of the Revised Code or a sanction of community service pursuant to section 2929.17 of the Revised Code as the sole sanction for the offense. Except as otherwise provided in this division, if the court is required to impose a mandatory prison term for the offense for which sentence is being imposed, the court also shall impose any financial sanction pursuant to section 2929.18 of the Revised Code that is required for the offense and may impose any other financial sanction pursuant to that section but may not impose any additional sanction or combination of sanctions under section 2929.16 or 2929.17 of the Revised Code.

If the offender is being sentenced for a fourth degree felony OVI offense or for a third degree felony OVI offense, in addition to the mandatory term of local incarceration or the mandatory prison term required for the offense by division (G)(1) or (2) of this section, the court shall impose upon the offender a mandatory fine in accordance with division (B)(3) of section 2929.18 of the Revised Code and may impose whichever of the following is applicable:

(1) For a fourth degree felony OVI offense for which sentence is imposed under division (G)(1) of this section, an additional community control sanction or combination of community control sanctions under section 2929.16 or 2929.17 of the Revised Code. If the court imposes upon the offender a community control sanction and the offender violates any condition of the community control sanction, the court may take any action prescribed in division (B) of section 2929.15 of the Revised Code relative to the offender, including imposing a prison term on the offender pursuant to that division.

(2) For a third or fourth degree felony OVI offense for which

sentence is imposed under division (G)(2) of this section, an 38754
additional prison term as described in division (B)(4) of section 38755
2929.14 of the Revised Code or a community control sanction as 38756
described in division (G)(2) of this section. 38757

(B)(1)(a) Except as provided in division (B)(1)(b) of this 38758
section, if an offender is convicted of or pleads guilty to a 38759
felony of the fourth or fifth degree that is not an offense of 38760
violence or that is a qualifying assault offense, the court shall 38761
sentence the offender to a community control sanction of at least 38762
one year's duration if all of the following apply: 38763

(i) The offender previously has not been convicted of or 38764
pleaded guilty to a felony offense. 38765

(ii) The most serious charge against the offender at the time 38766
of sentencing is a felony of the fourth or fifth degree. 38767

(iii) If the court made a request of the department of 38768
rehabilitation and correction pursuant to division (B)(1)(c) of 38769
this section, the department, within the forty-five-day period 38770
specified in that division, provided the court with the names of, 38771
contact information for, and program details of one or more 38772
community control sanctions of at least one year's duration that 38773
are available for persons sentenced by the court. 38774

(iv) The offender previously has not been convicted of or 38775
pleaded guilty to a misdemeanor offense of violence that the 38776
offender committed within two years prior to the offense for which 38777
sentence is being imposed. 38778

(b) The court has discretion to impose a prison term upon an 38779
offender who is convicted of or pleads guilty to a felony of the 38780
fourth or fifth degree that is not an offense of violence or that 38781
is a qualifying assault offense if any of the following apply: 38782

(i) The offender committed the offense while having a firearm 38783
on or about the offender's person or under the offender's control. 38784

(ii) If the offense is a qualifying assault offense, the offender caused serious physical harm to another person while committing the offense, and, if the offense is not a qualifying assault offense, the offender caused physical harm to another person while committing the offense.

(iii) The offender violated a term of the conditions of bond as set by the court.

(iv) The court made a request of the department of rehabilitation and correction pursuant to division (B)(1)(c) of this section, and the department, within the forty-five-day period specified in that division, did not provide the court with the name of, contact information for, and program details of any community control sanction of at least one year's duration that is available for persons sentenced by the court.

(v) The offense is a sex offense that is a fourth or fifth degree felony violation of any provision of Chapter 2907. of the Revised Code.

(vi) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person with a deadly weapon.

(vii) In committing the offense, the offender attempted to cause or made an actual threat of physical harm to a person, and the offender previously was convicted of an offense that caused physical harm to a person.

(viii) The offender held a public office or position of trust, and the offense related to that office or position; the offender's position obliged the offender to prevent the offense or to bring those committing it to justice; or the offender's professional reputation or position facilitated the offense or was likely to influence the future conduct of others.

(ix) The offender committed the offense for hire or as part

of an organized criminal activity. 38816

(x) The offender at the time of the offense was serving, or 38817
the offender previously had served, a prison term. 38818

(xi) The offender committed the offense while under a 38819
community control sanction, while on probation, or while released 38820
from custody on a bond or personal recognizance. 38821

(c) If a court that is sentencing an offender who is 38822
convicted of or pleads guilty to a felony of the fourth or fifth 38823
degree that is not an offense of violence or that is a qualifying 38824
assault offense believes that no community control sanctions are 38825
available for its use that, if imposed on the offender, will 38826
adequately fulfill the overriding principles and purposes of 38827
sentencing, the court shall contact the department of 38828
rehabilitation and correction and ask the department to provide 38829
the court with the names of, contact information for, and program 38830
details of one or more community control sanctions of at least one 38831
year's duration that are available for persons sentenced by the 38832
court. Not later than forty-five days after receipt of a request 38833
from a court under this division, the department shall provide the 38834
court with the names of, contact information for, and program 38835
details of one or more community control sanctions of at least one 38836
year's duration that are available for persons sentenced by the 38837
court, if any. Upon making a request under this division that 38838
relates to a particular offender, a court shall defer sentencing 38839
of that offender until it receives from the department the names 38840
of, contact information for, and program details of one or more 38841
community control sanctions of at least one year's duration that 38842
are available for persons sentenced by the court or for forty-five 38843
days, whichever is the earlier. 38844

If the department provides the court with the names of, 38845
contact information for, and program details of one or more 38846
community control sanctions of at least one year's duration that 38847

are available for persons sentenced by the court within the 38848
forty-five-day period specified in this division, the court shall 38849
impose upon the offender a community control sanction under 38850
division (B)(1)(a) of this section, except that the court may 38851
impose a prison term under division (B)(1)(b) of this section if a 38852
factor described in division (B)(1)(b)(i) or (ii) of this section 38853
applies. If the department does not provide the court with the 38854
names of, contact information for, and program details of one or 38855
more community control sanctions of at least one year's duration 38856
that are available for persons sentenced by the court within the 38857
forty-five-day period specified in this division, the court may 38858
impose upon the offender a prison term under division 38859
(B)(1)(b)(iv) of this section. 38860

(d) A sentencing court may impose an additional penalty under 38861
division (B) of section 2929.15 of the Revised Code upon an 38862
offender sentenced to a community control sanction under division 38863
(B)(1)(a) of this section if the offender violates the conditions 38864
of the community control sanction, violates a law, or leaves the 38865
state without the permission of the court or the offender's 38866
probation officer. 38867

(2) If division (B)(1) of this section does not apply, except 38868
as provided in division (E), (F), or (G) of this section, in 38869
determining whether to impose a prison term as a sanction for a 38870
felony of the fourth or fifth degree, the sentencing court shall 38871
comply with the purposes and principles of sentencing under 38872
section 2929.11 of the Revised Code and with section 2929.12 of 38873
the Revised Code. 38874

(C) Except as provided in division (D), (E), (F), or (G) of 38875
this section, in determining whether to impose a prison term as a 38876
sanction for a felony of the third degree or a felony drug offense 38877
that is a violation of a provision of Chapter 2925. of the Revised 38878
Code and that is specified as being subject to this division for 38879

purposes of sentencing, the sentencing court shall comply with the 38880
purposes and principles of sentencing under section 2929.11 of the 38881
Revised Code and with section 2929.12 of the Revised Code. 38882

(D)(1) Except as provided in division (E) or (F) of this 38883
section, for a felony of the first or second degree, for a felony 38884
drug offense that is a violation of any provision of Chapter 38885
2925., 3719., or 4729. of the Revised Code for which a presumption 38886
in favor of a prison term is specified as being applicable, and 38887
for a violation of division (A)(4) or (B) of section 2907.05 of 38888
the Revised Code for which a presumption in favor of a prison term 38889
is specified as being applicable, it is presumed that a prison 38890
term is necessary in order to comply with the purposes and 38891
principles of sentencing under section 2929.11 of the Revised 38892
Code. Division (D)(2) of this section does not apply to a 38893
presumption established under this division for a violation of 38894
division (A)(4) of section 2907.05 of the Revised Code. 38895

(2) Notwithstanding the presumption established under 38896
division (D)(1) of this section for the offenses listed in that 38897
division other than a violation of division (A)(4) or (B) of 38898
section 2907.05 of the Revised Code, the sentencing court may 38899
impose a community control sanction or a combination of community 38900
control sanctions instead of a prison term on an offender for a 38901
felony of the first or second degree or for a felony drug offense 38902
that is a violation of any provision of Chapter 2925., 3719., or 38903
4729. of the Revised Code for which a presumption in favor of a 38904
prison term is specified as being applicable if it makes both of 38905
the following findings: 38906

(a) A community control sanction or a combination of 38907
community control sanctions would adequately punish the offender 38908
and protect the public from future crime, because the applicable 38909
factors under section 2929.12 of the Revised Code indicating a 38910
lesser likelihood of recidivism outweigh the applicable factors 38911

under that section indicating a greater likelihood of recidivism. 38912

(b) A community control sanction or a combination of 38913
community control sanctions would not demean the seriousness of 38914
the offense, because one or more factors under section 2929.12 of 38915
the Revised Code that indicate that the offender's conduct was 38916
less serious than conduct normally constituting the offense are 38917
applicable, and they outweigh the applicable factors under that 38918
section that indicate that the offender's conduct was more serious 38919
than conduct normally constituting the offense. 38920

(E)(1) Except as provided in division (F) of this section, 38921
for any drug offense that is a violation of any provision of 38922
Chapter 2925. of the Revised Code and that is a felony of the 38923
third, fourth, or fifth degree, the applicability of a presumption 38924
under division (D) of this section in favor of a prison term or of 38925
division (B) or (C) of this section in determining whether to 38926
impose a prison term for the offense shall be determined as 38927
specified in section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 38928
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, or 2925.37 of the 38929
Revised Code, whichever is applicable regarding the violation. 38930

(2) If an offender who was convicted of or pleaded guilty to 38931
a felony violates the conditions of a community control sanction 38932
imposed for the offense solely by reason of producing positive 38933
results on a drug test, the court, as punishment for the violation 38934
of the sanction, shall not order that the offender be imprisoned 38935
unless the court determines on the record either of the following: 38936

(a) The offender had been ordered as a sanction for the 38937
felony to participate in a drug treatment program, in a drug 38938
education program, or in narcotics anonymous or a similar program, 38939
and the offender continued to use illegal drugs after a reasonable 38940
period of participation in the program. 38941

(b) The imprisonment of the offender for the violation is 38942

consistent with the purposes and principles of sentencing set forth in section 2929.11 of the Revised Code. 38943
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(3) A court that sentences an offender for a drug abuse offense that is a felony of the third, fourth, or fifth degree may require that the offender be assessed by a properly credentialed professional within a specified period of time. The court shall require the professional to file a written assessment of the offender with the court. If the offender is eligible for a community control sanction and after considering the written assessment, the court may impose a community control sanction that includes treatment and recovery support services authorized by division (A)(11) of section 3793.02 340.03 of the Revised Code. If the court imposes treatment and recovery support services as a community control sanction, the court shall direct the level and type of treatment and recovery support services after considering the assessment and recommendation of ~~treatment and recovery support services~~ community addiction services providers. 38945
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(F) Notwithstanding divisions (A) to (E) of this section, the court shall impose a prison term or terms under sections 2929.02 to 2929.06, section 2929.14, section 2929.142, or section 2971.03 of the Revised Code and except as specifically provided in section 2929.20, divisions (C) to (I) of section 2967.19, or section 2967.191 of the Revised Code or when parole is authorized for the offense under section 2967.13 of the Revised Code shall not reduce the term or terms pursuant to section 2929.20, section 2967.19, section 2967.193, or any other provision of Chapter 2967. or Chapter 5120. of the Revised Code for any of the following offenses: 38960
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(1) Aggravated murder when death is not imposed or murder; 38971

(2) Any rape, regardless of whether force was involved and regardless of the age of the victim, or an attempt to commit rape if, had the offender completed the rape that was attempted, the 38972
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offender would have been guilty of a violation of division 38975
(A)(1)(b) of section 2907.02 of the Revised Code and would be 38976
sentenced under section 2971.03 of the Revised Code; 38977

(3) Gross sexual imposition or sexual battery, if the victim 38978
is less than thirteen years of age and if any of the following 38979
applies: 38980

(a) Regarding gross sexual imposition, the offender 38981
previously was convicted of or pleaded guilty to rape, the former 38982
offense of felonious sexual penetration, gross sexual imposition, 38983
or sexual battery, and the victim of the previous offense was less 38984
than thirteen years of age; 38985

(b) Regarding gross sexual imposition, the offense was 38986
committed on or after August 3, 2006, and evidence other than the 38987
testimony of the victim was admitted in the case corroborating the 38988
violation. 38989

(c) Regarding sexual battery, either of the following 38990
applies: 38991

(i) The offense was committed prior to August 3, 2006, the 38992
offender previously was convicted of or pleaded guilty to rape, 38993
the former offense of felonious sexual penetration, or sexual 38994
battery, and the victim of the previous offense was less than 38995
thirteen years of age. 38996

(ii) The offense was committed on or after August 3, 2006. 38997

(4) A felony violation of section 2903.04, 2903.06, 2903.08, 38998
2903.11, 2903.12, 2903.13, 2905.32, or 2907.07 of the Revised Code 38999
if the section requires the imposition of a prison term; 39000

(5) A first, second, or third degree felony drug offense for 39001
which section 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 39002
2925.11, 2925.13, 2925.22, 2925.23, 2925.36, 2925.37, 3719.99, or 39003
4729.99 of the Revised Code, whichever is applicable regarding the 39004

violation, requires the imposition of a mandatory prison term; 39005

(6) Any offense that is a first or second degree felony and 39006
that is not set forth in division (F)(1), (2), (3), or (4) of this 39007
section, if the offender previously was convicted of or pleaded 39008
guilty to aggravated murder, murder, any first or second degree 39009
felony, or an offense under an existing or former law of this 39010
state, another state, or the United States that is or was 39011
substantially equivalent to one of those offenses; 39012

(7) Any offense that is a third degree felony and either is a 39013
violation of section 2903.04 of the Revised Code or an attempt to 39014
commit a felony of the second degree that is an offense of 39015
violence and involved an attempt to cause serious physical harm to 39016
a person or that resulted in serious physical harm to a person if 39017
the offender previously was convicted of or pleaded guilty to any 39018
of the following offenses: 39019

(a) Aggravated murder, murder, involuntary manslaughter, 39020
rape, felonious sexual penetration as it existed under section 39021
2907.12 of the Revised Code prior to September 3, 1996, a felony 39022
of the first or second degree that resulted in the death of a 39023
person or in physical harm to a person, or complicity in or an 39024
attempt to commit any of those offenses; 39025

(b) An offense under an existing or former law of this state, 39026
another state, or the United States that is or was substantially 39027
equivalent to an offense listed in division (F)(7)(a) of this 39028
section that resulted in the death of a person or in physical harm 39029
to a person. 39030

(8) Any offense, other than a violation of section 2923.12 of 39031
the Revised Code, that is a felony, if the offender had a firearm 39032
on or about the offender's person or under the offender's control 39033
while committing the felony, with respect to a portion of the 39034
sentence imposed pursuant to division (B)(1)(a) of section 2929.14 39035

of the Revised Code for having the firearm; 39036

(9) Any offense of violence that is a felony, if the offender 39037
wore or carried body armor while committing the felony offense of 39038
violence, with respect to the portion of the sentence imposed 39039
pursuant to division (B)(1)(d) of section 2929.14 of the Revised 39040
Code for wearing or carrying the body armor; 39041

(10) Corrupt activity in violation of section 2923.32 of the 39042
Revised Code when the most serious offense in the pattern of 39043
corrupt activity that is the basis of the offense is a felony of 39044
the first degree; 39045

(11) Any violent sex offense or designated homicide, assault, 39046
or kidnapping offense if, in relation to that offense, the 39047
offender is adjudicated a sexually violent predator; 39048

(12) A violation of division (A)(1) or (2) of section 2921.36 39049
of the Revised Code, or a violation of division (C) of that 39050
section involving an item listed in division (A)(1) or (2) of that 39051
section, if the offender is an officer or employee of the 39052
department of rehabilitation and correction; 39053

(13) A violation of division (A)(1) or (2) of section 2903.06 39054
of the Revised Code if the victim of the offense is a peace 39055
officer, as defined in section 2935.01 of the Revised Code, or an 39056
investigator of the bureau of criminal identification and 39057
investigation, as defined in section 2903.11 of the Revised Code, 39058
with respect to the portion of the sentence imposed pursuant to 39059
division (B)(5) of section 2929.14 of the Revised Code; 39060

(14) A violation of division (A)(1) or (2) of section 2903.06 39061
of the Revised Code if the offender has been convicted of or 39062
pleaded guilty to three or more violations of division (A) or (B) 39063
of section 4511.19 of the Revised Code or an equivalent offense, 39064
as defined in section 2941.1415 of the Revised Code, or three or 39065
more violations of any combination of those divisions and 39066

offenses, with respect to the portion of the sentence imposed 39067
pursuant to division (B)(6) of section 2929.14 of the Revised 39068
Code; 39069

(15) Kidnapping, in the circumstances specified in section 39070
2971.03 of the Revised Code and when no other provision of 39071
division (F) of this section applies; 39072

(16) Kidnapping, abduction, compelling prostitution, 39073
promoting prostitution, engaging in a pattern of corrupt activity, 39074
illegal use of a minor in a nudity-oriented material or 39075
performance in violation of division (A)(1) or (2) of section 39076
2907.323 of the Revised Code, or endangering children in violation 39077
of division (B)(1), (2), (3), (4), or (5) of section 2919.22 of 39078
the Revised Code, if the offender is convicted of or pleads guilty 39079
to a specification as described in section 2941.1422 of the 39080
Revised Code that was included in the indictment, count in the 39081
indictment, or information charging the offense; 39082

(17) A felony violation of division (A) or (B) of section 39083
2919.25 of the Revised Code if division (D)(3), (4), or (5) of 39084
that section, and division (D)(6) of that section, require the 39085
imposition of a prison term; 39086

(18) A felony violation of section 2903.11, 2903.12, or 39087
2903.13 of the Revised Code, if the victim of the offense was a 39088
woman that the offender knew was pregnant at the time of the 39089
violation, with respect to a portion of the sentence imposed 39090
pursuant to division (B)(8) of section 2929.14 of the Revised 39091
Code. 39092

(G) Notwithstanding divisions (A) to (E) of this section, if 39093
an offender is being sentenced for a fourth degree felony OVI 39094
offense or for a third degree felony OVI offense, the court shall 39095
impose upon the offender a mandatory term of local incarceration 39096
or a mandatory prison term in accordance with the following: 39097

(1) If the offender is being sentenced for a fourth degree felony OVI offense and if the offender has not been convicted of and has not pleaded guilty to a specification of the type described in section 2941.1413 of the Revised Code, the court may impose upon the offender a mandatory term of local incarceration of sixty days or one hundred twenty days as specified in division (G)(1)(d) of section 4511.19 of the Revised Code. The court shall not reduce the term pursuant to section 2929.20, 2967.193, or any other provision of the Revised Code. The court that imposes a mandatory term of local incarceration under this division shall specify whether the term is to be served in a jail, a community-based correctional facility, a halfway house, or an alternative residential facility, and the offender shall serve the term in the type of facility specified by the court. A mandatory term of local incarceration imposed under division (G)(1) of this section is not subject to any other Revised Code provision that pertains to a prison term except as provided in division (A)(1) of this section.

(2) If the offender is being sentenced for a third degree felony OVI offense, or if the offender is being sentenced for a fourth degree felony OVI offense and the court does not impose a mandatory term of local incarceration under division (G)(1) of this section, the court shall impose upon the offender a mandatory prison term of one, two, three, four, or five years if the offender also is convicted of or also pleads guilty to a specification of the type described in section 2941.1413 of the Revised Code or shall impose upon the offender a mandatory prison term of sixty days or one hundred twenty days as specified in division (G)(1)(d) or (e) of section 4511.19 of the Revised Code if the offender has not been convicted of and has not pleaded guilty to a specification of that type. Subject to divisions (C) to (I) of section 2967.19 of the Revised Code, the court shall not reduce the term pursuant to section 2929.20, 2967.19, 2967.193, or

any other provision of the Revised Code. The offender shall serve 39131
the one-, two-, three-, four-, or five-year mandatory prison term 39132
consecutively to and prior to the prison term imposed for the 39133
underlying offense and consecutively to any other mandatory prison 39134
term imposed in relation to the offense. In no case shall an 39135
offender who once has been sentenced to a mandatory term of local 39136
incarceration pursuant to division (G)(1) of this section for a 39137
fourth degree felony OVI offense be sentenced to another mandatory 39138
term of local incarceration under that division for any violation 39139
of division (A) of section 4511.19 of the Revised Code. In 39140
addition to the mandatory prison term described in division (G)(2) 39141
of this section, the court may sentence the offender to a 39142
community control sanction under section 2929.16 or 2929.17 of the 39143
Revised Code, but the offender shall serve the prison term prior 39144
to serving the community control sanction. The department of 39145
rehabilitation and correction may place an offender sentenced to a 39146
mandatory prison term under this division in an intensive program 39147
prison established pursuant to section 5120.033 of the Revised 39148
Code if the department gave the sentencing judge prior notice of 39149
its intent to place the offender in an intensive program prison 39150
established under that section and if the judge did not notify the 39151
department that the judge disapproved the placement. Upon the 39152
establishment of the initial intensive program prison pursuant to 39153
section 5120.033 of the Revised Code that is privately operated 39154
and managed by a contractor pursuant to a contract entered into 39155
under section 9.06 of the Revised Code, both of the following 39156
apply: 39157

(a) The department of rehabilitation and correction shall 39158
make a reasonable effort to ensure that a sufficient number of 39159
offenders sentenced to a mandatory prison term under this division 39160
are placed in the privately operated and managed prison so that 39161
the privately operated and managed prison has full occupancy. 39162

(b) Unless the privately operated and managed prison has full occupancy, the department of rehabilitation and correction shall not place any offender sentenced to a mandatory prison term under this division in any intensive program prison established pursuant to section 5120.033 of the Revised Code other than the privately operated and managed prison.

(H) If an offender is being sentenced for a sexually oriented offense or child-victim oriented offense that is a felony committed on or after January 1, 1997, the judge shall require the offender to submit to a DNA specimen collection procedure pursuant to section 2901.07 of the Revised Code.

(I) If an offender is being sentenced for a sexually oriented offense or a child-victim oriented offense committed on or after January 1, 1997, the judge shall include in the sentence a summary of the offender's duties imposed under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and the duration of the duties. The judge shall inform the offender, at the time of sentencing, of those duties and of their duration. If required under division (A)(2) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that section, or, if required under division (A)(6) of section 2950.03 of the Revised Code, the judge shall perform the duties specified in that division.

(J)(1) Except as provided in division (J)(2) of this section, when considering sentencing factors under this section in relation to an offender who is convicted of or pleads guilty to an attempt to commit an offense in violation of section 2923.02 of the Revised Code, the sentencing court shall consider the factors applicable to the felony category of the violation of section 2923.02 of the Revised Code instead of the factors applicable to the felony category of the offense attempted.

(2) When considering sentencing factors under this section in

relation to an offender who is convicted of or pleads guilty to an attempt to commit a drug abuse offense for which the penalty is determined by the amount or number of unit doses of the controlled substance involved in the drug abuse offense, the sentencing court shall consider the factors applicable to the felony category that the drug abuse offense attempted would be if that drug abuse offense had been committed and had involved an amount or number of unit doses of the controlled substance that is within the next lower range of controlled substance amounts than was involved in the attempt.

(K) As used in this section:

(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.

(2) "Drug abuse offense" has the same meaning as in section 2925.01 of the Revised Code.

~~(2)~~(3) "Qualifying assault offense" means a violation of section 2903.13 of the Revised Code for which the penalty provision in division (C)(8)(b) or (C)(9)(b) of that section applies.

(L) At the time of sentencing an offender for any sexually oriented offense, if the offender is a tier III sex offender/child-victim offender relative to that offense and the offender does not serve a prison term or jail term, the court may require that the offender be monitored by means of a global positioning device. If the court requires such monitoring, the cost of monitoring shall be borne by the offender. If the offender is indigent, the cost of compliance shall be paid by the crime victims reparations fund.

Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to

section 2947.23 of the Revised Code, the court imposing a sentence 39225
upon an offender for a felony may sentence the offender to any 39226
financial sanction or combination of financial sanctions 39227
authorized under this section or, in the circumstances specified 39228
in section 2929.32 of the Revised Code, may impose upon the 39229
offender a fine in accordance with that section. Financial 39230
sanctions that may be imposed pursuant to this section include, 39231
but are not limited to, the following: 39232

(1) Restitution by the offender to the victim of the 39233
offender's crime or any survivor of the victim, in an amount based 39234
on the victim's economic loss. If the court imposes restitution, 39235
the court shall order that the restitution be made to the victim 39236
in open court, to the adult probation department that serves the 39237
county on behalf of the victim, to the clerk of courts, or to 39238
another agency designated by the court. If the court imposes 39239
restitution, at sentencing, the court shall determine the amount 39240
of restitution to be made by the offender. If the court imposes 39241
restitution, the court may base the amount of restitution it 39242
orders on an amount recommended by the victim, the offender, a 39243
presentence investigation report, estimates or receipts indicating 39244
the cost of repairing or replacing property, and other 39245
information, provided that the amount the court orders as 39246
restitution shall not exceed the amount of the economic loss 39247
suffered by the victim as a direct and proximate result of the 39248
commission of the offense. If the court decides to impose 39249
restitution, the court shall hold a hearing on restitution if the 39250
offender, victim, or survivor disputes the amount. All restitution 39251
payments shall be credited against any recovery of economic loss 39252
in a civil action brought by the victim or any survivor of the 39253
victim against the offender. 39254

If the court imposes restitution, the court may order that 39255
the offender pay a surcharge of not more than five per cent of the 39256

amount of the restitution otherwise ordered to the entity 39257
responsible for collecting and processing restitution payments. 39258

The victim or survivor may request that the prosecutor in the 39259
case file a motion, or the offender may file a motion, for 39260
modification of the payment terms of any restitution ordered. If 39261
the court grants the motion, it may modify the payment terms as it 39262
determines appropriate. 39263

(2) Except as provided in division (B)(1), (3), or (4) of 39264
this section, a fine payable by the offender to the state, to a 39265
political subdivision, or as described in division (B)(2) of this 39266
section to one or more law enforcement agencies, with the amount 39267
of the fine based on a standard percentage of the offender's daily 39268
income over a period of time determined by the court and based 39269
upon the seriousness of the offense. A fine ordered under this 39270
division shall not exceed the maximum conventional fine amount 39271
authorized for the level of the offense under division (A)(3) of 39272
this section. 39273

(3) Except as provided in division (B)(1), (3), or (4) of 39274
this section, a fine payable by the offender to the state, to a 39275
political subdivision when appropriate for a felony, or as 39276
described in division (B)(2) of this section to one or more law 39277
enforcement agencies, in the following amount: 39278

(a) For a felony of the first degree, not more than twenty 39279
thousand dollars; 39280

(b) For a felony of the second degree, not more than fifteen 39281
thousand dollars; 39282

(c) For a felony of the third degree, not more than ten 39283
thousand dollars; 39284

(d) For a felony of the fourth degree, not more than five 39285
thousand dollars; 39286

(e) For a felony of the fifth degree, not more than two thousand five hundred dollars.	39287 39288
(4) A state fine or costs as defined in section 2949.111 of the Revised Code.	39289 39290
(5)(a) Reimbursement by the offender of any or all of the costs of sanctions incurred by the government, including the following:	39291 39292 39293
(i) All or part of the costs of implementing any community control sanction, including a supervision fee under section 2951.021 of the Revised Code;	39294 39295 39296
(ii) All or part of the costs of confinement under a sanction imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the Revised Code, provided that the amount of reimbursement ordered under this division shall not exceed the total amount of reimbursement the offender is able to pay as determined at a hearing and shall not exceed the actual cost of the confinement;	39297 39298 39299 39300 39301 39302
(iii) All or part of the cost of purchasing and using an immobilizing or disabling device, including a certified ignition interlock device, or a remote alcohol monitoring device that a court orders an offender to use under section 4510.13 of the Revised Code.	39303 39304 39305 39306 39307
(b) If the offender is sentenced to a sanction of confinement pursuant to section 2929.14 or 2929.16 of the Revised Code that is to be served in a facility operated by a board of county commissioners, a legislative authority of a municipal corporation, or another local governmental entity, if, pursuant to section 307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, or 2947.19 of the Revised Code and section 2929.37 of the Revised Code, the board, legislative authority, or other local governmental entity requires prisoners to reimburse the county, municipal corporation, or other entity for its expenses incurred	39308 39309 39310 39311 39312 39313 39314 39315 39316 39317

by reason of the prisoner's confinement, and if the court does not 39318
impose a financial sanction under division (A)(5)(a)(ii) of this 39319
section, confinement costs may be assessed pursuant to section 39320
2929.37 of the Revised Code. In addition, the offender may be 39321
required to pay the fees specified in section 2929.38 of the 39322
Revised Code in accordance with that section. 39323

(c) Reimbursement by the offender for costs pursuant to 39324
section 2929.71 of the Revised Code. 39325

(B)(1) For a first, second, or third degree felony violation 39326
of any provision of Chapter 2925., 3719., or 4729. of the Revised 39327
Code, the sentencing court shall impose upon the offender a 39328
mandatory fine of at least one-half of, but not more than, the 39329
maximum statutory fine amount authorized for the level of the 39330
offense pursuant to division (A)(3) of this section. If an 39331
offender alleges in an affidavit filed with the court prior to 39332
sentencing that the offender is indigent and unable to pay the 39333
mandatory fine and if the court determines the offender is an 39334
indigent person and is unable to pay the mandatory fine described 39335
in this division, the court shall not impose the mandatory fine 39336
upon the offender. 39337

(2) Any mandatory fine imposed upon an offender under 39338
division (B)(1) of this section and any fine imposed upon an 39339
offender under division (A)(2) or (3) of this section for any 39340
fourth or fifth degree felony violation of any provision of 39341
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 39342
to law enforcement agencies pursuant to division (F) of section 39343
2925.03 of the Revised Code. 39344

(3) For a fourth degree felony OVI offense and for a third 39345
degree felony OVI offense, the sentencing court shall impose upon 39346
the offender a mandatory fine in the amount specified in division 39347
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 39348
is applicable. The mandatory fine so imposed shall be disbursed as 39349

provided in the division pursuant to which it is imposed. 39350

(4) Notwithstanding any fine otherwise authorized or required 39351
to be imposed under division (A)(2) or (3) or (B)(1) of this 39352
section or section 2929.31 of the Revised Code for a violation of 39353
section 2925.03 of the Revised Code, in addition to any penalty or 39354
sanction imposed for that offense under section 2925.03 or 39355
sections 2929.11 to 2929.18 of the Revised Code and in addition to 39356
the forfeiture of property in connection with the offense as 39357
prescribed in Chapter 2981. of the Revised Code, the court that 39358
sentences an offender for a violation of section 2925.03 of the 39359
Revised Code may impose upon the offender a fine in addition to 39360
any fine imposed under division (A)(2) or (3) of this section and 39361
in addition to any mandatory fine imposed under division (B)(1) of 39362
this section. The fine imposed under division (B)(4) of this 39363
section shall be used as provided in division (H) of section 39364
2925.03 of the Revised Code. A fine imposed under division (B)(4) 39365
of this section shall not exceed whichever of the following is 39366
applicable: 39367

(a) The total value of any personal or real property in which 39368
the offender has an interest and that was used in the course of, 39369
intended for use in the course of, derived from, or realized 39370
through conduct in violation of section 2925.03 of the Revised 39371
Code, including any property that constitutes proceeds derived 39372
from that offense; 39373

(b) If the offender has no interest in any property of the 39374
type described in division (B)(4)(a) of this section or if it is 39375
not possible to ascertain whether the offender has an interest in 39376
any property of that type in which the offender may have an 39377
interest, the amount of the mandatory fine for the offense imposed 39378
under division (B)(1) of this section or, if no mandatory fine is 39379
imposed under division (B)(1) of this section, the amount of the 39380
fine authorized for the level of the offense imposed under 39381

division (A)(3) of this section. 39382

(5) Prior to imposing a fine under division (B)(4) of this 39383
section, the court shall determine whether the offender has an 39384
interest in any property of the type described in division 39385
(B)(4)(a) of this section. Except as provided in division (B)(6) 39386
or (7) of this section, a fine that is authorized and imposed 39387
under division (B)(4) of this section does not limit or affect the 39388
imposition of the penalties and sanctions for a violation of 39389
section 2925.03 of the Revised Code prescribed under those 39390
sections or sections 2929.11 to 2929.18 of the Revised Code and 39391
does not limit or affect a forfeiture of property in connection 39392
with the offense as prescribed in Chapter 2981. of the Revised 39393
Code. 39394

(6) If the sum total of a mandatory fine amount imposed for a 39395
first, second, or third degree felony violation of section 2925.03 39396
of the Revised Code under division (B)(1) of this section plus the 39397
amount of any fine imposed under division (B)(4) of this section 39398
does not exceed the maximum statutory fine amount authorized for 39399
the level of the offense under division (A)(3) of this section or 39400
section 2929.31 of the Revised Code, the court may impose a fine 39401
for the offense in addition to the mandatory fine and the fine 39402
imposed under division (B)(4) of this section. The sum total of 39403
the amounts of the mandatory fine, the fine imposed under division 39404
(B)(4) of this section, and the additional fine imposed under 39405
division (B)(6) of this section shall not exceed the maximum 39406
statutory fine amount authorized for the level of the offense 39407
under division (A)(3) of this section or section 2929.31 of the 39408
Revised Code. The clerk of the court shall pay any fine that is 39409
imposed under division (B)(6) of this section to the county, 39410
township, municipal corporation, park district as created pursuant 39411
to section 511.18 or 1545.04 of the Revised Code, or state law 39412
enforcement agencies in this state that primarily were responsible 39413

for or involved in making the arrest of, and in prosecuting, the 39414
offender pursuant to division (F) of section 2925.03 of the 39415
Revised Code. 39416

(7) If the sum total of the amount of a mandatory fine 39417
imposed for a first, second, or third degree felony violation of 39418
section 2925.03 of the Revised Code plus the amount of any fine 39419
imposed under division (B)(4) of this section exceeds the maximum 39420
statutory fine amount authorized for the level of the offense 39421
under division (A)(3) of this section or section 2929.31 of the 39422
Revised Code, the court shall not impose a fine under division 39423
(B)(6) of this section. 39424

(8)(a) If an offender who is convicted of or pleads guilty to 39425
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 39426
2923.32, division (A)(1) or (2) of section 2907.323, or division 39427
(B)(1), (2), (3), (4), or (5) of section 2919.22 of the Revised 39428
Code also is convicted of or pleads guilty to a specification of 39429
the type described in section 2941.1422 of the Revised Code that 39430
charges that the offender knowingly committed the offense in 39431
furtherance of human trafficking, the sentencing court shall 39432
sentence the offender to a financial sanction of restitution by 39433
the offender to the victim or any survivor of the victim, with the 39434
restitution including the costs of housing, counseling, and 39435
medical and legal assistance incurred by the victim as a direct 39436
result of the offense and the greater of the following: 39437

(i) The gross income or value to the offender of the victim's 39438
labor or services; 39439

(ii) The value of the victim's labor as guaranteed under the 39440
minimum wage and overtime provisions of the "Federal Fair Labor 39441
Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state 39442
labor laws. 39443

(b) If a court imposing sentence upon an offender for a 39444

felony is required to impose upon the offender a financial 39445
sanction of restitution under division (B)(8)(a) of this section, 39446
in addition to that financial sanction of restitution, the court 39447
may sentence the offender to any other financial sanction or 39448
combination of financial sanctions authorized under this section, 39449
including a restitution sanction under division (A)(1) of this 39450
section. 39451

(9) In addition to any other fine that is or may be imposed 39452
under this section, the court imposing sentence upon an offender 39453
for a felony that is a sexually oriented offense or a child-victim 39454
oriented offense, as those terms are defined in section 2950.01 of 39455
the Revised Code, may impose a fine of not less than fifty nor 39456
more than five hundred dollars. 39457

~~(C)(1) The offender shall pay reimbursements imposed upon the 39458
offender pursuant to division (A)(5)(a) of this section to pay the 39459
costs incurred by the department of rehabilitation and correction 39460
in operating a prison or other facility used to confine offenders 39461
pursuant to sanctions imposed under section 2929.14, 2929.142, or 39462
2929.16 of the Revised Code to the treasurer of state. The 39463
treasurer of state shall deposit the reimbursements in the 39464
confinement cost reimbursement fund that is hereby created in the 39465
state treasury. The department of rehabilitation and correction 39466
shall use the amounts deposited in the fund to fund the operation 39467
of facilities used to confine offenders pursuant to sections 39468
2929.14, 2929.142, and 2929.16 of the Revised Code. 39469~~

~~(2) Except as provided in section 2951.021 of the Revised 39470
Code, the offender shall pay reimbursements imposed upon the 39471
offender pursuant to division (A)(5)(a) of this section to pay the 39472
costs incurred by a county pursuant to any sanction imposed under 39473
this section or section 2929.16 or 2929.17 of the Revised Code or 39474
in operating a facility used to confine offenders pursuant to a 39475
sanction imposed under section 2929.16 of the Revised Code to the 39476~~

county treasurer. The county treasurer shall deposit the 39477
reimbursements in the sanction cost reimbursement fund that each 39478
board of county commissioners shall create in its county treasury. 39479
The county shall use the amounts deposited in the fund to pay the 39480
costs incurred by the county pursuant to any sanction imposed 39481
under this section or section 2929.16 or 2929.17 of the Revised 39482
Code or in operating a facility used to confine offenders pursuant 39483
to a sanction imposed under section 2929.16 of the Revised Code. 39484

~~(3)~~(2) Except as provided in section 2951.021 of the Revised 39485
Code, the offender shall pay reimbursements imposed upon the 39486
offender pursuant to division (A)(5)(a) of this section to pay the 39487
costs incurred by a municipal corporation pursuant to any sanction 39488
imposed under this section or section 2929.16 or 2929.17 of the 39489
Revised Code or in operating a facility used to confine offenders 39490
pursuant to a sanction imposed under section 2929.16 of the 39491
Revised Code to the treasurer of the municipal corporation. The 39492
treasurer shall deposit the reimbursements in a special fund that 39493
shall be established in the treasury of each municipal 39494
corporation. The municipal corporation shall use the amounts 39495
deposited in the fund to pay the costs incurred by the municipal 39496
corporation pursuant to any sanction imposed under this section or 39497
section 2929.16 or 2929.17 of the Revised Code or in operating a 39498
facility used to confine offenders pursuant to a sanction imposed 39499
under section 2929.16 of the Revised Code. 39500

~~(4)~~(3) Except as provided in section 2951.021 of the Revised 39501
Code, the offender shall pay reimbursements imposed pursuant to 39502
division (A)(5)(a) of this section for the costs incurred by a 39503
private provider pursuant to a sanction imposed under this section 39504
or section 2929.16 or 2929.17 of the Revised Code to the provider. 39505

(D) Except as otherwise provided in this division, a 39506
financial sanction imposed pursuant to division (A) or (B) of this 39507
section is a judgment in favor of the state or a political 39508

subdivision in which the court that imposed the financial sanction 39509
is located, and the offender subject to the financial sanction is 39510
the judgment debtor. A financial sanction of reimbursement imposed 39511
pursuant to division (A)(5)(a)(ii) of this section upon an 39512
offender who is incarcerated in a state facility or a municipal 39513
jail is a judgment in favor of the state or the municipal 39514
corporation, and the offender subject to the financial sanction is 39515
the judgment debtor. A financial sanction of reimbursement imposed 39516
upon an offender pursuant to this section for costs incurred by a 39517
private provider of sanctions is a judgment in favor of the 39518
private provider, and the offender subject to the financial 39519
sanction is the judgment debtor. A financial sanction of 39520
restitution imposed pursuant to division (A)(1) or (B)(8) of this 39521
section is an order in favor of the victim of the offender's 39522
criminal act that can be collected through a certificate of 39523
judgment as described in division (D)(1) of this section, through 39524
execution as described in division (D)(2) of this section, or 39525
through an order as described in division (D)(3) of this section, 39526
and the offender shall be considered for purposes of the 39527
collection as the judgment debtor. Imposition of a financial 39528
sanction and execution on the judgment does not preclude any other 39529
power of the court to impose or enforce sanctions on the offender. 39530
Once the financial sanction is imposed as a judgment or order 39531
under this division, the victim, private provider, state, or 39532
political subdivision may do any of the following: 39533

(1) Obtain from the clerk of the court in which the judgment 39534
was entered a certificate of judgment that shall be in the same 39535
manner and form as a certificate of judgment issued in a civil 39536
action; 39537

(2) Obtain execution of the judgment or order through any 39538
available procedure, including: 39539

(a) An execution against the property of the judgment debtor 39540

under Chapter 2329. of the Revised Code;	39541
(b) An execution against the person of the judgment debtor under Chapter 2331. of the Revised Code;	39542 39543
(c) A proceeding in aid of execution under Chapter 2333. of the Revised Code, including:	39544 39545
(i) A proceeding for the examination of the judgment debtor under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 of the Revised Code;	39546 39547 39548
(ii) A proceeding for attachment of the person of the judgment debtor under section 2333.28 of the Revised Code;	39549 39550
(iii) A creditor's suit under section 2333.01 of the Revised Code.	39551 39552
(d) The attachment of the property of the judgment debtor under Chapter 2715. of the Revised Code;	39553 39554
(e) The garnishment of the property of the judgment debtor under Chapter 2716. of the Revised Code.	39555 39556
(3) Obtain an order for the assignment of wages of the judgment debtor under section 1321.33 of the Revised Code.	39557 39558
(E) A court that imposes a financial sanction upon an offender may hold a hearing if necessary to determine whether the offender is able to pay the sanction or is likely in the future to be able to pay it.	39559 39560 39561 39562
(F) Each court imposing a financial sanction upon an offender under this section or under section 2929.32 of the Revised Code may designate the clerk of the court or another person to collect the financial sanction. The clerk or other person authorized by law or the court to collect the financial sanction may enter into contracts with one or more public agencies or private vendors for the collection of, amounts due under the financial sanction imposed pursuant to this section or section 2929.32 of the Revised	39563 39564 39565 39566 39567 39568 39569 39570

Code. Before entering into a contract for the collection of 39571
amounts due from an offender pursuant to any financial sanction 39572
imposed pursuant to this section or section 2929.32 of the Revised 39573
Code, a court shall comply with sections 307.86 to 307.92 of the 39574
Revised Code. 39575

(G) If a court that imposes a financial sanction under 39576
division (A) or (B) of this section finds that an offender 39577
satisfactorily has completed all other sanctions imposed upon the 39578
offender and that all restitution that has been ordered has been 39579
paid as ordered, the court may suspend any financial sanctions 39580
imposed pursuant to this section or section 2929.32 of the Revised 39581
Code that have not been paid. 39582

(H) No financial sanction imposed under this section or 39583
section 2929.32 of the Revised Code shall preclude a victim from 39584
bringing a civil action against the offender. 39585

Sec. 2929.20. (A) As used in this section: 39586

(1)(a) Except as provided in division (A)(1)(b) of this 39587
section, "eligible offender" means any person who, on or after 39588
April 7, 2009, is serving a stated prison term that includes one 39589
or more nonmandatory prison terms. 39590

(b) "Eligible offender" does not include any person who, on 39591
or after April 7, 2009, is serving a stated prison term for any of 39592
the following criminal offenses that was a felony and was 39593
committed while the person held a public office in this state: 39594

(i) A violation of section 2921.02, 2921.03, 2921.05, 39595
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 39596
Code; 39597

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 39598
2921.12 of the Revised Code, when the conduct constituting the 39599
violation was related to the duties of the offender's public 39600

office or to the offender's actions as a public official holding 39601
that public office; 39602

(iii) A violation of an existing or former municipal 39603
ordinance or law of this or any other state or the United States 39604
that is substantially equivalent to any violation listed in 39605
division (A)(1)(b)(i) of this section; 39606

(iv) A violation of an existing or former municipal ordinance 39607
or law of this or any other state or the United States that is 39608
substantially equivalent to any violation listed in division 39609
(A)(1)(b)(ii) of this section, when the conduct constituting the 39610
violation was related to the duties of the offender's public 39611
office or to the offender's actions as a public official holding 39612
that public office; 39613

(v) A conspiracy to commit, attempt to commit, or complicity 39614
in committing any offense listed in division (A)(1)(b)(i) or 39615
described in division (A)(1)(b)(iii) of this section; 39616

(vi) A conspiracy to commit, attempt to commit, or complicity 39617
in committing any offense listed in division (A)(1)(b)(ii) or 39618
described in division (A)(1)(b)(iv) of this section, if the 39619
conduct constituting the offense that was the subject of the 39620
conspiracy, that would have constituted the offense attempted, or 39621
constituting the offense in which the offender was complicit was 39622
or would have been related to the duties of the offender's public 39623
office or to the offender's actions as a public official holding 39624
that public office. 39625

(2) "Nonmandatory prison term" means a prison term that is 39626
not a mandatory prison term. 39627

(3) "Public office" means any elected federal, state, or 39628
local government office in this state. 39629

(4) "Victim's representative" has the same meaning as in 39630
section 2930.01 of the Revised Code. 39631

(5) "Imminent danger of death," "medically incapacitated," 39632
and "terminal illness" have the same meanings as in section 39633
2967.05 of the Revised Code. 39634

(B) On the motion of an eligible offender or upon its own 39635
motion, the sentencing court may reduce the eligible offender's 39636
aggregated nonmandatory prison term or terms through a judicial 39637
release under this section. 39638

(C) An eligible offender may file a motion for judicial 39639
release with the sentencing court within the following applicable 39640
periods: 39641

(1) If the aggregated nonmandatory prison term or terms is 39642
less than two years, the eligible offender may file the motion not 39643
earlier than thirty days after the offender is delivered to a 39644
state correctional institution or, if the prison term includes a 39645
mandatory prison term or terms, not earlier than thirty days after 39646
the expiration of all mandatory prison terms. 39647

(2) If the aggregated nonmandatory prison term or terms is at 39648
least two years but less than five years, the eligible offender 39649
may file the motion not earlier than one hundred eighty days after 39650
the offender is delivered to a state correctional institution or, 39651
if the prison term includes a mandatory prison term or terms, not 39652
earlier than one hundred eighty days after the expiration of all 39653
mandatory prison terms. 39654

(3) If the aggregated nonmandatory prison term or terms is 39655
five years, the eligible offender may file the motion not earlier 39656
than four years after the eligible offender is delivered to a 39657
state correctional institution or, if the prison term includes a 39658
mandatory prison term or terms, not earlier than four years after 39659
the expiration of all mandatory prison terms. 39660

(4) If the aggregated nonmandatory prison term or terms is 39661
more than five years but not more than ten years, the eligible 39662

offender may file the motion not earlier than five years after the 39663
eligible offender is delivered to a state correctional institution 39664
or, if the prison term includes a mandatory prison term or terms, 39665
not earlier than five years after the expiration of all mandatory 39666
prison terms. 39667

(5) If the aggregated nonmandatory prison term or terms is 39668
more than ten years, the eligible offender may file the motion not 39669
earlier than the later of the date on which the offender has 39670
served one-half of the offender's stated prison term or the date 39671
specified in division (C)(4) of this section. 39672

(D) Upon receipt of a timely motion for judicial release 39673
filed by an eligible offender under division (C) of this section 39674
or upon the sentencing court's own motion made within the 39675
appropriate time specified in that division, the court may deny 39676
the motion without a hearing or schedule a hearing on the motion. 39677
The court shall not grant the motion without a hearing. If a court 39678
denies a motion without a hearing, the court later may consider 39679
judicial release for that eligible offender on a subsequent motion 39680
filed by that eligible offender unless the court denies the motion 39681
with prejudice. If a court denies a motion with prejudice, the 39682
court may later consider judicial release on its own motion. If a 39683
court denies a motion after a hearing, the court shall not 39684
consider a subsequent motion for that eligible offender. The court 39685
shall hold only one hearing for any eligible offender. 39686

A hearing under this section shall be conducted in open court 39687
not less than thirty or more than sixty days after the motion is 39688
filed, provided that the court may delay the hearing for one 39689
hundred eighty additional days. If the court holds a hearing, the 39690
court shall enter a ruling on the motion within ten days after the 39691
hearing. If the court denies the motion without a hearing, the 39692
court shall enter its ruling on the motion within sixty days after 39693
the motion is filed. 39694

(E) If a court schedules a hearing under division (D) of this section, the court shall notify the eligible offender and the head of the state correctional institution in which the eligible offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the eligible offender was indicted. Upon receipt of the notice from the court, the prosecuting attorney shall do whichever of the following is applicable:

(1) Subject to division (E)(2) of this section, notify the victim of the offense or the victim's representative pursuant to division (B) of section 2930.16 of the Revised Code;

(2) If the offense was an offense of violence that is a felony of the first, second, or third degree, except as otherwise provided in this division, notify the victim or the victim's representative of the hearing regardless of whether the victim or victim's representative has requested the notification. The notice of the hearing shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or the victim's representative not be provided the notice. If notice is to be provided to a victim or victim's representative under this division, the prosecuting attorney may give the notice by any reasonable means, including regular mail, telephone, and

electronic mail, in accordance with division (D)(1) of section 39727
2930.16 of the Revised Code. If the notice is based on an offense 39728
committed prior to March 22, 2013, the notice also shall include 39729
the opt-out information described in division (D)(1) of section 39730
2930.16 of the Revised Code. The prosecuting attorney, in 39731
accordance with division (D)(2) of section 2930.16 of the Revised 39732
Code, shall keep a record of all attempts to provide the notice, 39733
and of all notices provided, under this division. Division (E)(2) 39734
of this section, and the notice-related provisions of division (K) 39735
of this section, division (D)(1) of section 2930.16, division (H) 39736
of section 2967.12, division (E)(1)(b) of section 2967.19, 39737
division (A)(3)(b) of section 2967.26, division (D)(1) of section 39738
2967.28, and division (A)(2) of section 5149.101 of the Revised 39739
Code enacted in the act in which division (E)(2) of this section 39740
was enacted, shall be known as "Roberta's Law." 39741

(F) Upon an offender's successful completion of 39742
rehabilitative activities, the head of the state correctional 39743
institution may notify the sentencing court of the successful 39744
completion of the activities. 39745

(G) Prior to the date of the hearing on a motion for judicial 39746
release under this section, the head of the state correctional 39747
institution in which the eligible offender is confined shall send 39748
to the court an institutional summary report on the eligible 39749
offender's conduct in the institution and in any institution from 39750
which the eligible offender may have been transferred. Upon the 39751
request of the prosecuting attorney of the county in which the 39752
eligible offender was indicted or of any law enforcement agency, 39753
the head of the state correctional institution, at the same time 39754
the person sends the institutional summary report to the court, 39755
also shall send a copy of the report to the requesting prosecuting 39756
attorney and law enforcement agencies. The institutional summary 39757
report shall cover the eligible offender's participation in 39758

school, vocational training, work, treatment, and other 39759
rehabilitative activities and any disciplinary action taken 39760
against the eligible offender. The report shall be made part of 39761
the record of the hearing. A presentence investigation report is 39762
not required for judicial release. 39763

(H) If the court grants a hearing on a motion for judicial 39764
release under this section, the eligible offender shall attend the 39765
hearing if ordered to do so by the court. Upon receipt of a copy 39766
of the journal entry containing the order, the head of the state 39767
correctional institution in which the eligible offender is 39768
incarcerated shall deliver the eligible offender to the sheriff of 39769
the county in which the hearing is to be held. The sheriff shall 39770
convey the eligible offender to and from the hearing. 39771

(I) At the hearing on a motion for judicial release under 39772
this section, the court shall afford the eligible offender and the 39773
eligible offender's attorney an opportunity to present written 39774
and, if present, oral information relevant to the motion. The 39775
court shall afford a similar opportunity to the prosecuting 39776
attorney, the victim or the victim's representative, and any other 39777
person the court determines is likely to present additional 39778
relevant information. The court shall consider any statement of a 39779
victim made pursuant to section 2930.14 or 2930.17 of the Revised 39780
Code, any victim impact statement prepared pursuant to section 39781
2947.051 of the Revised Code, and any report made under division 39782
(G) of this section. The court may consider any written statement 39783
of any person submitted to the court pursuant to division (L) of 39784
this section. After ruling on the motion, the court shall notify 39785
the victim of the ruling in accordance with sections 2930.03 and 39786
2930.16 of the Revised Code. 39787

(J)(1) A court shall not grant a judicial release under this 39788
section to an eligible offender who is imprisoned for a felony of 39789
the first or second degree, or to an eligible offender who 39790

committed an offense under Chapter 2925. or 3719. of the Revised Code and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the eligible offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the eligible offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release to an eligible offender under division (J)(1) of this section shall specify on the record both findings required in that division and also shall list all the factors described in that division that were presented at the hearing.

(K) If the court grants a motion for judicial release under this section, the court shall order the release of the eligible offender, shall place the eligible offender under an appropriate community control sanction, under appropriate conditions, and under the supervision of the department of probation serving the court and shall reserve the right to reimpose the sentence that it reduced if the offender violates the sanction. If the court reimposes the reduced sentence, it may do so either concurrently with, or consecutive to, any new sentence imposed upon the eligible offender as a result of the violation that is a new offense. ~~The~~ Except as provided in division (R)(2) of this

section, the period of community control shall be no longer than 39823
five years. The court, in its discretion, may reduce the period of 39824
community control by the amount of time the eligible offender 39825
spent in jail or prison for the offense and in prison. If the 39826
court made any findings pursuant to division (J)(1) of this 39827
section, the court shall serve a copy of the findings upon counsel 39828
for the parties within fifteen days after the date on which the 39829
court grants the motion for judicial release. 39830

If the court grants a motion for judicial release, the court 39831
shall notify the appropriate person at the department of 39832
rehabilitation and correction, and the department shall post 39833
notice of the release on the database it maintains pursuant to 39834
section 5120.66 of the Revised Code. The court also shall notify 39835
the prosecuting attorney of the county in which the eligible 39836
offender was indicted that the motion has been granted. Unless the 39837
victim or the victim's representative has requested pursuant to 39838
division (B)(2) of section 2930.03 of the Revised Code that the 39839
victim or victim's representative not be provided the notice, the 39840
prosecuting attorney shall notify the victim or the victim's 39841
representative of the judicial release in any manner, and in 39842
accordance with the same procedures, pursuant to which the 39843
prosecuting attorney is authorized to provide notice of the 39844
hearing pursuant to division (E)(2) of this section. If the notice 39845
is based on an offense committed prior to March 22, 2013, the 39846
notice to the victim or victim's representative also shall include 39847
the opt-out information described in division (D)(1) of section 39848
2930.16 of the Revised Code. 39849

(L) In addition to and independent of the right of a victim 39850
to make a statement pursuant to section 2930.14, 2930.17, or 39851
2946.051 of the Revised Code and any right of a person to present 39852
written information or make a statement pursuant to division (I) 39853
of this section, any person may submit to the court, at any time 39854

prior to the hearing on the offender's motion for judicial 39855
release, a written statement concerning the effects of the 39856
offender's crime or crimes, the circumstances surrounding the 39857
crime or crimes, the manner in which the crime or crimes were 39858
perpetrated, and the person's opinion as to whether the offender 39859
should be released. 39860

(M) The changes to this section that are made on September 30, 2011, apply to any judicial release decision made on or after September 30, 2011, for any eligible offender. 39861
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(N) Notwithstanding the eligibility requirements specified in division (A) of this section and the filing time frames specified in division (C) of this section and notwithstanding the findings required under division (J) of this section, the sentencing court, upon the court's own motion and after considering whether the release of the offender into society would create undue risk to public safety, may grant a judicial release to an offender who is not serving a life sentence at any time during the offender's imposed sentence when the director of rehabilitation and correction certifies to the sentencing court through the chief medical officer for the department of rehabilitation and correction that the offender is in imminent danger of death, is medically incapacitated, or is suffering from a terminal illness. 39864
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(O) The director of rehabilitation and correction shall not certify any offender under division (N) of this section who is serving a death sentence. 39877
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(P) A motion made by the court under division (N) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section, except for the following: 39880
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(1) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes 39884
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it impossible for the offender to participate meaningfully in the proceeding. 39886
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(2) The court may grant the motion without a hearing, provided that the prosecuting attorney and victim or victim's representative to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion. 39888
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(O) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N) of this section. 39894
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(R)(1) If the court grants judicial release under division (N) of this section, the court shall do all of the following: 39897
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(a) Order the release of the offender; 39899

(b) Place the offender under an appropriate community control sanction, under appropriate conditions; 39900
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(c) Place the offender under the supervision of the department of probation serving the court or under the supervision of the adult parole authority. 39902
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(2) The court, in its discretion, may revoke the judicial release if the offender violates the community control sanction described in division (R)(1) of this section. The period of that community control is not subject to the five-year limitation described in division (K) of this section and shall not expire earlier than the date on which all of the offender's mandatory prison terms expire. 39905
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(S) If the health of an offender who is released under division (N) of this section improves so that the offender is no longer terminally ill, medically incapacitated, or in imminent danger of death, the court shall, upon the court's own motion, 39912
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revoke the judicial release. The court shall not grant the motion 39916
without a hearing unless the offender waives a hearing. If a 39917
hearing is held, the court shall afford the offender and the 39918
offender's attorney an opportunity to present written and, if the 39919
offender or the offender's attorney is present, oral information 39920
relevant to the motion. The court shall afford a similar 39921
opportunity to the prosecuting attorney, the victim or the 39922
victim's representative, and any other person the court determines 39923
is likely to present additional relevant information. A court that 39924
grants a motion under this division shall specify its findings on 39925
the record. 39926

Sec. 2935.33. (A) If a person charged with a misdemeanor is 39927
taken before a judge of a court of record and if it appears to the 39928
judge that the person is an alcoholic or is suffering from acute 39929
alcohol intoxication and that the person would benefit from 39930
services provided by a community addiction services provider 39931
~~certified under Chapter 5119. of the Revised Code~~, the judge may 39932
place the person temporarily ~~in~~ with a community addiction 39933
services provider ~~certified under that chapter~~ in the area in 39934
which the court has jurisdiction for inpatient care and treatment 39935
for an indefinite period not exceeding five days. The commitment 39936
does not limit the right to release on bail. The judge may dismiss 39937
a charge of a violation of division (B) of section 2917.11 of the 39938
Revised Code or of a municipal ordinance substantially equivalent 39939
to that division if the defendant complies with all the conditions 39940
of treatment ordered by the court. 39941

The court may order that any fines or court costs collected 39942
by the court from defendants who have received inpatient care from 39943
a community addiction services provider be paid, for the benefit 39944
of the program, to the board of alcohol, drug addiction, and 39945
mental health services of the alcohol, drug addiction, and mental 39946
health service district in which the community addiction services 39947

provider is located or to the director of mental health and 39948
addiction services. 39949

(B) If a person is being sentenced for a violation of 39950
division (B) of section 2917.11 or section 4511.19 of the Revised 39951
Code, a misdemeanor violation of section 2919.25 of the Revised 39952
Code, a misdemeanor violation of section 2919.27 of the Revised 39953
Code involving a protection order issued or consent agreement 39954
approved pursuant to section 2919.26 or 3113.31 of the Revised 39955
Code, or a violation of a municipal ordinance substantially 39956
equivalent to that division or any of those sections and if it 39957
appears to the judge at the time of sentencing that the person is 39958
an alcoholic or is suffering from acute alcohol intoxication and 39959
that, in lieu of imprisonment, the person would benefit from 39960
services provided by a community addiction services provider 39961
~~certified under Chapter 5119. of the Revised Code~~, the court may 39962
commit the person to close supervision in any facility in the area 39963
in which the court has jurisdiction that is, or is operated by, 39964
such a services provider. Such close supervision may include 39965
outpatient services and part-time release, except that a person 39966
convicted of a violation of division (A) of section 4511.19 of the 39967
Revised Code shall be confined to the facility for at least three 39968
days and except that a person convicted of a misdemeanor violation 39969
of section 2919.25 of the Revised Code, a misdemeanor violation of 39970
section 2919.27 of the Revised Code involving a protection order 39971
issued or consent agreement approved pursuant to section 2919.26 39972
or 3113.31 of the Revised Code, or a violation of a substantially 39973
equivalent municipal ordinance shall be confined to the facility 39974
in accordance with the order of commitment. A commitment of a 39975
person to a facility for purposes of close supervision shall not 39976
exceed the maximum term for which the person could be imprisoned. 39977

(C) A law enforcement officer who finds a person subject to 39978
prosecution for violation of division (B) of section 2917.11 of 39979

the Revised Code or a municipal ordinance substantially equivalent 39980
to that division and who has reasonable cause to believe that the 39981
person is an alcoholic or is suffering from acute alcohol 39982
intoxication and would benefit from immediate treatment 39983
immediately may place the person ~~in~~ with a community addiction 39984
services provider ~~certified under Chapter 5119. of the Revised~~ 39985
~~Code~~ in the area in which the person is found, for emergency 39986
treatment, in lieu of other arrest procedures, for a maximum 39987
period of forty-eight hours. During that time, if the person 39988
desires to leave such custody, the person shall be released 39989
forthwith. 39990

(D) As used in this section: 39991

(1) "Alcoholic" ~~has~~ and "community addiction services 39992
provider" have the same ~~meaning~~ meanings as in section 5119.01 of 39993
the Revised Code; 39994

(2) "Acute alcohol intoxication" means a heavy consumption of 39995
alcohol over a relatively short period of time, resulting in 39996
dysfunction of the brain centers controlling behavior, speech, and 39997
memory and causing characteristic withdrawal symptoms. 39998

Sec. 2941.51. (A) Counsel appointed to a case or selected by 39999
an indigent person under division (E) of section 120.16 or 40000
division (E) of section 120.26 of the Revised Code, or otherwise 40001
appointed by the court, except for counsel appointed by the court 40002
to provide legal representation for a person charged with a 40003
violation of an ordinance of a municipal corporation, shall be 40004
paid for their services by the county the compensation and 40005
expenses that the trial court approves. Each request for payment 40006
shall be accompanied by a financial disclosure form and an 40007
affidavit of indigency that are completed by the indigent person 40008
on forms prescribed by the state public defender. Compensation and 40009
expenses shall not exceed the amounts fixed by the board of county 40010

commissioners pursuant to division (B) of this section. 40011

(B) The board of county commissioners shall establish a 40012
schedule of fees by case or on an hourly basis to be paid by the 40013
county for legal services provided by appointed counsel. Prior to 40014
establishing such schedule, the board shall request the bar 40015
association or associations of the county to submit a proposed 40016
schedule for cases other than capital cases. The schedule 40017
submitted shall be subject to the review, amendment, and approval 40018
of the board of county commissioners, except with respect to 40019
capital cases. With respect to capital cases, the schedule shall 40020
provide for fees by case or on an hourly basis to be paid to 40021
counsel in the amount or at the rate set by the supreme court 40022
pursuant to division (D) of section 120.33 of the Revised Code, 40023
and the board of county commissioners shall approve that amount or 40024
rate. 40025

With respect to capital cases, counsel shall be paid 40026
compensation and expenses in accordance with the amount or at the 40027
rate set by the supreme court pursuant to division (D) of section 40028
120.33 of the Revised Code. 40029

(C) In a case where counsel have been appointed to conduct an 40030
appeal under Chapter 120. of the Revised Code, such compensation 40031
shall be fixed by the court of appeals or the supreme court, as 40032
provided in divisions (A) and (B) of this section. 40033

(D) The fees and expenses approved by the court under this 40034
section shall not be taxed as part of the costs and shall be paid 40035
by the county. However, if the person represented has, or 40036
reasonably may be expected to have, the means to meet some part of 40037
the cost of the services rendered to the person, the person shall 40038
pay the county an amount that the person reasonably can be 40039
expected to pay. Pursuant to section 120.04 of the Revised Code, 40040
the county shall pay to the state public defender a percentage of 40041
the payment received from the person in an amount proportionate to 40042

the percentage of the costs of the person's case that were paid to 40043
the county by the state public defender pursuant to this section. 40044
The money paid to the state public defender shall be credited to 40045
the client payment fund created pursuant to division (B)(5) of 40046
section 120.04 of the Revised Code. 40047

(E)(1) The county auditor shall draw a warrant on the county 40048
treasurer for the payment of such counsel in the amount fixed by 40049
the court, plus the expenses that the court fixes and certifies to 40050
the auditor. The county auditor shall report periodically, but not 40051
less than annually, to the board of county commissioners and to 40052
the Ohio public defender commission the amounts paid out pursuant 40053
to the approval of the court under this section, separately 40054
stating costs and expenses that are reimbursable under section 40055
120.35 of the Revised Code. The board, after review and approval 40056
of the auditor's report, may then certify it to the state public 40057
defender for reimbursement. The request for reimbursement shall be 40058
accompanied by a financial disclosure form completed by each 40059
indigent person for whom counsel was provided on a form prescribed 40060
by the state public defender. The state public defender shall 40061
review the report and, in accordance with the standards, 40062
guidelines, and maximums established pursuant to divisions (B)(7) 40063
and (8) of section 120.04 of the Revised Code, pay fifty per cent 40064
of the total cost, other than costs and expenses that are 40065
reimbursable under section 120.35 of the Revised Code, if any, of 40066
paying appointed counsel in each county and pay fifty per cent of 40067
costs and expenses that are reimbursable under section 120.35 of 40068
the Revised Code, if any, to the board. 40069

(2) If the board of county commissioners establishes a 40070
schedule of fees on an hourly basis under division (B) of this 40071
section that exceeds fifty dollars per hour, the county shall 40072
receive a supplemental amount that constitutes five per cent of 40073
the total reimbursement the county received from the state public 40074

defender for appointed counsel. 40075

(F) If any county system for paying appointed counsel fails 40076
to maintain the standards for the conduct of the system 40077
established by the rules of the Ohio public defender commission 40078
pursuant to divisions (B) and (C) of section 120.03 of the Revised 40079
Code or the standards established by the state public defender 40080
pursuant to division (B)(7) of section 120.04 of the Revised Code, 40081
the commission shall notify the board of county commissioners of 40082
the county that the county system for paying appointed counsel has 40083
failed to comply with its rules. Unless the board corrects the 40084
conduct of its appointed counsel system to comply with the rules 40085
within ninety days after the date of the notice, the state public 40086
defender may deny all or part of the county's reimbursement from 40087
the state provided for in this section. 40088

Sec. 2951.041. (A)(1) ~~If an~~ The court in which a person is 40089
charged with a criminal offense may accept the offender's request 40090
for intervention in lieu of conviction in the following 40091
circumstances: 40092

(a) The offender is charged with a violation of section 40093
2925.03 or 2925.11 of the Revised Code that is a misdemeanor or a 40094
felony of the fourth or fifth degree, the offender makes the 40095
request at any time prior to trial, and the court determines that 40096
the offender has substance abuse problems. 40097

(b) The offender is charged with a criminal offense other 40098
than an offense described in division (A)(1)(a) of this section, 40099
including but not limited to a violation of section 2913.02, 40100
2913.03, 2913.11, 2913.21, 2913.31, or 2919.21 of the Revised 40101
Code, the offender makes the request prior to the entry of a 40102
guilty plea, and the court has reason to believe that drug or 40103
alcohol usage by the offender was a factor leading to the criminal 40104
offense with which the offender is charged or that, at the time of 40105

committing that offense, the offender had a mental illness, was a 40106
person with intellectual disability, or was a victim of a 40107
violation of section 2905.32 of the Revised Code and that the 40108
mental illness, status as a person with intellectual disability, 40109
or fact that the offender was a victim of a violation of section 40110
2905.32 of the Revised Code was a factor leading to the offender's 40111
criminal behavior, ~~the court may accept, prior to the entry of a~~ 40112
~~guilty plea, the offender's request for intervention in lieu of~~ 40113
~~conviction. The~~ 40114

(2) A request made under division (A)(1)(b) of this section 40115
shall include a statement from the offender as to whether the 40116
offender is alleging that drug or alcohol usage by the offender 40117
was a factor leading to the criminal offense with which the 40118
offender is charged or is alleging that, at the time of committing 40119
that offense, the offender had a mental illness, was a person with 40120
intellectual disability, or was a victim of a violation of section 40121
2905.32 of the Revised Code and that the mental illness, status as 40122
a person with intellectual disability, or fact that the offender 40123
was a victim of a violation of section 2905.32 of the Revised Code 40124
was a factor leading to the criminal offense with which the 40125
offender is charged. ~~The~~ A request also made under division 40126
(A)(1)(a) or (b) of this section shall include a waiver of the 40127
defendant's right to a speedy trial, the preliminary hearing, the 40128
time period within which the grand jury may consider an indictment 40129
against the offender, and arraignment, unless the hearing, 40130
indictment, or arraignment has already occurred. The court may 40131
reject an offender's request made under division (A)(1)(a) or (b) 40132
of this section without a hearing. If the court elects to consider 40133
an offender's request made under division (A)(1)(a) or (b) of this 40134
section, the court shall conduct a hearing to determine whether 40135
the offender is eligible under this section for intervention in 40136
lieu of conviction and shall stay all criminal proceedings pending 40137
the outcome of the hearing. If the court schedules a hearing, the 40138

court shall order an assessment of ~~the~~ an offender who made a 40139
request under division (A)(1)(b) of this section and may order an 40140
assessment of an offender who made a request under division 40141
(A)(1)(a) of this section for the purpose of determining the 40142
offender's eligibility for intervention in lieu of conviction and 40143
recommending an appropriate intervention plan. 40144

~~If the offender~~ The court may order that an offender who made 40145
a request under division (A)(1)(a) of this section or an offender 40146
who made a request under division (A)(1)(b) of this section and 40147
who alleges that drug or alcohol usage by the offender was a 40148
factor leading to the criminal offense with which the offender is 40149
charged, ~~the court may order that the offender~~ be assessed by ~~an a~~ 40150
community addiction services provider ~~certified pursuant to~~ 40151
~~section 5119.36 of the Revised Code~~ or a properly credentialed 40152
professional for the purpose of determining the offender's 40153
eligibility for intervention in lieu of conviction and 40154
recommending an appropriate intervention plan. The community 40155
addiction services provider or the properly credentialed 40156
professional shall provide a written assessment of the offender to 40157
the court. 40158

~~(2)~~(3) The victim notification provisions of division (C) of 40159
section ~~2930.08~~ 2930.06 of the Revised Code apply in relation to 40160
any hearing held under division (A)(1) of this section regarding 40161
an offender who made a request under division (A)(1)(b) of this 40162
section. 40163

(B) An offender is eligible for intervention in lieu of 40164
conviction if the court finds all of the following: 40165

(1) ~~The~~ Regarding an offender who makes a request under 40166
division (A)(1)(a) or (b) of this section, the offender previously 40167
has not been convicted of or pleaded guilty to a felony offense of 40168
violence or previously has been convicted of or pleaded guilty to 40169
any felony that is not an offense of violence and the prosecuting 40170

attorney recommends that the offender be found eligible for 40171
participation in intervention in lieu of treatment under this 40172
section, previously has not been through intervention in lieu of 40173
conviction under this section or any similar regimen, and is 40174
charged with a violation of section 2925.03 or 2925.11 of the 40175
Revised Code or a felony for which the court, upon conviction, 40176
would impose a community control sanction on the offender under 40177
division (B)(2) of section 2929.13 of the Revised Code or with a 40178
misdemeanor. 40179

(2) The Regarding an offender who makes a request under 40180
division (A)(1)(b) of this section, the offense is not a felony of 40181
the first, second, or third degree, is not an offense of violence, 40182
is not a violation of division (A)(1) or (2) of section 2903.06 of 40183
the Revised Code, is not a violation of division (A)(1) of section 40184
2903.08 of the Revised Code, is not a violation of division (A) of 40185
section 4511.19 of the Revised Code or a municipal ordinance that 40186
is substantially similar to that division, and is not an offense 40187
for which a sentencing court is required to impose a mandatory 40188
prison term, a mandatory term of local incarceration, or a 40189
mandatory term of imprisonment in a jail. 40190

(3) The Regarding an offender who makes a request under 40191
division (A)(1)(b) of this section, the offender is not charged 40192
with a violation of section 2925.02, 2925.04, or 2925.06 of the 40193
Revised Code, is not charged with a violation of section 2925.03 40194
of the Revised Code that is a felony of the first, second, or 40195
~~third, or fourth~~ degree, and is not charged with a violation of 40196
section 2925.11 of the Revised Code that is a felony of the first, 40197
second, or third degree. 40198

(4) ~~If an offender~~ (a) Regarding an offender who makes a 40199
request under division (A)(1)(b) of this section and who alleges 40200
that drug or alcohol usage by the offender was a factor leading to 40201
the criminal offense with which the offender is charged, the court 40202

has ordered that the offender be assessed by ~~an~~ a community 40203
addiction services provider ~~certified pursuant to section 5119.36~~ 40204
~~of the Revised Code~~ or a properly credentialed professional for 40205
the purpose of determining the offender's eligibility for 40206
intervention in lieu of conviction and recommending an appropriate 40207
intervention plan, the offender has been assessed by ~~an~~ a 40208
community addiction services provider of that nature or a properly 40209
credentialed professional in accordance with the court's order, 40210
and the community addiction services provider or properly 40211
credentialed professional has filed the written assessment of the 40212
offender with the court. 40213

(b) Regarding an offender who makes a request under division 40214
(A)(1)(a) of this section, if the court has ordered that the 40215
offender be assessed by a community addiction services provider or 40216
a properly credentialed professional for the purpose described in 40217
division (B)(4)(a) of this section, the offender has been assessed 40218
and the written assessment has been filed with the court as 40219
described in that division. 40220

(5) If ~~an offender~~ Regarding an offender who makes a request 40221
under division (A)(1)(b) of this section and who alleges that, at 40222
the time of committing the criminal offense with which the 40223
offender is charged, the offender had a mental illness, was a 40224
person with intellectual disability, or was a victim of a 40225
violation of section 2905.32 of the Revised Code and that the 40226
mental illness, status as a person with intellectual disability, 40227
or fact that the offender was a victim of a violation of section 40228
2905.32 of the Revised Code was a factor leading to that offense, 40229
the offender has been assessed by a psychiatrist, psychologist, 40230
independent social worker, licensed professional clinical 40231
counselor, or independent marriage and family therapist for the 40232
purpose of determining the offender's eligibility for intervention 40233
in lieu of conviction and recommending an appropriate intervention 40234

plan. 40235

(6) ~~The~~ (a) Regarding an offender who makes a request under 40236
division (A)(1)(b) of this section, the offender's drug usage, 40237
alcohol usage, mental illness, or intellectual disability, or the 40238
fact that the offender was a victim of a violation of section 40239
2905.32 of the Revised Code, whichever is applicable, was a factor 40240
leading to the criminal offense with which the offender is 40241
charged, intervention in lieu of conviction would not demean the 40242
seriousness of the offense, and intervention would substantially 40243
reduce the likelihood of any future criminal activity. 40244

(b) Regarding an offender who makes a request under division 40245
(A)(1)(a) of this section, the offender has substance abuse 40246
problems and intervention would substantially reduce the 40247
likelihood of any future criminal activity. 40248

(7) ~~The~~ Regarding an offender who makes a request under 40249
division (A)(1)(b) of this section, the alleged victim of the 40250
offense was not sixty-five years of age or older, permanently and 40251
totally disabled, under thirteen years of age, or a peace officer 40252
engaged in the officer's official duties at the time of the 40253
alleged offense. 40254

(8) ~~If the offender~~ Regarding an offender who makes a request 40255
under division (A)(1)(b) of this section and who is charged with a 40256
violation of section 2925.24 of the Revised Code, the alleged 40257
violation did not result in physical harm to any person, and the 40258
offender previously has not been treated for drug abuse. 40259

(9) ~~The~~ Regarding an offender who makes a request under 40260
division (A)(1)(a) or (b) of this section, the offender is willing 40261
to comply with all terms and conditions imposed by the court 40262
pursuant to division (D) of this section. 40263

(10) ~~The~~ Regarding an offender who makes a request under 40264
division (A)(1)(b) of this section, the offender is not charged 40265

with an offense that would result in the offender being 40266
disqualified under Chapter 4506. of the Revised Code from 40267
operating a commercial motor vehicle or would subject the offender 40268
to any other sanction under that chapter. 40269

(C)(1) At the conclusion of a hearing held pursuant to 40270
division (A) of this section, the court shall enter its 40271
determination as to whether the offender is eligible for 40272
intervention in lieu of conviction and as to whether to grant the 40273
offender's request. ~~If~~ and shall proceed as follows: 40274

(a) If the court finds under division (B) of this section 40275
that the offender is eligible for intervention in lieu of 40276
conviction and grants the offender's request, one of the following 40277
applies: 40278

(i) Regarding an offender who made the request under division 40279
(A)(1)(b) of this section, the court shall accept the offender's 40280
plea of guilty and waiver of the defendant's right to a speedy 40281
trial, the preliminary hearing, the time period within which the 40282
grand jury may consider an indictment against the offender, and 40283
arraignment, unless the hearing, indictment, or arraignment has 40284
already occurred. In addition, the court then may stay all 40285
criminal proceedings and order the offender to comply with all 40286
terms and conditions imposed by the court pursuant to division (D) 40287
of this section. ~~If~~ 40288

(ii) Regarding an offender who made the request under 40289
division (A)(1)(a) of this section, the court shall accept the 40290
offender's waiver of the defendant's right to a speedy trial, the 40291
preliminary hearing, the time within which the grand jury may 40292
consider an indictment against the offender, and arraignment, 40293
unless the hearing, indictment, or arraignment already has 40294
occurred. In addition, the court then shall stay all criminal 40295
proceedings and order the offender to comply with all terms and 40296
conditions imposed by the court pursuant to division (D) of this 40297

section. 40298

(2) If the court finds under division (B) of this section 40299
that the offender is not eligible or does not grant the ~~offender's~~ 40300
request of an offender made under division (A)(1)(b) of this 40301
section, the criminal proceedings against the offender shall 40302
proceed as if the offender's request for intervention in lieu of 40303
conviction had not been made. 40304

(D) If the court grants an offender's request for 40305
intervention in lieu of conviction, the court shall place the 40306
offender under the general control and supervision of the county 40307
probation department, the adult parole authority, or another 40308
appropriate local probation or court services agency, if one 40309
exists, as if the offender was subject to a community control 40310
sanction imposed under section 2929.15, 2929.18, or 2929.25 of the 40311
Revised Code. The court shall establish an intervention plan for 40312
the offender. The terms and conditions of the intervention plan 40313
shall require the offender, for at least one year from the date on 40314
which the court grants the order of intervention in lieu of 40315
conviction, to abstain from the use of illegal drugs and alcohol, 40316
to participate in treatment and recovery support services, and to 40317
submit to regular random testing for drug and alcohol use and may 40318
include any other treatment terms and conditions, or terms and 40319
conditions similar to community control sanctions, which may 40320
include community service or restitution, that are ordered by the 40321
court. If the offender's request was made under division (A)(1)(a) 40322
of this section, the terms and conditions also shall require that 40323
the offender, for at least three years from the date on which the 40324
court grants the order of intervention in lieu of conviction, not 40325
be convicted of or plead guilty to any criminal offense other than 40326
a misdemeanor traffic offense. 40327

(E) If the court grants an offender's request for 40328
intervention in lieu of conviction and the court finds that the 40329

offender has successfully completed the intervention plan for the 40330
offender, including the requirement that the offender abstain from 40331
using illegal drugs and alcohol for a period of at least one year 40332
from the date on which the court granted the order of intervention 40333
in lieu of conviction, the requirement that the offender 40334
participate in treatment and recovery support services, the 40335
requirement if applicable that the offender for a period of at 40336
least three years from the date on which the court granted that 40337
order not be convicted of or plead guilty to any criminal offense 40338
other than a misdemeanor traffic offense, and all other terms and 40339
conditions ordered by the court, the court shall dismiss the 40340
proceedings against the offender. Successful completion of the 40341
intervention plan and, the period of abstinence, and if applicable 40342
the period of no criminal convictions or guilty pleas under this 40343
section shall be without adjudication of guilt and is not a 40344
criminal conviction for purposes of any disqualification or 40345
disability imposed by law and upon conviction of a crime, and the 40346
court may order the sealing of records related to the offense in 40347
question in the manner provided in sections 2953.31 to 2953.36 of 40348
the Revised Code. 40349

(F) If the court grants an offender's request for 40350
intervention in lieu of conviction and the offender fails to 40351
comply with any term or condition imposed as part of the 40352
intervention plan for the offender, including the requirements 40353
identified in division (E) of this section, the supervising 40354
authority for the offender promptly shall advise the court of this 40355
failure, and the court shall hold a hearing to determine whether 40356
the offender failed to comply with any term or condition imposed 40357
as part of the plan. If the court determines that the offender has 40358
failed to comply with any of those terms and conditions, it and 40359
the offender made the request for intervention in lieu of 40360
conviction under division (A)(1)(b) of this section, the court 40361
shall enter a finding of guilty and shall impose an appropriate 40362

sanction under Chapter 2929. of the Revised Code. If the court 40363
determines that the offender has failed to comply with any of 40364
those terms and conditions and the offender made the request for 40365
intervention in lieu of conviction under division (A)(1)(a) of 40366
this section, the court shall notify the prosecutor with authority 40367
to prosecute the offender's alleged violation of section 2925.03 40368
or 2925.11 of the Revised Code and the prosecutor shall proceed 40369
with criminal proceedings against the offender as if the 40370
offender's request for intervention in lieu of conviction had not 40371
been made. If, in either case, the court sentences the offender to 40372
a prison term, the court, after consulting with the department of 40373
rehabilitation and correction regarding the availability of 40374
services, may order continued court-supervised activity and 40375
treatment of the offender during the prison term and, upon 40376
consideration of reports received from the department concerning 40377
the offender's progress in the program of activity and treatment, 40378
may consider judicial release under section 2929.20 of the Revised 40379
Code. 40380

(G) As used in this section: 40381

(1) "Community addiction services provider" has the same 40382
meaning as in section 5119.01 of the Revised Code. 40383

(2) "Community control sanction" has the same meaning as in 40384
section 2929.01 of the Revised Code. 40385

~~(2)~~(3) "Intervention in lieu of conviction" means any 40386
court-supervised activity that complies with this section. 40387

~~(3)~~(4) "Peace officer" has the same meaning as in section 40388
2935.01 of the Revised Code. 40389

~~(4)~~(5) "Mental illness" and "psychiatrist" have the same 40390
meanings as in section 5122.01 of the Revised Code. 40391

~~(5)~~(6) "Person with intellectual disability" means a person 40392
having significantly subaverage general intellectual functioning 40393

existing concurrently with deficiencies in adaptive behavior, 40394
manifested during the developmental period. 40395

~~(6)~~(7) "Psychologist" has the same meaning as in section 40396
4732.01 of the Revised Code. 40397

(8) "Misdemeanor traffic offense" means a violation of any 40398
prohibition in Title XLV of the Revised Code, or of any municipal 40399
ordinance that is substantially equivalent to any such violation, 40400
that is a misdemeanor. 40401

(9) "Prosecutor" has the same meaning as in section 2935.01 40402
of the Revised Code. 40403

(H) Whenever the term "mentally retarded person" is used in 40404
any statute, rule, contract, grant, or other document, the 40405
reference shall be deemed to include a "person with intellectual 40406
disability," as defined in this section. 40407

Sec. 2953.25. (A) As used in this section: 40408

(1) "Collateral sanction" means a penalty, disability, or 40409
disadvantage that is related to employment or occupational 40410
licensing, however denominated, as a result of the individual's 40411
conviction of or plea of guilty to an offense and that applies by 40412
operation of law in this state whether or not the penalty, 40413
disability, or disadvantage is included in the sentence or 40414
judgment imposed. 40415

"Collateral sanction" does not include imprisonment, 40416
probation, parole, supervised release, forfeiture, restitution, 40417
fine, assessment, or costs of prosecution. 40418

(2) "Decision-maker" includes, but is not limited to, the 40419
state acting through a department, agency, board, commission, or 40420
instrumentality established by the law of this state for the 40421
exercise of any function of government, a political subdivision, 40422
an educational institution, or a government contractor or 40423

subcontractor made subject to this section by contract, law, or ordinance. 40424
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(3) "Department-funded program" means a residential or nonresidential program that is not a term in a state correctional institution, that is funded in whole or part by the department of rehabilitation and correction, and that is imposed as a sanction for an offense, as part of a sanction that is imposed for an offense, or as a term or condition of any sanction that is imposed for an offense. 40426
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(4) "Designee" means the person designated by the deputy director of the division of parole and community services to perform the duties designated in division (B) of this section. 40433
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(5) "Division of parole and community services" means the division of parole and community services of the department of rehabilitation and correction. 40436
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(6) "Offense" means any felony or misdemeanor under the laws of this state. 40439
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(7) "Political subdivision" has the same meaning as in section 2969.21 of the Revised Code. 40441
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(B)(1) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being convicted of or pleading guilty to an offense and who either has served a term in a state correctional institution for any offense or has spent time in a department-funded program for any offense may file a petition with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment. 40443
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(2) After the provisions of this division become operative as described in division (J) of this section, an individual who is subject to one or more collateral sanctions as a result of being 40452
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convicted of or pleading guilty to an offense and who is not in a category described in division (B)(1) of this section may file a petition with the court of common pleas of the county in which the person resides or with the designee of the deputy director of the division of parole and community services for a certificate of qualification for employment.

(3) A petition under division (B)(1) or (2) of this section shall be made on a copy of the form prescribed by the division of parole and community services under division (J) of this section and shall contain all of the information described in division (F) of this section.

(4) An individual may file a petition under division (B)(1) or (2) of this section at any time after the expiration of whichever of the following is applicable:

(a) If the offense that resulted in the collateral sanction from which the individual seeks relief is a felony, at any time after the expiration of one year from the date of release of the individual from any period of incarceration in a state or local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of one year from the date of the individual's final release from all other sanctions imposed for that offense.

(b) If the offense that resulted in the collateral sanction from which the individual seeks relief is a misdemeanor, at any time after the expiration of six months from the date of release of the individual from any period of incarceration in a local correctional facility that was imposed for that offense and all periods of supervision imposed after release from the period of incarceration or, if the individual was not incarcerated for that offense, at any time after the expiration of six months from the

date of the final release of the individual from all sanctions 40487
imposed for that offense including any period of supervision. 40488

(5)(a) A designee that receives a petition for a 40489
certification of qualification for employment from an individual 40490
under division (B)(1) or (2) of this section shall review the 40491
petition to determine whether it is complete. If the petition is 40492
complete, the designee shall forward the petition, and any other 40493
information the designee possesses that relates to the petition, 40494
to the court of common pleas of the county in which the individual 40495
resides. 40496

(b) A court of common pleas that receives a petition for a 40497
certificate of qualification for employment from an individual 40498
under division (B)(2) of this section, or that is forwarded a 40499
petition for such a certificate under division (B)(5)(a) of this 40500
section, shall attempt to determine all other courts in this state 40501
in which the individual was convicted of or pleaded guilty to an 40502
offense other than the offense from which the individual is 40503
seeking relief. The court that receives or is forwarded the 40504
petition shall notify all other courts in this state that it 40505
determines under this division were courts in which the individual 40506
was convicted of or pleaded guilty to an offense other than the 40507
offense from which the individual is seeking relief that the 40508
individual has filed the petition and that the court may send 40509
comments regarding the possible issuance of the certificate. 40510

A court of common pleas that receives a petition for a 40511
certificate of qualification for employment under division (B)(2) 40512
of this section shall notify the prosecuting attorney of the 40513
county in which the individual resides that the individual has 40514
filed the petition. 40515

A court of common pleas that receives a petition for a 40516
certificate of qualification for employment under division (B)(2) 40517
of this section, or that is forwarded a petition for qualification 40518

under division (B)(5)(a) of this section may direct the clerk of 40519
court to process and record all notices required in or under this 40520
section. 40521

(C)(1) Upon receiving a petition for a certificate of 40522
qualification for employment filed by an individual under division 40523
(B)(2) of this section or being forwarded a petition for such a 40524
certificate under division (B)(5)(a) of this section, the court 40525
shall review the individual's petition, the individual's criminal 40526
history, all filings submitted by the prosecutor or by the victim 40527
in accordance with rules adopted by the division of parole and 40528
community services, the applicant's military service record, if 40529
applicable, and whether the applicant has an emotional, mental, or 40530
physical condition that is traceable to the applicant's military 40531
service in the armed forces of the United States and that was a 40532
contributing factor in the commission of the offense or offenses, 40533
and all other relevant evidence. The court may order any report, 40534
investigation, or disclosure by the individual that the court 40535
believes is necessary for the court to reach a decision on whether 40536
to approve the individual's petition for a certificate of 40537
qualification for employment. 40538

(2) Upon receiving a petition for a certificate of 40539
qualification for employment filed by an individual under division 40540
(B)(2) of this section or being forwarded a petition for such a 40541
certificate under division (B)(5)(a) of this section, except as 40542
otherwise provided in this division, the court shall decide 40543
whether to issue the certificate within sixty days after the court 40544
receives or is forwarded the completed petition and all 40545
information requested for the court to make that decision. Upon 40546
request of the individual who filed the petition, the court may 40547
extend the sixty-day period specified in this division. 40548

(3) Subject to division (C)(5) of this section, a court that 40549
receives an individual's petition for a certificate of 40550

qualification for employment under division (B)(2) of this section 40551
or that is forwarded a petition for such a certificate under 40552
division (B)(5)(a) of this section may issue a certificate of 40553
qualification for employment, at the court's discretion, if the 40554
court finds that the individual has established all of the 40555
following by a preponderance of the evidence: 40556

(a) Granting the petition will materially assist the 40557
individual in obtaining employment or occupational licensing. 40558

(b) The individual has a substantial need for the relief 40559
requested in order to live a law-abiding life. 40560

(c) Granting the petition would not pose an unreasonable risk 40561
to the safety of the public or any individual. 40562

(4) The submission of an incomplete petition by an individual 40563
shall not be grounds for the designee or court to deny the 40564
petition. 40565

(5) A court that receives an individual's petition for a 40566
certificate of qualification for employment under division (B)(2) 40567
of this section or that is forwarded a petition for such a 40568
certificate under division (B)(5)(a) of this section shall not 40569
issue a certificate of qualification for employment that grants 40570
the individual relief from any of the following collateral 40571
sanctions: 40572

(a) Requirements imposed by Chapter 2950. of the Revised Code 40573
and rules adopted under sections 2950.13 and 2950.132 of the 40574
Revised Code; 40575

(b) A driver's license, commercial driver's license, or 40576
probationary license suspension, cancellation, or revocation 40577
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 40578
Revised Code if the relief sought is available pursuant to section 40579
4510.021 or division (B) of section 4510.13 of the Revised Code; 40580

(c) Restrictions on employment as a prosecutor or law enforcement officer; 40581
40582

(d) The denial, ineligibility, or automatic suspension of a license that is imposed upon an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code if the individual is convicted of, pleads guilty to, is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state under section 2951.041 of the Revised Code, or is subject to treatment or intervention in lieu of conviction for a violation of section 2903.01, 2903.02, 2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 2911.01, 2911.11, or 2919.123 of the Revised Code; 40583
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(e) The immediate suspension of a license, certificate, or evidence of registration that is imposed upon an individual holding a license as a health care professional under Title XLVII of the Revised Code pursuant to division (C) of section 3719.121 of the Revised Code; 40593
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(f) The denial or ineligibility for employment in a pain clinic under division (B)(4) of section 4729.552 of the Revised Code; 40598
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40600

(g) The mandatory suspension of a license that is imposed on an individual applying for or holding a license as a health care professional under Title XLVII of the Revised Code pursuant to section 3123.43 of the Revised Code. 40601
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(6) If a court that receives an individual's petition for a certificate of qualification for employment under division (B)(2) of this section or that is forwarded a petition for such a certificate under division (B)(5)(a) of this section denies the petition, the court shall provide written notice to the individual of the court's denial. The court may place conditions on the individual regarding the individual's filing of any subsequent 40605
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petition for a certificate of qualification for employment. The 40612
written notice must notify the individual of any conditions placed 40613
on the individual's filing of a subsequent petition for a 40614
certificate of qualification for employment. 40615

If a court of common pleas that receives an individual's 40616
petition for a certificate of qualification for employment under 40617
division (B)(2) of this section or that is forwarded a petition 40618
for such a certificate under division (B)(5)(a) of this section 40619
denies the petition, the individual may appeal the decision to the 40620
court of appeals only if the individual alleges that the denial 40621
was an abuse of discretion on the part of the court of common 40622
pleas. 40623

(D) A certificate of qualification for employment issued to 40624
an individual lifts the automatic bar of a collateral sanction, 40625
and a decision-maker shall consider on a case-by-case basis 40626
whether to grant or deny the issuance or restoration of an 40627
occupational license or an employment opportunity, notwithstanding 40628
the individual's possession of the certificate, without, however, 40629
reconsidering or rejecting any finding made by a designee or court 40630
under division (C)(3) of this section. 40631

(E) A certificate of qualification for employment does not 40632
grant the individual to whom the certificate was issued relief 40633
from the mandatory civil impacts identified in division (A)(1) of 40634
section 2961.01 or division (B) of section 2961.02 of the Revised 40635
Code. 40636

(F) A petition for a certificate of qualification for 40637
employment filed by an individual under division (B)(1) or (2) of 40638
this section shall include all of the following: 40639

(1) The individual's name, date of birth, and social security 40640
number; 40641

(2) All aliases of the individual and all social security 40642

numbers associated with those aliases; 40643

(3) The individual's residence address, including the city, 40644
county, and state of residence and zip code; 40645

(4) The length of time that the individual has been a 40646
resident of this state, expressed in years and months of 40647
residence; 40648

(5) The name or type of each collateral sanction from which 40649
the individual is requesting a certificate of qualification for 40650
employment; 40651

(6) A summary of the individual's criminal history with 40652
respect to each offense that is a disqualification from employment 40653
or licensing in an occupation or profession, including the years 40654
of each conviction or plea of guilty for each of those offenses; 40655

(7) A summary of the individual's employment history, 40656
specifying the name of, and dates of employment with, each 40657
employer; 40658

(8) Verifiable references and endorsements; 40659

(9) The name of one or more immediate family members of the 40660
individual, or other persons with whom the individual has a close 40661
relationship, who support the individual's reentry plan; 40662

(10) A summary of the reason the individual believes the 40663
certificate of qualification for employment should be granted; 40664

(11) Any other information required by rule by the department 40665
of rehabilitation and correction. 40666

(G)(1) In a judicial or administrative proceeding alleging 40667
negligence or other fault, a certificate of qualification for 40668
employment issued to an individual under this section may be 40669
introduced as evidence of a person's due care in hiring, 40670
retaining, licensing, leasing to, admitting to a school or 40671
program, or otherwise transacting business or engaging in activity 40672

with the individual to whom the certificate of qualification for employment was issued if the person knew of the certificate at the time of the alleged negligence or other fault.

(2) In any proceeding on a claim against an employer for negligent hiring, a certificate of qualification for employment issued to an individual under this section shall provide immunity for the employer as to the claim if the employer knew of the certificate at the time of the alleged negligence.

(3) If an employer hires an individual who has been issued a certificate of qualification for employment under this section, if the individual, after being hired, subsequently demonstrates dangerousness or is convicted of or pleads guilty to a felony, and if the employer retains the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea, the employer may be held liable in a civil action that is based on or relates to the retention of the individual as an employee only if it is proved by a preponderance of the evidence that the person having hiring and firing responsibility for the employer had actual knowledge that the employee was dangerous or had been convicted of or pleaded guilty to the felony and was willful in retaining the individual as an employee after the demonstration of dangerousness or the conviction or guilty plea of which the person has actual knowledge.

(H) A certificate of qualification for employment issued under this section shall be presumptively revoked if the individual to whom the certificate of qualification for employment was issued is convicted of or pleads guilty to a felony offense committed subsequent to the issuance of the certificate of qualification for employment.

(I) A designee's forwarding, or failure to forward, a petition for a certificate of qualification for employment to a court or a court's issuance, or failure to issue, a petition for a

certificate of qualification for employment to an individual under 40705
division (B) of this section does not give rise to a claim for 40706
damages against the department of rehabilitation and correction or 40707
court. 40708

(J) Not later than ninety days after September 28, 2012, the 40709
division of parole and community services shall adopt rules in 40710
accordance with Chapter 119. of the Revised Code for the 40711
implementation and administration of this section and shall 40712
prescribe the form for the petition to be used under division 40713
(B)(1) or (2) of this section. The form for the petition shall 40714
include places for all of the information specified in division 40715
(F) of this section. Upon the adoption of the rules, the 40716
provisions of divisions (A) to (I) of this section become 40717
operative. 40718

(K) The department of rehabilitation and correction shall 40719
conduct a study to determine the manner for transferring the 40720
mechanism for the issuance of a certificate of qualification for 40721
employment created by this section to an electronic database 40722
established and maintained by the department. The database to 40723
which the mechanism is to be transferred shall include granted 40724
certificates and revoked certificates and shall be designed to 40725
track the number of certificates granted and revoked, the 40726
industries, occupations, and professions with respect to which the 40727
certificates have been most applicable, the types of employers 40728
that have accepted the certificates, and the recidivism rates of 40729
individuals who have been issued the certificates. Not later than 40730
the date that is one year after September 28, 2012, the department 40731
of rehabilitation and correction shall submit to the general 40732
assembly and the governor a report that contains the results of 40733
the study and recommendations for transferring the mechanism for 40734
the issuance of certificate of qualification for employment 40735
created by this section to an electronic database established and 40736

maintained by the department. 40737

(L) The department of rehabilitation and correction, in 40738
conjunction with the Ohio judicial conference, shall conduct a 40739
study to determine whether the application process for 40740
certificates of qualification for employment created by this 40741
section is feasible based upon the caseload capacity of the 40742
department and the courts of common pleas. Not later than the date 40743
that is one year after September 28, 2012, the department shall 40744
submit to the general assembly a report that contains the results 40745
of the study and any recommendations for improvement of the 40746
application process. 40747

Sec. 2967.14. (A) The department of rehabilitation and 40748
correction or the adult parole authority may require or allow a 40749
parolee, a releasee, or a prisoner otherwise released from a state 40750
correctional institution to reside in a halfway house or other 40751
suitable community residential center that has been licensed by 40752
the division of parole and community services pursuant to division 40753
(C) of this section during a part or for the entire period of the 40754
offender's or parolee's conditional release or of the releasee's 40755
term of post-release control. The court of common pleas that 40756
placed an offender under a sanction consisting of a term in a 40757
halfway house or in an alternative residential sanction may 40758
require the offender to reside in a halfway house or other 40759
suitable community residential center that is designated by the 40760
court and that has been licensed by the division pursuant to 40761
division (C) of this section during a part or for the entire 40762
period of the offender's residential sanction. 40763

(B) The division of parole and community services may 40764
negotiate and enter into agreements with any public or private 40765
agency or a department or political subdivision of the state that 40766
operates a halfway house, reentry center, or community residential 40767

center that has been licensed by the division pursuant to division 40768
(C) of this section. An agreement under this division shall 40769
provide for the purchase of beds, shall set limits of supervision 40770
and levels of occupancy, and shall determine the scope of services 40771
for all eligible offenders, including those subject to a 40772
residential sanction, as defined in rules adopted by the director 40773
of rehabilitation and correction in accordance with Chapter 119. 40774
of the Revised Code, or those released from prison without 40775
supervision. The payments for beds and services shall not exceed 40776
the total operating costs of the halfway house, reentry center, or 40777
community residential center during the term of an agreement. The 40778
director of rehabilitation and correction shall adopt rules in 40779
accordance with Chapter 119. of the Revised Code for determining 40780
includable and excludable costs and income to be used in computing 40781
the agency's average daily per capita costs with its facility at 40782
full occupancy. 40783

The director of rehabilitation and correction shall adopt 40784
rules providing for the use of no more than fifteen per cent of 40785
the amount appropriated to the department each fiscal year for the 40786
halfway house, reentry center, and community residential center 40787
program to pay for contracts with licensed halfway houses for 40788
nonresidential services for offenders under the supervision of the 40789
adult parole authority, including but not limited to, offenders 40790
supervised pursuant to an agreement entered into by the adult 40791
parole authority and a court of common pleas under section 2301.32 40792
of the Revised Code. The nonresidential services may include, but 40793
are not limited to, treatment for substance abuse, mental health 40794
counseling, counseling for sex offenders, electronic monitoring 40795
services, aftercare, and other nonresidential services that the 40796
director identifies by rule. 40797

(C) The division of parole and community services may license 40798
a halfway house, reentry center, or community residential center 40799

as a suitable facility for the care and treatment of adult 40800
offenders, including offenders sentenced under section 2929.16 or 40801
2929.26 of the Revised Code, only if the halfway house, reentry 40802
center, or community residential center complies with the 40803
standards that the division adopts in accordance with Chapter 119. 40804
of the Revised Code for the licensure of halfway houses, reentry 40805
centers, and community residential centers. The division shall 40806
annually inspect each licensed halfway house, licensed reentry 40807
center, and licensed community residential center to determine if 40808
it is in compliance with the licensure standards. 40809

(D) The division of parole and community services may expend 40810
up to one-half per cent of the annual appropriation made for 40811
halfway house programs, for goods or services that benefit those 40812
programs. 40813

Sec. 2967.193. (A)(1) Except as provided in division (C) of 40814
this section and subject to the maximum aggregate total specified 40815
in division (A)(2) of this section, a person confined in a state 40816
correctional institution or placed in the substance use disorder 40817
treatment program may provisionally earn one day or five days of 40818
credit, based on the category set forth in division (D)(1), (2), 40819
(3), (4), or (5) of this section in which the person is included, 40820
toward satisfaction of the person's stated prison term for each 40821
completed month during which the person, if confined in a state 40822
correctional institution, productively participates in an 40823
education program, vocational training, employment in prison 40824
industries, treatment for substance abuse, or any other 40825
constructive program developed by the department with specific 40826
standards for performance by prisoners or during which the person, 40827
if placed in the substance use disorder treatment program, 40828
productively participates in the program. Except as provided in 40829
division (C) of this section and subject to the maximum aggregate 40830
total specified in division (A)(2) of this section, a person so 40831

confined in a state correctional institution who successfully 40832
completes two programs or activities of that type may, in 40833
addition, provisionally earn up to five days of credit toward 40834
satisfaction of the person's stated prison term for the successful 40835
completion of the second program or activity. The person shall not 40836
be awarded any provisional days of credit for the successful 40837
completion of the first program or activity or for the successful 40838
completion of any program or activity that is completed after the 40839
second program or activity. At the end of each calendar month in 40840
which a ~~prisoner~~ person productively participates in a program or 40841
activity listed in this division or successfully completes a 40842
program or activity listed in this division, the department of 40843
rehabilitation and correction shall determine and record the total 40844
number of days credit that the ~~prisoner~~ person provisionally 40845
earned in that calendar month. If the ~~prisoner~~ person in a state 40846
correctional institution violates prison rules or the person in 40847
the substance use disorder treatment program violates program or 40848
department rules, the department may deny the ~~prisoner~~ person a 40849
credit that otherwise could have been provisionally awarded to the 40850
~~prisoner~~ person or may withdraw one or more credits previously 40851
provisionally earned by the ~~prisoner~~ person. Days of credit 40852
provisionally earned by a ~~prisoner~~ person shall be finalized and 40853
awarded by the department subject to administrative review by the 40854
department of the ~~prisoner's~~ person's conduct. 40855

(2) The aggregate days of credit provisionally earned by a 40856
person for program or activity participation and program and 40857
activity completion under this section and the aggregate days of 40858
credit finally credited to a person under this section shall not 40859
exceed eight per cent of the total number of days in the person's 40860
stated prison term. 40861

(B) The department of rehabilitation and correction shall 40862
adopt rules that specify the programs or activities for which 40863

credit may be earned under this section, the criteria for 40864
determining productive participation in, or completion of, the 40865
programs or activities and the criteria for awarding credit, 40866
including criteria for awarding additional credit for successful 40867
program or activity completion, and the criteria for denying or 40868
withdrawing previously provisionally earned credit as a result of 40869
a violation of prison rules, or program or department rules, 40870
whichever is applicable. 40871

(C) No person confined in a state correctional institution or 40872
placed in a substance use disorder treatment program to whom any 40873
of the following applies shall be awarded any days of credit under 40874
division (A) of this section: 40875

(1) The person is serving a prison term that section 2929.13 40876
or section 2929.14 of the Revised Code specifies cannot be reduced 40877
pursuant to this section or this chapter or is serving a sentence 40878
for which section 2967.13 or division (B) of section 2929.143 of 40879
the Revised Code specifies that the person is not entitled to any 40880
earned credit under this section. 40881

(2) The person is sentenced to death or is serving a prison 40882
term or a term of life imprisonment for aggravated murder, murder, 40883
or a conspiracy or attempt to commit, or complicity in committing, 40884
aggravated murder or murder. 40885

(3) The person is serving a sentence of life imprisonment 40886
without parole imposed pursuant to section 2929.03 or 2929.06 of 40887
the Revised Code, a prison term or a term of life imprisonment 40888
without parole imposed pursuant to section 2971.03 of the Revised 40889
Code, or a sentence for a sexually oriented offense that was 40890
committed on or after September 30, 2011. 40891

(D) This division does not apply to a determination of 40892
whether a person confined in a state correctional institution or 40893
placed in a substance use disorder treatment program may earn any 40894

days of credit under division (A) of this section for successful 40895
completion of a second program or activity. The determination of 40896
whether a person confined in a state correctional institution may 40897
earn one day of credit or five days of credit under division (A) 40898
of this section for each completed month during which the person 40899
productively participates in a program or activity specified under 40900
that division shall be made in accordance with the following: 40901

(1) The offender may earn one day of credit under division 40902
(A) of this section, except as provided in division (C) of this 40903
section, if the most serious offense for which the offender is 40904
confined is any of the following that is a felony of the first or 40905
second degree: 40906

(a) A violation of division (A) of section 2903.04 or of 40907
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 40908
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 40909
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.151, 2919.22, 40910
2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, or 2927.24 40911
of the Revised Code; 40912

(b) A conspiracy or attempt to commit, or complicity in 40913
committing, any other offense for which the maximum penalty is 40914
imprisonment for life or any offense listed in division (D)(1)(a) 40915
of this section. 40916

(2) The offender may earn one day of credit under division 40917
(A) of this section, except as provided in division (C) of this 40918
section, if the offender is serving a stated prison term that 40919
includes a prison term imposed for a sexually oriented offense 40920
that the offender committed prior to September 30, 2011. 40921

(3) The offender may earn one day of credit under division 40922
(A) of this section, except as provided in division (C) of this 40923
section, if the offender is serving a stated prison term that 40924
includes a prison term imposed for a felony other than carrying a 40925

concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance. 40926
40927
40928

(4) Except as provided in division (C) of this section, if 40929
the most serious offense for which the offender is confined is a 40930
felony of the first or second degree and divisions (D)(1), (2), 40931
and (3) of this section do not apply to the offender, the offender 40932
may earn one day of credit under division (A) of this section if 40933
the offender committed that offense prior to September 30, 2011, 40934
and the offender may earn five days of credit under division (A) 40935
of this section if the offender committed that offense on or after 40936
September 30, 2011. 40937

(5) Except as provided in division (C) of this section, if 40938
the most serious offense for which the offender is confined is a 40939
felony of the third, fourth, or fifth degree or an unclassified 40940
felony and neither division (D)(2) nor (3) of this section applies 40941
to the offender, the offender may earn one day of credit under 40942
division (A) of this section if the offender committed that 40943
offense prior to September 30, 2011, and the offender may earn 40944
five days of credit under division (A) of this section if the 40945
offender committed that offense on or after September 30, 2011. 40946

(E) The department annually shall seek and consider the 40947
written feedback of the Ohio prosecuting attorneys association, 40948
the Ohio judicial conference, the Ohio public defender, the Ohio 40949
association of criminal defense lawyers, and other organizations 40950
and associations that have an interest in the operation of the 40951
corrections system and the earned credits program under this 40952
section as part of its evaluation of the program and in 40953
determining whether to modify the program. 40954

(F) As used in this section, ~~"sexually:~~ 40955

(1) "Sexually oriented offense" has the same meaning as in 40956

section 2950.01 of the Revised Code. 40957

(2) "Substance use disorder treatment program" means the 40958
substance use disorder treatment program established by the 40959
department of rehabilitation and correction under section 5120.035 40960
of the Revised Code. 40961

Sec. 2969.14. (A) If a separate account has been maintained 40962
in the name of an offender in the crime victims recovery fund and 40963
if there is no further requirement to pay into the fund money, or 40964
the monetary value of property, pursuant to section 2929.32 of the 40965
Revised Code, unless otherwise ordered by a court of record in 40966
which a judgment has been rendered against the offender or the 40967
representatives of the offender, the clerk of the court of claims 40968
shall pay the money remaining in the separate account in 40969
accordance with division (B) of this section, if all of the 40970
following apply: 40971

(1) The applicable period of time that governs the making of 40972
payments from the separate account, as set forth in division 40973
(C)(1) of section 2969.12 of the Revised Code, has elapsed. 40974

(2) None of the civil actions against the offender or the 40975
representatives of the offender of which the clerk of the court of 40976
claims has been notified pursuant to division (B)(1) of section 40977
2969.12 of the Revised Code is pending. 40978

(3) All judgments for which payment was requested pursuant to 40979
division (B)(3) of section 2969.12 of the Revised Code have been 40980
paid. 40981

(B) If the clerk of the court of claims is required by 40982
division (A) of this section to pay the money remaining in the 40983
separate account established in the name of an offender in 40984
accordance with this division, the clerk shall pay the money as 40985
follows: 40986

~~(1) If the offender was confined for a felony in a prison or other facility operated by the department of rehabilitation and correction under a sanction imposed pursuant to section 2929.14 or 2929.16 of the Revised Code, the clerk shall pay the money to the treasurer of state, in accordance with division (C)(1) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)(2), (3), and (5) of this section.~~

~~(2)~~ If the offender was confined for a felony in a facility operated by a county or a municipal corporation, ~~after payment of any costs required to be paid under division (B)(1) of this section,~~ the clerk shall pay the money to the treasurer of the county or of the municipal corporation that operated the facility, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs of the confinement. If more than one county or municipal corporation operated a facility in which the offender was confined, the clerk shall equitably apportion the money among each of those counties and municipal corporations. If any money remains in the separate account after the payment of the costs of the confinement pursuant to this division, the clerk shall pay the remaining money in accordance with divisions (B)~~(3)~~(2) and ~~(5)~~(4) of this section.

~~(3)~~(2) If the offender was sentenced for a felony to any community control sanction other than a sanction described in division (B)~~(2)~~(1) of this section, after payment of any costs required to be paid under division (B)(1) ~~or (2)~~ of this section, the clerk shall pay the money to the treasurer of the county or of the municipal corporation that incurred costs pursuant to the sanction, in accordance with division (C)~~(2)~~(1) or ~~(3)~~(2) of section 2929.18 of the Revised Code, to cover the costs so

incurred. If more than one county or municipal corporation 41019
incurred costs pursuant to the sanction, the clerk shall equitably 41020
apportion the money among each of those counties and municipal 41021
corporations. If any money remains in the separate account after 41022
the payment of the costs of the sanction pursuant to this 41023
division, the clerk shall pay the remaining money in accordance 41024
with division (B)~~(5)~~(4) of this section. 41025

~~(4)~~(3) If the offender was imprisoned or incarcerated for a 41026
misdemeanor, to the treasurer of the political subdivision that 41027
operates the facility in which the offender was imprisoned or 41028
incarcerated, to cover the costs of the imprisonment or 41029
incarceration. If more than one political subdivision operated a 41030
facility in which the offender was confined, the clerk shall 41031
equitably apportion the money among each of those political 41032
subdivisions. If any money remains in the separate account after 41033
the payment of the costs of the imprisonment or incarceration 41034
under this division, the clerk shall pay the remaining money in 41035
accordance with division (B)~~(5)~~(4) of this section. 41036

~~(5)~~(4) If any money remains in the separate account after 41037
payment of any costs required to be paid under division (B)(1), 41038
(2), or (3), ~~or (4)~~ of this section, or if no provision of 41039
division (B)(1), (2), or (3), ~~or (4)~~ of this section applies, the 41040
clerk shall distribute the amount of the money remaining in the 41041
separate account as otherwise provided by law for the distribution 41042
of money paid in satisfaction of a fine, as if that amount was a 41043
fine paid by the offender. 41044

Sec. 2981.12. (A) Unclaimed or forfeited property in the 41045
custody of a law enforcement agency, other than property described 41046
in division (A)(2) of section 2981.11 of the Revised Code, shall 41047
be disposed of by order of any court of record that has 41048
territorial jurisdiction over the political subdivision that 41049

employs the law enforcement agency, as follows: 41050

(1) Drugs shall be disposed of pursuant to section 3719.11 of 41051
the Revised Code or placed in the custody of the secretary of the 41052
treasury of the United States for disposal or use for medical or 41053
scientific purposes under applicable federal law. 41054

(2) Firearms and dangerous ordnance suitable for police work 41055
may be given to a law enforcement agency for that purpose. 41056
Firearms suitable for sporting use or as museum pieces or 41057
collectors' items may be sold at public auction pursuant to 41058
division (B) of this section. The agency may sell other firearms 41059
and dangerous ordnance to a federally licensed firearms dealer in 41060
a manner that the court considers proper. The agency shall destroy 41061
any firearms or dangerous ordnance not given to a law enforcement 41062
agency or sold or shall send them to the bureau of criminal 41063
identification and investigation for destruction by the bureau. 41064

(3) Obscene materials shall be destroyed. 41065

(4) Beer, intoxicating liquor, or alcohol seized from a 41066
person who does not hold a permit issued under Chapters 4301. and 41067
4303. of the Revised Code or otherwise forfeited to the state for 41068
an offense under section 4301.45 or 4301.53 of the Revised Code 41069
shall be sold by the division of liquor control if the division 41070
determines that it is fit for sale or shall be placed in the 41071
custody of the investigations unit in the department of public 41072
safety and be used for training relating to law enforcement 41073
activities. The department, with the assistance of the division of 41074
liquor control, shall adopt rules in accordance with Chapter 119. 41075
of the Revised Code to provide for the distribution to state or 41076
local law enforcement agencies upon their request. If any tax 41077
imposed under Title XLIII of the Revised Code has not been paid in 41078
relation to the beer, intoxicating liquor, or alcohol, any moneys 41079
acquired from the sale shall first be used to pay the tax. All 41080
other money collected under this division shall be paid into the 41081

state treasury. Any beer, intoxicating liquor, or alcohol that the 41082
division determines to be unfit for sale shall be destroyed. 41083

(5) Money received by an inmate of a correctional institution 41084
from an unauthorized source or in an unauthorized manner shall be 41085
returned to the sender, if known, or deposited in the inmates' 41086
industrial and entertainment fund of the institution if the sender 41087
is not known. 41088

(6)(a) Any mobile instrumentality forfeited under this 41089
chapter may be given to the law enforcement agency that initially 41090
seized the mobile instrumentality for use in performing its 41091
duties, if the agency wants the mobile instrumentality. The agency 41092
shall take the mobile instrumentality subject to any security 41093
interest or lien on the mobile instrumentality. 41094

(b) Vehicles and vehicle parts forfeited under sections 41095
4549.61 to 4549.63 of the Revised Code may be given to a law 41096
enforcement agency for use in performing its duties. Those parts 41097
may be incorporated into any other official vehicle. Parts that do 41098
not bear vehicle identification numbers or derivatives of them may 41099
be sold or disposed of as provided by rules of the director of 41100
public safety. Parts from which a vehicle identification number or 41101
derivative of it has been removed, defaced, covered, altered, or 41102
destroyed and that are not suitable for police work or 41103
incorporation into an official vehicle shall be destroyed and sold 41104
as junk or scrap. 41105

(7) Computers, computer networks, computer systems, and 41106
computer software suitable for police work may be given to a law 41107
enforcement agency for that purpose or disposed of under division 41108
(B) of this section. 41109

(8) Money seized in connection with a violation of section 41110
2905.32, 2907.21, or 2907.22 of the Revised Code shall be 41111
deposited in the victims of human trafficking fund created by 41112

section 5101.87 of the Revised Code. 41113

(B) Unclaimed or forfeited property that is not described in 41114
division (A) of this section or division (A)(2) of section 2981.11 41115
of the Revised Code, with court approval, may be used by the law 41116
enforcement agency in possession of it. If it is not used by the 41117
agency, it may be sold without appraisal at a public auction to 41118
the highest bidder for cash or disposed of in another manner that 41119
the court considers proper. 41120

(C) Except as provided in divisions (A) and (F) of this 41121
section and after compliance with division (D) of this section 41122
when applicable, any moneys acquired from the sale of property 41123
disposed of pursuant to this section shall be placed in the 41124
general revenue fund of the state, or the general fund of the 41125
county, the township, or the municipal corporation of which the 41126
law enforcement agency involved is an agency. 41127

(D) If the property was in the possession of the law 41128
enforcement agency in relation to a delinquent child proceeding in 41129
a juvenile court, ten per cent of any moneys acquired from the 41130
sale of property disposed of under this section shall be applied 41131
to one or more community addiction ~~treatment~~ services providers 41132
~~that are certified by the department of mental health and~~ 41133
~~addiction services under section 5119.36, as defined in section~~ 41134
5119.01 of the Revised Code. A juvenile court shall not specify a 41135
services provider, except as provided in this division, unless the 41136
services provider is in the same county as the court or in a 41137
contiguous county. If no ~~certified~~ services provider is located in 41138
any of those counties, the juvenile court may specify a ~~certified~~ 41139
services provider anywhere in Ohio. The remaining ninety per cent 41140
of the proceeds or cash shall be applied as provided in division 41141
(C) of this section. 41142

Each services provider that receives in any calendar year 41143
forfeited money under this division shall file an annual report 41144

for that year with the attorney general and with the court of 41145
common pleas and board of county commissioners of the county in 41146
which the services provider is located and of any other county 41147
from which the services provider received forfeited money. The 41148
services provider shall file the report on or before the first day 41149
of March in the calendar year following the calendar year in which 41150
the services provider received the money. The report shall include 41151
statistics on the number of persons the services provider served, 41152
identify the types of treatment services it provided to them, and 41153
include a specific accounting of the purposes for which it used 41154
the money so received. No information contained in the report 41155
shall identify, or enable a person to determine the identity of, 41156
any person served by the services provider. 41157

(E) Each ~~certified~~ community addiction services provider that 41158
receives in any calendar year money under this section or under 41159
section 2981.13 of the Revised Code as the result of a juvenile 41160
forfeiture order shall file an annual report for that calendar 41161
year with the attorney general and with the court of common pleas 41162
and board of county commissioners of the county in which the 41163
services provider is located and of any other county from which 41164
the services provider received the money. The services provider 41165
shall file the report on or before the first day of March in the 41166
calendar year following the year in which the services provider 41167
received the money. The report shall include statistics on the 41168
number of persons served with the money, identify the types of 41169
treatment services provided, and specifically account for how the 41170
money was used. No information in the report shall identify or 41171
enable a person to determine the identity of anyone served by the 41172
services provider. 41173

As used in this division, "juvenile-related forfeiture order" 41174
means any forfeiture order issued by a juvenile court under 41175
section 2981.04 or 2981.05 of the Revised Code and any disposal of 41176

property ordered by a court under section 2981.11 of the Revised Code regarding property that was in the possession of a law enforcement agency in relation to a delinquent child proceeding in a juvenile court.

(F) Each board of county commissioners that recognizes a citizens' reward program under section 9.92 of the Revised Code shall notify each law enforcement agency of that county and of a township or municipal corporation wholly located in that county of the recognition by filing a copy of its resolution conferring that recognition with each of those agencies. When the board recognizes a citizens' reward program and the county includes a part, but not all, of the territory of a municipal corporation, the board shall so notify the law enforcement agency of that municipal corporation of the recognition of the citizens' reward program only if the county contains the highest percentage of the municipal corporation's population.

Upon being so notified, each law enforcement agency shall pay twenty-five per cent of any forfeited proceeds or cash derived from each sale of property disposed of pursuant to this section to the citizens' reward program for use exclusively to pay rewards. No part of the funds may be used to pay expenses associated with the program. If a citizens' reward program that operates in more than one county or in another state in addition to this state receives funds under this section, the funds shall be used to pay rewards only for tips and information to law enforcement agencies concerning offenses committed in the county from which the funds were received.

Receiving funds under this section or section 2981.11 of the Revised Code does not make the citizens' reward program a governmental unit or public office for purposes of section 149.43 of the Revised Code.

(G) Any property forfeited under this chapter shall not be

used to pay any fine imposed upon a person who is convicted of or 41209
pleads guilty to an underlying criminal offense or a different 41210
offense arising out of the same facts and circumstances. 41211

(H) Any moneys acquired from the sale of personal effects, 41212
tools, or other property seized because the personal effects, 41213
tools, or other property were used in the commission of a 41214
violation of section 2905.32, 2907.21, or 2907.22 of the Revised 41215
Code or derived from the proceeds of the commission of a violation 41216
of section 2905.32, 2907.21, or 2907.22 of the Revised Code and 41217
disposed of pursuant to this section shall be placed in the 41218
victims of human trafficking fund created by section 5101.87 of 41219
the Revised Code. 41220

Sec. 2981.13. (A) Except as otherwise provided in this 41221
section, property ordered forfeited as contraband, proceeds, or an 41222
instrumentality pursuant to this chapter shall be disposed of, 41223
used, or sold pursuant to section 2981.12 of the Revised Code. If 41224
the property is to be sold under that section, the prosecutor 41225
shall cause notice of the proposed sale to be given in accordance 41226
with law. 41227

(B) If the contraband or instrumentality forfeited under this 41228
chapter is sold, any moneys acquired from a sale and any proceeds 41229
forfeited under this chapter shall be applied in the following 41230
order: 41231

(1) First, to pay costs incurred in the seizure, storage, 41232
maintenance, security, and sale of the property and in the 41233
forfeiture proceeding; 41234

(2) Second, in a criminal forfeiture case, to satisfy any 41235
restitution ordered to the victim of the offense or, in a civil 41236
forfeiture case, to satisfy any recovery ordered for the person 41237
harmed, unless paid from other assets; 41238

(3) Third, to pay the balance due on any security interest preserved under this chapter;	41239 41240
(4) Fourth, apply the remaining amounts as follows:	41241
(a) If the forfeiture was ordered by a juvenile court, ten per cent to one or more certified alcohol and drug <u>community addiction treatment programs services providers</u> as provided <u>specified</u> in division (D) of section 2981.12 of the Revised Code;	41242 41243 41244 41245
(b) If the forfeiture was ordered in a juvenile court, ninety per cent, and if the forfeiture was ordered in a court other than a juvenile court, one hundred per cent to the law enforcement trust fund of the prosecutor and to the following fund supporting the law enforcement agency that substantially conducted the investigation: the	41246 41247 41248 41249 41250 41251
(i) <u>The</u> law enforcement trust fund of the county sheriff, municipal corporation, township, or park district created under section 511.18 or 1545.01 of the Revised Code; the	41252 41253 41254
(ii) <u>The</u> state highway patrol contraband, forfeiture, and other fund; the	41255 41256
(iii) <u>The</u> department of public safety investigative unit contraband, forfeiture, and other fund; the	41257 41258
(iv) <u>The</u> department of taxation enforcement fund; the	41259
(v) <u>The</u> board of pharmacy drug law enforcement fund created by division (B)(1) of section 4729.65 of the Revised Code; the	41260 41261
(vi) <u>The</u> medicaid fraud investigation and prosecution fund; the	41262 41263
(vii) <u>The</u> casino control commission enforcement fund created by section 3772.36 of the Revised Code; or the	41264 41265
(viii) <u>The auditor of state investigation and forfeiture trust fund established under section 117.54 of the Revised Code;</u>	41266 41267

(ix) The treasurer of state for deposit into the peace officer training commission fund if any other state law enforcement agency substantially conducted the investigation. ~~In~~ 41268
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In the case of property forfeited for medicaid fraud, any remaining amount shall be used by the attorney general to investigate and prosecute medicaid fraud offenses. 41271
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If the prosecutor declines to accept any of the remaining amounts, the amounts shall be applied to the fund of the agency that substantially conducted the investigation. 41274
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(c) If more than one law enforcement agency is substantially involved in the seizure of property forfeited under this chapter, the court ordering the forfeiture shall equitably divide the amounts, after calculating any distribution to the law enforcement trust fund of the prosecutor pursuant to division (B)(4) of this section, among the entities that the court determines were substantially involved in the seizure. 41277
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(C)(1) A law enforcement trust fund shall be established by the prosecutor of each county who intends to receive any remaining amounts pursuant to this section, by the sheriff of each county, by the legislative authority of each municipal corporation, by the board of township trustees of each township that has a township police department, township or joint police district police force, or office of the constable, and by the board of park commissioners of each park district created pursuant to section 511.18 or 1545.01 of the Revised Code that has a park district police force or law enforcement department, for the purposes of this section. 41284
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There is hereby created in the state treasury the state highway patrol contraband, forfeiture, and other fund, the department of public safety investigative unit contraband, forfeiture, and other fund, the medicaid fraud investigation and prosecution fund, the department of taxation enforcement fund, and 41294
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the peace officer training commission fund, for the purposes of 41299
this section. 41300

Amounts distributed to any municipal corporation, township, 41301
or park district law enforcement trust fund shall be allocated 41302
from the fund by the legislative authority only to the police 41303
department of the municipal corporation, by the board of township 41304
trustees only to the township police department, township police 41305
district police force, or office of the constable, by the joint 41306
police district board only to the joint police district, and by 41307
the board of park commissioners only to the park district police 41308
force or law enforcement department. 41309

(2)(a) No amounts shall be allocated to a fund ~~created~~ under 41310
this section or used by an agency unless the agency has adopted a 41311
written internal control policy that addresses the use of moneys 41312
received from the appropriate fund. The appropriate fund shall be 41313
expended only in accordance with that policy and, subject to the 41314
requirements specified in this section, only for the following 41315
purposes: 41316

(i) To pay the costs of protracted or complex investigations 41317
or prosecutions; 41318

(ii) To provide reasonable technical training or expertise; 41319

(iii) To provide matching funds to obtain federal grants to 41320
aid law enforcement, in the support of DARE programs or other 41321
programs designed to educate adults or children with respect to 41322
the dangers associated with the use of drugs of abuse; 41323

(iv) To pay the costs of emergency action taken under section 41324
3745.13 of the Revised Code relative to the operation of an 41325
illegal methamphetamine laboratory if the forfeited property or 41326
money involved was that of a person responsible for the operation 41327
of the laboratory; 41328

(v) For other law enforcement purposes that the 41329

superintendent of the state highway patrol, department of public 41330
safety, auditor of state, prosecutor, county sheriff, legislative 41331
authority, department of taxation, Ohio casino control commission, 41332
board of township trustees, or board of park commissioners 41333
determines to be appropriate. 41334

(b) The board of pharmacy drug law enforcement fund shall be 41335
expended only in accordance with the written internal control 41336
policy so adopted by the board and only in accordance with section 41337
4729.65 of the Revised Code, except that it also may be expended 41338
to pay the costs of emergency action taken under section 3745.13 41339
of the Revised Code relative to the operation of an illegal 41340
methamphetamine laboratory if the forfeited property or money 41341
involved was that of a person responsible for the operation of the 41342
laboratory. 41343

(c) ~~The state highway patrol contraband, forfeiture, and 41344
other fund, the department of public safety investigative unit 41345
contraband, forfeiture, and other fund, the department of taxation 41346
enforcement fund, the board of pharmacy drug law enforcement fund, 41347
the casino control commission enforcement fund, and a law 41348
enforcement trust~~ A fund listed in division (B)(4)(b) of this 41349
section, other than the Medicaid fraud investigation and 41350
prosecution fund, shall not be used to meet the operating costs of 41351
the ~~state highway patrol, of the investigative unit of the 41352
department of public safety, of the state board of pharmacy, of 41353
any political subdivision, of the Ohio casino control commission, 41354
or of any office of a prosecutor or county sheriff agency, office, 41355
or political subdivision~~ that are unrelated to law enforcement. 41356

(d) Forfeited moneys that are paid into the state treasury to 41357
be deposited into the peace officer training commission fund shall 41358
be used by the commission only to pay the costs of peace officer 41359
training. 41360

(3) Any of the following offices or agencies that receive 41361

amounts under this section during any calendar year shall file a 41362
report with the specified entity, not later than the thirty-first 41363
day of January of the next calendar year, verifying that the 41364
moneys were expended only for the purposes authorized by this 41365
section or other relevant statute and specifying the amounts 41366
expended for each authorized purpose: 41367

(a) Any sheriff or prosecutor shall file the report with the 41368
county auditor. 41369

(b) Any municipal corporation police department shall file 41370
the report with the legislative authority of the municipal 41371
corporation. 41372

(c) Any township police department, township or joint police 41373
district police force, or office of the constable shall file the 41374
report with the board of township trustees of the township. 41375

(d) Any park district police force or law enforcement 41376
department shall file the report with the board of park 41377
commissioners of the park district. 41378

(e) The superintendent of the state highway patrol, the 41379
auditor of state, and the tax commissioner shall file the report 41380
with the attorney general. 41381

(f) The executive director of the state board of pharmacy 41382
shall file the report with the attorney general, verifying that 41383
cash and forfeited proceeds paid into the board of pharmacy drug 41384
law enforcement fund were used only in accordance with section 41385
4729.65 of the Revised Code. 41386

(g) The peace officer training commission shall file a report 41387
with the attorney general, verifying that cash and forfeited 41388
proceeds paid into the peace officer training commission fund 41389
pursuant to this section during the prior calendar year were used 41390
by the commission during the prior calendar year only to pay the 41391
costs of peace officer training. 41392

(h) The executive director of the Ohio casino control commission shall file the report with the attorney general, verifying that cash and forfeited proceeds paid into the casino control commission enforcement fund were used only in accordance with section 3772.36 of the Revised Code.

(D) The written internal control policy of a county sheriff, prosecutor, municipal corporation police department, township police department, township or joint police district police force, office of the constable, or park district police force or law enforcement department shall provide that at least ten per cent of the first one hundred thousand dollars of amounts deposited during each calendar year in the agency's law enforcement trust fund under this section, and at least twenty per cent of the amounts exceeding one hundred thousand dollars that are so deposited, shall be used in connection with community preventive education programs. The manner of use shall be determined by the sheriff, prosecutor, department, police force, or office of the constable after receiving and considering advice on appropriate community preventive education programs from the county's board of alcohol, drug addiction, and mental health services, from the county's alcohol and drug addiction services board, or through appropriate community dialogue.

The financial records kept under the internal control policy shall specify the amount deposited during each calendar year in the portion of that amount that was used pursuant to this division, and the programs in connection with which the portion of that amount was so used.

As used in this division, "community preventive education programs" include, but are not limited to, DARE programs and other programs designed to educate adults or children with respect to the dangers associated with using drugs of abuse.

(E) Upon the sale, under this section or section 2981.12 of

the Revised Code, of any property that is required by law to be 41425
titled or registered, the state shall issue an appropriate 41426
certificate of title or registration to the purchaser. If the 41427
state is vested with title and elects to retain property that is 41428
required to be titled or registered under law, the state shall 41429
issue an appropriate certificate of title or registration. 41430

(F) Any failure of a law enforcement officer or agency, 41431
prosecutor, court, or the attorney general to comply with this 41432
section in relation to any property seized does not affect the 41433
validity of the seizure and shall not be considered to be the 41434
basis for suppressing any evidence resulting from the seizure, 41435
provided the seizure itself was lawful. 41436

Sec. 3105.171. (A) As used in this section: 41437

(1) "Distributive award" means any payment or payments, in 41438
real or personal property, that are payable in a lump sum or over 41439
time, in fixed amounts, that are made from separate property or 41440
income, and that are not made from marital property and do not 41441
constitute payments of spousal support, as defined in section 41442
3105.18 of the Revised Code. 41443

(2) "During the marriage" means whichever of the following is 41444
applicable: 41445

(a) Except as provided in division (A)(2)(b) of this section, 41446
the period of time from the date of the marriage through the date 41447
of the final hearing in an action for divorce or in an action for 41448
legal separation; 41449

(b) If the court determines that the use of either or both of 41450
the dates specified in division (A)(2)(a) of this section would be 41451
inequitable, the court may select dates that it considers 41452
equitable in determining marital property. If the court selects 41453
dates that it considers equitable in determining marital property, 41454

"during the marriage" means the period of time between those dates 41455
selected and specified by the court. 41456

(3)(a) "Marital property" means, subject to division 41457
(A)(3)(b) of this section, all of the following: 41458

(i) All real and personal property that currently is owned by 41459
either or both of the spouses, including, but not limited to, the 41460
retirement benefits of the spouses, and that was acquired by 41461
either or both of the spouses during the marriage; 41462

(ii) All interest that either or both of the spouses 41463
currently has in any real or personal property, including, but not 41464
limited to, the retirement benefits of the spouses, and that was 41465
acquired by either or both of the spouses during the marriage; 41466

(iii) Except as otherwise provided in this section, all 41467
income and appreciation on separate property, due to the labor, 41468
monetary, or in-kind contribution of either or both of the spouses 41469
that occurred during the marriage; 41470

(iv) A participant account, as defined in section 148.01 of 41471
the Revised Code, of either of the spouses, to the extent of the 41472
following: the moneys that have been deferred by a continuing 41473
member or participating employee, as defined in that section, and 41474
that have been transmitted to the Ohio public employees deferred 41475
compensation board during the marriage and any income that is 41476
derived from the investment of those moneys during the marriage; 41477
the moneys that have been deferred by an officer or employee of a 41478
municipal corporation and that have been transmitted to the 41479
governing board, administrator, depository, or trustee of the 41480
deferred compensation program of the municipal corporation during 41481
the marriage and any income that is derived from the investment of 41482
those moneys during the marriage; or the moneys that have been 41483
deferred by an officer or employee of a government unit, as 41484
defined in section 148.06 of the Revised Code, and that have been 41485

transmitted to the governing board, as defined in that section,	41486
during the marriage and any income that is derived from the	41487
investment of those moneys during the marriage.	41488
(b) "Marital property" does not include any separate	41489
property.	41490
(4) "Passive income" means income acquired other than as a	41491
result of the labor, monetary, or in-kind contribution of either	41492
spouse.	41493
(5) "Personal property" includes both tangible and intangible	41494
personal property.	41495
(6)(a) "Separate property" means all real and personal	41496
property and any interest in real or personal property that is	41497
found by the court to be any of the following:	41498
(i) An inheritance by one spouse by bequest, devise, or	41499
descent during the course of the marriage;	41500
(ii) Any real or personal property or interest in real or	41501
personal property that was acquired by one spouse prior to the	41502
date of the marriage;	41503
(iii) Passive income and appreciation acquired from separate	41504
property by one spouse during the marriage;	41505
(iv) Any real or personal property or interest in real or	41506
personal property acquired by one spouse after a decree of legal	41507
separation issued under section 3105.17 of the Revised Code;	41508
(v) Any real or personal property or interest in real or	41509
personal property that is excluded by a valid antenuptial	41510
agreement;	41511
(vi) Compensation to a spouse for the spouse's personal	41512
injury, except for loss of marital earnings and compensation for	41513
expenses paid from marital assets;	41514
(vii) Any gift of any real or personal property or of an	41515

interest in real or personal property that is made after the date 41516
of the marriage and that is proven by clear and convincing 41517
evidence to have been given to only one spouse. 41518

(b) The commingling of separate property with other property 41519
of any type does not destroy the identity of the separate property 41520
as separate property, except when the separate property is not 41521
traceable. 41522

(B) In divorce proceedings, the court shall, and in legal 41523
separation proceedings upon the request of either spouse, the 41524
court may, determine what constitutes marital property and what 41525
constitutes separate property. In either case, upon making such a 41526
determination, the court shall divide the marital and separate 41527
property equitably between the spouses, in accordance with this 41528
section. For purposes of this section, the court has jurisdiction 41529
over all property, excluding the social security benefits of a 41530
spouse other than as set forth in division (F)(9) of this section, 41531
in which one or both spouses have an interest. 41532

(C)(1) Except as provided in this division or division (E) of 41533
this section, the division of marital property shall be equal. If 41534
an equal division of marital property would be inequitable, the 41535
court shall not divide the marital property equally but instead 41536
shall divide it between the spouses in the manner the court 41537
determines equitable. In making a division of marital property, 41538
the court shall consider all relevant factors, including those set 41539
forth in division (F) of this section. 41540

(2) Each spouse shall be considered to have contributed 41541
equally to the production and acquisition of marital property. 41542

(3) The court shall provide for an equitable division of 41543
marital property under this section prior to making any award of 41544
spousal support to either spouse under section 3105.18 of the 41545
Revised Code and without regard to any spousal support so awarded. 41546

(4) If the marital property includes a participant account, 41547
as defined in section 148.01 of the Revised Code, the court shall 41548
not order the division or disbursement of the moneys and income 41549
described in division (A)(3)(a)(iv) of this section to occur in a 41550
manner that is inconsistent with the law, rules, or plan governing 41551
the deferred compensation program involved or prior to the time 41552
that the spouse in whose name the participant account is 41553
maintained commences receipt of the moneys and income credited to 41554
the account in accordance with that law, rules, and plan. 41555

(D) Except as otherwise provided in division (E) of this 41556
section or by another provision of this section, the court shall 41557
disburse a spouse's separate property to that spouse. If a court 41558
does not disburse a spouse's separate property to that spouse, the 41559
court shall make written findings of fact that explain the factors 41560
that it considered in making its determination that the spouse's 41561
separate property should not be disbursed to that spouse. 41562

(E)(1) The court may make a distributive award to facilitate, 41563
effectuate, or supplement a division of marital property. The 41564
court may require any distributive award to be secured by a lien 41565
on the payor's specific marital property or separate property. 41566

(2) The court may make a distributive award in lieu of a 41567
division of marital property in order to achieve equity between 41568
the spouses, if the court determines that a division of the 41569
marital property in kind or in money would be impractical or 41570
burdensome. 41571

(3) The court shall require each spouse to disclose in a full 41572
and complete manner all marital property, separate property, and 41573
other assets, debts, income, and expenses of the spouse. 41574

(4) If a spouse has engaged in financial misconduct, 41575
including, but not limited to, the dissipation, destruction, 41576
concealment, nondisclosure, or fraudulent disposition of assets, 41577

the court may compensate the offended spouse with a distributive 41578
award or with a greater award of marital property. 41579

(5) If a spouse has substantially and willfully failed to ~~12~~ 41580
disclose marital property, separate property, or other assets, ~~13~~ 41581
debts, income, or expenses as required under division (E)(3) of ~~14~~ 41582
this section, the court may compensate the offended spouse with ~~15~~ 41583
a distributive award or with a greater award of marital property 41584
~~16~~ not to exceed three times the value of the marital property, ~~17~~ 41585
separate property, or other assets, debts, income, or expenses ~~18~~ 41586
that are not disclosed by the other spouse. 41587

(F) In making a division of marital property and in 41588
determining whether to make and the amount of any distributive 41589
award under this section, the court shall consider all of the 41590
following factors: 41591

(1) The duration of the marriage; 41592

(2) The assets and liabilities of the spouses; 41593

(3) The desirability of awarding the family home, or the 41594
right to reside in the family home for reasonable periods of time, 41595
to the spouse with custody of the children of the marriage; 41596

(4) The liquidity of the property to be distributed; 41597

(5) The economic desirability of retaining intact an asset or 41598
an interest in an asset; 41599

(6) The tax consequences of the property division upon the 41600
respective awards to be made to each spouse; 41601

(7) The costs of sale, if it is necessary that an asset be 41602
sold to effectuate an equitable distribution of property; 41603

(8) Any division or disbursement of property made in a 41604
separation agreement that was voluntarily entered into by the 41605
spouses; 41606

(9) Any retirement benefits of the spouses, excluding the 41607

social security benefits of a spouse except as may be relevant for 41608
purposes of dividing a public pension; 41609

(10) Any other factor that the court expressly finds to be 41610
relevant and equitable. 41611

(G) In any order for the division or disbursement of property 41612
or a distributive award made pursuant to this section, the court 41613
shall make written findings of fact that support the determination 41614
that the marital property has been equitably divided and shall 41615
specify the dates it used in determining the meaning of "during 41616
the marriage." 41617

(H) Except as otherwise provided in this section, the holding 41618
of title to property by one spouse individually or by both spouses 41619
in a form of co-ownership does not determine whether the property 41620
is marital property or separate property. 41621

(I) A division or disbursement of property or a distributive 41622
award made under this section is not subject to future 41623
modification by the court except upon the express written consent 41624
or agreement to the modification by both spouses. 41625

(J) The court may issue any orders under this section that it 41626
determines equitable, including, but not limited to, either of the 41627
following types of orders: 41628

(1) An order granting a spouse the right to use the marital 41629
dwelling or any other marital property or separate property for 41630
any reasonable period of time; 41631

(2) An order requiring the sale or encumbrancing of any real 41632
or personal property, with the proceeds from the sale and the 41633
funds from any loan secured by the encumbrance to be applied as 41634
determined by the court. 41635

Sec. 3109.13. As used in sections 3109.13 to ~~3109.18~~ 3109.179 41636
of the Revised Code: 41637

(A) "Child abuse and child neglect prevention programs" means 41638
programs that use primary and secondary prevention strategies that 41639
are conducted at the local level and activities and projects of 41640
statewide significance designed to strengthen families and prevent 41641
child abuse and child neglect. 41642

(B) "Primary prevention strategies" are activities and 41643
services provided to the public designed to prevent or reduce the 41644
prevalence of child abuse and child neglect before signs of abuse 41645
or neglect can be observed. 41646

(C) "Secondary prevention strategies" are activities and 41647
services that are provided to a specific population identified as 41648
having risk factors for child abuse and child neglect and are 41649
designed to intervene at the earliest warning signs of child abuse 41650
or child neglect, or whenever a child can be identified as being 41651
at risk of abuse or neglect. 41652

Sec. 3109.14. (A) As used in this section, "birth record" and 41653
"certification of birth" have the meanings given in section 41654
3705.01 of the Revised Code. 41655

(B)(1) The director of health, a person authorized by the 41656
director, a local commissioner of health, or a local registrar of 41657
vital statistics shall charge and collect a fee for each certified 41658
copy of a birth record, for each certification of birth, and for 41659
each copy of a death record. The fee shall be three dollars. The 41660
fee is in addition to the fee imposed by section 3705.24 or any 41661
other section of the Revised Code. A local commissioner of health 41662
or a local registrar of vital statistics may retain an amount of 41663
each additional fee collected, not to exceed three per cent of the 41664
amount of the additional fee, to be used for costs directly 41665
related to the collection of the fee and the forwarding of the fee 41666
to the department of health. 41667

The additional fees collected by the director of health or a 41668

person authorized by the director and the additional fees 41669
collected but not retained by a local commissioner of health or a 41670
local registrar of vital statistics shall be forwarded to the 41671
department of health not later than thirty days following the end 41672
of each quarter. Not later than two days after the fees are 41673
forwarded to the department each quarter, the department shall pay 41674
the collected fees to the treasurer of state in accordance with 41675
rules adopted by the treasurer of state under section 113.08 of 41676
the Revised Code. 41677

(2) Upon the filing for a divorce decree under section 41678
3105.10 or a decree of dissolution under section 3105.65 of the 41679
Revised Code, a court of common pleas shall charge and collect a 41680
fee. The fee shall be eleven dollars. The fee is in addition to 41681
any other court costs or fees. The county clerk of courts may 41682
retain an amount of each additional fee collected, not to exceed 41683
three per cent of the amount of the additional fee, to be used for 41684
costs directly related to the collection of the fee and the 41685
forwarding of the fee to the treasurer of state. The additional 41686
fees collected, but not retained, under division (B)(2) of this 41687
section shall be forwarded to the treasurer of state not later 41688
than twenty days following the end of each month. 41689

(C) The treasurer of state shall deposit the fees paid or 41690
forwarded under this section in the state treasury to the credit 41691
of the children's trust fund, which is hereby created. A person or 41692
government entity that fails to forward the fees in a timely 41693
manner, as determined by the treasurer of state, shall send to the 41694
treasurer of state, in addition to the fees, a penalty equal to 41695
ten per cent of the fees. 41696

The treasurer of state shall invest the moneys in the fund, 41697
and all earnings resulting from investment of the fund shall be 41698
credited to the fund, except that actual administrative costs 41699
incurred by the treasurer of state in administering the fund may 41700

be deducted from the earnings resulting from investments. The 41701
amount that may be deducted shall not exceed three per cent of the 41702
total amount of fees credited to the fund in each fiscal year, 41703
except that the children's trust fund board may approve an amount 41704
for actual administrative costs exceeding three per cent but not 41705
exceeding four per cent of such amount. The balance of the 41706
investment earnings shall be credited to the fund. Moneys credited 41707
to the fund shall be used only for the purposes described in 41708
sections 3109.13 to ~~3109.18~~ 3109.179 of the Revised Code. 41709

Sec. 3109.16. (A) The children's trust fund board, upon the 41710
recommendation of the director of job and family services, shall 41711
approve the employment of an executive director who will 41712
administer the programs of the board. 41713

(B) The department of job and family services shall provide 41714
budgetary, procurement, accounting, and other related management 41715
functions for the board and may adopt rules in accordance with 41716
Chapter 119. of the Revised Code for these purposes. An amount not 41717
to exceed three per cent of the total amount of fees deposited in 41718
the children's trust fund in each fiscal year may be used for 41719
costs directly related to these administrative functions of the 41720
department. Each fiscal year, the board shall approve a budget for 41721
administrative expenditures for the next fiscal year. 41722

(C) The board may request that the department adopt rules the 41723
board considers necessary for the purpose of carrying out the 41724
board's responsibilities under this section, and the department 41725
may adopt those rules. The department may, after consultation with 41726
the board and the executive director, adopt any other rules to 41727
assist the board in carrying out its responsibilities under this 41728
section. In either case, the rules shall be adopted under Chapter 41729
119. of the Revised Code. 41730

(D) The board shall meet at least quarterly at the call of 41731

the chairperson to conduct its official business. All business 41732
transactions of the board shall be conducted in public meetings. 41733
Eight members of the board constitute a quorum. ~~A majority of the~~ 41734
~~board members is required to adopt the state plan for the~~ 41735
~~allocation of funds from the children's trust fund.~~ A majority of 41736
the quorum is required to make all ~~other~~ decisions of the board. 41737

(E) With respect to funding, all of the following apply: 41738

(1) The board may apply for and accept federal and other 41739
funds for the purpose of funding child abuse and child neglect 41740
prevention programs. 41741

(2) The board may solicit and accept gifts, money, and other 41742
donations from any public or private source, including 41743
individuals, philanthropic foundations or organizations, 41744
corporations, or corporation endowments. 41745

(3) The board may develop private-public partnerships to 41746
support the mission of the children's trust fund. 41747

(4) The acceptance and use of federal and other funds shall 41748
not entail any commitment or pledge of state funds, nor obligate 41749
the general assembly to continue the programs or activities for 41750
which the federal and other funds are made available. 41751

(5) All funds received in the manner described in this 41752
section shall be transmitted to the treasurer of state, who shall 41753
credit them to the children's trust fund created in section 41754
3109.14 of the Revised Code. 41755

Sec. 3109.17. (A) ~~For each fiscal biennium, the~~ The 41756
children's trust fund board shall establish a ~~biennial state~~ 41757
strategic plan for ~~comprehensive~~ child abuse and child neglect 41758
prevention. The plan shall be transmitted to the governor, the 41759
president and minority leader of the senate, and the speaker and 41760
minority leader of the house of representatives and shall be made 41761

available to the general public. ~~The board may define in the state~~ 41762
~~plan the term "effective public notice." If the board does not~~ 41763
~~define that term in the state plan, the board shall include in the~~ 41764
~~state plan the definition of "effective public notice" specified~~ 41765
~~in rules adopted by the department of job and family services.~~ 41766

(B) In developing and carrying out the ~~state~~ strategic plan, 41767
the children's trust fund board shall, in accordance with rules 41768
adopted by the department pursuant to Chapter 119. of the Revised 41769
Code, do all of the following: 41770

(1) Ensure that an opportunity exists for assistance through 41771
child abuse and child neglect prevention programs to persons 41772
throughout the state of various social and economic backgrounds; 41773

~~(2) Before the thirtieth day of October of each year, notify~~ 41774
~~each child abuse and child neglect prevention advisory board of~~ 41775
~~the amount estimated to be allocated to that advisory board for~~ 41776
~~the following fiscal year;~~ 41777

~~(3) Develop criteria for county or district local allocation~~ 41778
~~plans, including criteria for determining the plans'~~ 41779
~~effectiveness;~~ 41780

~~(4) Review, and approve or disapprove, county or district~~ 41781
~~local allocation plans, as described in section 3109.171 of the~~ 41782
~~Revised Code;~~ 41783

~~(5) Allocate funds to each child abuse and child neglect~~ 41784
~~prevention advisory board for the purpose of funding child abuse~~ 41785
~~and child neglect prevention programs. In allocating funds to a~~ 41786
~~county family and children first council that has been designated~~ 41787
~~to serve as the child abuse and child neglect prevention advisory~~ 41788
~~board under division (A)(1) of section 3109.18 of the Revised~~ 41789
~~Code, the children's trust fund board may send those funds to the~~ 41790
~~county or district children's trust fund in the county treasury or~~ 41791
~~directly to the administrative agent of the county family and~~ 41792

~~children first council designated pursuant to division (B)(5)(a) 41793
of section 121.37 of the Revised Code. Funds shall be allocated 41794
among advisory boards according to a formula based on the ratio of 41795
the number of children under age eighteen in the county or 41796
multicounty district to the number of children under age eighteen 41797
in the state, as shown in the most recent federal decennial census 41798
of population. Subject to the availability of funds and except as 41799
provided in section 3109.171 of the Revised Code, each advisory 41800
board shall receive a minimum of ten thousand dollars per fiscal 41801
year. In the case of an advisory board that serves a multicounty 41802
district, the advisory board shall receive, subject to available 41803
funds and except as provided in section 3109.171 of the Revised 41804
Code, a minimum of ten thousand dollars per fiscal year for each 41805
county in the district. Funds shall be disbursed to the advisory 41806
boards twice annually. At least fifty per cent of the funds 41807
allocated to an advisory board for a fiscal year shall be 41808
disbursed to the advisory board not later than the thirtieth day 41809
of September. The remainder of the funds allocated to the advisory 41810
board for that fiscal year shall be disbursed before the 41811
thirty first day of March. 41812~~

~~The board shall specify the criteria child abuse and child 41813
neglect prevention advisory boards are to use in reviewing 41814
applications under division (G)(2) of section 3109.18 of the 41815
Revised Code. 41816~~

~~(6) Allocate funds to entities other than child abuse and 41817
child neglect prevention advisory boards for the purpose of 41818
funding child abuse and child neglect prevention programs that 41819
have statewide significance and that have been approved by the 41820
children's trust fund board; 41821~~

~~(7)(3) Provide for the monitoring of expenditures from the 41822
children's trust fund and of programs that receive money from the 41823
children's trust fund; 41824~~

(8)(4) Establish reporting requirements for advisory boards	41825
<u>both of the following:</u>	41826
<u>(a) Regional child abuse and child neglect prevention</u>	41827
<u>councils, including deadlines for the submission of the progress</u>	41828
<u>and annual reports required under section 3107.172 of the Revised</u>	41829
<u>Code;</u>	41830
<u>(b) Children's advocacy centers, including deadlines for the</u>	41831
<u>submission of reports required under section 3107.178 of the</u>	41832
<u>Revised Code.</u>	41833
(9)(5) Collaborate with appropriate persons and government	41834
entities and facilitate the exchange of information among those	41835
persons and entities for the purpose of child abuse and child	41836
neglect prevention;	41837
(10)(6) Provide for the education of the public and	41838
professionals for the purpose of child abuse and child neglect	41839
prevention;	41840
(11) Create and provide to each advisory board a children's	41841
trust fund grant application form;	41842
(12) Specify the information to be included in a semiannual	41843
and an annual report completed by a children's advocacy center for	41844
which a child abuse and child neglect prevention advisory board	41845
uses funds allocated to the advisory board under section 3109.172	41846
of the Revised Code, and each other person or entity that is a	41847
recipient of a children's trust fund grant under division (L)(1)	41848
of section 3109.18 of the Revised Code.	41849
(C) The children's trust fund board shall prepare a report	41850
for each fiscal biennium that delineates the expenditure of money	41851
from the children's trust fund. On or before January 1, 2002, and	41852
on or before the first day of January of a year that follows the	41853
end of a fiscal biennium of this state, the board shall file a	41854
copy of the report with the governor, the president and minority	41855

leader of the senate, and the speaker and minority leader of the 41856
house of representatives. 41857

(D) The children's trust fund board shall develop a list of 41858
all state and federal sources of funding that might be available 41859
for establishing, operating, or establishing and operating a 41860
children's advocacy center under sections 2151.425 to 2151.428 of 41861
the Revised Code. The board periodically shall update the list as 41862
necessary. The board shall maintain, or provide for the 41863
maintenance of, the list at an appropriate location. That location 41864
may be the offices of the department of job and family services. 41865
The board shall provide the list upon request to any children's 41866
advocacy center or to any person or entity identified in section 41867
2151.426 of the Revised Code as a person or entity that may 41868
participate in the establishment of a children's advocacy center. 41869

Sec. 3109.171. For the purpose of administering child abuse 41870
and child neglect prevention programming and services approved by 41871
the children's trust fund board, there are hereby created the 41872
following eight child abuse and child neglect prevention regions 41873
in the state: 41874

One region consisting of the following counties: Defiance, 41875
Erie, Fulton, Hancock, Henry, Huron, Lucas, Ottawa, Paulding, 41876
Putnam, Sandusky, Seneca, Van Wert, Williams, Wood, and Wyandot. 41877

One region consisting of the following counties: Ashtabula, 41878
Cuyahoga, Geauga, and Lake. 41879

One region consisting of the following counties: Ashland, 41880
Columbiana, Holmes, Lorain, Mahoning, Medina, Portage, Stark, 41881
Summit, Trumbull, and Wayne. 41882

One region consisting of the following counties: Allen, 41883
Auglaize, Champaign, Clark, Darke, Greene, Hardin, Logan, Mercer, 41884
Miami, Montgomery, Preble, and Shelby. 41885

One region consisting of the following counties: Crawford, 41886
Delaware, Fairfield, Fayette, Franklin, Knox, Licking, Madison, 41887
Marion, Morrow, Pickaway, Richland, and Union. 41888

One region consisting of the following counties: Belmont, 41889
Carroll, Coshocton, Guernsey, Harrison, Jefferson, Monroe, 41890
Muskingum, Noble, and Tuscarawas. 41891

One region consisting of the following counties: Adams, 41892
Brown, Butler, Clermont, Clinton, Hamilton, Highland, and Warren. 41893

One region consisting of the following counties: Athens, 41894
Gallia, Hocking, Jackson, Lawrence, Meigs, Morgan, Perry, Pike, 41895
Ross, Scioto, Vinton, and Washington. 41896

Sec. 3109.172. (A) As used in this section, "county 41897
prevention specialist" includes the following: 41898

(1) Representatives of agencies responsible for the 41899
administration of children's services in the counties within a 41900
child abuse and child neglect prevention region established in 41901
section 3109.171 of the Revised Code; 41902

(2) Providers of alcohol or drug addiction services or 41903
representatives of boards of alcohol, drug addiction, and mental 41904
health services that serve counties within a region; 41905

(3) Providers of mental health services or representatives of 41906
boards of alcohol, drug addiction, and mental health services that 41907
serve counties within a region; 41908

(4) Representatives of county boards of developmental 41909
disabilities that serve counties within a region; 41910

(5) Representatives of the educational community appointed by 41911
the superintendent of the school district with the largest 41912
enrollment in the counties within a region; 41913

(6) Juvenile justice officials serving counties within a 41914

<u>region;</u>	41915
<u>(7) Pediatricians, health department nurses, and other</u>	41916
<u>representatives of the medical community in the counties within a</u>	41917
<u>region;</u>	41918
<u>(8) Counselors and social workers serving counties within a</u>	41919
<u>region;</u>	41920
<u>(9) Head start agencies serving counties within a region;</u>	41921
<u>(10) Child care providers serving counties within a region;</u>	41922
<u>(11) Other persons with demonstrated knowledge in programs</u>	41923
<u>for children serving counties within a region.</u>	41924
<u>(B) Each child abuse and child neglect prevention region</u>	41925
<u>shall have a child abuse and child neglect regional prevention</u>	41926
<u>council as appointed under divisions (C), (D), and (E) of this</u>	41927
<u>section. Each council shall operate in accordance with rules</u>	41928
<u>adopted by the department of job and family services pursuant to</u>	41929
<u>Chapter 119. of the Revised Code.</u>	41930
<u>(C)(1) Each board of county commissioners within a region may</u>	41931
<u>appoint up to two county prevention specialists to the council</u>	41932
<u>representing the county, in accordance with rules adopted by the</u>	41933
<u>department of job and family services under Chapter 119. of the</u>	41934
<u>Revised Code.</u>	41935
<u>(2) The children's trust fund board may appoint additional</u>	41936
<u>county prevention specialists to each region's council at the</u>	41937
<u>board's discretion.</u>	41938
<u>(3) A representative of the council's regional prevention</u>	41939
<u>coordinator shall serve as a nonvoting member of the council.</u>	41940
<u>(D) Each council member appointed under division (C)(1) of</u>	41941
<u>this section shall be appointed for a two-year term. Each council</u>	41942
<u>member appointed under division (C)(2) or (3) of this section</u>	41943
<u>shall be appointed for a three-year term. A member may be</u>	41944

reappointed, but for two consecutive terms only. 41945

(E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty. 41946
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(F) Council members shall not receive compensation for their service to the council. 41949
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(G) The representative of the regional prevention coordinator shall serve as chairperson of the council. 41951
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(H) Each council shall meet at least quarterly. 41953

(I) Council members shall do all of the following: 41954

(1) Attend meetings of the council on which they serve; 41955

(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region; 41956
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(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 41960
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(4) Assist the council's regional prevention coordinator with all of the following: 41963
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(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes; 41965
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(b) Coordinating county data collection; 41968

(c) Ensuring timely and accurate reporting to the children's trust fund board. 41969
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(5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code. 41971
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(J) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. 41974
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Sec. 3109.173. (A) Each child abuse and child neglect regional prevention council shall be under the direction of a regional prevention coordinator. The children's trust fund board shall select each region's coordinator through a competitive selection process conducted by the board. 41981
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(B) Regional prevention coordinators shall do all of the following: 41986
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(1) Select a representative to serve as chairperson of the regional prevention council; 41988
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(2) Conduct a needs assessment to ascertain the child abuse and neglect prevention programming and services that are needed in the region; 41990
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(3) Work with county prevention specialists in the region to assemble the regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code; 41993
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(4) Implement the regional prevention plan, including the following: 41997
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(a) Monitoring fulfillment of prevention deliverables and achievement of prevention outcomes; 41999
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(b) Coordinating county data collection; 42001

(c) Ensuring timely and accurate reporting to the board. 42002

(5) Any additional duties specified by the department in 42003
rules adopted pursuant to Chapter 119. of the Revised Code. 42004

Sec. 3109.174. Each child abuse and child neglect regional 42005
prevention council shall submit to the children's trust fund board 42006
a regional prevention plan for funding child abuse and child 42007
neglect prevention programs and activities based on criteria set 42008
forth by the children's trust fund. 42009

The plan shall be submitted on the form and in the manner 42010
specified in rules adopted by the department of job and family 42011
services pursuant to Chapter 119. of the Revised Code. 42012

Sec. 3109.175. On receipt of a regional prevention plan 42013
submitted pursuant to section 3109.174 of the Revised Code, the 42014
children's trust fund board may do either of the following: 42015

(A) Approve the plan; 42016

(B) Deny the plan; 42017

(C) Require the submitting council to make changes to the 42018
plan and submit an amended plan to the board. 42019

Sec. 3109.176. (A) The children's trust fund board may deny 42020
funding or allocate a reduced amount of funds on a pro-rated daily 42021
basis to a child abuse and child neglect regional prevention 42022
council for the fiscal year for which a regional prevention plan 42023
was required to be developed under any of the following 42024
circumstances: 42025

(1) If a council fails to submit to the board a regional 42026
prevention plan pursuant to section 3109.174 of the Revised Code 42027
by the date specified by the board; 42028

(2) If a council fails to submit to the board an amended plan 42029
pursuant to division (C) of section 3109.175 of the Revised Code; 42030

(3) If the board fails to approve a plan or an amended plan submitted by a council. 42031
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(B) The board may allocate a reduced amount of funds to a council on a pro-rated daily basis for the following fiscal year if the council fails to submit to the board a progress report or annual report as required by section 3109.172 of the Revised Code not later than the due dates specified by the board for those reports. 42033
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Sec. 3109.177. (A) As used in this section and section 3107.178 of the Revised Code, "primary prevention strategies" has the same meaning as in section 3109.13 of the Revised Code. 42039
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(B) Each children's advocacy center may annually request funds from the children's trust fund board to conduct primary prevention strategies. 42042
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Sec. 3109.178. (A) Each child abuse and child neglect regional prevention council may request from the children's trust fund board up to five thousand dollars for each county within the council's region to be used as one-time, start-up costs for the establishment and operation of a children's advocacy center to serve each county in the region or a center to serve two or more contiguous counties within the region. 42045
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(B) On receipt of a request made under this section, the board shall review and approve or disapprove the request. 42052
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(C) If the board disapproves the request, the board shall send to the requesting council written notice of the disapproval that states the reasons for the disapproval. 42054
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(D) No funds allocated to a council under this section may be used as start-up costs for any children's advocacy center unless the center has as a component a primary prevention strategy. 42057
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(E) A council that receives funds under this section in any fiscal year shall not use the funds received in a different fiscal year or for a different center in any fiscal year without the approval of the board. 42060
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(F) A children's advocacy center established using funds awarded under this section shall comply with sections 2151.425 to 2151.428 of the Revised Code. 42064
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(G) Each children's advocacy center that receives funds under this section shall file with its respective council, by the date specified by the board, an annual report that includes the information required by the board. The council shall forward a copy of the annual report to the board. 42067
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Sec. 3109.179. (A) The department of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code regarding all of the following: 42072
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(1) Operation requirements for child abuse and child neglect regional prevention councils; 42075
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(2) The manner in which boards of county commissioners are to appoint council members; 42077
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(3) The form and manner by which councils are to submit regional prevention plans. 42079
42080

(B) The department may adopt rules in accordance with Chapter 119. of the Revised Code regarding the following: 42081
42082

(1) Duties of council members; 42083

(2) Duties of regional prevention coordinators; 42084

(3) Any other rules necessary to implement sections 3109.13 to 3109.178 of the Revised Code. 42085
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(C) The department shall consult with the children's trust fund board and the board's executive director regarding all rules 42087
42088

adopted under this section. 42089

Sec. 3115.101. This chapter may be cited as the "Uniform 42090
Interstate Family Support Act of 2008." This chapter uses the 42091
numbering system of the national conference of commissioners on 42092
uniform state laws. The digits to the right of the decimal point 42093
are sequential and not supplemental to any preceding Revised Code 42094
section. 42095

Sec. 3115.102. As used in this chapter: 42096

(A) "Child" means an individual, whether over or under the 42097
age of majority, who is or is alleged to be owed a duty of support 42098
by the individual's parent or who is or is alleged to be the 42099
beneficiary of a support order directed to the parent. 42100

(B) "Child-support order" means a support order for a child, 42101
including a child who has attained the age of majority under the 42102
law of the issuing state or foreign country. 42103

(C) "Convention" means the convention on the international 42104
recovery of child support and other forms of family maintenance, 42105
concluded at The Hague on November 23, 2007. 42106

(D) "Duty of support" means an obligation imposed or 42107
imposable by law to provide support for a child, spouse, or former 42108
spouse, including an unsatisfied obligation to provide support. 42109

(E) "Foreign country" means a country, including a political 42110
subdivision of the country, other than the United States, that 42111
authorizes the issuance of support orders to which at least one of 42112
the following applies: 42113

(1) It has been declared under the law of the United States 42114
to be a foreign reciprocating country; 42115

(2) It has established a reciprocal arrangement for child 42116
support with this state as provided in section 3115.308 of the 42117

<u>Revised Code;</u>	42118
<u>(3) It has enacted a law or established procedures for the</u>	42119
<u>issuance and enforcement of support orders that are substantially</u>	42120
<u>similar to the procedures under this chapter;</u>	42121
<u>(4) It is a country in which the convention is in force with</u>	42122
<u>respect to the United States.</u>	42123
<u>(F) "Foreign support order" means a support order of a</u>	42124
<u>foreign tribunal.</u>	42125
<u>(G) "Foreign tribunal" means a court, administrative agency,</u>	42126
<u>or quasi-judicial entity of a foreign country that is authorized</u>	42127
<u>to establish, enforce, or modify support orders or to determine</u>	42128
<u>parentage of a child. "Foreign tribunal" includes a competent</u>	42129
<u>authority under the convention.</u>	42130
<u>(H) "Home state" means the state or foreign country in which</u>	42131
<u>a child lived with a parent or a person acting as parent for at</u>	42132
<u>least six consecutive months immediately preceding the time of</u>	42133
<u>filing of a petition or comparable pleading for support and, if a</u>	42134
<u>child is less than six months old, the state or foreign country in</u>	42135
<u>which the child lived from birth with any of them. A period of</u>	42136
<u>temporary absence of any of them is counted as part of the</u>	42137
<u>six-month or other period.</u>	42138
<u>(I) "Income" includes earnings or other periodic entitlements</u>	42139
<u>to money from any source and any other property subject to</u>	42140
<u>withholding for support under the law of this state.</u>	42141
<u>(J) "Income-withholding order" means an order or other legal</u>	42142
<u>process directed to an obligor's employer or other payor, in</u>	42143
<u>accordance with Chapter 3121. of the Revised Code, to withhold</u>	42144
<u>support from the income of the obligor.</u>	42145
<u>(K) "Initiating tribunal" means the tribunal of a state or</u>	42146
<u>foreign country from which a petition or comparable pleading is</u>	42147

forwarded or in which a petition or comparable pleading is filed 42148
for forwarding to another state or foreign country. 42149

(L) "Issuing foreign country" means the foreign country in 42150
which a tribunal issues a support order or a judgment determining 42151
parentage of a child. 42152

(M) "Issuing state" means the state in which a tribunal 42153
issues a support order or a judgment determining parentage of a 42154
child. 42155

(N) "Issuing tribunal" means the tribunal of a state or 42156
foreign country that issues a support order or a judgment 42157
determining parentage of a child. 42158

(O) "Law" includes decisional and statutory law and rules and 42159
regulations having the force of law. 42160

(P) "Obligee" means any of the following: 42161

(1) An individual to whom a duty of support is or is alleged 42162
to be owed or in whose favor a support order or a judgment 42163
determining parentage of a child has been issued; 42164

(2) A foreign country, state, or political subdivision of a 42165
state to which the rights under a duty of support or support order 42166
have been assigned or that has independent claims based on 42167
financial assistance provided to an individual obligee in place of 42168
child support; 42169

(3) An individual seeking a judgment determining parentage of 42170
the individual's child; 42171

(4) A person that is a creditor in a proceeding under 42172
sections 3115.701 to 3115.713 of the Revised Code. 42173

(O) "Obligor" means an individual, or the estate of a 42174
decedent, to whom or to which any of the following applies: 42175

(1) The individual or estate owes or is alleged to owe a duty 42176
of support. 42177

<u>(2) The individual or decedent is alleged but has not been</u>	42178
<u>adjudicated to be a parent of a child.</u>	42179
<u>(3) The individual or estate is liable under a support order.</u>	42180
<u>(4) The individual or estate is a debtor in a proceeding</u>	42181
<u>under sections 3115.701 to 3115.713 of the Revised Code.</u>	42182
<u>(R) "Outside this state" means a location in another state or</u>	42183
<u>a country other than the United States, whether or not the country</u>	42184
<u>is a foreign country.</u>	42185
<u>(S) "Person" means an individual, corporation, business</u>	42186
<u>trust, estate, trust, partnership, limited liability company,</u>	42187
<u>association, joint venture, public corporation, government or</u>	42188
<u>governmental subdivision, agency, or instrumentality, or any other</u>	42189
<u>legal or commercial entity.</u>	42190
<u>(T) "Record" means information that is inscribed on a</u>	42191
<u>tangible medium or that is stored in an electronic or other medium</u>	42192
<u>and is retrievable in perceivable form.</u>	42193
<u>(U) "Register" means to file in a tribunal of this state a</u>	42194
<u>support order or judgment determining parentage of a child issued</u>	42195
<u>in another state or a foreign country.</u>	42196
<u>(V) "Registering tribunal" means a tribunal in which a</u>	42197
<u>support order or judgment determining parentage of a child is</u>	42198
<u>registered.</u>	42199
<u>(W) "Responding state" means a state in which a petition or</u>	42200
<u>comparable pleading for support or to determine parentage of a</u>	42201
<u>child is filed or to which a petition or comparable pleading is</u>	42202
<u>forwarded for filing from another state or a foreign country.</u>	42203
<u>(X) "Responding tribunal" means the authorized tribunal in a</u>	42204
<u>responding state or foreign country.</u>	42205
<u>(Y) "Spousal-support order" means a support order for a</u>	42206
<u>spouse or former spouse of the obligor.</u>	42207

(Z) "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or any territory or insular possession under the jurisdiction of the United States. The term includes an Indian nation or tribe. 42208
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(AA) "Support enforcement agency" means a public official, governmental entity, or private agency authorized to do any of the following: 42212
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(1) Seek enforcement of support orders or laws relating to the duty of support; 42215
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(2) Seek establishment or modification of child support; 42217

(3) Request determination of parentage of a child; 42218

(4) Attempt to locate obligors or their assets; or 42219

(5) Request determination of the controlling child-support order. 42220
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(BB) "Support order" means a judgment, decree, order, decision, or directive, whether temporary, final, or subject to modification, issued in a state or foreign country for the benefit of a child, a spouse, or a former spouse, which provides for monetary support, health care, arrearages, retroactive support, or reimbursement for financial assistance provided to an individual obligee in place of child support. "Support order" may include related costs and fees, interest, income withholding, automatic adjustment, reasonable attorney's fees, and other relief. 42222
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(CC) "Tribunal" means a court, administrative agency, or quasi-judicial entity authorized to establish, enforce, or modify support orders or to determine parentage of a child. 42231
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Sec. 3115.103. (A) For purposes of carrying out the duties and responsibilities under this chapter, the juvenile court or the division of the court of common pleas that has jurisdiction over disputes arising under this chapter is the tribunal of this state 42234
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and for the purposes of initiating a petition an agency designated 42238
under section 3125.10 of the Revised Code is also a tribunal of 42239
this state. 42240

(B) The agencies designated under section 3125.10 of the 42241
Revised Code are the support enforcement agencies of this state. 42242

Sec. 3115.104. (A) Remedies provided by this chapter are 42243
cumulative and do not affect the availability of remedies under 42244
other law or the recognition of a foreign support order on the 42245
basis of comity. 42246

(B) This chapter does not do either of the following: 42247

(1) Provide the exclusive method of establishing or enforcing 42248
a support order under the law of this state; 42249

(2) Grant a tribunal of this state jurisdiction to render 42250
judgment or issue an order relating to child custody or visitation 42251
in a proceeding under this chapter. 42252

Sec. 3115.105. (A) A tribunal of this state shall apply 42253
sections 3115.102 to 3115.616 of the Revised Code and, as 42254
applicable, sections 3115.701 to 3115.713 of the Revised Code, to 42255
a support proceeding involving any of the following: 42256

(1) A foreign support order; 42257

(2) A foreign tribunal; 42258

(3) An obligee, obligor, or child residing in a foreign 42259
country. 42260

(B) A tribunal of this state that is requested to recognize 42261
and enforce a support order on the basis of comity may apply the 42262
procedural and substantive provisions of sections 3115.102 to 42263
3115.616 of the Revised Code. 42264

(C) Sections 3115.701 to 3115.713 of the Revised Code apply 42265

only to a support proceeding under the convention. In such a 42266
proceeding, if a provision of sections 3115.701 to 3115.713 of the 42267
Revised Code is inconsistent with sections 3115.102 to 3115.616 of 42268
the Revised Code, sections 3115.701 to 3115.713 of the Revised 42269
Code control. 42270

Sec. 3115.201. (A) In a proceeding to establish or enforce a 42271
support order or to determine parentage of a child, a tribunal or 42272
support enforcement agency of this state may exercise personal 42273
jurisdiction over a nonresident individual if any of the following 42274
apply: 42275

(1) The individual is personally served with summons within 42276
this state. 42277

(2) The individual submits to the jurisdiction of this state 42278
by consent in a record, by entering a general appearance, or by 42279
filing a responsive document having the effect of waiving any 42280
contest to personal jurisdiction. 42281

(3) The individual resided with the child in this state. 42282

(4) The individual resided in this state and provided 42283
prenatal expenses or support for the child. 42284

(5) The child resides in this state as a result of the acts 42285
or directives of the individual. 42286

(6) The individual engaged in sexual intercourse in this 42287
state and the child may have been conceived by that act of 42288
intercourse. 42289

(7) The individual asserted parentage of a child in the 42290
putative father registry maintained in this state by the 42291
department of job and family services. 42292

(8) There is any other basis consistent with the 42293
Constitutions of this state and the United States for the exercise 42294
of personal jurisdiction. 42295

(B) The bases of personal jurisdiction set forth in division 42296
(A) of this section or in any other law of this state may not be 42297
used to acquire personal jurisdiction for a tribunal of this state 42298
to modify a child-support order of another state unless the 42299
requirements of section 3115.611 of the Revised Code are met or, 42300
in the case of a foreign support order, unless the requirements of 42301
section 3115.615 of the Revised Code are met. 42302

Sec. 3115.202. Personal jurisdiction acquired by a tribunal 42303
of this state in a proceeding under this chapter or other law of 42304
this state relating to a support order continues as long as a 42305
tribunal of this state has continuing, exclusive jurisdiction to 42306
modify its order or continuing jurisdiction to enforce its order 42307
as provided by sections 3115.205, 3115.206, and 3115.211 of the 42308
Revised Code. 42309

Sec. 3115.203. Under this chapter, a tribunal of this state 42310
may serve as an initiating tribunal to forward proceedings to a 42311
tribunal of another state, and as a responding tribunal for 42312
proceedings initiated in another state or a foreign country. 42313

Sec. 3115.204. (A) A tribunal of this state may exercise 42314
jurisdiction to establish a support order if the petition or 42315
comparable pleading is filed after a pleading is filed in another 42316
state or a foreign country only if all of the following apply: 42317

(1) The petition or comparable pleading in this state is 42318
filed before the expiration of the time allowed in the other state 42319
or the foreign country for filing a responsive pleading 42320
challenging the exercise of jurisdiction by the other state or the 42321
foreign country. 42322

(2) The contesting party timely challenges the exercise of 42323
jurisdiction in the other state or the foreign country. 42324

(3) If relevant, this state is the home state of the child. 42325

(B) A tribunal of this state may not exercise jurisdiction to 42326
establish a support order if the petition or comparable pleading 42327
is filed before a petition or comparable pleading is filed in 42328
another state or a foreign country if all of the following apply: 42329

(1) The petition or comparable pleading in the other state or 42330
foreign country is filed before the expiration of the time allowed 42331
in this state for filing a responsive pleading challenging the 42332
exercise of jurisdiction by this state. 42333

(2) The contesting party timely challenges the exercise of 42334
jurisdiction in this state. 42335

(3) If relevant, the other state or foreign country is the 42336
home state of the child. 42337

Sec. 3115.205. (A) A tribunal of this state that has issued a 42338
child-support order consistent with the law of this state has and 42339
shall exercise continuing, exclusive jurisdiction to modify its 42340
child-support order if the order is the controlling order and 42341
either of the following applies: 42342

(1) At the time of the filing of a request for modification, 42343
this state is the residence of the obligor, the individual 42344
obligee, or the child for whose benefit the support order is 42345
issued. 42346

(2) Even if this state is not the residence of the obligor, 42347
the individual obligee, or the child for whose benefit the support 42348
order is issued, the parties consent in a record or in open court 42349
that the tribunal of this state may continue to exercise 42350
jurisdiction to modify its order. 42351

(B) A tribunal or support enforcement agency of this state 42352
that has issued a child-support order consistent with the law of 42353
this state may not exercise continuing, exclusive jurisdiction to 42354

modify the order if either of the following applies: 42355

(1) All of the parties who are individuals file consent in a record with the tribunal of this state that a tribunal of another state that has jurisdiction over at least one of the parties who is an individual or that is located in the state of residence of the child may modify the order and assume continuing, exclusive jurisdiction. 42356
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(2) Its order is not the controlling order. 42362

(C) If a tribunal of another state has issued a child-support order pursuant to the uniform interstate family support act or a law substantially similar to that act that modifies a child-support order of a tribunal of this state, tribunals of this state shall recognize the continuing, exclusive jurisdiction of the tribunal of the other state. 42363
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(D) A tribunal of this state that lacks continuing, exclusive jurisdiction to modify a child-support order may serve as an initiating tribunal to request a tribunal of another state to modify a support order issued in that state. 42369
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(E) A temporary support order issued ex parte or pending resolution of a jurisdictional conflict does not create continuing, exclusive jurisdiction in the issuing tribunal. 42373
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Sec. 3115.206. (A) A tribunal of this state that has issued a child-support order consistent with the law of this state may serve as an initiating tribunal to request a tribunal of another state to enforce either of the following: 42376
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(1) The order, if the order is the controlling order and has not been modified by a tribunal of another state that assumed jurisdiction pursuant to its uniform interstate family support act; 42380
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(2) A money judgment for arrears of support and interest on 42384

the order accrued before a determination that an order of a 42385
tribunal of another state is the controlling order. 42386

(B) A tribunal of this state having continuing jurisdiction 42387
over a support order may act as a responding tribunal to enforce 42388
the order. 42389

Sec. 3115.207. (A) If a proceeding is brought under this 42390
chapter and only one tribunal has issued a child-support order, 42391
the order of that tribunal controls and must be recognized. 42392

(B) If a proceeding is brought under this chapter and two or 42393
more child-support orders have been issued by tribunals of this 42394
state, another state, or a foreign country with regard to the same 42395
obligor and same child, a court of this state having personal 42396
jurisdiction over both the obligor and individual obligee shall 42397
apply the following rules and by order shall determine which order 42398
controls and must be recognized: 42399

(1) If only one of the tribunals would have continuing, 42400
exclusive jurisdiction under this chapter, the order of that 42401
tribunal controls. 42402

(2) If more than one of the tribunals would have continuing, 42403
exclusive jurisdiction under this chapter, whichever of the 42404
following is relevant applies: 42405

(a) An order issued by a tribunal in the current home state 42406
of the child controls; 42407

(b) If an order has not been issued in the current home state 42408
of the child, the order most recently issued controls. 42409

(3) If none of the tribunals would have continuing, exclusive 42410
jurisdiction under this chapter, the court of this state shall 42411
issue a child-support order, which order controls. 42412

(C) If two or more child-support orders have been issued for 42413
the same obligor and same child, upon request of a party who is an 42414

individual or that is a support enforcement agency, a court of 42415
this state having personal jurisdiction over both the obligor and 42416
the obligee who is an individual shall determine which order 42417
controls under division (B) of this section. The request may be 42418
filed with a registration for enforcement or registration for 42419
modification pursuant to sections 3115.601 to 3115.616 of the 42420
Revised Code, or may be filed as a separate proceeding. 42421

(D) A request to determine which is the controlling order 42422
must be accompanied by a copy of every child-support order in 42423
effect and the applicable record of payments. The requesting party 42424
shall give notice of the request to each party whose rights may be 42425
affected by the determination. 42426

(E) The tribunal that issued the controlling order under 42427
division (A), (B), or (C) of this section has continuing 42428
jurisdiction to the extent provided in section 3115.205 or 42429
3115.206 of the Revised Code. 42430

(F) A court of this state that determines by order which is 42431
the controlling order under division (B)(1) or (2) of this 42432
section, or that issues a new controlling order under division 42433
(B)(3) of this section, shall state all of the following in that 42434
order: 42435

(1) The basis upon which the court made its determination; 42436

(2) The amount of prospective support, if any; 42437

(3) The total amount of consolidated arrears and accrued 42438
interest, if any, under all of the orders after all payments made 42439
are credited as provided by section 3115.209 of the Revised Code. 42440

(G) Within thirty days after issuance of an order determining 42441
which is the controlling order, the party obtaining the order 42442
shall file a certified copy of it in each tribunal that issued or 42443
registered an earlier order of child support. A party or support 42444
enforcement agency obtaining the order that fails to file a 42445

certified copy is subject to appropriate sanctions by a tribunal 42446
in which the issue of failure to file arises. The failure to file 42447
does not affect the validity or enforceability of the controlling 42448
order. 42449

(H) An order that has been determined to be the controlling 42450
order, or a judgment for consolidated arrears of support and 42451
interest, if any, made pursuant to this section must be recognized 42452
in proceedings under this chapter. 42453

Sec. 3115.208. In responding to registrations or petitions 42454
for enforcement of two or more child-support orders in effect at 42455
the same time with regard to the same obligor and different 42456
individual obligees, at least one of which was issued by a 42457
tribunal of another state or a foreign country, a tribunal of this 42458
state shall enforce those orders in the same manner as if the 42459
orders had been issued by a tribunal of this state. 42460

Sec. 3115.209. A tribunal of this state shall credit amounts 42461
collected for a particular period pursuant to any child-support 42462
order against the amounts owed for the same period under any other 42463
child-support order for support of the same child issued by a 42464
tribunal of this state, another state, or a foreign country. 42465

Sec. 3115.210. A tribunal of this state exercising personal 42466
jurisdiction over a nonresident in a proceeding under this 42467
chapter, under other law of this state relating to a support 42468
order, or recognizing a foreign support order may receive evidence 42469
from outside this state pursuant to section 3115.316 of the 42470
Revised Code, communicate with a tribunal outside this state 42471
pursuant to section 3115.317 of the Revised Code, and obtain 42472
discovery through a tribunal outside this state pursuant to 42473
section 3115.318 of the Revised Code. In all other respects, 42474
sections 3115.301 to 3115.616 of the Revised Code do not apply, 42475

and the tribunal shall apply the procedural and substantive law of 42476
this state. 42477

Sec. 3115.211. (A) A tribunal of this state issuing a 42478
spousal-support order consistent with the law of this state has 42479
continuing, exclusive jurisdiction to modify the spousal-support 42480
order throughout the existence of the support obligation. 42481

(B) A tribunal of this state may not modify a spousal-support 42482
order issued by a tribunal of another state or a foreign country 42483
having continuing, exclusive jurisdiction over that order under 42484
the law of that state or foreign country. 42485

(C) A tribunal of this state that has continuing, exclusive 42486
jurisdiction over a spousal-support order may serve as either of 42487
the following: 42488

(1) An initiating tribunal to request a tribunal of another 42489
state to enforce the spousal-support order issued in this state; 42490

(2) A responding tribunal to enforce or modify its own 42491
spousal-support order. 42492

Sec. 3115.301. (A) Except as otherwise provided in this 42493
chapter, sections 3115.301 to 3115.319 of the Revised Code apply 42494
to all proceedings under this chapter. 42495

(B) An individual petitioner or a support enforcement agency 42496
may initiate a proceeding authorized under this chapter by filing 42497
a petition in an initiating tribunal for forwarding to a 42498
responding tribunal or by filing a petition or a comparable 42499
pleading directly in a tribunal of another state or a foreign 42500
country that has or can obtain personal jurisdiction over the 42501
respondent. 42502

Sec. 3115.302. A minor parent, or a guardian or other legal 42503

representative of a minor parent, may maintain a proceeding on 42504
behalf of or for the benefit of the minor's child. 42505

Sec. 3115.303. Except as otherwise provided in this chapter, 42506
a responding tribunal of this state shall do both of the 42507
following: 42508

(A) Apply the procedural and substantive law generally 42509
applicable to similar proceedings originating in this state and 42510
may exercise all powers and provide all remedies available in 42511
those proceedings; 42512

(B) Determine the duty of support and the amount payable in 42513
accordance with the law and support guidelines of this state. 42514

Sec. 3115.304. (A) Upon the filing of a petition authorized 42515
by this chapter, an initiating tribunal of this state shall 42516
forward the petition and its accompanying documents to whichever 42517
of the following is relevant: 42518

(1) The responding tribunal or appropriate support 42519
enforcement agency in the responding state; 42520

(2) If the identity of the responding tribunal is unknown, 42521
the state information agency of the responding state with a 42522
request that they be forwarded to the appropriate tribunal and 42523
that receipt be acknowledged. 42524

(B) If requested by the responding tribunal, a tribunal of 42525
this state shall issue a certificate or other document and make 42526
findings required by the law of the responding state. If the 42527
responding tribunal is in a foreign country, upon request the 42528
tribunal of this state shall specify the amount of support sought, 42529
convert that amount into the equivalent amount in the foreign 42530
currency under applicable official or market exchange rate as 42531
publicly reported, and provide any other documents necessary to 42532

satisfy the requirements of the responding foreign tribunal. 42533

Sec. 3115.305. (A) When a responding support enforcement 42534
agency of this state receives a petition or comparable pleading 42535
from an initiating tribunal or directly pursuant to division (B) 42536
of section 3115.301 of the Revised Code, it shall cause the 42537
petition or pleading to be filed and notify the petitioner where 42538
and when it was filed. 42539

(B) A responding tribunal of this state, to the extent not 42540
prohibited by other law, may do one or more of the following: 42541

(1) Establish or enforce a support order, modify a 42542
child-support order, determine the controlling child-support 42543
order, or determine parentage of a child; 42544

(2) Order an obligor to comply with a support order, 42545
specifying the amount and the manner of compliance; 42546

(3) Order income withholding; 42547

(4) Determine the amount of any arrearages and specify a 42548
method of payment; 42549

(5) Enforce orders by civil or criminal contempt or both; 42550

(6) Set aside property for satisfaction of the support order; 42551

(7) Place liens and order execution on the obligor's 42552
property; 42553

(8) Order an obligor to keep the tribunal informed of the 42554
obligor's current residential address, electronic-mail address, 42555
telephone number, employer, address of employment, and telephone 42556
number at the place of employment; 42557

(9) Issue a capias for an obligor who has failed after proper 42558
notice to appear at a hearing ordered by the tribunal and enter 42559
the capias in any local and state computer systems for criminal 42560
warrants; 42561

<u>(10) Order the obligor to seek appropriate employment by specified methods;</u>	42562
	42563
<u>(11) Award reasonable attorney's fees and other fees and costs;</u>	42564
	42565
<u>(12) Grant any other available remedy.</u>	42566
<u>(C) A responding tribunal of this state shall include in a support order issued under this chapter, or in the documents accompanying the order, the calculations on which the support order is based.</u>	42567
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<u>(D) A responding tribunal of this state may not condition the payment of a support order issued under this chapter upon compliance by a party with provisions for visitation.</u>	42571
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<u>(E) If a responding tribunal of this state issues an order under this chapter, the tribunal shall send a copy of the order to the petitioner and the respondent and to the initiating tribunal, if any.</u>	42574
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<u>(F) If requested to enforce a support order, arrears, or judgment or modify a support order stated in a foreign currency, a responding tribunal of this state shall convert the amount stated in the foreign currency to the equivalent amount in dollars under the applicable official or market exchange rate as publicly reported.</u>	42578
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<u>Sec. 3115.306. If a petition or comparable pleading is received by an inappropriate tribunal or support enforcement agency of this state, the tribunal or support enforcement agency shall forward the pleading and accompanying documents to an appropriate tribunal or support enforcement agency of this state or another state and notify the petitioner where and when the pleading was sent.</u>	42584
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Sec. 3115.307. (A) A support enforcement agency of this state, upon request, shall provide services to a petitioner in a proceeding under this chapter. 42591
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(B) A support enforcement agency of this state that is providing services to the petitioner shall do all of the following: 42594
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(1) Take all steps necessary to enable an appropriate tribunal of this state, another state, or a foreign country to obtain jurisdiction over the respondent; 42597
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(2) Request an appropriate tribunal to set a date, time, and place for a hearing; 42600
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(3) Make a reasonable effort to obtain all relevant information, including information as to income and property of the parties; 42602
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(4) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of notice in a record from an initiating, responding, or registering tribunal, send a copy of the notice to the petitioner; 42605
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(5) Within two days, exclusive of Saturdays, Sundays, and legal holidays, after receipt of communication in a record from the respondent or the respondent's attorney, send a copy of the communication to the petitioner; 42609
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(6) Notify the petitioner if jurisdiction over the respondent cannot be obtained. 42613
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(C) A support enforcement agency of this state that requests registration of a child-support order in this state for enforcement or for modification shall make reasonable efforts to do whichever of the following is relevant: 42615
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(1) Ensure that the order to be registered is the controlling order; 42619
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(2) If two or more child-support orders exist and the identity of the controlling order has not been determined, ensure that a request for such a determination is made in a tribunal having jurisdiction to do so. 42621
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(D) A support enforcement agency of this state that requests registration and enforcement of a support order, arrears, or judgment stated in a foreign currency shall convert the amounts stated in the foreign currency into the equivalent amounts in dollars under the applicable official or market exchange rate as publicly reported. 42625
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(E) A support enforcement agency of this state shall issue or request a tribunal of this state to issue a child-support order and an income-withholding order that redirect payment of current support, arrears, and interest if requested to do so by a support enforcement agency of another state pursuant to section 3115.319 of the Revised Code. 42631
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(F) This chapter does not create or negate a relationship of attorney and client or other fiduciary relationship between a support enforcement agency or the attorney for the agency and the individual being assisted by the agency. 42637
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Sec. 3115.308. (A) If the department of job and family services determines that the support enforcement agency is neglecting or refusing to provide services to an individual, the department may order the agency to perform its duties under this chapter or may provide those services directly to the individual. 42641
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(B) The department of job and family services may determine that a foreign country has established a reciprocal arrangement for child support with this state and take appropriate action for notification of the determination. 42646
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Sec. 3115.309. An individual may employ private counsel to 42650

represent the individual in proceedings authorized by this 42651
chapter. 42652

Sec. 3115.310. (A) The department of job and family services 42653
is the state information agency under this chapter. 42654

(B) The state information agency shall do all of the 42655
following: 42656

(1) Compile and maintain a current list, including addresses, 42657
of the tribunals in this state that have jurisdiction under this 42658
chapter and any support enforcement agencies in this state and 42659
transmit a copy to the state information agency of every other 42660
state; 42661

(2) Maintain a register of names and addresses of tribunals 42662
and support enforcement agencies received from other states; 42663

(3) Forward to the appropriate support enforcement agency in 42664
the county in this state in which the obligee who is an individual 42665
or the obligor resides, or in which the obligor's property is 42666
believed to be located, all documents concerning a proceeding 42667
under this chapter received from another state or a foreign 42668
country; 42669

(4) Obtain information concerning the location of the obligor 42670
and the obligor's property within this state not exempt from 42671
execution, by such means as postal verification and federal or 42672
state locator services, examination of telephone directories, 42673
requests for the obligor's address from employers, and examination 42674
of governmental records, including, to the extent not prohibited 42675
by other law, those relating to real property, vital statistics, 42676
law enforcement, taxation, motor vehicles, driver's licenses, and 42677
social security. 42678

Sec. 3115.311. (A) In a proceeding under this chapter, a 42679

petitioner seeking to establish a support order, to determine 42680
parentage of a child, or to register and modify a support order of 42681
a tribunal of another state or a foreign country must file a 42682
petition. Unless otherwise ordered under section 3115.312 of the 42683
Revised Code, the petition or accompanying documents must provide, 42684
so far as known, the name, residential address, and social 42685
security numbers of the obligor and the obligee or the parent and 42686
alleged parent, and the name, sex, residential address, social 42687
security number, and date of birth of each child for whose benefit 42688
support is sought or whose parentage is to be determined. Unless 42689
filed at the time of registration, the petition must be 42690
accompanied by a copy of any support order known to have been 42691
issued by another tribunal. The petition may include any other 42692
information that may assist in locating or identifying the 42693
respondent. 42694

(B) The petition must specify the relief sought. The petition 42695
and accompanying documents must conform substantially to the 42696
requirements imposed by the forms mandated by federal law for use 42697
in cases filed by a support enforcement agency. 42698

Sec. 3115.312. If a party alleges in an affidavit or a 42699
pleading under oath that the health, safety, or liberty of a party 42700
or child would be jeopardized by disclosure of specific 42701
identifying information, that information must be sealed and may 42702
not be disclosed to the other party or the public. After a hearing 42703
in which a tribunal takes into consideration the health, safety, 42704
or liberty of the party or child, the tribunal may order 42705
disclosure of information that the tribunal determines to be in 42706
the interest of justice. 42707

Sec. 3115.313. (A) The petitioner may not be required to pay 42708
a filing fee or other costs. 42709

(B) If an obligee prevails, a responding tribunal of this state may assess against an obligor filing fees, reasonable attorney's fees, other costs, and necessary travel and other reasonable expenses incurred by the obligee and the obligee's witnesses. The tribunal may not assess fees, costs, or expenses against the obligee or the support enforcement agency of either the initiating or responding state or foreign country, except as provided by other law. Attorney's fees may be taxed as costs, and may be ordered paid directly to the attorney, who may enforce the order in the attorney's own name. Payment of support owed to the obligee has priority over fees, costs, and expenses.

(C) The tribunal shall order the payment of costs and reasonable attorney's fees if it determines that a hearing was requested primarily for delay. In a proceeding under sections 3115.601 to 3115.616 of the Revised Code, a hearing is presumed to have been requested primarily for delay if a registered support order is confirmed or enforced without change.

Sec. 3115.314. (A) Participation by a petitioner in a proceeding under this chapter before a responding tribunal, whether in person, by private attorney, or through services provided by the support enforcement agency, does not confer personal jurisdiction over the petitioner in another proceeding.

(B) A petitioner is not amenable to service of civil process while physically present in this state to participate in a proceeding under this chapter.

(C) The immunity granted by this section does not extend to civil litigation based on acts unrelated to a proceeding under this chapter committed by a party while physically present in this state to participate in the proceeding.

Sec. 3115.315. A party whose parentage of a child has been

previously determined by or pursuant to law may not plead 42740
nonparentage as a defense to a proceeding under this chapter. 42741

Sec. 3115.316. (A) The physical presence of a nonresident 42742
party who is an individual in a tribunal of this state is not 42743
required for the establishment, enforcement, or modification of a 42744
support order or the rendition of a judgment determining parentage 42745
of a child. 42746

(B) An affidavit, a document substantially complying with 42747
federally mandated forms, or a document incorporated by reference 42748
in any of them, which would not be excluded under the hearsay rule 42749
if given in person, is admissible in evidence if given under 42750
penalty of perjury by a party or witness residing outside this 42751
state. 42752

(C) A copy of the record of child-support payments certified 42753
as a true copy of the original by the custodian of the record may 42754
be forwarded to a responding tribunal. The copy is evidence of 42755
facts asserted in it, and is admissible to show whether payments 42756
were made. 42757

(D) Copies of bills for testing for parentage of a child, and 42758
for prenatal and postnatal health care of the mother and child, 42759
furnished to the adverse party at least ten days before trial, are 42760
admissible in evidence to prove the amount of the charges billed 42761
and that the charges were reasonable, necessary, and customary. 42762

(E) Documentary evidence transmitted from outside this state 42763
to a tribunal of this state by telephone, telecopier, or other 42764
electronic means that do not provide an original record may not be 42765
excluded from evidence on an objection based on the means of 42766
transmission. 42767

(F) In a proceeding under this chapter, a tribunal of this 42768
state shall permit a party or witness residing outside this state 42769

to be deposed or to testify under penalty of perjury by telephone, 42770
audiovisual means, or other electronic means at a designated 42771
tribunal or other location. A tribunal or support enforcement 42772
agency of this state shall cooperate with other tribunals in 42773
designating an appropriate location for the deposition or 42774
testimony. 42775

(G) If a party called to testify at a civil hearing refuses 42776
to answer on the ground that the testimony may be 42777
self-incriminating, the trier of fact may draw an adverse 42778
inference from the refusal. 42779

(H) A privilege against disclosure of communications between 42780
spouses does not apply in a proceeding under this chapter. 42781

(I) The defense of immunity based on the relationship of 42782
husband and wife or parent and child does not apply in a 42783
proceeding under this chapter. 42784

(J) A voluntary acknowledgment of paternity, certified as a 42785
true copy, is admissible to establish parentage of the child. 42786

Sec. 3115.317. A tribunal of this state may communicate with 42787
a tribunal outside this state in a record or by telephone, 42788
electronic mail, or other means to obtain information concerning 42789
the laws, the legal effect of a judgment, decree, or order of that 42790
tribunal and the status of a proceeding. A tribunal of this state 42791
may furnish similar information by similar means to a tribunal 42792
outside this state. 42793

Sec. 3115.318. A tribunal of this state may do both of the 42794
following: 42795

(A) Request a tribunal outside this state to assist in 42796
obtaining discovery; 42797

(B) Upon request, compel a person over which it has 42798

jurisdiction to respond to a discovery order issued by a tribunal 42799
outside this state. 42800

Sec. 3115.319. (A) A support enforcement agency or tribunal 42801
of this state shall disburse promptly any amounts received 42802
pursuant to a support order, as directed by the order. The agency 42803
or tribunal shall furnish to a requesting party or tribunal of 42804
another state or a foreign country a certified statement by the 42805
custodian of the record of the amounts and dates of all payments 42806
received. 42807

(B) If neither the obligor, nor the obligee who is an 42808
individual, nor the child resides in this state, upon request from 42809
the support enforcement agency of this state or another state, the 42810
support enforcement agency of this state or a tribunal of this 42811
state shall do both of the following: 42812

(1) Direct that the support payment be made to the support 42813
enforcement agency in the state in which the obligee is receiving 42814
services; and 42815

(2) Issue and send to the obligor's employer or other payor a 42816
conforming income-withholding order or an administrative notice of 42817
change of payee, reflecting the redirected payments. 42818

(C) The support enforcement agency of this state receiving 42819
redirected payments from another state pursuant to a law similar 42820
to division (B) of this section shall furnish to a requesting 42821
party or tribunal of the other state a certified statement by the 42822
custodian of the record of the amount and dates of all payments 42823
received. 42824

Sec. 3115.401. (A) If a support order entitled to recognition 42825
under this chapter has not been issued, a responding tribunal of 42826
this state with personal jurisdiction over the parties may issue a 42827
support order if either of the following applies: 42828

<u>(1) The individual seeking the order resides outside this state.</u>	42829
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<u>(2) The support enforcement agency seeking the order is located outside this state.</u>	42831
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<u>(B) The tribunal may issue a temporary child-support order if the tribunal determines that such an order is appropriate and the individual ordered to pay is any of the following:</u>	42833
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<u>(1) A presumed father of the child;</u>	42836
<u>(2) Petitioning to have his paternity adjudicated;</u>	42837
<u>(3) Identified as the father of the child through genetic testing;</u>	42838
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<u>(4) An alleged father who has declined to submit to genetic testing;</u>	42840
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<u>(5) Shown by clear and convincing evidence to be the father of the child;</u>	42842
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<u>(6) An acknowledged father as provided by section 3111.20 to 3111.35 of the Revised Code;</u>	42844
	42845
<u>(7) The mother of the child;</u>	42846
<u>(8) An individual who has been ordered to pay child support in a previous proceeding and the order has not been reversed or vacated.</u>	42847
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<u>(C) Upon finding, after notice and opportunity to be heard, that an obligor owes a duty of support, the tribunal shall issue a support order directed to the obligor and may issue other orders pursuant to section 3115.305 of the Revised Code.</u>	42850
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<u>Sec. 3115.402.</u> A tribunal of this state authorized to	42854
<u>determine parentage of a child may serve as a responding tribunal in a proceeding to determine parentage of a child brought under this chapter or a law or procedure substantially similar to this</u>	42855
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chapter. 42858

Sec. 3115.501. An income-withholding order issued in another 42859
state may be sent by or on behalf of the obligee, or by the 42860
support enforcement agency, to the person defined as the obligor's 42861
employer or other payor under Chapter 3121. of the Revised Code 42862
without first filing a petition or comparable pleading or 42863
registering the order with a tribunal of this state. 42864

Sec. 3115.502. (A) Upon receipt of an income-withholding 42865
order, the obligor's employer or other payor shall immediately 42866
provide a copy of the order to the obligor. 42867

(B) The employer or other payor shall treat an 42868
income-withholding order issued in another state that appears 42869
regular on its face as if it had been issued by a tribunal of this 42870
state. 42871

(C) Except as otherwise provided in division (D) of this 42872
section and section 3115.503 of the Revised Code, the employer or 42873
other payor shall withhold and distribute the funds as directed in 42874
the withholding order by complying with terms of the order that 42875
specify any of the following: 42876

(1) The duration and amount of periodic payments of current 42877
child support, stated as a sum certain; 42878

(2) The person designated to receive payments and the address 42879
to which the payments are to be forwarded; 42880

(3) Medical support, whether in the form of periodic cash 42881
payment, stated as a sum certain, or ordering the obligor to 42882
provide health insurance coverage for the child under a policy 42883
available through the obligor's employment; 42884

(4) The amount of periodic payments of fees and costs for a 42885
support enforcement agency, the issuing tribunal, and the 42886

<u>obligee's attorney, stated as sums certain;</u>	42887
<u>(5) The amount of periodic payments of arrearages and interest on arrearages, stated as sums certain.</u>	42888
<u>(D) An employer or other payor shall comply with the law of the state of the obligor's principal place of employment for withholding from income with respect to all of the following:</u>	42890
<u>(1) The employer's or other payor's fee for processing an income-withholding order;</u>	42893
<u>(2) The maximum amount permitted to be withheld from the obligor's income;</u>	42895
<u>(3) The times within which the employer or other payor must implement the withholding order and forward the child-support payment.</u>	42897
<u>Sec. 3115.503. If an obligor's employer or other payor receives two or more income-withholding orders with respect to the earnings of the same obligor, the employer or other payor satisfies the terms of the orders if the employer or other payor complies with the law of the state of the obligor's principal place of employment to establish the priorities for withholding and allocating income withheld for two or more child-support obligees.</u>	42900
<u>Sec. 3115.504. An employer or other payor that complies with an income-withholding order issued in another state in accordance with sections 3115.501 to 3115.507 of the Revised Code is not subject to civil liability to an individual or agency with regard to the employer's or other payor's withholding of child support from the obligor's income.</u>	42908
<u>Sec. 3115.505. An employer or other payor that willfully fails to comply with an income-withholding order issued in another</u>	42914

state and received for enforcement is subject to the same 42916
penalties that may be imposed for noncompliance with an order 42917
issued by a tribunal of this state. 42918

Sec. 3115.506. (A) An obligor may contest the validity or 42919
enforcement of an income-withholding order issued in another state 42920
and received directly by an employer or other payor in this state 42921
by registering the order in a court of this state and filing a 42922
contest to that order as provided in sections 3115.601 to 3115.616 42923
of the Revised Code, or otherwise contesting the order in the same 42924
manner as if the order had been issued by a tribunal of this 42925
state. 42926

(B) The obligor shall give notice of the contest to all of 42927
the following: 42928

(1) A support enforcement agency providing services to the 42929
obligee; 42930

(2) Each employer or other payor that has directly received 42931
an income-withholding order relating to the obligor; 42932

(3) The person designated to receive payments in the 42933
income-withholding order or, if no person is designated, the 42934
obligee. 42935

Sec. 3115.507. (A) A party or support enforcement agency 42936
seeking to enforce a support order or an income-withholding order, 42937
or both, issued in another state or a foreign support order may 42938
send the documents required for registering the order to a support 42939
enforcement agency of this state. 42940

(B) Upon receipt of the documents, the support enforcement 42941
agency, without initially seeking to register the order, shall 42942
consider and, if appropriate, use any administrative procedure 42943
authorized by the law of this state to enforce a support order or 42944

income-withholding order, or both. If the obligor does not contest 42945
administrative enforcement, the order need not be registered. If 42946
the obligor contests the validity or administrative enforcement of 42947
the order, the support enforcement agency shall register the order 42948
pursuant to this chapter. 42949

Sec. 3115.601. A support order or income-withholding order 42950
issued in another state or a foreign support order may be 42951
registered in this state for enforcement. 42952

Sec. 3115.602. (A) Except as otherwise provided in section 42953
3115.706 of the Revised Code, a support order or 42954
income-withholding order of another state or a foreign support 42955
order may be registered in this state by sending the following 42956
records to the appropriate tribunal in this state: 42957

(1) A letter of transmittal to the tribunal requesting 42958
registration and enforcement; 42959

(2) Two copies, including one certified copy, of the order to 42960
be registered, including any modification of the order; 42961

(3) A sworn statement by the person requesting registration 42962
or a certified statement by the custodian of the records showing 42963
the amount of any arrearage; 42964

(4) The name of the obligor and, if known, all of the 42965
following: 42966

(a) The obligor's address and social security number; 42967

(b) The name and address of the obligor's employer or other 42968
payor and any other source of income of the obligor; 42969

(c) A description and the location of property of the obligor 42970
in this state not exempt from execution. 42971

(5) Except as otherwise provided in section 3115.312 of the 42972
Revised Code, the name and address of the obligee and, if 42973

applicable, the person to whom support payments are to be 42974
remitted. 42975

(B) On receipt of a request for registration, the registering 42976
tribunal shall cause the order to be filed as an order of a 42977
tribunal of another state or a foreign support order, together 42978
with one copy of the documents and information, regardless of 42979
their form. 42980

(C) A petition or comparable pleading seeking a remedy that 42981
must be affirmatively sought under other law of this state may be 42982
filed at the same time as the request for registration or later. 42983
The pleading must specify the grounds for the remedy sought. 42984

(D) If two or more orders are in effect, the person 42985
requesting registration shall do all of the following: 42986

(1) Furnish to the tribunal a copy of every support order 42987
asserted to be in effect in addition to the documents specified in 42988
this section; 42989

(2) Specify the order alleged to be the controlling order, if 42990
any; and 42991

(3) Specify the amount of consolidated arrears, if any. 42992

(E) A request for a determination of which is the controlling 42993
order may be filed separately or with a request for registration 42994
and enforcement or for registration and modification. The person 42995
requesting registration shall give notice of the request to each 42996
party whose rights may be affected by the determination. 42997

Sec. 3115.603. (A) A support order or income-withholding 42998
order issued in another state or a foreign support order is 42999
registered when the order is filed in the registering tribunal of 43000
this state. 43001

(B) A registered support order issued in another state or a 43002
foreign country is enforceable in the same manner and is subject 43003

to the same procedures as an order issued by a tribunal of this 43004
state. 43005

(C) Except as otherwise provided in this chapter, a tribunal 43006
of this state shall recognize and enforce, but may not modify, a 43007
registered support order if the issuing tribunal had jurisdiction. 43008

Sec. 3115.604. (A) Except as otherwise provided in division 43009
(D) of this section, the law of the issuing state or foreign 43010
country governs all of the following: 43011

(1) The nature, extent, amount, and duration of current 43012
payments under a registered support order; 43013

(2) The computation and payment of arrearages and accrual of 43014
interest on the arrearages under the support order; 43015

(3) The existence and satisfaction of other obligations under 43016
the support order. 43017

(B) In a proceeding for arrears under a registered support 43018
order, the statute of limitation of this state, or of the issuing 43019
state or foreign country, whichever is longer, applies. 43020

(C) A responding tribunal of this state shall apply the 43021
procedures and remedies of this state to enforce current support 43022
and collect arrears and interest due on a support order of another 43023
state or a foreign country registered in this state. 43024

(D) After a tribunal of this state or another state 43025
determines which is the controlling order and issues an order 43026
consolidating arrears, if any, a tribunal of this state shall 43027
prospectively apply the law of the state or foreign country 43028
issuing the controlling order, including its law on interest on 43029
arrears, on current and future support, and on consolidated 43030
arrears. 43031

Sec. 3115.605. (A) When a support order or income-withholding 43032

order issued in another state or a foreign support order is 43033
registered, the registering tribunal of this state shall notify 43034
the nonregistering party. The notice must be accompanied by a copy 43035
of the registered order and the documents and relevant information 43036
accompanying the order. 43037

(B) A notice must inform the nonregistering party of all of 43038
the following: 43039

(1) That a registered support order is enforceable as of the 43040
date of registration in the same manner as an order issued by a 43041
tribunal of this state; 43042

(2) That a hearing to contest the validity or enforcement of 43043
the registered order must be requested within twenty days after 43044
notice unless the registered order is under section 3115.707 of 43045
the Revised Code; 43046

(3) That failure to contest the validity or enforcement of 43047
the registered order in a timely manner will result in 43048
confirmation of the order and enforcement of the order and the 43049
alleged arrearages; 43050

(4) The amount of any alleged arrearages. 43051

(C) If the registering party asserts that two or more orders 43052
are in effect, a notice must also do all of the following: 43053

(1) Identify the two or more orders and the order alleged by 43054
the registering party to be the controlling order and the 43055
consolidated arrears, if any; 43056

(2) Notify the nonregistering party of the right to a 43057
determination of which is the controlling order; 43058

(3) State that the procedures provided in division (B) of 43059
this section apply to the determination of which is the 43060
controlling order; 43061

(4) State that failure to contest the validity or enforcement of the order alleged to be the controlling order in a timely manner may result in confirmation that the order is the controlling order. 43062
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(D) Upon registration of an income-withholding order for enforcement, the support enforcement agency or the registering tribunal shall notify the obligor's employer or other payor pursuant to Chapter 3121. of the Revised Code. 43066
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Sec. 3115.606. (A) A nonregistering party seeking to contest the validity or enforcement of a registered support order in this state shall request a hearing within the time required by section 3115.605 of the Revised Code. The nonregistering party may seek to vacate the registration, to assert any defense to an allegation of noncompliance with the registered order, or to contest the remedies being sought or the amount of any alleged arrearages pursuant to section 3115.607 of the Revised Code. 43070
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(B) If the nonregistering party fails to contest the validity or enforcement of the registered support order in a timely manner, the order is confirmed by operation of law. 43078
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(C) If a nonregistering party requests a hearing to contest the validity or enforcement of the registered support order, the registering tribunal shall schedule the matter for hearing and give notice to the parties of the date, time, and place of the hearing. 43081
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Sec. 3115.607. (A) A party contesting the validity or enforcement of a registered support order or seeking to vacate the registration has the burden of proving one or more of the following defenses: 43086
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(1) The issuing tribunal lacked personal jurisdiction over the contesting party. 43090
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<u>(2) The order was obtained by fraud.</u>	43092
<u>(3) The order has been vacated, suspended, or modified by a later order.</u>	43093 43094
<u>(4) The issuing tribunal has stayed the order pending appeal.</u>	43095
<u>(5) There is a defense under the law of this state to the remedy sought.</u>	43096 43097
<u>(6) Full or partial payment has been made.</u>	43098
<u>(7) The statute of limitation under section 3115.604 of the Revised Code precludes enforcement of some or all of the alleged arrearages.</u>	43099 43100 43101
<u>(8) The alleged controlling order is not the controlling order.</u>	43102 43103
<u>(B) If a party presents evidence establishing a full or partial defense under division (A) of this section, a tribunal may stay enforcement of a registered support order, continue the proceeding to permit production of additional relevant evidence, and issue other appropriate orders. An uncontested portion of the registered support order may be enforced by all remedies available under the law of this state.</u>	43104 43105 43106 43107 43108 43109 43110
<u>(C) If the contesting party does not establish a defense under division (A) of this section to the validity or enforcement of a registered support order, the registering tribunal shall issue an order confirming the order.</u>	43111 43112 43113 43114
<u>Sec. 3115.608. Confirmation of a registered support order, whether by operation of law or after notice and hearing, precludes further contest of the order with respect to any matter that could have been asserted at the time of registration.</u>	43115 43116 43117 43118
<u>Sec. 3115.609. A party or support enforcement agency seeking to modify, or to modify and enforce, a child-support order issued</u>	43119 43120

in another state shall register that order in this state in the 43121
same manner provided in sections 3115.601 to 3115.608 of the 43122
Revised Code if the order has not been registered. A petition for 43123
modification may be filed at the same time as a request for 43124
registration, or later. The pleading must specify the grounds for 43125
modification. 43126

Sec. 3115.610. A tribunal of this state may enforce a 43127
child-support order of another state registered for purposes of 43128
modification, in the same manner as if the order had been issued 43129
by a tribunal of this state, but the registered support order may 43130
be modified only if the requirements of section 3115.611 or 43131
3115.613 of the Revised Code have been met. 43132

Sec. 3115.611. (A) If section 3115.613 of the Revised Code 43133
does not apply, upon petition a tribunal of this state may modify 43134
a child-support order issued in another state which is registered 43135
in this state if, after notice and hearing, the tribunal finds 43136
either of the following: 43137

(1) That all of the following requirements are met: 43138

(a) Neither the child, nor the obligee who is an individual, 43139
nor the obligor resides in the issuing state; 43140

(b) A petitioner who is a nonresident of this state seeks 43141
modification; and 43142

(c) The respondent is subject to the personal jurisdiction of 43143
the tribunal of this state. 43144

(2) That this state is the residence of the child, or a party 43145
who is an individual is subject to the personal jurisdiction of 43146
the tribunal of this state, and all of the parties who are 43147
individuals have filed consents in a record in the issuing 43148
tribunal for a tribunal of this state to modify the support order 43149

and assume continuing, exclusive jurisdiction. 43150

(B) Modification of a registered child-support order is 43151
subject to the same requirements, procedures, and defenses that 43152
apply to the modification of an order issued by a tribunal of this 43153
state and the order may be enforced and satisfied in the same 43154
manner. 43155

(C) A tribunal of this state may not modify any aspect of a 43156
child-support order that may not be modified under the law of the 43157
issuing state, including the duration of the obligation of 43158
support. If two or more tribunals have issued child-support orders 43159
for the same obligor and same child, the order that controls and 43160
must be so recognized under section 3115.207 of the Revised Code 43161
establishes the aspects of the support order which are 43162
nonmodifiable. 43163

(D) In a proceeding to modify a child-support order, the law 43164
of the state that is determined to have issued the initial 43165
controlling order governs the duration of the obligation of 43166
support. The obligor's fulfillment of the duty of support 43167
established by that order precludes imposition of a further 43168
obligation of support by a tribunal of this state. 43169

(E) On the issuance of an order by a tribunal of this state 43170
modifying a child-support order issued in another state, the 43171
tribunal of this state becomes the tribunal having continuing, 43172
exclusive jurisdiction. 43173

(F) Notwithstanding divisions (A) to (E) of this section and 43174
division (B) of section 3115.201 of the Revised Code, a tribunal 43175
of this state retains jurisdiction to modify an order issued by a 43176
tribunal of this state if both of the following apply: 43177

(1) One party resides in another state. 43178

(2) The other party resides outside the United States. 43179

Sec. 3115.612. If a child-support order issued by a tribunal of this state is modified by a tribunal of another state which assumed jurisdiction pursuant to its uniform interstate family support act, a tribunal of this state: 43180
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(A) May enforce its order that was modified only as to arrears and interest accruing before the modification; 43184
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(B) May provide appropriate relief for violations of its order that occurred before the effective date of the modification; 43186
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(C) Shall recognize the modifying order of the other state, upon registration, for the purpose of enforcement. 43188
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Sec. 3115.613. (A) If all of the parties who are individuals reside in this state and the child does not reside in the issuing state, a court of this state has jurisdiction to enforce and to modify the issuing state's child-support order in a proceeding to register that order. 43190
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(B) A court of this state exercising jurisdiction under this section shall apply the provisions of sections 3115.102 to 3115.211 and sections 3115.601 to 3115.616 of the Revised Code and the procedural and substantive law of this state to the proceeding for enforcement or modification. Sections 3115.301 to 3115.507 and sections 3115.701 to 3115.802 of the Revised Code do not apply. 43195
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Sec. 3115.614. Within thirty days after issuance of a modified child-support order, the party obtaining the modification shall file a certified copy of the order with the issuing tribunal that had continuing, exclusive jurisdiction over the earlier order, and in each tribunal in which the party knows the earlier order has been registered. A party who obtains the order and fails to file a certified copy is subject to appropriate sanctions by a tribunal in which the issue of failure to file arises. The failure 43201
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to file does not affect the validity or enforceability of the 43209
modified order of the new tribunal having continuing, exclusive 43210
jurisdiction. 43211

Sec. 3115.615. (A) Except as otherwise provided in section 43212
3115.711 of the Revised Code, if a foreign country lacks or 43213
refuses to exercise jurisdiction to modify its child-support order 43214
pursuant to its laws, a court of this state may assume 43215
jurisdiction to modify the child-support order and bind all 43216
individuals subject to the personal jurisdiction of the court 43217
whether the consent to modification of a child-support order 43218
otherwise required of the individual pursuant to section 3115.611 43219
of the Revised Code has been given or whether the individual 43220
seeking modification is a resident of this state or of the foreign 43221
country. 43222

(B) An order issued by a court of this state modifying a 43223
foreign child-support order pursuant to this section is the 43224
controlling order. 43225

Sec. 3115.616. A party or support enforcement agency seeking 43226
to modify, or to modify and enforce, a foreign child-support order 43227
not under the convention may register that order in this state 43228
under sections 3115.601 to 3115.608 of the Revised Code if the 43229
order has not been registered. A petition for modification may be 43230
filed at the same time as a request for registration, or at 43231
another time. The petition must specify the grounds for 43232
modification. 43233

Sec. 3115.701. As used in sections 3115.701 to 3115.713 of 43234
the Revised Code: 43235

(A) "Application" means a request under the convention by an 43236
obligee or obligor, or on behalf of a child, made through a 43237

<u>central authority for assistance from another central authority.</u>	43238
<u>(B) "Central authority" means the entity designated by the</u>	43239
<u>United States or a foreign country described in division (E)(4) of</u>	43240
<u>section 3115.102 of the Revised Code to perform the functions</u>	43241
<u>specified in the convention.</u>	43242
<u>(C) "Convention support order" means a support order of a</u>	43243
<u>tribunal of a foreign country described in division (E)(4) of</u>	43244
<u>section 3115.102 of the Revised Code.</u>	43245
<u>(D) "Direct request" means a petition filed by an individual</u>	43246
<u>in a tribunal of this state in a proceeding involving an obligee,</u>	43247
<u>obligor, or child residing outside the United States.</u>	43248
<u>(E) "Foreign central authority" means the entity designated</u>	43249
<u>by a foreign country described in division (E)(4) of section</u>	43250
<u>3115.102 of the Revised Code to perform the functions specified in</u>	43251
<u>the convention.</u>	43252
<u>(F) "Foreign support agreement" means an agreement that meets</u>	43253
<u>the following criteria:</u>	43254
<u>(1) It is an agreement for support in a record to which all</u>	43255
<u>of the following apply:</u>	43256
<u>(a) It is enforceable as a support order in the country of</u>	43257
<u>origin.</u>	43258
<u>(b) One of the following applies:</u>	43259
<u>(i) It has been formally drawn up or registered as an</u>	43260
<u>authentic instrument by a foreign tribunal; or</u>	43261
<u>(ii) It has been authenticated by, or concluded, registered,</u>	43262
<u>or filed with a foreign tribunal.</u>	43263
<u>(c) It may be reviewed and modified by a foreign tribunal.</u>	43264
<u>(2) It includes a maintenance arrangement or authentic</u>	43265
<u>instrument under the convention.</u>	43266

(G) "United States central authority" means the secretary of the United States department of health and human services. 43267
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Sec. 3115.702. Sections 3115.701 to 3115.713 of the Revised Code apply only to a support proceeding under the convention. In such a proceeding, if a provision of sections 3115.701 to 3115.713 of the Revised Code is inconsistent with sections 3115.102 to 3115.616 of the Revised Code, sections 3115.701 to 3115.713 control. 43269
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Sec. 3115.703. The department of job and family services is recognized as the agency designated by the United States central authority to perform specific functions under the convention. 43275
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Sec. 3115.704. (A) In a support proceeding under sections 3115.701 to 3115.713 of the Revised Code, the support enforcement agency shall do both of the following: 43278
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(1) Transmit and receive applications; 43281

(2) Initiate or facilitate the institution of a proceeding regarding an application in a court of this state. 43282
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(B) The following support proceedings are available to an obligee under the convention: 43284
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(1) Recognition or recognition and enforcement of a foreign support order; 43286
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(2) Enforcement of a support order issued or recognized in this state; 43288
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(3) Establishment of a support order if there is no existing order, including, if necessary, determination of parentage of a child; 43290
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(4) Establishment of a support order if recognition of a foreign support order is refused under division (B)(2), (4), or 43293
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<u>(9) of section 3115.708 of the Revised Code;</u>	43295
<u>(5) Modification of a support order of a tribunal of this state;</u>	43296
<u>state;</u>	43297
<u>(6) Modification of a support order of a tribunal of another state or a foreign country.</u>	43298
<u>(6) Modification of a support order of a tribunal of another state or a foreign country.</u>	43299
<u>(C) The following support proceedings are available under the convention to an obligor against which there is an existing support order:</u>	43300
<u>convention to an obligor against which there is an existing support order:</u>	43301
<u>support order:</u>	43302
<u>(1) Recognition of an order suspending or limiting enforcement of an existing support order of a tribunal of this state;</u>	43303
<u>enforcement of an existing support order of a tribunal of this state;</u>	43304
<u>state;</u>	43305
<u>(2) Modification of a support order of a tribunal of this state;</u>	43306
<u>state;</u>	43307
<u>(3) Modification of a support order of a tribunal of another state or a foreign country.</u>	43308
<u>state or a foreign country.</u>	43309
<u>(D) A tribunal of this state may not require security, bond, or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.</u>	43310
<u>or deposit, however described, to guarantee the payment of costs and expenses in proceedings under the convention.</u>	43311
<u>and expenses in proceedings under the convention.</u>	43312
<u>Sec. 3115.705. (A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.</u>	43313
<u>Sec. 3115.705. (A) A petitioner may file a direct request seeking establishment or modification of a support order or determination of parentage of a child. In the proceeding, the law of this state applies.</u>	43314
<u>determination of parentage of a child. In the proceeding, the law of this state applies.</u>	43315
<u>of this state applies.</u>	43316
<u>(B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.</u>	43317
<u>(B) A petitioner may file a direct request seeking recognition and enforcement of a support order or support agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.</u>	43318
<u>agreement. In the proceeding, sections 3115.706 to 3115.713 of the Revised Code apply.</u>	43319
<u>Revised Code apply.</u>	43320
<u>(C) In a direct request for recognition and enforcement of a convention support order or foreign support agreement, both of the following apply:</u>	43321
<u>convention support order or foreign support agreement, both of the following apply:</u>	43322
<u>following apply:</u>	43323

(1) A security, bond, or deposit is not required to guarantee the payment of costs and expenses. 43324
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(2) An obligee or obligor that in the issuing country has benefited from free legal assistance is entitled to benefit, at least to the same extent, from any free legal assistance provided for by the law of this state under the same circumstances. 43326
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(D) A petitioner filing a direct request is not entitled to assistance from the support enforcement agency. 43330
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(E) Sections 3115.701 to 3115.713 of the Revised Code do not prevent the application of laws of this state that provide simplified, more expeditious rules regarding a direct request for recognition and enforcement of a foreign support order or foreign support agreement. 43332
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Sec. 3115.706. (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, a party who is an individual or a support enforcement agency seeking recognition of a convention support order shall register the order in this state as provided in sections 3115.601 to 3115.616 of the Revised Code. 43337
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(B) Notwithstanding sections 3115.311 and division (A) of section 3115.602 of the Revised Code, a request for registration of a convention support order must be accompanied by all of the following: 43342
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(1) A complete text of the support order or an abstract or extract of the support order drawn up by the issuing foreign tribunal, which may be in the form recommended by the Hague conference on private international law; 43346
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(2) A record stating that the support order is enforceable in the issuing country; 43350
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(3) If the respondent did not appear and was not represented in the proceedings in the issuing country, a record attesting, as 43352
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appropriate, either that the respondent had proper notice of the proceedings and an opportunity to be heard or that the respondent had proper notice of the support order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal; 43354
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(4) A record showing the amount of arrears, if any, and the date the amount was calculated; 43358
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(5) A record showing a requirement for automatic adjustment of the amount of support, if any, and the information necessary to make the appropriate calculations; and 43360
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(6) If necessary, a record showing the extent to which the applicant received free legal assistance in the issuing country. 43363
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(C) A request for registration of a convention support order may seek recognition and partial enforcement of the order. 43365
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(D) A court of this state may vacate the registration of a convention support order without the filing of a contest under section 3115.707 of the Revised Code only if, acting on its own motion, the court finds that recognition and enforcement of the order would be manifestly incompatible with public policy. 43367
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(E) The court shall promptly notify the parties of the registration or the order vacating the registration of a convention support order. 43372
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Sec. 3115.707. (A) Except as otherwise provided in sections 3115.701 to 3115.713 of the Revised Code, sections 3115.605 to 3115.608 of the Revised Code apply to a contest of a registered convention support order. 43375
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(B) A party contesting a registered convention support order shall file a contest not later than thirty days after notice of the registration, but if the contesting party does not reside in the United States, the contest must be filed not later than sixty days after notice of the registration. 43379
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(C) If the nonregistering party fails to contest the registered convention support order by the time specified in division (B) of this section, the order is enforceable. 43384
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(D) A contest of a registered convention support order may be based only on grounds set forth in section 3115.708 of the Revised Code. The contesting party bears the burden of proof. 43387
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(E) In a contest of a registered convention support order, both of the following apply: 43390
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(1) A court of this state is bound by the findings of fact on which the foreign tribunal based its jurisdiction. 43392
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(2) A court of this state may not review the merits of the order. 43394
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(F) A court of this state deciding a contest of a registered convention support order shall promptly notify the parties of its decision. 43396
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(G) A challenge or appeal, if any, does not stay the enforcement of a convention support order unless there are exceptional circumstances. 43399
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Sec. 3115.708. (A) Except as otherwise provided in division (B) of this section, a court of this state shall recognize and enforce a registered convention support order. 43402
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(B) The following grounds are the only grounds on which a court of this state may refuse recognition and enforcement of a registered convention support order: 43405
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(1) Recognition and enforcement of the order is manifestly incompatible with public policy, including the failure of the issuing tribunal to observe minimum standards of due process, which include notice and an opportunity to be heard. 43408
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(2) The issuing tribunal lacked personal jurisdiction 43412

<u>consistent with section 3115.201 of the Revised Code.</u>	43413
<u>(3) The order is not enforceable in the issuing country.</u>	43414
<u>(4) The order was obtained by fraud in connection with a matter of procedure.</u>	43415 43416
<u>(5) A record transmitted in accordance with section 3115.706 of the Revised Code lacks authenticity or integrity.</u>	43417 43418
<u>(6) A proceeding between the same parties and having the same purpose is pending before a tribunal of this state and that proceeding was the first to be filed.</u>	43419 43420 43421
<u>(7) The order is incompatible with a more recent support order involving the same parties and having the same purpose if the more recent support order is entitled to recognition and enforcement under this chapter in this state.</u>	43422 43423 43424 43425
<u>(8) Payment, to the extent alleged arrears have been paid in whole or in part;</u>	43426 43427
<u>(9) In a case in which the respondent neither appeared nor was represented in the proceeding in the issuing foreign country either of the following applies:</u>	43428 43429 43430
<u>(a) If the law of that country provides for prior notice of proceedings, the respondent did not have proper notice of the proceedings and an opportunity to be heard.</u>	43431 43432 43433
<u>(b) If the law of that country does not provide for prior notice of the proceedings, the respondent did not have proper notice of the order and an opportunity to be heard in a challenge or appeal on fact or law before a tribunal.</u>	43434 43435 43436 43437
<u>(10) The order was made in violation of section 3115.711 of the Revised Code.</u>	43438 43439
<u>(C) If a court of this state does not recognize a convention support order under division (B)(2), (4), or (9) of this section, both of the following apply:</u>	43440 43441 43442

(1) The court may not dismiss the proceeding without allowing a reasonable time for a party to request the establishment of a new convention support order. 43443
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(2) The support enforcement agency shall take all appropriate measures to request a child-support order for the obligee if the application for recognition and enforcement was received under section 3115.704 of the Revised Code. 43446
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Sec. 3115.709. If a court of this state does not recognize and enforce a convention support order in its entirety, it shall enforce any severable part of the order. An application or direct request may seek recognition and partial enforcement of a convention support order. 43450
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Sec. 3115.710. (A) Except as otherwise provided in divisions (C) and (D) of this section, a court of this state shall recognize and enforce a foreign support agreement registered in this state. 43455
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(B) An application or direct request for recognition and enforcement of a foreign support agreement must be accompanied by both of the following: 43458
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(1) A complete text of the foreign support agreement; 43461

(2) A record stating that the foreign support agreement is enforceable as an order of support in the issuing country. 43462
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(C) A court of this state may vacate the registration of a foreign support agreement only if, acting on its own motion, the court finds that recognition and enforcement would be manifestly incompatible with public policy. 43464
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(D) In a contest of a foreign support agreement, a court of this state may refuse recognition and enforcement of the agreement if it finds any of the following: 43468
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(1) Recognition and enforcement of the agreement is 43471

<u>manifestly incompatible with public policy.</u>	43472
<u>(2) The agreement was obtained by fraud or falsification.</u>	43473
<u>(3) The agreement is incompatible with a support order</u>	43474
<u>involving the same parties and having the same purpose in this</u>	43475
<u>state, another state, or a foreign country if the support order is</u>	43476
<u>entitled to recognition and enforcement under this chapter in this</u>	43477
<u>state.</u>	43478
<u>(4) The record submitted under division (B) of this section</u>	43479
<u>lacks authenticity or integrity.</u>	43480
<u>(E) A proceeding for recognition and enforcement of a foreign</u>	43481
<u>support agreement must be suspended during the pendency of a</u>	43482
<u>challenge to or appeal of the agreement before a tribunal of</u>	43483
<u>another state or a foreign country.</u>	43484
<u>Sec. 3115.711. (A) A court of this state may not modify a</u>	43485
<u>convention child-support order if the obligee remains a resident</u>	43486
<u>of the foreign country where the support order was issued unless</u>	43487
<u>one of the following applies:</u>	43488
<u>(1) The obligee submits to the jurisdiction of a court of</u>	43489
<u>this state, either expressly or by defending on the merits of the</u>	43490
<u>case without objecting to the jurisdiction at the first available</u>	43491
<u>opportunity.</u>	43492
<u>(2) The foreign tribunal lacks or refuses to exercise</u>	43493
<u>jurisdiction to modify its support order or issue a new support</u>	43494
<u>order.</u>	43495
<u>(B) If a court of this state does not modify a convention</u>	43496
<u>child-support order because the order is not recognized in this</u>	43497
<u>state, division (C) of section 3115.708 of the Revised Code</u>	43498
<u>applies.</u>	43499
<u>Sec. 3115.712. Personal information gathered or transmitted</u>	43500

under sections 3115.701 to 3115.713 of the Revised Code may be 43501
used only for the purposes for which it was gathered or 43502
transmitted. 43503

Sec. 3115.713. A record filed with a court of this state 43504
under sections 3115.701 to 3115.713 of the Revised Code must be in 43505
the original language and, if not in English, must be accompanied 43506
by an English translation. 43507

Sec. 3115.801. (A) For purposes of sections 3115.801 to 43508
3115.802 of the Revised Code, "governor" includes an individual 43509
performing the functions of governor or the executive authority of 43510
a state covered by this chapter. 43511

(B) The governor of this state may do either of the 43512
following: 43513

(1) Demand that the governor of another state surrender an 43514
individual found in the other state who is charged criminally in 43515
this state with having failed to provide for the support of an 43516
obligee; 43517

(2) On the demand of the governor of another state, surrender 43518
an individual found in this state who is charged criminally in the 43519
other state with having failed to provide for the support of an 43520
obligee. 43521

(C) A provision for extradition of individuals not 43522
inconsistent with this chapter applies to the demand even if the 43523
individual whose surrender is demanded was not in the demanding 43524
state when the crime was allegedly committed and has not fled 43525
therefrom. 43526

Sec. 3115.802. (A) Before making a demand that the governor 43527
of another state surrender an individual charged criminally in 43528

this state with having failed to provide for the support of an 43529
obligee, the governor of this state may require a prosecutor of 43530
this state to demonstrate that at least sixty days previously the 43531
obligee had initiated proceedings for support pursuant to this 43532
chapter or that the proceeding would be of no avail. 43533

(B) If, under this chapter or a law substantially similar to 43534
this chapter, the governor of another state makes a demand that 43535
the governor of this state surrender an individual charged 43536
criminally in that state with having failed to provide for the 43537
support of a child or other individual to whom a duty of support 43538
is owed, the governor may require a prosecutor to investigate the 43539
demand and report whether a proceeding for support has been 43540
initiated or would be effective. If it appears that a proceeding 43541
would be effective but has not been initiated, the governor may 43542
delay honoring the demand for a reasonable time to permit the 43543
initiation of a proceeding. 43544

(C) If a proceeding for support has been initiated and the 43545
individual whose rendition is demanded prevails, the governor may 43546
decline to honor the demand. If the petitioner prevails and the 43547
individual whose rendition is demanded is subject to a support 43548
order, the governor may decline to honor the demand if the 43549
individual is complying with the support order. 43550

Sec. 3115.901. In applying and construing this chapter, 43551
consideration shall be given to the need to promote uniformity of 43552
the law with respect to its subject matter among states that enact 43553
it. 43554

Sec. 3115.902. This chapter applies to proceedings begun on 43555
or after January 1, 2016, to establish a support order or 43556
determine parentage of a child or to register, recognize, enforce, 43557
or modify a prior support order, determination, or agreement, 43558

whenever issued or entered. 43559

Sec. 3115.903. If any provision of this chapter or its 43560
application to any person or circumstance is held invalid, the 43561
invalidity does not affect other provisions or applications of 43562
this chapter that can be given effect without the invalid 43563
provision or application, and to this end the provisions of this 43564
chapter are severable. 43565

Sec. 3119.27. (A) A court that issues or modifies a court 43566
support order, or an administrative agency that issues or modifies 43567
an administrative child support order, shall impose on the obligor 43568
under the support order a processing charge ~~that is the greater in~~ 43569
the amount of two per cent of the support payment to be collected 43570
under a support order ~~or one dollar per month~~. No court or agency 43571
may call the charge a poundage fee. 43572

(B) In each child support case that is a Title IV-D case, the 43573
department of job and family services shall annually claim 43574
twenty-five dollars from the processing charge described in 43575
division (A) of this section for federal reporting purposes if the 43576
obligee has never received assistance under Title IV-A and the 43577
department has collected at least five hundred dollars of child 43578
support for the obligee. The director of job and family services 43579
shall adopt rules under Chapter 119. of the Revised Code to 43580
implement this division, and the department shall implement this 43581
division not later than March 31, 2008. 43582

(C) As used in this section: 43583

(1) "Annual" means the period as defined in regulations 43584
issued by the United States secretary of health and human services 43585
to implement the Deficit Reduction Act of 2005 (P.L. 109-171). 43586

(2) "Title IV-A" has the same meaning as in section 5107.02 43587

of the Revised Code. 43588

(3) "Title IV-D case" has the same meaning as in section 43589
3125.01 of the Revised Code. 43590

Sec. 3121.03. If a court or child support enforcement agency 43591
that issued or modified a support order, or the agency 43592
administering the support order, is required by the Revised Code 43593
to issue one or more withholding or deduction notices described in 43594
this section or other orders described in this section, the court 43595
or agency shall issue one or more of the following types of 43596
notices or orders, as appropriate, for payment of the support and 43597
also, if required by the Revised Code or the court, to pay any 43598
arrearages: 43599

(A)(1) If the court or the child support enforcement agency 43600
determines that the obligor is receiving income from a payor, the 43601
court or agency shall require the payor to do all of the 43602
following: 43603

(a) Withhold from the obligor's income a specified amount for 43604
support in satisfaction of the support order and begin the 43605
withholding no later than fourteen business days following the 43606
date the notice is mailed or transmitted to the payor under 43607
section 3121.035, 3123.021, or 3123.06 of the Revised Code and 43608
division (A)(2) of this section or, if the payor is an employer, 43609
no later than the first pay period that occurs after fourteen 43610
business days following the date the notice is mailed or 43611
transmitted; 43612

(b) Send the amount withheld to the office of child support 43613
in the department of job and family services pursuant to section 43614
3121.43 of the Revised Code immediately but not later than seven 43615
business days after the date the obligor is paid; 43616

(c) Continue the withholding at intervals specified in the 43617

notice until further notice from the court or child support enforcement agency. 43618
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To the extent possible, the amount specified to be withheld shall satisfy the amount ordered for support in the support order plus any arrearages owed by the obligor under any prior support order that pertained to the same child or spouse, notwithstanding any applicable limitations of sections 2329.66, 2329.70, 2716.02, 2716.041, and 2716.05 of the Revised Code. However, in no case shall the sum of the amount to be withheld and any fee withheld by the payor as a charge for its services exceed the maximum amount permitted under section 303(b) of the "Consumer Credit Protection Act," 15 U.S.C. 1673(b). 43620
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(2) A court or agency that imposes an income withholding requirement shall, within the applicable time specified in section 3119.80, 3119.81, 3121.035, 3123.021, or 3123.06 of the Revised Code, send to the obligor's payor by regular mail or via secure federally managed data transmission interface a notice that contains all of the information applicable to withholding notices set forth in section 3121.037 of the Revised Code. The notice is final and is enforceable by the court. 43630
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(B)(1) If the court or child support enforcement agency determines that the obligor has funds that are not exempt under the laws of this state or the United States from execution, attachment, or other legal process and are on deposit in an account in a financial institution under the jurisdiction of the court that issued the court support order, or in the case of an administrative child support order, under the jurisdiction of the common pleas court of the county in which the agency that issued or is administering the order is located, the court or agency may require any financial institution in which the obligor's funds are on deposit to do all of the following: 43638
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(a) Deduct from the obligor's account a specified amount for 43649

support in satisfaction of the support order and begin the 43650
deduction no later than fourteen business days following the date 43651
the notice was mailed or transmitted to the financial institution 43652
under section 3121.035 or 3123.06 of the Revised Code and division 43653
(B)(2) of this section; 43654

(b) Send the amount deducted to the office of child support 43655
in the department of job and family services pursuant to section 43656
3121.43 of the Revised Code immediately but not later than seven 43657
business days after the date the latest deduction was made; 43658

(c) Provide the date on which the amount was deducted; 43659

(d) Continue the deduction at intervals specified in the 43660
notice until further notice from the court or child support 43661
enforcement agency. 43662

To the extent possible, the amount to be deducted shall 43663
satisfy the amount ordered for support in the support order plus 43664
any arrearages that may be owed by the obligor under any prior 43665
support order that pertained to the same child or spouse, 43666
notwithstanding the limitations of sections 2329.66, 2329.70, and 43667
2716.13 of the Revised Code. 43668

(2) A court or agency that imposes a deduction requirement 43669
shall, within the applicable period of time specified in section 43670
3119.80, 3119.81, 3121.035, or 3123.06 of the Revised Code, send 43671
to the financial institution by regular mail or via secure 43672
federally managed data transmission interface a notice that 43673
contains all of the information applicable to deduction notices 43674
set forth in section 3121.037 of the Revised Code. The notice is 43675
final and is enforceable by the court. 43676

(C) With respect to any court support order it issues, a 43677
court may issue an order requiring the obligor to enter into a 43678
cash bond with the court. The court shall issue the order as part 43679
of the court support order or, if the court support order has 43680

previously been issued, as a separate order. The cash bond shall 43681
be in a sum fixed by the court at not less than five hundred nor 43682
more than ten thousand dollars, conditioned that the obligor will 43683
make payment as previously ordered and will pay any arrearages 43684
under any prior court support order that pertained to the same 43685
child or spouse. 43686

The order, along with an additional order requiring the 43687
obligor to immediately notify the child support enforcement 43688
agency, in writing, if the obligor begins to receive income from a 43689
payor, shall be attached to and served on the obligor at the same 43690
time as service of the court support order or, if the court 43691
support order has previously been issued, as soon as possible 43692
after the issuance of the order under this section. The additional 43693
order requiring notice by the obligor shall state all of the 43694
following: 43695

(1) That when the obligor begins to receive income from a 43696
payor the obligor may request that the court cancel its bond order 43697
and instead issue a notice requiring the withholding of an amount 43698
from income for support in accordance with this section; 43699

(2) That when the obligor begins to receive income from a 43700
payor the court will proceed to collect on the bond if the court 43701
determines that payments due under the court support order have 43702
not been made and that the amount that has not been paid is at 43703
least equal to the support owed for one month under the court 43704
support order and will issue a notice requiring the withholding of 43705
an amount from income for support in accordance with this section. 43706
The notice required of the obligor shall include a description of 43707
the nature of any new employment, the name and business address of 43708
any new employer, and any other information reasonably required by 43709
the court. 43710

The court shall not order an obligor to post a cash bond 43711
under this section unless the court determines that the obligor 43712

has the ability to do so. 43713

A child support enforcement agency may not issue a cash bond 43714
order. If a child support enforcement agency is required to issue 43715
a withholding or deduction notice under this section with respect 43716
to a court support order but the agency determines that no 43717
withholding or deduction notice would be appropriate, the agency 43718
may request that the court issue a cash bond order under this 43719
section, and upon the request, the court may issue the order. 43720

(D)(1) If the obligor under a court support order is 43721
unemployed, has no income, and does not have an account at any 43722
financial institution, or on request of a child support 43723
enforcement agency under division (D)(1) or (2) of this section, 43724
the court shall issue an order requiring the obligor, if able to 43725
engage in employment, to seek employment or participate in a work 43726
activity to which a recipient of assistance under Title IV-A of 43727
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 43728
as amended, may be assigned as specified in section 407(d) of the 43729
"Social Security Act," 42 U.S.C.A. 607(d), as amended. The court 43730
shall include in the order ~~a requirement~~ requirements that the 43731
obligor register with OhioMeansJobs and to notify the child 43732
support enforcement agency on obtaining employment, obtaining any 43733
income, or obtaining ownership of any asset with a value of five 43734
hundred dollars or more. The court may issue the order regardless 43735
of whether the obligee to whom the obligor owes support is a 43736
recipient of assistance under Title IV-A of the "Social Security 43737
Act." The court shall issue the order as part of a court support 43738
order or, if a court support order has previously been issued, as 43739
a separate order. If a child support enforcement agency is 43740
required to issue a withholding or deduction notice under this 43741
section with respect to a court support order but determines that 43742
no withholding or deduction notice would be appropriate, the 43743
agency may request that the court issue a court order under 43744

division (D)(1) of this section, and, on the request, the court 43745
may issue the order. 43746

(2) If the obligor under an administrative child support 43747
order is unemployed, has no income, and does not have an account 43748
at any financial institution, the agency shall issue an 43749
administrative order requiring the obligor, if able to engage in 43750
employment, to seek employment or participate in a work activity 43751
to which a recipient of assistance under Title IV-A of the "Social 43752
Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, 43753
may be assigned as specified in section 407(d) of the "Social 43754
Security Act," 42 U.S.C.A. 607(d), as amended. The agency shall 43755
include in the order ~~a requirement~~ requirements that the obligor 43756
register with OhioMeansJobs and to notify the agency on obtaining 43757
employment or income, or ownership of any asset with a value of 43758
five hundred dollars or more. The agency may issue the order 43759
regardless of whether the obligee to whom the obligor owes support 43760
is a recipient of assistance under Title IV-A of the "Social 43761
Security Act." If an obligor fails to comply with an 43762
administrative order issued pursuant to division (D)(2) of this 43763
section, the agency shall submit a request to a court for the 43764
court to issue an order under division (D)(1) of this section. 43765

Sec. 3301.078. (A) No official or board of this state, 43766
whether appointed or elected, shall enter into any agreement or 43767
memorandum of understanding with any federal or private entity 43768
that would require the state to cede any measure of control over 43769
the development, adoption, or revision of academic content 43770
standards. 43771

(B) No funds appropriated from the general revenue fund shall 43772
be used to purchase an assessment developed by the partnership for 43773
assessment of readiness for college and careers for use as the 43774
assessments prescribed under sections 3301.0710 and 3301.0712 of 43775

the Revised Code. 43776

Sec. 3301.0711. (A) The department of education shall: 43777

(1) Annually furnish to, grade, and score all assessments 43778
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 43779
the Revised Code to be administered by city, local, exempted 43780
village, and joint vocational school districts, except that each 43781
district shall score any assessment administered pursuant to 43782
division (B)(10) of this section. Each assessment so furnished 43783
shall include the data verification code of the student to whom 43784
the assessment will be administered, as assigned pursuant to 43785
division (D)(2) of section 3301.0714 of the Revised Code. In 43786
furnishing the practice versions of Ohio graduation tests 43787
prescribed by division (D) of section 3301.0710 of the Revised 43788
Code, the department shall make the tests available on its web 43789
site for reproduction by districts. In awarding contracts for 43790
grading assessments, the department shall give preference to 43791
Ohio-based entities employing Ohio residents. 43792

(2) Adopt rules for the ethical use of assessments and 43793
prescribing the manner in which the assessments prescribed by 43794
section 3301.0710 of the Revised Code shall be administered to 43795
students. 43796

(B) Except as provided in divisions (C) and (J) of this 43797
section, the board of education of each city, local, and exempted 43798
village school district shall, in accordance with rules adopted 43799
under division (A) of this section: 43800

(1) Administer the English language arts assessments 43801
prescribed under division (A)(1)(a) of section 3301.0710 of the 43802
Revised Code twice annually to all students in the third grade who 43803
have not attained the score designated for that assessment under 43804
division (A)(2)(c) of section 3301.0710 of the Revised Code. 43805

(2) Administer the mathematics assessment prescribed under division (A)(1)(a) of section 3301.0710 of the Revised Code at least once annually to all students in the third grade.	43806 43807 43808
(3) Administer the assessments prescribed under division (A)(1)(b) of section 3301.0710 of the Revised Code at least once annually to all students in the fourth grade.	43809 43810 43811
(4) Administer the assessments prescribed under division (A)(1)(c) of section 3301.0710 of the Revised Code at least once annually to all students in the fifth grade.	43812 43813 43814
(5) Administer the assessments prescribed under division (A)(1)(d) of section 3301.0710 of the Revised Code at least once annually to all students in the sixth grade.	43815 43816 43817
(6) Administer the assessments prescribed under division (A)(1)(e) of section 3301.0710 of the Revised Code at least once annually to all students in the seventh grade.	43818 43819 43820
(7) Administer the assessments prescribed under division (A)(1)(f) of section 3301.0710 of the Revised Code at least once annually to all students in the eighth grade.	43821 43822 43823
(8) Except as provided in division (B)(9) of this section, administer any assessment prescribed under division (B)(1) of section 3301.0710 of the Revised Code as follows:	43824 43825 43826
(a) At least once annually to all tenth grade students and at least twice annually to all students in eleventh or twelfth grade who have not yet attained the score on that assessment designated under that division;	43827 43828 43829 43830
(b) To any person who has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code but has not received a high school diploma and who requests to take such assessment, at any	43831 43832 43833 43834 43835

time such assessment is administered in the district. 43836

(9) In lieu of the board of education of any city, local, or 43837
exempted village school district in which the student is also 43838
enrolled, the board of a joint vocational school district shall 43839
administer any assessment prescribed under division (B)(1) of 43840
section 3301.0710 of the Revised Code at least twice annually to 43841
any student enrolled in the joint vocational school district who 43842
has not yet attained the score on that assessment designated under 43843
that division. A board of a joint vocational school district may 43844
also administer such an assessment to any student described in 43845
division (B)(8)(b) of this section. 43846

(10) If the district has a three-year average graduation rate 43847
of not more than seventy-five per cent, administer each assessment 43848
prescribed by division (D) of section 3301.0710 of the Revised 43849
Code in September to all ninth grade students who entered ninth 43850
grade prior to July 1, 2014. 43851

Except as provided in section 3313.614 of the Revised Code 43852
for administration of an assessment to a person who has fulfilled 43853
the curriculum requirement for a high school diploma but has not 43854
passed one or more of the required assessments, the assessments 43855
prescribed under division (B)(1) of section 3301.0710 of the 43856
Revised Code shall not be administered after the date specified in 43857
the rules adopted by the state board of education under division 43858
(D)(1) of section 3301.0712 of the Revised Code. 43859

(11) Administer the assessments prescribed by division (B)(2) 43860
of section 3301.0710 and section 3301.0712 of the Revised Code in 43861
accordance with the timeline and plan for implementation of those 43862
assessments prescribed by rule of the state board adopted under 43863
division (D)(1) of section 3301.0712 of the Revised Code. 43864

(C)(1)(a) In the case of a student receiving special 43865
education services under Chapter 3323. of the Revised Code, the 43866

individualized education program developed for the student under 43867
that chapter shall specify the manner in which the student will 43868
participate in the assessments administered under this section. 43869
The individualized education program may excuse the student from 43870
taking any particular assessment required to be administered under 43871
this section if it instead specifies an alternate assessment 43872
method approved by the department of education as conforming to 43873
requirements of federal law for receipt of federal funds for 43874
disadvantaged pupils. To the extent possible, the individualized 43875
education program shall not excuse the student from taking an 43876
assessment unless no reasonable accommodation can be made to 43877
enable the student to take the assessment. 43878

(b) Any alternate assessment approved by the department for a 43879
student under this division shall produce measurable results 43880
comparable to those produced by the assessment it replaces in 43881
order to allow for the student's results to be included in the 43882
data compiled for a school district or building under section 43883
3302.03 of the Revised Code. 43884

(c) Any student enrolled in a chartered nonpublic school who 43885
has been identified, based on an evaluation conducted in 43886
accordance with section 3323.03 of the Revised Code or section 504 43887
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 43888
794, as amended, as a child with a disability shall be excused 43889
from taking any particular assessment required to be administered 43890
under this section if a plan developed for the student pursuant to 43891
rules adopted by the state board excuses the student from taking 43892
that assessment. In the case of any student so excused from taking 43893
an assessment, the chartered nonpublic school shall not prohibit 43894
the student from taking the assessment. 43895

(2) A district board may, for medical reasons or other good 43896
cause, excuse a student from taking an assessment administered 43897
under this section on the date scheduled, but that assessment 43898

shall be administered to the excused student not later than nine 43899
days following the scheduled date. The district board shall 43900
annually report the number of students who have not taken one or 43901
more of the assessments required by this section to the state 43902
board not later than the thirtieth day of June. 43903

(3) As used in this division, "limited English proficient 43904
student" has the same meaning as in 20 U.S.C. 7801. 43905

No school district board shall excuse any limited English 43906
proficient student from taking any particular assessment required 43907
to be administered under this section, except that any limited 43908
English proficient student who has been enrolled in United States 43909
schools for less than one full school year shall not be required 43910
to take any reading, writing, or English language arts assessment. 43911
However, no board shall prohibit a limited English proficient 43912
student who is not required to take an assessment under this 43913
division from taking the assessment. A board may permit any 43914
limited English proficient student to take an assessment required 43915
to be administered under this section with appropriate 43916
accommodations, as determined by the department. For each limited 43917
English proficient student, each school district shall annually 43918
assess that student's progress in learning English, in accordance 43919
with procedures approved by the department. 43920

The governing authority of a chartered nonpublic school may 43921
excuse a limited English proficient student from taking any 43922
assessment administered under this section. However, no governing 43923
authority shall prohibit a limited English proficient student from 43924
taking the assessment. 43925

(D)(1) In the school year next succeeding the school year in 43926
which the assessments prescribed by division (A)(1) or (B)(1) of 43927
section 3301.0710 of the Revised Code or former division (A)(1), 43928
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 43929
existed prior to September 11, 2001, are administered to any 43930

student, the board of education of any school district in which 43931
the student is enrolled in that year shall provide to the student 43932
intervention services commensurate with the student's performance, 43933
including any intensive intervention required under section 43934
3313.608 of the Revised Code, in any skill in which the student 43935
failed to demonstrate at least a score at the proficient level on 43936
the assessment. 43937

(2) Following any administration of the assessments 43938
prescribed by division (D) of section 3301.0710 of the Revised 43939
Code to ninth grade students, each school district that has a 43940
three-year average graduation rate of not more than seventy-five 43941
per cent shall determine for each high school in the district 43942
whether the school shall be required to provide intervention 43943
services to any students who took the assessments. In determining 43944
which high schools shall provide intervention services based on 43945
the resources available, the district shall consider each school's 43946
graduation rate and scores on the practice assessments. The 43947
district also shall consider the scores received by ninth grade 43948
students on the English language arts and mathematics assessments 43949
prescribed under division (A)(1)(f) of section 3301.0710 of the 43950
Revised Code in the eighth grade in determining which high schools 43951
shall provide intervention services. 43952

Each high school selected to provide intervention services 43953
under this division shall provide intervention services to any 43954
student whose results indicate that the student is failing to make 43955
satisfactory progress toward being able to attain scores at the 43956
proficient level on the Ohio graduation tests. Intervention 43957
services shall be provided in any skill in which a student 43958
demonstrates unsatisfactory progress and shall be commensurate 43959
with the student's performance. Schools shall provide the 43960
intervention services prior to the end of the school year, during 43961
the summer following the ninth grade, in the next succeeding 43962

school year, or at any combination of those times. 43963

(E) Except as provided in section 3313.608 of the Revised 43964
Code and division (M) of this section, no school district board of 43965
education shall utilize any student's failure to attain a 43966
specified score on an assessment administered under this section 43967
as a factor in any decision to deny the student promotion to a 43968
higher grade level. However, a district board may choose not to 43969
promote to the next grade level any student who does not take an 43970
assessment administered under this section or make up an 43971
assessment as provided by division (C)(2) of this section and who 43972
is not exempt from the requirement to take the assessment under 43973
division (C)(3) of this section. 43974

(F) No person shall be charged a fee for taking any 43975
assessment administered under this section. 43976

(G)(1) Each school district board shall designate one 43977
location for the collection of assessments administered in the 43978
spring under division (B)(1) of this section and those 43979
administered under divisions (B)(2) to (7) of this section. Each 43980
district board shall submit the assessments to the entity with 43981
which the department contracts for the scoring of the assessments 43982
as follows: 43983

(a) If the district's total enrollment in grades kindergarten 43984
through twelve during the first full school week of October was 43985
less than two thousand five hundred, not later than the Friday 43986
after all of the assessments have been administered; 43987

(b) If the district's total enrollment in grades kindergarten 43988
through twelve during the first full school week of October was 43989
two thousand five hundred or more, but less than seven thousand, 43990
not later than the Monday after all of the assessments have been 43991
administered; 43992

(c) If the district's total enrollment in grades kindergarten 43993

through twelve during the first full school week of October was 43994
seven thousand or more, not later than the Tuesday after all of 43995
the assessments have been administered. 43996

However, any assessment that a student takes during the 43997
make-up period described in division (C)(2) of this section shall 43998
be submitted not later than the Friday following the day the 43999
student takes the assessment. 44000

(2) The department or an entity with which the department 44001
contracts for the scoring of the assessment shall send to each 44002
school district board a list of the individual scores of all 44003
persons taking ~~an a state achievement~~ assessment ~~prescribed by~~ 44004
~~division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code~~ 44005
as follows: 44006

(a) Except as provided in division (G)(2)(b) or (c) of this 44007
section, within ~~sixty~~ forty-five days after ~~its~~ the administration 44008
of the assessments prescribed by sections 3301.0710 and 3301.0712 44009
of the Revised Code, but in no case shall the scores be returned 44010
later than the ~~fifteenth~~ thirtieth day of June following the 44011
administration; 44012

(b) In the case of the third-grade English language arts 44013
assessment, within forty-five days after the administration of 44014
that assessment, but in no case shall the scores be returned later 44015
than the fifteenth day of June following the administration; 44016

(c) In the case of the writing component of an assessment or 44017
end-of-course examination in the area of English language arts, 44018
except for the third-grade English language arts assessment, the 44019
results may be sent after forty-five days of the administration of 44020
the writing component, but in no case shall the scores be returned 44021
later than the thirtieth day of June following the administration. 44022

~~For~~ 44023

(3) For assessments administered under this section by a 44024

joint vocational school district, the department or entity shall 44025
also send to each city, local, or exempted village school district 44026
a list of the individual scores of any students of such city, 44027
local, or exempted village school district who are attending 44028
school in the joint vocational school district. 44029

(H) Individual scores on any assessments administered under 44030
this section shall be released by a district board only in 44031
accordance with section 3319.321 of the Revised Code and the rules 44032
adopted under division (A) of this section. No district board or 44033
its employees shall utilize individual or aggregate results in any 44034
manner that conflicts with rules for the ethical use of 44035
assessments adopted pursuant to division (A) of this section. 44036

(I) Except as provided in division (G) of this section, the 44037
department or an entity with which the department contracts for 44038
the scoring of the assessment shall not release any individual 44039
scores on any assessment administered under this section. The 44040
state board shall adopt rules to ensure the protection of student 44041
confidentiality at all times. The rules may require the use of the 44042
data verification codes assigned to students pursuant to division 44043
(D)(2) of section 3301.0714 of the Revised Code to protect the 44044
confidentiality of student scores. 44045

(J) Notwithstanding division (D) of section 3311.52 of the 44046
Revised Code, this section does not apply to the board of 44047
education of any cooperative education school district except as 44048
provided under rules adopted pursuant to this division. 44049

(1) In accordance with rules that the state board shall 44050
adopt, the board of education of any city, exempted village, or 44051
local school district with territory in a cooperative education 44052
school district established pursuant to divisions (A) to (C) of 44053
section 3311.52 of the Revised Code may enter into an agreement 44054
with the board of education of the cooperative education school 44055
district for administering any assessment prescribed under this 44056

section to students of the city, exempted village, or local school 44057
district who are attending school in the cooperative education 44058
school district. 44059

(2) In accordance with rules that the state board shall 44060
adopt, the board of education of any city, exempted village, or 44061
local school district with territory in a cooperative education 44062
school district established pursuant to section 3311.521 of the 44063
Revised Code shall enter into an agreement with the cooperative 44064
district that provides for the administration of any assessment 44065
prescribed under this section to both of the following: 44066

(a) Students who are attending school in the cooperative 44067
district and who, if the cooperative district were not 44068
established, would be entitled to attend school in the city, 44069
local, or exempted village school district pursuant to section 44070
3313.64 or 3313.65 of the Revised Code; 44071

(b) Persons described in division (B)(8)(b) of this section. 44072

Any assessment of students pursuant to such an agreement 44073
shall be in lieu of any assessment of such students or persons 44074
pursuant to this section. 44075

(K)(1)(a) Except as otherwise provided in division (K)(1)(a) 44076
or (K)(1)(c) of this section, each chartered nonpublic school for 44077
which at least sixty-five per cent of its total enrollment is made 44078
up of students who are participating in state scholarship programs 44079
shall administer the elementary assessments prescribed by section 44080
3301.0710 of the Revised Code. In accordance with procedures and 44081
deadlines prescribed by the department, the parent or guardian of 44082
a student enrolled in the school who is not participating in a 44083
state scholarship program may submit notice to the chief 44084
administrative officer of the school that the parent or guardian 44085
does not wish to have the student take the elementary assessments 44086
prescribed for the student's grade level under division (A) of 44087

section 3301.0710 of the Revised Code. If a parent or guardian 44088
submits an opt-out notice, the school shall not administer the 44089
assessments to that student. This option does not apply to any 44090
assessment required for a high school diploma under section 44091
3313.612 of the Revised Code. 44092

(b) If a chartered nonpublic school is educating students in 44093
grades nine through twelve, it shall administer the assessments 44094
prescribed by divisions (B)(1) and (2) of section 3301.0710 of the 44095
Revised Code ~~as a condition of compliance with section 3313.612 of~~ 44096
~~the Revised Code. Except for a student attending a chartered~~ 44097
~~nonpublic school under a state scholarship program, division~~ 44098
~~(K)(1)(b) of this section shall not apply to the following:~~ 44099

(i) A chartered nonpublic school accredited through the 44100
independent school association of the central states; 44101

(ii) A chartered nonpublic school that is not accredited 44102
through the independent school association of the central states 44103
but that is acting in accordance with division (D) of section 44104
3313.612 of the Revised Code. 44105

(c) A chartered nonpublic school may submit to the 44106
superintendent of public instruction a request for a waiver from 44107
administering the elementary assessments prescribed by division 44108
(A) of section 3301.0710 of the Revised Code. The state 44109
superintendent shall approve or disapprove a request for a waiver 44110
submitted under division (K)(1)(c) of this section. No waiver 44111
shall be approved for any school year prior to the 2015-2016 44112
school year. 44113

To be eligible to submit a request for a waiver, a chartered 44114
nonpublic school shall meet the following conditions: 44115

(i) At least ninety-five per cent of the students enrolled in 44116
the school are children with disabilities, as defined under 44117
section 3323.01 of the Revised Code, or have received a diagnosis 44118

by a school district or from a physician, including a 44119
neuropsychiatrist or psychiatrist, or a psychologist who is 44120
authorized to practice in this or another state as having a 44121
condition that impairs academic performance, such as dyslexia, 44122
dyscalculia, attention deficit hyperactivity disorder, or 44123
Asperger's syndrome. 44124

(ii) The school has solely served a student population 44125
described in division (K)(1)(c)(i) of this section for at least 44126
ten years. 44127

(iii) The school provides to the department at least five 44128
years of records of internal testing conducted by the school that 44129
affords the department data required for accountability purposes, 44130
including diagnostic assessments and nationally standardized 44131
norm-referenced achievement assessments that measure reading and 44132
math skills. 44133

(d) Any chartered nonpublic school that is not subject to 44134
division (K)(1)(a) of this section may participate in the 44135
assessment program by administering any of the assessments 44136
prescribed by division (A) of section 3301.0710 of the Revised 44137
Code. The chief administrator of the school shall specify which 44138
assessments the school will administer. Such specification shall 44139
be made in writing to the superintendent of public instruction 44140
prior to the first day of August of any school year in which 44141
assessments are administered and shall include a pledge that the 44142
nonpublic school will administer the specified assessments in the 44143
same manner as public schools are required to do under this 44144
section and rules adopted by the department. 44145

(2) The department of education shall furnish the assessments 44146
prescribed by section 3301.0710 or 3301.0712 of the Revised Code 44147
to each chartered nonpublic school that is subject to division 44148
(K)(1)(a) of this section or participates under division (K)(1)(b) 44149
of this section. 44150

(L)(1) The superintendent of the state school for the blind 44151
and the superintendent of the state school for the deaf shall 44152
administer the assessments described by sections 3301.0710 and 44153
3301.0712 of the Revised Code. Each superintendent shall 44154
administer the assessments in the same manner as district boards 44155
are required to do under this section and rules adopted by the 44156
department of education and in conformity with division (C)(1)(a) 44157
of this section. 44158

(2) The department of education shall furnish the assessments 44159
described by sections 3301.0710 and 3301.0712 of the Revised Code 44160
to each superintendent. 44161

(M) Notwithstanding division (E) of this section, a school 44162
district may use a student's failure to attain a score in at least 44163
the proficient range on the mathematics assessment described by 44164
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 44165
an assessment described by division (A)(1)(b), (c), (d), (e), or 44166
(f) of section 3301.0710 of the Revised Code as a factor in 44167
retaining that student in the current grade level. 44168

(N)(1) In the manner specified in divisions (N)(3), (4), and 44169
(6) of this section, the assessments required by division (A)(1) 44170
of section 3301.0710 of the Revised Code shall become public 44171
records pursuant to section 149.43 of the Revised Code on the 44172
thirty-first day of July following the school year that the 44173
assessments were administered. 44174

(2) The department may field test proposed questions with 44175
samples of students to determine the validity, reliability, or 44176
appropriateness of questions for possible inclusion in a future 44177
year's assessment. The department also may use anchor questions on 44178
assessments to ensure that different versions of the same 44179
assessment are of comparable difficulty. 44180

Field test questions and anchor questions shall not be 44181

considered in computing scores for individual students. Field test questions and anchor questions may be included as part of the administration of any assessment required by division (A)(1) or (B) of section 3301.0710 and division (B) of section 3301.0712 of the Revised Code.

(3) Any field test question or anchor question administered under division (N)(2) of this section shall not be a public record. Such field test questions and anchor questions shall be redacted from any assessments which are released as a public record pursuant to division (N)(1) of this section.

(4) This division applies to the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

(a) The first administration of each assessment, as specified in former section 3301.0712 of the Revised Code, shall be a public record.

(b) For subsequent administrations of each assessment prior to the 2011-2012 school year, not less than forty per cent of the questions on the assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The preceding sentence does not apply to field test questions that are redacted under division (N)(3) of this section.

(c) The administrations of each assessment in the 2011-2012, 2012-2013, and 2013-2014 school years shall not be a public

record. 44213

(5) Each assessment prescribed by division (B)(1) of section 44214
3301.0710 of the Revised Code shall not be a public record. 44215

(6) Beginning with the spring administration for the 44216
2014-2015 school year, questions on the assessments prescribed 44217
under division (A) of section 3301.0710 and division (B)(2) of 44218
section 3301.0712 of the Revised Code and the corresponding 44219
preferred answers that are used to compute a student's score shall 44220
become a public record as follows: 44221

(a) Forty per cent of the questions and preferred answers on 44222
the assessments on the thirty-first day of July following the 44223
administration of the assessment; 44224

(b) Twenty per cent of the questions and preferred answers on 44225
the assessment on the thirty-first day of July one year after the 44226
administration of the assessment; 44227

(c) The remaining forty per cent of the questions and 44228
preferred answers on the assessment on the thirty-first day of 44229
July two years after the administration of the assessment. 44230

The entire content of an assessment shall become a public 44231
record within three years of its administration. 44232

The department shall make the questions that become a public 44233
record under this division readily accessible to the public on the 44234
department's web site. Questions on the spring administration of 44235
each assessment shall be released on an annual basis, in 44236
accordance with this division. 44237

(0) As used in this section: 44238

(1) "Three-year average" means the average of the most recent 44239
consecutive three school years of data. 44240

(2) "Dropout" means a student who withdraws from school 44241
before completing course requirements for graduation and who is 44242

not enrolled in an education program approved by the state board 44243
of education or an education program outside the state. "Dropout" 44244
does not include a student who has departed the country. 44245

(3) "Graduation rate" means the ratio of students receiving a 44246
diploma to the number of students who entered ninth grade four 44247
years earlier. Students who transfer into the district are added 44248
to the calculation. Students who transfer out of the district for 44249
reasons other than dropout are subtracted from the calculation. If 44250
a student who was a dropout in any previous year returns to the 44251
same school district, that student shall be entered into the 44252
calculation as if the student had entered ninth grade four years 44253
before the graduation year of the graduating class that the 44254
student joins. 44255

(4) "State scholarship programs" means the educational choice 44256
scholarship pilot program established under sections 3310.01 to 44257
3310.17 of the Revised Code, the autism scholarship program 44258
established under section 3310.41 of the Revised Code, the Jon 44259
Peterson special needs scholarship program established under 44260
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 44261
project scholarship program established under sections 3313.974 to 44262
3313.979 of the Revised Code. 44263

Sec. 3301.0712. (A) The state board of education, the 44264
superintendent of public instruction, and the chancellor of ~~the~~ 44265
~~Ohio board of regents~~ higher education shall develop a system of 44266
college and work ready assessments as described in division (B) of 44267
this section to assess whether each student upon graduating from 44268
high school is ready to enter college or the workforce. Beginning 44269
with students who enter the ninth grade for the first time on or 44270
after July 1, 2014, the system shall replace the Ohio graduation 44271
tests prescribed in division (B)(1) of section 3301.0710 of the 44272
Revised Code as a measure of student academic performance and one 44273

determinant of eligibility for a high school diploma in the manner 44274
prescribed by rule of the state board adopted under division (D) 44275
of this section. 44276

(B) The college and work ready assessment system shall 44277
consist of the following: 44278

(1) Nationally standardized assessments that measure college 44279
and career readiness and are used for college admission. The 44280
assessments shall be selected jointly by the state superintendent 44281
and the chancellor, and one of which shall be selected by each 44282
school district or school to administer to its students. The 44283
assessments prescribed under division (B)(1) of this section shall 44284
be administered to all eleventh-grade students in the spring of 44285
the school year. 44286

(2) Seven end-of-course examinations, one in each of the 44287
areas of English language arts I, English language arts II, 44288
science, Algebra I, geometry, American history, and American 44289
government. The end-of-course examinations shall be selected 44290
jointly by the state superintendent and the chancellor in 44291
consultation with faculty in the appropriate subject areas at 44292
institutions of higher education of the university system of Ohio. 44293
Advanced placement examinations and international baccalaureate 44294
examinations, as prescribed under section 3313.6013 of the Revised 44295
Code, in the areas of science, American history, and American 44296
government may be used as end-of-course examinations in accordance 44297
with division (B)(4)(a)(i) of this section. Final course grades 44298
for courses taken under any other advanced standing program, as 44299
prescribed under section 3313.6013 of the Revised Code, in the 44300
areas of science, American history, and American government may be 44301
used in lieu of end-of-course examinations in accordance with 44302
division (B)(4)(a)(ii) of this section. 44303

(3)(a) Not later than July 1, 2013, each school district 44304

board of education shall adopt interim end-of-course examinations 44305
that comply with the requirements of divisions (B)(3)(b)(i) and 44306
(ii) of this section to assess mastery of American history and 44307
American government standards adopted under division (A)(1)(b) of 44308
section 3301.079 of the Revised Code and the topics required under 44309
division (M) of section 3313.603 of the Revised Code. Each high 44310
school of the district shall use the interim examinations until 44311
the state superintendent and chancellor select end-of-course 44312
examinations in American history and American government under 44313
division (B)(2) of this section. 44314

(b) Not later than July 1, 2014, the state superintendent and 44315
the chancellor shall select the end-of-course examinations in 44316
American history and American government. 44317

(i) The end-of-course examinations in American history and 44318
American government shall require demonstration of mastery of the 44319
American history and American government content for social 44320
studies standards adopted under division (A)(1)(b) of section 44321
3301.079 of the Revised Code and the topics required under 44322
division (M) of section 3313.603 of the Revised Code. 44323

(ii) At least twenty per cent of the end-of-course 44324
examination in American government shall address the topics on 44325
American history and American government described in division (M) 44326
of section 3313.603 of the Revised Code. 44327

(4)(a) Notwithstanding anything to the contrary in this 44328
section, beginning with the 2014-2015 school year, both of the 44329
following shall apply: 44330

(i) If a student is enrolled in an appropriate advanced 44331
placement or international baccalaureate course, that student 44332
shall take the advanced placement or international baccalaureate 44333
examination in lieu of the science, American history, or American 44334
government end-of-course examinations prescribed under division 44335

(B)(2) of this section. The state board shall specify the score 44336
levels for each advanced placement examination and international 44337
baccalaureate examination for purposes of calculating the minimum 44338
cumulative performance score that demonstrates the level of 44339
academic achievement necessary to earn a high school diploma. 44340

(ii) If a student is enrolled in an appropriate course under 44341
any other advanced standing program, as described in section 44342
3313.6013 of the Revised Code, that student shall not be required 44343
to take the science, American history, or American government 44344
end-of-course examination, whichever is applicable, prescribed 44345
under division (B)(2) of this section. Instead, that student's 44346
final course grade shall be used in lieu of the applicable 44347
end-of-course examination prescribed under that section. The state 44348
superintendent, in consultation with the chancellor, shall adopt 44349
guidelines for purposes of calculating the corresponding final 44350
course grades that demonstrate the level of academic achievement 44351
necessary to earn a high school diploma. 44352

Division (B)(4)(a)(ii) of this section shall apply only to 44353
courses for which students receive transcribed credit, as defined 44354
in division (U) of section 3365.01 of the Revised Code. It shall 44355
not apply to remedial or developmental courses. 44356

(b) No student shall take a substitute examination or 44357
examination prescribed under division (B)(4)(a) of this section in 44358
place of the end-of-course examinations in English language arts 44359
I, English language arts II, Algebra I, or geometry prescribed 44360
under division (B)(2) of this section. 44361

(c) The state board shall consider additional assessments 44362
that may be used, beginning with the 2016-2017 school year, as 44363
substitute examinations in lieu of the end-of-course examinations 44364
prescribed under division (B)(2) of this section. 44365

(5) The state board shall do all of the following: 44366

(a) Determine and designate at least five ranges of scores on each of the end-of-course examinations prescribed under division (B)(2) of this section, and substitute examinations prescribed under division (B)(4) of this section. Each range of scores shall be considered to demonstrate a level of achievement so that any student attaining a score within such range has achieved one of the following:	44367 44368 44369 44370 44371 44372 44373
(i) An advanced level of skill;	44374
(ii) An accelerated level of skill;	44375
(iii) A proficient level of skill;	44376
(iv) A basic level of skill;	44377
(v) A limited level of skill.	44378
(b) Determine a method by which to calculate a cumulative performance score based on the results of a student's end-of-course examinations or substitute examinations;	44379 44380 44381
(c) Determine the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma;	44382 44383 44384
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	44385 44386 44387 44388
(6)(a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	44389 44390
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	44391 44392 44393
(ii) The examination was not available for administration prior to July 1, 2015.	44394 44395

Receipt of credit for the course described in division 44396
(B)(6)(a)(i) of this section shall satisfy the requirement to take 44397
the end-of-course examination. A student exempted under division 44398
(B)(6)(a) of this section may take the applicable end-of-course 44399
examination at a later date. 44400

(b) For purposes of determining whether a student who is 44401
exempt from taking an end-of-course examination under division 44402
(B)(6)(a) of this section has attained the cumulative score 44403
prescribed by division (B)(5)(c) of this section, such student 44404
shall select either of the following: 44405

(i) The student is considered to have attained a proficient 44406
score on the end-of-course examination from which the student is 44407
exempt; 44408

(ii) The student's final course grade shall be used in lieu 44409
of a score on the end-of-course examination from which the student 44410
is exempt. 44411

The state superintendent, in consultation with the 44412
chancellor, shall adopt guidelines for purposes of calculating the 44413
corresponding final course grades and the minimum cumulative 44414
performance score that demonstrates the level of academic 44415
achievement necessary to earn a high school diploma. 44416

(7)(a) Notwithstanding anything to the contrary in this 44417
section, the state board may replace the algebra I end-of-course 44418
examination prescribed under division (B)(2) of this section with 44419
an algebra II end-of-course examination, beginning with the 44420
2016-2017 school year for students who enter ninth grade on or 44421
after July 1, 2016. 44422

(b) If the state board replaces the algebra I end-of-course 44423
examination with an algebra II end-of-course examination as 44424
authorized under division (B)(7)(a) of this section, both of the 44425
following shall apply: 44426

(i) A student who is enrolled in an advanced placement or international baccalaureate course in algebra II shall take the advanced placement or international baccalaureate examination in lieu of the algebra II end-of-course examination.

(ii) A student who is enrolled in an algebra II course under any other advanced standing program, as described in section 3313.6013 of the Revised Code, shall not be required to take the algebra II end-of-course examination. Instead, that student's final course grade shall be used in lieu of the examination.

(c) If a school district or school utilizes an integrated approach to mathematics instruction, the district or school may do either or both of the following:

(i) Administer an integrated mathematics I end-of-course examination in lieu of the prescribed algebra I end-of-course examination;

(ii) Administer an integrated mathematics II end-of-course examination in lieu of the prescribed geometry end-of-course examination.

(8)(a) For students entering the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, the assessment in the area of science shall be physical science or biology. For students entering the ninth grade for the first time on or after July 1, 2015, the assessment in the area of science shall be biology.

(b) Until July 1, 2019, the department of education shall make available the end-of-course examination in physical science for students who entered the ninth grade for the first time on or after July 1, 2014, but prior to July 1, 2015, and who wish to retake the examination.

(c) Not later than July 1, 2016, the state board shall adopt rules prescribing the requirements for the end-of-course

examination in science for students who entered the ninth grade 44458
for the first time on or after July 1, 2014, but prior to July 1, 44459
2015, and who have not met the requirement prescribed by section 44460
3313.618 of the Revised Code by July 1, 2019, due to a student's 44461
failure to satisfy division (A)(2) of section 3313.618 of the 44462
Revised Code. 44463

(9) Neither the state board nor the department of education 44464
shall develop or administer an end-of-course examination in the 44465
area of world history. 44466

(C) The state board shall convene a group of national 44467
experts, state experts, and local practitioners to provide advice, 44468
guidance, and recommendations for the alignment of standards and 44469
model curricula to the assessments and in the design of the 44470
end-of-course examinations prescribed by this section. 44471

(D) Upon completion of the development of the assessment 44472
system, the state board shall adopt rules prescribing all of the 44473
following: 44474

(1) A timeline and plan for implementation of the assessment 44475
system, including a phased implementation if the state board 44476
determines such a phase-in is warranted; 44477

(2) The date after which a person shall meet the requirements 44478
of the entire assessment system as a prerequisite for a diploma of 44479
adult education under section 3313.611 of the Revised Code; 44480

(3) Whether and the extent to which a person may be excused 44481
from an American history end-of-course examination and an American 44482
government end-of-course examination under division (H) of section 44483
3313.61 and division (B)~~(3)~~(4) of section 3313.612 of the Revised 44484
Code; 44485

(4) The date after which a person who has fulfilled the 44486
curriculum requirement for a diploma but has not passed one or 44487
more of the required assessments at the time the person fulfilled 44488

the curriculum requirement shall meet the requirements of the 44489
entire assessment system as a prerequisite for a high school 44490
diploma under division (B) of section 3313.614 of the Revised 44491
Code; 44492

(5) The extent to which the assessment system applies to 44493
students enrolled in a dropout recovery and prevention program for 44494
purposes of division (F) of section 3313.603 and section 3314.36 44495
of the Revised Code. 44496

(E) Not later than forty-five days prior to the state board's 44497
adoption of a resolution directing the department to file the 44498
rules prescribed by division (D) of this section in final form 44499
under section 119.04 of the Revised Code, the superintendent of 44500
public instruction shall present the assessment system developed 44501
under this section to the respective committees of the house of 44502
representatives and senate that consider education legislation. 44503

(F)(1) Any person enrolled in a nonchartered nonpublic school 44504
or any person who has been excused from attendance at school for 44505
the purpose of home instruction under section 3321.04 of the 44506
Revised Code may choose to participate in the system of 44507
assessments administered under divisions (B)(1) and (2) of this 44508
section. However, no such person shall be required to participate 44509
in the system of assessments. 44510

(2) The department shall adopt rules for the administration 44511
and scoring of any assessments under division (F)(1) of this 44512
section. 44513

(G) Not later than December 31, 2014, the state board shall 44514
select at least one nationally recognized job skills assessment. 44515
Each school district shall administer that assessment to those 44516
students who opt to take it. The state shall reimburse a school 44517
district for the costs of administering that assessment. The state 44518
board shall establish the minimum score a student must attain on 44519

the job skills assessment in order to demonstrate a student's 44520
workforce readiness and employability. The administration of the 44521
job skills assessment to a student under this division shall not 44522
exempt a school district from administering the assessments 44523
prescribed in division (B) of this section to that student. 44524

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the 44525
Revised Code: 44526

(A) "Preschool program" means either of the following: 44527

(1) A child care program for preschool children that is 44528
operated by a school district board of education or an eligible 44529
nonpublic school. 44530

(2) A child care program for preschool children age three or 44531
older that is operated by a county DD board or a community school. 44532

(B) "Preschool child" or "child" means a child who has not 44533
entered kindergarten and is not of compulsory school age. 44534

(C) "Parent, guardian, or custodian" means the person or 44535
government agency that is or will be responsible for a child's 44536
school attendance under section 3321.01 of the Revised Code. 44537

(D) "Superintendent" means the superintendent of a school 44538
district or the chief administrative officer of a community school 44539
or an eligible nonpublic school. 44540

(E) "Director" means the director, head teacher, elementary 44541
principal, or site administrator who is the individual on site and 44542
responsible for supervision of a preschool program. 44543

(F) "Preschool staff member" means a preschool employee whose 44544
primary responsibility is care, teaching, or supervision of 44545
preschool children. 44546

(G) "Nonteaching employee" means a preschool program or 44547
school child program employee whose primary responsibilities are 44548

duties other than care, teaching, and supervision of preschool 44549
children or school children. 44550

(H) "Eligible nonpublic school" means a nonpublic school 44551
chartered as described in division (B)(8) of section 5104.02 of 44552
the Revised Code or chartered by the state board of education for 44553
any combination of grades one through twelve, regardless of 44554
whether it also offers kindergarten. 44555

(I) "County DD board" means a county board of developmental 44556
disabilities. 44557

(J) "School child program" means a child care program for 44558
only school children that is operated by a school district board 44559
of education, county DD board, community school, or eligible 44560
nonpublic school. 44561

(K) "School child" means a child who is enrolled in or is 44562
eligible to be enrolled in a grade of kindergarten or above but is 44563
less than fifteen years old. 44564

(L) "School child program staff member" means an employee 44565
whose primary responsibility is the care, teaching, or supervision 44566
of children in a school child program. 44567

(M) "Child care" means administering to the needs of infants, 44568
toddlers, preschool children, and school children outside of 44569
school hours by persons other than their parents or guardians, 44570
custodians, or relatives by blood, marriage, or adoption for any 44571
part of the twenty-four-hour day in a place or residence other 44572
than a child's own home. 44573

(N) "Child day-care center," "publicly funded child care," 44574
and "school-age child care center" have the same meanings as in 44575
section 5104.01 of the Revised Code. 44576

(O) "Community school" means a community school established 44577
under Chapter 3314. of the Revised Code that is sponsored by an 44578

entity that is rated "exemplary" under section 3314.016 of the 44579
Revised Code. 44580

Sec. 3301.53. (A) The state board of education, in 44581
consultation with the director of job and family services, shall 44582
formulate and prescribe by rule adopted under Chapter 119. of the 44583
Revised Code minimum standards to be applied to preschool programs 44584
operated by school district boards of education, county DD boards, 44585
community schools, or eligible nonpublic schools. The rules shall 44586
include the following: 44587

(1) Standards ensuring that the preschool program is located 44588
in a safe and convenient facility that accommodates the enrollment 44589
of the program, is of the quality to support the growth and 44590
development of the children according to the program objectives, 44591
and meets the requirements of section 3301.55 of the Revised Code; 44592

(2) Standards ensuring that supervision, discipline, and 44593
programs will be administered according to established objectives 44594
and procedures; 44595

(3) Standards ensuring that preschool staff members and 44596
nonteaching employees are recruited, employed, assigned, 44597
evaluated, and provided inservice education without discrimination 44598
on the basis of age, color, national origin, race, or sex; and 44599
that preschool staff members and nonteaching employees are 44600
assigned responsibilities in accordance with written position 44601
descriptions commensurate with their training and experience; 44602

(4) A requirement that boards of education intending to 44603
establish a preschool program demonstrate a need for a preschool 44604
program prior to establishing the program; 44605

(5) Requirements that children participating in preschool 44606
programs have been immunized to the extent considered appropriate 44607
by the state board to prevent the spread of communicable disease; 44608

(6) Requirements that the parents of preschool children 44609
complete the emergency medical authorization form specified in 44610
section 3313.712 of the Revised Code. 44611

(B) The state board of education in consultation with the 44612
director of job and family services shall ensure that the rules 44613
adopted by the state board under sections 3301.52 to 3301.58 of 44614
the Revised Code are consistent with and meet or exceed the 44615
requirements of Chapter 5104. of the Revised Code with regard to 44616
child day-care centers. The state board and the director of job 44617
and family services shall review all such rules at least once 44618
every five years. 44619

(C) The state board of education, in consultation with the 44620
director of job and family services, shall adopt rules for school 44621
child programs that are consistent with and meet or exceed the 44622
requirements of the rules adopted for school-age child care 44623
centers under Chapter 5104. of the Revised Code. 44624

Sec. 3301.541. (A)(1) The director, head teacher, elementary 44625
principal, or site administrator of a preschool program shall 44626
request the superintendent of the bureau of criminal 44627
identification and investigation to conduct a criminal records 44628
check with respect to any applicant who has applied to the 44629
preschool program for employment as a person responsible for the 44630
care, custody, or control of a child. If the applicant does not 44631
present proof that the applicant has been a resident of this state 44632
for the five-year period immediately prior to the date upon which 44633
the criminal records check is requested or does not provide 44634
evidence that within that five-year period the superintendent has 44635
requested information about the applicant from the federal bureau 44636
of investigation in a criminal records check, the director, head 44637
teacher, or elementary principal shall request that the 44638
superintendent obtain information from the federal bureau of 44639

investigation as a part of the criminal records check for the 44640
applicant. If the applicant presents proof that the applicant has 44641
been a resident of this state for that five-year period, the 44642
director, head teacher, or elementary principal may request that 44643
the superintendent include information from the federal bureau of 44644
investigation in the criminal records check. 44645

(2) Any director, head teacher, elementary principal, or site 44646
administrator required by division (A)(1) of this section to 44647
request a criminal records check shall provide to each applicant a 44648
copy of the form prescribed pursuant to division (C)(1) of section 44649
109.572 of the Revised Code, provide to each applicant a standard 44650
impression sheet to obtain fingerprint impressions prescribed 44651
pursuant to division (C)(2) of section 109.572 of the Revised 44652
Code, obtain the completed form and impression sheet from each 44653
applicant, and forward the completed form and impression sheet to 44654
the superintendent of the bureau of criminal identification and 44655
investigation at the time the person requests a criminal records 44656
check pursuant to division (A)(1) of this section. 44657

(3) Any applicant who receives pursuant to division (A)(2) of 44658
this section a copy of the form prescribed pursuant to division 44659
(C)(1) of section 109.572 of the Revised Code and a copy of an 44660
impression sheet prescribed pursuant to division (C)(2) of that 44661
section and who is requested to complete the form and provide a 44662
set of fingerprint impressions shall complete the form or provide 44663
all the information necessary to complete the form and provide the 44664
impression sheet with the impressions of the applicant's 44665
fingerprints. If an applicant, upon request, fails to provide the 44666
information necessary to complete the form or fails to provide 44667
impressions of the applicant's fingerprints, the preschool program 44668
shall not employ that applicant for any position for which a 44669
criminal records check is required by division (A)(1) of this 44670
section. 44671

(B)(1) Except as provided in rules adopted by the department 44672
of education in accordance with division (E) of this section, no 44673
preschool program shall employ a person as a person responsible 44674
for the care, custody, or control of a child if the person 44675
previously has been convicted of or pleaded guilty to any of the 44676
following: 44677

(a) A violation of section 2903.01, 2903.02, 2903.03, 44678
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44679
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44680
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44681
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 44682
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 44683
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 44684
2925.06, or 3716.11 of the Revised Code, a violation of section 44685
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 44686
violation of section 2919.23 of the Revised Code that would have 44687
been a violation of section 2905.04 of the Revised Code as it 44688
existed prior to July 1, 1996, had the violation occurred prior to 44689
that date, a violation of section 2925.11 of the Revised Code that 44690
is not a minor drug possession offense, or felonious sexual 44691
penetration in violation of former section 2907.12 of the Revised 44692
Code; 44693

(b) A violation of an existing or former law of this state, 44694
any other state, or the United States that is substantially 44695
equivalent to any of the offenses or violations described in 44696
division (B)(1)(a) of this section. 44697

(2) A preschool program may employ an applicant conditionally 44698
until the criminal records check required by this section is 44699
completed and the preschool program receives the results of the 44700
criminal records check. If the results of the criminal records 44701
check indicate that, pursuant to division (B)(1) of this section, 44702
the applicant does not qualify for employment, the preschool 44703

program shall release the applicant from employment. 44704

(C)(1) Each preschool program shall pay to the bureau of 44705
criminal identification and investigation the fee prescribed 44706
pursuant to division (C)(3) of section 109.572 of the Revised Code 44707
for each criminal records check conducted in accordance with that 44708
section upon the request pursuant to division (A)(1) of this 44709
section of the director, head teacher, elementary principal, or 44710
site administrator of the preschool program. 44711

(2) A preschool program may charge an applicant a fee for the 44712
costs it incurs in obtaining a criminal records check under this 44713
section. A fee charged under this division shall not exceed the 44714
amount of fees the preschool program pays under division (C)(1) of 44715
this section. If a fee is charged under this division, the 44716
preschool program shall notify the applicant at the time of the 44717
applicant's initial application for employment of the amount of 44718
the fee and that, unless the fee is paid, the applicant will not 44719
be considered for employment. 44720

(D) The report of any criminal records check conducted by the 44721
bureau of criminal identification and investigation in accordance 44722
with section 109.572 of the Revised Code and pursuant to a request 44723
under division (A)(1) of this section is not a public record for 44724
the purposes of section 149.43 of the Revised Code and shall not 44725
be made available to any person other than the applicant who is 44726
the subject of the criminal records check or the applicant's 44727
representative, the preschool program requesting the criminal 44728
records check or its representative, and any court, hearing 44729
officer, or other necessary individual in a case dealing with the 44730
denial of employment to the applicant. 44731

(E) The department of education shall adopt rules pursuant to 44732
Chapter 119. of the Revised Code to implement this section, 44733
including rules specifying circumstances under which a preschool 44734
program may hire a person who has been convicted of an offense 44735

listed in division (B)(1) of this section but who meets standards 44736
in regard to rehabilitation set by the department. 44737

(F) Any person required by division (A)(1) of this section to 44738
request a criminal records check shall inform each person, at the 44739
time of the person's initial application for employment, that the 44740
person is required to provide a set of impressions of the person's 44741
fingerprints and that a criminal records check is required to be 44742
conducted and satisfactorily completed in accordance with section 44743
109.572 of the Revised Code if the person comes under final 44744
consideration for appointment or employment as a precondition to 44745
employment for that position. 44746

(G) As used in this section: 44747

(1) "Applicant" means a person who is under final 44748
consideration for appointment or employment in a position with a 44749
preschool program as a person responsible for the care, custody, 44750
or control of a child, except that "applicant" does not include a 44751
person already employed by a board of education, community school, 44752
or chartered nonpublic school in a position of care, custody, or 44753
control of a child who is under consideration for a different 44754
position with such board or school. 44755

(2) "Criminal records check" has the same meaning as in 44756
section 109.572 of the Revised Code. 44757

(3) "Minor drug possession offense" has the same meaning as 44758
in section 2925.01 of the Revised Code. 44759

(H) If the board of education of a local school district 44760
adopts a resolution requesting the assistance of the educational 44761
service center in which the local district has territory in 44762
conducting criminal records checks of substitute teachers under 44763
this section, the appointing or hiring officer of such educational 44764
service center governing board shall serve for purposes of this 44765
section as the appointing or hiring officer of the local board in 44766

the case of hiring substitute teachers for employment in the local 44767
district. 44768

Sec. 3301.55. (A) A school district, county DD board, 44769
community school, or eligible nonpublic school operating a 44770
preschool program shall house the program in buildings that meet 44771
the following requirements: 44772

(1) The building is operated by the district, county DD 44773
board, community school, or eligible nonpublic school and has been 44774
approved by the division of industrial compliance in the 44775
department of commerce or a certified municipal, township, or 44776
county building department for the purpose of operating a program 44777
for preschool children. Any such structure shall be constructed, 44778
equipped, repaired, altered, and maintained in accordance with 44779
applicable provisions of Chapters 3781. and 3791. and with rules 44780
adopted by the board of building standards under Chapter 3781. of 44781
the Revised Code for the safety and sanitation of structures 44782
erected for this purpose. 44783

(2) The building is in compliance with fire and safety laws 44784
and regulations as evidenced by reports of annual school fire and 44785
safety inspections as conducted by appropriate local authorities. 44786

(3) The school is in compliance with rules established by the 44787
state board of education regarding school food services. 44788

(4) The facility includes not less than thirty-five square 44789
feet of indoor space for each child in the program. Safe play 44790
space, including both indoor and outdoor play space, totaling not 44791
less than sixty square feet for each child using the space at any 44792
one time, shall be regularly available and scheduled for use. 44793

(5) First aid facilities and space for temporary placement or 44794
isolation of injured or ill children are provided. 44795

(B) Each school district, county DD board, community school, 44796

or eligible nonpublic school that operates, or proposes to 44797
operate, a preschool program shall submit a building plan 44798
including all information specified by the state board of 44799
education to the board not later than the first day of September 44800
of the school year in which the program is to be initiated. The 44801
board shall determine whether the buildings meet the requirements 44802
of this section and section 3301.53 of the Revised Code, and 44803
notify the superintendent of its determination. If the board 44804
determines, on the basis of the building plan or any other 44805
information, that the buildings do not meet those requirements, it 44806
shall cause the buildings to be inspected by the department of 44807
education. The department shall make a report to the 44808
superintendent specifying any aspects of the building that are not 44809
in compliance with the requirements of this section and section 44810
3301.53 of the Revised Code and the time period that will be 44811
allowed the district, county DD board, or school to meet the 44812
requirements. 44813

Sec. 3301.56. (A) The director, head teacher, elementary 44814
principal, or site administrator who is on site and responsible 44815
for supervision of each preschool program shall be responsible for 44816
the following: 44817

(1) Ensuring that the health and safety of the children are 44818
safeguarded by an organized program of school health services 44819
designed to identify child health problems and to coordinate 44820
school and community health resources for children, as evidenced 44821
by but not limited to: 44822

(a) Requiring immunization and compliance with emergency 44823
medical authorization requirements in accordance with rules 44824
adopted by the state board of education under section 3301.53 of 44825
the Revised Code; 44826

(b) Providing procedures for emergency situations, including 44827

fire drills, rapid dismissals, tornado drills, and school safety	44828
drills in accordance with section 3737.73 of the Revised Code, and	44829
keeping records of such drills or dismissals;	44830
(c) Posting emergency procedures in preschool rooms and	44831
making them available to school personnel, children, and parents;	44832
(d) Posting emergency numbers by each telephone;	44833
(e) Supervising grounds, play areas, and other facilities	44834
when scheduled for use by children;	44835
(f) Providing first-aid facilities and materials.	44836
(2) Maintaining cumulative records for each child;	44837
(3) Supervising each child's admission, placement, and	44838
withdrawal according to established procedures;	44839
(4) Preparing at least once annually for each group of	44840
children in the program a roster of names and telephone numbers of	44841
parents, guardians, and custodians of children in the group and,	44842
on request, furnishing the roster for each group to the parents,	44843
guardians, and custodians of children in that group. The director	44844
may prepare a similar roster of all children in the program and,	44845
on request, make it available to the parents, guardians, and	44846
custodians, of children in the program. The director shall not	44847
include in either roster the name or telephone number of any	44848
parent, guardian, or custodian who requests that the parent's,	44849
guardian's, or custodian's name or number not be included, and	44850
shall not furnish any roster to any person other than a parent,	44851
guardian, or custodian of a child in the program.	44852
(5) Ensuring that clerical and custodial services are	44853
provided for the program;	44854
(6) Supervising the instructional program and the daily	44855
operation of the program;	44856
(7) Supervising and evaluating preschool staff members	44857

according to a planned sequence of observations and evaluation 44858
conferences, and supervising nonteaching employees. 44859

(B)(1) In each program the maximum number of children per 44860
preschool staff member and the maximum group size by age category 44861
of children shall be as follows: 44862

	Maximum		
Age Group	Group	Staff Member/ Child Ratio	
Birth to less than 12 months	12	1:5, or 2:12 if two preschool staff members are in the room	44863 44864 44865 44866 44867 44868 44869
12 months to less than 18 months	12	1:6	44870
18 months to less than 30 months	14	1:7	44871
30 months to less than 3 years	16	1:8	44872
3-year-olds	24	1:12	44873
4- and 5-year-olds not in school	28	1:14	44874

(2) When age groups are combined, the maximum number of 44875
children per preschool staff member shall be determined by the age 44876
of the youngest child in the group, except that when no more than 44877
one child thirty months of age or older receives child care in a 44878
group in which all the other children are in the next older age 44879
group, the maximum number of children per child-care staff member 44880
and maximum group size requirements of the older age group 44881
established under division (B)(1) of this section shall apply. 44882

(3) In a room where children are napping, if all the children 44883
are at least eighteen months of age, the maximum number of 44884
children per preschool staff member shall, for a period not to 44885
exceed one and one-half hours in any twenty-four hour day, be 44886
twice the maximum number of children per preschool staff member 44887
established under division (B)(1) of this section if all the 44888
following criteria are met: 44889

(a) At least one preschool staff member is present in the room; 44890
44891

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section; 44892
44893
44894

(c) Naptime preparations have been completed and the children are resting or napping. 44895
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(4) Any accredited program that uses the Montessori method endorsed by the American Montessori society or the association Montessori internationale as its primary method of instruction and is licensed as a preschool program under section 3301.58 of the Revised Code may combine preschool children of ages three to five years old with children enrolled in kindergarten. Notwithstanding anything to the contrary in division (B)(2) of this section, when such age groups are combined, the maximum number of children per preschool staff member shall be twelve and the maximum group size shall be twenty-four children. 44897
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(C) In each building in which a preschool program is operated there shall be on the premises, and readily available at all times, at least one employee who has completed a course in first aid and in the prevention, recognition, and management of communicable diseases which is approved by the state department of health, and an employee who has completed a course in child abuse recognition and prevention. 44907
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(D) Any parent, guardian, or custodian of a child enrolled in a preschool program shall be permitted unlimited access to the school during its hours of operation to contact the parent's, guardian's, or custodian's child, evaluate the care provided by the program, or evaluate the premises, or for other purposes approved by the director. Upon entering the premises, the parent, guardian, or custodian shall report to the school office. 44914
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Sec. 3301.57. (A) For the purpose of improving programs, 44921
facilities, and implementation of the standards promulgated by the 44922
state board of education under section 3301.53 of the Revised 44923
Code, the state department of education shall provide consultation 44924
and technical assistance to school districts, county DD boards, 44925
community schools, and eligible nonpublic schools operating 44926
preschool programs or school child programs, and inservice 44927
training to preschool staff members, school child program staff 44928
members, and nonteaching employees. 44929

(B) The department and the school district board of 44930
education, county DD board, community school, or eligible 44931
nonpublic school shall jointly monitor each preschool program and 44932
each school child program. 44933

If the program receives any grant or other funding from the 44934
state or federal government, the department annually shall monitor 44935
all reports on attendance, financial support, and expenditures 44936
according to provisions for use of the funds. 44937

(C) The department of education, at least once during every 44938
twelve-month period of operation of a preschool program or a 44939
licensed school child program, shall inspect the program and 44940
provide a written inspection report to the superintendent of the 44941
school district, county DD board, community school, or eligible 44942
nonpublic school. The department may inspect any program more than 44943
once, as considered necessary by the department, during any 44944
twelve-month period of operation. All inspections may be 44945
unannounced. No person shall interfere with any inspection 44946
conducted pursuant to this division or to the rules adopted 44947
pursuant to sections 3301.52 to 3301.59 of the Revised Code. 44948

Upon receipt of any complaint that a preschool program or a 44949
licensed school child program is out of compliance with the 44950
requirements in sections 3301.52 to 3301.59 of the Revised Code or 44951

the rules adopted under those sections, the department shall 44952
investigate and may inspect the program. 44953

(D) If a preschool program or a licensed school child program 44954
is determined to be out of compliance with the requirements of 44955
sections 3301.52 to 3301.59 of the Revised Code or the rules 44956
adopted under those sections, the department of education shall 44957
notify the appropriate superintendent, county DD board, community 44958
school, or eligible nonpublic school in writing regarding the 44959
nature of the violation, what must be done to correct the 44960
violation, and by what date the correction must be made. If the 44961
correction is not made by the date established by the department, 44962
it may commence action under Chapter 119. of the Revised Code to 44963
close the program or to revoke the license of the program. If a 44964
program does not comply with an order to cease operation issued in 44965
accordance with Chapter 119. of the Revised Code, the department 44966
shall notify the attorney general, the prosecuting attorney of the 44967
county in which the program is located, or the city attorney, 44968
village solicitor, or other chief legal officer of the municipal 44969
corporation in which the program is located that the program is 44970
operating in violation of sections 3301.52 to 3301.59 of the 44971
Revised Code or the rules adopted under those sections and in 44972
violation of an order to cease operation issued in accordance with 44973
Chapter 119. of the Revised Code. Upon receipt of the 44974
notification, the attorney general, prosecuting attorney, city 44975
attorney, village solicitor, or other chief legal officer shall 44976
file a complaint in the court of common pleas of the county in 44977
which the program is located requesting the court to issue an 44978
order enjoining the program from operating. The court shall grant 44979
the requested injunctive relief upon a showing that the program 44980
named in the complaint is operating in violation of sections 44981
3301.52 to 3301.59 of the Revised Code or the rules adopted under 44982
those sections and in violation of an order to cease operation 44983
issued in accordance with Chapter 119. of the Revised Code. 44984

(E) The department of education shall prepare an annual 44985
report on inspections conducted under this section. The report 44986
shall include the number of inspections conducted, the number and 44987
types of violations found, and the steps taken to address the 44988
violations. The department shall file the report with the 44989
governor, the president and minority leader of the senate, and the 44990
speaker and minority leader of the house of representatives on or 44991
before the first day of January of each year, beginning in 1999. 44992

Sec. 3301.58. (A) The department of education is responsible 44993
for the licensing of preschool programs and school child programs 44994
and for the enforcement of sections 3301.52 to 3301.59 of the 44995
Revised Code and of any rules adopted under those sections. No 44996
school district board of education, county DD board, community 44997
school, or eligible nonpublic school shall operate, establish, 44998
manage, conduct, or maintain a preschool program without a license 44999
issued under this section. A school district board of education, 45000
county DD board, community school, or eligible nonpublic school 45001
may obtain a license under this section for a school child 45002
program. The school district board of education, county DD board, 45003
community school, or eligible nonpublic school shall post the 45004
license for each preschool program and licensed school child 45005
program it operates, establishes, manages, conducts, or maintains 45006
in a conspicuous place in the preschool program or licensed school 45007
child program that is accessible to parents, custodians, or 45008
guardians and employees and staff members of the program at all 45009
times when the program is in operation. 45010

(B) Any school district board of education, county DD board, 45011
community school, or eligible nonpublic school that desires to 45012
operate, establish, manage, conduct, or maintain a preschool 45013
program shall apply to the department of education for a license 45014
on a form that the department shall prescribe by rule. Any school 45015
district board of education, county DD board, community school, or 45016

eligible nonpublic school that desires to obtain a license for a 45017
school child program shall apply to the department for a license 45018
on a form that the department shall prescribe by rule. The 45019
department shall provide at no charge to each applicant for a 45020
license under this section a copy of the requirements under 45021
sections 3301.52 to 3301.59 of the Revised Code and any rules 45022
adopted under those sections. The department may establish 45023
application fees by rule adopted under Chapter 119. of the Revised 45024
Code, and all applicants for a license shall pay any fee 45025
established by the department at the time of making an application 45026
for a license. All fees collected pursuant to this section shall 45027
be paid into the state treasury to the credit of the general 45028
revenue fund. 45029

(C) Upon the filing of an application for a license, the 45030
department of education shall investigate and inspect the 45031
preschool program or school child program to determine the license 45032
capacity for each age category of children of the program and to 45033
determine whether the program complies with sections 3301.52 to 45034
3301.59 of the Revised Code and any rules adopted under those 45035
sections. When, after investigation and inspection, the department 45036
of education is satisfied that sections 3301.52 to 3301.59 of the 45037
Revised Code and any rules adopted under those sections are 45038
complied with by the applicant, the department of education shall 45039
issue the program a provisional license as soon as practicable in 45040
the form and manner prescribed by the rules of the department. The 45041
provisional license shall be valid for one year from the date of 45042
issuance unless revoked. 45043

(D) The department of education shall investigate and inspect 45044
a preschool program or school child program that has been issued a 45045
provisional license at least once during operation under the 45046
provisional license. If, after the investigation and inspection, 45047
the department of education determines that the requirements of 45048

sections 3301.52 to 3301.59 of the Revised Code and any rules 45049
adopted under those sections are met by the provisional licensee, 45050
the department of education shall issue the program a license. The 45051
license shall remain valid unless revoked or the program ceases 45052
operations. 45053

(E) The department of education annually shall investigate 45054
and inspect each preschool program or school child program 45055
licensed under division (D) of this section to determine if the 45056
requirements of sections 3301.52 to 3301.59 of the Revised Code 45057
and any rules adopted under those sections are met by the program, 45058
and shall notify the program of the results. 45059

(F) The license or provisional license shall state the name 45060
of the school district board of education, county DD board, 45061
community school, or eligible nonpublic school that operates the 45062
preschool program or school child program and the license capacity 45063
of the program. 45064

(G) The department of education may revoke the license of any 45065
preschool program or school child program that is not in 45066
compliance with the requirements of sections 3301.52 to 3301.59 of 45067
the Revised Code and any rules adopted under those sections. 45068

(H) If the department of education revokes a license, the 45069
department shall not issue a license to the program within two 45070
years from the date of the revocation. All actions of the 45071
department with respect to licensing preschool programs and school 45072
child programs shall be in accordance with Chapter 119. of the 45073
Revised Code. 45074

Sec. 3301.922. The department of education shall issue an 45075
annual report on the participation by public and chartered 45076
nonpublic schools in the option of sections 3313.674, 3314.15, and 45077
3326.26 of the Revised Code to screen students for body mass index 45078
and weight status category. The department shall include in the 45079

report any data regarding student health and wellness collected in 45080
conjunction with those sections. The department shall submit each 45081
report to the governor, and the general assembly, ~~and the healthy~~ 45082
~~choices for healthy children council.~~ 45083

~~Sec. 3301.923. Upon receipt of the initial recommendations of~~ 45084
~~the healthy choices for healthy children council required by~~ 45085
~~division (C) of section 3301.921 of the Revised Code, the The~~ 45086
department of education shall establish a clearinghouse of best 45087
practices that schools may use to promote student health. The 45088
department shall update the clearinghouse as necessary ~~to reflect~~ 45089
~~subsequent recommendations of the council.~~ 45090

Sec. 3302.02. Not later than one year after the adoption of 45091
rules under division (D) of section 3301.0712 of the Revised Code 45092
and at least every sixth year thereafter, upon recommendations of 45093
the superintendent of public instruction, the state board of 45094
education shall establish a set of performance indicators that 45095
considered as a unit will be used as one of the performance 45096
categories for the report cards required by section 3302.03 of the 45097
Revised Code. In establishing these indicators, the superintendent 45098
shall consider inclusion of student performance on assessments 45099
prescribed under section 3301.0710 or 3301.0712 of the Revised 45100
Code, rates of student improvement on such assessments, the 45101
breadth of coursework available within the district, and other 45102
indicators of student success. 45103

Beginning with the report card for the 2014-2015 school year, 45104
the performance indicators shall include an indicator that 45105
reflects the level of services provided to, and the performance 45106
of, students identified as gifted under Chapter 3324. of the 45107
Revised Code. The indicator shall include the performance of 45108
students identified as gifted on state assessments and value-added 45109
growth measure disaggregated for students identified as gifted. 45110

For the 2013-2014 school year, except as otherwise provided 45111
in this section, for any indicator based on the percentage of 45112
students attaining a proficient score on the assessments 45113
prescribed by divisions (A) and (B)(1) of section 3301.0710 of the 45114
Revised Code, a school district or building shall be considered to 45115
have met the indicator if at least eighty per cent of the tested 45116
students attain a score of proficient or higher on the assessment. 45117
A school district or building shall be considered to have met the 45118
indicator for the assessments prescribed by division (B)(1) of 45119
section 3301.0710 of the Revised Code and only as administered to 45120
eleventh grade students, if at least eighty-five per cent of the 45121
tested students attain a score of proficient or higher on the 45122
assessment. ~~Not later than July 1, 2014, the~~ 45123

The state board ~~may~~ shall adopt rules, under Chapter 119. of 45124
the Revised Code, to establish ~~different~~ proficiency percentages 45125
to meet each indicator that is based on a state assessment, 45126
prescribed under section 3301.0710 or 3301.0712 of the Revised 45127
Code, for the 2014-2015 school year and thereafter by the 45128
following dates: 45129

(A) Not later than December 31, 2015, for the 2014-2015 45130
school year; 45131

(B) Not later than July 1, 2016, for the 2015-2016 school 45132
year; 45133

(C) Not later than July 1, 2017, for the 2016-2017 school 45134
year, and for each school year thereafter. 45135

~~The superintendent shall not establish any performance 45136
indicator for passage of the third or fourth grade English 45137
language arts assessment that is solely based on the assessment 45138
given in the fall for the purpose of determining whether students 45139
have met the reading guarantee provisions of section 3313.608 of 45140
the Revised Code.~~ 45141

Sec. 3302.03. Annually, not later than the fifteenth day of 45142
September or the preceding Friday when that day falls on a 45143
Saturday or Sunday, the department of education shall assign a 45144
letter grade for overall academic performance and for each 45145
separate performance measure for each school district, and each 45146
school building in a district, in accordance with this section. 45147
The state board shall adopt rules pursuant to Chapter 119. of the 45148
Revised Code to establish performance criteria for each letter 45149
grade and prescribe a method by which the department assigns each 45150
letter grade. For a school building to which any of the 45151
performance measures do not apply, due to grade levels served by 45152
the building, the state board shall designate the performance 45153
measures that are applicable to the building and that must be 45154
calculated separately and used to calculate the building's overall 45155
grade. The department shall issue annual report cards reflecting 45156
the performance of each school district, each building within each 45157
district, and for the state as a whole using the performance 45158
measures and letter grade system described in this section. The 45159
department shall include on the report card for each district and 45160
each building within each district the most recent two-year trend 45161
data in student achievement for each subject and each grade. 45162

(A)(1) For the 2012-2013 school year, the department shall 45163
issue grades as described in division (E) of this section for each 45164
of the following performance measures: 45165

(a) Annual measurable objectives; 45166

(b) Performance index score for a school district or 45167
building. Grades shall be awarded as a percentage of the total 45168
possible points on the performance index system as adopted by the 45169
state board. In adopting benchmarks for assigning letter grades 45170
under division (A)(1)(b) of this section, the state board of 45171
education shall designate ninety per cent or higher for an "A," at 45172

least seventy per cent but not more than eighty per cent for a 45173
"C," and less than fifty per cent for an "F." 45174

(c) The extent to which the school district or building meets 45175
each of the applicable performance indicators established by the 45176
state board under section 3302.02 of the Revised Code and the 45177
percentage of applicable performance indicators that have been 45178
achieved. In adopting benchmarks for assigning letter grades under 45179
division (A)(1)(c) of this section, the state board shall 45180
designate ninety per cent or higher for an "A." 45181

(d) The four- and five-year adjusted cohort graduation rates. 45182

In adopting benchmarks for assigning letter grades under 45183
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 45184
department shall designate a four-year adjusted cohort graduation 45185
rate of ninety-three per cent or higher for an "A" and a five-year 45186
cohort graduation rate of ninety-five per cent or higher for an 45187
"A." 45188

(e) The overall score under the value-added progress 45189
dimension of a school district or building, for which the 45190
department shall use up to three years of value-added data as 45191
available. The letter grade assigned for this growth measure shall 45192
be as follows: 45193

(i) A score that is at least two standard errors of measure 45194
above the mean score shall be designated as an "A." 45195

(ii) A score that is at least one standard error of measure 45196
but less than two standard errors of measure above the mean score 45197
shall be designated as a "B." 45198

(iii) A score that is less than one standard error of measure 45199
above the mean score but greater than or equal to one standard 45200
error of measure below the mean score shall be designated as a 45201
"C." 45202

(iv) A score that is not greater than one standard error of 45203
measure below the mean score but is greater than or equal to two 45204
standard errors of measure below the mean score shall be 45205
designated as a "D." 45206

(v) A score that is not greater than two standard errors of 45207
measure below the mean score shall be designated as an "F." 45208

Whenever the value-added progress dimension is used as a 45209
graded performance measure, whether as an overall measure or as a 45210
measure of separate subgroups, the grades for the measure shall be 45211
calculated in the same manner as prescribed in division (A)(1)(e) 45212
of this section. 45213

(f) The value-added progress dimension score for a school 45214
district or building disaggregated for each of the following 45215
subgroups: students identified as gifted, students with 45216
disabilities, and students whose performance places them in the 45217
lowest quintile for achievement on a statewide basis. Each 45218
subgroup shall be a separate graded measure. 45219

(2) Not later than April 30, 2013, the state board of 45220
education shall adopt a resolution describing the performance 45221
measures, benchmarks, and grading system for the 2012-2013 school 45222
year and, not later than June 30, 2013, shall adopt rules in 45223
accordance with Chapter 119. of the Revised Code that prescribe 45224
the methods by which the performance measures under division 45225
(A)(1) of this section shall be assessed and assigned a letter 45226
grade, including performance benchmarks for each letter grade. 45227

At least forty-five days prior to the state board's adoption 45228
of rules to prescribe the methods by which the performance 45229
measures under division (A)(1) of this section shall be assessed 45230
and assigned a letter grade, the department shall conduct a public 45231
presentation before the standing committees of the house of 45232
representatives and the senate that consider education legislation 45233

describing such methods, including performance benchmarks. 45234

(3) There shall not be an overall letter grade for a school 45235
district or building for the 2012-2013 school year. 45236

(B)(1) For the 2013-2014 and 2014-2015 school ~~year~~ years, the 45237
department shall issue grades as described in division (E) of this 45238
section for each of the following performance measures: 45239

(a) Annual measurable objectives; 45240

(b) Performance index score for a school district or 45241
building. Grades shall be awarded as a percentage of the total 45242
possible points on the performance index system as created by the 45243
department. In adopting benchmarks for assigning letter grades 45244
under division (B)(1)(b) of this section, the state board shall 45245
designate ninety per cent or higher for an "A," at least seventy 45246
per cent but not more than eighty per cent for a "C," and less 45247
than fifty per cent for an "F." 45248

(c) The extent to which the school district or building meets 45249
each of the applicable performance indicators established by the 45250
state board under section 3302.03 of the Revised Code and the 45251
percentage of applicable performance indicators that have been 45252
achieved. In adopting benchmarks for assigning letter grades under 45253
division (B)(1)(c) of this section, the state board shall 45254
designate ninety per cent or higher for an "A." 45255

(d) The four- and five-year adjusted cohort graduation rates; 45256

(e) The overall score under the value-added progress 45257
dimension of a school district or building, for which the 45258
department shall use up to three years of value-added data as 45259
available. 45260

(f) The value-added progress dimension score for a school 45261
district or building disaggregated for each of the following 45262
subgroups: students identified as gifted in superior cognitive 45263

ability and specific academic ability fields under Chapter 3324. 45264
of the Revised Code, students with disabilities, and students 45265
whose performance places them in the lowest quintile for 45266
achievement on a statewide basis. Each subgroup shall be a 45267
separate graded measure. 45268

(g) Whether a school district or building is making progress 45269
in improving literacy in grades kindergarten through three, as 45270
determined using a method prescribed by the state board. The state 45271
board shall adopt rules to prescribe benchmarks and standards for 45272
assigning grades to districts and buildings for purposes of 45273
division (B)(1)(g) of this section. In adopting benchmarks for 45274
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 45275
this section, the state board shall determine progress made based 45276
on the reduction in the total percentage of students scoring below 45277
grade level, or below proficient, compared from year to year on 45278
the reading and writing diagnostic assessments administered under 45279
section 3301.0715 of the Revised Code and the third grade English 45280
language arts assessment under section 3301.0710 of the Revised 45281
Code, as applicable. The state board shall designate for a "C" 45282
grade a value that is not lower than the statewide average value 45283
for this measure. No grade shall be issued under divisions 45284
(B)(1)(g) and (C)(1)(g) of this section for a district or building 45285
in which less than five per cent of students have scored below 45286
grade level on the diagnostic assessment administered to students 45287
in kindergarten under division (B)(1) of section 3313.608 of the 45288
Revised Code. 45289

(h) For a high mobility school district or building, an 45290
additional value-added progress dimension score. For this measure, 45291
the department shall use value-added data from the most recent 45292
school year available and shall use assessment scores for only 45293
those students to whom the district or building has administered 45294
the assessments prescribed by section 3301.0710 of the Revised 45295

Code for each of the two most recent consecutive school years. 45296

As used in this division, "high mobility school district or 45297
building" means a school district or building where at least 45298
twenty-five per cent of its total enrollment is made up of 45299
students who have attended that school district or building for 45300
less than one year. 45301

(2) In addition to the graded measures in division (B)(1) of 45302
this section, the department shall include on a school district's 45303
or building's report card all of the following without an assigned 45304
letter grade: 45305

(a) The percentage of students enrolled in a district or 45306
building participating in advanced placement classes and the 45307
percentage of those students who received a score of three or 45308
better on advanced placement examinations; 45309

(b) The number of a district's or building's students who 45310
have earned at least three college credits through dual enrollment 45311
or advanced standing programs, such as the post-secondary 45312
enrollment options program under Chapter 3365. of the Revised Code 45313
and state-approved career-technical courses offered through dual 45314
enrollment or statewide articulation, that appear on a student's 45315
transcript or other official document, either of which is issued 45316
by the institution of higher education from which the student 45317
earned the college credit. The credits earned that are reported 45318
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 45319
include any that are remedial or developmental and shall include 45320
those that count toward the curriculum requirements established 45321
for completion of a degree. 45322

(c) The percentage of students enrolled in a district or 45323
building who have taken a national standardized test used for 45324
college admission determinations and the percentage of those 45325
students who are determined to be remediation-free in accordance 45326

with standards adopted under division (F) of section 3345.061 of the Revised Code; 45327
45328

(d) The percentage of the district's or the building's students who receive industry-recognized credentials. The state board shall adopt criteria for acceptable industry-recognized credentials. 45329
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(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations. 45333
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(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code. 45337
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(3) Not later than December 31, 2013, the state board shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade. 45340
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At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks. 45346
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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, and 2015-2016 school ~~year~~ years. 45353
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(C)(1) For the 2014-2015 school year and each school year thereafter, the department shall issue grades as described in 45356
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division (E) of this section for each of the performance measures 45358
prescribed in division (C)(1) of this section ~~and an overall~~ 45359
~~letter grade based on an aggregate of those measures, except for~~ 45360
~~the performance measure set forth in division (C)(1)(h) of this~~ 45361
section. The graded measures are as follows: 45362

(a) Annual measurable objectives; 45363

(b) Performance index score for a school district or 45364
building. Grades shall be awarded as a percentage of the total 45365
possible points on the performance index system as created by the 45366
department. In adopting benchmarks for assigning letter grades 45367
under division (C)(1)(b) of this section, the state board shall 45368
designate ninety per cent or higher for an "A," at least seventy 45369
per cent but not more than eighty per cent for a "C," and less 45370
than fifty per cent for an "F." 45371

(c) The extent to which the school district or building meets 45372
each of the applicable performance indicators established by the 45373
state board under section 3302.03 of the Revised Code and the 45374
percentage of applicable performance indicators that have been 45375
achieved. In adopting benchmarks for assigning letter grades under 45376
division (C)(1)(c) of this section, the state board shall 45377
designate ninety per cent or higher for an "A." 45378

(d) The four- and five-year adjusted cohort graduation rates; 45379

(e) The overall score under the value-added progress 45380
dimension, or another measure of student academic progress if 45381
adopted by the state board, of a school district or building, for 45382
which the department shall use up to three years of value-added 45383
data as available. 45384

In adopting benchmarks for assigning letter grades for 45385
overall score on value-added progress dimension under division 45386
(C)(1)(e) of this section, the state board shall prohibit the 45387
assigning of a grade of "A" for that measure unless the district's 45388

or building's grade assigned for value-added progress dimension 45389
for all subgroups under division (C)(1)(f) of this section is a 45390
"B" or higher. 45391

For the metric prescribed by division (C)(1)(e) of this 45392
section, the state board may adopt a student academic progress 45393
measure to be used instead of the value-added progress dimension. 45394
If the state board adopts such a measure, it also shall prescribe 45395
a method for assigning letter grades for the new measure that is 45396
comparable to the method prescribed in division (A)(1)(e) of this 45397
section. 45398

(f) The value-added progress dimension score of a school 45399
district or building disaggregated for each of the following 45400
subgroups: students identified as gifted in superior cognitive 45401
ability and specific academic ability fields under Chapter 3324. 45402
of the Revised Code, students with disabilities, and students 45403
whose performance places them in the lowest quintile for 45404
achievement on a statewide basis, as determined by a method 45405
prescribed by the state board. Each subgroup shall be a separate 45406
graded measure. 45407

The state board may adopt student academic progress measures 45408
to be used instead of the value-added progress dimension. If the 45409
state board adopts such measures, it also shall prescribe a method 45410
for assigning letter grades for the new measures that is 45411
comparable to the method prescribed in division (A)(1)(e) of this 45412
section. 45413

(g) Whether a school district or building is making progress 45414
in improving literacy in grades kindergarten through three, as 45415
determined using a method prescribed by the state board. The state 45416
board shall adopt rules to prescribe benchmarks and standards for 45417
assigning grades to a district or building for purposes of 45418
division (C)(1)(g) of this section. The state board shall 45419
designate for a "C" grade a value that is not lower than the 45420

statewide average value for this measure. No grade shall be issued 45421
under division (C)(1)(g) of this section for a district or 45422
building in which less than five per cent of students have scored 45423
below grade level on the kindergarten diagnostic assessment under 45424
division (B)(1) of section 3313.608 of the Revised Code. 45425

(h) For a high mobility school district or building, an 45426
additional value-added progress dimension score. For this measure, 45427
the department shall use value-added data from the most recent 45428
school year available and shall use assessment scores for only 45429
those students to whom the district or building has administered 45430
the assessments prescribed by section 3301.0710 of the Revised 45431
Code for each of the two most recent consecutive school years. 45432

As used in this division, "high mobility school district or 45433
building" means a school district or building where at least 45434
twenty-five per cent of its total enrollment is made up of 45435
students who have attended that school district or building for 45436
less than one year. 45437

(2) In addition to the graded measures in division (C)(1) of 45438
this section, the department shall include on a school district's 45439
or building's report card all of the following without an assigned 45440
letter grade: 45441

(a) The percentage of students enrolled in a district or 45442
building who have taken a national standardized test used for 45443
college admission determinations and the percentage of those 45444
students who are determined to be remediation-free in accordance 45445
with the standards adopted under division (F) of section 3345.061 45446
of the Revised Code; 45447

(b) The percentage of students enrolled in a district or 45448
building participating in advanced placement classes and the 45449
percentage of those students who received a score of three or 45450
better on advanced placement examinations; 45451

(c) The percentage of a district's or building's students who 45452
have earned at least three college credits through advanced 45453
standing programs, such as the college credit plus program under 45454
Chapter 3365. of the Revised Code and state-approved 45455
career-technical courses offered through dual enrollment or 45456
statewide articulation, that appear on a student's college 45457
transcript issued by the institution of higher education from 45458
which the student earned the college credit. The credits earned 45459
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 45460
section shall not include any that are remedial or developmental 45461
and shall include those that count toward the curriculum 45462
requirements established for completion of a degree. 45463

(d) The percentage of the district's or building's students 45464
who receive an honor's diploma under division (B) of section 45465
3313.61 of the Revised Code; 45466

(e) The percentage of the district's or building's students 45467
who receive industry-recognized credentials; 45468

(f) The percentage of students enrolled in a district or 45469
building who are participating in an international baccalaureate 45470
program and the percentage of those students who receive a score 45471
of four or better on the international baccalaureate examinations; 45472

(g) The results of the college and career-ready assessments 45473
administered under division (B)(1) of section 3301.0712 of the 45474
Revised Code. 45475

(3) The state board shall adopt rules pursuant to Chapter 45476
119. of the Revised Code that establish a method to assign an 45477
overall grade for a school district or school building for the 45478
~~2014-2015~~ 2016-2017 school year and each school year thereafter. 45479
The rules shall group the performance measures in divisions (C)(1) 45480
and (2) of this section into the following components: 45481

(a) Gap closing, which shall include the performance measure 45482

in division (C)(1)(a) of this section; 45483

(b) Achievement, which shall include the performance measures 45484
in divisions (C)(1)(b) and (c) of this section; 45485

(c) Progress, which shall include the performance measures in 45486
divisions (C)(1)(e) and (f) of this section; 45487

(d) Graduation, which shall include the performance measure 45488
in division (C)(1)(d) of this section; 45489

(e) Kindergarten through third-grade literacy, which shall 45490
include the performance measure in division (C)(1)(g) of this 45491
section; 45492

(f) Prepared for success, which shall include the performance 45493
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 45494
this section. The state board shall develop a method to determine 45495
a grade for the component in division (C)(3)(f) of this section 45496
using the performance measures in divisions (C)(2)(a), (b), (c), 45497
(d), (e), and (f) of this section. When available, the state board 45498
may incorporate the performance measure under division (C)(2)(g) 45499
of this section into the component under division (C)(3)(f) of 45500
this section. When determining the overall grade for the prepared 45501
for success component prescribed by division (C)(3)(f) of this 45502
section, no individual student shall be counted in more than one 45503
performance measure. However, if a student qualifies for more than 45504
one performance measure in the component, the state board may, in 45505
its method to determine a grade for the component, specify an 45506
additional weight for such a student that is not greater than or 45507
equal to 1.0. In determining the overall score under division 45508
(C)(3)(f) of this section, the state board shall ensure that the 45509
pool of students included in the performance measures aggregated 45510
under that division are all of the students included in the four- 45511
and five-year adjusted graduation cohort. 45512

In the rules adopted under division (C)(3) of this section, 45513

the state board shall adopt a method for determining a grade for 45514
each component in divisions (C)(3)(a) to (f) of this section. The 45515
state board also shall establish a method to assign an overall 45516
grade of "A," "B," "C," "D," or "F" using the grades assigned for 45517
each component. The method the state board adopts for assigning an 45518
overall grade shall give equal weight to the components in 45519
divisions (C)(3)(b) and (c) of this section. 45520

At least forty-five days prior to the state board's adoption 45521
of rules to prescribe the methods for calculating the overall 45522
grade for the report card, as required by this division, the 45523
department shall conduct a public presentation before the standing 45524
committees of the house of representatives and the senate that 45525
consider education legislation describing the format for the 45526
report card, weights that will be assigned to the components of 45527
the overall grade, and the method for calculating the overall 45528
grade. 45529

(D) ~~Not later~~ On or after than July 1, 2015, the state board 45530
~~shall~~ may develop a measure of student academic progress for high 45531
school students using only data from assessments in English 45532
language arts and mathematics. ~~For the 2014-2015 school year, the~~ 45533
~~department shall include this measure on a school district or~~ 45534
~~building's report card, as applicable, without an assigned letter~~ 45535
~~grade. Beginning with the report card for the 2015-2016 school~~ 45536
~~year~~ If the state board develops this measure, each school 45537
district and applicable school building shall be assigned a 45538
separate letter grade for ~~this measure and the~~ if not sooner than 45539
the 2017-2018 school year. The district's or building's grade for 45540
that measure shall not be included in determining the district's 45541
or building's overall letter grade. ~~This measure shall be included~~ 45542
~~within the measure prescribed in division (C)(3)(c) of this~~ 45543
~~section in the calculation for the overall letter grade.~~ 45544

(E) The letter grades assigned to a school district or 45545

building under this section shall be as follows:	45546
(1) "A" for a district or school making excellent progress;	45547
(2) "B" for a district or school making above average progress;	45548 45549
(3) "C" for a district or school making average progress;	45550
(4) "D" for a district or school making below average progress;	45551 45552
(5) "F" for a district or school failing to meet minimum progress.	45553 45554
(F) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	45555 45556 45557
(1) Performance of students by grade-level;	45558
(2) Performance of students by race and ethnic group;	45559
(3) Performance of students by gender;	45560
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	45561 45562
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	45563 45564 45565
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	45566 45567
(7) Performance of students grouped by those who are economically disadvantaged;	45568 45569
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	45570 45571 45572
(9) Performance of students grouped by those who are	45573

classified as limited English proficient; 45574

(10) Performance of students grouped by those who have 45575
disabilities; 45576

(11) Performance of students grouped by those who are 45577
classified as migrants; 45578

(12) Performance of students grouped by those who are 45579
identified as gifted in superior cognitive ability and the 45580
specific academic ability fields of reading and math pursuant to 45581
Chapter 3324. of the Revised Code. In disaggregating specific 45582
academic ability fields for gifted students, the department shall 45583
use data for those students with specific academic ability in math 45584
and reading. If any other academic field is assessed, the 45585
department shall also include data for students with specific 45586
academic ability in that field as well. 45587

(13) Performance of students grouped by those who perform in 45588
the lowest quintile for achievement on a statewide basis, as 45589
determined by a method prescribed by the state board. 45590

The department may disaggregate data on student performance 45591
according to other categories that the department determines are 45592
appropriate. To the extent possible, the department shall 45593
disaggregate data on student performance according to any 45594
combinations of two or more of the categories listed in divisions 45595
(F)(1) to (13) of this section that it deems relevant. 45596

In reporting data pursuant to division (F) of this section, 45597
the department shall not include in the report cards any data 45598
statistical in nature that is statistically unreliable or that 45599
could result in the identification of individual students. For 45600
this purpose, the department shall not report student performance 45601
data for any group identified in division (F) of this section that 45602
contains less than ten students. If the department does not report 45603
student performance data for a group because it contains less than 45604

ten students, the department shall indicate on the report card 45605
that is why data was not reported. 45606

(G) The department may include with the report cards any 45607
additional education and fiscal performance data it deems 45608
valuable. 45609

(H) The department shall include on each report card a list 45610
of additional information collected by the department that is 45611
available regarding the district or building for which the report 45612
card is issued. When available, such additional information shall 45613
include student mobility data disaggregated by race and 45614
socioeconomic status, college enrollment data, and the reports 45615
prepared under section 3302.031 of the Revised Code. 45616

The department shall maintain a site on the world wide web. 45617
The report card shall include the address of the site and shall 45618
specify that such additional information is available to the 45619
public at that site. The department shall also provide a copy of 45620
each item on the list to the superintendent of each school 45621
district. The district superintendent shall provide a copy of any 45622
item on the list to anyone who requests it. 45623

(I) Division (I) of this section does not apply to conversion 45624
community schools that primarily enroll students between sixteen 45625
and twenty-two years of age who dropped out of high school or are 45626
at risk of dropping out of high school due to poor attendance, 45627
disciplinary problems, or suspensions. 45628

(1) For any district that sponsors a conversion community 45629
school under Chapter 3314. of the Revised Code, the department 45630
shall combine data regarding the academic performance of students 45631
enrolled in the community school with comparable data from the 45632
schools of the district for the purpose of determining the 45633
performance of the district as a whole on the report card issued 45634
for the district under this section or section 3302.033 of the 45635

Revised Code. 45636

(2) Any district that leases a building to a community school 45637
located in the district or that enters into an agreement with a 45638
community school located in the district whereby the district and 45639
the school endorse each other's programs may elect to have data 45640
regarding the academic performance of students enrolled in the 45641
community school combined with comparable data from the schools of 45642
the district for the purpose of determining the performance of the 45643
district as a whole on the district report card. Any district that 45644
so elects shall annually file a copy of the lease or agreement 45645
with the department. 45646

(3) Any municipal school district, as defined in section 45647
3311.71 of the Revised Code, that sponsors a community school 45648
located within the district's territory, or that enters into an 45649
agreement with a community school located within the district's 45650
territory whereby the district and the community school endorse 45651
each other's programs, may exercise either or both of the 45652
following elections: 45653

(a) To have data regarding the academic performance of 45654
students enrolled in that community school combined with 45655
comparable data from the schools of the district for the purpose 45656
of determining the performance of the district as a whole on the 45657
district's report card; 45658

(b) To have the number of students attending that community 45659
school noted separately on the district's report card. 45660

The election authorized under division (I)(3)(a) of this 45661
section is subject to approval by the governing authority of the 45662
community school. 45663

Any municipal school district that exercises an election to 45664
combine or include data under division (I)(3) of this section, by 45665
the first day of October of each year, shall file with the 45666

department documentation indicating eligibility for that election, 45667
as required by the department. 45668

(J) The department shall include on each report card the 45669
percentage of teachers in the district or building who are highly 45670
qualified, as defined by the No Child Left Behind Act of 2001, and 45671
a comparison of that percentage with the percentages of such 45672
teachers in similar districts and buildings. 45673

(K)(1) In calculating English language arts, mathematics, 45674
social studies, or science assessment passage rates used to 45675
determine school district or building performance under this 45676
section, the department shall include all students taking an 45677
assessment with accommodation or to whom an alternate assessment 45678
is administered pursuant to division (C)(1) or (3) of section 45679
3301.0711 of the Revised Code. 45680

(2) In calculating performance index scores, rates of 45681
achievement on the performance indicators established by the state 45682
board under section 3302.02 of the Revised Code, and annual 45683
measurable objectives for determining adequate yearly progress for 45684
school districts and buildings under this section, the department 45685
shall do all of the following: 45686

(a) Include for each district or building only those students 45687
who are included in the ADM certified for the first full school 45688
week of October and are continuously enrolled in the district or 45689
building through the time of the spring administration of any 45690
assessment prescribed by division (A)(1) or (B)(1) of section 45691
3301.0710 or division (B) of section 3301.0712 of the Revised Code 45692
that is administered to the student's grade level; 45693

(b) Include cumulative totals from both the fall and spring 45694
administrations of the third grade English language arts 45695
achievement assessment; 45696

(c) Except as required by the No Child Left Behind Act of 45697

2001, exclude for each district or building any limited English 45698
proficient student who has been enrolled in United States schools 45699
for less than one full school year. 45700

(L) Beginning with the 2015-2016 school year and at least 45701
once every three years thereafter, the state board of education 45702
shall review and may adjust the benchmarks for assigning letter 45703
grades to the performance measures and components prescribed under 45704
divisions (C)(3) and (D) of this section. 45705

Sec. 3302.036. (A)(1) Notwithstanding anything in the Revised 45706
Code to the contrary, ~~the~~ for the 2014-2015 and 2015-2016 school 45707
years only, the department of education shall not assign an 45708
overall letter grade under division (C)(3) of section 3302.03 of 45709
the Revised Code for any school district or building ~~for the~~ 45710
~~2014-2015 school year.~~ 45711

(2) Notwithstanding anything in the Revised Code to the 45712
contrary, for the 2014-2015 school year only: 45713

(a) The department may, at the discretion of the state board 45714
of education, not assign an individual grade to any component 45715
prescribed under division (C)(3) of section 3302.03 of the Revised 45716
Code, ~~and.~~ 45717

(b) The department shall not rank school districts, community 45718
schools established under Chapter 3314. of the Revised Code, or 45719
STEM schools established under Chapter 3326. of the Revised Code 45720
under section 3302.21 of the Revised Code ~~for that school year.~~ 45721
~~The.~~ 45722

(c) The department shall not assign a grade for performance 45723
index score under division (C)(1)(b) of section 3302.03 of the 45724
Revised Code for any school district or building. 45725

(B)(1) The report card ratings issued for the 2014-2015 45726
school year shall not be considered in determining whether a 45727

school district or a school is subject to ~~sanctions or penalties~~ 45728
the provisions prescribed under division (B)(2) of this section. 45729
However, the report card ratings of any previous or subsequent 45730
years shall be considered in determining whether a school district 45731
or building is subject to sanctions or penalties. Accordingly, the 45732
report card ratings for the 2014-2015 school year shall have no 45733
effect in determining ~~sanctions or penalties~~ the provisions 45734
prescribed under division (B)(2) of this section, but shall not 45735
create a new starting point for determinations that are based on 45736
ratings over multiple years. 45737

~~(B)(2)~~ The provisions from which a district or school is 45738
exempt under division ~~(A)~~(B)(1) of this section shall be the 45739
following: 45740

~~(1)(a)~~ Any restructuring provisions established under this 45741
chapter, except as required under the "No Child Left Behind Act of 45742
2001"; 45743

~~(2)(b)~~ Provisions for the Columbus city school pilot project 45744
under section 3302.042 of the Revised Code; 45745

~~(3)(c)~~ Provisions for academic distress commissions under 45746
section 3302.10 of the Revised Code; 45747

~~(4)(d)~~ Provisions prescribing new buildings where students 45748
are eligible for the educational choice scholarships under section 45749
3310.03 of the Revised Code; 45750

~~(5)(e)~~ Provisions defining "challenged school districts" in 45751
which new start-up community schools may be located, as prescribed 45752
in section 3314.02 of the Revised Code; 45753

~~(6)(f)~~ Provisions prescribing community school closure 45754
requirements under section 3314.35 or 3314.351 of the Revised 45755
Code. 45756

(C) Notwithstanding anything in the Revised Code to the 45757

contrary and except as provided in Section 3 of H.B. 7 of the 45758
131st general assembly, no school district, community school, or 45759
STEM school shall utilize at any time during a student's academic 45760
career a student's score on any assessment administered under 45761
division (A) of section 3301.0710 or division (B)(2) of section 45762
3301.0712 of the Revised Code in the 2014-2015 or 2015-2016 school 45763
year as a factor in any decision to promote or to deny the student 45764
promotion to a higher grade level or in any decision to grant 45765
course credit. No individual student score reports on such 45766
assessments administered in the 2014-2015 or 2015-2016 school year 45767
shall be released, except to a student's school district or school 45768
or to the student or the student's parent or guardian. 45769

Sec. 3302.05. The state board of education shall adopt rules 45770
freeing school districts from specified state mandates if one of 45771
the following applies: 45772

(A) For the 2011-2012 school year, the school district was 45773
declared to be excellent under section 3302.03 of the Revised 45774
Code, as that section existed prior to ~~the effective date of this~~ 45775
~~section~~ March 22, 2013, and had above expected growth in the 45776
overall value-added measure. 45777

(B) For the 2012-2013 school year, the school district 45778
received a grade of "A" for the number of performance indicators 45779
met under division (A)(1)(c) of section 3302.03 of the Revised 45780
Code and for the value-added dimension under division (A)(1)(e) of 45781
section 3302.03 of the Revised Code. 45782

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 45783
the school district received a grade of "A" for the number of 45784
performance indicators met under division (B)(1)(c) of section 45785
3302.03 of the Revised Code and for the value-added dimension 45786
under division (B)(1)(e) of section 3302.03 of the Revised Code. 45787

(D) For the ~~2014-2015~~ 2016-2017 school year and for each 45788

school year thereafter, the school district received an overall 45789
grade of "A" under division (C)(3) of section 3302.03 of the 45790
Revised Code. 45791

Any mandates included in the rules shall be only those 45792
statutes or rules pertaining to state education requirements. The 45793
rules shall not exempt districts from any operating standard 45794
adopted under division (D)(3) of section 3301.07 of the Revised 45795
Code. 45796

Sec. 3302.15. (A) Notwithstanding anything to the contrary in 45797
Chapter 3301. or 3302. of the Revised Code, the board of education 45798
of a school district, governing authority of a community school 45799
established under Chapter 3314. of the Revised Code, or governing 45800
body of a STEM school established under Chapter 3326. of the 45801
Revised Code may submit to the superintendent of public 45802
instruction, during the 2015-2016 school year, a request for a 45803
waiver for up to five school years from administering the state 45804
achievement assessments required under sections 3301.0710 and 45805
3301.0712 of the Revised Code and related requirements specified 45806
under division ~~(C)~~(B)(2) of this section. A district or school 45807
that obtains a waiver under this section shall use the alternative 45808
assessment system, as proposed by the district or school and as 45809
approved by the state superintendent, in place of the assessments 45810
required under sections 3301.0710 and 3301.0712 of the Revised 45811
Code. 45812

~~(B) To be eligible to submit a request for a waiver under 45813
this section, a school district shall be a member of the Ohio 45814
innovation lab network. 45815~~

~~(C)~~(1) A request for a waiver under this section shall 45816
contain the following: 45817

(a) A timeline to develop and implement an alternative 45818
assessment system for the ~~school~~ district or school; 45819

(b) An overview of the proposed <u>innovative</u> educational programs or strategies to be offered by the school district <u>or school</u> ;	45820
	45821
	45822
(c) An overview of the proposed alternative assessment system, including links to state accepted and nationally accepted metrics, assessments, and evaluations;	45823
	45824
	45825
(d) An overview of planning details that have been implemented or proposed and any documented support from educational networks, established educational consultants, state institutions of higher education as defined under section 3345.011 of the Revised Code, and employers or workforce development partners;	45826
	45827
	45828
	45829
	45830
	45831
(e) An overview of the capacity to implement the alternative assessments, conduct the evaluation of teachers with alternative assessments, and the reporting of student achievement data with alternative assessments for the purpose of the report card ratings prescribed under section 3302.03 of the Revised Code, all of which shall include any prior success in implementing innovative educational programs or strategies, teaching practices, or assessment practices;	45832
	45833
	45834
	45835
	45836
	45837
	45838
	45839
(f) An acknowledgement by the school district <u>or school</u> of federal funding that may be impacted by obtaining a waiver.	45840
	45841
(2) The request for a waiver shall indicate the extent to which exemptions from state or federal requirements regarding the administration of the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code are sought. Such items from which a school district or school may be exempt are as follows:	45842
	45843
	45844
	45845
	45846
	45847
(a) The required administration of state assessments under sections 3301.0710 and 3301.0712 of the Revised Code;	45848
	45849
(b) The evaluation of teachers and administrators under	45850

sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 45851
of the Revised Code; 45852

(c) The reporting of student achievement data for the purpose 45853
of the report card ratings prescribed under section 3302.03 of the 45854
Revised Code. 45855

~~(D)~~(C) Each request for a waiver shall include the signature 45856
of all of the following: 45857

(1) The superintendent of the school district or the 45858
equivalent for a community school or STEM school; 45859

(2) The president of the district board or the equivalent for 45860
a community school or STEM school; 45861

(3) The presiding officer of the labor organization 45862
representing the district's or school's teachers, if any; 45863

(4) If the district's or school's teachers are not 45864
represented by a labor organization, the principal and a majority 45865
of the administrators and teachers of the district or school. 45866

~~(E)~~ ~~Not later than thirty days after receiving~~ (D) Upon 45867
receipt of a request for a waiver, the state superintendent shall 45868
approve or deny the waiver or may request additional information 45869
from the district or school. The state superintendent shall not 45870
grant waivers to more than a total of ten ~~school~~ districts, 45871
community schools, or STEM schools, based on requests for a waiver 45872
received during the 2015-2016 school year. A waiver granted to a 45873
~~school~~ district or school shall be contingent on an ongoing review 45874
and evaluation by the state superintendent of the program for 45875
which the waiver was granted. 45876

~~(F)~~(E)(1) For the purpose of this section, the department of 45877
education shall seek a waiver from the testing requirements 45878
prescribed under the "No Child Left Behind Act of 2001," if 45879
necessary to implement this section. 45880

(2) The department shall create a mechanism for the 45881
comparison of the alternative assessments prescribed under 45882
division ~~(C)~~(B) of this section and the assessments required under 45883
sections 3301.0710 and 3301.0712 of the Revised Code as it relates 45884
to the evaluation of teachers and student achievement data for the 45885
purpose of state report card ratings. 45886

(F) For purposes of this section, "innovative educational 45887
program or strategy" means a program or strategy using a new idea 45888
or method aimed at increasing student engagement and preparing 45889
students to be college or career ready. 45890

Sec. 3304.171. (A) As used in this section, "OhioMeansJobs" 45891
has the same meaning as in section 6301.01 of the Revised Code. 45892

(B) Beginning January 1, 2016, each recipient of vocational 45893
rehabilitation services provided under section 3304.17 of the 45894
Revised Code shall create an account with OhioMeansJobs upon 45895
initiation of a job search as a part of receiving those services. 45896

(C) Division (B) of this section does not apply to any 45897
individual who is legally prohibited from using a computer, has a 45898
physical or visual impairment that makes the individual unable to 45899
use a computer, or has a limited ability to read, write, speak, or 45900
understand a language in which OhioMeansJobs is available. 45901

Sec. 3305.052. (A) The state retirement system that covers 45902
the position held by an employee of a public institution of higher 45903
education who makes an election under division (B)(2) or (3) of 45904
section 3305.05 or division (B) of section 3305.051 of the Revised 45905
Code to participate in the public institution's alternative 45906
retirement plan shall, not later than thirty days after the date 45907
on which the certified copy of the employee's election is filed 45908
with the state retirement system under that section, do one of the 45909
following: 45910

(1) If the employee was participating in a defined benefit 45911
plan as provided in sections 145.201 to 145.79, sections 3307.50 45912
to 3307.79, or sections 3309.18 to 3309.76 of the Revised Code, 45913
pay to the provider of the investment option selected by the 45914
employee any employee and employer contributions made to the 45915
retirement system by or on behalf of that employee for the period 45916
beginning on the employee's starting day of employment and ending 45917
on the day before the day on which contributions commence under an 45918
alternative retirement plan, less the amount due the retirement 45919
system pursuant to division (D) of section 3305.06 or 3305.062 of 45920
the Revised Code for that period. 45921

(2) If the employee was participating in a defined 45922
contribution plan as provided in section 145.81, 3307.81, or 45923
3309.81 of the Revised Code, pay to the provider of the investment 45924
option selected by the employee the amount on deposit in the 45925
employee's individual account for the period beginning on the 45926
employee's starting day of employment and ending on the day before 45927
the day on which contributions commence under an alternative 45928
retirement plan. 45929

(B) The state retirement system that covers the position held 45930
by an employee of a public institution of higher education who 45931
makes an election under division (B)(1) of section 3305.05 or 45932
division (C) of section 3305.051 of the Revised Code to 45933
participate in the public institution's alternative retirement 45934
plan shall, not later than thirty days after the date on which a 45935
certified copy of the employee's election is filed with the state 45936
retirement system under that section, do one of the following: 45937

(1) If the employee was participating in a defined benefit 45938
plan as provided in sections 145.201 to 145.79, sections 3307.50 45939
to 3307.79, or sections 3309.18 to 3309.70 of the Revised Code, 45940
pay to the provider of the investment option selected by the 45941
employee any employee and employer contributions made to the 45942

retirement system by or on behalf of that employee for any period 45943
commencing after the date on which the election becomes 45944
irrevocable under division (C)(1) of section 3305.05 of the 45945
Revised Code or the applicable date described in division 45946
(C)(2)(a) or (b) of section 3305.051 of the Revised Code and 45947
ending on the day before the day on which contributions commence 45948
under an alternative retirement plan, less the amount due the 45949
retirement system pursuant to division (D) of section 3305.06 or 45950
3305.062 of the Revised Code for that period. 45951

(2) If the employee was participating in a defined 45952
contribution plan as provided in section 145.81, 3307.81, or 45953
3309.81 of the Revised Code, pay to the provider of the investment 45954
option selected by the employee the amount on deposit in the 45955
employee's individual account for the period commencing after the 45956
date on which the election becomes irrevocable under division 45957
(C)(1) of section 3305.05 of the Revised Code and ending on the 45958
day before the day on which contributions commence under an 45959
alternative retirement plan. 45960

Sec. 3305.062. Notwithstanding section 171.07, division (D) 45961
of section 3305.06, and section 3305.061 of the Revised Code, the 45962
percentage of an electing employee's compensation contributed to 45963
the state retirement system that would otherwise cover the 45964
employee by a public institution of higher education under 45965
division (D) of section 3305.06 of the Revised Code is as follows: 45966

(A) In the case of the public employees retirement system, 45967
seventy-seven one-hundredths per cent; 45968

(B) In the case of the state teachers retirement system, four 45969
and one-half per cent; 45970

(C) In the case of the school employees retirement system, 45971
six per cent. 45972

Sec. 3305.08. Any payment, benefit, or other right accruing 45973
to any electing employee under a contract entered into for 45974
purposes of an alternative retirement plan and all moneys, 45975
investments, and income of those contracts are exempt from any 45976
state tax, except the tax imposed by section 5747.02 of the 45977
Revised Code, are exempt from any county, municipal, or other 45978
local tax, except income taxes imposed pursuant to section 45979
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 45980
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 45981
3119.81, 3121.02, 3121.03, 3123.06, 3305.09, and 3305.12 of the 45982
Revised Code, shall not be subject to execution, garnishment, 45983
attachment, the operation of bankruptcy or the insolvency law, or 45984
other process of law, and shall be unassignable except as 45985
specifically provided in this section and sections 3105.171, 45986
3105.65, 3119.80, 3119.81, 3121.02, 3121.03, ~~3115.32~~ 3115.501, and 45987
3123.06 of the Revised Code or in any contract the electing 45988
employee has entered into for purposes of an alternative 45989
retirement plan. 45990

Sec. 3305.21. (A) As used in this section, "alternate payee," 45991
"benefit," "lump sum payment," and "participant" have the same 45992
meanings as in section 3105.80 of the Revised Code. 45993

(B) On receipt of an order issued under section 3105.171 or 45994
3105.65 of the Revised Code, an entity providing a participant's 45995
alternative retirement plan shall determine whether the order 45996
meets the requirements of sections 3105.80 to 3105.90 of the 45997
Revised Code, ~~the.~~ The entity shall retain in the ~~particant's~~ 45998
participant's record an order the entity determines meets the 45999
requirements. Not later than ten days after receipt, the entity 46000
shall return to the court that issued the order any order the 46001
entity determines does not meet the requirements. 46002

(C) The entity shall comply with an order retained under 46003

division (B) of this section at the following times as 46004
appropriate: 46005

(1) If the participant has applied for or is receiving a 46006
benefit or has applied for but not yet received a lump sum 46007
payment, as soon as practicable; 46008

(2) If the participant has not applied for a benefit or lump 46009
sum payment, on application by the participant for a benefit or 46010
lump sum payment. 46011

(D) If an entity providing an alternative retirement plan is 46012
required to transfer a participant's account balance to an entity 46013
providing an alternative retirement plan that is not named in the 46014
order, the transferring entity shall do both of the following: 46015

(1) Notify the court that issued the order by sending the 46016
court a copy of the order and the name and address of the entity 46017
to which the transfer was made. 46018

(2) Send a copy of the order to the entity to which the 46019
transfer was made. 46020

(E) An entity that receives a participant's account balance 46021
and a copy of an order as provided in division (D) of this 46022
section, shall administer the order as if it were the entity named 46023
in the order. 46024

(F) If a participant's benefit or lump sum payment is or will 46025
be subject to more than one order described in section 3105.81 of 46026
the Revised Code or to an order described in section 3105.81 of 46027
the Revised Code and a withholding order under section 3111.23 or 46028
3113.21 of the Revised Code, the entity providing the alternative 46029
retirement plan shall, after determining that the amounts that are 46030
or will be withheld will cause the benefit or lump sum payment to 46031
fall below the limits described in section 3105.85 of the Revised 46032
Code, do all of the following: 46033

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the entity providing a participant's alternative retirement plan. The entity is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) An entity providing an alternative retirement plan is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 3307.01. As used in this chapter:

(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.

(B)(1) ~~"Teacher"~~ Except as otherwise provided in division (B)(2) of this section, "teacher" means all of the following:

(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;

(b) Any person employed as a teacher ~~by~~ in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;

(c) Any person having a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board of education, under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education, as determined by the state superintendent of public instruction.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include ~~any~~ either of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan

established under Chapter 3305. of the Revised Code; 46095

(b) Any individual excluded from membership pursuant to 46096
section 3307.011 of the Revised Code. 46097

(C) "Member" means any person included in the membership of 46098
the state teachers retirement system, which shall consist of all 46099
teachers and contributors as defined in divisions (B) and (D) of 46100
this section and all disability benefit recipients, as defined in 46101
section 3307.50 of the Revised Code. However, for purposes of this 46102
chapter, the following persons shall not be considered members: 46103

(1) A student, intern, or resident who is not a member while 46104
employed part-time by a school, college, or university at which 46105
the student, intern, or resident is regularly attending classes; 46106

(2) A person denied membership pursuant to section 3307.24 of 46107
the Revised Code; 46108

(3) An other system retirant, as defined in section 3307.35 46109
of the Revised Code, or a superannuate; 46110

(4) An individual employed in a program established pursuant 46111
to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 46112
U.S.C.A. 1501; 46113

(5) The surviving spouse of a member or retirant if the 46114
surviving spouse's only connection to the retirement system is an 46115
account in an STRS defined contribution plan. 46116

(D) "Contributor" means any person who has an account in the 46117
teachers' savings fund or defined contribution fund, except that 46118
"contributor" does not mean a member or retirant's surviving 46119
spouse with an account in an STRS defined contribution plan. 46120

(E) "Beneficiary" means any person eligible to receive, or in 46121
receipt of, a retirement allowance or other benefit provided by 46122
this chapter. 46123

(F) "Year" means the year beginning the first day of July and 46124

ending with the thirtieth day of June next following, except that 46125
for the purpose of determining final average salary under the plan 46126
described in sections 3307.50 to 3307.79 of the Revised Code, 46127
"year" may mean the contract year. 46128

(G) "Local district pension system" means any school teachers 46129
pension fund created in any school district of the state in 46130
accordance with the laws of the state prior to September 1, 1920. 46131

(H) "Employer contribution" means the amount paid by an 46132
employer, as determined by the employer rate, including the normal 46133
and deficiency rates, contributions, and funds wherever used in 46134
this chapter. 46135

(I) "Five years of service credit" means employment covered 46136
under this chapter and employment covered under a former 46137
retirement plan operated, recognized, or endorsed by a college, 46138
institute, university, or political subdivision of this state 46139
prior to coverage under this chapter. 46140

(J) "Actuary" means an actuarial professional contracted with 46141
or employed by the state teachers retirement board, who shall be 46142
either of the following: 46143

(1) A member of the American academy of actuaries; 46144

(2) A firm, partnership, or corporation of which at least one 46145
person is a member of the American academy of actuaries. 46146

(K) "Fiduciary" means a person who does any of the following: 46147

(1) Exercises any discretionary authority or control with 46148
respect to the management of the system, or with respect to the 46149
management or disposition of its assets; 46150

(2) Renders investment advice for a fee, direct or indirect, 46151
with respect to money or property of the system; 46152

(3) Has any discretionary authority or responsibility in the 46153
administration of the system. 46154

(L)(1) Except as provided in this division, "compensation" 46155
means all salary, wages, and other earnings paid to a teacher by 46156
reason of the teacher's employment, including compensation paid 46157
pursuant to a supplemental contract. The salary, wages, and other 46158
earnings shall be determined prior to determination of the amount 46159
required to be contributed to the teachers' savings fund or 46160
defined contribution fund under section 3307.26 of the Revised 46161
Code and without regard to whether any of the salary, wages, or 46162
other earnings are treated as deferred income for federal income 46163
tax purposes. 46164

(2) Compensation does not include any of the following: 46165

(a) Payments for accrued but unused sick leave or personal 46166
leave, including payments made under a plan established pursuant 46167
to section 124.39 of the Revised Code or any other plan 46168
established by the employer; 46169

(b) Payments made for accrued but unused vacation leave, 46170
including payments made pursuant to section 124.13 of the Revised 46171
Code or a plan established by the employer; 46172

(c) Payments made for vacation pay covering concurrent 46173
periods for which other salary, compensation, or benefits under 46174
this chapter or Chapter 145. or 3309. of the Revised Code are 46175
paid; 46176

(d) Amounts paid by the employer to provide life insurance, 46177
sickness, accident, endowment, health, medical, hospital, dental, 46178
or surgical coverage, or other insurance for the teacher or the 46179
teacher's family, or amounts paid by the employer to the teacher 46180
in lieu of providing the insurance; 46181

(e) Incidental benefits, including lodging, food, laundry, 46182
parking, or services furnished by the employer, use of the 46183
employer's property or equipment, and reimbursement for 46184
job-related expenses authorized by the employer, including moving 46185

and travel expenses and expenses related to professional development;	46186 46187
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;	46188 46189 46190
(g) Payments by the employer for services not actually rendered;	46191 46192
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	46193 46194 46195
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	46196 46197 46198 46199 46200 46201
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	46202 46203 46204 46205 46206 46207
(iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;	46208 46209 46210
(iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.	46211 46212 46213 46214
(i) Payments made to or on behalf of a teacher that are in	46215

excess of the annual compensation that may be taken into account 46216
by the retirement system under division (a)(17) of section 401 of 46217
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 46218
401(a)(17), as amended. For a teacher who first establishes 46219
membership before July 1, 1996, the annual compensation that may 46220
be taken into account by the retirement system shall be determined 46221
under division (d)(3) of section 13212 of the "Omnibus Budget 46222
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 46223

(j) Payments made under division (B), (C), or (E) of section 46224
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 46225
No. 3 of the 119th general assembly, Section 3 of Amended 46226
Substitute Senate Bill No. 164 of the 124th general assembly, or 46227
Amended Substitute House Bill No. 405 of the 124th general 46228
assembly; 46229

(k) Anything of value received by the teacher that is based 46230
on or attributable to retirement or an agreement to retire; 46231

(l) Any amount paid by the employer as a retroactive payment 46232
of earnings, damages, or back pay pursuant to a court order, 46233
court-adopted settlement agreement, or other settlement agreement, 46234
unless the retirement system receives both of the following: 46235

(i) Teacher and employer contributions under sections 3307.26 46236
and 3307.28 of the Revised Code, plus interest compounded annually 46237
at a rate determined by the board, for each year or portion of a 46238
year for which amounts are paid under the order or agreement; 46239

(ii) Teacher and employer contributions under sections 46240
3307.26 and 3307.28 of the Revised Code, plus interest compounded 46241
annually at a rate determined by the board, for each year or 46242
portion of a year not subject to division (L)(2)(1)(i) of this 46243
section for which the board determines the teacher was improperly 46244
paid, regardless of the teacher's ability to recover on such 46245
amounts improperly paid. 46246

(3) The retirement board shall determine both of the following:	46247 46248
(a) Whether particular forms of earnings are included in any of the categories enumerated in this division;	46249 46250
(b) Whether any form of earnings not enumerated in this division is to be included in compensation.	46251 46252
Decisions of the board made under this division shall be final.	46253 46254
(M) "Superannuate" means both of the following:	46255
(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code;	46256 46257
(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code.	46258 46259 46260 46261 46262
For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit.	46263 46264 46265 46266 46267
(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code.	46268 46269
(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section.	46270 46271 46272
<u>Sec. 3307.011. (A) As used in this section, "operator" has the same meaning as in section 3314.02 of the Revised Code.</u>	46273 46274
<u>(B) Not later than sixty days after the effective date of</u>	46275

this amendment, an operator of a community school established 46276
under Chapter 3314. of the Revised Code may elect to have excluded 46277
from membership in the state teachers retirement system all 46278
individuals to whom all of the following apply: 46279

(1) The individuals' earnings from employment by the operator 46280
are subject to the tax on wages imposed by the "Federal Insurance 46281
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C. 3101, as 46282
amended. 46283

(2) The operator would otherwise be required to pay employer 46284
contributions on behalf of the individuals to the retirement 46285
system pursuant to a contract between the operator and the 46286
governing authority of the community school. 46287

(3) The operator offers each of the individuals the 46288
opportunity to participate in a deferred compensation plan that 46289
receives favorable tax treatment under the Internal Revenue Code. 46290

(C) On receipt of notice under division (B) of this section, 46291
the retirement system shall exclude the individuals described in 46292
that division from membership in the retirement system. 46293

(D) An election made pursuant to division (B) of this section 46294
is final and may not be revoked once notice is received by the 46295
retirement system. 46296

(E) For purposes of this chapter, a person who is removed 46297
from membership in the retirement system pursuant to this section 46298
ceases to be a teacher for the employment for which the notice was 46299
given. 46300

(F) The auditor of state shall annually review a deferred 46301
compensation plan offered pursuant to division (B)(3) of this 46302
section to determine whether the plan is in compliance with the 46303
federal law requirements a plan must meet to receive favorable tax 46304
treatment under the Internal Revenue Code. 46305

If the auditor determines that a plan is not in compliance with the federal law requirements, the auditor, after giving notice and affording an opportunity for an adjudication conducted in accordance with Chapter 119. of the Revised Code, shall order the operation to permanently close the community school in accordance with section 3314.075 of the Revised Code.

Sec. 3307.152. (A) As used in this section and in section 3307.154 of the Revised Code:

(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 of the Revised Code or under comparable laws of another state or of the United States.

(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code.

(3) "Ohio-qualified agent" means an agent designated as such by the state teachers retirement board.

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state teachers retirement board.

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients.

(B) The state teachers retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements:

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code.

(2) The agent is authorized to conduct business in this state.

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 46335
46336

(C) The state teachers retirement board shall adopt and 46337
implement a written policy to establish criteria and procedures 46338
used to select agents to execute securities transactions on behalf 46339
of the retirement system. The policy shall address each of the 46340
following: 46341

(1) Commissions charged by the agent, both in the aggregate 46342
and on a per share basis; 46343

(2) The execution speed and trade settlement capabilities of 46344
the agent; 46345

(3) The responsiveness, reliability, and integrity of the 46346
agent; 46347

(4) The nature and value of research provided by the agent; 46348

(5) Any special capabilities of the agent. 46349

(D)(1) The board shall, at least annually, establish a policy 46350
with the goal to increase utilization by the board of 46351
Ohio-qualified agents for the execution of domestic equity and 46352
fixed income trades on behalf of the retirement system, when an 46353
Ohio-qualified agent offers quality, services, and safety 46354
comparable to other agents otherwise available to the board and 46355
meets the criteria established under division (C) of this section. 46356

(2) The board shall review, at least annually, the 46357
performance of the agents that execute securities transactions on 46358
behalf of the board. 46359

(3) The board shall determine whether an agent is an 46360
Ohio-qualified agent, meets the criteria established by the board 46361
pursuant to division (C) of this section, and offers quality, 46362
services, and safety comparable to other agents otherwise 46363
available to the board. The board's determination shall be final. 46364

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~ 46365
46366
46367

~~(1) The name of each agent designated as an Ohio qualified agent under this section;~~ 46368
46369

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~ 46370
46371

~~(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 46372
46373
46374
46375

~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~ 46376
46377
46378

~~(5) The amount of equity and fixed income trades that are executed by agents that are minority business enterprises, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~ 46379
46380
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46382

~~(6) Any other information requested by the Ohio retirement study council regarding the board's use of agents.~~ 46383
46384

Sec. 3307.154. (A) The state teachers retirement board shall, 46385
for the purposes of this section, designate an investment manager 46386
as an Ohio-qualified investment manager if the investment manager 46387
meets all of the following requirements: 46388

(1) The investment manager is subject to taxation under 46389
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46390

(2) The investment manager meets one of the following 46391
requirements: 46392

(a) Has its corporate headquarters or principal place of 46393

business in this state; 46394

(b) Employs at least five hundred individuals in this state; 46395

(c) Has a principal place of business in this state and 46396
employs at least twenty residents of this state. 46397

(B)(1) The board shall, at least annually, establish a policy 46398
with the goal to increase utilization by the board of 46399
Ohio-qualified investment managers, when an Ohio-qualified 46400
investment manager offers quality, services, and safety comparable 46401
to other investment managers otherwise available to the board. The 46402
policy shall also provide for the following: 46403

(a) A process whereby the board can develop a list of 46404
Ohio-qualified investment managers and their investment products; 46405

(b) A process whereby the board can give public notice to 46406
Ohio-qualified investment managers of the board's search for an 46407
investment manager that includes the board's search criteria. 46408

(2) The board shall determine whether an investment manager 46409
is an Ohio-qualified investment manager and whether the investment 46410
manager offers quality, services, and safety comparable to other 46411
investment managers otherwise available to the board. The board's 46412
determination shall be final. 46413

~~(C) The board shall, at least annually, submit to the Ohio 46414
retirement study council a report containing the following 46415
information: 46416~~

~~(1) The name of each investment manager designated as an 46417
Ohio-qualified investment manager under this section; 46418~~

~~(2) The name of each investment manager with which the board 46419
contracts; 46420~~

~~(3) The amount of assets managed by Ohio-qualified investment 46421
managers, expressed as a percentage of the total assets held by 46422
the retirement system and as a percentage of assets managed by 46423~~

investment managers with which the board has contracted;	46424
(4) The compensation paid to Ohio qualified investment	46425
managers, expressed as a percentage of total compensation paid to	46426
all investment managers with which the board has contracted;	46427
(5) Any other information requested by the Ohio retirement	46428
study council regarding the board's use of investment managers.	46429
Sec. 3307.371. (A) As used in this section, "alternate	46430
payee," "benefit," "lump sum payment," "participant," and "public	46431
retirement program" have the same meanings as in section 3105.80	46432
of the Revised Code.	46433
(B) On receipt of an order issued under section 3105.171 or	46434
3105.65 of the Revised Code, the state teachers retirement system	46435
shall determine whether the order meets the requirements of	46436
sections 3105.80 to 3105.90 of the Revised Code. The system shall	46437
retain in the participant's record an order the board determines	46438
meets the requirements. Not later than sixty days after receipt,	46439
the system shall return to the court that issued the order any	46440
order the system determines does not meet the requirements.	46441
(C) The system shall comply with an order retained under	46442
division (B) of this section at the following times as	46443
appropriate:	46444
(1) If the participant has applied for or is receiving a	46445
benefit or has applied for but not yet received a lump sum	46446
payment, as soon as practicable;	46447
(2) If the participant has not applied for a benefit or lump	46448
sum payment, on application by the participant for a benefit or	46449
lump sum payment.	46450
(D) If the system transfers a participant's service credit or	46451
contributions made by or on behalf of a participant to a public	46452
retirement program that is not named in the order, the system	46453

shall do both of the following: 46454

(1) Notify the court that issued the order by sending to the 46455
court a copy of the order and the name and address of the public 46456
retirement program to which the transfer was made. 46457

(2) Send a copy of the order to the public retirement program 46458
to which the transfer was made. 46459

(E) If it receives a participant's service credit or 46460
contributions and a copy of an order as provided in division (D) 46461
of this section, the system shall administer the order as if it 46462
were the public retirement program named in the order. 46463

(F) If a participant's benefit or lump sum payment is or will 46464
be subject to more than one order described in section 3105.81 of 46465
the Revised Code or to an order described in that section and an 46466
order issued in accordance with Chapter 3119., 3121., 3123., or 46467
3125. of the Revised Code, the system shall, after determining 46468
that the amounts that are or will be withheld will cause the 46469
benefit or lump sum payment to fall below the limits described in 46470
section 3105.85 of the Revised Code, do all of the following: 46471

(1) Establish, in accordance with division (G) of this 46472
section and subject to the limits described in section 3105.85 of 46473
the Revised Code, the priority in which the orders are or will be 46474
paid by the system in accordance with division (G) of this 46475
section; 46476

(2) Reduce the amount paid to an alternate payee based on the 46477
priority established under division (F)(1) of this section; 46478

(3) Notify, by regular mail, a participant and alternate 46479
payee of any action taken under this division. 46480

(G) A withholding or deduction notice issued in accordance 46481
with Chapter 3119., 3121., 3123., or 3125. of the Revised Code or 46482
an order described in section ~~3115.32~~ 3115.501 of the Revised Code 46483

has priority over all other orders and shall be complied with in 46484
accordance with child support enforcement laws. All other orders 46485
are entitled to priority in order of earliest retention by the 46486
system. The system is not to retain an order that provides for the 46487
division of property unless the order is filed in a court with 46488
jurisdiction in this state. 46489

(H) The system is not liable in civil damages for loss 46490
resulting from any action or failure to act in compliance with 46491
this section. 46492

Sec. 3307.41. The right of an individual to a pension, an 46493
annuity, or a retirement allowance itself, the right of an 46494
individual to any optional benefit, or any other right or benefit 46495
accrued or accruing to any individual under this chapter, the 46496
various funds created by section 3307.14 of the Revised Code, and 46497
all moneys, investments, and income from moneys or investments are 46498
exempt from any state tax, except the tax imposed by section 46499
5747.02 of the Revised Code, and are exempt from any county, 46500
municipal, or other local tax, except income taxes imposed 46501
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 46502
Code, and, except as provided in sections 3105.171, 3105.65, 46503
~~3115.32~~ 3115.501, 3307.37, 3307.372, and 3307.373 and Chapters 46504
3119., 3121., 3123., and 3125. of the Revised Code, shall not be 46505
subject to execution, garnishment, attachment, the operation of 46506
bankruptcy or insolvency laws, or any other process of law 46507
whatsoever, and shall be unassignable except as specifically 46508
provided in this chapter and sections 3105.171, 3105.65, and 46509
~~3115.32~~ 3115.501 and Chapters 3119., 3121., 3123., and 3125. of 46510
the Revised Code. 46511

Sec. 3309.01. As used in this chapter: 46512

(A) "Employer" or "public employer" means boards of 46513

education, school districts, joint vocational districts, governing 46514
authorities of community schools established under Chapter 3314. 46515
of the Revised Code, a science, technology, engineering, and 46516
mathematics school established under Chapter 3326. of the Revised 46517
Code, educational institutions, technical colleges, state, 46518
municipal, and community colleges, community college branches, 46519
universities, university branches, other educational institutions, 46520
or other agencies within the state by which an employee is 46521
employed and paid, including any organization using federal funds, 46522
provided the federal funds are disbursed by an employer as 46523
determined by the above. In all cases of doubt, the school 46524
employees retirement board shall determine whether any employer is 46525
an employer as defined in this chapter, and its decision shall be 46526
final. 46527

(B) ~~"Employee"~~ Except as otherwise provided in section 46528
3309.011 of the Revised Code, "employee" means all of the 46529
following: 46530

(1) Any person employed by a public employer in a position 46531
for which the person is not required to have a certificate or 46532
license issued pursuant to sections 3319.22 to 3319.31 of the 46533
Revised Code; 46534

(2) Any person who performs a service common to the normal 46535
daily operation of an educational unit even though the person is 46536
employed and paid by one who has contracted with an employer to 46537
perform the service, and the contracting board or educational unit 46538
shall be the employer for the purposes of administering the 46539
provisions of this chapter; 46540

(3) Any person, not a faculty member, employed in any school 46541
or college or other institution wholly controlled and managed, and 46542
wholly or partly supported by the state or any political 46543
subdivision thereof, the board of trustees, or other managing body 46544
of which shall accept the requirements and obligations of this 46545

chapter. 46546

In all cases of doubt, the school employees retirement board 46547
shall determine whether any person is an employee, as defined in 46548
this division, and its decision is final. 46549

(C) "Prior service" means all service rendered prior to 46550
September 1, 1937: 46551

(1) As an employee as defined in division (B) of this 46552
section; 46553

(2) As an employee in a capacity covered by the public 46554
employees retirement system or the state teachers retirement 46555
system; 46556

(3) As an employee of an institution in another state, 46557
service credit for which was procured by a member under the 46558
provisions of section 3309.31 of the Revised Code. 46559

Prior service, for service as an employee in a capacity 46560
covered by the public employees retirement system or the state 46561
teachers retirement system, shall be granted a member under 46562
qualifications identical to the laws and rules applicable to 46563
service credit in those systems. 46564

Prior service shall not be granted any member for service 46565
rendered in a capacity covered by the public employees retirement 46566
system, the state teachers retirement system, and this system in 46567
the event the service credit has, in the respective systems, been 46568
received, waived by exemption, or forfeited by withdrawal of 46569
contributions, except as provided in this chapter. 46570

If a member who has been granted prior service should, 46571
subsequent to September 16, 1957, and before retirement, establish 46572
three years of contributing service in the public employees 46573
retirement system, or one year in the state teachers retirement 46574
system, then the prior service granted shall become, at 46575

retirement, the liability of the other system, if the prior 46576
service or employment was in a capacity that is covered by that 46577
system. 46578

The provisions of this division shall not cancel any prior 46579
service granted a member by the school employees retirement board 46580
prior to August 1, 1959. 46581

(D) "Total service," "total service credit," or "Ohio service 46582
credit" means all contributing service of a member of the school 46583
employees retirement system, and all prior service, computed as 46584
provided in this chapter, and all service established pursuant to 46585
sections 3309.31, 3309.311, and 3309.33 of the Revised Code. In 46586
addition, "total service" includes any period, not in excess of 46587
three years, during which a member was out of service and 46588
receiving benefits from the state insurance fund, provided the 46589
injury or incapacitation was the direct result of school 46590
employment. 46591

(E) "Member" means any employee, except an SERS retirant or 46592
other system retirant as defined in section 3309.341 of the 46593
Revised Code, who has established membership in the school 46594
employees retirement system. "Member" includes a disability 46595
benefit recipient. 46596

(F) "Contributor" means any person who has an account in the 46597
employees' savings fund. When used in the sections listed in 46598
division (B) of section 3309.82 of the Revised Code, "contributor" 46599
includes any person participating in a plan established under 46600
section 3309.81 of the Revised Code. 46601

(G) "Retirant" means any former member who retired and is 46602
receiving a service retirement allowance or commuted service 46603
retirement allowance as provided in this chapter. 46604

(H) "Beneficiary" or "beneficiaries" means the estate or a 46605
person or persons who, as the result of the death of a contributor 46606

or retirant, qualifies for or is receiving some right or benefit 46607
under this chapter. 46608

(I) "Interest," as specified in division (E) of section 46609
3309.60 of the Revised Code, means interest at the rates for the 46610
respective funds and accounts as the school employees retirement 46611
board may determine from time to time, except as follows: 46612

(1) The rate of interest credited on employee contributions 46613
at retirement shall be four per cent per annum, compounded 46614
annually, to and including June 30, 1955; three per cent per 46615
annum, compounded annually, from July 1, 1955, to and including 46616
June 30, 1963; three and one-quarter per cent per annum, 46617
compounded annually, from July 1, 1963, through June 30, 1966; and 46618
thereafter, four per cent per annum compounded annually until a 46619
change in the amount is recommended by the system's actuary and 46620
approved by the retirement board. Subsequent to June 30, 1959, the 46621
retirement board shall discontinue the annual crediting of current 46622
interest on a contributor's accumulated contributions. 46623
Noncrediting of current interest shall not affect the rate of 46624
interest at retirement guaranteed under this division. 46625

(2) In determining the reserve value for purposes of 46626
computing the amount of the contributor's annuity, the rate of 46627
interest used in the annuity values shall be four per cent per 46628
annum through September 30, 1956; three per cent per annum 46629
compounded annually from October 1, 1956, through June 30, 1963; 46630
three and one-quarter per cent per annum compounded annually from 46631
July 1, 1963, through June 30, 1966; and, thereafter, four per 46632
cent per annum compounded annually until a change in the amount is 46633
recommended by the system's actuary and approved by the retirement 46634
board. In the purchase of out-of-state service credit as provided 46635
in section 3309.31 of the Revised Code, and in the purchase of an 46636
additional annuity, as provided in section 3309.47 of the Revised 46637
Code, interest shall be computed and credited to reserves therefor 46638

at the rate the school employees retirement board shall fix as 46639
regular interest thereon. 46640

(J) "Accumulated contributions" means the sum of all amounts 46641
credited to a contributor's account in the employees' savings fund 46642
together with any regular interest credited thereon at the rates 46643
approved by the retirement board prior to retirement. 46644

(K) "Final average salary" means the sum of the annual 46645
compensation for the three highest years of compensation for which 46646
contributions were made by the member, divided by three. If the 46647
member has a partial year of contributing service in the year in 46648
which the member terminates employment and the partial year is at 46649
a rate of compensation that is higher than the rate of 46650
compensation for any one of the highest three years of annual 46651
earnings, the board shall substitute the compensation earned for 46652
the partial year for the compensation earned for a similar 46653
fractional portion in the lowest of the three high years of annual 46654
compensation before dividing by three. If a member has less than 46655
three years of contributing membership, the final average salary 46656
shall be the total compensation divided by the total number of 46657
years, including any fraction of a year, of contributing service. 46658

(L) "Annuity" means payments for life derived from 46659
contributions made by a contributor and paid from the annuity and 46660
pension reserve fund as provided in this chapter. All annuities 46661
shall be paid in twelve equal monthly installments. 46662

(M)(1) "Pension" means annual payments for life derived from 46663
appropriations made by an employer and paid from the employers' 46664
trust fund or the annuity and pension reserve fund. All pensions 46665
shall be paid in twelve equal monthly installments. 46666

(2) "Disability retirement" means retirement as provided in 46667
section 3309.40 of the Revised Code. 46668

(N) "Retirement allowance" means the pension plus the 46669

annuity. 46670

(O)(1) "Benefit" means a payment, other than a retirement 46671
allowance or the annuity paid under section 3309.344 of the 46672
Revised Code, payable from the accumulated contributions of the 46673
member or the employer, or both, under this chapter and includes a 46674
disability allowance or disability benefit. 46675

(2) "Disability allowance" means an allowance paid on account 46676
of disability under section 3309.401 of the Revised Code. 46677

(3) "Disability benefit" means a benefit paid as disability 46678
retirement under section 3309.40 of the Revised Code, as a 46679
disability allowance under section 3309.401 of the Revised Code, 46680
or as a disability benefit under section 3309.35 of the Revised 46681
Code. 46682

(P) "Annuity reserve" means the present value, computed upon 46683
the basis of mortality tables adopted by the school employees 46684
retirement board, of all payments to be made on account of any 46685
annuity, or benefit in lieu of any annuity, granted to a retirant. 46686

(Q) "Pension reserve" means the present value, computed upon 46687
the basis of mortality tables adopted by the school employees 46688
retirement board, of all payments to be made on account of any 46689
pension, or benefit in lieu of any pension, granted to a retirant 46690
or a beneficiary. 46691

(R) "Year" means the year beginning the first day of July and 46692
ending with the thirtieth day of June next following. 46693

(S) "Local district pension system" means any school 46694
employees' pension fund created in any school district of the 46695
state prior to September 1, 1937. 46696

(T) "Employer contribution" means the amount paid by an 46697
employer as determined under section 3309.49 of the Revised Code. 46698

(U) "Fiduciary" means a person who does any of the following: 46699

(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;

(3) Has any discretionary authority or responsibility in the administration of the system.

(V)(1) Except as otherwise provided in this division, "compensation" means all salary, wages, and other earnings paid to a contributor by reason of employment. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the employees' savings fund under section 3309.47 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.

(2) Compensation does not include any of the following:

(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;

(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;

(c) Payments made for vacation pay covering concurrent periods for which other salary or compensation is also paid or during which benefits are paid under this chapter;

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the

contributor in lieu of providing the insurance; 46730

(e) Incidental benefits, including lodging, food, laundry, 46731
parking, or services furnished by the employer, use of the 46732
employer's property or equipment, and reimbursement for 46733
job-related expenses authorized by the employer, including moving 46734
and travel expenses and expenses related to professional 46735
development; 46736

(f) Payments made to or on behalf of a contributor that are 46737
in excess of the annual compensation that may be taken into 46738
account by the retirement system under division (a)(17) of section 46739
401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 46740
U.S.C.A. 401(a)(17), as amended. For a contributor who first 46741
establishes membership before July 1, 1996, the annual 46742
compensation that may be taken into account by the retirement 46743
system shall be determined under division (d)(3) of section 13212 46744
of the "Omnibus Budget Reconciliation Act of 1993," Pub. L. No. 46745
103-66, 107 Stat. 472; 46746

(g) Payments made under division (B), (C), or (E) of section 46747
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 46748
No. 3 of the 119th general assembly, Section 3 of Amended 46749
Substitute Senate Bill No. 164 of the 124th general assembly, or 46750
Amended Substitute House Bill No. 405 of the 124th general 46751
assembly; 46752

(h) Anything of value received by the contributor that is 46753
based on or attributable to retirement or an agreement to retire, 46754
except that payments made on or before January 1, 1989, that are 46755
based on or attributable to an agreement to retire shall be 46756
included in compensation if both of the following apply: 46757

(i) The payments are made in accordance with contract 46758
provisions that were in effect prior to January 1, 1986. 46759

(ii) The employer pays the retirement system an amount 46760

specified by the retirement board equal to the additional 46761
liability from the payments. 46762

(3) The retirement board shall determine by rule whether any 46763
form of earnings not enumerated in this division is to be included 46764
in compensation, and its decision shall be final. 46765

(W) "Disability benefit recipient" means a member who is 46766
receiving a disability benefit. 46767

(X) "Actuary" means an individual who satisfies all of the 46768
following requirements: 46769

(1) Is a member of the American academy of actuaries; 46770

(2) Is an associate or fellow of the society of actuaries; 46771

(3) Has a minimum of five years' experience in providing 46772
actuarial services to public retirement plans. 46773

Sec. 3309.011. "Employee" as defined in division (B) of 46774
section 3309.01 of the Revised Code, does not include ~~either~~ any 46775
of the following: 46776

(A) Any person having a license issued pursuant to sections 46777
3319.22 to 3319.31 of the Revised Code and employed in a public 46778
school in this state in an educational position, as determined by 46779
the state board of education, under programs provided for by 46780
federal acts or regulations and financed in whole or in part from 46781
federal funds, but for which no licensure requirements for the 46782
position can be made under the provisions of such federal acts or 46783
regulations; 46784

(B) Any person who participates in an alternative retirement 46785
plan established under Chapter 3305. of the Revised Code; 46786

(C) Any person who elects to transfer from the school 46787
employees retirement system to the public employees retirement 46788
system under section 3309.312 of the Revised Code; 46789

(D) Any person whose full-time employment by the university of Akron as a state university law enforcement officer pursuant to section 3345.04 of the Revised Code commences on or after ~~the effective date of this amendment~~ September 16, 1998;

(E) Any individual excluded from membership pursuant to section 3309.013 of the Revised Code.

Sec. 3309.013. (A) As used in this section, "operator" has the same meaning as in section 3314.02 of the Revised Code.

(B) Not later than sixty days after the effective date of this amendment, an operator of a community school established under Chapter 3314. of the Revised Code may elect to have excluded from membership in the school employees retirement system all individuals to whom all of the following apply:

(1) The individuals' earnings from employment by the operator are subject to the tax on wages imposed by the "Federal Insurance Contributions Act," 68A Stat. 415 (1954), 26 U.S.C. 3101, as amended.

(2) The operator would otherwise be required to pay employer contributions on behalf of the individuals to the retirement system pursuant to a contract between the operator and the governing authority of the community school.

(3) The operator offers each of the individuals the opportunity to participate in a deferred compensation plan that receives favorable tax treatment under the Internal Revenue Code.

(C) On receipt of notice under division (B) of this section, the retirement system shall exclude the individuals described in that division from membership in the retirement system.

(D) An election made pursuant to division (B) of this section is final and may not be revoked once notice is received by the retirement system.

(E) For purposes of this chapter, a person who is removed from membership in the retirement system pursuant to this section ceases to be an employee for the employment for which the notice was given. 46820
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(F) The auditor of state shall annually review a deferred compensation plan offered pursuant to division (B)(3) of this section to determine whether the plan is in compliance with the federal law requirements a plan must meet to receive favorable tax treatment under the Internal Revenue Code. 46824
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If the auditor determines that a plan is not in compliance with the federal law requirements, the auditor, after giving notice and affording an opportunity for an adjudication conducted in accordance with Chapter 119. of the Revised Code, shall order the operator to permanently close the community school in accordance with section 3314.075 of the Revised Code. 46829
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Sec. 3309.157. (A) As used in this section and in section 3309.159 of the Revised Code: 46835
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(1) "Agent" means a dealer, as defined in section 1707.01 of the Revised Code, who is licensed under sections 1707.01 to 1707.45 of the Revised Code or under comparable laws of another state or of the United States. 46837
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(2) "Minority business enterprise" has the same meaning as in section 122.71 of the Revised Code. 46841
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(3) "Ohio-qualified agent" means an agent designated as such by the school employees retirement board. 46843
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(4) "Ohio-qualified investment manager" means an investment manager designated as such by the school employees retirement board. 46845
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(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory 46848
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services and solicits, meets with, or otherwise communicates with clients. 46850
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(B) The school employees retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 46852
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(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46855
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(2) The agent is authorized to conduct business in this state. 46857
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(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 46859
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(C) The school employees retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 46861
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(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 46866
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(2) The execution speed and trade settlement capabilities of the agent; 46868
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(3) The responsiveness, reliability, and integrity of the agent; 46870
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(4) The nature and value of research provided by the agent; 46872

(5) Any special capabilities of the agent. 46873

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and 46874
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meets the criteria established under division (C) of this section. 46880

(2) The board shall review, at least annually, the 46881
performance of the agents that execute securities transactions on 46882
behalf of the board. 46883

(3) The board shall determine whether an agent is an 46884
Ohio-qualified agent, meets the criteria established by the board 46885
pursuant to division (C) of this section, and offers quality, 46886
services, and safety comparable to other agents otherwise 46887
available to the board. The board's determination shall be final. 46888

~~(E) The board shall, at least annually, submit to the Ohio 46889
retirement study council a report containing the following 46890
information:~~ 46891

~~(1) The name of each agent designated as an Ohio-qualified 46892
agent under this section:~~ 46893

~~(2) The name of each agent that executes securities 46894
transactions on behalf of the board:~~ 46895

~~(3) The amount of equity and fixed income trades that are 46896
executed by Ohio-qualified agents, expressed as a percentage of 46897
all equity and fixed income trades that are executed by agents on 46898
behalf of the board:~~ 46899

~~(4) The compensation paid to Ohio-qualified agents, expressed 46900
as a percentage of total compensation paid to all agents that 46901
execute securities transactions on behalf of the board:~~ 46902

~~(5) The amount of equity and fixed income trades that are 46903
executed by agents that are minority business enterprises, 46904
expressed as a percentage of all equity and fixed income trades 46905
that are executed by agents on behalf of the board:~~ 46906

~~(6) Any other information requested by the Ohio retirement 46907
study council regarding the board's use of agents.~~ 46908

Sec. 3309.159. (A) The school employees retirement board 46909
shall, for the purposes of this section, designate an investment 46910
manager as an Ohio-qualified investment manager if the investment 46911
manager meets all of the following requirements: 46912

(1) The investment manager is subject to taxation under 46913
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 46914

(2) The investment manager meets one of the following 46915
requirements: 46916

(a) Has its corporate headquarters or principal place of 46917
business in this state; 46918

(b) Employs at least five hundred individuals in this state; 46919

(c) Has a principal place of business in this state and 46920
employs at least twenty residents of this state. 46921

(B)(1) The board shall, at least annually, establish a policy 46922
with the goal to increase utilization by the board of 46923
Ohio-qualified investment managers, when an Ohio-qualified 46924
investment manager offers quality, services, and safety comparable 46925
to other investment managers otherwise available to the board. The 46926
policy shall also provide for the following: 46927

(a) A process whereby the board can develop a list of 46928
Ohio-qualified investment managers and their investment products; 46929

(b) A process whereby the board can give public notice to 46930
Ohio-qualified investment managers of the board's search for an 46931
investment manager that includes the board's search criteria. 46932

(2) The board shall determine whether an investment manager 46933
is an Ohio-qualified investment manager and whether the investment 46934
manager offers quality, services, and safety comparable to other 46935
investment managers otherwise available to the board. The board's 46936
determination shall be final. 46937

~~(C) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~ 46938
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~~(1) The name of each investment manager designated as an Ohio qualified investment manager under this section;~~ 46941
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~~(2) The name of each investment manager with which the board contracts;~~ 46943
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~~(3) The amount of assets managed by Ohio qualified investment managers, expressed as a percentage of the total assets held by the retirement system and as a percentage of assets managed by investment managers with which the board has contracted;~~ 46945
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~~(4) The compensation paid to Ohio qualified investment managers, expressed as a percentage of total compensation paid to all investment managers with which the board has contracted;~~ 46949
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~~(5) Any other information requested by the Ohio retirement study council regarding the board's use of investment managers.~~ 46952
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Sec. 3309.22. (A)(1) As used in this division, "personal history record" means information maintained in any format by the board on an individual who is a member, former member, contributor, former contributor, retirant, or beneficiary that includes the address, electronic mail address, telephone number, social security number, record of contributions, correspondence with the system, and other information the board determines to be confidential. 46954
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(2) The records of the board shall be open to public inspection and may be made available in printed or electronic format, except for the following, which shall be excluded, except with the written authorization of the individual concerned: 46962
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(a) The individual's statement of previous service and other information as provided for in section 3309.28 of the Revised 46966
46967

Code; 46968

(b) Any information identifying by name and address the 46969
amount of a monthly allowance or benefit paid to the individual; 46970

(c) The individual's personal history record. 46971

(B) All medical reports and recommendations required by the 46972
system are privileged except as follows: 46973

(1) Copies of medical reports or recommendations shall be 46974
made available to the following: 46975

(a) The individual concerned, on written request; 46976

(b) The personal physician, attorney, or authorized agent of 46977
the individual concerned on written release received from the 46978
individual or the individual's agent; 46979

(c) The board assigned physician. 46980

(2) Documentation required by section 2929.193 of the Revised 46981
Code shall be provided to a court holding a hearing under that 46982
section. 46983

(C) Any person who is a contributor of the system shall be 46984
furnished, on written request, with a statement of the amount to 46985
the credit of the person's account. The board need not answer more 46986
than one such request of a person in any one year. 46987

(D) Notwithstanding the exceptions to public inspection in 46988
division (A)(2) of this section, the board may furnish the 46989
following information: 46990

(1) If a member, former member, contributor, former 46991
contributor, or retirant is subject to an order issued under 46992
section 2907.15 of the Revised Code or an order issued under 46993
division (A) or (B) of section 2929.192 of the Revised Code or is 46994
convicted of or pleads guilty to a violation of section 2921.41 of 46995
the Revised Code, on written request of a prosecutor as defined in 46996
section 2935.01 of the Revised Code, the board shall furnish to 46997

the prosecutor the information requested from the individual's 46998
personal history record. 46999

(2) Pursuant to a court or administrative order issued under 47000
section 3119.80, 3119.81, 3121.02, 3121.03, or 3123.06 of the 47001
Revised Code, the board shall furnish to a court or child support 47002
enforcement agency the information required under that section. 47003

(3) At the written request of any person, the board shall 47004
provide to the person a list of the names and addresses of 47005
members, former members, retirants, contributors, former 47006
contributors, or beneficiaries. The costs of compiling, copying, 47007
and mailing the list shall be paid by such person. 47008

(4) Within fourteen days after receiving from the director of 47009
job and family services a list of the names and social security 47010
numbers of recipients of public assistance pursuant to section 47011
5101.181 of the Revised Code, the board shall inform the auditor 47012
of state of the name, current or most recent employer address, and 47013
social security number of each contributor whose name and social 47014
security number are the same as that of a person whose name or 47015
social security number was submitted by the director. The board 47016
and its employees shall, except for purposes of furnishing the 47017
auditor of state with information required by this section, 47018
preserve the confidentiality of recipients of public assistance in 47019
compliance with section 5101.181 of the Revised Code. 47020

(5) The system shall comply with orders issued under section 47021
3105.87 of the Revised Code. 47022

On the written request of an alternate payee, as defined in 47023
section 3105.80 of the Revised Code, the system shall furnish to 47024
the alternate payee information on the amount and status of any 47025
amounts payable to the alternate payee under an order issued under 47026
section 3105.171 or 3105.65 of the Revised Code. 47027

(6) At the request of any person, the board shall make 47028

available to the person copies of all documents, including 47029
resumes, in the board's possession regarding filling a vacancy of 47030
an employee member or retirant member of the board. The person who 47031
made the request shall pay the cost of compiling, copying, and 47032
mailing the documents. The information described in this division 47033
is a public record. 47034

(7) The system shall provide the notice required by section 47035
3309.673 of the Revised Code to the prosecutor assigned to the 47036
case. 47037

(E) A statement that contains information obtained from the 47038
system's records that is signed by an officer of the retirement 47039
system and to which the system's official seal is affixed, or 47040
copies of the system's records to which the signature and seal are 47041
attached, shall be received as true copies of the system's records 47042
in any court or before any officer of this state. 47043

(F) Notwithstanding the exceptions to public inspection in 47044
division (A)(2) of this section or the privileges contained in 47045
division (B) of this section, the board shall furnish to the 47046
administrator of workers' compensation the records required under 47047
section 3309.402 of the Revised Code. 47048

Sec. 3309.402. Upon a member's receiving a disability benefit 47049
under section 3309.35, 3309.40, or 3309.401 of the Revised Code 47050
for post-traumatic stress disorder without an accompanying 47051
physical injury, the school employees retirement board shall 47052
notify the administrator of workers' compensation of all of the 47053
following: 47054

(A) The name of the member; 47055

(B) That the member's post-traumatic stress disorder, without 47056
an accompanying physical injury, qualifies that member for a 47057
disability benefit under section 3309.35, 3309.40, or 3309.401 of 47058

the Revised Code; 47059

(C) The effective date of the member's disability benefit; 47060

(D) The date that payments for the member's disability
benefit commence. 47061
47062

Sec. 3309.66. The right of an individual to a pension, an 47063
annuity, or a retirement allowance itself, the right of an 47064
individual to any optional benefit, any other right accrued or 47065
accruing to any individual under this chapter, the various funds 47066
created by section 3309.60 of the Revised Code, and all moneys, 47067
investments, and income from moneys and investments are exempt 47068
from any state tax, except the tax imposed by section 5747.02 of 47069
the Revised Code, and are exempt from any county, municipal, or 47070
other local tax, except income taxes imposed pursuant to section 47071
5748.02, 5748.08, or 5748.09 of the Revised Code, and, except as 47072
provided in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 47073
3119.81, 3121.02, 3121.03, 3123.06, 3309.67, 3309.672, and 47074
3309.673 of the Revised Code, shall not be subject to execution, 47075
garnishment, attachment, the operation of bankruptcy or insolvency 47076
laws, or any other process of law whatsoever, and shall be 47077
unassignable except as specifically provided in this chapter and 47078
in sections 3105.171, 3105.65, ~~3115.32~~ 3115.501, 3119.80, 3119.81, 47079
3121.02, 3121.03, and 3123.06 of the Revised Code. 47080

Sec. 3309.671. (A) As used in this section, "alternate 47081
payee," "benefit," "lump sum payment," "participant," and "public 47082
retirement program" have the same meanings as in section 3105.80 47083
of the Revised Code. 47084

(B) On receipt of an order issued under section 3105.171 or 47085
3105.65 of the Revised Code, the school employees retirement 47086
system shall determine whether the order meets the requirements of 47087
sections 3105.80 to 3105.90 of the Revised Code. The system shall 47088

retain in the participant's record an order the system determines 47089
meets the requirements. Not later than sixty days after receipt, 47090
the system shall return to the court that issued the order any 47091
order the system determines does not meet the requirements. 47092

(C) The system shall comply with an order retained under 47093
division (B) of this section at the following times as 47094
appropriate: 47095

(1) If the participant has applied for or is receiving a 47096
benefit or has applied for but not yet received a lump sum 47097
payment, as soon as practicable; 47098

(2) If the participant has not applied for a benefit or lump 47099
sum payment, on application by the participant for a benefit or 47100
lump sum payment. 47101

(D) If the system transfers a participant's service credit or 47102
contributions made by or on behalf of a participant to a public 47103
retirement program that is not named in the order, the system 47104
shall do both of the following: 47105

(1) Notify the court that issued the order by sending the 47106
court a copy of the order and the name and address of the public 47107
retirement program to which the transfer was made. 47108

(2) Send a copy of the order to the public retirement program 47109
to which the transfer was made. 47110

(E) If it receives a participant's service credit or 47111
contributions and a copy of an order as provided in division (D) 47112
of this section, the system shall administer the order as if it 47113
were the public retirement program named in the order. 47114

(F) If a participant's benefit or lump sum payment is or will 47115
be subject to more than one order described in section 3105.81 of 47116
the Revised Code or to an order described in section 3105.81 of 47117
the Revised Code and a withholding order under section 3111.23 or 47118

3113.21 of the Revised Code, the system shall, after determining 47119
that the amounts that are or will be withheld will cause the 47120
benefit or lump sum payment to fall below the limits described in 47121
section 3105.85 of the Revised Code, do all of the following: 47122

(1) Establish, in accordance with division (G) of this 47123
section and subject to the limits described in section 3105.85 of 47124
the Revised Code, the priority in which the orders are or will be 47125
paid by the system; 47126

(2) Reduce the amount paid to an alternate payee based on the 47127
priority established under division (F)(1) of this section; 47128

(3) Notify, by regular mail, a participant and alternate 47129
payee of any action taken under this division. 47130

(G) A withholding or deduction notice issued under section 47131
3111.23 or 3113.21 of the Revised Code or an order described in 47132
section ~~3115.32~~ 3115.501 of the Revised Code has priority over all 47133
other orders and shall be complied with in accordance with child 47134
support enforcement laws. All other orders are entitled to 47135
priority in order of earliest retention by the system. The system 47136
is not to retain an order that provides for the division of 47137
property unless the order is filed in a court with jurisdiction in 47138
this state. 47139

(H) The system is not liable in civil damages for loss 47140
resulting from any action or failure to act in compliance with 47141
this section. 47142

Sec. 3310.03. A student is an "eligible student" for purposes 47143
of the educational choice scholarship pilot program if the 47144
student's resident district is not a school district in which the 47145
pilot project scholarship program is operating under sections 47146
3313.974 to 3313.979 of the Revised Code and the student satisfies 47147
one of the conditions in division (A), (B), (C), or (D) of this 47148

section: 47149

(A)(1) The student is enrolled in a school building operated 47150
by the student's resident district that, on the report card issued 47151
under section 3302.03 of the Revised Code published prior to the 47152
first day of July of the school year for which a scholarship is 47153
sought, did not receive a rating as described in division (H) of 47154
this section, and to which any or a combination of any of the 47155
following apply for two of the three most recent report cards 47156
published prior to the first day of July of the school year for 47157
which a scholarship is sought: 47158

(a) The building was declared to be in a state of academic 47159
emergency or academic watch under section 3302.03 of the Revised 47160
Code as that section existed prior to March 22, 2013. 47161

(b) The building received a grade of "D" or "F" for the 47162
performance index score under division (A)(1)(b) or (B)(1)(b) of 47163
section 3302.03 of the Revised Code and for the value-added 47164
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47165
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~, 47166
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both~~; or if the 47167
building serves only grades ten through twelve, the building 47168
received a grade of "D" or "F" for the performance index score 47169
under division (A)(1)(b) or (B)(1)(b) of section 3302.03 of the 47170
Revised Code and had a four-year adjusted cohort graduation rate 47171
of less than seventy-five per cent. 47172

(c) The building received an overall grade of "D" or "F" 47173
under division (C)(3) of section 3302.03 of the Revised Code or a 47174
grade of "F" for the value-added progress dimension under division 47175
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47176
2016-2017 school year or any school year thereafter. 47177

(2) The student will be enrolling in any of grades 47178
kindergarten through twelve in this state for the first time in 47179

the school year for which a scholarship is sought, will be at 47180
least five years of age by the first day of January of the school 47181
year for which a scholarship is sought, and otherwise would be 47182
assigned under section 3319.01 of the Revised Code in the school 47183
year for which a scholarship is sought, to a school building 47184
described in division (A)(1) of this section. 47185

(3) The student is enrolled in a community school established 47186
under Chapter 3314. of the Revised Code but otherwise would be 47187
assigned under section 3319.01 of the Revised Code to a building 47188
described in division (A)(1) of this section. 47189

(4) The student is enrolled in a school building operated by 47190
the student's resident district or in a community school 47191
established under Chapter 3314. of the Revised Code and otherwise 47192
would be assigned under section 3319.01 of the Revised Code to a 47193
school building described in division (A)(1) of this section in 47194
the school year for which the scholarship is sought. 47195

(5) The student will be both enrolling in any of grades 47196
kindergarten through twelve in this state for the first time and 47197
at least five years of age by the first day of January of the 47198
school year for which a scholarship is sought, or is enrolled in a 47199
community school established under Chapter 3314. of the Revised 47200
Code, and all of the following apply to the student's resident 47201
district: 47202

(a) The district has in force an intradistrict open 47203
enrollment policy under which no student in the student's grade 47204
level is automatically assigned to a particular school building; 47205

(b) In the most recent rating published prior to the first 47206
day of July of the school year for which scholarship is sought, 47207
the district did not receive a rating described in division (H) of 47208
this section, and in at least two of the three most recent report 47209
cards published prior to the first day of July of that school 47210

year, any or a combination of the following apply to the district: 47211

(i) The district was declared to be in a state of academic 47212
emergency under section 3302.03 of the Revised Code as it existed 47213
prior to March 22, 2013. 47214

(ii) The district received a grade of "D" or "F" for the 47215
performance index score under division (A)(1)(b) or (B)(1)(b) of 47216
section 3302.03 of the Revised Code and for the value-added 47217
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47218
section 3302.03 of the Revised Code for the 2012-2013 ~~or~~ 47219
2013-2014, 2014-2015, or 2015-2016 school year, ~~or both.~~ 47220

(c) The district received an overall grade of "D" or "F" 47221
under division (C)(3) of section 3302.03 of the Revised Code or a 47222
grade of "F" for the value-added progress dimension under division 47223
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47224
2016-2017 school year or any school year thereafter. 47225

(6) Beginning in the 2016-2017 school year, the student is 47226
enrolled in or will be enrolling in a building in the school year 47227
for which the scholarship is sought that serves any of grades nine 47228
through twelve and that received a grade of "D" or "F" for the 47229
four-year adjusted cohort graduation rate under division 47230
(A)(1)(d), (B)(1)(d), or (C)(1)(d) of section 3302.03 of the 47231
Revised Code in two of the three most recent report cards 47232
published prior to the first day of July of the school year for 47233
which a scholarship is sought. 47234

(B)(1) The student is enrolled in a school building operated 47235
by the student's resident district and to which both of the 47236
following apply: 47237

(a) The building was ranked, for at least two of the three 47238
most recent rankings ~~published under section 3302.21 of the~~ 47239
~~Revised Code~~ prior to the first day of July of the school year for 47240
which a scholarship is sought, in the lowest ten per cent of all 47241

~~public school buildings operated by city, local, and exempted~~ 47242
~~village school districts~~ according to performance index score 47243
~~under section 3302.21 of the Revised Code as determined by the~~ 47244
~~department of education.~~ 47245

(b) The building was not declared to be excellent or 47246
effective, or the equivalent of such ratings as determined by the 47247
department ~~of education~~, under section 3302.03 of the Revised Code 47248
in the most recent rating published prior to the first day of July 47249
of the school year for which a scholarship is sought. 47250

(2) The student will be enrolling in any of grades 47251
kindergarten through twelve in this state for the first time in 47252
the school year for which a scholarship is sought, will be at 47253
least five years of age, as defined in section 3321.01 of the 47254
Revised Code, by the first day of January of the school year for 47255
which a scholarship is sought, and otherwise would be assigned 47256
under section 3319.01 of the Revised Code in the school year for 47257
which a scholarship is sought, to a school building described in 47258
division (B)(1) of this section. 47259

(3) The student is enrolled in a community school established 47260
under Chapter 3314. of the Revised Code but otherwise would be 47261
assigned under section 3319.01 of the Revised Code to a building 47262
described in division (B)(1) of this section. 47263

(4) The student is enrolled in a school building operated by 47264
the student's resident district or in a community school 47265
established under Chapter 3314. of the Revised Code and otherwise 47266
would be assigned under section 3319.01 of the Revised Code to a 47267
school building described in division (B)(1) of this section in 47268
the school year for which the scholarship is sought. 47269

(C) The student is enrolled in a nonpublic school at the time 47270
the school is granted a charter by the state board of education 47271
under section 3301.16 of the Revised Code and the student meets 47272

the standards of division (B) of section 3310.031 of the Revised Code. 47273
47274

(D) For the 2016-2017 school year and each school year 47275
thereafter, the student is in any of grades kindergarten through 47276
three, is enrolled in a school building that is operated by the 47277
student's resident district or will be enrolling in any of grades 47278
kindergarten through twelve in this state for the first time in 47279
the school year for which a scholarship is sought, and to which 47280
both of the following apply: 47281

(1) The building, in at least two of the three most recent 47282
ratings of school buildings published prior to the first day of 47283
July of the school year for which a scholarship is sought, 47284
received a grade of "D" or "F" for making progress in improving 47285
literacy in grades kindergarten through three under division 47286
(B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code; 47287

(2) The building did not receive a grade of "A" for making 47288
progress in improving literacy in grades kindergarten through 47289
three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of 47290
the Revised Code in the most recent rating published prior to the 47291
first day of July of the school year for which a scholarship is 47292
sought. 47293

(E) A student who receives a scholarship under the 47294
educational choice scholarship pilot program remains an eligible 47295
student and may continue to receive scholarships in subsequent 47296
school years until the student completes grade twelve, so long as 47297
all of the following apply: 47298

(1) The student's resident district remains the same, or the 47299
student transfers to a new resident district and otherwise would 47300
be assigned in the new resident district to a school building 47301
described in division (A)(1), (B)(1), or (D) of this section; 47302

(2) The student takes each assessment prescribed for the 47303

student's grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in a chartered nonpublic school;

(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences.

(F)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. The department shall cease awarding first-time scholarships pursuant to division (A)(5) of this section with respect to a school district that, in the most recent ratings of school districts published under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(5) of this section.

(2) The department shall cease awarding first-time scholarships pursuant to divisions (B)(1) to (4) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (B)(1) of this section.

(3) The department shall cease awarding first-time scholarships pursuant to division (D) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (D) of this section.

(4) However, students who have received scholarships in the

prior school year remain eligible students pursuant to division 47335
(E) of this section. 47336

(G) The state board of education shall adopt rules defining 47337
excused absences for purposes of division (E)(3) of this section. 47338

(H)(1) A student who satisfies only the conditions prescribed 47339
in divisions (A)(1) to (4) of this section shall not be eligible 47340
for a scholarship if the student's resident building meets any of 47341
the following in the most recent rating under section 3302.03 of 47342
the Revised Code published prior to the first day of July of the 47343
school year for which a scholarship is sought: 47344

(a) The building has an overall designation of excellent or 47345
effective under section 3302.03 of the Revised Code as it existed 47346
prior to March 22, 2013. 47347

(b) For the 2012-2013 ~~or~~, 2013-2014, 2014-2015, or 2015-2016 47348
school year ~~or both~~, the building has a grade of "A" or "B" for 47349
the performance index score under division (A)(1)(b) or (B)(1)(b) 47350
of section 3302.03 of the Revised Code and for the value-added 47351
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47352
section 3302.03 of the Revised Code; or if the building serves 47353
only grades ten through twelve, the building received a grade of 47354
"A" or "B" for the performance index score under division 47355
(A)(1)(b) or (B)(1)(b) of section 3302.03 of the Revised Code and 47356
had a four-year adjusted cohort graduation rate of greater than or 47357
equal to seventy-five per cent. 47358

(c) For the ~~2014-2015~~ 2016-2017 school year or any school 47359
year thereafter, the building has a grade of "A" or "B" under 47360
division (C)(3) of section 3302.03 of the Revised Code and a grade 47361
of "A" for the value-added progress dimension under division 47362
(C)(1)(e) of section 3302.03 of the Revised Code; or if the 47363
building serves only grades ten through twelve, the building 47364
received a grade of "A" or "B" for the performance index score 47365

under division (C)(1)(b) of section 3302.03 of the Revised Code 47366
and had a four-year adjusted cohort graduation rate of greater 47367
than or equal to seventy-five per cent. 47368

(2) A student who satisfies only the conditions prescribed in 47369
division (A)(5) of this section shall not be eligible for a 47370
scholarship if the student's resident district meets any of the 47371
following in the most recent rating under section 3302.03 of the 47372
Revised Code published prior to the first day of July of the 47373
school year for which a scholarship is sought: 47374

(a) The district has an overall designation of excellent or 47375
effective under section 3302.03 of the Revised Code as it existed 47376
prior to March 22, 2013. 47377

(b) The district has a grade of "A" or "B" for the 47378
performance index score under division (A)(1)(b) or (B)(1)(b) of 47379
section 3302.03 of the Revised Code and for the value-added 47380
progress dimension under division (A)(1)(e) or (B)(1)(e) of 47381
section 3302.03 of the Revised Code for the 2012-2013 ~~and,~~ 47382
2013-2014, 2014-2015, and 2015-2016 school years. 47383

(c) The district has an overall grade of "A" or "B" under 47384
division (C)(3) of section 3302.03 of the Revised Code and a grade 47385
of "A" for the value-added progress dimension under division 47386
(C)(1)(e) of section 3302.03 of the Revised Code for the ~~2014-2015~~ 47387
2016-2017 school year or any school year thereafter. 47388

Sec. 3310.09. The maximum amount awarded to an eligible 47389
student under the educational choice scholarship pilot program 47390
shall be as follows: 47391

(A) For grades kindergarten through eight, four thousand ~~two~~ 47392
six hundred fifty dollars; 47393

(B) For grades nine through twelve, ~~five~~ six thousand 47394
dollars. 47395

Sec. 3310.41. (A) As used in this section:	47396
(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:	47397 47398 47399 47400 47401
(a) A school district that is not the school district in which the child is entitled to attend school;	47402 47403
(b) A public entity other than a school district.	47404
(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.	47405 47406 47407
(3) "Formula ADM" and "category six special education ADM" have the same meanings as in section 3317.02 of the Revised Code.	47408 47409
(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.	47410 47411 47412
(5) "Parent" has the same meaning as in section 3313.64 of the Revised Code, except that "parent" does not mean a parent whose custodial rights have been terminated.	47413 47414 47415
(6) "Preschool scholarship ADM" means the number of preschool children with disabilities certified under division (B)(3)(h) of section 3317.03 of the Revised Code.	47416 47417 47418
(7) "Qualified special education child" is a child for whom all of the following conditions apply:	47419 47420
(a) The school district in which the child is entitled to attend school has identified the child as autistic. A child who has been identified as having a "pervasive developmental disorder - not otherwise specified (PPD-NOS)" shall be considered to be an	47421 47422 47423 47424

autistic child for purposes of this section. 47425

(b) The school district in which the child is entitled to 47426
attend school has developed an individualized education program 47427
under Chapter 3323. of the Revised Code for the child. 47428

(c) The child either: 47429

(i) Was enrolled in the school district in which the child is 47430
entitled to attend school in any grade from preschool through 47431
twelve in the school year prior to the year in which a scholarship 47432
under this section is first sought for the child; or 47433

(ii) Is eligible to enter school in any grade preschool 47434
through twelve in the school district in which the child is 47435
entitled to attend school in the school year in which a 47436
scholarship under this section is first sought for the child. 47437

(8) "Registered private provider" means a nonpublic school or 47438
other nonpublic entity that has been approved by the department of 47439
education to participate in the program established under this 47440
section. 47441

(9) "Special education program" means a school or facility 47442
that provides special education and related services to children 47443
with disabilities. 47444

(B) There is hereby established the autism scholarship 47445
program. Under the program, the department of education shall pay 47446
a scholarship to the parent of each qualified special education 47447
child upon application of that parent pursuant to procedures and 47448
deadlines established by rule of the state board of education. 47449
Each scholarship shall be used only to pay tuition for the child 47450
on whose behalf the scholarship is awarded to attend a special 47451
education program that implements the child's individualized 47452
education program and that is operated by an alternative public 47453
provider or by a registered private provider, and to pay for other 47454
services agreed to by the provider and the parent of a qualified 47455

special education child that are not included in the 47456
individualized education program but are associated with educating 47457
the child. Upon agreement with the parent of a qualified special 47458
education child, the alternative public provider or the registered 47459
private provider may modify the services provided to the child. 47460
Each scholarship shall be in an amount not to exceed the lesser of 47461
the tuition charged for the child by the special education program 47462
or ~~twenty~~ twenty-seven thousand dollars. The purpose of the 47463
scholarship is to permit the parent of a qualified special 47464
education child the choice to send the child to a special 47465
education program, instead of the one operated by or for the 47466
school district in which the child is entitled to attend school, 47467
to receive the services prescribed in the child's individualized 47468
education program once the individualized education program is 47469
finalized and any other services agreed to by the provider and the 47470
parent of a qualified special education child. The services 47471
provided under the scholarship shall include an educational 47472
component or services designed to assist the child to benefit from 47473
the child's education. 47474

A scholarship under this section shall not be awarded to the 47475
parent of a child while the child's individualized education 47476
program is being developed by the school district in which the 47477
child is entitled to attend school, or while any administrative or 47478
judicial mediation or proceedings with respect to the content of 47479
the child's individualized education program are pending. A 47480
scholarship under this section shall not be used for a child to 47481
attend a public special education program that operates under a 47482
contract, compact, or other bilateral agreement between the school 47483
district in which the child is entitled to attend school and 47484
another school district or other public provider, or for a child 47485
to attend a community school established under Chapter 3314. of 47486
the Revised Code. However, nothing in this section or in any rule 47487
adopted by the state board shall prohibit a parent whose child 47488

attends a public special education program under a contract, 47489
compact, or other bilateral agreement, or a parent whose child 47490
attends a community school, from applying for and accepting a 47491
scholarship under this section so that the parent may withdraw the 47492
child from that program or community school and use the 47493
scholarship for the child to attend a special education program 47494
for which the parent is required to pay for services for the 47495
child. 47496

Except for development of the child's individualized 47497
education program, the school district in which a qualified 47498
special education child is entitled to attend school and the 47499
child's school district of residence, as defined in section 47500
3323.01 of the Revised Code, if different, are not obligated to 47501
provide the child with a free appropriate public education under 47502
Chapter 3323. of the Revised Code for as long as the child 47503
continues to attend the special education program operated by 47504
either an alternative public provider or a registered private 47505
provider for which a scholarship is awarded under the autism 47506
scholarship program. If at any time, the eligible applicant for 47507
the child decides no longer to accept scholarship payments and 47508
enrolls the child in the special education program of the school 47509
district in which the child is entitled to attend school, that 47510
district shall provide the child with a free appropriate public 47511
education under Chapter 3323. of the Revised Code. 47512

A child attending a special education program with a 47513
scholarship under this section shall continue to be entitled to 47514
transportation to and from that program in the manner prescribed 47515
by law. 47516

(C)(1) As prescribed in divisions (A)(2)(h), (B)(3)(g), and 47517
(B)(10) of section 3317.03 of the Revised Code, a child who is not 47518
a preschool child with a disability for whom a scholarship is 47519
awarded under this section shall be counted in the formula ADM and 47520

the category six special education ADM of the district in which 47521
the child is entitled to attend school and not in the formula ADM 47522
and the category six special education ADM of any other school 47523
district. As prescribed in divisions (B)(3)(h) and (B)(10) of 47524
section 3317.03 of the Revised Code, a child who is a preschool 47525
child with a disability for whom a scholarship is awarded under 47526
this section shall be counted in the preschool scholarship ADM and 47527
category six special education ADM of the school district in which 47528
the child is entitled to attend school and not in the preschool 47529
scholarship ADM or category six special education ADM of any other 47530
school district. 47531

(2) In each fiscal year, the department shall deduct from the 47532
amounts paid to each school district under Chapter 3317. of the 47533
Revised Code, and, if necessary, sections 321.24 and 323.156 of 47534
the Revised Code, the aggregate amount of scholarships awarded 47535
under this section for qualified special education children 47536
included in the formula ADM, or preschool scholarship ADM, and in 47537
the category six special education ADM of that school district as 47538
provided in division (C)(1) of this section. 47539

The scholarships deducted shall be considered as an approved 47540
special education and related services expense of the school 47541
district. 47542

(3) From time to time, the department shall make a payment to 47543
the parent of each qualified special education child for whom a 47544
scholarship has been awarded under this section. The scholarship 47545
amount shall be proportionately reduced in the case of any such 47546
child who is not enrolled in the special education program for 47547
which a scholarship was awarded under this section for the entire 47548
school year. The department shall make no payments to the parent 47549
of a child while any administrative or judicial mediation or 47550
proceedings with respect to the content of the child's 47551
individualized education program are pending. 47552

(D) A scholarship shall not be paid to a parent for payment of tuition owed to a nonpublic entity unless that entity is a registered private provider. The department shall approve entities that meet the standards established by rule of the state board for the program established under this section.

(E) The state board shall adopt rules under Chapter 119. of the Revised Code prescribing procedures necessary to implement this section, including, but not limited to, procedures and deadlines for parents to apply for scholarships, standards for registered private providers, and procedures for approval of entities as registered private providers.

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) A school psychologist licensed by the state board under section 3319.22 of the Revised Code;

(4) Any person employed by a licensed psychologist or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) Any other qualified individual as determined by the state board. 47584
47585

(F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program. 47586
47587
47588
47589
47590

Sec. 3310.56. (A) The amount of the scholarship awarded and paid to an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program in each school year shall be the least of the amounts prescribed in divisions (A)(1), (2), and (3) of this section, as follows: 47591
47592
47593
47594
47595
47596

(1) The amount of fees charged for that school year by the alternative public provider or registered private provider; 47597
47598

(2) The sum of the amounts calculated under divisions (A)(2)(a) and (b) of this section: 47599
47600

(a) The formula amount; 47601

(b) An amount prescribed for the child's disability as follows: 47602
47603

(i) For a student in category one, the amount specified in division (A) of section 3317.013 of the Revised Code; 47604
47605

(ii) For a student in category two, the amount specified in division (B) of section 3317.013 of the Revised Code; 47606
47607

(iii) For a student in category three, the amount specified in division (C) of section 3317.013 of the Revised Code; 47608
47609

(iv) For a student in category four, the amount specified in division (D) of section 3317.013 of the Revised Code; 47610
47611

(v) For a student in category five, the amount specified in 47612

division (E) of section 3317.013 of the Revised Code; 47613

(vi) For a student in category six, the amount specified in 47614
division (F) of section 3317.013 of the Revised Code. 47615

(3) ~~Twenty~~ Twenty-seven thousand dollars. 47616

(B) As used in division (A)(2)(b) of this section, a child 47617
with a disability is in: 47618

(1) "Category one" if the child is receiving special 47619
education services for a disability specified in division (A) of 47620
section 3317.013 of the Revised Code; 47621

(2) "Category two" if the child is receiving special 47622
education services for a disability specified in division (B) of 47623
section 3317.013 of the Revised Code; 47624

(3) "Category three" if the child is receiving special 47625
education services for a disability specified in division (C) of 47626
section 3317.013 of the Revised Code; 47627

(4) "Category four" if the child is receiving special 47628
education services for a disability specified in division (D) of 47629
section 3317.013 of the Revised Code; 47630

(5) "Category five" if the child is receiving special 47631
education services for a disability specified in division (E) of 47632
section 3317.013 of the Revised Code; 47633

(6) "Category six" if the child is receiving special 47634
education services for a disability specified in division (F) of 47635
section 3317.013 of the Revised Code. 47636

Sec. 3311.19. (A) The management and control of a joint 47637
vocational school district shall be vested in the joint vocational 47638
school district board of education which, beginning on ~~the~~ 47639
~~effective date of this amendment~~ September 29, 2013, shall be 47640
appointed under division (C) of this section. 47641

All members of a joint vocational school district board 47642
serving unexpired terms on ~~the effective date of this amendment~~ 47643
September 29, 2013, may continue in office until the expiration of 47644
their terms. If a member leaves office for any reason prior to the 47645
expiration of that member's term, the vacancy shall be filled only 47646
in the manner provided in division (C) of this section. 47647

(B) ~~Members~~ Except as provided in section 3311.191 of the 47648
Revised Code, members of the joint vocational school district 47649
board appointed on or after ~~the effective date of this amendment~~ 47650
September 29, 2013, shall serve for three-year terms of office. No 47651
member shall hold office for a period of longer than two 47652
consecutive terms. Terms shall be considered consecutive unless 47653
separated by three or more years. 47654

Members of the board shall be selected based on the diversity 47655
of the employers from the geographical region of the state in 47656
which the territory of the joint vocational school district is 47657
located represented by the members. Not less than three-fifths of 47658
the members of the board shall reside in or be employed within the 47659
territory of the joint vocational school district board upon which 47660
the member serves. 47661

(C) The manner of appointment and the total number of members 47662
appointed to the joint vocational school district board shall be 47663
in accordance with the most recent plan for the joint vocational 47664
school district on file with the department of education. An 47665
individual shall not be a member of an appointing board, unless 47666
the individual meets the criteria in division (C)(2) of this 47667
section. 47668

(1) Appointments under this section shall be made as the 47669
terms of members of each joint vocational school district board 47670
who are serving unexpired terms on ~~the effective date of this~~ 47671
~~amendment~~ September 29, 2013, expire or as those offices are 47672
otherwise vacated prior to the expiration date. 47673

(2) Members of the joint vocational board shall have 47674
experience as chief financial officers, chief executive officers, 47675
human resources managers, or other business, industry, or career 47676
counseling professionals who are qualified to discuss the labor 47677
needs of the region with respect to the regional economy. The 47678
appointing board shall appoint individuals who represent employers 47679
in the region served by the joint vocational school district who 47680
are qualified to consider the state's workforce needs with an 47681
understanding of the skills, training, and education needed for 47682
current and future employment opportunities in the state. The 47683
appointing board may give preference to individuals who have 47684
served as members on a joint vocational school business advisory 47685
committee who meet the qualifications in division (C)(2) of this 47686
section. 47687

(D) The vocational schools in the joint vocational school 47688
district shall be available to all youth of school age within the 47689
joint vocational school district subject to the rules adopted by 47690
the joint vocational school district board of education in regard 47691
to the standards requisite to admission. A joint vocational school 47692
district board of education shall have the same powers, duties, 47693
and authority for the management and operation of such joint 47694
vocational school district as is granted by law, except by this 47695
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 47696
Code, to a board of education of a city school district, and shall 47697
be subject to all the provisions of law that apply to a city 47698
school district, except such provisions in this chapter and 47699
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 47700

(E) The superintendent of schools of a joint vocational 47701
school district shall exercise the duties and authority vested by 47702
law in a superintendent of schools pertaining to the operation of 47703
a school district and the employment and supervision of its 47704
personnel. The joint vocational school district board of education 47705

shall appoint a treasurer of the joint vocational school district 47706
who shall be the fiscal officer for such district and who shall 47707
have all the powers, duties, and authority vested by law in a 47708
treasurer of a board of education. 47709

(F) Each member of a joint vocational school district board 47710
of education may be paid such compensation as the board provides 47711
by resolution, but it shall not exceed one hundred twenty-five 47712
dollars per member for each meeting attended plus mileage, at the 47713
rate per mile provided by resolution of the board, to and from 47714
meetings of the board. 47715

The board may provide by resolution for the deduction of 47716
amounts payable for benefits under section 3313.202 of the Revised 47717
Code. 47718

Each member of a joint vocational school district board may 47719
be paid such compensation as the board provides by resolution for 47720
attendance at an approved training program, provided that such 47721
compensation shall not exceed sixty dollars per day for attendance 47722
at a training program three hours or fewer in length and one 47723
hundred twenty-five dollars a day for attendance at a training 47724
program longer than three hours in length. However, no board 47725
member shall be compensated for the same training program under 47726
this section and section 3313.12 of the Revised Code. 47727

Sec. 3311.191. (A) Subject to division (B) of this section, 47728
if a joint vocational school district has an even number of member 47729
districts each appointing a member to the joint vocational school 47730
district board of education and the joint vocational school 47731
district's plan on file with the department of education provides 47732
for one additional board member to be appointed on a rotating 47733
basis by one of the appointing boards, the term of that additional 47734
member shall be for one year. The additional member shall 47735
otherwise meet the requirements for joint vocational school board 47736

members prescribed by section 3311.19 of the Revised Code. 47737

(B) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A) of this section, was appointed on or after September 29, 2013, but prior to the effective date of this section, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A) of this section. 47738
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Sec. 3311.221. (A) As used in this section, an "eligible school district transfer" means the transfer, not later than June 30, 2015, of the entire territory of a local school district that has fewer than five hundred students to a contiguous local school district under section 3311.22 of the Revised Code that results in the cancellation of the amount owed to the solvency assistance fund by either or both districts under Section 7 of Am. Sub. H.B. 487 of the 130th general assembly. 47750
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(B) Notwithstanding anything to the contrary in the Revised Code, if a joint vocational school district gains territory on or after January 1, 2015, due to an eligible school district transfer, the joint vocational school district shall enter into a two-year transition agreement with the joint vocational school district that lost the territory gained by the other joint vocational school district due to the transfer. This agreement shall require all of the following: 47758
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(1) Each student of the local school district that is 47766

transferred who is enrolled, at the time of the transfer, in the 47767
joint vocational school district that lost territory due to the 47768
transfer shall remain enrolled in that joint vocational school 47769
district for the remainder of the student's secondary education, 47770
so long as the student is enrolled in the local school district 47771
that received territory in the transfer and continues to enroll in 47772
a career-technical program. 47773

(2) In the first year following the transfer, the joint 47774
vocational school district that gains territory due to the 47775
transfer shall pay the joint vocational school district that lost 47776
territory due to the transfer an amount equal to one hundred per 47777
cent of the revenue collected from taxes levied under sections 47778
3311.21 and 5705.21 of the Revised Code by the joint vocational 47779
school district that gains territory for the transferred portion 47780
of the district. 47781

(3) In the second year following the transfer, the joint 47782
vocational school district that gains territory due to the 47783
transfer shall pay the joint vocational school district that lost 47784
territory due to the transfer an amount equal to fifty per cent of 47785
the revenue collected from taxes levied under sections 3311.21 and 47786
5705.21 of the Revised Code by the joint vocational school 47787
district that gains territory for the transferred portion of the 47788
district. 47789

Any other terms mutually agreed upon by both joint vocational 47790
school districts to ensure an orderly transition of territory that 47791
maximizes opportunities for students shall also be included in the 47792
agreement. 47793

Sec. 3313.375. The board of education of a city, local, 47794
exempted village, or joint vocational school district, the 47795
governing board of an educational service center, or the governing 47796
authority of a community school may enter into a lease-purchase 47797

agreement providing for construction; enlarging or other 47798
improvement, furnishing, and equipping; lease; and eventual 47799
acquisition of ~~a building~~ facilities or improvements to ~~a building~~ 47800
facilities, including but not limited to buildings, playgrounds, 47801
parking lots, athletic facilities, and safety enhancements for any 47802
school district, educational service center, or community school 47803
purpose. The agreement shall provide for a lease for a series of 47804
one-year renewable lease terms totaling not more than the number 47805
of years equivalent to the useful life of the asset and in no 47806
event more than thirty years. The agreement shall provide that at 47807
the end of the series of lease terms provided for in the agreement 47808
the title to the leased property shall be vested in the school 47809
district or educational service center, if all obligations of the 47810
school district, educational service center, or community school 47811
provided for in the agreement have been satisfied. The agreement 47812
may, in addition to the rental payments, require the school 47813
district, educational service center, or community school to pay 47814
the lessor a lump-sum amount as a condition of obtaining title to 47815
the leased property. In conjunction with the agreement, a school 47816
district board of education, an educational service center 47817
governing board, or a governing authority of a community school 47818
may grant leases, easements, or licenses for underlying land or 47819
facilities under the board's control for terms not exceeding five 47820
years beyond the final renewal term of the lease-purchase 47821
agreement entered into pursuant to this section. Payments under 47822
the agreement may be deemed to be, and paid as, current operating 47823
expenses. 47824

The obligations under a lease-purchase agreement entered into 47825
pursuant to this section shall not be considered to be net 47826
indebtedness of a school district under section 133.06 of the 47827
Revised Code. 47828

Sec. 3313.41. (A) Except as provided in divisions (C), (D), 47829

(F), and (G) of this section and in section 3313.412 of the Revised Code, when a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it shall sell the property at public auction, after giving at least thirty days' notice of the auction by publication in a newspaper of general circulation in the school district, by publication as provided in section 7.16 of the Revised Code, or by posting notices in five of the most public places in the school district in which the property, if it is real property, is situated, or, if it is personal property, in the school district of the board of education that owns the property. The board may offer real property for sale as an entire tract or in parcels.

(B) When the board of education has offered real or personal property for sale at public auction at least once pursuant to division (A) of this section, and the property has not been sold, the board may sell it at a private sale. Regardless of how it was offered at public auction, at a private sale, the board shall, as it considers best, sell real property as an entire tract or in parcels, and personal property in a single lot or in several lots.

(C) If a board of education decides to dispose of real or personal property that it owns in its corporate capacity and that exceeds in value ten thousand dollars, it may sell the property to the adjutant general; to any subdivision or taxing authority as respectively defined in section 5705.01 of the Revised Code, township park district, board of park commissioners established under Chapter 755. of the Revised Code, or park district established under Chapter 1545. of the Revised Code; to a wholly or partially tax-supported university, university branch, or college; to a nonprofit institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; to the governing authority of a chartered nonpublic school;

or to the board of trustees of a school district library, upon 47862
such terms as are agreed upon. The sale of real or personal 47863
property to the board of trustees of a school district library is 47864
limited, in the case of real property, to a school district 47865
library within whose boundaries the real property is situated, or, 47866
in the case of personal property, to a school district library 47867
whose boundaries lie in whole or in part within the school 47868
district of the selling board of education. 47869

(D) When a board of education decides to trade as a part or 47870
an entire consideration, an item of personal property on the 47871
purchase price of an item of similar personal property, it may 47872
trade the same upon such terms as are agreed upon by the parties 47873
to the trade. 47874

(E) The president and the treasurer of the board of education 47875
shall execute and deliver deeds or other necessary instruments of 47876
conveyance to complete any sale or trade under this section. 47877

(F) When a board of education has identified a parcel of real 47878
property that it determines is needed for school purposes, the 47879
board may, upon a majority vote of the members of the board, 47880
acquire that property by exchanging real property that the board 47881
owns in its corporate capacity for the identified real property or 47882
by using real property that the board owns in its corporate 47883
capacity as part or an entire consideration for the purchase price 47884
of the identified real property. Any exchange or acquisition made 47885
pursuant to this division shall be made by a conveyance executed 47886
by the president and the treasurer of the board. 47887

(G) Except as provided in ~~section~~ sections 3313.412 and 47888
3313.413 of the Revised Code, when a school district board of 47889
education decides to dispose of real property, prior to disposing 47890
of that property under divisions (A) to (F) of this section, it 47891
shall first offer that property for sale to the governing 47892
authorities of the start-up community schools established under 47893

Chapter 3314. of the Revised Code, and the board of trustees of 47894
any college-preparatory boarding school established under Chapter 47895
3328. of the Revised Code, that are located within the territory 47896
of the school district. The district board shall offer the 47897
property at a price that is not higher than the appraised fair 47898
market value of that property as determined in an appraisal of the 47899
property that is not more than one year old. If more than one 47900
community school governing authority or college-preparatory 47901
boarding school board of trustees accepts the offer made by the 47902
school district board, the board shall sell the property to the 47903
governing authority or board that accepted the offer first in 47904
time. If no community school governing authority or 47905
college-preparatory boarding school board of trustees accepts the 47906
offer within sixty days after the offer is made by the school 47907
district board, the board may dispose of the property in the 47908
applicable manner prescribed under divisions (A) to (F) of this 47909
section. 47910

(H) When a school district board of education has property 47911
that the board, by resolution, finds is not needed for school 47912
district use, is obsolete, or is unfit for the use for which it 47913
was acquired, the board may donate that property in accordance 47914
with this division if the fair market value of the property is, in 47915
the opinion of the board, two thousand five hundred dollars or 47916
less. 47917

The property may be donated to an eligible nonprofit 47918
organization that is located in this state and is exempt from 47919
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 47920
Before donating any property under this division, the board shall 47921
adopt a resolution expressing its intent to make unneeded, 47922
obsolete, or unfit-for-use school district property available to 47923
these organizations. The resolution shall include guidelines and 47924
procedures the board considers to be necessary to implement the 47925

donation program and shall indicate whether the school district 47926
will conduct the donation program or the board will contract with 47927
a representative to conduct it. If a representative is known when 47928
the resolution is adopted, the resolution shall provide contact 47929
information such as the representative's name, address, and 47930
telephone number. 47931

The resolution shall include within its procedures a 47932
requirement that any nonprofit organization desiring to obtain 47933
donated property under this division shall submit a written notice 47934
to the board or its representative. The written notice shall 47935
include evidence that the organization is a nonprofit organization 47936
that is located in this state and is exempt from federal income 47937
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 47938
the organization's primary purpose; a description of the type or 47939
types of property the organization needs; and the name, address, 47940
and telephone number of a person designated by the organization's 47941
governing board to receive donated property and to serve as its 47942
agent. 47943

After adoption of the resolution, the board shall publish, in 47944
a newspaper of general circulation in the school district or as 47945
provided in section 7.16 of the Revised Code, notice of its intent 47946
to donate unneeded, obsolete, or unfit-for-use school district 47947
property to eligible nonprofit organizations. The notice shall 47948
include a summary of the information provided in the resolution 47949
and shall be published twice. The second notice shall be published 47950
not less than ten nor more than twenty days after the previous 47951
notice. A similar notice also shall be posted continually in the 47952
board's office. If the school district maintains a web site on the 47953
internet, the notice shall be posted continually at that web site. 47954

The board or its representatives shall maintain a list of all 47955
nonprofit organizations that notify the board or its 47956
representative of their desire to obtain donated property under 47957

this division and that the board or its representative determines 47958
to be eligible, in accordance with the requirements set forth in 47959
this section and in the donation program's guidelines and 47960
procedures, to receive donated property. 47961

The board or its representative also shall maintain a list of 47962
all school district property the board finds to be unneeded, 47963
obsolete, or unfit for use and to be available for donation under 47964
this division. The list shall be posted continually in a 47965
conspicuous location in the board's office, and, if the school 47966
district maintains a web site on the internet, the list shall be 47967
posted continually at that web site. An item of property on the 47968
list shall be donated to the eligible nonprofit organization that 47969
first declares to the board or its representative its desire to 47970
obtain the item unless the board previously has established, by 47971
resolution, a list of eligible nonprofit organizations that shall 47972
be given priority with respect to the item's donation. Priority 47973
may be given on the basis that the purposes of a nonprofit 47974
organization have a direct relationship to specific school 47975
district purposes of programs provided or administered by the 47976
board. A resolution giving priority to certain nonprofit 47977
organizations with respect to the donation of an item of property 47978
shall specify the reasons why the organizations are given that 47979
priority. 47980

Members of the board shall consult with the Ohio ethics 47981
commission, and comply with Chapters 102. and 2921. of the Revised 47982
Code, with respect to any donation under this division to a 47983
nonprofit organization of which a board member, any member of a 47984
board member's family, or any business associate of a board member 47985
is a trustee, officer, board member, or employee. 47986

Sec. 3313.411. (A) As used in this section: 47987

(1) "College-preparatory boarding school" means a 47988

college-preparatory boarding school established under Chapter 47989
3328. of the Revised Code. 47990

(2) "Community school" means a community school established 47991
under Chapter 3314. of the Revised Code. 47992

(3) "Unused school facilities" means any real property that 47993
has been used by a school district for school operations, 47994
including, but not limited to, academic instruction or 47995
administration, since July 1, 1998, but has not been used in that 47996
capacity for two years. 47997

(B)(1) Except as provided in ~~section~~ sections 3313.412 and 47998
3313.413 of the Revised Code, on and after June 30, 2011, any 47999
school district board of education shall offer any unused school 48000
facilities it owns in its corporate capacity for lease or sale to 48001
the governing authorities of community schools, and the board of 48002
trustees of any college-preparatory boarding school, that are 48003
located within the territory of the district. 48004

(2) At the same time that a district board makes the offer 48005
required under division (B)(1) of this section, the board also 48006
may, but shall not be required to, offer that property for sale or 48007
lease to the governing authorities of community schools with 48008
plans, stipulated in their contracts entered into under section 48009
3314.03 of the Revised Code, either to relocate their operations 48010
to the territory of the district or to add facilities, as 48011
authorized by division (B)(3) or (4) of section 3314.05 of the 48012
Revised Code, to be located within the territory of the district. 48013

(C)(1) If, not later than sixty days after the district board 48014
makes the offer, only one qualified party offered the property 48015
under division (B) of this section notifies the district treasurer 48016
in writing of the intention to purchase the property, the district 48017
board shall sell the property to that party for the appraised fair 48018
market value of the property as determined in an appraisal of the 48019

property that is not more than one year old. 48020

(2) If, not later than sixty days after the district board 48021
makes the offer, more than one qualified party offered the 48022
property under division (B) of this section notifies the district 48023
treasurer in writing of the intention to purchase the property, 48024
the board shall conduct a public auction in the manner required 48025
for auctions of district property under division (A) of section 48026
3313.41 of the Revised Code. Only the parties offered the property 48027
under division (B) of this section that notify the district 48028
treasurer of the intention to purchase the property are eligible 48029
to bid at the auction. The district board is not obligated to 48030
accept any bid for the property that is lower than the appraised 48031
fair market value of the property as determined in an appraisal 48032
that is not more than one year old. 48033

(3) If more than one qualified party offered the property 48034
under division (B) of this section notifies the district treasurer 48035
in writing of the intention to lease the property, the district 48036
board shall conduct a lottery to select from among those parties 48037
the one qualified party to which the district board shall lease 48038
the property. 48039

(4) The lease price offered by a district board to a 48040
community school or college-preparatory boarding school under this 48041
section shall not be higher than the fair market value for such a 48042
leasehold as determined in an appraisal that is not more than one 48043
year old. 48044

(5) If no qualified party offered the property under division 48045
(B) of this section accepts the offer to lease or buy the property 48046
within sixty days after the offer is made, the district board may 48047
offer the property to any other entity in accordance with 48048
divisions (A) to (F) of section 3313.41 of the Revised Code. 48049

(D) Notwithstanding division (B) of this section, a school 48050

district board may renew any agreement it originally entered into 48051
prior to June 30, 2011, to lease real property to an entity other 48052
than a community school or college-preparatory boarding school. 48053
Nothing in this section shall affect the leasehold arrangements 48054
between the district board and that other entity. 48055

(E)(1) Except as provided in division (E)(2) of this section, 48056
the governing authority of a community school or the board of 48057
trustees of a college-preparatory boarding school shall not sell 48058
any property purchased under division (B) of this section within 48059
five years of purchasing that property. 48060

(2) The governing authority or board of trustees may sell a 48061
property purchased under division (B) of this section within five 48062
years of the purchase, only if the governing authority or board of 48063
trustees sells or transfers that property to another entity 48064
described in that division. 48065

Sec. 3313.413. (A) As used in this section, "high-performing 48066
community school" means a community school established under 48067
Chapter 3314. of the Revised Code that meets the following 48068
conditions: 48069

(1) Except as provided in division (A)(2) or (3) of this 48070
section, the school both: 48071

(a) Has received a grade of "A," "B," or "C" for the 48072
performance index score under division (C)(1)(b) of section 48073
3302.03 of the Revised Code or has increased its performance index 48074
score under division (C)(1)(b) of section 3302.03 of the Revised 48075
Code in each of the previous three years of operation; and 48076

(b) Has received a grade of "A" or "B" for the value-added 48077
progress dimension under division (C)(1)(e) of section 3302.03 of 48078
the Revised Code on its most recent report card rating issued 48079
under that section. 48080

(2) If the school serves only grades kindergarten through three, the school received a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code on its most recent report card issued under that section. 48081
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(3) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code. 48086
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(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, prior to offering that property to all start-up community schools and any college-preparatory boarding school located in the district as prescribed by division (G) of that section, the board shall first offer that property for sale to the governing authorities of high-performing community schools and any newly established community schools that are implementing a community school model that has a track record of high quality academic performance, as determined by the department of education. If no such governing authority notifies the district treasurer of its intention to purchase the property within sixty days after the offer is made, the board shall offer that property to all start-up community schools and college-preparatory boarding schools located in the district pursuant to division (G) of section 3313.41 of the Revised Code and then subsequently may offer the property for sale in the manner prescribed under divisions (A) to (F) of that section. 48091
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(C) When a school district board of education is required to offer unused school facilities for lease or sale pursuant to section 3313.411 of the Revised Code, prior to offering those 48110
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facilities to all start-up community schools and any 48113
college-preparatory boarding school located in the district as 48114
prescribed by that section, the board shall first offer those 48115
facilities for lease or sale to the governing authorities of 48116
high-performing community schools. If no such governing authority 48117
notifies the district treasurer of its intention to lease or 48118
purchase those facilities within sixty days after the offer is 48119
made, the board shall offer those facilities to all start-up 48120
community schools and college-preparatory boarding schools located 48121
in the district pursuant to section 3313.411 of the Revised Code. 48122

(D) Notwithstanding anything to the contrary in sections 48123
3313.41 and 3313.411 of the Revised Code, the purchase price of 48124
any real property sold to the governing authority of a 48125
high-performing community school in accordance with division (B) 48126
of this section and of any unused school facilities sold to any of 48127
those entities in accordance with division (C) of this section 48128
shall not be more than the appraised fair market value of that 48129
property as determined in an appraisal of the property that is not 48130
more than one year old. 48131

Sec. 3313.534. ~~Not~~ (A) Not later than July 1, ~~1998~~ 2016, the 48132
board of education of each city, exempted village, and local 48133
school district shall adopt a an updated policy of zero tolerance 48134
for violent behavior that shall provide tiered responses for 48135
violent, disruptive, or inappropriate behavior, including and 48136
excessive truancy, and establish based upon the nature and 48137
severity of the behavior. The plan shall include strategies to 48138
address such behavior that range from prevention to intervention. 48139
The plan shall provide that, to the extent practicable, 48140
out-of-school suspensions and expulsions may be imposed only where 48141
the student's physical presence poses a continuing physical danger 48142
to the health and safety of other students and school personnel, 48143
including any of the behaviors described in divisions (B)(2) to 48144

(5) of section 3313.66 of the Revised Code. It shall further 48145
provide that an out-of-school suspension or expulsion for behavior 48146
that is disruptive or inappropriate, but where the student's 48147
physical presence does not pose a continuing physical danger to 48148
the health and safety of others, shall be discouraged and 48149
available only as a penalty of last resort and only where it is 48150
impracticable in the circumstances to impose a disciplinary action 48151
that does not remove the student from the school. It shall further 48152
provide that an out-of-school suspension or expulsion is not an 48153
appropriate penalty for excessive truancy. 48154

(B)(1) Not later than February 28, 2016, the state board of 48155
education shall develop a model disciplinary policy, consistent 48156
with division (A) of this section, for violent, disruptive, or 48157
inappropriate behavior, including excessive truancy, that stresses 48158
preventive strategies and alternatives to suspension and 48159
expulsion. 48160

(2) Not later than May 31, 2016, the department of education 48161
shall do both of the following: 48162

(a) Provide to each school district a copy of the policy 48163
adopted by the state board pursuant to division (B)(1) of this 48164
section; 48165

(b) Develop materials to assist school districts in providing 48166
teacher and staff training on the implementation of the strategies 48167
included in that policy. 48168

~~No~~ (C) Not later than July 1, 1999, each of the big eight 48169
school districts, as defined in section 3314.02 of the Revised 48170
Code, shall establish under section 3313.533 of the Revised Code 48171
at least one alternative school to meet the educational needs of 48172
students with severe discipline problems, including, but not 48173
limited to, excessive truancy, excessive disruption in the 48174
classroom, and multiple suspensions or expulsions. Any other 48175

school district that attains after that date a significantly 48176
substandard graduation rate, as defined by the department of 48177
education, shall also establish such an alternative school under 48178
that section. 48179

Sec. 3313.603. (A) As used in this section: 48180

(1) "One unit" means a minimum of one hundred twenty hours of 48181
course instruction, except that for a laboratory course, "one 48182
unit" means a minimum of one hundred fifty hours of course 48183
instruction. 48184

(2) "One-half unit" means a minimum of sixty hours of course 48185
instruction, except that for physical education courses, "one-half 48186
unit" means a minimum of one hundred twenty hours of course 48187
instruction. 48188

(B) Beginning September 15, 2001, except as required in 48189
division (C) of this section and division (C) of section 3313.614 48190
of the Revised Code, the requirements for graduation from every 48191
high school shall include twenty units earned in grades nine 48192
through twelve and shall be distributed as follows: 48193

(1) English language arts, four units; 48194

(2) Health, one-half unit; 48195

(3) Mathematics, three units; 48196

(4) Physical education, one-half unit; 48197

(5) Science, two units until September 15, 2003, and three 48198
units thereafter, which at all times shall include both of the 48199
following: 48200

(a) Biological sciences, one unit; 48201

(b) Physical sciences, one unit. 48202

(6) History and government, one unit, which shall comply with 48203
division (M) of this section and shall include both of the 48204

following:	48205
(a) American history, one-half unit;	48206
(b) American government, one-half unit.	48207
(7) Social studies, two units.	48208
Beginning with students who enter ninth grade for the first	48209
time on or after July 1, 2017, the two units of instruction	48210
prescribed by division (B)(7) of this section shall include at	48211
least one-half unit of instruction in the study of world history	48212
and civilizations.	48213
(8) Elective units, seven units until September 15, 2003, and	48214
six units thereafter.	48215
Each student's electives shall include at least one unit, or	48216
two half units, chosen from among the areas of	48217
business/technology, fine arts, and/or foreign language.	48218
(C) Beginning with students who enter ninth grade for the	48219
first time on or after July 1, 2010, except as provided in	48220
divisions (D) to (F) of this section, the requirements for	48221
graduation from every public and chartered nonpublic high school	48222
shall include twenty units that are designed to prepare students	48223
for the workforce and college. The units shall be distributed as	48224
follows:	48225
(1) English language arts, four units;	48226
(2) Health, one-half unit, which shall include instruction in	48227
nutrition and the benefits of nutritious foods and physical	48228
activity for overall health;	48229
(3) Mathematics, four units, which shall include one unit of	48230
algebra II or the equivalent of algebra II+. <u>However, students who</u>	48231
<u>enter ninth grade for the first time on or after July 1, 2015, and</u>	48232
<u>who are pursuing a career-technical instructional track shall not</u>	48233
<u>be required to take algebra II, and instead may complete a</u>	48234

<u>career-based pathway mathematics course as an alternative.</u>	48235
(4) Physical education, one-half unit;	48236
(5) Science, three units with inquiry-based laboratory experience that engages students in asking valid scientific questions and gathering and analyzing information, which shall include the following, or their equivalent:	48237 48238 48239 48240
(a) Physical sciences, one unit;	48241
(b) Life sciences, one unit;	48242
(c) Advanced study in one or more of the following sciences, one unit:	48243 48244
(i) Chemistry, physics, or other physical science;	48245
(ii) Advanced biology or other life science;	48246
(iii) Astronomy, physical geology, or other earth or space science.	48247 48248
(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following:	48249 48250 48251
(a) American history, one-half unit;	48252
(b) American government, one-half unit.	48253
(7) Social studies, two units.	48254
Each school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the state board of education under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of this section, or into the content of another class, so that every high school student receives instruction in	48255 48256 48257 48258 48259 48260 48261 48262 48263

those concepts. In developing the curriculum required by this 48264
paragraph, schools shall use available public-private partnerships 48265
and resources and materials that exist in business, industry, and 48266
through the centers for economics education at institutions of 48267
higher education in the state. 48268

Beginning with students who enter ninth grade for the first 48269
time on or after July 1, 2017, the two units of instruction 48270
prescribed by division (C)(7) of this section shall include at 48271
least one-half unit of instruction in the study of world history 48272
and civilizations. 48273

(8) Five units consisting of one or any combination of 48274
foreign language, fine arts, business, career-technical education, 48275
family and consumer sciences, technology, agricultural education, 48276
a junior reserve officer training corps (JROTC) program approved 48277
by the congress of the United States under title 10 of the United 48278
States Code, or English language arts, mathematics, science, or 48279
social studies courses not otherwise required under division (C) 48280
of this section. 48281

Ohioans must be prepared to apply increased knowledge and 48282
skills in the workplace and to adapt their knowledge and skills 48283
quickly to meet the rapidly changing conditions of the 48284
twenty-first century. National studies indicate that all high 48285
school graduates need the same academic foundation, regardless of 48286
the opportunities they pursue after graduation. The goal of Ohio's 48287
system of elementary and secondary education is to prepare all 48288
students for and seamlessly connect all students to success in 48289
life beyond high school graduation, regardless of whether the next 48290
step is entering the workforce, beginning an apprenticeship, 48291
engaging in post-secondary training, serving in the military, or 48292
pursuing a college degree. 48293

The requirements for graduation prescribed in division (C) of 48294
this section are the standard expectation for all students 48295

entering ninth grade for the first time at a public or chartered 48296
nonpublic high school on or after July 1, 2010. A student may 48297
satisfy this expectation through a variety of methods, including, 48298
but not limited to, integrated, applied, career-technical, and 48299
traditional coursework. 48300

Whereas teacher quality is essential for student success when 48301
completing the requirements for graduation, the general assembly 48302
shall appropriate funds for strategic initiatives designed to 48303
strengthen schools' capacities to hire and retain highly qualified 48304
teachers in the subject areas required by the curriculum. Such 48305
initiatives are expected to require an investment of \$120,000,000 48306
over five years. 48307

Stronger coordination between high schools and institutions 48308
of higher education is necessary to prepare students for more 48309
challenging academic endeavors and to lessen the need for academic 48310
remediation in college, thereby reducing the costs of higher 48311
education for Ohio's students, families, and the state. The state 48312
board and the chancellor of ~~the Ohio board of regents~~ higher 48313
education shall develop policies to ensure that only in rare 48314
instances will students who complete the requirements for 48315
graduation prescribed in division (C) of this section require 48316
academic remediation after high school. 48317

School districts, community schools, and chartered nonpublic 48318
schools shall integrate technology into learning experiences 48319
across the curriculum in order to maximize efficiency, enhance 48320
learning, and prepare students for success in the 48321
technology-driven twenty-first century. Districts and schools 48322
shall use distance and web-based course delivery as a method of 48323
providing or augmenting all instruction required under this 48324
division, including laboratory experience in science. Districts 48325
and schools shall utilize technology access and electronic 48326
learning opportunities provided by the broadcast educational media 48327

commission, chancellor, the Ohio learning network, education 48328
technology centers, public television stations, and other public 48329
and private providers. 48330

(D) Except as provided in division (E) of this section, a 48331
student who enters ninth grade on or after July 1, 2010, and 48332
before July 1, 2016, may qualify for graduation from a public or 48333
chartered nonpublic high school even though the student has not 48334
completed the requirements for graduation prescribed in division 48335
(C) of this section if all of the following conditions are 48336
satisfied: 48337

(1) During the student's third year of attending high school, 48338
as determined by the school, the student and the student's parent, 48339
guardian, or custodian sign and file with the school a written 48340
statement asserting the parent's, guardian's, or custodian's 48341
consent to the student's graduating without completing the 48342
requirements for graduation prescribed in division (C) of this 48343
section and acknowledging that one consequence of not completing 48344
those requirements is ineligibility to enroll in most state 48345
universities in Ohio without further coursework. 48346

(2) The student and parent, guardian, or custodian fulfill 48347
any procedural requirements the school stipulates to ensure the 48348
student's and parent's, guardian's, or custodian's informed 48349
consent and to facilitate orderly filing of statements under 48350
division (D)(1) of this section. Annually, each district or school 48351
shall notify the department of education of the number of students 48352
who choose to qualify for graduation under division (D) of this 48353
section and the number of students who complete the student's 48354
success plan and graduate from high school. 48355

(3) The student and the student's parent, guardian, or 48356
custodian and a representative of the student's high school 48357
jointly develop a student success plan for the student in the 48358
manner described in division (C)(1) of section 3313.6020 of the 48359

Revised Code that specifies the student matriculating to a 48360
two-year degree program, acquiring a business and 48361
industry-recognized credential, or entering an apprenticeship. 48362

(4) The student's high school provides counseling and support 48363
for the student related to the plan developed under division 48364
(D)(3) of this section during the remainder of the student's high 48365
school experience. 48366

(5)(a) Except as provided in division (D)(5)(b) of this 48367
section, the student successfully completes, at a minimum, the 48368
curriculum prescribed in division (B) of this section. 48369

(b) Beginning with students who enter ninth grade for the 48370
first time on or after July 1, 2014, a student shall be required 48371
to complete successfully, at the minimum, the curriculum 48372
prescribed in division (B) of this section, except as follows: 48373

(i) Mathematics, four units, one unit which shall be one of 48374
the following: 48375

(I) Probability and statistics; 48376

(II) Computer programming; 48377

(III) Applied mathematics or quantitative reasoning; 48378

(IV) Any other course approved by the department using 48379
standards established by the superintendent not later than October 48380
1, 2014. 48381

(ii) Elective units, five units; 48382

(iii) Science, three units as prescribed by division (B) of 48383
this section which shall include inquiry-based laboratory 48384
experience that engages students in asking valid scientific 48385
questions and gathering and analyzing information. 48386

The department, in collaboration with the chancellor, shall 48387
analyze student performance data to determine if there are 48388
mitigating factors that warrant extending the exception permitted 48389

by division (D) of this section to high school classes beyond 48390
those entering ninth grade before July 1, 2016. The department 48391
shall submit its findings and any recommendations not later than 48392
December 1, 2015, to the speaker and minority leader of the house 48393
of representatives, the president and minority leader of the 48394
senate, the chairpersons and ranking minority members of the 48395
standing committees of the house of representatives and the senate 48396
that consider education legislation, the state board of education, 48397
and the superintendent of public instruction. 48398

(E) Each school district and chartered nonpublic school 48399
retains the authority to require an even more challenging minimum 48400
curriculum for high school graduation than specified in division 48401
(B) or (C) of this section. A school district board of education, 48402
through the adoption of a resolution, or the governing authority 48403
of a chartered nonpublic school may stipulate any of the 48404
following: 48405

(1) A minimum high school curriculum that requires more than 48406
twenty units of academic credit to graduate; 48407

(2) An exception to the district's or school's minimum high 48408
school curriculum that is comparable to the exception provided in 48409
division (D) of this section but with additional requirements, 48410
which may include a requirement that the student successfully 48411
complete more than the minimum curriculum prescribed in division 48412
(B) of this section; 48413

(3) That no exception comparable to that provided in division 48414
(D) of this section is available. 48415

(F) A student enrolled in a dropout prevention and recovery 48416
program, which program has received a waiver from the department, 48417
may qualify for graduation from high school by successfully 48418
completing a competency-based instructional program administered 48419
by the dropout prevention and recovery program in lieu of 48420

completing the requirements for graduation prescribed in division 48421
(C) of this section. The department shall grant a waiver to a 48422
dropout prevention and recovery program, within sixty days after 48423
the program applies for the waiver, if the program meets all of 48424
the following conditions: 48425

(1) The program serves only students not younger than sixteen 48426
years of age and not older than twenty-one years of age. 48427

(2) The program enrolls students who, at the time of their 48428
initial enrollment, either, or both, are at least one grade level 48429
behind their cohort age groups or experience crises that 48430
significantly interfere with their academic progress such that 48431
they are prevented from continuing their traditional programs. 48432

(3) The program requires students to attain at least the 48433
applicable score designated for each of the assessments prescribed 48434
under division (B)(1) of section 3301.0710 of the Revised Code or, 48435
to the extent prescribed by rule of the state board under division 48436
(D)(5) of section 3301.0712 of the Revised Code, division (B)(2) 48437
of that section. 48438

(4) The program develops a student success plan for the 48439
student in the manner described in division (C)(1) of section 48440
3313.6020 of the Revised Code that specifies the student's 48441
matriculating to a two-year degree program, acquiring a business 48442
and industry-recognized credential, or entering an apprenticeship. 48443

(5) The program provides counseling and support for the 48444
student related to the plan developed under division (F)(4) of 48445
this section during the remainder of the student's high school 48446
experience. 48447

(6) The program requires the student and the student's 48448
parent, guardian, or custodian to sign and file, in accordance 48449
with procedural requirements stipulated by the program, a written 48450
statement asserting the parent's, guardian's, or custodian's 48451

consent to the student's graduating without completing the 48452
requirements for graduation prescribed in division (C) of this 48453
section and acknowledging that one consequence of not completing 48454
those requirements is ineligibility to enroll in most state 48455
universities in Ohio without further coursework. 48456

(7) Prior to receiving the waiver, the program has submitted 48457
to the department an instructional plan that demonstrates how the 48458
academic content standards adopted by the state board under 48459
section 3301.079 of the Revised Code will be taught and assessed. 48460

(8) Prior to receiving the waiver, the program has submitted 48461
to the department a policy on career advising that satisfies the 48462
requirements of section 3313.6020 of the Revised Code, with an 48463
emphasis on how every student will receive career advising. 48464

(9) Prior to receiving the waiver, the program has submitted 48465
to the department a written agreement outlining the future 48466
cooperation between the program and any combination of local job 48467
training, postsecondary education, nonprofit, and health and 48468
social service organizations to provide services for students in 48469
the program and their families. 48470

Divisions (F)(8) and (9) of this section apply only to 48471
waivers granted on or after July 1, 2015. 48472

If the department does not act either to grant the waiver or 48473
to reject the program application for the waiver within sixty days 48474
as required under this section, the waiver shall be considered to 48475
be granted. 48476

(G) Every high school may permit students below the ninth 48477
grade to take advanced work. If a high school so permits, it shall 48478
award high school credit for successful completion of the advanced 48479
work and shall count such advanced work toward the graduation 48480
requirements of division (B) or (C) of this section if the 48481
advanced work was both: 48482

(1) Taught by a person who possesses a license or certificate 48483
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 48484
Code that is valid for teaching high school; 48485

(2) Designated by the board of education of the city, local, 48486
or exempted village school district, the board of the cooperative 48487
education school district, or the governing authority of the 48488
chartered nonpublic school as meeting the high school curriculum 48489
requirements. 48490

Each high school shall record on the student's high school 48491
transcript all high school credit awarded under division (G) of 48492
this section. In addition, if the student completed a seventh- or 48493
eighth-grade fine arts course described in division (K) of this 48494
section and the course qualified for high school credit under that 48495
division, the high school shall record that course on the 48496
student's high school transcript. 48497

(H) The department shall make its individual academic career 48498
plan available through its Ohio career information system web site 48499
for districts and schools to use as a tool for communicating with 48500
and providing guidance to students and families in selecting high 48501
school courses. 48502

(I) Units earned in English language arts, mathematics, 48503
science, and social studies that are delivered through integrated 48504
academic and career-technical instruction are eligible to meet the 48505
graduation requirements of division (B) or (C) of this section. 48506

(J)(1) The state board, in consultation with the chancellor, 48507
shall adopt a statewide plan implementing methods for students to 48508
earn units of high school credit based on a demonstration of 48509
subject area competency, instead of or in combination with 48510
completing hours of classroom instruction. The state board shall 48511
adopt the plan not later than March 31, 2009, and commence phasing 48512
in the plan during the 2009-2010 school year. The plan shall 48513

include a standard method for recording demonstrated proficiency 48514
on high school transcripts. Each school district and community 48515
school shall comply with the state board's plan adopted under this 48516
division and award units of high school credit in accordance with 48517
the plan. The state board may adopt existing methods for earning 48518
high school credit based on a demonstration of subject area 48519
competency as necessary prior to the 2009-2010 school year. 48520

(2) Not later than December 31, 2015, the state board shall 48521
update the statewide plan adopted pursuant to division (J)(1) of 48522
this section to also include methods for students enrolled in 48523
seventh and eighth grade to meet curriculum requirements based on 48524
a demonstration of subject area competency, instead of or in 48525
combination with completing hours of classroom instruction. 48526
Beginning with the 2017-2018 school year, each school district and 48527
community school also shall comply with the updated plan adopted 48528
pursuant to this division and permit students enrolled in seventh 48529
and eighth grade to meet curriculum requirements based on subject 48530
area competency in accordance with the plan. 48531

(K) This division does not apply to students who qualify for 48532
graduation from high school under division (D) or (F) of this 48533
section, or to students pursuing a career-technical instructional 48534
track as determined by the school district board of education or 48535
the chartered nonpublic school's governing authority. 48536
Nevertheless, the general assembly encourages such students to 48537
consider enrolling in a fine arts course as an elective. 48538

Beginning with students who enter ninth grade for the first 48539
time on or after July 1, 2010, each student enrolled in a public 48540
or chartered nonpublic high school shall complete two semesters or 48541
the equivalent of fine arts to graduate from high school. The 48542
coursework may be completed in any of grades seven to twelve. Each 48543
student who completes a fine arts course in grade seven or eight 48544
may elect to count that course toward the five units of electives 48545

required for graduation under division (C)(8) of this section, if 48546
the course satisfied the requirements of division (G) of this 48547
section. In that case, the high school shall award the student 48548
high school credit for the course and count the course toward the 48549
five units required under division (C)(8) of this section. If the 48550
course in grade seven or eight did not satisfy the requirements of 48551
division (G) of this section, the high school shall not award the 48552
student high school credit for the course but shall count the 48553
course toward the two semesters or the equivalent of fine arts 48554
required by this division. 48555

(L) Notwithstanding anything to the contrary in this section, 48556
the board of education of each school district and the governing 48557
authority of each chartered nonpublic school may adopt a policy to 48558
excuse from the high school physical education requirement each 48559
student who, during high school, has participated in 48560
interscholastic athletics, marching band, or cheerleading for at 48561
least two full seasons or in the junior reserve officer training 48562
corps for at least two full school years. If the board or 48563
authority adopts such a policy, the board or authority shall not 48564
require the student to complete any physical education course as a 48565
condition to graduate. However, the student shall be required to 48566
complete one-half unit, consisting of at least sixty hours of 48567
instruction, in another course of study. In the case of a student 48568
who has participated in the junior reserve officer training corps 48569
for at least two full school years, credit received for that 48570
participation may be used to satisfy the requirement to complete 48571
one-half unit in another course of study. 48572

(M) It is important that high school students learn and 48573
understand United States history and the governments of both the 48574
United States and the state of Ohio. Therefore, beginning with 48575
students who enter ninth grade for the first time on or after July 48576
1, 2012, the study of American history and American government 48577

required by divisions (B)(6) and (C)(6) of this section shall	48578
include the study of all of the following documents:	48579
(1) The Declaration of Independence;	48580
(2) The Northwest Ordinance;	48581
(3) The Constitution of the United States with emphasis on the Bill of Rights;	48582 48583
(4) The Ohio Constitution.	48584
The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its original context.	48585 48586 48587
The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.	48588 48589 48590 48591 48592 48593
Sec. 3313.608. (A)(1) Beginning with students who enter third grade in the school year that starts July 1, 2009, and until June 30, 2013, unless the student is excused under division (C) of section 3301.0711 of the Revised Code from taking the assessment described in this section, for any student who does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, each school district, in accordance with the policy adopted under section 3313.609 of the Revised Code, shall do one of the following:	48594 48595 48596 48597 48598 48599 48600 48601 48602 48603 48604 48605
(a) Promote the student to fourth grade if the student's principal and reading teacher agree that other evaluations of the	48606 48607

student's skill in reading demonstrate that the student is 48608
academically prepared to be promoted to fourth grade; 48609

(b) Promote the student to fourth grade but provide the 48610
student with intensive intervention services in fourth grade; 48611

(c) Retain the student in third grade. 48612

(2) Beginning with students who enter third grade in the 48613
2013-2014 school year, unless the student is excused under 48614
division (C) of section 3301.0711 of the Revised Code from taking 48615
the assessment described in this section, no school district shall 48616
promote to fourth grade any student who does not attain at least 48617
the equivalent level of achievement designated under division 48618
(A)(3) of section 3301.0710 of the Revised Code on the assessment 48619
prescribed under that section to measure skill in English language 48620
arts expected at the end of third grade, unless one of the 48621
following applies: 48622

(a) The student is a limited English proficient student who 48623
has been enrolled in United States schools for less than three 48624
full school years and has had less than three years of instruction 48625
in an English as a second language program. 48626

(b) The student is a child with a disability entitled to 48627
special education and related services under Chapter 3323. of the 48628
Revised Code and the student's individualized education program 48629
exempts the student from retention under this division. 48630

(c) The student demonstrates an acceptable level of 48631
performance on an alternative standardized reading assessment as 48632
determined by the department of education. 48633

(d) All of the following apply: 48634

(i) The student is a child with a disability entitled to 48635
special education and related services under Chapter 3323. of the 48636
Revised Code. 48637

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 48638
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 48641
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(iv) The student previously was retained in any of grades kindergarten to three. 48646
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 48648
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 48652
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessments shall be completed by the thirtieth day of September. Each 48659
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district shall use the diagnostic assessment to measure reading ability for the appropriate grade level adopted under section 3301.079 of the Revised Code, or a comparable tool approved by the department of education, to identify such students. The policies and procedures shall require the students' classroom teachers to be involved in the assessment and the identification of students reading below grade level.

(2) For each student identified by the diagnostic assessment prescribed under this section as having reading skills below grade level, the district shall do both of the following:

(a) Provide to the student's parent or guardian, in writing, all of the following:

(i) Notification that the student has been identified as having a substantial deficiency in reading;

(ii) A description of the current services that are provided to the student;

(iii) A description of the proposed supplemental instructional services and supports that will be provided to the student that are designed to remediate the identified areas of reading deficiency;

(iv) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A) of this section. The notification shall specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and 48700
regular diagnostic assessments to the student immediately 48701
following identification of a reading deficiency until the 48702
development of the reading improvement and monitoring plan 48703
required by division (C) of this section. These intervention 48704
services shall include research-based reading strategies that have 48705
been shown to be successful in improving reading among 48706
low-performing readers and instruction targeted at the student's 48707
identified reading deficiencies. 48708

(3) For each student retained under division (A) of this 48709
section, the district shall do all of the following: 48710

(a) Provide intense remediation services until the student is 48711
able to read at grade level. The remediation services shall 48712
include intensive interventions in reading that address the areas 48713
of deficiencies identified under this section including, but not 48714
limited to, not less than ninety minutes of reading instruction 48715
per day, and may include any of the following: 48716

(i) Small group instruction; 48717

(ii) Reduced teacher-student ratios; 48718

(iii) More frequent progress monitoring; 48719

(iv) Tutoring or mentoring; 48720

(v) Transition classes containing third and fourth grade 48721
students; 48722

(vi) Extended school day, week, or year; 48723

(vii) Summer reading camps. 48724

(b) Establish a policy for the mid-year promotion of a 48725
student retained under division (A) of this section who 48726
demonstrates that the student is reading at or above grade level; 48727

(c) Provide each student with a teacher who satisfies one or 48728
more of the criteria set forth in division (H) of this section. 48729

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following:

(1) Identification of the student's specific reading deficiencies;

(2) A description of the additional instructional services and support that will be provided to the student to remediate the identified reading deficiencies;

(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section;

(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section;

(5) A reading curriculum during regular school hours that does all of the following:

(a) Assists students to read at grade level;

(b) Provides scientifically based and reliable assessment;

(c) Provides initial and ongoing analysis of each student's reading progress.

(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered

under division (B) of this section and the achievement assessments 48791
administered under divisions (A)(1)(a) and (b) of section 48792
3301.0710 of the Revised Code in English language arts, aggregated 48793
by school district and building; the types of intervention 48794
services provided to students; and, if available, an evaluation of 48795
the efficacy of the intervention services provided. 48796

(E) Any summer remediation services funded in whole or in 48797
part by the state and offered by school districts to students 48798
under this section shall meet the following conditions: 48799

(1) The remediation methods are based on reliable educational 48800
research. 48801

(2) The school districts conduct assessment before and after 48802
students participate in the program to facilitate monitoring 48803
results of the remediation services. 48804

(3) The parents of participating students are involved in 48805
programming decisions. 48806

(F) Any intervention or remediation services required by this 48807
section shall include intensive, explicit, and systematic 48808
instruction. 48809

(G) This section does not create a new cause of action or a 48810
substantive legal right for any person. 48811

(H)(1) Except as provided under divisions (H)(2), (3), and 48812
(4) of this section, each student described in division (B)(3) or 48813
(C) of this section who enters third grade for the first time on 48814
or after July 1, 2013, shall be assigned a teacher who has at 48815
least one year of teaching experience and who satisfies one or 48816
more of the following criteria: 48817

(a) The teacher holds a reading endorsement on the teacher's 48818
license and has attained a passing score on the corresponding 48819
assessment for that endorsement, as applicable. 48820

(b) The teacher has completed a master's degree program with a major in reading. 48821
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(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board under division (B)(2) of section 3319.112 of the Revised Code. 48823
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(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years. 48829
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(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board. 48832
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(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017. 48835
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(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section. 48838
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(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of 48846
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scientifically research-based reading instruction that has been 48852
approved by the department. Beginning on July 1, 2014, the 48853
alternative credentials and training described in division (H)(3) 48854
of this section shall be aligned with the reading competencies 48855
adopted by the state board of education under section 3301.077 of 48856
the Revised Code. 48857

(4) Notwithstanding division (H)(1) of this section, a 48858
student described in division (B)(3) or (C) of this section who 48859
enters third grade for the first time on or after July 1, 2013, 48860
may receive reading intervention or remediation services under 48861
this section from an individual employed as a speech-language 48862
pathologist who holds a license issued by the board of 48863
speech-language pathology and audiology under Chapter 4753. of the 48864
Revised Code and a professional pupil services license as a school 48865
speech-language pathologist issued by the state board of 48866
education. 48867

(5) A teacher, other than a student's teacher of record, may 48868
provide any services required under this section, so long as that 48869
other teacher meets the requirements of division (H) of this 48870
section and the teacher of record and the school principal agree 48871
to the assignment. Any such assignment shall be documented in the 48872
student's reading improvement and monitoring plan. 48873

As used in this division, "teacher of record" means the 48874
classroom teacher to whom a student is assigned. 48875

(I) Notwithstanding division (H) of this section, a teacher 48876
may teach reading to any student who is an English language 48877
learner, and has been in the United States for three years or 48878
less, or to a student who has an individualized education program 48879
developed under Chapter 3323. of the Revised Code if that teacher 48880
holds an alternative credential approved by the department or has 48881
successfully completed training that is based on principles of 48882
scientifically research-based reading instruction that has been 48883

approved by the department. Beginning on July 1, 2014, the 48884
alternative credentials and training described in this division 48885
shall be aligned with the reading competencies adopted by the 48886
state board of education under section 3301.077 of the Revised 48887
Code. 48888

(J) If, on or after June 4, 2013, a school district or 48889
community school cannot furnish the number of teachers needed who 48890
satisfy one or more of the criteria set forth in division (H) of 48891
this section for the 2013-2014 school year, the school district or 48892
community school shall develop and submit a staffing plan by June 48893
30, 2013. The staffing plan shall include criteria that will be 48894
used to assign a student described in division (B)(3) or (C) of 48895
this section to a teacher, credentials or training held by 48896
teachers currently teaching at the school, and how the school 48897
district or community school will meet the requirements of this 48898
section. The school district or community school shall post the 48899
staffing plan on its web site for the applicable school year. 48900

Not later than March 1, 2014, and on the first day of March 48901
in each year thereafter, a school district or community school 48902
that has submitted a plan under this division shall submit to the 48903
department a detailed report of the progress the district or 48904
school has made in meeting the requirements under this section. 48905

A school district or community school may request an 48906
extension of a staffing plan beyond the 2013-2014 school year. 48907
Extension requests must be submitted to the department not later 48908
than the thirtieth day of April prior to the start of the 48909
applicable school year. The department may grant extensions valid 48910
through the 2015-2016 school year. 48911

Until June 30, 2015, the department annually shall review all 48912
staffing plans and report to the state board not later than the 48913
thirtieth day of June of each year the progress of school 48914
districts and community schools in meeting the requirements of 48915

this section. 48916

(K) The department of education shall designate one or more 48917
staff members to provide guidance and assistance to school 48918
districts and community schools in implementing the third grade 48919
guarantee established by this section, including any standards or 48920
requirements adopted to implement the guarantee and to provide 48921
information and support for reading instruction and achievement. 48922

Sec. 3313.6010. The ~~state~~ board of education ~~shall adopt~~ 48923
~~rules permitting of a school districts to district may~~ contract 48924
with public and private providers of academic remediation and 48925
intervention in mathematics, science, reading, writing, and social 48926
studies for the purpose of assisting pupils in ~~grades one through~~ 48927
~~six~~ any grade outside of regular school hours. 48928

Sec. 3313.612. (A) No nonpublic school chartered by the state 48929
board of education shall grant a high school diploma to any person 48930
unless, subject to section 3313.614 of the Revised Code, the 48931
person has met the assessment requirements of division (A)(1) or 48932
(2) of this section, as applicable. 48933

(1) If the person entered the ninth grade prior to July 1, 48934
2014, the person has attained at least the applicable scores 48935
designated under division (B)(1) of section 3301.0710 of the 48936
Revised Code on all the assessments required by that division, or 48937
has satisfied the alternative conditions prescribed in section 48938
3313.615 of the Revised Code. 48939

(2) If the person entered the ninth grade on or after July 1, 48940
2014, the person has met the requirement prescribed by section 48941
3313.618 or 3313.619 of the Revised Code. 48942

(B) This section does not apply to any of the following: 48943

(1) Any person with regard to any assessment from which the 48944
person was excused pursuant to division (C)(1)(c) of section 48945

3301.0711 of the Revised Code; 48946

(2) Any person ~~that~~ who attends a nonpublic school acting in 48947
accordance with division (D) of this section with regard to any 48948
end-of-course examination ~~required~~ prescribed under 48949
~~divisions~~division (B)~~(2) and (3)~~ of section 3301.0712 of the 48950
Revised Code, except for a student attending the school under a 48951
state scholarship program as defined in section 3301.0711 of the 48952
Revised Code; 48953

(3) Any person who attends a nonpublic school accredited 48954
through the independent school association of the central states, 48955
except for a student attending the school under a state 48956
scholarship program as defined in section 3301.0711 of the Revised 48957
Code. 48958

(4) Any person with regard to the social studies assessment 48959
under division (B)(1) of section 3301.0710 of the Revised Code, 48960
any American history end-of-course examination and any American 48961
government end-of-course examination required under division (B) 48962
of section 3301.0712 of the Revised Code if such an exemption is 48963
prescribed by rule of the state board of education under division 48964
(D)(3) of section 3301.0712 of the Revised Code, or the 48965
citizenship test under former division (B) of section 3301.0710 of 48966
the Revised Code as it existed prior to September 11, 2001, if all 48967
of the following apply: 48968

(a) The person is not a citizen of the United States; 48969

(b) The person is not a permanent resident of the United 48970
States; 48971

(c) The person indicates no intention to reside in the United 48972
States after completion of high school. 48973

(C) As used in this division, "limited English proficient 48974
student" has the same meaning as in division (C)(3) of section 48975
3301.0711 of the Revised Code. 48976

Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no limited English proficient student who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section.

(D) A nonpublic school chartered by the state board that is not accredited through the independent school association of the central states may forgo the end-of-course examinations ~~required by divisions under division~~ (B)(2) ~~and (3)~~ of section 3301.0712 of the Revised Code, if that school publishes, for each graduating class, the results of either the standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code ~~for each graduating class or an alternative assessment specified under section 3313.619 of the Revised Code.~~ The published results shall include the overall composite scores, mean scores, twenty-fifth percentile scores, and seventy-fifth percentile scores for each subject area of the assessment.

(E) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section.

(F) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code.

~~(G) The exemption provided for in divisions (B)(2) and (D) of this section shall be effective on and after October 1, 2015, but only if the general assembly does not enact different requirements regarding end of course examinations for chartered nonpublic schools that are effective by that date.~~

Sec. 3313.614. (A) As used in this section, a person

"fulfills the curriculum requirement for a diploma" at the time 49008
one of the following conditions is satisfied: 49009

(1) The person successfully completes the high school 49010
curriculum of a school district, a community school, a chartered 49011
nonpublic school, or a correctional institution. 49012

(2) The person successfully completes the individualized 49013
education program developed for the person under section 3323.08 49014
of the Revised Code. 49015

(3) A board of education issues its determination under 49016
section 3313.611 of the Revised Code that the person qualifies as 49017
having successfully completed the curriculum required by the 49018
district. 49019

(B) This division specifies the assessment requirements that 49020
must be fulfilled as a condition toward granting high school 49021
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 49022
of the Revised Code. 49023

(1) A person who fulfills the curriculum requirement for a 49024
diploma before September 15, 2000, is not required to pass any 49025
proficiency test or achievement test in science as a condition to 49026
receiving a diploma. 49027

(2) A person who began ninth grade for the first time prior 49028
to July 1, 2003, is not required to pass the Ohio graduation test 49029
prescribed under division (B)(1) of section 3301.0710 or any 49030
assessment prescribed under division (B)(2) of that section in any 49031
subject as a condition to receiving a diploma once the person has 49032
passed the ninth grade proficiency test in the same subject, so 49033
long as the person passed the ninth grade proficiency test prior 49034
to September 15, 2008. However, any such person who passes the 49035
Ohio graduation test in any subject prior to passing the ninth 49036
grade proficiency test in the same subject shall be deemed to have 49037

passed the ninth grade proficiency test in that subject as a 49038
condition to receiving a diploma. For this purpose, the ninth 49039
grade proficiency test in citizenship substitutes for the Ohio 49040
graduation test in social studies. If a person began ninth grade 49041
prior to July 1, 2003, but does not pass a ninth grade proficiency 49042
test or the Ohio graduation test in a particular subject before 49043
September 15, 2008, and passage of a test in that subject is a 49044
condition for the person to receive a diploma, the person must 49045
pass the Ohio graduation test instead of the ninth grade 49046
proficiency test in that subject to receive a diploma. 49047

(3) A (a) Except as provided in division (B)(3)(b) of this 49048
section, a person who begins ninth grade for the first time on or 49049
after July 1, 2003, in a school district, community school, or 49050
chartered nonpublic school is not eligible to receive a diploma 49051
based on passage of ninth grade proficiency tests. Each such 49052
person who begins ninth grade prior to July 1, 2014, must pass 49053
Ohio graduation tests to meet the assessment requirements 49054
applicable to that person as a condition to receiving a diploma or 49055
satisfy one of the conditions prescribed in division (B)(3)(b) of 49056
this section. 49057

(b) A person who began ninth grade for the first time prior 49058
to July 1, 2014, shall be eligible to receive a diploma if the 49059
person meets the requirement prescribed by section 3313.618 or 49060
3313.619 of the Revised Code. 49061

(c) A person who began ninth grade for the first time prior 49062
to July 1, 2014, and who has not attained at least the applicable 49063
scores designated under division (B)(1) of section 3301.0710 of 49064
the Revised Code on all the assessments required by that division 49065
shall be eligible to receive a diploma if the person meets the 49066
requirement prescribed by rule of the state board of education as 49067
prescribed under division (B)(3)(d) of this section. 49068

(d) Not later than December 31, 2015, the state board of 49069

education shall adopt rules prescribing the manner in which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma by combining the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code and the requirement to attain at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on the assessments required by that division. The rules shall ensure that the combined requirements require a demonstration of mastery that is equivalent or greater to the expectations of the assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code. The rules shall include the following:

(i) The date by which a person who began ninth grade for the first time prior to July 1, 2014, may be eligible for a high school diploma under division (B)(3)(c) of this section;

(ii) Methods of replacing individual assessments prescribed by division (B)(1) of section 3301.0710 of the Revised Code;

(iii) Methods of integrating the pathways prescribed by division (A) of section 3313.618 or section 3313.619 of the Revised Code.

(4) A Except as provided in division (B)(3)(b) of this section, a person who begins ninth grade on or after July 1, 2014, is not eligible to receive a diploma based on passage of the Ohio graduation tests. Each such person must meet the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code.

(C) This division specifies the curriculum requirement that shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall

complete the curriculum required by the school district or school 49101
issuing the diploma for the first year that the person originally 49102
enrolled in high school, except for a person who qualifies for 49103
graduation from high school under either division (D) or (F) of 49104
section 3313.603 of the Revised Code. 49105

(2) Once a person fulfills the curriculum requirement for a 49106
diploma, the person is never required, as a condition of receiving 49107
a diploma, to meet any different curriculum requirements that take 49108
effect pending the person's passage of proficiency tests or 49109
achievement tests or assessments, including changes mandated by 49110
section 3313.603 of the Revised Code, the state board, a school 49111
district board of education, or a governing authority of a 49112
community school or chartered nonpublic school. 49113

Sec. 3313.615. This section shall apply to diplomas awarded 49114
after September 15, 2006, to students who are required to take the 49115
five Ohio graduation tests prescribed by division (B)(1) of 49116
section 3301.0710 of the Revised Code. This section does not apply 49117
to any student who enters ninth grade for the first time on or 49118
after July 1, 2014. 49119

(A) As an alternative to the requirement that a person attain 49120
the scores designated under division (B)(1) of section 3301.0710 49121
of the Revised Code on all the assessments required under that 49122
division in order to be eligible for a high school diploma or an 49123
honors diploma under sections 3313.61, 3313.612, or 3325.08 of the 49124
Revised Code or for a diploma of adult education under section 49125
3313.611 of the Revised Code, a person who has attained at least 49126
the applicable scores designated under division (B)(1) of section 49127
3301.0710 of the Revised Code on all but one of the assessments 49128
required by that division and from which the person was not 49129
excused or exempted, pursuant to division (L) of section 3313.61, 49130
division (B)(1) of section 3313.612, or section 3313.532 of the 49131

Revised Code, may be awarded a diploma or honors diploma if the person has satisfied all of the following conditions:

(1) On the one assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score, the person missed that score by ten points or less;

(2) Has a ninety-seven per cent school attendance rate in each of the last four school years, excluding any excused absences;

(3) Has not been expelled from school under section 3313.66 of the Revised Code in any of the last four school years;

(4) Has a grade point average of at least 2.5 out of 4.0, or its equivalent as designated in rules adopted by the state board of education, in the subject area of the assessment required under division (B)(1) of section 3301.0710 of the Revised Code for which the person failed to attain the designated score;

(5) Has completed the high school curriculum requirements prescribed in section 3313.603 of the Revised Code or has qualified under division (D) or (F) of that section;

(6) Has taken advantage of any intervention programs provided by the school district or school in the subject area described in division (A)(4) of this section and has a ninety-seven per cent attendance rate, excluding any excused absences, in any of those programs that are provided at times beyond the normal school day, school week, or school year or has received comparable intervention services from a source other than the school district or school;

(7) Holds a letter recommending graduation from each of the person's high school teachers in the subject area described in division (A)(4) of this section and from the person's high school principal.

(B) The state board of education shall establish rules 49163
designating grade point averages equivalent to the average 49164
specified in division (A)(4) of this section for use by school 49165
districts and schools with different grading systems. 49166

(C) Any student who is exempt from attaining the applicable 49167
score designated under division (B)(1) of section 3301.0710 of the 49168
Revised Code on the Ohio graduation test in social studies 49169
pursuant to division (H) of section 3313.61 or division (B)~~(3)~~(4) 49170
of section 3313.612 of the Revised Code shall not qualify for a 49171
high school diploma under this section, unless, notwithstanding 49172
the exemption, the student attains the applicable score on that 49173
assessment. If the student attains the applicable score on that 49174
assessment, the student may qualify for a diploma under this 49175
section in the same manner as any other student who is required to 49176
take the five Ohio graduation tests prescribed by division (B)(1) 49177
of section 3301.0710 of the Revised Code. 49178

Sec. 3313.617. (A) A person who meets all of the following 49179
criteria shall be permitted to take the tests of general 49180
educational development: 49181

(1) The person is at least eighteen years of age. 49182

(2) The person is officially withdrawn from school. 49183

(3) The person has not received a high school diploma or 49184
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 49185
or 3325.08 of the Revised Code. 49186

(B) ~~When a~~ (1) A person who is at least sixteen years of age 49187
but less than eighteen years of age ~~applies~~ may apply to the 49188
department of education to take the tests of general educational 49189
development, so long as the person has not received a high school 49190
diploma or honors diploma awarded under section 3313.61, 3313.611, 49191
3313.612, or 3325.08 of the Revised Code. 49192

In order to apply, the person shall submit, along with the 49193
application written, both of the following: 49194

(a) Written approval from the person's parent or guardian or 49195
a court official; 49196

(b) The person's official high school transcript. The 49197
transcript shall include, at a minimum, the previous twelve months 49198
of the person's enrollment in a program approved to grant a high 49199
school diploma. 49200

(2) The department shall determine whether to approve or deny 49201
applications submitted under division (B)(1) of this section. The 49202
department shall approve a person's application only if the person 49203
meets both of the following criteria: 49204

(a) The person has been continuously enrolled in a program 49205
approved to grant a high school diploma for at least one semester 49206
and attained an attendance rate of at least seventy-five per cent 49207
during that semester. 49208

(b) The person shows good cause, as determined by rules 49209
adopted by the department pursuant to division (B)(3) of this 49210
section. 49211

(3) The state board of education shall adopt rules, in 49212
accordance with Chapter 119. of the Revised Code, for the 49213
administration of division (B) of this section. The rules shall 49214
include what qualifies as good cause for purposes of that 49215
division. 49216

(C) If a person's application is approved under division (B) 49217
of this section, that person shall remain enrolled in school and 49218
maintain an attendance rate of at least seventy-five per cent 49219
until either: 49220

(1) The person passes all required sections of the tests of 49221
general educational development; or 49222

(2) The person is eighteen years of age. 49223

~~(C)~~(D) Notwithstanding divisions (A) and (B) of this section, 49224
a person who meets any of the following criteria shall be 49225
permitted to take the tests of general educational development: 49226

(1) The person has a bodily or mental condition as described 49227
in division (A)(1) of section 3321.04 of the Revised Code that 49228
does not permit attendance at school. 49229

(2) The person is receiving or has completed the final year 49230
of instruction at home as authorized under division (A)(2) of 49231
section 3321.04 of the Revised Code. 49232

(3) The person is moving or has moved out of state after 49233
previously attending school in the state. 49234

(4) The person has an extreme, extenuating circumstance, as 49235
determined by the department, that requires the person to withdraw 49236
from school. 49237

(E) For the purpose of calculating graduation rates for the 49238
school district and building report cards under section 3302.03 of 49239
the Revised Code, the department shall count any person ~~for whom~~ 49240
~~approval is obtained from the person's parent or guardian or a~~ 49241
~~court official~~ who officially withdraws from school to take the 49242
tests of general educational development under ~~division (B) of~~ 49243
this section as a dropout from the district or school in which the 49244
person was last enrolled ~~prior to obtaining the approval.~~ 49245

(F) If a person takes the tests of general educational 49246
development and fails to attain the scores required to earn a high 49247
school equivalence diploma, as defined in section 5107.40 of the 49248
Revised Code, on the entire battery of tests, that person shall be 49249
required to retake only the specific test on which the person did 49250
not attain a passing score in order to earn a high school 49251
equivalence diploma. If a person retakes a specific test, that 49252
person shall be responsible only for the cost of that test and not 49253

for the cost of the entire battery of tests, unless that person is 49254
retaking the entire battery. 49255

Sec. 3313.619. This section shall apply only to a chartered 49256
nonpublic school that is not accredited through the independent 49257
school association of the central states. 49258

(A) In lieu of the requirement prescribed by section 3313.618 49259
of the Revised Code, a chartered nonpublic school to which this 49260
section applies may grant a high school diploma to a student who 49261
attains at least the designated score on an assessment approved by 49262
the department of education under division 49263

(B) of this section and selected by the school's governing 49264
authority. (B) For purposes of division (A) of this section, the 49265
department shall approve assessments that meet the conditions 49266
specified under division (C) of this section and shall designate 49267
passing scores for each of those assessments. 49268

(C) Each assessment approved under division (B) of this 49269
section shall be nationally norm-referenced, have internal 49270
consistency reliability coefficients of at least "0.8," be 49271
standardized, have specific evidence of content, concurrent, or 49272
criterion validity, have evidence of norming studies in the 49273
previous ten years, have a measure of student achievement in core 49274
academic areas, and have high validity evidenced by the alignment 49275
of the assessment with nationally recognized content. 49276

(D) Nothing in this section shall prohibit a chartered 49277
nonpublic school to which this section applies from granting a 49278
high school diploma to a student if the student satisfies the 49279
requirement prescribed by section 3313.618 of the Revised Code. 49280

Sec. 3313.6110. (A) A person who has completed the final year 49281
of instruction at home, as authorized under section 3321.04 of the 49282
Revised Code, and has successfully fulfilled the high school 49283

curriculum applicable to that person may be granted a high school diploma by the person's parent, guardian, or other person having charge or care of a child, as defined in division (A)(1) of section 3321.01 of the Revised Code. 49284
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(B) Beginning with diplomas issued on or after July 1, 2015, each diploma granted under division (A) of this section shall contain either of the following: 49288
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(1) Certification signed by the superintendent of the school district in which the student is entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code that the student and the student's parent have complied with state law regarding home instruction. The statement of certification shall read as follows: 49291
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"I certify that the student named in this diploma and the student's parent have complied with division (A)(2) of section 3321.04 of the Ohio Revised Code regarding instruction at home and the related rules of the Ohio State Board of Education." 49297
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A superintendent presented with such diploma for signature shall sign the diploma if the student and the parent have complied with division (A)(2) of section 3321.04 of the Revised Code. 49301
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(2) The official letter of excuse issued by the district superintendent for the student's final year of home education. 49304
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(C) A person who has graduated from a nonchartered nonpublic school in Ohio and who has successfully fulfilled that school's high school curriculum may be granted a high school diploma by the governing authority of that school. 49306
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(D) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal 49310
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requirement to show such proof. 49314

(E) For the purposes of an application for employment, a 49315
diploma granted under this section shall be considered proof of 49316
completion of a high school education, regardless of whether the 49317
person to which the diploma was granted participated in the 49318
assessments prescribed by division (A)(1) or (B)(1) or (2) of 49319
section 3301.0710 and section 3301.0712 of the Revised Code. 49320

Sec. 3313.674. (A) Except as provided in division (D) of this 49321
section, the board of education of each city, exempted village, or 49322
local school district and the governing authority of each 49323
chartered nonpublic school may require each student enrolled in 49324
kindergarten, third grade, fifth grade, and ninth grade to undergo 49325
a screening for body mass index and weight status category. 49326

(B) The board or governing authority may provide any 49327
screenings authorized by this section itself, contract with 49328
another entity for provision of the screenings, or request the 49329
parent or guardian of each student subject to the screening to 49330
obtain the screening from a provider selected by the parent or 49331
guardian and to submit the results to the board or governing 49332
authority. If the board or governing authority provides the 49333
screenings itself or contracts with another entity for provision 49334
of the screenings, the board or governing authority shall protect 49335
student privacy by ensuring that each student is screened alone 49336
and not in the presence of other students or staff. 49337

(C) Each school year, each board or governing authority 49338
electing to require the screening shall provide the parent or 49339
guardian of each student subject to the screening with information 49340
about the screening program. If the board or governing authority 49341
requests parents and guardians to obtain a screening from a 49342
provider of their choosing, the board or governing authority shall 49343
49344

provide them with a list of providers and information about 49345
screening services available in the community to parents and 49346
guardians who cannot afford a private provider. 49347

(D) If the parent or guardian of a student subject to the 49348
screening signs and submits to the board or governing authority a 49349
written statement indicating that the parent or guardian does not 49350
wish to have the student undergo the screening, the board or 49351
governing authority shall not require the student to be screened. 49352

(E) The board or governing authority shall notify the parent 49353
or guardian of each student screened under this section of any 49354
health risks associated with the student's results and shall 49355
provide the parent or guardian with information about 49356
appropriately addressing the risks. For this purpose, the 49357
department of health, in consultation with the department of 49358
education ~~and the healthy choices for healthy children council~~ 49359
~~established under section 3301.92 of the Revised Code~~, shall 49360
develop a list of documents, pamphlets, or other resources that 49361
may be distributed to parents and guardians under this division. 49362

(F) The board or governing authority shall maintain the 49363
confidentiality of each student's individual screening results at 49364
all times. No board or governing authority shall report a 49365
student's individual screening results to any person other than 49366
the student's parent or guardian. 49367

(G) In a manner prescribed by rule of the director of health, 49368
each board or governing authority electing to require the 49369
screening shall report aggregated body mass index and weight 49370
status category data collected under this section, and any other 49371
demographic data required by the director, to the department of 49372
health. In the case of a school district, data shall be aggregated 49373
for the district as a whole and not for individual schools within 49374
the district, unless the district operates only one school. In the 49375
case of a chartered nonpublic school, data shall be aggregated for 49376

the school as a whole. The department annually may publish the 49377
data reported under this division, aggregated by county. For each 49378
county in which a district, community school, STEM school, or 49379
chartered nonpublic school has elected not to require the 49380
screening for a school year for which data is published, the 49381
department shall note that the data for the county in which the 49382
district or school is located is incomplete. The department may 49383
share data reported under this division with other governmental 49384
entities for the purpose of monitoring population health, making 49385
reports, or public health promotional activities. 49386

Sec. 3313.68. (A) The board of education of each city, 49387
exempted village, or local school district may appoint one or more 49388
school physicians and one or more school dentists. Two or more 49389
school districts may unite and employ one such physician and at 49390
least one such dentist whose duties shall be such as are 49391
prescribed by law. Said school physician shall hold a license to 49392
practice medicine in Ohio, and each school dentist shall be 49393
licensed to practice in this state. School physicians and dentists 49394
may be discharged at any time by the board of education. School 49395
physicians and dentists shall serve one year and until their 49396
successors are appointed and shall receive such compensation as 49397
the board of education determines. The board of education may also 49398
employ registered nurses, as defined by section 4723.01 and 49399
licensed as school nurses under section 3319.221 of the Revised 49400
Code, to aid in such inspection in such ways as are prescribed by 49401
it, and to aid in the conduct and coordination of the school 49402
health service program. The school dentists shall make such 49403
examinations and diagnoses and render such remedial or corrective 49404
treatment for the school children as is prescribed by the board of 49405
education; provided that all such remedial or corrective treatment 49406
shall be limited to the children whose parents cannot otherwise 49407
provide for same, and then only with the written consent of the 49408

parents or guardians of such children. School dentists may also 49409
conduct such oral hygiene educational work as is authorized by the 49410
board of education. 49411

The board of education may delegate the duties and powers 49412
provided for in this section to the board of health or officer 49413
performing the functions of a board of health within the school 49414
district, if such board or officer is willing to assume the same. 49415
Boards of education shall co-operate with boards of health in the 49416
prevention and control of epidemics. 49417

(B) Notwithstanding any provision of the Revised Code to the 49418
contrary, the board of education of each city, exempted village, 49419
or local school district may contract with an educational service 49420
center for the services of a school nurse, licensed under section 49421
3319.221 of the Revised Code, or of a registered nurse or licensed 49422
practical nurse, licensed under Chapter 4723. of the Revised Code, 49423
to provide services to students in the district pursuant to 49424
section 3313.7112 of the Revised Code. 49425

(C) In lieu of appointing or employing a school physician or 49426
dentist pursuant to division (A) of this section or entering into 49427
a contract for the services of a school nurse pursuant to division 49428
(B) of this section, the board of education of each city, exempted 49429
village, or local school district may enter into a contract under 49430
section 3313.721 of the Revised Code for the purpose of providing 49431
health care services to students. 49432

Sec. 3313.72. The board of education of a city, exempted 49433
village, or local school district may enter into a contract with a 49434
health district for the purpose of providing the services of a 49435
school physician, dentist, or nurse. The board may also enter into 49436
a contract under section 3313.721 of the Revised Code for the 49437
purpose of providing health care services to students. 49438

Sec. 3313.721. (A) Notwithstanding anything to the contrary 49439
in the Revised Code, the board of education of a school district 49440
may enter into a contract with a hospital registered under section 49441
3701.07 of the Revised Code or an appropriately licensed health 49442
care provider for the purpose of providing health care services 49443
specifically authorized by the Revised Code to students. 49444

(B) Notwithstanding anything to the contrary in the Revised 49445
Code, the board of education of a school district may enter into a 49446
contract with a federally qualified health center or federally 49447
qualified health center look-alike for the purpose of providing 49448
health care services specifically authorized by the Revised Code 49449
to students. 49450

(C) If the board enters into a contract with a hospital or 49451
health care provider under division (A) of this section or with a 49452
federally qualified health center or federally qualified health 49453
center look-alike under division (B) of this section, the 49454
requirement to obtain a school nurse license or school nurse 49455
wellness coordinator license under section 3319.221 of the Revised 49456
Code, or any rules related to this requirement, shall not apply to 49457
an employee of the hospital, health care provider, federally 49458
qualified health center, or federally qualified health center 49459
look-alike who is providing the services of a nurse under that 49460
contract. However, at a minimum, the employee shall hold a 49461
credential that is equivalent to being licensed as a registered 49462
nurse or licensed practical nurse under Chapter 4723. of the 49463
Revised Code. 49464

(D) As used in this section, "federally qualified health 49465
center" and "federally qualified health center look-alike" have 49466
the same meanings as in section 3701.047 of the Revised Code. 49467

Sec. 3313.902. (A) As used in this section: 49468

(1) "Approved industry credential or certificate" means a 49469
credential or certificate that is approved by the chancellor of 49470
~~the Ohio board of regents~~ higher education. 49471

(2) "Approved institution" means an eligible institution that 49472
has been approved to participate in the adult diploma pilot 49473
program under this section. 49474

(3) "Approved program of study" means a program of study 49475
offered by an approved institution that satisfies the requirements 49476
of division (B) of this section. 49477

(4) An eligible student's "career pathway training program 49478
amount" means the following: 49479

(a) If the student is enrolled in a tier one career pathway 49480
training program, \$4,800; 49481

(b) If the student is enrolled in a tier two career pathway 49482
training program, \$3,200; 49483

(c) If the student is enrolled in a tier three career pathway 49484
training program, \$1,600. 49485

(5) "Eligible institution" means any of the following: 49486

(a) A community college established under Chapter 3354. of 49487
the Revised Code; 49488

(b) A technical college established under Chapter 3357. of 49489
the Revised Code; 49490

(c) A state community college established under Chapter 3358. 49491
of the Revised Code; 49492

(d) An Ohio technical center recognized by the chancellor 49493
that provides post-secondary workforce education. 49494

~~(3)~~(6) "Eligible student" means an individual who is at least 49495
twenty-two years of age and has not received a high school diploma 49496
or a certificate of high school equivalence, as defined in section 49497

4109.06 of the Revised Code. 49498

(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education. 49499
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(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department. 49503
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(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department. 49507
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49509

(10) An eligible student's "work readiness training amount" means the following: 49510
49511

(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$1,500. 49512
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(b) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is at or above the ninth grade, as determined in accordance with rules adopted under division (E) of this section, \$750. 49516
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(B) The adult ~~career opportunity diploma~~ pilot program is hereby established to permit an eligible institution to obtain approval from the ~~state board of education~~ superintendent of public instruction and the chancellor to develop and offer a program of study that allows an eligible student to obtain a high school diploma. A program shall be eligible for this approval if it satisfies all of the following requirements: 49520
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(1) The program allows an eligible student to complete the 49527

requirements for obtaining a high school diploma that are 49528
specified in rules adopted by the superintendent under division 49529
(E) of this section while also completing requirements for an 49530
approved industry credential or certificate. 49531

(2) The program includes career advising and outreach. 49532

(3) The program includes opportunities for students to 49533
receive a competency-based education. 49534

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 49535
3313.614, 3313.618, and 3313.319 of the Revised Code, the state 49536
board of education shall grant a high school diploma to each 49537
eligible student who enrolls in an approved program of study at an 49538
approved institution and completes the requirements for obtaining 49539
a high school diploma that are specified in rules adopted by the 49540
superintendent under division (E) of this section. 49541

(D)(1) The department shall calculate the following amount 49542
for each eligible student enrolled in each approved institution's 49543
approved program of study: 49544

(The student's career pathway training program amount + the 49545
student's work readiness training amount) X 1.2 49546

(2) The department shall pay the amount calculated for an 49547
eligible student under division (D)(1) of this section to the 49548
approved institution in which the student is enrolled in the 49549
following manner: 49550

(a) Twenty-five per cent of the amount calculated under 49551
division (D)(1) of this section shall be paid to the approved 49552
institution after the student successfully completes the first 49553
third of the approved program of study, as determined by the 49554
department; 49555

(b) Twenty-five per cent of the amount calculated under 49556
division (D)(1) of this section shall be paid to the approved 49557
institution after the student successfully completes the second 49558

third of the approved program of study, as determined by the 49559
department; 49560

(c) Fifty per cent of the amount calculated under division 49561
(D)(1) of this section shall be paid to the approved institution 49562
after the student successfully completes the final third of the 49563
approved program of study, as determined by the department. 49564

(3) Of the amount paid to an approved institution under 49565
division (D)(2) of this section, the institution may use the 49566
amount that is in addition to the student's career pathway 49567
training amount and the student's work readiness training amount 49568
for the associated services of the approved program of study. 49569
These services include counseling, advising, assessment, and other 49570
services as determined or required by the department. 49571

(E) The superintendent of ~~public instruction~~, in consultation 49572
with the chancellor, shall adopt rules for the implementation of 49573
the adult ~~career opportunity diploma~~ pilot program, including the 49574
all of the following: 49575

(1) The requirements for applying for program approval; 49576

(2) The requirements for obtaining a high school diploma 49577
through the program, including the requirement to obtain a passing 49578
score on an assessment that is appropriate for the career pathway 49579
training program that is being completed by the eligible student, 49580
and the date on which these requirements take effect; 49581

(3) The assessment or assessments that may be used to 49582
complete the assessment requirement for each career pathway 49583
training program under division (E)(2) of this section and the 49584
score that must be obtained on each assessment in order to pass 49585
the assessment; 49586

(4) Guidelines regarding the funding of the program under 49587
division (D) of this section, including a method of funding for 49588
students who transfer from one approved institution to another 49589

approved institution prior to completing an approved program of study; 49590
49591

(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study; 49592
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49594

(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section; 49595
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(7) The payment of federal funds that are to be used by approved programs of study at approved institutions. 49599
49600

Sec. 3313.975. As used in this section and in sections 49601
3313.976 to 3313.979 of the Revised Code, "the pilot project 49602
school district" or "the district" means any school district 49603
included in the pilot project scholarship program pursuant to this 49604
section. 49605

(A) The superintendent of public instruction shall establish 49606
a pilot project scholarship program and shall include in such 49607
program any school districts that are or have ever been under 49608
federal court order requiring supervision and operational 49609
management of the district by the state superintendent. The 49610
program shall provide for a number of students residing in any 49611
such district to receive scholarships to attend alternative 49612
schools, and for an equal number of students to receive tutorial 49613
assistance grants while attending public school in any such 49614
district. 49615

(B) The state superintendent shall establish an application 49616
process and deadline for accepting applications from students 49617
residing in the district to participate in the scholarship 49618
program. In the initial year of the program students may only use 49619

a scholarship to attend school in grades kindergarten through 49620
third. 49621

The state superintendent shall award as many scholarships and 49622
tutorial assistance grants as can be funded given the amount 49623
appropriated for the program. ~~In no case, however, shall more than 49624~~
~~fifty per cent of all scholarships awarded be used by students who 49625~~
~~were enrolled in a nonpublic school during the school year of 49626~~
~~application for a scholarship. 49627~~

(C)(1) The pilot project program shall continue in effect 49628
each year that the general assembly has appropriated sufficient 49629
money to fund scholarships and tutorial assistance grants. In each 49630
year the program continues, new students may receive scholarships 49631
in grades kindergarten to twelve. A student who has received a 49632
scholarship may continue to receive one until the student has 49633
completed grade twelve. 49634

(2) If the general assembly discontinues the scholarship 49635
program, all students who are attending an alternative school 49636
under the pilot project shall be entitled to continued admittance 49637
to that specific school through all grades that are provided in 49638
such school, under the same conditions as when they were 49639
participating in the pilot project. The state superintendent shall 49640
continue to make scholarship payments in accordance with division 49641
(A) or (B) of section 3313.979 of the Revised Code for students 49642
who remain enrolled in an alternative school under this provision 49643
in any year that funds have been appropriated for this purpose. 49644

If funds are not appropriated, the tuition charged to the 49645
parents of a student who remains enrolled in an alternative school 49646
under this provision shall not be increased beyond the amount 49647
equal to the amount of the scholarship plus any additional amount 49648
charged that student's parent in the most recent year of 49649
attendance as a participant in the pilot project, except that 49650
tuition for all the students enrolled in such school may be 49651

increased by the same percentage. 49652

(D) Notwithstanding sections 124.39 and 3311.83 of the 49653
Revised Code, if the pilot project school district experiences a 49654
decrease in enrollment due to participation in a state-sponsored 49655
scholarship program pursuant to sections 3313.974 to 3313.979 of 49656
the Revised Code, the district board of education may enter into 49657
an agreement with any teacher it employs to provide to that 49658
teacher severance pay or early retirement incentives, or both, if 49659
the teacher agrees to terminate the employment contract with the 49660
district board, provided any collective bargaining agreement in 49661
force pursuant to Chapter 4117. of the Revised Code does not 49662
prohibit such an agreement for termination of a teacher's 49663
employment contract. 49664

Sec. 3313.981. (A) The state board of education shall adopt 49665
rules requiring all of the following: 49666

(1) The board of education of each city, exempted village, 49667
and local school district to annually report to the department of 49668
education all of the following: 49669

(a) The number of adjacent district or other district 49670
students in grades kindergarten through twelve, as applicable, the 49671
number of adjacent district or other district students who are 49672
preschool children with disabilities, as applicable, and the 49673
number of adjacent district or other district joint vocational 49674
students, as applicable, enrolled in the district and the, in 49675
accordance with a policy adopted under division (B) of section 49676
3313.98 of the Revised Code; 49677

(b) The number of native students in grades kindergarten 49678
through twelve enrolled in adjacent or other districts and the 49679
number of native students who are preschool children with 49680
disabilities enrolled in adjacent or other districts, in 49681
accordance with a policy adopted under division (B) of section 49682

3313.98 of the Revised Code; 49683

~~(b)~~(c) Each adjacent district or other district student's or 49684
adjacent district or other district joint vocational student's 49685
date of enrollment in the district; 49686

~~(e)~~(d) The full-time equivalent number of adjacent district 49687
or other district students enrolled in each of the categories of 49688
career-technical education programs or classes described in 49689
section 3317.014 of the Revised Code; 49690

~~(d)~~(e) Each native student's date of enrollment in an 49691
adjacent or other district. 49692

(2) The board of education of each joint vocational school 49693
district to annually report to the department all of the 49694
following: 49695

(a) The number of adjacent district or other district joint 49696
vocational students, as applicable, enrolled in the district; 49697

(b) The full-time equivalent number of adjacent district or 49698
other district joint vocational students enrolled in each category 49699
of career-technical education programs or classes described in 49700
section 3317.014 of the Revised Code; 49701

(c) For each adjacent district or other district joint 49702
vocational student, the city, exempted village, or local school 49703
district in which the student is also enrolled. 49704

(3) Prior to the end of each reporting period specified in 49705
section 3317.03 of the Revised Code, the superintendent of each 49706
city, local, or exempted village school district that admits 49707
adjacent district or other district students who are in grades 49708
kindergarten through twelve, adjacent district or other district 49709
students who are preschool children with disabilities, or adjacent 49710
district or other district joint vocational students in accordance 49711
with a policy adopted under division (B) of section 3313.98 of the 49712

Revised Code to report to the department of education each 49713
adjacent or other district's students and where those students who 49714
are enrolled in the superintendent's district under the policy are 49715
entitled to attend school under section 3313.64 or 3313.65 of the 49716
Revised Code. 49717

The rules shall provide for the method of counting students 49718
who are enrolled for part of a school year in an adjacent or other 49719
district or as an adjacent district or other district joint 49720
vocational student. 49721

(B) From the payments made to a city, exempted village, or 49722
local school district under Chapter 3317. of the Revised Code and, 49723
if necessary, from the payments made to the district under 49724
sections 321.24 and 323.156 of the Revised Code, the department of 49725
education shall annually subtract ~~both~~ all of the following: 49726

(1) An amount equal to the number of the district's native 49727
students in grades kindergarten through twelve reported under 49728
division (A)(1) of this section who are enrolled in adjacent or 49729
other school districts pursuant to policies adopted by such 49730
districts under division (B) of section 3313.98 of the Revised 49731
Code multiplied by the formula amount; 49732

(2) The excess costs computed in accordance with division (E) 49733
of this section for any such native students in grades 49734
kindergarten through twelve receiving special education and 49735
related services in adjacent or other school districts or as an 49736
adjacent district or other district joint vocational student; 49737

(3) For ~~the~~ each of the district's native students reported 49738
under division (A)(1)~~(e)~~(d) or (2)(b) of this section as enrolled 49739
in career-technical education programs or classes described in 49740
section 3317.014 of the Revised Code, the per pupil amount 49741
prescribed by that section for the student's respective 49742
career-technical category, on a full-time equivalency basis; 49743

(4) For each native student who is a preschool child with a disability reported under division (A)(1) of this section who is enrolled in an adjacent or other district pursuant to policies adopted by such a district under division (B) of section 3313.98 of the Revised Code, \$4,000.

(C) To the payments made to a city, exempted village, or local school district under Chapter 3317. of the Revised Code, the department of education shall annually add all of the following:

(1) An amount equal to the formula amount multiplied by the remainder obtained by subtracting the number of adjacent district or other district joint vocational students from the number of adjacent district or other district students in grades kindergarten through twelve enrolled in the district, as reported under division (A)(1) of this section;

(2) The excess costs computed in accordance with division (E) of this section for any adjacent district or other district students in grades kindergarten through twelve, except for any adjacent or other district joint vocational students, receiving special education and related services in the district;

(3) For ~~the~~ each of the adjacent or other district students who are not adjacent district or other district joint vocational students and are reported under division (A)(1)~~(e)~~(d) of this section as enrolled in career-technical education programs or classes described in section 3317.014 of the Revised Code, the per pupil amount prescribed by that section for the student's respective career-technical category, on a full-time equivalency basis;

(4) An amount equal to the number of adjacent district or other district joint vocational students reported under division (A)(1) of this section multiplied by an amount equal to twenty per cent of the formula amount;

(5) For each adjacent district or other district student who 49775
is a preschool child with a disability reported under division 49776
(A)(1) of this section who is enrolled in the district, \$4,000. 49777

(D) To the payments made to a joint vocational school 49778
district under Chapter 3317. of the Revised Code, the department 49779
of education shall add, for each adjacent district or other 49780
district joint vocational student reported under division (A)(2) 49781
of this section, both of the following: 49782

(1) The formula amount; 49783

(2) The per pupil amount for each of the students reported 49784
pursuant to division (A)(2)(b) of this section prescribed by 49785
section 3317.014 of the Revised Code for the student's respective 49786
career-technical category, on a full-time equivalency basis. 49787

(E)(1) A city, exempted village, or local school board 49788
providing special education and related services to an adjacent or 49789
other district student in grades kindergarten through twelve in 49790
accordance with an IEP shall, pursuant to rules of the state 49791
board, compute the excess costs to educate such student as 49792
follows: 49793

(a) Subtract the formula amount from the actual costs to 49794
educate the student; 49795

(b) From the amount computed under division (E)(1)(a) of this 49796
section subtract the amount of any funds received by the district 49797
under Chapter 3317. of the Revised Code to provide special 49798
education and related services to the student. 49799

(2) The board shall report the excess costs computed under 49800
this division to the department of education. 49801

(3) If any student for whom excess costs are computed under 49802
division (E)(1) of this section is an adjacent or other district 49803
joint vocational student, the department of education shall add 49804

the amount of such excess costs to the payments made under Chapter 49805
3317. of the Revised Code to the joint vocational school district 49806
enrolling the student. 49807

(F) As provided in division (D)(1)(b) of section 3317.03 of 49808
the Revised Code, no joint vocational school district shall count 49809
any adjacent or other district joint vocational student enrolled 49810
in the district in its enrollment certified under section 3317.03 49811
of the Revised Code. 49812

(G) No city, exempted village, or local school district shall 49813
receive a payment under division (C) of this section for a 49814
student, and no joint vocational school district shall receive a 49815
payment under division (D) of this section for a student, if for 49816
the same school year that student is counted in the district's 49817
enrollment certified under section 3317.03 of the Revised Code. 49818

(H) Upon request of a parent, and provided the board offers 49819
transportation to native students of the same grade level and 49820
distance from school under section 3327.01 of the Revised Code, a 49821
city, exempted village, or local school board enrolling an 49822
adjacent or other district student shall provide transportation 49823
for the student within the boundaries of the board's district, 49824
except that the board shall be required to pick up and drop off a 49825
nonhandicapped student only at a regular school bus stop 49826
designated in accordance with the board's transportation policy. 49827
Pursuant to rules of the state board of education, such board may 49828
reimburse the parent from funds received for pupil transportation 49829
under section 3317.0212 of the Revised Code, or other provisions 49830
of law, for the reasonable cost of transportation from the 49831
student's home to the designated school bus stop if the student's 49832
family has an income below the federal poverty line. 49833

Sec. 3314.02. (A) As used in this chapter: 49834

(1) "Sponsor" means the board of education of a school 49835

district or the governing board of an educational service center 49836
that agrees to the conversion of all or part of a school or 49837
building under division (B) of this section, or an entity listed 49838
in division (C)(1) of this section, which ~~either~~ has been approved 49839
by the department of education to sponsor community schools or is 49840
exempted by section 3314.021 or 3314.027 of the Revised Code from 49841
obtaining approval, and with which the governing authority of a 49842
community school enters into a contract under section 3314.03 of 49843
the Revised Code. 49844

(2) "Pilot project area" means the school districts included 49845
in the territory of the former community school pilot project 49846
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 49847
the 122nd general assembly. 49848

(3) "Challenged school district" means any of the following: 49849

(a) A school district that is part of the pilot project area; 49850

(b) A school district that meets one of the following 49851
conditions: 49852

(i) On March 22, 2013, the district was in a state of 49853
academic emergency or in a state of academic watch under section 49854
3302.03 of the Revised Code, as that section existed prior to 49855
March 22, 2013; 49856

(ii) For two of the 2012-2013, 2013-2014, ~~and~~ 2014-2015, and 49857
2015-2016 school years, the district received a grade of "D" or 49858
"F" for the performance index score and a grade of "F" for the 49859
value-added progress dimension under section 3302.03 of the 49860
Revised Code; 49861

(iii) For the ~~2015-2016~~ 2016-2017 school year and for any 49862
school year thereafter, the district has received an overall grade 49863
of "D" or "F" under division (C)(3) of section 3302.03 of the 49864
Revised Code, or, for at least two of the three most recent school 49865
years, the district received a grade of "F" for the value-added 49866

progress dimension under division (C)(1)(e) of that section. 49867

(c) A big eight school district; 49868

(d) A school district ranked in the lowest five per cent of 49869
school districts according to performance index score under 49870
section 3302.21 of the Revised Code. 49871

(4) "Big eight school district" means a school district that 49872
for fiscal year 1997 had both of the following: 49873

(a) A percentage of children residing in the district and 49874
participating in the predecessor of Ohio works first greater than 49875
thirty per cent, as reported pursuant to section 3317.10 of the 49876
Revised Code; 49877

(b) An average daily membership greater than twelve thousand, 49878
as reported pursuant to former division (A) of section 3317.03 of 49879
the Revised Code. 49880

(5) "New start-up school" means a community school other than 49881
one created by converting all or part of an existing public school 49882
or educational service center building, as designated in the 49883
school's contract pursuant to division (A)(17) of section 3314.03 49884
of the Revised Code. 49885

(6) "Urban school district" means one of the state's 49886
twenty-one urban school districts as defined in division (O) of 49887
section 3317.02 of the Revised Code as that section existed prior 49888
to July 1, 1998. 49889

(7) "Internet- or computer-based community school" means a 49890
community school established under this chapter in which the 49891
enrolled students work primarily from their residences on 49892
assignments in nonclassroom-based learning opportunities provided 49893
via an internet- or other computer-based instructional method that 49894
does not rely on regular classroom instruction or via 49895
comprehensive instructional methods that include internet-based, 49896

other computer-based, and noncomputer-based learning opportunities 49897
unless a student receives career-technical education under section 49898
3314.086 of the Revised Code. 49899

A community school that operates mainly as an internet- or 49900
computer-based community school and provides career-technical 49901
education under section 3314.086 of the Revised Code shall be 49902
considered an internet- or computer-based community school, even 49903
if it provides some classroom-based instruction, so long as it 49904
provides instruction via the methods described in this division. 49905

(8) "Operator" means either of the following: 49906

(a) An individual or organization that manages the daily 49907
operations of a community school pursuant to a contract between 49908
the operator and the school's governing authority; 49909

(b) A nonprofit organization that provides programmatic 49910
oversight and support to a community school under a contract with 49911
the school's governing authority and that retains the right to 49912
terminate its affiliation with the school if the school fails to 49913
meet the organization's quality standards. 49914

(9) "Alliance municipal school district" has the same meaning 49915
as in section 3311.86 of the Revised Code. 49916

(B)(1) Any person or group of individuals may initially 49917
propose under this division the conversion of all or a portion of 49918
a public school to a community school. The proposal shall be made 49919
to the board of education of the city, local, exempted village, or 49920
joint vocational school district in which the public school is 49921
proposed to be converted. 49922

(2) Any person or group of individuals may initially propose 49923
under this division the conversion of all or a portion of a 49924
building operated by an educational service center to a community 49925
school. The proposal shall be made to the governing board of the 49926
service center. 49927

~~A service center that proposes the establishment of a conversion community school located in a county within the territory of the service center or in a county contiguous to such county is exempt from approval from the department of education, except as provided under division (B)(4) of this section, and from the agreement required under division (B)(1) of section 3314.015 of the Revised Code.~~

~~However, a service center that proposes the establishment of a conversion community school located in a county outside of the territory of the service center or a county contiguous to such county shall be subject to approval from the department of education and from the agreement required under that section.~~

~~Division (B)(2) of this section does not apply to an educational service center that sponsors community schools and that is exempted under section 3314.021 or 3314.027 of the Revised Code from the requirement to be approved for sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 of the Revised Code.~~

An educational service center that sponsors a community school in accordance with this division shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code.

(3) Upon receipt of a proposal, a board may enter into a preliminary agreement with the person or group proposing the conversion of the public school or service center building, indicating the intention of the board to support the conversion to a community school. A proposing person or group that has a preliminary agreement under this division may proceed to finalize plans for the school, establish a governing authority for the school, and negotiate a contract with the board. Provided the proposing person or group adheres to the preliminary agreement and all provisions of this chapter, the board shall negotiate in good

faith to enter into a contract in accordance with section 3314.03 49960
of the Revised Code and division (C) of this section. 49961

(4) The sponsor of a conversion community school proposed to 49962
open in an alliance municipal school district shall be subject to 49963
approval by the department of education for sponsorship of that 49964
school using the criteria established under division (A) of 49965
section 3311.87 of the Revised Code. 49966

Division (B)(4) of this section does not apply to a sponsor 49967
that ~~is~~, on or before the effective date of this amendment, was 49968
exempted under section 3314.021 or 3314.027 of the Revised Code 49969
from the requirement to be approved for sponsorship under 49970
divisions (A)(2) and (B)(1) of section 3314.015 of the Revised 49971
Code. 49972

(C)(1) Any person or group of individuals may propose under 49973
this division the establishment of a new start-up school to be 49974
located in a challenged school district. The proposal may be made 49975
to any of the following entities: 49976

(a) The board of education of the district in which the 49977
school is proposed to be located; 49978

(b) The board of education of any joint vocational school 49979
district with territory in the county in which is located the 49980
majority of the territory of the district in which the school is 49981
proposed to be located; 49982

(c) The board of education of any other city, local, or 49983
exempted village school district having territory in the same 49984
county where the district in which the school is proposed to be 49985
located has the major portion of its territory; 49986

(d) The governing board of any educational service center, 49987
regardless of the location of the proposed school, may sponsor a 49988
new start-up school in any challenged school district in the state 49989
if all of the following are satisfied: 49990

(i) If applicable, it satisfies the requirements of division	49991
(E) of section 3311.86 of the Revised Code;	49992
(ii) It is approved to do so by the department;	49993
(iii) It enters into an agreement with the department under	49994
section 3314.015 of the Revised Code.	49995
(e) A sponsoring authority designated by the board of	49996
trustees of any of the thirteen state universities listed in	49997
section 3345.011 of the Revised Code or the board of trustees	49998
itself as long as a mission of the proposed school to be specified	49999
in the contract under division (A)(2) of section 3314.03 of the	50000
Revised Code and as approved by the department under division	50001
(B)(2) of section 3314.015 of the Revised Code will be the	50002
practical demonstration of teaching methods, educational	50003
technology, or other teaching practices that are included in the	50004
curriculum of the university's teacher preparation program	50005
approved by the state board of education;	50006
(f) Any qualified tax-exempt entity under section 501(c)(3)	50007
of the Internal Revenue Code as long as all of the following	50008
conditions are satisfied:	50009
(i) The entity has been in operation for at least five years	50010
prior to applying to be a community school sponsor.	50011
(ii) The entity has assets of at least five hundred thousand	50012
dollars and a demonstrated record of financial responsibility.	50013
(iii) The department has determined that the entity is an	50014
education-oriented entity under division (B)(3) of section	50015
3314.015 of the Revised Code and the entity has a demonstrated	50016
record of successful implementation of educational programs.	50017
(iv) The entity is not a community school.	50018
(g) The mayor of a city in which the majority of the	50019
territory of a school district to which section 3311.60 of the	50020

Revised Code applies is located, regardless of whether that 50021
district has created the position of independent auditor as 50022
prescribed by that section. The mayor's sponsorship authority 50023
under this division is limited to community schools that are 50024
located in that school district. Such mayor may sponsor community 50025
schools only with the approval of the city council of that city, 50026
after establishing standards with which community schools 50027
sponsored by the mayor must comply, and after entering into a 50028
sponsor agreement with the department as prescribed under section 50029
3314.015 of the Revised Code. The mayor shall establish the 50030
standards for community schools sponsored by the mayor not later 50031
than one hundred eighty days after July 15, 2013, and shall submit 50032
them to the department upon their establishment. The department 50033
shall approve the mayor to sponsor community schools in the 50034
district, upon receipt of an application by the mayor to do so. 50035
Not later than ninety days after the department's approval of the 50036
mayor as a community school sponsor, the department shall enter 50037
into the sponsor agreement with the mayor. 50038

Any entity described in division (C)(1) of this section may 50039
enter into a preliminary agreement pursuant to division (C)(2) of 50040
this section with the proposing person or group. 50041

(2) A preliminary agreement indicates the intention of an 50042
entity described in division (C)(1) of this section to sponsor the 50043
community school. A proposing person or group that has such a 50044
preliminary agreement may proceed to finalize plans for the 50045
school, establish a governing authority as described in division 50046
(E) of this section for the school, and negotiate a contract with 50047
the entity. Provided the proposing person or group adheres to the 50048
preliminary agreement and all provisions of this chapter, the 50049
entity shall negotiate in good faith to enter into a contract in 50050
accordance with section 3314.03 of the Revised Code. 50051

(3) A new start-up school that is established in a school 50052

district described in either division (A)(3)(b) or (d) of this 50053
section may continue in existence once the school district no 50054
longer meets the conditions described in either division, provided 50055
there is a valid contract between the school and a sponsor. 50056

(4) A copy of every preliminary agreement entered into under 50057
this division shall be filed with the superintendent of public 50058
instruction. 50059

(D) A majority vote of the board of a sponsoring entity and a 50060
majority vote of the members of the governing authority of a 50061
community school shall be required to adopt a contract and convert 50062
the public school or educational service center building to a 50063
community school or establish the new start-up school. Beginning 50064
September 29, 2005, adoption of the contract shall occur not later 50065
than the fifteenth day of March, and signing of the contract shall 50066
occur not later than the fifteenth day of May, prior to the school 50067
year in which the school will open. The governing authority shall 50068
notify the department of education when the contract has been 50069
signed. Subject to sections 3314.013 and 3314.016 of the Revised 50070
Code, an unlimited number of community schools may be established 50071
in any school district provided that a contract is entered into 50072
for each community school pursuant to this chapter. 50073

(E)(1) As used in this division, "immediate relatives" are 50074
limited to spouses, children, parents, grandparents, siblings, and 50075
in-laws. 50076

Each new start-up community school established under this 50077
chapter shall be under the direction of a governing authority 50078
which shall consist of a board of not less than five individuals. 50079

No person shall serve on the governing authority or operate 50080
the community school under contract with the governing authority 50081
so long as the person owes the state any money or is in a dispute 50082
over whether the person owes the state any money concerning the 50083

operation of a community school that has closed. 50084

(2) No person shall serve on the governing authorities of 50085
more than five start-up community schools at the same time. 50086

(3) No present or former member, or immediate relative of a 50087
present or former member, of the governing authority of any 50088
community school established under this chapter shall be an owner, 50089
employee, or consultant of any sponsor or operator of a community 50090
school, unless at least one year has elapsed since the conclusion 50091
of the person's membership. 50092

(4) The governing authority of a start-up community school 50093
may provide by resolution for the compensation of its members. 50094
However, no individual who serves on the governing authority of a 50095
start-up community school shall be compensated more than four 50096
hundred twenty-five dollars per meeting of that governing 50097
authority and no such individual shall be compensated more than a 50098
total amount of five thousand dollars per year for all governing 50099
authorities upon which the individual serves. 50100

(F)(1) A new start-up school that is established prior to 50101
August 15, 2003, in an urban school district that is not also a 50102
big-eight school district may continue to operate after that date 50103
and the contract between the school's governing authority and the 50104
school's sponsor may be renewed, as provided under this chapter, 50105
after that date, but no additional new start-up schools may be 50106
established in such a district unless the district is a challenged 50107
school district as defined in this section as it exists on and 50108
after that date. 50109

(2) A community school that was established prior to June 29, 50110
1999, and is located in a county contiguous to the pilot project 50111
area and in a school district that is not a challenged school 50112
district may continue to operate after that date, provided the 50113
school complies with all provisions of this chapter. The contract 50114

between the school's governing authority and the school's sponsor 50115
may be renewed, but no additional start-up community school may be 50116
established in that district unless the district is a challenged 50117
school district. 50118

(3) Any educational service center that, on June 30, 2007, 50119
sponsors a community school that is not located in a county within 50120
the territory of the service center or in a county contiguous to 50121
such county may continue to sponsor that community school on and 50122
after June 30, 2007, and may renew its contract with the school. 50123
However, the educational service center shall not enter into a 50124
contract with any additional community school, ~~unless the school~~ 50125
~~is located in a county within the territory of the service center~~ 50126
~~or in a county contiguous to such county, or~~ unless the governing 50127
board of the service center has entered into an agreement with the 50128
department authorizing the service center to sponsor a community 50129
school in any challenged school district in the state. 50130

Sec. 3314.03. A copy of every contract entered into under 50131
this section shall be filed with the superintendent of public 50132
instruction. The department of education shall make available on 50133
its web site a copy of every approved, executed contract filed 50134
with the superintendent under this section. 50135

(A) Each contract entered into between a sponsor and the 50136
governing authority of a community school shall specify the 50137
following: 50138

(1) That the school shall be established as either of the 50139
following: 50140

(a) A nonprofit corporation established under Chapter 1702. 50141
of the Revised Code, if established prior to April 8, 2003; 50142

(b) A public benefit corporation established under Chapter 50143
1702. of the Revised Code, if established after April 8, 2003. 50144

- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 50145
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 50149
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- (4) Performance standards by which the success of the school will be evaluated by the sponsor; 50152
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 50154
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- (6)(a) Dismissal procedures; 50156
- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in one hundred five consecutive hours of the learning opportunities offered to the student. 50157
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 50163
50164
- (8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 50165
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- (9) The facilities to be used and their locations; 50171
- (10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a 50172
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community school may engage noncertificated persons to teach up to 50175
twelve hours per week pursuant to section 3319.301 of the Revised 50176
Code. 50177

(11) That the school will comply with the following 50178
requirements: 50179

(a) The school will provide learning opportunities to a 50180
minimum of twenty-five students for a minimum of nine hundred 50181
twenty hours per school year. 50182

(b) The governing authority will purchase liability 50183
insurance, or otherwise provide for the potential liability of the 50184
school. 50185

(c) The school will be nonsectarian in its programs, 50186
admission policies, employment practices, and all other 50187
operations, and will not be operated by a sectarian school or 50188
religious institution. 50189

(d) The school will comply with sections 9.90, 9.91, 109.65, 50190
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 50191
3301.0712, 3301.0715, 3301.948, 3313.472, 3313.50, 3313.536, 50192
3313.539, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 50193
3313.6015, 3313.6020, 3313.643, 3313.648, 3313.6411, 3313.66, 50194
3313.661, 3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 50195
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 50196
3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 50197
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.321, 3319.39, 50198
3319.391, 3319.41, 3319.46, 3321.01, 3321.041, 3321.13, 3321.14, 50199
3321.17, 3321.18, 3321.19, 3321.191, 3327.10, 4111.17, 4113.52, 50200
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 50201
4123., 4141., and 4167. of the Revised Code as if it were a school 50202
district and will comply with section 3301.0714 of the Revised 50203
Code in the manner specified in section 3314.17 of the Revised 50204
Code. 50205

(e) The school shall comply with Chapter 102. and section 50206
2921.42 of the Revised Code. 50207

(f) The school will comply with sections 3313.61, 3313.611, 50208
and 3313.614 of the Revised Code, except that for students who 50209
enter ninth grade for the first time before July 1, 2010, the 50210
requirement in sections 3313.61 and 3313.611 of the Revised Code 50211
that a person must successfully complete the curriculum in any 50212
high school prior to receiving a high school diploma may be met by 50213
completing the curriculum adopted by the governing authority of 50214
the community school rather than the curriculum specified in Title 50215
XXXIII of the Revised Code or any rules of the state board of 50216
education. Beginning with students who enter ninth grade for the 50217
first time on or after July 1, 2010, the requirement in sections 50218
3313.61 and 3313.611 of the Revised Code that a person must 50219
successfully complete the curriculum of a high school prior to 50220
receiving a high school diploma shall be met by completing the 50221
requirements prescribed in division (C) of section 3313.603 of the 50222
Revised Code, unless the person qualifies under division (D) or 50223
(F) of that section. Each school shall comply with the plan for 50224
awarding high school credit based on demonstration of subject area 50225
competency, and beginning with the 2016-2017 school year, with the 50226
updated plan that permits students enrolled in seventh and eighth 50227
grade to meet curriculum requirements based on subject area 50228
competency adopted by the state board of education under ~~division~~ 50229
divisions (J)(1) and (2) of section 3313.603 of the Revised Code. 50230

(g) The school governing authority will submit within four 50231
months after the end of each school year a report of its 50232
activities and progress in meeting the goals and standards of 50233
divisions (A)(3) and (4) of this section and its financial status 50234
to the sponsor and the parents of all students enrolled in the 50235
school. 50236

(h) The school, unless it is an internet- or computer-based 50237

community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 50238
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 50240
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(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 50247
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(12) Arrangements for providing health and other benefits to employees; 50253
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section. 50255
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(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 50259
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(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 50261
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(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 50264
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(17) Whether the school is to be created by converting all or 50267

part of an existing public school or educational service center 50268
building or is to be a new start-up school, and if it is a 50269
converted public school or service center building, specification 50270
of any duties or responsibilities of an employer that the board of 50271
education or service center governing board that operated the 50272
school or building before conversion is delegating to the 50273
governing authority of the community school with respect to all or 50274
any specified group of employees provided the delegation is not 50275
prohibited by a collective bargaining agreement applicable to such 50276
employees; 50277

(18) Provisions establishing procedures for resolving 50278
disputes or differences of opinion between the sponsor and the 50279
governing authority of the community school; 50280

(19) A provision requiring the governing authority to adopt a 50281
policy regarding the admission of students who reside outside the 50282
district in which the school is located. That policy shall comply 50283
with the admissions procedures specified in sections 3314.06 and 50284
3314.061 of the Revised Code and, at the sole discretion of the 50285
authority, shall do one of the following: 50286

(a) Prohibit the enrollment of students who reside outside 50287
the district in which the school is located; 50288

(b) Permit the enrollment of students who reside in districts 50289
adjacent to the district in which the school is located; 50290

(c) Permit the enrollment of students who reside in any other 50291
district in the state. 50292

(20) A provision recognizing the authority of the department 50293
of education to take over the sponsorship of the school in 50294
accordance with the provisions of division (C) of section 3314.015 50295
of the Revised Code; 50296

(21) A provision recognizing the sponsor's authority to 50297
assume the operation of a school under the conditions specified in 50298

division (B) of section 3314.073 of the Revised Code; 50299

(22) A provision recognizing both of the following: 50300

(a) The authority of public health and safety officials to 50301
inspect the facilities of the school and to order the facilities 50302
closed if those officials find that the facilities are not in 50303
compliance with health and safety laws and regulations; 50304

(b) The authority of the department of education as the 50305
community school oversight body to suspend the operation of the 50306
school under section 3314.072 of the Revised Code if the 50307
department has evidence of conditions or violations of law at the 50308
school that pose an imminent danger to the health and safety of 50309
the school's students and employees and the sponsor refuses to 50310
take such action. 50311

(23) A description of the learning opportunities that will be 50312
offered to students including both classroom-based and 50313
non-classroom-based learning opportunities that is in compliance 50314
with criteria for student participation established by the 50315
department under division (H)(2) of section 3314.08 of the Revised 50316
Code; 50317

(24) The school will comply with sections 3302.04 and 50318
3302.041 of the Revised Code, except that any action required to 50319
be taken by a school district pursuant to those sections shall be 50320
taken by the sponsor of the school. However, the sponsor shall not 50321
be required to take any action described in division (F) of 50322
section 3302.04 of the Revised Code. 50323

(25) Beginning in the 2006-2007 school year, the school will 50324
open for operation not later than the thirtieth day of September 50325
each school year, unless the mission of the school as specified 50326
under division (A)(2) of this section is solely to serve dropouts. 50327
In its initial year of operation, if the school fails to open by 50328
the thirtieth day of September, or within one year after the 50329

adoption of the contract pursuant to division (D) of section 50330
3314.02 of the Revised Code if the mission of the school is solely 50331
to serve dropouts, the contract shall be void. 50332

(26) Whether the school's governing authority is planning to 50333
seek designation for the school as a STEM school equivalent under 50334
section 3326.032 of the Revised Code. 50335

(B) The community school shall also submit to the sponsor a 50336
comprehensive plan for the school. The plan shall specify the 50337
following: 50338

(1) The process by which the governing authority of the 50339
school will be selected in the future; 50340

(2) The management and administration of the school; 50341

(3) If the community school is a currently existing public 50342
school or educational service center building, alternative 50343
arrangements for current public school students who choose not to 50344
attend the converted school and for teachers who choose not to 50345
teach in the school or building after conversion; 50346

(4) The instructional program and educational philosophy of 50347
the school; 50348

(5) Internal financial controls. 50349

(C) A contract entered into under section 3314.02 of the 50350
Revised Code between a sponsor and the governing authority of a 50351
community school may provide for the community school governing 50352
authority to make payments to the sponsor, which is hereby 50353
authorized to receive such payments as set forth in the contract 50354
between the governing authority and the sponsor. The total amount 50355
of such payments for oversight and monitoring of the school shall 50356
not exceed three per cent of the total amount of payments for 50357
operating expenses that the school receives from the state. 50358

(D) The contract shall specify the duties of the sponsor 50359

which shall be in accordance with the written agreement entered 50360
into with the department of education under division (B) of 50361
section 3314.015 of the Revised Code and shall include the 50362
following: 50363

(1) Monitor the community school's compliance with all laws 50364
applicable to the school and with the terms of the contract; 50365

(2) Monitor and evaluate the academic and fiscal performance 50366
and the organization and operation of the community school on at 50367
least an annual basis; 50368

(3) Report on an annual basis the results of the evaluation 50369
conducted under division (D)(2) of this section to the department 50370
of education and to the parents of students enrolled in the 50371
community school; 50372

(4) Provide technical assistance to the community school in 50373
complying with laws applicable to the school and terms of the 50374
contract; 50375

(5) Take steps to intervene in the school's operation to 50376
correct problems in the school's overall performance, declare the 50377
school to be on probationary status pursuant to section 3314.073 50378
of the Revised Code, suspend the operation of the school pursuant 50379
to section 3314.072 of the Revised Code, or terminate the contract 50380
of the school pursuant to section 3314.07 of the Revised Code as 50381
determined necessary by the sponsor; 50382

(6) Have in place a plan of action to be undertaken in the 50383
event the community school experiences financial difficulties or 50384
closes prior to the end of a school year. 50385

(E) Upon the expiration of a contract entered into under this 50386
section, the sponsor of a community school may, with the approval 50387
of the governing authority of the school, renew that contract for 50388
a period of time determined by the sponsor, but not ending earlier 50389
than the end of any school year, if the sponsor finds that the 50390

school's compliance with applicable laws and terms of the contract 50391
and the school's progress in meeting the academic goals prescribed 50392
in the contract have been satisfactory. Any contract that is 50393
renewed under this division remains subject to the provisions of 50394
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 50395

(F) If a community school fails to open for operation within 50396
one year after the contract entered into under this section is 50397
adopted pursuant to division (D) of section 3314.02 of the Revised 50398
Code or permanently closes prior to the expiration of the 50399
contract, the contract shall be void and the school shall not 50400
enter into a contract with any other sponsor. A school shall not 50401
be considered permanently closed because the operations of the 50402
school have been suspended pursuant to section 3314.072 of the 50403
Revised Code. 50404

Sec. 3314.05. (A) The contract between the community school 50405
and the sponsor shall specify the facilities to be used for the 50406
community school and the method of acquisition. Except as provided 50407
in divisions (B)(3) and (4) of this section, no community school 50408
shall be established in more than one school district under the 50409
same contract. 50410

(B) Division (B) of this section shall not apply to internet- 50411
or computer-based community schools. 50412

(1) A community school may be located in multiple facilities 50413
under the same contract only if the limitations on availability of 50414
space prohibit serving all the grade levels specified in the 50415
contract in a single facility or division (B)(2), (3), or (4) of 50416
this section applies to the school. The school shall not offer the 50417
same grade level classrooms in more than one facility. 50418

(2) A community school may be located in multiple facilities 50419
under the same contract and, notwithstanding division (B)(1) of 50420
this section, may assign students in the same grade level to 50421

multiple facilities, as long as all of the following apply: 50422

(a) The governing authority has entered into and maintains a 50423
contract with an operator of the type described in division 50424
(A)(8)(b) of section 3314.02 of the Revised Code. 50425

(b) The contract with that operator qualified the school to 50426
be established pursuant to division (A) of former section 3314.016 50427
of the Revised Code. 50428

(c) The school's rating under section 3302.03 of the Revised 50429
Code does not fall below a combination of any of the following for 50430
two or more consecutive years: 50431

(i) A rating of "in need of continuous improvement" under 50432
section 3302.03 of the Revised Code, as that section existed prior 50433
to March 22, 2013; 50434

(ii) For the 2012-2013 ~~and~~, 2013-2014, 2014-2015, and 50435
2015-2016 school years, a rating of "C" for both the performance 50436
index score under division (A)(1)(b) or (B)(1)(b) and the 50437
value-added dimension under division (A)(1)(e) or (B)(1)(e) of 50438
section 3302.03 of the Revised Code; or if the building serves 50439
only grades ten through twelve, the building received a grade of 50440
"C" for the performance index score under division (A)(1)(b) or 50441
(B)(1)(b) of section 3302.03 of the Revised Code; 50442

(iii) For the ~~2014-2015~~ 2016-2017 school year and for any 50443
school year thereafter, an overall grade of "C" under division 50444
(C)(3) of section 3302.03 of the Revised Code or an overall 50445
performance designation of "meets standards" under division 50446
(E)(3)(e) of section 3314.017 of the Revised Code. 50447

(3) A new start-up community school may be established in two 50448
school districts under the same contract if all of the following 50449
apply: 50450

(a) At least one of the school districts in which the school 50451

is established is a challenged school district; 50452

(b) The school operates not more than one facility in each 50453
school district and, in accordance with division (B)(1) of this 50454
section, the school does not offer the same grade level classrooms 50455
in both facilities; and 50456

(c) Transportation between the two facilities does not 50457
require more than thirty minutes of direct travel time as measured 50458
by school bus. 50459

In the case of a community school to which division (B)(3) of 50460
this section applies, if only one of the school districts in which 50461
the school is established is a challenged school district, that 50462
district shall be considered the school's primary location and the 50463
district in which the school is located for the purposes of 50464
division (A)(19) of section 3314.03 and divisions (C) and (H) of 50465
section 3314.06 of the Revised Code and for all other purposes of 50466
this chapter. If both of the school districts in which the school 50467
is established are challenged school districts, the school's 50468
governing authority shall designate one of those districts to be 50469
considered the school's primary location and the district in which 50470
the school is located for the purposes of those divisions and all 50471
other purposes of this chapter and shall notify the department of 50472
education of that designation. 50473

(4) A community school may be located in multiple facilities 50474
under the same contract and, notwithstanding division (B)(1) of 50475
this section, may assign students in the same grade level to 50476
multiple facilities, as long as both of the following apply: 50477

(a) The facilities are all located in the same county. 50478

(b) Either of the following conditions are satisfied: 50479

(i) The community school is sponsored by a board of education 50480
of a city, local, or exempted village school district having 50481
territory in the same county where the facilities of the community 50482

school are located; 50483

(ii) The community school is managed by an operator. 50484

In the case of a community school to which division (B)(4) of 50485
this section applies and that maintains facilities in more than 50486
one school district, the school's governing authority shall 50487
designate one of those districts to be considered the school's 50488
primary location and the district in which the school is located 50489
for the purposes of division (A)(19) of section 3314.03 and 50490
divisions (C) and (H) of section 3314.06 of the Revised Code and 50491
for all other purposes of this chapter and shall notify the 50492
department of that designation. 50493

(5) Any facility used for a community school shall meet all 50494
health and safety standards established by law for school 50495
buildings. 50496

(C) In the case where a community school is proposed to be 50497
located in a facility owned by a school district or educational 50498
service center, the facility may not be used for such community 50499
school unless the district or service center board owning the 50500
facility enters into an agreement for the community school to 50501
utilize the facility. Use of the facility may be under any terms 50502
and conditions agreed to by the district or service center board 50503
and the school. 50504

(D) Two or more separate community schools may be located in 50505
the same facility. 50506

(E) In the case of a community school that is located in 50507
multiple facilities, beginning July 1, 2012, the department shall 50508
assign a unique identification number to the school and to each 50509
facility maintained by the school. Each number shall be used for 50510
identification purposes only. Nothing in this division shall be 50511
construed to require the department to calculate the amount of 50512
funds paid under this chapter, or to compute any data required for 50513

the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

Sec. 3314.06. The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section 3314.08 of the Revised Code for any student who is not a resident of this state.

An individual younger than five years of age may be admitted to the school in accordance with division (A)(2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3314.08 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age, but the school shall not receive funds under this chapter for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered

at least four hundred fifty-five hours of learning opportunities 50545
per school year. 50546

If the school operates a preschool program that is licensed 50547
by the department of education under sections 3301.52 to 3301.59 50548
of the Revised Code, admission to the school may be open to 50549
individuals who are general education preschool students, but the 50550
school shall not receive funds under this chapter for those 50551
individuals. 50552

(B)(1) That admission to the school may be limited to 50553
students who have attained a specific grade level or are within a 50554
specific age group; to students that meet a definition of 50555
"at-risk," as defined in the contract; to residents of a specific 50556
geographic area within the district, as defined in the contract; 50557
or to separate groups of autistic students and nondisabled 50558
students, as authorized in section 3314.061 of the Revised Code 50559
and as defined in the contract. 50560

(2) For purposes of division (B)(1) of this section, 50561
"at-risk" students may include those students identified as gifted 50562
students under section 3324.03 of the Revised Code. 50563

(C) Whether enrollment is limited to students who reside in 50564
the district in which the school is located or is open to 50565
residents of other districts, as provided in the policy adopted 50566
pursuant to the contract. 50567

(D)(1) That there will be no discrimination in the admission 50568
of students to the school on the basis of race, creed, color, 50569
disability, or sex except that: 50570

(a) The governing authority may do either of the following 50571
for the purpose described in division (G) of this section: 50572

(i) Establish a single-gender school for either sex; 50573

(ii) Establish single-gender schools for each sex under the 50574

same contract, provided substantially equal facilities and 50575
learning opportunities are offered for both boys and girls. Such 50576
facilities and opportunities may be offered for each sex at 50577
separate locations. 50578

(b) The governing authority may establish a school that 50579
simultaneously serves a group of students identified as autistic 50580
and a group of students who are not disabled, as authorized in 50581
section 3314.061 of the Revised Code. However, unless the total 50582
capacity established for the school has been filled, no student 50583
with any disability shall be denied admission on the basis of that 50584
disability. 50585

(2) That upon admission of any student with a disability, the 50586
community school will comply with all federal and state laws 50587
regarding the education of students with disabilities. 50588

(E) That the school may not limit admission to students on 50589
the basis of intellectual ability, measures of achievement or 50590
aptitude, or athletic ability, except that a school may limit its 50591
enrollment to students as described in division (B) of this 50592
section. 50593

(F) That the community school will admit the number of 50594
students that does not exceed the capacity of the school's 50595
programs, classes, grade levels, or facilities. 50596

(G) That the purpose of single-gender schools that are 50597
established shall be to take advantage of the academic benefits 50598
some students realize from single-gender instruction and 50599
facilities and to offer students and parents residing in the 50600
district the option of a single-gender education. 50601

(H) That, except as otherwise provided under division (B) of 50602
this section or section 3314.061 of the Revised Code, if the 50603
number of applicants exceeds the capacity restrictions of division 50604
(F) of this section, students shall be admitted by lot from all 50605

those submitting applications, except preference shall be given to 50606
students attending the school the previous year and to students 50607
who reside in the district in which the school is located. 50608
Preference may be given to siblings of students attending the 50609
school the previous year. 50610

Notwithstanding divisions (A) to (H) of this section, in the 50611
event the racial composition of the enrollment of the community 50612
school is violative of a federal desegregation order, the 50613
community school shall take any and all corrective measures to 50614
comply with the desegregation order. 50615

Sec. 3314.075. The operator of a community school ordered by 50616
the auditor of state under division (F) of section 3307.011 or 50617
division (F) of section 3309.013 of the Revised Code to 50618
permanently close the school shall close the school at the 50619
conclusion of the school year in which the operator receives 50620
notice of the order from the auditor. The sponsor and governing 50621
authority of the school shall comply with all procedures for 50622
closing a community school adopted by the department of education 50623
under division (E) of section 3314.015 of the Revised Code. 50624

Sec. 3314.08. (A) As used in this section: 50625

(1)(a) "Category one career-technical education student" 50626
means a student who is receiving the career-technical education 50627
services described in division (A) of section 3317.014 of the 50628
Revised Code. 50629

(b) "Category two career-technical student" means a student 50630
who is receiving the career-technical education services described 50631
in division (B) of section 3317.014 of the Revised Code. 50632

(c) "Category three career-technical student" means a student 50633
who is receiving the career-technical education services described 50634
in division (C) of section 3317.014 of the Revised Code. 50635

- (d) "Category four career-technical student" means a student 50636
who is receiving the career-technical education services described 50637
in division (D) of section 3317.014 of the Revised Code. 50638
- (e) "Category five career-technical education student" means 50639
a student who is receiving the career-technical education services 50640
described in division (E) of section 3317.014 of the Revised Code. 50641
- (2)(a) "Category one limited English proficient student" 50642
means a limited English proficient student described in division 50643
(A) of section 3317.016 of the Revised Code. 50644
- (b) "Category two limited English proficient student" means a 50645
limited English proficient student described in division (B) of 50646
section 3317.016 of the Revised Code. 50647
- (c) "Category three limited English proficient student" means 50648
a limited English proficient student described in division (C) of 50649
section 3317.016 of the Revised Code. 50650
- (3)(a) "Category one special education student" means a 50651
student who is receiving special education services for a 50652
disability specified in division (A) of section 3317.013 of the 50653
Revised Code. 50654
- (b) "Category two special education student" means a student 50655
who is receiving special education services for a disability 50656
specified in division (B) of section 3317.013 of the Revised Code. 50657
- (c) "Category three special education student" means a 50658
student who is receiving special education services for a 50659
disability specified in division (C) of section 3317.013 of the 50660
Revised Code. 50661
- (d) "Category four special education student" means a student 50662
who is receiving special education services for a disability 50663
specified in division (D) of section 3317.013 of the Revised Code. 50664
- (e) "Category five special education student" means a student 50665

who is receiving special education services for a disability 50666
specified in division (E) of section 3317.013 of the Revised Code. 50667

(f) "Category six special education student" means a student 50668
who is receiving special education services for a disability 50669
specified in division (F) of section 3317.013 of the Revised Code. 50670

(4) "Formula amount" has the same meaning as in section 50671
3317.02 of the Revised Code. 50672

(5) "IEP" has the same meaning as in section 3323.01 of the 50673
Revised Code. 50674

(6) "Resident district" means the school district in which a 50675
student is entitled to attend school under section 3313.64 or 50676
3313.65 of the Revised Code. 50677

(7) "State education aid" has the same meaning as in section 50678
5751.20 of the Revised Code. 50679

(B) The state board of education shall adopt rules requiring 50680
both of the following: 50681

(1) The board of education of each city, exempted village, 50682
and local school district to annually report the number of 50683
students entitled to attend school in the district who are 50684
enrolled in each grade kindergarten through twelve in a community 50685
school established under this chapter, and for each child, the 50686
community school in which the child is enrolled. 50687

(2) The governing authority of each community school 50688
established under this chapter to annually report all of the 50689
following: 50690

(a) The number of students enrolled in grades one through 50691
twelve and the full-time equivalent number of students enrolled in 50692
kindergarten in the school who are not receiving special education 50693
and related services pursuant to an IEP; 50694

(b) The number of enrolled students in grades one through 50695

twelve and the full-time equivalent number of enrolled students in 50696
kindergarten, who are receiving special education and related 50697
services pursuant to an IEP; 50698

(c) The number of students reported under division (B)(2)(b) 50699
of this section receiving special education and related services 50700
pursuant to an IEP for a disability described in each of divisions 50701
(A) to (F) of section 3317.013 of the Revised Code; 50702

(d) The full-time equivalent number of students reported 50703
under divisions (B)(2)(a) and (b) of this section who are enrolled 50704
in career-technical education programs or classes described in 50705
each of divisions (A) to (E) of section 3317.014 of the Revised 50706
Code that are provided by the community school; 50707

(e) The number of students reported under divisions (B)(2)(a) 50708
and (b) of this section who are not reported under division 50709
(B)(2)(d) of this section but who are enrolled in career-technical 50710
education programs or classes described in each of divisions (A) 50711
to (E) of section 3317.014 of the Revised Code at a joint 50712
vocational school district or another district in the 50713
career-technical planning district to which the school is 50714
assigned; 50715

(f) The number of students reported under divisions (B)(2)(a) 50716
and (b) of this section who are category one to three limited 50717
English proficient students described in each of divisions (A) to 50718
(C) of section 3317.016 of the Revised Code; 50719

(g) The number of students reported under divisions (B)(2)(a) 50720
and (b) who are economically disadvantaged, as defined by the 50721
department. A student shall not be categorically excluded from the 50722
number reported under division (B)(2)(g) of this section based on 50723
anything other than family income. 50724

(h) For each student, the city, exempted village, or local 50725
school district in which the student is entitled to attend school 50726

under section 3313.64 or 3313.65 of the Revised Code. 50727

(i) The number of students enrolled in a preschool program 50728
operated by the school that is licensed by the department of 50729
education under sections 3301.52 to 3301.59 of the Revised Code 50730
who are not receiving special education and related services 50731
pursuant to an IEP. 50732

A school district board and a community school governing 50733
authority shall include in their respective reports under division 50734
(B) of this section any child admitted in accordance with division 50735
(A)(2) of section 3321.01 of the Revised Code. 50736

A governing authority of a community school shall not include 50737
in its report under ~~division (B)(2)~~ divisions (B)(2)(a) to (h) of 50738
this section any student for whom tuition is charged under 50739
division (F) of this section. 50740

(C)(1) Except as provided in division (C)(2) of this section, 50741
and subject to divisions (C)(3), (4), (5), (6), and (7) of this 50742
section, on a full-time equivalency basis, for each student 50743
enrolled in a community school established under this chapter, the 50744
department of education annually shall deduct from the state 50745
education aid of a student's resident district and, if necessary, 50746
from the payment made to the district under sections 321.24 and 50747
323.156 of the Revised Code and pay to the community school the 50748
sum of the following: 50749

(a) An opportunity grant in an amount equal to the formula 50750
amount; 50751

(b) The per pupil amount of targeted assistance funds 50752
calculated under division (A) of section 3317.0217 of the Revised 50753
Code for the student's resident district, as determined by the 50754
department, X 0.25; 50755

(c) Additional state aid for special education and related 50756
services provided under Chapter 3323. of the Revised Code as 50757

follows:	50758
(i) If the student is a category one special education student, the amount specified in division (A) of section 3317.013 of the Revised Code;	50759 50760 50761
(ii) If the student is a category two special education student, the amount specified in division (B) of section 3317.013 of the Revised Code;	50762 50763 50764
(iii) If the student is a category three special education student, the amount specified in division (C) of section 3317.013 of the Revised Code;	50765 50766 50767
(iv) If the student is a category four special education student, the amount specified in division (D) of section 3317.013 of the Revised Code;	50768 50769 50770
(v) If the student is a category five special education student, the amount specified in division (E) of section 3317.013 of the Revised Code;	50771 50772 50773
(vi) If the student is a category six special education student, the amount specified in division (F) of section 3317.013 of the Revised Code.	50774 50775 50776
(d) If the student is in kindergarten through third grade, an additional amount of \$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , and \$290 <u>\$320</u> , in fiscal year 2015 <u>2017</u> ;	50777 50778 50779
(e) If the student is economically disadvantaged, an additional amount equal to the following:	50780 50781
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the resident district's economically disadvantaged index)	50782 50783
(f) Limited English proficiency funds as follows:	50784
(i) If the student is a category one limited English proficient student, the amount specified in division (A) of section 3317.016 of the Revised Code;	50785 50786 50787

(ii) If the student is a category two limited English proficient student, the amount specified in division (B) of section 3317.016 of the Revised Code;	50788 50789 50790
(iii) If the student is a category three limited English proficient student, the amount specified in division (C) of section 3317.016 of the Revised Code.	50791 50792 50793
(g) If the student is reported under division (B)(2)(d) of this section, career-technical education funds as follows:	50794 50795
(i) If the student is a category one career-technical education student, the amount specified in division (A) of section 3317.014 of the Revised Code;	50796 50797 50798
(ii) If the student is a category two career-technical education student, the amount specified in division (B) of section 3317.014 of the Revised Code;	50799 50800 50801
(iii) If the student is a category three career-technical education student, the amount specified in division (C) of section 3317.014 of the Revised Code;	50802 50803 50804
(iv) If the student is a category four career-technical education student, the amount specified in division (D) of section 3317.014 of the Revised Code;	50805 50806 50807
(v) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code.	50808 50809 50810
Deduction and payment of funds under division (C)(1)(g) of this section is subject to approval by the lead district of a career-technical planning district or the department of education under section 3317.161 of the Revised Code.	50811 50812 50813 50814
(2) When deducting from the state education aid of a student's resident district for students enrolled in an internet- or computer-based community school and making payments to such	50815 50816 50817

school under this section, the department shall make the 50818
deductions and payments described in only divisions (C)(1)(a), 50819
(c), and (g) of this section. 50820

No deductions or payments shall be made for a student 50821
enrolled in such school under division (C)(1)(b), (d), (e), or (f) 50822
of this section. 50823

(3)(a) If a community school's costs for a fiscal year for a 50824
student receiving special education and related services pursuant 50825
to an IEP for a disability described in divisions (B) to (F) of 50826
section 3317.013 of the Revised Code exceed the threshold 50827
catastrophic cost for serving the student as specified in division 50828
(B) of section 3317.0214 of the Revised Code, the school may 50829
submit to the superintendent of public instruction documentation, 50830
as prescribed by the superintendent, of all its costs for that 50831
student. Upon submission of documentation for a student of the 50832
type and in the manner prescribed, the department shall pay to the 50833
community school an amount equal to the school's costs for the 50834
student in excess of the threshold catastrophic costs. 50835

(b) The community school shall report under division 50836
(C)(3)(a) of this section, and the department shall pay for, only 50837
the costs of educational expenses and the related services 50838
provided to the student in accordance with the student's 50839
individualized education program. Any legal fees, court costs, or 50840
other costs associated with any cause of action relating to the 50841
student may not be included in the amount. 50842

(4) In any fiscal year, a community school receiving funds 50843
under division (C)(1)(g) of this section shall spend those funds 50844
only for the purposes that the department designates as approved 50845
for career-technical education expenses. Career-technical 50846
education expenses approved by the department shall include only 50847
expenses connected to the delivery of career-technical programming 50848
to career-technical students. The department shall require the 50849

school to report data annually so that the department may monitor 50850
the school's compliance with the requirements regarding the manner 50851
in which funding received under division (C)(1)(g) of this section 50852
may be spent. 50853

(5) All funds received under division (C)(1)(g) of this 50854
section shall be spent in the following manner: 50855

(a) At least seventy-five per cent of the funds shall be 50856
spent on curriculum development, purchase, and implementation; 50857
instructional resources and supplies; industry-based program 50858
certification; student assessment, credentialing, and placement; 50859
curriculum specific equipment purchases and leases; 50860
career-technical student organization fees and expenses; home and 50861
agency linkages; work-based learning experiences; professional 50862
development; and other costs directly associated with 50863
career-technical education programs including development of new 50864
programs. 50865

(b) Not more than twenty-five per cent of the funds shall be 50866
used for personnel expenditures. 50867

(6) A community school shall spend the funds it receives 50868
under division (C)(1)(e) of this section in accordance with 50869
section 3317.25 of the Revised Code. 50870

(7) If the sum of the payments computed under divisions 50871
(C)(1) and (8)(a) of this section for the students entitled to 50872
attend school in a particular school district under sections 50873
3313.64 and 3313.65 of the Revised Code exceeds the sum of that 50874
district's state education aid and its payment under sections 50875
321.24 and 323.156 of the Revised Code, the department shall 50876
calculate and apply a proration factor to the payments to all 50877
community schools under that division for the students entitled to 50878
attend school in that district. 50879

(8)(a) Subject to division (C)(7) of this section, the 50880

department annually shall pay to each community school, including 50881
each internet- or computer-based community school, an amount equal 50882
to the following: 50883

(The number of students reported by the community school 50884
under division (B)(2)(e) of this section X the formula amount X 50885
.20) 50886

(b) For each payment made to a community school under 50887
division (C)(8)(a) of this section, the department shall deduct 50888
from the state education aid of each city, local, and exempted 50889
village school district and, if necessary, from the payment made 50890
to the district under sections 321.24 and 323.156 of the Revised 50891
Code an amount equal to the following: 50892

(The number of the district's students reported by the 50893
community school under division (B)(2)(e) of this section X the 50894
formula amount X .20) 50895

(D) A board of education sponsoring a community school may 50896
utilize local funds to make enhancement grants to the school or 50897
may agree, either as part of the contract or separately, to 50898
provide any specific services to the community school at no cost 50899
to the school. 50900

(E) A community school may not levy taxes or issue bonds 50901
secured by tax revenues. 50902

(F) No community school shall charge tuition for the 50903
enrollment of any student who is a resident of this state. A 50904
community school may charge tuition for the enrollment of any 50905
student who is not a resident of this state. 50906

(G)(1)(a) A community school may borrow money to pay any 50907
necessary and actual expenses of the school in anticipation of the 50908
receipt of any portion of the payments to be received by the 50909
school pursuant to division (C) of this section. The school may 50910
issue notes to evidence such borrowing. The proceeds of the notes 50911

shall be used only for the purposes for which the anticipated 50912
receipts may be lawfully expended by the school. 50913

(b) A school may also borrow money for a term not to exceed 50914
fifteen years for the purpose of acquiring facilities. 50915

(2) Except for any amount guaranteed under section 3318.50 of 50916
the Revised Code, the state is not liable for debt incurred by the 50917
governing authority of a community school. 50918

(H) The department of education shall adjust the amounts 50919
subtracted and paid under division (C) of this section to reflect 50920
any enrollment of students in community schools for less than the 50921
equivalent of a full school year. The state board of education 50922
within ninety days after April 8, 2003, shall adopt in accordance 50923
with Chapter 119. of the Revised Code rules governing the payments 50924
to community schools under this section including initial payments 50925
in a school year and adjustments and reductions made in subsequent 50926
periodic payments to community schools and corresponding 50927
deductions from school district accounts as provided under 50928
division (C) of this section. For purposes of this section: 50929

(1) A student shall be considered enrolled in the community 50930
school for any portion of the school year the student is 50931
participating at a college under Chapter 3365. of the Revised 50932
Code. 50933

(2) A student shall be considered to be enrolled in a 50934
community school for the period of time beginning on the later of 50935
the date on which the school both has received documentation of 50936
the student's enrollment from a parent and the student has 50937
commenced participation in learning opportunities as defined in 50938
the contract with the sponsor, or thirty days prior to the date on 50939
which the student is entered into the education management 50940
information system established under section 3301.0714 of the 50941
Revised Code. For purposes of applying this division and divisions 50942

(H)(3) and (4) of this section to a community school student, 50943
"learning opportunities" shall be defined in the contract, which 50944
shall describe both classroom-based and non-classroom-based 50945
learning opportunities and shall be in compliance with criteria 50946
and documentation requirements for student participation which 50947
shall be established by the department. Any student's instruction 50948
time in non-classroom-based learning opportunities shall be 50949
certified by an employee of the community school. A student's 50950
enrollment shall be considered to cease on the date on which any 50951
of the following occur: 50952

(a) The community school receives documentation from a parent 50953
terminating enrollment of the student. 50954

(b) The community school is provided documentation of a 50955
student's enrollment in another public or private school. 50956

(c) The community school ceases to offer learning 50957
opportunities to the student pursuant to the terms of the contract 50958
with the sponsor or the operation of any provision of this 50959
chapter. 50960

Except as otherwise specified in this paragraph, beginning in 50961
the 2011-2012 school year, any student who completed the prior 50962
school year in an internet- or computer-based community school 50963
shall be considered to be enrolled in the same school in the 50964
subsequent school year until the student's enrollment has ceased 50965
as specified in division (H)(2) of this section. The department 50966
shall continue subtracting and paying amounts for the student 50967
under division (C) of this section without interruption at the 50968
start of the subsequent school year. However, if the student 50969
without a legitimate excuse fails to participate in the first one 50970
hundred five consecutive hours of learning opportunities offered 50971
to the student in that subsequent school year, the student shall 50972
be considered not to have re-enrolled in the school for that 50973
school year and the department shall recalculate the payments to 50974

the school for that school year to account for the fact that the student is not enrolled.

(3) The department shall determine each community school student's percentage of full-time equivalency based on the percentage of learning opportunities offered by the community school to that student, reported either as number of hours or number of days, is of the total learning opportunities offered by the community school to a student who attends for the school's entire school year. However, no internet- or computer-based community school shall be credited for any time a student spends participating in learning opportunities beyond ten hours within any period of twenty-four consecutive hours. Whether it reports hours or days of learning opportunities, each community school shall offer not less than nine hundred twenty hours of learning opportunities during the school year.

(4) With respect to the calculation of full-time equivalency under division (H)(3) of this section, the department shall waive the number of hours or days of learning opportunities not offered to a student because the community school was closed during the school year due to disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for school use, so long as the school was actually open for instruction with students in attendance during that school year for not less than the minimum number of hours required by this chapter. The department shall treat the school as if it were open for instruction with students in attendance during the hours or days waived under this division.

(I) The department of education shall reduce the amounts paid under this section to reflect payments made to colleges under

section 3365.07 of the Revised Code. 51007

(J)(1) No student shall be considered enrolled in any 51008
internet- or computer-based community school or, if applicable to 51009
the student, in any community school that is required to provide 51010
the student with a computer pursuant to division (C) of section 51011
3314.22 of the Revised Code, unless both of the following 51012
conditions are satisfied: 51013

(a) The student possesses or has been provided with all 51014
required hardware and software materials and all such materials 51015
are operational so that the student is capable of fully 51016
participating in the learning opportunities specified in the 51017
contract between the school and the school's sponsor as required 51018
by division (A)(23) of section 3314.03 of the Revised Code; 51019

(b) The school is in compliance with division (A) of section 51020
3314.22 of the Revised Code, relative to such student. 51021

(2) In accordance with policies adopted jointly by the 51022
superintendent of public instruction and the auditor of state, the 51023
department shall reduce the amounts otherwise payable under 51024
division (C) of this section to any community school that includes 51025
in its program the provision of computer hardware and software 51026
materials to any student, if such hardware and software materials 51027
have not been delivered, installed, and activated for each such 51028
student in a timely manner or other educational materials or 51029
services have not been provided according to the contract between 51030
the individual community school and its sponsor. 51031

The superintendent of public instruction and the auditor of 51032
state shall jointly establish a method for auditing any community 51033
school to which this division pertains to ensure compliance with 51034
this section. 51035

The superintendent, auditor of state, and the governor shall 51036
jointly make recommendations to the general assembly for 51037

legislative changes that may be required to assure fiscal and 51038
academic accountability for such schools. 51039

(K)(1) If the department determines that a review of a 51040
community school's enrollment is necessary, such review shall be 51041
completed and written notice of the findings shall be provided to 51042
the governing authority of the community school and its sponsor 51043
within ninety days of the end of the community school's fiscal 51044
year, unless extended for a period not to exceed thirty additional 51045
days for one of the following reasons: 51046

(a) The department and the community school mutually agree to 51047
the extension. 51048

(b) Delays in data submission caused by either a community 51049
school or its sponsor. 51050

(2) If the review results in a finding that additional 51051
funding is owed to the school, such payment shall be made within 51052
thirty days of the written notice. If the review results in a 51053
finding that the community school owes moneys to the state, the 51054
following procedure shall apply: 51055

(a) Within ten business days of the receipt of the notice of 51056
findings, the community school may appeal the department's 51057
determination to the state board of education or its designee. 51058

(b) The board or its designee shall conduct an informal 51059
hearing on the matter within thirty days of receipt of such an 51060
appeal and shall issue a decision within fifteen days of the 51061
conclusion of the hearing. 51062

(c) If the board has enlisted a designee to conduct the 51063
hearing, the designee shall certify its decision to the board. The 51064
board may accept the decision of the designee or may reject the 51065
decision of the designee and issue its own decision on the matter. 51066

(d) Any decision made by the board under this division is 51067

final. 51068

(3) If it is decided that the community school owes moneys to 51069
the state, the department shall deduct such amount from the 51070
school's future payments in accordance with guidelines issued by 51071
the superintendent of public instruction. 51072

(L) The department shall not subtract from a school 51073
district's state aid account and shall not pay to a community 51074
school under division (C) of this section any amount for any of 51075
the following: 51076

(1) Any student who has graduated from the twelfth grade of a 51077
public or nonpublic high school; 51078

(2) Any student who is not a resident of the state; 51079

(3) Any student who was enrolled in the community school 51080
during the previous school year when assessments were administered 51081
under section 3301.0711 of the Revised Code but did not take one 51082
or more of the assessments required by that section and was not 51083
excused pursuant to division (C)(1) or (3) of that section, unless 51084
the superintendent of public instruction grants the student a 51085
waiver from the requirement to take the assessment and a parent is 51086
not paying tuition for the student pursuant to section 3314.26 of 51087
the Revised Code. The superintendent may grant a waiver only for 51088
good cause in accordance with rules adopted by the state board of 51089
education. 51090

(4) Any student who has attained the age of twenty-two years, 51091
except for veterans of the armed services whose attendance was 51092
interrupted before completing the recognized twelve-year course of 51093
the public schools by reason of induction or enlistment in the 51094
armed forces and who apply for enrollment in a community school 51095
not later than four years after termination of war or their 51096
honorable discharge. If, however, any such veteran elects to 51097
enroll in special courses organized for veterans for whom tuition 51098

is paid under federal law, or otherwise, the department shall not 51099
subtract from a school district's state aid account and shall not 51100
pay to a community school under division (C) of this section any 51101
amount for that veteran. 51102

Sec. 3314.085. (A) For purposes of this section: 51103

(1) "Formula amount" has the same meaning as in section 51104
3317.02 of the Revised Code. 51105

(2) "Four-year adjusted cohort graduation rate" has the same 51106
meaning as in section 3302.01 of the Revised Code. 51107

(3) A community school's "third-grade reading proficiency 51108
percentage" means the following quotient: 51109

The number of the school's students scoring at a proficient level 51110
of skill or higher on the third-grade English language arts 51111
assessment prescribed under division (A)(1)(a) of section 51112
3301.0710 of the Revised Code for the immediately preceding school 51113
year / the total number of the school's students required to take 51114
that assessment for the immediately preceding school year 51115

(B) In addition to the payments made under section 3314.08 of 51116
the Revised Code, the department of education shall annually pay 51117
to each community school both of the following: 51118

(1) A graduation bonus calculated according to the following 51119
formula: 51120

The school's four-year adjusted cohort graduation rate on its most 51121
recent report card issued by the department under section 3302.03 51122
or 3314.017 of the Revised Code X 0.05 X the formula amount X the 51123
number of the school's graduates reported to the department, in 51124
accordance with the guidelines adopted under section 3301.0714 of 51125
the Revised Code, for the same school year for which the most 51126
recent report card was issued 51127

(2) A third-grade reading bonus calculated according to the 51128

following formula: 51129

The school's third-grade reading proficiency percentage X 0.15 X 51130

the formula amount X the number of the school's students scoring 51131

at a proficient level or higher on the third-grade English 51132

language arts assessment prescribed under division (A)(1)(a) of 51133

section 3301.0710 of the Revised Code for the immediately 51134

preceding school year 51135

Sec. 3314.091. (A) A school district is not required to 51136

provide transportation for any native student enrolled in a 51137

community school if the district board of education has entered 51138

into an agreement with the community school's governing authority 51139

that designates the community school as responsible for providing 51140

or arranging for the transportation of the district's native 51141

students to and from the community school. For any such agreement 51142

to be effective, it must be certified by the superintendent of 51143

public instruction as having met all of the following 51144

requirements: 51145

(1) It is submitted to the department of education by a 51146

deadline which shall be established by the department. 51147

(2) In accordance with divisions (C)(1) and (2) of this 51148

section, it specifies qualifications, such as residing a minimum 51149

distance from the school, for students to have their 51150

transportation provided or arranged. 51151

(3) The transportation provided by the community school is 51152

subject to all provisions of the Revised Code and all rules 51153

adopted under the Revised Code pertaining to pupil transportation. 51154

(4) The sponsor of the community school also has signed the 51155

agreement. 51156

(B)(1) For the school year that begins on July 1, 2007, a 51157

school district is not required to provide transportation for any 51158

native student enrolled in a community school, if the community 51159
school during the previous school year transported the students 51160
enrolled in the school or arranged for the students' 51161
transportation, even if that arrangement consisted of having 51162
parents transport their children to and from the school, but did 51163
not enter into an agreement to transport or arrange for 51164
transportation for those students under division (A) of this 51165
section, and if the governing authority of the community school by 51166
July 15, 2007, submits written notification to the district board 51167
of education stating that the governing authority is accepting 51168
responsibility for providing or arranging for the transportation 51169
of the district's native students to and from the community 51170
school. 51171

(2) Except as provided in division (B)(4) of this section, 51172
for any school year subsequent to the school year that begins on 51173
July 1, 2007, a school district is not required to provide 51174
transportation for any native student enrolled in a community 51175
school if the governing authority of the community school, by the 51176
thirty-first day of January of the previous school year, submits 51177
written notification to the district board of education stating 51178
that the governing authority is accepting responsibility for 51179
providing or arranging for the transportation of the district's 51180
native students to and from the community school. If the governing 51181
authority of the community school has previously accepted 51182
responsibility for providing or arranging for the transportation 51183
of a district's native students to and from the community school, 51184
under division (B)(1) or (2) of this section, and has since 51185
relinquished that responsibility under division (B)(3) of this 51186
section, the governing authority shall not accept that 51187
responsibility again unless the district board consents to the 51188
governing authority's acceptance of that responsibility. 51189

(3) A governing authority's acceptance of responsibility 51190

under division (B)(1) or (2) of this section shall cover an entire 51191
school year, and shall remain in effect for subsequent school 51192
years unless the governing authority submits written notification 51193
to the district board that the governing authority is 51194
relinquishing the responsibility. However, a governing authority 51195
shall not relinquish responsibility for transportation before the 51196
end of a school year, and shall submit the notice relinquishing 51197
responsibility by the thirty-first day of January, in order to 51198
allow the school district reasonable time to prepare 51199
transportation for its native students enrolled in the school. 51200

(4)(a) For any school year that begins on or after July 1, 51201
2014, a school district is not required to provide transportation 51202
for any native student enrolled in a community school scheduled to 51203
open for operation in the current school year, if the governing 51204
authority of the community school, by the fifteenth day of April 51205
of the previous school year, submits written notification to the 51206
district board of education stating that the governing authority 51207
is accepting responsibility for providing or arranging for the 51208
transportation of the district's native students to and from the 51209
community school. 51210

(b) The governing authority of a community school that 51211
accepts responsibility for transporting its students under 51212
division (B)(4)(a) of this section shall comply with divisions 51213
(B)(2) and (3) of this section to renew or relinquish that 51214
authority for subsequent school years. 51215

(C)(1) A community school governing authority that enters 51216
into an agreement under division (A) of this section, or that 51217
accepts responsibility under division (B) of this section, shall 51218
provide or arrange transportation free of any charge for each of 51219
its enrolled students who is required to be transported under 51220
section 3327.01 of the Revised Code ~~or who would otherwise be~~ 51221
~~transported by the school district under the district's~~ 51222

~~transportation policy.~~ The governing authority shall report to the 51223
department of education the number of students transported or for 51224
whom transportation is arranged under this section in accordance 51225
with rules adopted by the state board of education. 51226

(2) The governing authority may provide or arrange 51227
transportation for any other enrolled student who is not eligible 51228
for transportation in accordance with division (C)(1) of this 51229
section and may charge a fee for such service up to the actual 51230
cost of the service. 51231

(3) Notwithstanding anything to the contrary in division 51232
(C)(1) or (2) of this section, a community school governing 51233
authority shall provide or arrange transportation free of any 51234
charge for any disabled student enrolled in the school for whom 51235
the student's individualized education program developed under 51236
Chapter 3323. of the Revised Code specifies transportation. 51237

(D)(1) If a school district board and a community school 51238
governing authority elect to enter into an agreement under 51239
division (A) of this section, the department of education shall 51240
make payments to the community school according to the terms of 51241
the agreement for each student actually transported under division 51242
(C)(1) of this section. 51243

If a community school governing authority accepts 51244
transportation responsibility under division (B) of this section, 51245
the department shall make payments to the community school for 51246
each student actually transported or for whom transportation is 51247
arranged by the community school under division (C)(1) of this 51248
section, calculated as follows: 51249

(a) For any fiscal year which the general assembly has 51250
specified that transportation payments to school districts be 51251
based on an across-the-board percentage of the district's payment 51252
for the previous school year, the per pupil payment to the 51253

community school shall be the following quotient: 51254

(i) The total amount calculated for the school district in 51255
which the child is entitled to attend school for student 51256
transportation other than transportation of children with 51257
disabilities; divided by 51258

(ii) The number of students included in the district's 51259
transportation ADM for the current fiscal year, as calculated 51260
under section 3317.03 of the Revised Code, plus the number of 51261
students enrolled in the community school not counted in the 51262
district's transportation ADM who are transported under division 51263
(B)(1) or (2) of this section. 51264

(b) For any fiscal year which the general assembly has 51265
specified that the transportation payments to school districts be 51266
calculated in accordance with section 3317.0212 of the Revised 51267
Code and any rules of the state board of education implementing 51268
that section, the payment to the community school shall be the 51269
amount so calculated on a per rider basis that otherwise would be 51270
paid to the school district in which the student is entitled to 51271
attend school by the method of transportation the district would 51272
have used. The community school, however, is not required to use 51273
the same method to transport that student. 51274

(c) Divisions (D)(1)(a) and (b) of this section do not apply 51275
to fiscal years 2012 and 2013. Rather, for each of those fiscal 51276
years, the per pupil payment to a community school for 51277
transporting a student shall be the total amount paid under former 51278
section 3306.12 of the Revised Code for fiscal year 2011 to the 51279
school district in which the child is entitled to attend school 51280
divided by that district's "qualifying ridership," as defined in 51281
that section for fiscal year 2011. 51282

As used in this division "entitled to attend school" means 51283
entitled to attend school under section 3313.64 or 3313.65 of the 51284

Revised Code. 51285

(2) The department shall deduct the payment under division 51286
(D)(1) of this section from the state education aid, as defined in 51287
section 3314.08 of the Revised Code, and, if necessary, the 51288
payment under sections 321.14 and 323.156 of the Revised Code, 51289
that is otherwise paid to the school district in which the student 51290
enrolled in the community school is entitled to attend school. The 51291
department shall include the number of the district's native 51292
students for whom payment is made to a community school under 51293
division (D)(1) of this section in the calculation of the 51294
district's transportation payment under section 3317.0212 of the 51295
Revised Code and the operating appropriations act. 51296

(3) A community school shall be paid under division (D)(1) of 51297
this section only for students who are eligible as specified in 51298
section 3327.01 of the Revised Code and division (C)(1) of this 51299
section, and whose transportation to and from school is actually 51300
provided, who actually utilized transportation arranged, or for 51301
whom a payment in lieu of transportation is made by the community 51302
school's governing authority. To qualify for the payments, the 51303
community school shall report to the department, in the form and 51304
manner required by the department, data on the number of students 51305
transported or whose transportation is arranged, the number of 51306
miles traveled, cost to transport, and any other information 51307
requested by the department. 51308

(4) A community school shall use payments received under this 51309
section solely to pay the costs of providing or arranging for the 51310
transportation of students who are eligible as specified in 51311
section 3327.01 of the Revised Code and division (C)(1) of this 51312
section, which may include payments to a parent, guardian, or 51313
other person in charge of a child in lieu of transportation. 51314

(E) Except when arranged through payment to a parent, 51315
guardian, or person in charge of a child, transportation provided 51316

or arranged for by a community school pursuant to an agreement 51317
under this section is subject to all provisions of the Revised 51318
Code, and all rules adopted under the Revised Code, pertaining to 51319
the construction, design, equipment, and operation of school buses 51320
and other vehicles transporting students to and from school. The 51321
drivers and mechanics of the vehicles are subject to all 51322
provisions of the Revised Code, and all rules adopted under the 51323
Revised Code, pertaining to drivers and mechanics of such 51324
vehicles. The community school also shall comply with sections 51325
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 51326
of section 3327.16 of the Revised Code and, subject to division 51327
(C)(1) of this section, sections 3327.01 and 3327.02 of the 51328
Revised Code, as if it were a school district. 51329

Sec. 3314.38. (A) An individual who is at least twenty-two 51330
years of age and who is an eligible individual as defined in 51331
section 3317.23 of the Revised Code may enroll for up to two 51332
~~cumulative~~ consecutive school years in a dropout prevention and 51333
recovery program operated by a community school that is designed 51334
to allow enrollees to earn a high school diploma. An individual 51335
enrolled under this division may elect to satisfy the requirements 51336
to earn a high school diploma by successfully completing a 51337
competency-based ~~instructional~~ educational program, as defined in 51338
section 3317.23 of the Revised Code, that complies with the 51339
standards adopted by the ~~state board~~ department of education under 51340
section 3317.231 of the Revised Code. The community school shall 51341
report that individual's enrollment on a full-time equivalency 51342
basis to the department ~~of education~~. This report shall be in 51343
addition to the report required under division (B) of section 51344
3314.08 of the Revised Code. An individual enrolled under this 51345
division shall not be assigned to classes or settings with 51346
students who are younger than eighteen years of age. 51347

(B)(1) For each community school that enrolls individuals 51348

under division (A) of this section, the department ~~of education~~ 51349
annually shall certify the enrollment and attendance, on a 51350
full-time equivalency basis, of each individual reported by the 51351
school under that division. 51352

(2) For each individual enrolled in a community school under 51353
division (A) of this section, the department annually shall pay ~~to~~ 51354
the community school ~~an amount equal to the following:~~ 51355

~~\$5,000 X the individual's enrollment on a full-time~~ 51356
~~equivalency basis as certified under division (B)(1) of this~~ 51357
~~section X the portion of the school year in which the individual~~ 51358
~~is enrolled in the school expressed as a percentage up to \$5,000,~~ 51359
as determined by the department based on the extent of the 51360
individual's successful completion of the graduation requirements 51361
prescribed under division (A)(11)(f) of section 3314.03 of the 51362
Revised Code. 51363

(C) A community school that enrolls individuals under 51364
division (A) of this section shall be subject to the program 51365
administration standards adopted by the ~~state board~~ department 51366
under section 3317.231 of the Revised Code, as applicable. 51367

Sec. 3314.39. (A) A five-year parental engagement pilot 51368
project is hereby established at the community school known as 51369
DECA prep. The pilot project is a research and development 51370
initiative to study the impact of required parental engagement for 51371
low-performing students and shall provide additional educational 51372
opportunities to students and coaching for parents. The pilot 51373
project shall begin with the 2016-2017 school year and shall 51374
operate through the 2020-2021 school year. 51375

(B) Under the pilot project, DECA prep shall work together 51376
with an institution of higher education in the state to design and 51377
perform a five-year study on the pilot project. 51378

(C) Any funds appropriated by the general assembly for the pilot project established under this section shall be used to pay for additional teaching resources to provide additional educational opportunities to students and coaching for parents on Saturdays and nonschool hours throughout the week. 51379
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The auditor of state shall administer program and certify to the director of budget and management the amounts to be paid to DECA prep for purposes of this section. The auditor of state shall certify amounts based on conditions that the auditor of state develops jointly with the department of education and DECA prep. 51384
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(D) Notwithstanding anything to the contrary in this chapter, DECA prep may require parents of students identified as low-performing, to agree to attend coaching classes and ensure that their children complete the additional requirements under the pilot project as a condition of enrollment. A student whose parent fails to comply with the agreement shall not be offered admission to the school for the following school year. 51389
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(E) Any additional resources and academic support provided under this section shall supplement and not replace academic interventions or accommodations otherwise required and provided under other provisions of law, including, but not limited to, an individualized education program under Chapter 3323. of the Revised Code. 51396
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(F) As used in this section: 51402

(1) "DECA prep" means Dayton early college academy preparatory, incorporated. 51403
51404

(2) The governing authority of DECA prep shall determine if a student is "low-performing" for purposes of this section using special assessments. 51405
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51407

(3) "Parent" has the same meaning as in section 3313.98 of the Revised Code. 51408
51409

Sec. 3314.50. No community school shall, on or after the 51410
effective date of this ~~section~~ amendment, open for operation ~~in~~ 51411
~~any school year~~ unless the governing authority of the school has 51412
posted a surety bond in the amount of fifty thousand dollars with 51413
the auditor of state. ~~In lieu of a surety bond, a community school~~ 51414
~~governing authority may deposit with the auditor of state cash in~~ 51415
~~the amount of fifty thousand dollars as a guarantee of payment.~~ 51416
The bond or cash guarantee shall be used, in the event the school 51417
closes, to pay the auditor of state any moneys owed or that become 51418
owed by the school for the costs of audits conducted by the 51419
auditor of state or a public accountant under Chapter 117. of the 51420
Revised Code. 51421

~~Immediately upon~~ The department of education shall notify the 51422
auditor of state of the proposed initiation of operations of any 51423
community school and shall provide the auditor of state with the 51424
certification of the sponsor of the community school of the 51425
compliance by the community school with all legal preconditions to 51426
the initiation of its operations, including compliance with this 51427
section. 51428

In lieu of the surety bond, the governing authority of the 51429
school, the school's sponsor, or an operator that has a contract 51430
with the school may deposit with the auditor of state cash in the 51431
amount of fifty thousand dollars as guarantee of payment under the 51432
provisions of this section. In lieu of a surety bond or a cash 51433
deposit, the school's sponsor or an operator that has a contract 51434
with the school may provide a written guarantee of payment, which 51435
shall obligate the school's sponsor or the operator that provides 51436
the written guarantee to pay the cost of audits of the school 51437
under this section up to the amount of fifty thousand dollars. Any 51438
such written guarantee shall be binding upon any successor entity 51439
which enters into a contract to sponsor or to operate the school, 51440
and any such entity, as a condition of its undertaking shall 51441

acknowledge and accept such obligation. 51442

In the event that a sponsor or operator has provided a 51443
written guarantee under this section, and, subsequent to the 51444
provision of the guarantee, the governing authority of the school 51445
posts a surety bond under this section, or the governing authority 51446
of the school, a sponsor, or an operator provides a cash deposit 51447
of fifty thousand dollars as required, the written guarantee shall 51448
cease to be of further effect. 51449

As soon as it is practicable to do so after the filing of a 51450
surety bond or the deposit of cash, the auditor of state shall 51451
deliver the bond or cash to the treasurer of state, who shall hold 51452
it in trust for the purposes prescribed in this section. The 51453
treasurer of state shall be responsible for the safekeeping of all 51454
surety bonds filed or cash deposited under this section. The 51455
auditor of state shall notify the department of education when the 51456
school's governing authority has filed the bond or deposited the 51457
cash guarantee. 51458

When the auditor of state ~~finds that a community school has~~ 51459
~~closed and cannot pay for the costs of audits,~~ conducts an audit 51460
of a community school that has closed and is subject to the 51461
requirements of this section the auditor of state ~~shall declare~~ 51462
~~the surety bond or cash deposit forfeited.~~ The auditor of state 51463
shall certify the amount of forfeiture to the treasurer of state, 51464
who shall assess the surety bond for the costs of the audit or 51465
shall pay money from the named surety or from the school's cash 51466
deposit ~~as needed~~ for the costs of the audit to reimburse the 51467
auditor of state or public accountant for costs incurred in 51468
conducting audits of the school. 51469

To the extent that the amount of the surety bond or the cash 51470
deposit is not needed to cover audit costs, the surety bond shall 51471
be of no further effect, and any cash balance shall be refunded by 51472
the treasurer of state to the entity which provided the bond. When 51473

the auditor of state conducts an audit of a community school that 51474
has closed and is subject to the requirements of this section, 51475
and, as to which, a written guarantee has been given under this 51476
section, the entity that provided the guarantee shall be solely 51477
and fully liable for any such audit costs, and shall promptly pay 51478
the costs of the audit up to fifty thousand dollars. 51479

No community school that is subject to the provisions of this 51480
section shall maintain or continue its operations absent the 51481
ongoing provision of a surety bond, a cash deposit, or a written 51482
guarantee as required by this section. 51483

Sec. 3315.08. In any school district the salaries of all 51484
employees and officers of the board of education and all payrolls 51485
may be paid in such manner as the board may authorize. To provide 51486
money for such payment if made in cash, the president and the 51487
treasurer of the board shall, upon receipt of the proper payroll 51488
and warrant, issue checks upon the depositories payable to the 51489
treasurer of the board for the aggregate amounts stated in such 51490
payrolls. The treasurer may thereupon make payments to employees 51491
and officers in cash, or the board may provide that the sums 51492
called for by such checks, instead of being paid to the treasurer, 51493
shall be transferred to special payroll accounts established in 51494
depositories by the board upon such terms with the respective 51495
banks as to interest upon daily cash balances in said special 51496
payroll accounts, and under such other conditions as the board 51497
prescribes. In the event such special payroll accounts are 51498
established by a board, such accounts may be drawn against by 51499
check of the treasurer of the board according to such procedure as 51500
the board may prescribe. In the event a board creates a payroll 51501
account, any bond given by the depository, under section 135.18 51502
~~or~~, 135.181, or 135.182 of the Revised Code, shall also be for the 51503
protection of such special payroll account as may be deposited in 51504
said bank. The aggregate of all board deposits in a bank, 51505

including special payroll accounts as authorized in this section, 51506
must not exceed the aggregate of the bond given by the bank. The 51507
aggregate of all deposits in a bank, including special payroll 51508
accounts, shall be subject to sections 135.01 to 135.21 of the 51509
Revised Code. 51510

Sec. 3317.01. As used in this section, "school district," 51511
unless otherwise specified, means any city, local, exempted 51512
village, joint vocational, or cooperative education school 51513
district and any educational service center. 51514

This chapter shall be administered by the state board of 51515
education. The superintendent of public instruction shall 51516
calculate the amounts payable to each school district and shall 51517
certify the amounts payable to each eligible district to the 51518
treasurer of the district as provided by this chapter. As soon as 51519
possible after such amounts are calculated, the superintendent 51520
shall certify to the treasurer of each school district the 51521
district's adjusted charge-off increase, as defined in section 51522
5705.211 of the Revised Code. Certification of moneys pursuant to 51523
this section shall include the amounts payable to each school 51524
building, at a frequency determined by the superintendent, for 51525
each subgroup of students, as defined in section 3317.40 of the 51526
Revised Code, receiving services, provided for by state funding, 51527
from the district or school. No moneys shall be distributed 51528
pursuant to this chapter without the approval of the controlling 51529
board. 51530

The state board of education shall, in accordance with 51531
appropriations made by the general assembly, meet the financial 51532
obligations of this chapter. 51533

Moneys distributed to school districts pursuant to this 51534
chapter shall be calculated based on the annual enrollment 51535
calculated from the three reports required under sections 3317.03 51536

and 3317.036 of the Revised Code and paid on a fiscal year basis, 51537
beginning with the first day of July and extending through the 51538
thirtieth day of June. In any given fiscal year, prior to school 51539
districts submitting the first report required under section 51540
3317.03 of the Revised Code, enrollment for the districts shall be 51541
calculated based on the third report submitted by the districts 51542
for the previous fiscal year. The moneys appropriated for each 51543
fiscal year shall be distributed periodically to each school 51544
district unless otherwise provided for. The state board, in June 51545
of each year, shall submit to the controlling board the state 51546
board's year-end distributions pursuant to this chapter. 51547

Except as otherwise provided, payments under this chapter 51548
shall be made only to those school districts in which: 51549

(A) The school district, except for any educational service 51550
center and any joint vocational or cooperative education school 51551
district, levies for current operating expenses at least twenty 51552
mills. Levies for joint vocational or cooperative education school 51553
districts or county school financing districts, limited to or to 51554
the extent apportioned to current expenses, shall be included in 51555
this qualification requirement. School district income tax levies 51556
under Chapter 5748. of the Revised Code, limited to or to the 51557
extent apportioned to current operating expenses, shall be 51558
included in this qualification requirement to the extent 51559
determined by the tax commissioner under division (D) of section 51560
3317.021 of the Revised Code. 51561

(B) The school year next preceding the fiscal year for which 51562
such payments are authorized meets the requirement of section 51563
3313.48 of the Revised Code, with regard to the minimum number of 51564
hours school must be open for instruction with pupils in 51565
attendance, for individualized parent-teacher conference and 51566
reporting periods, and for professional meetings of teachers. 51567

A school district shall not be considered to have failed to 51568

comply with this division because schools were open for 51569
instruction but either twelfth grade students were excused from 51570
attendance for up to the equivalent of three school days or only a 51571
portion of the kindergarten students were in attendance for up to 51572
the equivalent of three school days in order to allow for the 51573
gradual orientation to school of such students. 51574

A board of education or governing board of an educational 51575
service center which has not conformed with other law and the 51576
rules pursuant thereto, shall not participate in the distribution 51577
of funds authorized by this chapter, except for good and 51578
sufficient reason established to the satisfaction of the state 51579
board of education and the state controlling board. 51580

All funds allocated to school districts under this chapter, 51581
except those specifically allocated for other purposes, shall be 51582
used to pay current operating expenses only. 51583

Sec. 3317.013. The amounts for the following categories of 51584
special education programs, as these programs are defined for 51585
purposes of Chapter 3323. of the Revised Code, are as follows: 51586

(A) An amount of ~~\$1,503~~ \$1,547, in fiscal year ~~2014~~ 2016, or 51587
~~\$1,517~~ \$1,578, in fiscal year ~~2015~~ 2017, for each student whose 51588
primary or only identified disability is a speech and language 51589
disability, as this term is defined pursuant to Chapter 3323. of 51590
the Revised Code; 51591

(B) An amount of ~~\$3,813~~ \$3,926, in fiscal year ~~2014~~ 2016, or 51592
~~\$3,849~~ \$4,005, in fiscal year ~~2015~~ 2017, for each student 51593
identified as specific learning disabled or developmentally 51594
disabled, as these terms are defined pursuant to Chapter 3323. of 51595
the Revised Code, identified as having an other health 51596
impairment-minor, or identified as a preschool child who is 51597
developmentally delayed; 51598

(C) An amount of ~~\$9,160~~ \$9,433, in fiscal year ~~2014~~ 2016, or 51599
~~\$9,248~~ \$9,622, in fiscal year ~~2015~~ 2017, for each student 51600
identified as hearing disabled or severe behavior disabled, as 51601
these terms are defined pursuant to Chapter 3323. of the Revised 51602
Code; 51603

(D) An amount of ~~\$12,225~~ \$12,589, in fiscal year ~~2014~~ 2016, 51604
or ~~\$12,342~~ \$12,841, in fiscal year ~~2015~~ 2017, for each student 51605
identified as vision impaired, as this term is defined pursuant to 51606
Chapter 3323. of the Revised Code, or as having an other health 51607
impairment-major; 51608

(E) An amount of ~~\$16,557~~ \$17,049, in fiscal year ~~2014~~ 2016, 51609
or ~~\$16,715~~ \$17,390, in fiscal year ~~2015~~ 2017, for each student 51610
identified as orthopedically disabled or as having multiple 51611
disabilities, as these terms are defined pursuant to Chapter 3323. 51612
of the Revised Code; 51613

(F) An amount of ~~\$24,407~~ \$25,134, in fiscal year ~~2014~~ 2016, 51614
or ~~\$24,641~~ \$25,637, in fiscal year ~~2015~~ 2017, for each student 51615
identified as autistic, having traumatic brain injuries, or as 51616
both visually and hearing impaired, as these terms are defined 51617
pursuant to Chapter 3323. of the Revised Code. 51618

Sec. 3317.014. The career-technical education additional 51619
amount per pupil for each student enrolled in career-technical 51620
education programs approved by the department of education under 51621
section 3317.161 of the Revised Code shall be as follows: 51622

(A) An amount of ~~\$4,750~~ \$4,992, in fiscal year ~~2014~~ 2016, or 51623
~~\$4,800~~ \$5,192, in fiscal year ~~2015~~ 2017, for each student enrolled 51624
in career-technical education workforce development programs in 51625
agricultural and environmental systems, construction technologies, 51626
engineering and science technologies, finance, health science, 51627
information technology, and manufacturing technologies, each of 51628
which shall be defined by the department in consultation with the 51629

governor's office of workforce transformation; 51630

(B) An amount of ~~\$4,500~~ \$4,732, in fiscal year ~~2014~~ 2016, or 51631
~~\$4,550~~ \$4,921, in fiscal year ~~2015~~ 2017, for each student enrolled 51632
in workforce development programs in business and administration, 51633
hospitality and tourism, human services, law and public safety, 51634
transportation systems, and arts and communications, each of which 51635
shall be defined by the department in consultation with the 51636
governor's office of workforce transformation; 51637

(C) An amount of ~~\$1,650~~ \$1,726, in fiscal year ~~2014~~ 2016, or 51638
~~\$1,660~~ \$1,795, in fiscal year ~~2015~~ 2017, for students enrolled in 51639
career-based intervention programs, which shall be defined by the 51640
department in consultation with the governor's office of workforce 51641
transformation; 51642

(D) An amount of ~~\$1,400~~ \$1,466, in fiscal year ~~2014~~ 2016, or 51643
~~\$1,410~~ \$1,525, in fiscal year ~~2015~~ 2017, for students enrolled in 51644
workforce development programs in education and training, 51645
marketing, workforce development academics, public administration, 51646
and career development, each of which shall be defined by the 51647
department of education in consultation with the governor's office 51648
of workforce transformation; 51649

(E) An amount of ~~\$1,200~~ \$1,258, in fiscal year ~~2014~~ 2016, or 51650
~~\$1,210~~ \$1,308, in fiscal year ~~2015~~ 2017, for students enrolled in 51651
family and consumer science programs, which shall be defined by 51652
the department of education in consultation with the governor's 51653
office of workforce transformation. 51654

The amount for career-technical education associated 51655
services, as defined by the department, shall be ~~\$225~~ \$236, in 51656
fiscal year ~~2014~~ 2016, or ~~\$227~~ \$245, in fiscal year ~~2015~~ 2017. 51657

Sec. 3317.016. The amounts for limited English proficient 51658
students shall be as follows: 51659

(A) An amount of ~~\$1,500, in fiscal year 2014, and \$1,515, in~~ 51660
~~fiscal year 2015,~~ for each student who has been enrolled in 51661
schools in the United States for 180 school days or less and was 51662
not previously exempted from taking the spring administration of 51663
either of the state's English language arts assessments prescribed 51664
by section 3301.0710 of the Revised Code (reading or writing). 51665

(B) An amount of ~~\$1,125, in fiscal year 2014, and \$1,136, in~~ 51666
~~fiscal year 2015,~~ for each student who has been enrolled in 51667
schools in the United States for more than 180 school days or was 51668
previously exempted from taking the spring administration of 51669
either of the state's English language arts assessments prescribed 51670
by section 3301.0710 of the Revised Code (reading or writing). 51671

(C) An amount of ~~\$750, in fiscal year 2014, and \$758, in~~ 51672
~~fiscal year 2015,~~ for each student who does not qualify for 51673
inclusion under division (A) or (B) of this section and is in a 51674
trial-mainstream period, as defined by the department. 51675

Sec. 3317.017. The department of education shall compute a 51676
school district's state share index as follows: 51677

(A) Calculate the district's valuation index, which equals 51678
the following quotient: 51679

(The district's three-year average valuation / the district's 51680
total ADM) / (the statewide three-year average valuation for 51681
school districts with a total ADM greater than zero / the 51682
statewide total ADM) 51683

(B)(1) Calculate the district's median income index, which 51684
equals the following quotient: 51685

(The district's median Ohio adjusted gross income / the 51686
median of the median Ohio adjusted gross income of all districts 51687
statewide with a total ADM greater than zero) 51688

(2) Calculate the district's income index, which equals the 51689

following sum: 51690
(The district's median income index X 0.5) + [(the three-year 51691
average federal adjusted gross income of the school district's 51692
residents / the district's formula ADM) / (the three-year average 51693
federal adjusted gross income of all districts statewide with a 51694
formula ADM greater than zero / the statewide formula ADM)] X 0.5} 51695

(C) Determine the district's wealth index as follows: 51696

(1) If the district's ~~median~~ income index is less than the 51697
district's valuation index and the district's median income index 51698
is less than or equal to 1.5, then the district's wealth index 51699
shall be equal to [~~(1/3 0.4~~ X the district's ~~median~~ income index) 51700
+ (~~2/3 0.6~~ X the district's valuation index)]. 51701

(2) If the district's ~~median~~ income index ~~is greater than or~~ 51702
~~equal to the district's valuation index~~ does not meet both of the 51703
conditions described in division (C)(1) of this section, then the 51704
district's wealth index shall be equal to the district's valuation 51705
index. 51706

(D) Determine the district's state share index as follows: 51707

(1) If the district's wealth index is less than or equal to 51708
0.35, then the district's state share index shall be equal to 51709
0.90. 51710

(2) If the district's wealth index is greater than 0.35 but 51711
less than or equal to 0.90, then the district's state share index 51712
shall be equal to {0.40 X [(0.90 - the district's wealth index) / 51713
0.55]} + 0.50. 51714

(3) If the district's wealth index is greater than 0.90 but 51715
less than 1.8, then the district's state share index shall be 51716
equal to {0.45 X [(1.8 - the district's wealth index) / 0.9]} + 51717
0.05. 51718

(4) If the district's wealth index is greater than or equal 51719

to 1.8, then the district's state share index shall be equal to 51720
0.05. 51721

(E)(1) For each school district for which the tax-exempt 51722
value of the district, as certified under division (A)(4) of 51723
section 3317.021 of the Revised Code, equals or exceeds thirty per 51724
cent of the potential value of the district, the department shall 51725
calculate the difference between the district's tax-exempt value 51726
and thirty per cent of the district's potential value. For this 51727
purpose, the "potential value" of a school district is the 51728
three-year average valuation of the district plus the tax-exempt 51729
value of the district. 51730

(2) For each school district to which division (E)(1) of this 51731
section applies, the department shall adjust the three-year 51732
average valuation used in the calculation under division (A) of 51733
this section by subtracting from it the amount calculated under 51734
division (E)(1) of this section. 51735

(F) When performing the calculations required under this 51736
section, the department shall not round to fewer than four decimal 51737
places. 51738

For purposes of these calculations for fiscal years ~~2014~~ 2016 51739
and ~~2015~~ 2017, ~~"three-year average valuation" means the average of~~ 51740
~~total taxable value for fiscal years 2012, 2013, and 2014;~~ "total 51741
ADM" means the total ADM for fiscal year ~~2014~~ 2015; "median Ohio 51742
adjusted gross income" means the median Ohio adjusted gross 51743
income, as that term is defined in section 5747.01 of the Revised 51744
Code, for tax year 2011 2013; "three-year average federal adjusted 51745
gross income" means the average of the federal adjusted gross 51746
income for tax years 2011, 2012, and 2013 as reported under 51747
section 3317.021 of the Revised Code; and "tax-exempt value" means 51748
the tax-exempt value for ~~fiscal~~ tax year 2014. 51749

Sec. 3317.018. The department of education shall compute a 51750

school district's capacity measure as follows: 51751

(A) Calculate the district's valuation index, which equals 51752
the following quotient: 51753

(The district's three-year average valuation / the district's 51754
total ADM) / (the statewide three-year average valuation for 51755
school districts with a total ADM greater than zero / the 51756
statewide total ADM) 51757

(B) Calculate the district's median income index, which 51758
equals the following quotient: 51759

(The district's median Ohio adjusted gross income / the 51760
median of the median Ohio adjusted gross income of all districts 51761
statewide with a total ADM greater than zero) 51762

(C) Determine the district's capacity measure as follows: 51763

(1) If the district's median income index is less than the 51764
lower limit, then the district's capacity measure shall be equal 51765
to [the district's valuation index - (the lower limit - the 51766
district's median income index)]. 51767

(2) If the district's median income index is greater than or 51768
equal to the lower limit and less than or equal to the upper 51769
limit, then the district's capacity measure shall be equal to the 51770
district's valuation index. 51771

(3) If the district's median income index is greater than the 51772
upper limit, then the district's capacity measure shall be equal 51773
to {the district's valuation index + [(the district's median 51774
income index - the upper limit) X (0.20 in fiscal year 2016 or 51775
0.40 in fiscal year 2017)]}. 51776

For purposes of these calculations, "upper limit" and "lower 51777
limit" shall be computed pursuant to section 3317.019 of the 51778
Revised Code. 51779

(D) Unless otherwise specified in this section, when 51780

performing the calculations required under this section, the 51781
department shall not round to fewer than four decimal places. 51782

(E) For purposes of these calculations: 51783

(1) For fiscal year 2016, "total ADM" means the total ADM for 51784
fiscal year 2015. 51785

(2) For fiscal year 2017, "total ADM" means the total ADM for 51786
fiscal year 2016. 51787

(3) "Median Ohio adjusted gross income" means the median Ohio 51788
adjusted gross income for tax year 2012 or 2013, whichever is the 51789
most recent tax year for which data is available. 51790

(4) "Tax-exempt value" means the tax-exempt value for the 51791
most recent tax year for which data is available. 51792

Sec. 3317.019. (A) The department of education shall 51793
calculate the mean and standard deviation of the median income 51794
indices calculated for all school districts in this state under 51795
division (B) of section 3317.018 of the Revised Code other than 51796
kelley's island local school district, Erie county. 51797

(B) The department shall add one-half of the standard 51798
deviation determined under division (A) of this section to the 51799
mean determined under division (A) of this section and then round 51800
up the sum to two decimal places. This number shall be the "upper 51801
limit" for purposes of the calculations in division (C) of section 51802
3317.018 of the Revised Code. 51803

(C) The department shall subtract one-half of the standard 51804
deviation determined under division (A) of this section from the 51805
mean determined under division (A) of this section and then round 51806
down the difference to two decimal places. This number shall be 51807
the "lower limit" for purposes of the calculations in division (C) 51808
of section 3317.018 of the Revised Code. 51809

Sec. 3317.02. As used in this chapter: 51810

(A)(1) "Category one career-technical education ADM" means 51811
the enrollment of students during the school year on a full-time 51812
equivalency basis in career-technical education programs described 51813
in division (A) of section 3317.014 of the Revised Code and 51814
certified under division (B)(11) or (D)(2)(h) of section 3317.03 51815
of the Revised Code. 51816

(2) "Category two career-technical education ADM" means the 51817
enrollment of students during the school year on a full-time 51818
equivalency basis in career-technical education programs described 51819
in division (B) of section 3317.014 of the Revised Code and 51820
certified under division (B)(12) or (D)(2)(i) of section 3317.03 51821
of the Revised Code. 51822

(3) "Category three career-technical education ADM" means the 51823
enrollment of students during the school year on a full-time 51824
equivalency basis in career-technical education programs described 51825
in division (C) of section 3317.014 of the Revised Code and 51826
certified under division (B)(13) or (D)(2)(j) of section 3317.03 51827
of the Revised Code. 51828

(4) "Category four career-technical education ADM" means the 51829
enrollment of students during the school year on a full-time 51830
equivalency basis in career-technical education programs described 51831
in division (D) of section 3317.014 of the Revised Code and 51832
certified under division (B)(14) or (D)(2)(k) of section 3317.03 51833
of the Revised Code. 51834

(5) "Category five career-technical education ADM" means the 51835
enrollment of students during the school year on a full-time 51836
equivalency basis in career-technical education programs described 51837
in division (E) of section 3317.014 of the Revised Code and 51838
certified under division (B)(15) or (D)(2)(l) of section 3317.03 51839
of the Revised Code. 51840

(B)(1) "Category one limited English proficient ADM" means 51841
the full-time equivalent number of limited English proficient 51842
students described in division (A) of section 3317.016 of the 51843
Revised Code and certified under division (B)(16) or (D)(2)(m) of 51844
section 3317.03 of the Revised Code. 51845

(2) "Category two limited English proficient ADM" means the 51846
full-time equivalent number of limited English proficient students 51847
described in division (B) of section 3317.016 of the Revised Code 51848
and certified under division (B)(17) or (D)(2)(n) of section 51849
3317.03 of the Revised Code. 51850

(3) "Category three limited English proficient ADM" means the 51851
full-time equivalent number of limited English proficient students 51852
described in division (C) of section 3317.016 of the Revised Code 51853
and certified under division (B)(18) or (D)(2)(o) of section 51854
3317.03 of the Revised Code. 51855

(C)(1) "Category one special education ADM" means the 51856
full-time equivalent number of children with disabilities 51857
receiving special education services for the disability specified 51858
in division (A) of section 3317.013 of the Revised Code and 51859
certified under division (B)(5) or (D)(2)(b) of section 3317.03 of 51860
the Revised Code. 51861

(2) "Category two special education ADM" means the full-time 51862
equivalent number of children with disabilities receiving special 51863
education services for those disabilities specified in division 51864
(B) of section 3317.013 of the Revised Code and certified under 51865
division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised 51866
Code. 51867

(3) "Category three special education ADM" means the 51868
full-time equivalent number of students receiving special 51869
education services for those disabilities specified in division 51870
(C) of section 3317.013 of the Revised Code, and certified under 51871

division (B)(7) or (D)(2)(d) of section 3317.03 of the Revised Code. 51872
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(4) "Category four special education ADM" means the full-time equivalent number of students receiving special education services for those disabilities specified in division (D) of section 3317.013 of the Revised Code and certified under division (B)(8) or (D)(2)(e) of section 3317.03 of the Revised Code. 51874
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(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code. 51879
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code. 51884
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(D) "County DD board" means a county board of developmental disabilities. 51889
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(E) "Economically disadvantaged index for a school district" means the square of the quotient of that district's percentage of students in its total ADM who are identified as economically disadvantaged as defined by the department of education, divided by the ~~statewide~~ percentage of students in the statewide total ADM identified as economically disadvantaged. For purposes of this calculation: 51891
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(1) For a city, local, or exempted village school district, the "statewide total ADM" equals the sum of the total ADM for all city, local, and exempted village school districts combined. 51898
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(2) For a joint vocational school district, the "statewide total ADM" equals the sum of the formula ADM for all joint 51901
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vocational school districts combined. 51903

(F)(1) "Formula ADM" means, for a city, local, or exempted 51904
village school district, the enrollment reported under division 51905
(A) of section 3317.03 of the Revised Code, as verified by the 51906
superintendent of public instruction and adjusted if so ordered 51907
under division (K) of that section, and as further adjusted by the 51908
department of education, as follows: 51909

(a) Count only twenty per cent of the number of joint 51910
vocational school district students counted under division (A)(3) 51911
of section 3317.03 of the Revised Code; 51912

(b) Add twenty per cent of the number of students who are 51913
entitled to attend school in the district under section 3313.64 or 51914
3313.65 of the Revised Code and are enrolled in another school 51915
district under a career-technical education compact. 51916

(2) "Formula ADM" means, for a joint vocational school 51917
district, the final number verified by the superintendent of 51918
public instruction, based on the enrollment reported and certified 51919
under division (D) of section 3317.03 of the Revised Code, as 51920
adjusted, if so ordered, under division (K) of that section. 51921

(G) "Formula amount" means ~~\$5,745~~ \$5,900, for fiscal year 51922
~~2014~~ 2016, and ~~\$5,800~~ \$6,000, for fiscal year ~~2015~~ 2017. 51923

(H) "FTE basis" means a count of students based on full-time 51924
equivalency, in accordance with rules adopted by the department of 51925
education pursuant to section 3317.03 of the Revised Code. In 51926
adopting its rules under this division, the department shall 51927
provide for counting any student in category one, two, three, 51928
four, five, or six special education ADM or in category one, two, 51929
three, four, or five career technical education ADM in the same 51930
proportion the student is counted in formula ADM. 51931

(I) "Internet- or computer-based community school" has the 51932
same meaning as in section 3314.02 of the Revised Code. 51933

(J) "Medically fragile child" means a child to whom all of	51934
the following apply:	51935
(1) The child requires the services of a doctor of medicine	51936
or osteopathic medicine at least once a week due to the	51937
instability of the child's medical condition.	51938
(2) The child requires the services of a registered nurse on	51939
a daily basis.	51940
(3) The child is at risk of institutionalization in a	51941
hospital, skilled nursing facility, or intermediate care facility	51942
for individuals with intellectual disabilities.	51943
(K)(1) A child may be identified as having an "other health	51944
impairment-major" if the child's condition meets the definition of	51945
"other health impaired" established in rules previously adopted by	51946
the state board of education and if either of the following apply:	51947
(a) The child is identified as having a medical condition	51948
that is among those listed by the superintendent of public	51949
instruction as conditions where a substantial majority of cases	51950
fall within the definition of "medically fragile child."	51951
(b) The child is determined by the superintendent of public	51952
instruction to be a medically fragile child. A school district	51953
superintendent may petition the superintendent of public	51954
instruction for a determination that a child is a medically	51955
fragile child.	51956
(2) A child may be identified as having an "other health	51957
impairment-minor" if the child's condition meets the definition of	51958
"other health impaired" established in rules previously adopted by	51959
the state board of education but the child's condition does not	51960
meet either of the conditions specified in division (K)(1)(a) or	51961
(b) of this section.	51962
(L) "Preschool child with a disability" means a child with a	51963

disability, as defined in section 3323.01 of the Revised Code, who 51964
is at least age three but is not of compulsory school age, as 51965
defined in section 3321.01 of the Revised Code, and who is not 51966
currently enrolled in kindergarten. 51967

(M) "Preschool scholarship ADM" means the number of preschool 51968
children with disabilities certified under division (B)(3)(h) of 51969
section 3317.03 of the Revised Code. 51970

(N) "Related services" includes: 51971

(1) Child study, special education supervisors and 51972
coordinators, speech and hearing services, adaptive physical 51973
development services, occupational or physical therapy, teacher 51974
assistants for children with disabilities whose disabilities are 51975
described in division (B) of section 3317.013 or division (B)(3) 51976
of this section, behavioral intervention, interpreter services, 51977
work study, nursing services, and specialized integrative services 51978
as those terms are defined by the department; 51979

(2) Speech and language services provided to any student with 51980
a disability, including any student whose primary or only 51981
disability is a speech and language disability; 51982

(3) Any related service not specifically covered by other 51983
state funds but specified in federal law, including but not 51984
limited to, audiology and school psychological services; 51985

(4) Any service included in units funded under former 51986
division (O)(1) of section 3317.024 of the Revised Code; 51987

(5) Any other related service needed by children with 51988
disabilities in accordance with their individualized education 51989
programs. 51990

(O) "School district," unless otherwise specified, means 51991
city, local, and exempted village school districts. 51992

(P) "State education aid" has the same meaning as in section 51993

5751.20 of the Revised Code.	51994
(Q) "State share index" means the state share index	51995
calculated for a district under section 3317.017 of the Revised	51996
Code.	51997
(R) "Taxes charged and payable" means the taxes charged and	51998
payable against real and public utility property after making the	51999
reduction required by section 319.301 of the Revised Code, plus	52000
the taxes levied against tangible personal property.	52001
(S)(1) <u>For purposes of section 3317.017 of the Revised Code,</u>	52002
<u>"three-year average valuation" means the average of total taxable</u>	52003
<u>value for tax years 2012, 2013, and 2014.</u>	52004
(2) <u>For purposes of section 3317.018 of the Revised Code,</u>	52005
<u>"three-year average valuation" means the following:</u>	52006
(a) <u>For fiscal year 2016, the average of total taxable value</u>	52007
<u>for tax years 2013, 2014, and 2015;</u>	52008
(b) <u>For fiscal year 2017, the average of total taxable value</u>	52009
<u>for tax years 2014, 2015, and 2016.</u>	52010
(3) <u>For purposes of sections 3317.0217, 3317.0218, and</u>	52011
<u>3317.16 of the Revised Code, "three-year average valuation" means</u>	52012
<u>the following:</u>	52013
(a) <u>For fiscal year 2016, the average of total taxable value</u>	52014
<u>for tax years 2012, 2013, and 2014;</u>	52015
(b) <u>For fiscal year 2017, the average of total taxable value</u>	52016
<u>for tax years 2013, 2014, and 2015.</u>	52017
(T) "Total ADM" means, for a city, local, or exempted village	52018
school district, the enrollment reported under division (A) of	52019
section 3317.03 of the Revised Code, as verified by the	52020
superintendent of public instruction and adjusted if so ordered	52021
under division (K) of that section.	52022
(T) (U) "Total special education ADM" means the sum of	52023

categories one through six special education ADM. 52024

~~(U)~~(V) "Total taxable value" means the sum of the amounts 52025
certified for a city, local, exempted village, or joint vocational 52026
school district under divisions (A)(1) and (2) of section 3317.021 52027
of the Revised Code. 52028

Sec. 3317.022. (A) The department of education shall compute 52029
and distribute state core foundation funding to each eligible 52030
school district for the fiscal year, using the information 52031
obtained under section 3317.021 of the Revised Code in the 52032
calendar year in which the fiscal year begins, as prescribed in 52033
the following divisions: 52034

(1) An opportunity grant calculated according to the 52035
following formula: 52036

The formula amount X (formula ADM + preschool scholarship 52037
ADM) X the district's state share index 52038

(2) Targeted assistance funds calculated under divisions (A) 52039
and (B) of section 3317.0217 of the Revised Code; 52040

(3) Additional state aid for special education and related 52041
services provided under Chapter 3323. of the Revised Code 52042
calculated as the sum of the following: 52043

(a) The district's category one special education ADM X the 52044
amount specified in division (A) of section 3317.013 of the 52045
Revised Code X the district's state share index; 52046

(b) The district's category two special education ADM X the 52047
amount specified in division (B) of section 3317.013 of the 52048
Revised Code X the district's state share index; 52049

(c) The district's category three special education ADM X the 52050
amount specified in division (C) of section 3317.013 of the 52051
Revised Code X the district's state share index; 52052

(d) The district's category four special education ADM X the 52053
amount specified in division (D) of section 3317.013 of the 52054
Revised Code X the district's state share index; 52055

(e) The district's category five special education ADM X the 52056
amount specified in division (E) of section 3317.013 of the 52057
Revised Code X the district's state share index; 52058

(f) The district's category six special education ADM X the 52059
amount specified in division (F) of section 3317.013 of the 52060
Revised Code X the district's state share index. 52061

(4) Kindergarten through third grade literacy funds 52062
calculated according to the following formula: 52063

$$[(\text{\$125 } \underline{\text{\$184}}, \text{ in fiscal year } \text{2014 } \underline{\text{2016}}, \text{ or } \text{\$175 } \underline{\text{\$193}}, \text{ in } 52064$$

fiscal year ~~2015~~ 2017) X formula ADM for grades kindergarten 52065
through three X the district's state share index] + [(\del{\\$100} \\$121, 52066
in fiscal year ~~2014~~ 2016, or ~~\\$160~~ \\$127, in fiscal year ~~2015~~ 2017) 52067
X formula ADM for grades kindergarten through three] 52068

For purposes of this calculation, the department shall 52069
subtract from a district's formula ADM for grades kindergarten 52070
through three the number of students reported under division 52071
(B)(3)(e) of section 3317.03 of the Revised Code as enrolled in an 52072
internet- or computer-based community school who are in grades 52073
kindergarten through three. 52074

(5) Economically disadvantaged funds calculated according to 52075
the following formula: 52076

~~(\text{\\$250}, \text{ in fiscal year } \text{2014}, \text{ or } \text{\\$253}, \text{ in fiscal year } \text{2015})~~ 52077
\\$272 X (the district's economically disadvantaged index) X the 52078
number of students who are economically disadvantaged as certified 52079
under division (B)(21) of section 3317.03 of the Revised Code 52080

(6) Limited English proficiency funds calculated as the sum 52081
of the following: 52082

(a) The district's category one limited English proficient	52083
ADM X the amount specified in division (A) of section 3317.016 of	52084
the Revised Code X the district's state share index;	52085
(b) The district's category two limited English proficient	52086
ADM X the amount specified in division (B) of section 3317.016 of	52087
the Revised Code X the district's state share index;	52088
(c) The district's category three limited English proficient	52089
ADM X the amount specified in division (C) of section 3317.016 of	52090
the Revised Code X the district's state share index.	52091
(7)(a) Gifted identification funds calculated according to	52092
the following formula:	52093
(\$5, in fiscal year 2014, or \$5.05, in fiscal year 2015) X the	52094
district's formula ADM	52095
(b) Gifted unit funding calculated under section 3317.051 of	52096
the Revised Code.	52097
(8) Career-technical education funds calculated as the sum of	52098
the following:	52099
(a) The district's category one career-technical education	52100
ADM X the amount specified in division (A) of section 3317.014 of	52101
the Revised Code X the district's state share index;	52102
(b) The district's category two career-technical education	52103
ADM X the amount specified in division (B) of section 3317.014 of	52104
the Revised Code X the district's state share index;	52105
(c) The district's category three career-technical education	52106
ADM X the amount specified in division (C) of section 3317.014 of	52107
the Revised Code X the district's state share index;	52108
(d) The district's category four career-technical education	52109
ADM X the amount specified in division (D) of section 3317.014 of	52110
the Revised Code X the district's state share index;	52111
(e) The district's category five career-technical education	52112

ADM X the amount specified in division (E) of section 3317.014 of 52113
the Revised Code X the district's state share index. 52114

Payment of funds under division (A)(8) of this section is 52115
subject to approval under section 3317.161 of the Revised Code. 52116

(9) Career-technical education associated services funds 52117
calculated according to the following formula: 52118
The district's state share index X the amount for career-technical 52119
education associated services specified in section 3317.014 of the 52120
Revised Code X the sum of categories one through five 52121
career-technical education ADM 52122

(10) Capacity aid funds calculated under section 3317.0218 of 52123
the Revised Code; 52124

(11) A graduation bonus calculated under section 3317.0215 of 52125
the Revised Code; 52126

(12) A third-grade reading bonus calculated under section 52127
3317.0216 of the Revised Code; 52128

(13) A technology supplement calculated according to the 52129
following formula: 52130
A district's transportation supplement percentage calculated under 52131
division (G)(1) of section 3317.0212 of the Revised Code X the 52132
formula amount X 0.11 X the district's formula ADM 52133

(B) In any fiscal year, a school district shall spend for 52134
purposes that the department designates as approved for special 52135
education and related services expenses at least the amount 52136
calculated as follows: 52137

(The formula amount X the total special education ADM) + (the 52138
district's category one special education ADM X the amount 52139
specified in division (A) of section 3317.013 of the Revised Code) 52140
+ (the district's category two special education ADM X the amount 52141
specified in division (B) of section 3317.013 of the Revised Code) 52142

+ (the district's category three special education ADM X the amount specified in division (C) of section 3317.013 of the Revised Code) + (the district's category four special education ADM X the amount specified in division (D) of section 3317.013 of the Revised Code) + (the district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code) + (the district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code)

The purposes approved by the department for special education expenses shall include, but shall not be limited to, identification of children with disabilities, compliance with state rules governing the education of children with disabilities and prescribing the continuum of program options for children with disabilities, provision of speech language pathology services, and the portion of the school district's overall administrative and overhead costs that are attributable to the district's special education student population.

The scholarships deducted from the school district's account under sections 3310.41 and 3310.55 of the Revised Code shall be considered to be an approved special education and related services expense for the purpose of the school district's compliance with this division.

(C) In any fiscal year, a school district receiving funds under division (A)(8) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical ~~educational~~ education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming to career-technical students. The department shall require the school district to report data annually so that the department may monitor the district's compliance with the requirements regarding

the manner in which funding received under division (A)(8) of this section may be spent.

(D) In any fiscal year, a school district receiving funds under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, shall spend those funds only for the purposes that the department designates as approved for career-technical education associated services expenses, which may include such purposes as apprenticeship coordinators, coordinators for other career-technical education services, career-technical evaluation, and other purposes designated by the department. The department may deny payment under division (A)(9) of this section to any district that the department determines is not operating those services or is using funds paid under division (A)(9) of this section, or through a transfer of funds pursuant to division (I) of section 3317.023 of the Revised Code, for other purposes.

(E) All funds received under division (A)(8) of this section shall be spent in the following manner:

(1) At least seventy-five per cent of the funds shall be spent on curriculum development, purchase, and implementation; instructional resources and supplies; industry-based program certification; student assessment, credentialing, and placement; curriculum specific equipment purchases and leases; career-technical student organization fees and expenses; home and agency linkages; work-based learning experiences; professional development; and other costs directly associated with career-technical education programs including development of new programs.

(2) Not more than twenty-five per cent of the funds shall be used for personnel expenditures.

(F) A school district shall spend the funds it receives under

division (A)(5) of this section in accordance with section 3317.25 52206
of the Revised Code. 52207

Sec. 3317.0212. (A) As used in this section: 52208

(1) "Qualifying riders" means resident students enrolled in 52209
regular education in grades kindergarten to twelve who are 52210
provided school bus service by a school district and who live more 52211
than one mile from the school they attend, including students with 52212
dual enrollment in a joint vocational school district or a 52213
cooperative education school district, and students enrolled in a 52214
community school, STEM school, or nonpublic school. 52215

(2) "Qualifying ridership" means the average number of 52216
qualifying riders who are provided school bus service by a school 52217
district during the first full week of October. 52218

(3) "Rider density" means the total ADM per square mile of a 52219
school district. 52220

(4) "School bus service" means a school district's 52221
transportation of qualifying riders in any of the following types 52222
of vehicles: 52223

(a) School buses owned or leased by the district; 52224

(b) School buses operated by a private contractor hired by 52225
the district; 52226

(c) School buses operated by another school district or 52227
entity with which the district has contracted, either as part of a 52228
consortium for the provision of transportation or otherwise. 52229

(B) Not later than the fifteenth day of October each year, 52230
each city, local, and exempted village school district shall 52231
report to the department of education its qualifying ridership and 52232
any other information requested by the department. Subsequent 52233
adjustments to the reported numbers shall be made only in 52234
accordance with rules adopted by the department. 52235

(C) The department shall calculate the statewide	52236
transportation cost per student as follows:	52237
(1) Determine each city, local, and exempted village school	52238
district's transportation cost per student by dividing the	52239
district's total costs for school bus service in the previous	52240
fiscal year by its qualifying ridership in the previous fiscal	52241
year.	52242
(2) After excluding districts that do not provide school bus	52243
service and the ten districts with the highest transportation	52244
costs per student and the ten districts with the lowest	52245
transportation costs per student, divide the aggregate cost for	52246
school bus service for the remaining districts in the previous	52247
fiscal year by the aggregate qualifying ridership of those	52248
districts in the previous fiscal year.	52249
(D) The department shall calculate the statewide	52250
transportation cost per mile as follows:	52251
(1) Determine each city, local, and exempted village school	52252
district's transportation cost per mile by dividing the district's	52253
total costs for school bus service in the previous fiscal year by	52254
its total number of miles driven for school bus service in the	52255
previous fiscal year.	52256
(2) After excluding districts that do not provide school bus	52257
service and the ten districts with the highest transportation	52258
costs per mile and the ten districts with the lowest	52259
transportation costs per mile, divide the aggregate cost for	52260
school bus service for the remaining districts in the previous	52261
fiscal year by the aggregate miles driven for school bus service	52262
in those districts in the previous fiscal year.	52263
(E) The department shall calculate each city, local, and	52264
exempted village school district's transportation payment as	52265
follows:	52266

(1) Multiply the statewide transportation cost per student by the district's qualifying ridership for the current fiscal year. 52267
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(2) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year. 52269
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(3) Multiply the greater of the amounts calculated under divisions (E)(1) and (2) of this section by the greater of ~~sixty~~ fifty per cent or the district's state share index, as defined in section 3317.02 of the Revised Code. 52272
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(F) In addition to funds paid under division (E) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the state board of education a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students. 52276
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~~(G)(1) In fiscal years 2014 and 2015, the department shall pay each district a pro rata portion of the amounts calculated under division (E) of this section and described in division (F) of this section, based on state appropriations.~~ 52284
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~~(2) In addition to the prorated payment under division (G)(1) of this section, in fiscal years 2014 and 2015, the department shall pay each school district that meets the conditions prescribed in division (G)(3) of this section an additional amount equal to the difference of (a) the amounts calculated under division (E) of this section and prescribed in division (F) of this section minus (b) that prorated payment.~~ 52288
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~~(3) Division (G)(2) of this section applies to each school district that meets all of the following conditions:~~ 52295
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~~(a) The district qualifies for the calculation of a payment~~ 52297

~~under division (E) of this section because it transports students
on board owned or contractor owned school buses.~~

~~(b) The district's state share index is greater than or equal
to 0.50.~~

~~(c) The district's rider density is at or below the median
rider density of all districts that qualify for calculation of a
payment under division (E) of this section.~~

~~(H) Each city, local, and exempted village school district
shall report all data used to calculate funding for transportation
under this section through the education management information
system pursuant to section 3301.0714 of the Revised Code. For
purposes of division (G) of this section, a school district's
"transportation supplement percentage" means the following
quotient:~~

~~[(35, in fiscal year 2016, or 50, in fiscal year 2017) - the
district's rider density] / 100~~

~~If the result of the calculation for a district under
division (G)(1) of this section is less than zero, the district's
transportation supplement percentage shall be zero.~~

~~(2) The department shall pay each district a transportation
supplement calculated according to the following formula:~~

~~The district's transportation supplement percentage X the amount
calculated for the district under division (E)(2) of this section
X 0.25~~

Sec. 3317.0213. (A) The department of education shall compute
and pay in accordance with this section additional state aid for
preschool ~~special education~~ children with disabilities to each
city, local, and exempted village school district and to each
institution, as defined in section 3323.091 of the Revised Code.
Funding shall be provided for children who are not enrolled in

kindergarten and who are under age six on the thirtieth day of 52328
September of the academic year, or on the first day of August of 52329
the academic year if the school district in which the child is 52330
enrolled has adopted a resolution under division (A)(3) of section 52331
3321.01 of the Revised Code, but not less than age three on the 52332
first day of December of the academic year. 52333

The additional state aid shall be calculated under the 52334
following formula: 52335

(\$4,000 X the number of students who are preschool ~~special~~ 52336
education children with disabilities) + the sum of the following: 52337

(1) The district's or institution's category one special 52338
education ~~preschool~~ students who are preschool children with 52339
disabilities X the amount specified in division (A) of section 52340
3317.013 of the Revised Code X the district's state share index X 52341
0.50; 52342

(2) The district's or institution's category two special 52343
education ~~preschool~~ students who are preschool children with 52344
disabilities X the amount specified in division (B) of section 52345
3317.013 of the Revised Code X the district's state share index X 52346
0.50; 52347

(3) The district's or institution's category three special 52348
education ~~preschool~~ students who are preschool children with 52349
disabilities X the amount specified in division (C) of section 52350
3317.013 of the Revised Code X the district's state share index X 52351
0.50; 52352

(4) The district's or institution's category four special 52353
education ~~preschool~~ students who are preschool children with 52354
disabilities X the amount specified in division (D) of section 52355
3317.013 of the Revised Code X the district's state share index X 52356
0.50; 52357

(5) The district's or institution's category five special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share index X 0.50;

(6) The district's or institution's category six special education ~~preschool~~ students who are preschool children with disabilities X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share index X 0.50.

The special education disability categories for preschool children used in this section are the same categories prescribed in section 3317.013 of the Revised Code.

As used in division (A) of this section, the state share index of a student enrolled in an institution is the state share index of the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) If an educational service center is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, that district may authorize the department to transfer funds computed under this section to the service center providing those services.

(C) If a county DD board is providing services to ~~preschool special education~~ students who are preschool children with disabilities under agreement with the city, local, or exempted village school district in which the students are entitled to attend school, the department shall deduct from the district's payment computed under division (A) of this section the total

amount of those funds that are attributable to the students served 52389
by the county DD board and pay that amount to that board. 52390

Sec. 3317.0215. (A) For purposes of this section, "four-year 52391
adjusted cohort graduation rate" has the same meaning as in 52392
section 3302.01 of the Revised Code. 52393

(B) The department of education shall annually calculate a 52394
graduation bonus for each city, local, and exempted village school 52395
district according to the following formula: 52396

The district's four-year adjusted cohort graduation rate on its 52397
most recent report card issued by the department under section 52398
3302.03 of the Revised Code X 0.05 X the formula amount X the 52399
number of the district's graduates reported to the department, in 52400
accordance with the guidelines adopted under section 3301.0714 of 52401
the Revised Code, for the same school year for which the most 52402
recent report card was issued 52403

Sec. 3317.0216. (A) For purposes of this section, a city, 52404
local, or exempted village school district's "third-grade reading 52405
proficiency percentage" means the following quotient: 52406

The number of the district's students scoring at a proficient 52407
level of skill or higher on the third-grade English language arts 52408
assessment prescribed under division (A)(1)(a) of section 52409
3301.0710 of the Revised Code for the immediately preceding school 52410
year / the total number of the district's students required to 52411
take that assessment for the immediately preceding school year 52412

(B) The department of education shall annually calculate a 52413
third-grade reading bonus for each city, local, and exempted 52414
village school district according to the following formula: 52415

The district's third-grade reading proficiency percentage X 0.15 X 52416
the formula amount X the number of the district's students scoring 52417
at a proficient level of skill or higher on the third-grade 52418

<u>English language arts assessment prescribed under division</u>	52419
<u>(A)(1)(a) of section 3301.0710 of the Revised Code for the</u>	52420
<u>immediately preceding school year X the district's state share</u>	52421
<u>index</u>	52422
Sec. 3317.0217. Payment of the amount calculated for a school	52423
district under this section shall be made under division (A) of	52424
section 3317.022 of the Revised Code.	52425
(A) The department of education shall annually compute	52426
targeted assistance funds to school districts, as follows:	52427
(1) Calculate the local wealth per pupil of each school	52428
district, which equals the following sum:	52429
(a) One-half times the quotient of (i) the district's	52430
three-year average valuation divided by (ii) its formula ADM; plus	52431
(b) One-half times the quotient of (i) the average of the	52432
total federal adjusted gross income of the school district's	52433
residents for the three years most recently reported under section	52434
3317.021 of the Revised Code divided by (ii) its formula ADM.	52435
(2) Rank all school districts in order of local wealth per	52436
pupil, from the district with the lowest local wealth per pupil to	52437
the district with the highest local wealth per pupil.	52438
(3) Compute the statewide wealth per pupil, which equals the	52439
following sum:	52440
(a) One-half times the quotient of (i) the sum of the	52441
three-year average valuations for all school districts divided by	52442
(ii) the sum of formula ADM counts for all school districts; plus	52443
(b) One-half times the quotient of (i) the sum of the	52444
three-year average total federal adjusted gross incomes for all	52445
school districts divided by (ii) the sum of formula ADM counts for	52446
all school districts.	52447
(4) Compute each district's wealth index by dividing the	52448

statewide wealth per pupil by the district's local wealth per pupil. 52449
52450

(5) Compute the per pupil targeted assistance for each eligible school district in accordance with the following formula: 52451
52452
(Threshold local wealth per pupil - the district's local wealth per pupil) 52453
52454
X target millage X the district's wealth index 52455

Where: 52456

(a) An "eligible school district" means a school district with a local wealth per pupil less than that of the school district with the 490th lowest local wealth per pupil. 52457
52458
52459

(b) "Threshold local wealth per pupil" means the local wealth per pupil of the school district with the 490th lowest local wealth per pupil. 52460
52461
52462

(c) "Target millage" means 0.006. 52463

If the result of the calculation for a school district under division (A)(5) of this section is less than zero, the district's targeted assistance shall be zero. 52464
52465
52466

(6) Calculate the aggregate amount to be paid as targeted assistance funds to each school district under division (A) of section 3317.022 of the Revised Code by multiplying the per pupil targeted assistance computed under division (A)(5) of this section by the district's net formula ADM. 52467
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52471

As used in this division, a district's "net formula ADM" means its formula ADM minus the number of community school students certified under division (B)(3)(d) of section 3317.03 of the Revised Code X 0.75, the number of internet- and computer-based community school students certified under division (B)(3)(e) of that section, the number of science, technology, engineering, and mathematics school students certified under 52472
52473
52474
52475
52476
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52478

division (B)(3)(j) of that section X 0.75, and the number of 52479
scholarship students certified under divisions (B)(3)(f), (g), and 52480
(1) of that section. 52481

(B) The department shall annually compute supplemental 52482
targeted assistance funds to school districts, as follows: 52483

(1) Compute each district's agricultural percentage as the 52484
quotient of (a) the three-year average ~~tax~~ valuation of real 52485
property in the district that is classified as agricultural 52486
property divided by (b) the three-year average ~~tax~~ valuation of 52487
all of the real property in the district. ~~For purposes of this~~ 52488
~~computation, a district's "three year average tax valuation" means~~ 52489
~~the average of a district's tax valuation for fiscal years 2012,~~ 52490
~~2013, and 2014.~~ 52491

(2) ~~Determine each district's agricultural targeted~~ 52492
~~percentage as follows:~~ 52493

(a) ~~If a district's agricultural percentage is greater than~~ 52494
~~or equal to 0.10, then the district's agricultural targeted~~ 52495
~~percentage shall be equal to 0.40.~~ 52496

(b) ~~If a district's agricultural percentage is less than~~ 52497
~~0.10, then the district's agricultural targeted percentage shall~~ 52498
~~be equal to 4 X the district's agricultural percentage.~~ 52499

(3) Calculate the aggregate amount to be paid as supplemental 52500
targeted assistance funds to each school district under division 52501
(A) of section 3317.022 of the Revised Code ~~by multiplying the~~ 52502
~~district's agricultural targeted percentage by the amount~~ 52503
~~calculated for the district under division (A)(6) of this~~ 52504
~~section., as follows:~~ 52505

(The district's agricultural percentage - 0.1) X (0.4 X the 52506
formula amount) X the district's net formula ADM, as that term is 52507
defined in division (A) of this section 52508

If the result of the calculation for a school district under 52509

division (B)(2) of this section is less than zero, the district's 52510
supplemental targeted assistance shall be zero. 52511

Sec. 3317.0218. The department of education shall annually 52512
compute capacity aid funds to school districts, as follows: 52513

(A) For each school district, multiply the district's 52514
three-year average valuation by 0.001; 52515

(B) Determine the median amount of all of the amounts 52516
calculated under division (A) of this section; 52517

(C) Calculate each school district's capacity ratio, which 52518
equals the greater of zero or the amount calculated as follows: 52519

(The amount determined under division (B) of this section / the 52520
amount calculated for the district under division (A) of this 52521
section) - 1 52522

If the result of a calculation for a school district under 52523
division (C) of this section is greater than 2.5, the district's 52524
capacity ratio shall be 2.5. 52525

(D) Calculate the capacity aid per pupil amount, which equals 52526
the following quotient: 52527

(The amount determined under division (B) of this section) / (the 52528
average of the formula ADMs of all of the districts for which the 52529
amount calculated under division (A) of this section is less than 52530
the amount determined under division (B) of this section) 52531

(E) Calculate each school district's capacity aid, which 52532
equals the following product: 52533

The capacity aid per pupil amount calculated under division (D) of 52534
this section X the district's formula ADM X 2 X the district's 52535
capacity ratio calculated under division (C) of this section 52536

Sec. 3317.051. (A) As used in this section, "gifted unit ADM" 52537
means a school district's formula ADM minus the number of students 52538

reported by a district under divisions (A)(2)(a) and (i) of 52539
section 3317.03 of the Revised Code. 52540

(B) The department of education shall compute and pay to a 52541
school district funds based on units for services to students 52542
identified as gifted under Chapter 3324. of the Revised Code as 52543
prescribed by this section. 52544

(C) The department shall allocate gifted units for a school 52545
district as follows: 52546

(1) One gifted coordinator unit shall be allocated for every 52547
3,300 students in a district's gifted unit ADM, with a minimum of 52548
0.5 units and a maximum of 8 units allocated for the district. 52549

(2) One gifted intervention specialist unit shall be 52550
allocated for every 1,100 students in a district's gifted unit 52551
ADM, with a minimum of 0.3 units allocated for the district. 52552

(D) The department shall pay the following amount to a school 52553
district for gifted units: 52554

~~(1) In fiscal year 2014, \$37,000 multiplied by the number of 52555
units allocated to a school district under division (C) of this 52556
section; 52557~~

~~(2) In fiscal year 2015, \$37,370 multiplied by the number of units 52558
allocated to a school district under division (C) of this section- 52559~~

(E) A school district may assign gifted unit funding that it 52560
receives under division (D) of this section to another school 52561
district, an educational service center, a community school, or a 52562
STEM school as part of an arrangement to provide services to the 52563
district. 52564

Sec. 3317.06. Moneys paid to school districts under division 52565
(E) of section 3317.024 of the Revised Code shall be used for the 52566
following independent and fully severable purposes: 52567

(A) To purchase such secular textbooks or digital texts as 52568
have been approved by the superintendent of public instruction for 52569
use in public schools in the state and to loan such textbooks or 52570
digital texts to pupils attending nonpublic schools within the 52571
district or to their parents and to hire clerical personnel to 52572
administer such lending program. Such loans shall be based upon 52573
individual requests submitted by such nonpublic school pupils or 52574
parents. Such requests shall be submitted to the school district 52575
in which the nonpublic school is located. Such individual requests 52576
for the loan of textbooks or digital texts shall, for 52577
administrative convenience, be submitted by the nonpublic school 52578
pupil or the pupil's parent to the nonpublic school, which shall 52579
prepare and submit collective summaries of the individual requests 52580
to the school district. As used in this section: 52581

(1) "Textbook" means any book or book substitute that a pupil 52582
uses as a consumable or nonconsumable text, text substitute, or 52583
text supplement in a particular class or program in the school the 52584
pupil regularly attends. 52585

(2) "Digital text" means a consumable book or book substitute 52586
that a student accesses through the use of a computer or other 52587
electronic medium or that is available through an internet-based 52588
provider of course content, or any other material that contributes 52589
to the learning process through electronic means. 52590

(B) To provide speech and hearing diagnostic services to 52591
pupils attending nonpublic schools within the district. Such 52592
service shall be provided in the nonpublic school attended by the 52593
pupil receiving the service. 52594

(C) To provide physician, nursing, dental, and optometric 52595
services to pupils attending nonpublic schools within the 52596
district. Such services shall be provided in the school attended 52597
by the nonpublic school pupil receiving the service. 52598

(D) To provide diagnostic psychological services to pupils attending nonpublic schools within the district. Such services shall be provided in the school attended by the pupil receiving the service.

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(F) To provide guidance, counseling, and social work services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(G) To provide remedial services to pupils attending nonpublic schools within the district. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

(H) To supply for use by pupils attending nonpublic schools within the district such standardized tests and scoring services as are in use in the public schools of the state;

(I) To provide programs for children who attend nonpublic 52630
schools within the district and are children with disabilities as 52631
defined in section 3323.01 of the Revised Code or gifted children. 52632
Such programs shall be provided in the public school, in nonpublic 52633
schools, in public centers, or in mobile units located on or off 52634
of the nonpublic premises. If such programs are provided in the 52635
public school or in public centers, transportation to and from 52636
such facilities shall be provided by the school district in which 52637
the nonpublic school is located. 52638

(J) To hire clerical personnel to assist in the 52639
administration of programs pursuant to divisions (B), (C), (D), 52640
(E), (F), (G), and (I) of this section and to hire supervisory 52641
personnel to supervise the providing of services and textbooks 52642
pursuant to this section. 52643

(K) To purchase or lease any secular, neutral, and 52644
nonideological computer application software designed to assist 52645
students in performing a single task or multiple related tasks, 52646
device management software, learning management software, 52647
site-licensing, digital video on demand (DVD), wide area 52648
connectivity and related technology as it relates to internet 52649
access, mathematics or science equipment and materials, 52650
instructional materials, and school library materials that are in 52651
general use in the public schools of the state and loan such items 52652
to pupils attending nonpublic schools within the district or to 52653
their parents, and to hire clerical personnel to administer the 52654
lending program. Only such items that are incapable of diversion 52655
to religious use and that are susceptible of loan to individual 52656
pupils and are furnished for the use of individual pupils shall be 52657
purchased and loaned under this division. As used in this section, 52658
"instructional materials" means prepared learning materials that 52659
are secular, neutral, and nonideological in character and are of 52660
benefit to the instruction of school children. Instructional 52661

materials" includes media content that a student may access 52662
through the use of a computer or electronic device. 52663

Mobile applications that are secular, neutral, and 52664
nonideological in character and that are purchased for less than 52665
~~ten~~ twenty dollars for instructional use shall be considered to be 52666
consumable and shall be distributed to students without the 52667
expectation that the applications must be returned. 52668

(L) To purchase or lease instructional equipment, including 52669
computer hardware and related equipment in general use in the 52670
public schools of the state, for use by pupils attending nonpublic 52671
schools within the district and to loan such items to pupils 52672
attending nonpublic schools within the district or to their 52673
parents, and to hire clerical personnel to administer the lending 52674
program. "Computer hardware and related equipment" includes 52675
desktop computers and workstations; laptop computers, computer 52676
tablets, and other mobile handheld devices; ~~and~~ their operating 52677
systems and accessories; and any equipment designed to make 52678
accessible the environment of a classroom to a student, who is 52679
physically unable to attend classroom activities due to 52680
hospitalization or other circumstances, by allowing real-time 52681
interaction with other students both one-on-one and in group 52682
discussion. 52683

(M) To purchase mobile units to be used for the provision of 52684
services pursuant to divisions (E), (F), (G), and (I) of this 52685
section and to pay for necessary repairs and operating costs 52686
associated with these units. 52687

(N) To reimburse costs the district incurred to store the 52688
records of a chartered nonpublic school that closes. 52689
Reimbursements under this division shall be made one time only for 52690
each chartered nonpublic school that closes. 52691

(O) To purchase life-saving medical or other emergency 52692

equipment for placement in nonpublic schools within the district 52693
or to maintain such equipment. 52694

Clerical and supervisory personnel hired pursuant to division 52695
(J) of this section shall perform their services in the public 52696
schools, in nonpublic schools, public centers, or mobile units 52697
where the services are provided to the nonpublic school pupil, 52698
except that such personnel may accompany pupils to and from the 52699
service sites when necessary to ensure the safety of the children 52700
receiving the services. 52701

All services provided pursuant to this section may be 52702
provided under contract with educational service centers, the 52703
department of health, city or general health districts, or private 52704
agencies whose personnel are properly licensed by an appropriate 52705
state board or agency. 52706

Transportation of pupils provided pursuant to divisions (E), 52707
(F), (G), and (I) of this section shall be provided by the school 52708
district from its general funds and not from moneys paid to it 52709
under division (E) of section 3317.024 of the Revised Code unless 52710
a special transportation request is submitted by the parent of the 52711
child receiving service pursuant to such divisions. If such an 52712
application is presented to the school district, it may pay for 52713
the transportation from moneys paid to it under division (E) of 52714
section 3317.024 of the Revised Code. 52715

No school district shall provide health or remedial services 52716
to nonpublic school pupils as authorized by this section unless 52717
such services are available to pupils attending the public schools 52718
within the district. 52719

Materials, equipment, computer hardware or software, 52720
textbooks, digital texts, and health and remedial services 52721
provided for the benefit of nonpublic school pupils pursuant to 52722
this section and the admission of pupils to such nonpublic schools 52723

shall be provided without distinction as to race, creed, color, or 52724
national origin of such pupils or of their teachers. 52725

No school district shall provide services, materials, or 52726
equipment that contain religious content for use in religious 52727
courses, devotional exercises, religious training, or any other 52728
religious activity. 52729

As used in this section, "parent" includes a person standing 52730
in loco parentis to a child. 52731

Notwithstanding section 3317.01 of the Revised Code, payments 52732
shall be made under this section to any city, local, or exempted 52733
village school district within which is located one or more 52734
nonpublic elementary or high schools and any payments made to 52735
school districts under division (E) of section 3317.024 of the 52736
Revised Code for purposes of this section may be disbursed without 52737
submission to and approval of the controlling board. 52738

The allocation of payments for materials, equipment, 52739
textbooks, digital texts, health services, and remedial services 52740
to city, local, and exempted village school districts shall be on 52741
the basis of the state board of education's estimated annual 52742
average daily membership in nonpublic elementary and high schools 52743
located in the district. 52744

Payments made to city, local, and exempted village school 52745
districts under this section shall be equal to specific 52746
appropriations made for the purpose. All interest earned by a 52747
school district on such payments shall be used by the district for 52748
the same purposes and in the same manner as the payments may be 52749
used. 52750

The department of education shall adopt guidelines and 52751
procedures under which such programs and services shall be 52752
provided, under which districts shall be reimbursed for 52753
administrative costs incurred in providing such programs and 52754

services, and under which any unexpended balance of the amounts 52755
appropriated by the general assembly to implement this section may 52756
be transferred to the auxiliary services personnel unemployment 52757
compensation fund established pursuant to section 4141.47 of the 52758
Revised Code. The department shall also adopt guidelines and 52759
procedures limiting the purchase and loan of the items described 52760
in division (K) of this section to items that are in general use 52761
in the public schools of the state, that are incapable of 52762
diversion to religious use, and that are susceptible to individual 52763
use rather than classroom use. Within thirty days after the end of 52764
each biennium, each board of education shall remit to the 52765
department all moneys paid to it under division (E) of section 52766
3317.024 of the Revised Code and any interest earned on those 52767
moneys that are not required to pay expenses incurred under this 52768
section during the biennium for which the money was appropriated 52769
and during which the interest was earned. If a board of education 52770
subsequently determines that the remittal of moneys leaves the 52771
board with insufficient money to pay all valid expenses incurred 52772
under this section during the biennium for which the remitted 52773
money was appropriated, the board may apply to the department of 52774
education for a refund of money, not to exceed the amount of the 52775
insufficiency. If the department determines the expenses were 52776
lawfully incurred and would have been lawful expenditures of the 52777
refunded money, it shall certify its determination and the amount 52778
of the refund to be made to the director of job and family 52779
services who shall make a refund as provided in section 4141.47 of 52780
the Revised Code. 52781

Each school district shall label materials, equipment, 52782
computer hardware or software, textbooks, and digital texts 52783
purchased or leased for loan to a nonpublic school under this 52784
section, acknowledging that they were purchased or leased with 52785
state funds under this section. However, a district need not label 52786
materials, equipment, computer hardware or software, textbooks, or 52787

digital texts that the district determines are consumable in 52788
nature or have a value of less than two hundred dollars. 52789

Sec. 3317.16. (A) The department of education shall compute 52790
and distribute state core foundation funding to each joint 52791
vocational school district for the fiscal year as prescribed in 52792
the following divisions: 52793

(1) An opportunity grant calculated according to the 52794
following formula: 52795

(The formula amount X formula ADM) - (0.0005 X the 52796
district's three-year average valuation) 52797

~~If the result of the calculation for a joint vocational 52798
school district under division (A)(1) of this section is less than 52799
zero, the joint vocational school district's opportunity grant 52800
shall be zero. 52801~~

However, no district shall receive an opportunity grant that 52802
is less than 0.05 times the formula amount times formula ADM. 52803

(2) Additional state aid for special education and related 52804
services provided under Chapter 3323. of the Revised Code 52805
calculated as the sum of the following: 52806

(a) The district's category one special education ADM X the 52807
amount specified in division (A) of section 3317.013 of the 52808
Revised Code X the district's state share percentage; 52809

(b) The district's category two special education ADM X the 52810
amount specified in division (B) of section 3317.013 of the 52811
Revised Code X the district's state share percentage; 52812

(c) The district's category three special education ADM X the 52813
amount specified in division (C) of section 3317.013 of the 52814
Revised Code X the district's state share percentage; 52815

(d) The district's category four special education ADM X the 52816
amount specified in division (D) of section 3317.013 of the 52817

Revised Code X the district's state share percentage;	52818
(e) The district's category five special education ADM X the amount specified in division (E) of section 3317.013 of the Revised Code X the district's state share percentage;	52819 52820 52821
(f) The district's category six special education ADM X the amount specified in division (F) of section 3317.013 of the Revised Code X the district's state share percentage.	52822 52823 52824
(3) Economically disadvantaged funds calculated according to the following formula:	52825 52826
(\$250, in fiscal year 2014, or \$253, in fiscal year 2015) <u>\$272</u> X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (D)(2)(p) of section 3317.03 of the Revised Code	52827 52828 52829 52830
(4) Limited English proficiency funds calculated as the sum of the following:	52831 52832
(a) The district's category one limited English proficient ADM X the amount specified in division (A) of section 3317.016 of the Revised Code X the district's state share percentage;	52833 52834 52835
(b) The district's category two limited English proficient ADM X the amount specified in division (B) of section 3317.016 of the Revised Code X the district's state share percentage;	52836 52837 52838
(c) The district's category three limited English proficient ADM X the amount specified in division (C) of section 3317.016 of the Revised Code X the district's state share percentage;	52839 52840 52841
(5) Career-technical education funds calculated as the sum of the following:	52842 52843
(a) The district's category one career-technical education ADM X the amount specified in division (A) of section 3317.014 of the Revised Code X the district's state share percentage;	52844 52845 52846
(b) The district's category two career-technical education	52847

ADM X the amount specified in division (B) of section 3317.014 of the Revised Code X the district's state share percentage; 52848
52849

(c) The district's category three career-technical education 52850
ADM X the amount specified in division (C) of section 3317.014 of the Revised Code X the district's state share percentage; 52851
52852

(d) The district's category four career-technical education 52853
ADM X the amount specified in division (D) of section 3317.014 of the Revised Code X the district's state share percentage; 52854
52855

(e) The district's category five career-technical education 52856
ADM X the amount specified in division (E) of section 3317.014 of the Revised Code X the district's state share percentage. 52857
52858

Payment of funds under division (A)(5) of this section is subject to approval under section 3317.161 of the Revised Code. 52859
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(6) Career-technical education associated services funds calculated under the following formula: 52861
52862

The district's state share percentage X the amount for career-technical education associated services specified in section 3317.014 of the Revised Code X the sum of categories one through five career-technical education ADM 52863
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(7) A graduation bonus calculated according to the following formula: 52868
52869

The district's graduation rate as reported on its most recent report card issued by the department under section 3302.033 of the Revised Code X 0.05 X the formula amount X the number of the district's students who received high school or honors high school diplomas as reported by the district to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 52870
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(B)(1) If a joint vocational school district's costs for a 52878

fiscal year for a student in its categories two through six 52879
special education ADM exceed the threshold catastrophic cost for 52880
serving the student, as specified in division (B) of section 52881
3317.0214 of the Revised Code, the district may submit to the 52882
superintendent of public instruction documentation, as prescribed 52883
by the superintendent, of all of its costs for that student. Upon 52884
submission of documentation for a student of the type and in the 52885
manner prescribed, the department shall pay to the district an 52886
amount equal to the sum of the following: 52887

(a) One-half of the district's costs for the student in 52888
excess of the threshold catastrophic cost; 52889

(b) The product of one-half of the district's costs for the 52890
student in excess of the threshold catastrophic cost multiplied by 52891
the district's state share percentage. 52892

(2) The district shall report under division (B)(1) of this 52893
section, and the department shall pay for, only the costs of 52894
educational expenses and the related services provided to the 52895
student in accordance with the student's individualized education 52896
program. Any legal fees, court costs, or other costs associated 52897
with any cause of action relating to the student may not be 52898
included in the amount. 52899

(C)(1) For each student with a disability receiving special 52900
education and related services under an individualized education 52901
program, as defined in section 3323.01 of the Revised Code, at a 52902
joint vocational school district, the resident district or, if the 52903
student is enrolled in a community school, the community school 52904
shall be responsible for the amount of any costs of providing 52905
those special education and related services to that student that 52906
exceed the sum of the amount calculated for those services 52907
attributable to that student under division (A) of this section. 52908

Those excess costs shall be calculated ~~by subtracting the sum~~ 52909

~~of the following from the actual cost to provide special education and related services to the student:~~ 52910
52911

~~(a) The formula amount;~~ 52912

~~(b) The amount specified in section 3317.013 of the Revised Code that is applicable to the student;~~ 52913
52914

~~(c) Any funds paid under section 3317.0214 for the student using a formula approved by the department.~~ 52915
52916

(2) The board of education of the joint vocational school district may report the excess costs calculated under division (C)(1) of this section to the department of education. 52917
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(3) If the board of education of the joint vocational school district reports excess costs under division (C)(2) of this section, the department shall pay the amount of excess cost calculated under division (C)(2) of this section to the joint vocational school district and shall deduct that amount as provided in division (C)(3)(a) or (b) of this section, as applicable: 52920
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(a) If the student is not enrolled in a community school, the department shall deduct the amount from the account of the student's resident district pursuant to division (J) of section 3317.023 of the Revised Code. 52927
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(b) If the student is enrolled in a community school, the department shall deduct the amount from the account of the community school pursuant to section 3314.083 of the Revised Code. 52931
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(D)~~(1)~~ In any fiscal year, a school district receiving funds under division (A)(5) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical ~~educational~~ education expenses approved by the department shall include only expenses connected to the delivery of career-technical programming 52934
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to career-technical students. The department shall require the 52940
school district to report data annually so that the department may 52941
monitor the district's compliance with the requirements regarding 52942
the manner in which funding received under division (A)(5) of this 52943
section may be spent. 52944

~~(2) All funds received under division (A)(5) of this section 52945
shall be spent in the following manner: 52946~~

~~(a) At least seventy five per cent of the funds shall be 52947
spent on curriculum development, purchase, and implementation; 52948
instructional resources and supplies; industry based program 52949
certification; student assessment, credentialing, and placement; 52950
curriculum specific equipment purchases and leases; 52951
career technical student organization fees and expenses; home and 52952
agency linkages; work based learning experiences; professional 52953
development; and other costs directly associated with 52954
career technical education programs including development of new 52955
programs. 52956~~

~~(b) Not more than twenty five per cent of the funds shall be 52957
used for personnel expenditures. 52958~~

(E) In any fiscal year, a school district receiving funds 52959
under division (A)(6) of this section, or through a transfer of 52960
funds pursuant to division (I) of section 3317.023 of the Revised 52961
Code, shall spend those funds only for the purposes that the 52962
department designates as approved for career-technical education 52963
associated services expenses, which may include such purposes as 52964
apprenticeship coordinators, coordinators for other 52965
career-technical education services, career-technical evaluation, 52966
and other purposes designated by the department. The department 52967
may deny payment under division (A)(6) of this section to any 52968
district that the department determines is not operating those 52969
services or is using funds paid under division (A)(6) of this 52970
section, or through a transfer of funds pursuant to division (I) 52971

of section 3317.023 of the Revised Code, for other purposes. 52972

(F) A joint vocational school district shall spend the funds 52973
it receives under division (A)(3) of this section in accordance 52974
with section 3317.25 of the Revised Code. 52975

(G) As used in this section: 52976

(1) "Community school" means a community school established 52977
under Chapter 3314. of the Revised Code. 52978

(2) "Resident district" means the city, local, or exempted 52979
village school district in which a student is entitled to attend 52980
school under section 3313.64 or 3313.65 of the Revised Code. 52981

(3) "State share percentage" is equal to the following: 52982
The amount computed under division (A)(1) of this section / 52983
(the formula amount X formula ADM) 52984

Sec. 3317.161. (A) As used in this section, "lead district" 52985
has the same meaning as in section 3317.023 of the Revised Code. 52986

(B)(1) A career-technical education program of a city, local, 52987
or exempted village school district, community school, or STEM 52988
school shall be subject to approval under this section in order 52989
for the district or school to qualify for state funding for the 52990
program. Approval granted under this section shall be valid for 52991
the five fiscal years following the fiscal year in which the 52992
program is approved and may be renewed. Approval shall be subject 52993
to annual review under division (E) of this section. 52994

(2) If a district or school becomes a new member of a 52995
career-technical planning district, its career-technical education 52996
programs shall be approved or disapproved by the lead district of 52997
the career-technical planning district during the fiscal year in 52998
which the district or school becomes a member of the 52999
career-technical planning district. Any program of the district or 53000
school that was approved by the department of education for an 53001

approval period that includes the fiscal year in which the 53002
district or school becomes a new member of the career-technical 53003
planning district shall retain its approved status during that 53004
fiscal year. 53005

(3) If an existing member of a career-technical planning 53006
district develops a new career-technical education program, that 53007
program shall be approved or disapproved by the lead district of 53008
the career-technical planning district prior to the first fiscal 53009
year for which the district or school is seeking funding for the 53010
program. 53011

(4) Except as provided in division (B)(2) of this section, if 53012
a career-technical education program was approved by the 53013
department prior to ~~the effective date of this section~~ September 53014
29, 2013, that approval remains valid for the unexpired remainder 53015
of the approval period specified by the department. Approval of 53016
that program may then be renewed in accordance with this section 53017
on a date prior to the expiration of the approval period. 53018

(C)(1) The lead district of a career-technical planning 53019
district shall approve or disapprove for a five-year period each 53020
career-technical education program of the city, local, and 53021
exempted village school districts, community schools, and STEM 53022
schools that are assigned by the department to the 53023
career-technical planning district. The lead district's decision 53024
to approve or disapprove a program shall be based on requirements 53025
for career-technical education programs that are specified in 53026
rules adopted by the department. These requirements shall include, 53027
but are not limited to, all of the following: 53028

(a) Demand for the career-technical education program by 53029
industries in the state; 53030

(b) Quality of the program; 53031

(c) Potential for a student enrolled in the program to 53032

receive the training that will qualify the student for industry 53033
credentials or post-secondary education; 53034

(d) Admission requirements of the lead district; 53035

(e) Past performance of the district or school that is 53036
offering the program; 53037

(f) Traveling distance; 53038

(g) Sustainability; 53039

(h) Capacity; 53040

(i) Availability of the program within the career-technical 53041
planning district; 53042

(j) In the case of a new program, the cost to begin the 53043
program. 53044

(2) The lead district shall approve or disapprove each 53045
program not later than the first day of March prior to the first 53046
fiscal year for which the district or school is seeking funding 53047
for the program. If a program is approved, the lead district shall 53048
notify the department of its decision. If a program is 53049
disapproved, the lead district shall notify the district or school 53050
of its decision. 53051

If the lead district disapproves the program or does not take 53052
any action to approve or disapprove the program by the first day 53053
of March, the district or school may appeal the lead district's 53054
decision or failure to take action to the department by the 53055
fifteenth day of March. 53056

(D)(1) Upon receiving notification of a lead district's 53057
approval of a district's or school's career-technical education 53058
program, the department shall review the lead district's decision 53059
and determine whether to approve or disapprove the program not 53060
later than the fifteenth day of May prior to the first fiscal year 53061
for which the district or school is seeking funding for the 53062

program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district, or the deduction from the state education aid of a district and payment to a community school or STEM school, of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the department.

(5) The department's decisions under divisions (D)(1) and (2) of this section shall be final and not appealable.

(6) The superintendent of public instruction may adopt guidelines identifying circumstances in which the department may, after consulting with a lead district, approve or disapprove a program that has been approved or disapproved by the lead district after the deadline prescribed in division (D)(1) or (2) of this section has passed.

(E) The department and the lead district of each career-technical planning district shall conduct an annual review of each career-technical education program in the lead district's career-technical planning district that receives approval under this section. Continued funding of the program during the five-year approval period shall be subject to the school's compliance with any directives for performance improvement that are issued by the department or the lead district as a result of any review conducted under this section.

Sec. 3317.23. (A) For purposes of this section, ~~an~~ 53103

(1) "Competency-based educational program" means any system of academic instruction, assessment, grading, and reporting where students receive credit based on demonstrations and assessments of their learning rather than the amount of time they spend studying a subject. A competency-based educational program shall encourage accelerated learning among students who master academic materials quickly while providing additional instructional support time for students who need it. 53104
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(2) An "eligible individual" is an individual who satisfies both of the following criteria: 53112
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~~(1)~~(a) The individual is at least twenty-two years of age. 53114

~~(2)~~(b) The individual has not been awarded a high school diploma or a certificate of high school equivalence as defined in section 4109.06 of the Revised Code. 53115
53116
53117

(B) An eligible individual may enroll in a city, local, or exempted village school district that operates a dropout prevention and recovery program for up to two ~~cumulative~~ consecutive school years for the purpose of earning a high school diploma. An individual enrolled under this division may elect to satisfy the requirements to earn a high school diploma by 53118
53119
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53123

successfully completing a competency-based ~~instructional~~ 53124
educational program that complies with the standards adopted by 53125
the ~~state board~~ department of education under section 3317.231 of 53126
the Revised Code. The district shall report that individual's 53127
enrollment on a full-time equivalency basis under division (A) of 53128
section 3317.036 of the Revised Code and shall not report that 53129
individual's enrollment under section 3317.03 of the Revised Code. 53130
An individual enrolled under this division shall not be assigned 53131
to classes or settings with students who are younger than eighteen 53132
years of age. 53133

(C)(1) For each district that enrolls individuals under 53134
division (B) of this section, the department ~~of education~~ annually 53135
shall certify the enrollment and attendance, on a full-time 53136
equivalency basis, of each individual reported by the district 53137
under division (A) of section 3317.036 of the Revised Code. 53138

(2) For each individual enrolled in a district under division 53139
(B) of this section, the department annually shall pay ~~to~~ the 53140
district ~~an amount equal to the following:~~ 53141

~~\$5,000 X the individual's enrollment on a full-time~~ 53142
~~equivalency basis as certified under division (C)(1) of this~~ 53143
~~section X the portion of the school year in which the individual~~ 53144
~~is enrolled in the district expressed as a percentage up to~~ 53145
\$5,000, as determined by the department based on the extent of the 53146
individual's successful completion of the graduation requirements 53147
prescribed under sections 3313.603, 3313.61, 3313.611, and 53148
3313.614 of the Revised Code. 53149

(D) A district that enrolls individuals under division (B) of 53150
this section shall be subject to the program administration 53151
standards adopted by the ~~state board~~ department under section 53152
3317.231 of the Revised Code, as applicable. 53153

Sec. 3317.231. ~~Not later than December 31, 2014, the state~~ 53154

~~board~~ The department of education shall adopt rules regarding the 53155
administration of programs that enroll individuals who are at 53156
least twenty-two years of age under sections 3314.38, 3317.23, 53157
3317.24, and 3345.86 of the Revised Code, including ~~data~~ 53158
~~collection, the reporting and certification of enrollment in the~~ 53159
~~programs, the measurement of the academic performance of~~ 53160
~~individuals enrolled in the programs~~ eligibility for the programs, 53161
application for the programs, accountability criteria and 53162
measurements for the programs, monitoring of the programs, data 53163
reporting for the programs including the reporting of student 53164
enrollment demographics, program outcomes, and the standards of 53165
practice for competency-based ~~instructional~~ educational programs, 53166
as defined in section 3317.23 of the Revised Code. 53167

Sec. 3317.24. (A) For purposes of this section, ~~an~~ 53168
"competency-based educational program" and "eligible individual" 53169
~~has~~ have the same ~~meaning~~ meanings as in section 3317.23 of the 53170
Revised Code. 53171

(B) An eligible individual may enroll in a joint vocational 53172
school district that operates an adult education program for up to 53173
two cumulative school years for the purpose of completing the 53174
requirements to earn a high school diploma. An individual enrolled 53175
under this division may elect to satisfy these requirements by 53176
successfully completing a competency-based ~~instructional~~ 53177
educational program that complies with the standards adopted by 53178
the ~~state board~~ department of education under section 3317.231 of 53179
the Revised Code. The district shall report an individual's 53180
enrollment under this division on a full-time equivalency basis 53181
under division (B) of section 3317.036 of the Revised Code and 53182
shall not report that individual's enrollment under section 53183
3317.03 of the Revised Code. An individual enrolled under this 53184
division shall not be assigned to classes or settings with 53185

students who are younger than eighteen years of age. 53186

(C)(1) For each joint vocational school district that enrolls 53187
individuals under division (B) of this section, the department of 53188
~~education~~ annually shall certify the enrollment and attendance, on 53189
a full-time equivalency basis, of each individual reported by the 53190
district under division (B) of section 3317.036 of the Revised 53191
Code. 53192

(2) For each individual enrolled in a joint vocational school 53193
district under division (B) of this section, the department 53194
annually shall pay ~~to~~ the district ~~an amount equal to the~~ 53195
~~following:~~ 53196

~~\$5,000 X the individual's enrollment on a full-time~~ 53197
~~equivalency basis as certified under division (C)(1) of this~~ 53198
~~section X the portion of the school year in which the individual~~ 53199
~~is enrolled in the district expressed as a percentage up to~~ 53200
\$5,000, as determined by the department based on the extent of the 53201
individual's successful completion of the graduation requirements 53202
prescribed under sections 3313.603, 3313.61, 3313.611, and 53203
3313.614 of the Revised Code. 53204

(D) If an individual enrolled in a joint vocational school 53205
district under division (B) of this section completes the 53206
requirements to earn a high school diploma, the joint vocational 53207
school district shall certify the completion of those requirements 53208
to the city, local, or exempted village school district in which 53209
the individual resides. Upon receiving certification under this 53210
division, the city, local, or exempted village school district in 53211
which the individual resides shall issue a high school diploma to 53212
the individual within sixty days of receiving the certification. 53213

(E) A joint vocational school district that enrolls 53214
individuals under division (B) of this section shall be subject to 53215
the program administration standards adopted by the ~~state board~~ 53216

department under section 3317.231 of the Revised Code, as 53217
applicable. 53218

Sec. 3317.26. (A) The department of education shall pay a 53219
city, local, or exempted village school district additional funds 53220
computed as follows: 53221

[(0.20 X the formula amount) - (the sum of the district's payments 53222
under sections 3317.022 and 3317.0212 of the Revised Code and 53223
Section 263.230 of H.B. 64 of the 131st general assembly / its 53224
formula ADM)] X the district's formula ADM 53225

If the result is a negative number, no payment shall be made 53226
under this section. 53227

(B) The department shall pay a joint vocational school 53228
district additional funds computed as follows: 53229

[(0.20 X the formula amount) - (the sum of the district's payments 53230
under section 3317.16 of the Revised Code and Section 263.240 of 53231
H.B. 64 of the 131st general assembly / its formula ADM)] X the 53232
district's formula ADM 53233

If the result is a negative number, no payment shall be made 53234
under this section. 53235

(C)(1) For fiscal year 2016, the department shall pay a city, 53236
local, or exempted village school district fifteen per cent of the 53237
amount calculated under division (A) of this section and shall pay 53238
a joint vocational school district fifteen per cent of the amount 53239
calculated under division (B) of this section. 53240

(2) For fiscal year 2017, the department shall pay a city, 53241
local, or exempted village school district twenty-five per cent of 53242
the amount calculated under division (A) of this section and shall 53243
pay a joint vocational school district twenty-five per cent of the 53244
amount calculated under division (B) of this section. 53245

Sec. 3318.02. (A) For purposes of sections 3318.01 to ~~3318.33~~ 53246

3318.32 of the Revised Code, the Ohio school facilities commission 53247
shall periodically perform an assessment of the classroom facility 53248
needs in the state to identify school districts in need of 53249
additional classroom facilities, or replacement or reconstruction 53250
of existent classroom facilities, and the cost to each such 53251
district of constructing or acquiring such additional facilities 53252
or making such renovations. 53253

(B) Based upon the most recent assessment conducted pursuant 53254
to division (A) of this section, the commission shall conduct 53255
on-site visits to school districts identified as having classroom 53256
facility needs to confirm the findings of the periodic assessment 53257
and further evaluate the classroom facility needs of the district. 53258
The evaluation shall assess the district's need to construct or 53259
acquire new classroom facilities and may include an assessment of 53260
the district's need for building additions or for the 53261
reconstruction of existent buildings in lieu of constructing or 53262
acquiring replacement buildings. 53263

(C)(1) Except as provided in division (C)(2) of this section, 53264
on-site visits performed on or after May 20, 1997, shall be 53265
performed in the order specified in this division. The first round 53266
of on-site visits first succeeding the effective date of this 53267
amendment, May 20, 1997, shall be limited to the school districts 53268
in the first through fifth percentiles, excluding districts that 53269
are ineligible for funding under this chapter pursuant to section 53270
3318.04 of the Revised Code. The second round of on-site visits 53271
shall be limited to the school districts in the first through 53272
tenth percentiles, excluding districts that are ineligible for 53273
funding under this chapter pursuant to section 3318.04 of the 53274
Revised Code. Each succeeding round of on-site visits shall be 53275
limited to the percentiles included in the immediately preceding 53276
round of on-site visits plus the next five percentiles. Except for 53277
the first round of on-site visits, no round of on-site visits 53278

shall commence unless eighty per cent of the districts for which 53279
on-site visits were performed during the immediately preceding 53280
round, have had projects approved under section 3318.04 of the 53281
Revised Code. 53282

(2) Notwithstanding division (C)(1) of this section, the 53283
commission may perform on-site visits for school districts in the 53284
next highest percentile to the percentiles included in the current 53285
round of on-site visits, and then to succeeding percentiles one at 53286
a time, not to exceed the twenty-fifth percentile, if all of the 53287
following apply: 53288

(a) Less than eighty per cent of the districts for which 53289
on-site visits were performed in the current round, and in any 53290
percentiles for which on-site visits were performed in addition to 53291
the current round pursuant to this division, have had projects 53292
approved under section 3318.04 of the Revised Code; 53293

(b) There are funds appropriated for the purpose of sections 53294
3318.01 to 3318.20 of the Revised Code that are not reserved and 53295
encumbered for projects pursuant to section 3318.04 of the Revised 53296
Code; 53297

(c) The commission makes a finding that such available funds 53298
would be more thoroughly utilized if on-site visits were extended 53299
to the next highest percentile. 53300

(D) Notwithstanding divisions (B) and (C) of this section, in 53301
any fiscal year, the commission may limit the number of districts 53302
for which it conducts on-site visits based upon its projections of 53303
the moneys available and moneys necessary to undertake projects 53304
under sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code for 53305
that year. 53306

Sec. 3318.024. In the first year of a capital biennium, any 53307
funds appropriated to the Ohio school facilities commission for 53308

classroom facilities projects under this chapter in the previous 53309
capital biennium that were not spent or encumbered, or for which 53310
an encumbrance has been canceled under section 3318.05 of the 53311
Revised Code, shall be used by the commission only for projects 53312
under sections 3318.01 to 3318.20 of the Revised Code, subject to 53313
appropriation by the general assembly. 53314

In the second year of a capital biennium, any funds 53315
appropriated to the Ohio school facilities commission for 53316
classroom facilities projects under this chapter that were not 53317
spent or encumbered in the first year of the biennium and which 53318
are in excess of an amount equal to half of the appropriations for 53319
the capital biennium, or for which an encumbrance has been 53320
canceled under section 3318.05 of the Revised Code, shall be used 53321
by the commission only for projects under sections 3318.01 to 53322
3318.20, 3318.32, 3318.351, 3318.364, 3318.37, 3318.371, 3318.38, 53323
and 3318.40 to 3318.46 of the Revised Code, subject to 53324
appropriation by the general assembly. 53325

Sec. 3318.054. (A) If conditional approval of a city, 53326
exempted village, or local school district's project lapses as 53327
provided in section 3318.05 of the Revised Code, or if conditional 53328
approval of a joint vocational school district's project lapses as 53329
provided in division (D) of section 3318.41 of the Revised Code, 53330
because the district's electors have not approved the ballot 53331
measures necessary to generate the district's portion of the basic 53332
project cost, and if the district board desires to seek a new 53333
conditional approval of the project, the district board shall 53334
request that the Ohio school facilities commission set the scope, 53335
basic project cost, and school district portion of the basic 53336
project cost prior to resubmitting the ballot measures to the 53337
electors. To do so, the commission shall use the district's 53338
current assessed tax valuation and the district's percentile for 53339

the prior fiscal year. For a district that has entered into an agreement under section 3318.36 of the Revised Code and desires to proceed with a project under sections 3318.01 to 3318.20 of the Revised Code, the district's portion of the basic project cost shall be the percentage specified in that agreement. The project scope and basic costs established under this division shall be valid for ~~one year~~ thirteen months from the date the commission approves them.

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.30. (A) There is hereby created the Ohio school

facilities commission as an independent agency of the state within 53370
the Ohio facilities construction commission, which is created 53371
under section 123.20 of the Revised Code. The Ohio school 53372
facilities commission shall administer the provision of financial 53373
assistance to school districts for the acquisition or construction 53374
of classroom facilities in accordance with sections 3318.01 to 53375
~~3318.33~~ 3318.32 of the Revised Code. 53376

The Ohio school facilities commission is a body corporate and 53377
politic, an agency of state government and an instrumentality of 53378
the state, performing essential governmental functions of this 53379
state. The carrying out of the purposes and the exercise by the 53380
Ohio school facilities commission of its powers conferred by 53381
sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised Code are 53382
essential public functions and public purposes of the state. The 53383
Ohio school facilities commission may, in its own name, sue and be 53384
sued, enter into contracts, and perform all the powers and duties 53385
given to it by sections 3318.01 to ~~3318.33~~ 3318.32 of the Revised 53386
Code, but it does not have and shall not exercise the power of 53387
eminent domain. In its discretion and as it determines 53388
appropriate, the Ohio school facilities commission may delegate to 53389
any of its members, executive director, or other employees any of 53390
the Ohio school facilities commission's powers and duties to carry 53391
out its functions. 53392

(B) The Ohio school facilities commission shall consist of 53393
seven members, three of whom are voting members. The voting 53394
members of the Ohio school facilities commission shall be the 53395
director of the office of budget and management, the director of 53396
administrative services, and the superintendent of public 53397
instruction, or their designees. Of the nonvoting members, two 53398
shall be members of the senate appointed by the president of the 53399
senate, and two shall be members of the house of representatives 53400
appointed by the speaker of the house. Each of the appointees of 53401

the president, and each of the appointees of the speaker, shall be 53402
members of different political parties. 53403

Nonvoting members shall serve as members of the Ohio school 53404
facilities commission during the legislative biennium for which 53405
they are appointed, except that any such member who ceases to be a 53406
member of the legislative house from which the member was 53407
appointed shall cease to be a member of the Ohio school facilities 53408
commission. Each nonvoting member shall be appointed within 53409
thirty-one days of the end of the term of that member's 53410
predecessor. Such members may be reappointed. Vacancies of 53411
nonvoting members shall be filled in the manner provided for 53412
original appointments. 53413

Members of the Ohio school facilities commission shall serve 53414
without compensation. 53415

After the initial nonvoting members of the Ohio school 53416
facilities commission have been appointed, the Ohio school 53417
facilities commission shall meet and organize by electing voting 53418
members as the chairperson and vice-chairperson of the Ohio school 53419
facilities commission, who shall hold their offices until the next 53420
organizational meeting of the Ohio school facilities commission. 53421
Organizational meetings of the Ohio school facilities commission 53422
shall be held at the first meeting of each calendar year. At each 53423
organizational meeting, the Ohio school facilities commission 53424
shall elect from among its voting members a chairperson and 53425
vice-chairperson, who shall serve until the next annual 53426
organizational meeting. The Ohio school facilities commission 53427
shall adopt rules pursuant to section 111.15 of the Revised Code 53428
for the conduct of its internal business and shall keep a journal 53429
of its proceedings. Including the organizational meeting, the Ohio 53430
school facilities commission shall meet at least once each 53431
calendar quarter. 53432

Two voting members of the Ohio school facilities commission 53433

constitute a quorum, and the affirmative vote of two members is 53434
necessary for approval of any action taken by the Ohio school 53435
facilities commission. A vacancy in the membership of the Ohio 53436
school facilities commission does not impair a quorum from 53437
exercising all the rights and performing all the duties of the 53438
Ohio school facilities commission. Meetings of the Ohio school 53439
facilities commission may be held anywhere in the state and shall 53440
be held in compliance with section 121.22 of the Revised Code. 53441

(C) The Ohio school facilities commission shall file an 53442
annual report of its activities and finances with the governor, 53443
speaker of the house of representatives, president of the senate, 53444
and chairpersons of the house and senate finance committees. 53445

(D) The Ohio school facilities commission shall be exempt 53446
from the requirements of sections 101.82 to 101.87 of the Revised 53447
Code. 53448

(E) The Ohio school facilities commission may share employees 53449
and facilities with the Ohio facilities construction commission. 53450

Sec. 3318.40. (A)(1) Sections 3318.40 to 3318.45 of the 53451
Revised Code apply only to joint vocational school districts. 53452

(2) As used in sections 3318.40 to 3318.45 of the Revised 53453
Code: 53454

(a) "Ohio school facilities commission," "classroom 53455
facilities," "project," and "basic project cost" have the same 53456
meanings as in section 3318.01 of the Revised Code. 53457

(b) "Acquisition of classroom facilities" means constructing, 53458
reconstructing, repairing, or making additions to classroom 53459
facilities. 53460

(B) There is hereby established the vocational school 53461
facilities assistance program. Under the program, the Ohio school 53462
facilities commission shall provide assistance to joint vocational 53463

school districts for the acquisition of classroom facilities 53464
suitable to the vocational education programs of the districts in 53465
accordance with sections 3318.40 to 3318.45 of the Revised Code. 53466
For purposes of the program, beginning July 1, 2003, the 53467
commission annually may set aside up to two per cent of the 53468
aggregate amount appropriated to it for classroom facilities 53469
assistance projects in ~~the education facilities trust fund,~~ 53470
~~established under section 183.26 of the Revised Code;~~ the public 53471
school building fund, established under section 3318.15 of the 53472
Revised Code, and the school building program assistance fund, 53473
established under section 3318.25 of the Revised Code. 53474

(C) The commission shall not provide assistance for any 53475
distinct part of a project under sections 3318.40 to 3318.45 of 53476
the Revised Code that when completed will be used exclusively for 53477
an adult education program or exclusively for operation of a 53478
driver training school for instruction leading to the issuance of 53479
a commercial driver's license under Chapter 4506. of the Revised 53480
Code, except for life safety items and basic building components 53481
necessary for complete and continuous construction or renovation 53482
of a classroom facility as determined by the commission. 53483

(D) The commission shall not provide assistance under 53484
sections 3318.40 to 3318.45 of the Revised Code to acquire 53485
classroom facilities for vocational educational instruction at a 53486
location under the control of a school district that is a member 53487
of a joint vocational school district. Any assistance to acquire 53488
classroom facilities for vocational educational instruction at 53489
such location shall be provided to the school district that is a 53490
member of the joint vocational school district through other 53491
provisions of this chapter when that member school district is 53492
eligible for assistance under those provisions. 53493

(E) By September 1, 2003, the commission shall assess the 53494
classroom facilities needs of at least five joint vocational 53495

school districts, according to the order of priority prescribed in 53496
division (B) of section 3318.42 of the Revised Code, and based on 53497
the results of those assessments shall determine the extent to 53498
which amendments to the specifications adopted under section 53499
3318.311 of the Revised Code are warranted. The commission, 53500
thereafter, may amend the specifications as provided in that 53501
section. 53502

(F) After the commission has conducted the assessments 53503
prescribed in division (E) of this section, the commission shall 53504
establish, by rule adopted in accordance with section 111.15 of 53505
the Revised Code, guidelines for the commission to use in deciding 53506
whether to waive compliance with the design specifications adopted 53507
under section 3318.311 of the Revised Code when determining the 53508
number of facilities and the basic project cost of projects as 53509
prescribed in division (A)(1)(a) of section 3318.41 of the Revised 53510
Code. The guidelines shall address the following situations: 53511

(1) Under what circumstances, if any, particular classroom 53512
facilities are adequate to meet the needs of the school district 53513
even though the facilities do not comply with the specifications 53514
adopted under section 3318.311 of the Revised Code; 53515

(2) Under what circumstances, if any, particular classroom 53516
facilities will be renovated or repaired rather than replaced by 53517
construction of new facilities. 53518

Sec. 3318.71. (A) As used in this section: 53519

(1) "Acquisition of classroom facilities" has the same 53520
meaning as in section 3318.40 of the Revised Code. 53521

(2) "Classroom facilities" has the same meaning as in section 53522
3318.01 of the Revised Code. 53523

(3) "Qualifying partnership" means a group of city, exempted 53524
village, or local school districts that are part of a 53525

career-technical education compact and have entered into an 53526
agreement for joint or cooperative establishment and operation of 53527
a science, technology, engineering, and mathematics education 53528
program under section 3313.842 of the Revised Code. The aggregate 53529
territory of the school districts composing a qualifying 53530
partnership shall be located in two adjacent counties, each having 53531
a population greater than forty thousand, but less than fifty 53532
thousand, and at least one of which borders another state. 53533

(B) The Ohio school facilities commission shall establish 53534
guidelines for assisting a qualifying partnership in the 53535
acquisition of classroom facilities to be used for a joint 53536
science, technology, engineering, and mathematics education 53537
program. 53538

(C) Upon receipt of a written proposal from a qualifying 53539
partnership, the commission, subject to approval of the 53540
controlling board, shall provide funding to assist that qualifying 53541
partnership in the acquisition of classroom facilities described 53542
in division (B) of this section. The proposal of the qualifying 53543
partnership shall be submitted in a form and in the manner 53544
prescribed by the commission. The proposal shall indicate both the 53545
total amount of funding requested from the commission and the 53546
amount of other funding pledged for the acquisition of the 53547
classroom facilities, the latter of which shall not be less than 53548
the total amount of funding requested from the commission. Once 53549
the commission determines a proposal meets its established 53550
guidelines and if the controlling board approves that funding, the 53551
commission shall enter into an agreement with the qualifying 53552
partnership for the acquisition of the classroom facilities and 53553
shall encumber, in accordance with section 3318.11 of the Revised 53554
Code, the approved funding from the amounts appropriated to the 53555
commission for classroom facilities assistance projects. The 53556
agreement shall include a stipulation of the ownership of the 53557

classroom facilities in the event the qualifying partnership ceases to exist. 53558
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(D) A qualifying partnership may levy taxes under section 5705.2112 of the Revised Code to use for all or part of the funding pledged for the acquisition of classroom facilities under division (C) of this section. If a qualifying partnership chooses to levy taxes for this purpose, it shall select one of the districts that is a member of the qualifying partnership to be the fiscal agent of the qualifying partnership for purposes of section 5705.2112 of the Revised Code. 53560
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Sec. 3319.113. (A) Not later than May 31, 2016, the state board of education shall develop a standards-based state framework for the evaluation of school counselors. The state board may update the framework periodically by adoption of a resolution. The framework shall establish an evaluation system that does the following: 53568
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(1) Requires school counselors to demonstrate their ability to produce positive student outcomes using metrics, including those from the school or school district's report card issued under section 3302.03 of the Revised Code when appropriate; 53574
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(2) Is aligned with the standards for school counselors adopted under section 3319.61 of the Revised Code and requires school counselors to demonstrate their ability in all the areas identified by those standards; 53578
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(3) Requires that all school counselors be evaluated annually, except as otherwise appropriate for high-performing school counselors; 53582
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(4) Assigns a rating on each evaluation in accordance with division (B) of this section; 53585
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(5) Designates the personnel that may conduct evaluations of 53587

school counselors in accordance with this framework; 53588

(6) Requires that each school counselor be provided with a 53589
written report of the results of that school counselor's 53590
evaluation; 53591

(7) Provides for professional development to accelerate and 53592
continue school counselor growth and provide support to poorly 53593
performing school counselors. 53594

(B)(1) The state board shall develop specific standards and 53595
criteria that distinguish between the following levels of 53596
performance for school counselors for the purposes of assigning 53597
ratings on the evaluations conducted under this section: 53598

(a) Accomplished; 53599

(b) Skilled; 53600

(c) Developing; 53601

(d) Ineffective. 53602

(2) The state board shall consult with experts, school 53603
counselors and principals employed in public schools, and 53604
representatives of stakeholder groups in developing the standards 53605
and criteria required by division (B)(1) of this section. 53606

(C)(1) Not later than September 30, 2016, each school 53607
district board of education shall adopt a standards-based school 53608
counselor evaluation policy that conforms with the framework for 53609
the evaluation of school counselors developed under this section. 53610
The policy shall become operative at the expiration of any 53611
collective bargaining agreement covering school counselors 53612
employed by the board that is in effect on the effective date of 53613
this section and shall be included in any renewal or extension of 53614
such an agreement. 53615

(2) A district board shall include both of the following in 53616
its evaluation policy: 53617

(a) The implementation of the framework for the evaluation of school counselors developed under this section beginning in the 2016-2017 school year; 53618
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(b) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for both of the following: 53621
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(i) Decisions regarding retention and promotion of school counselors; 53623
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(ii) Removal of poorly performing school counselors. 53625

(D) Each district board shall annually submit a report to the department of education, in a form and manner prescribed by the department, regarding its implementation of division (C) of this section. At no time shall the department permit or require that the name or personally identifiable information of any school counselor be reported to the department under this division. 53626
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(E) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the requirements of this section prevail over any conflicting provision of a collective bargaining agreement entered into on or after the effective date of this section. 53632
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Sec. 3319.114. (A) Beginning with the 2014-2015 school year, a district or school may choose to use the alternative framework prescribed by divisions (B) and (C) of this section when evaluating teachers under section 3319.111 of the Revised Code. 53637
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(B) If a district or school chooses to use the alternative framework for the 2014-2015 school year, that district or school shall calculate ratings assigned for teacher evaluations according to the following: 53641
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(1) The teacher performance measure, as defined by the department of education, shall account for forty-two and one-half per cent of each rating. 53645
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(2) The student academic growth measure, as defined by the department, shall account for forty-two and one-half per cent of each rating.

(3) Only one of the following components shall account for fifteen per cent of each rating:

(a) Student surveys;

(b) Teacher self-evaluations;

(c) Peer review evaluations;

(d) Student portfolios.

(C) If a district or school chooses to use the alternative framework for the 2015-2016 school year or any school year thereafter, that district or school shall calculate ratings assigned for teacher evaluations according to the following:

(1) The teacher performance measure, as defined by the department, shall account for ~~forty two and one half to~~ fifty per cent of each rating.

(2) The student academic growth measure, as defined by the department, shall account for ~~forty two and one half to fifty~~ thirty-five per cent of each rating.

(3) The remainder shall be one, or any combination, of the following components:

(a) Student surveys;

(b) Teacher self-evaluations;

(c) Peer review evaluations;

(d) Student portfolios;

(e) Any other component determined appropriate by the district board or school governing authority.

~~(4) The teacher performance measure and the student academic~~

~~growth measure shall account for an equal percentage of each rating.~~ 53676
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(D) The department shall compile a list of approved instruments ~~for that~~ districts and schools ~~to~~ may use, beginning with the 2014-2015 school year, when evaluating the components described under divisions (B)(3) and (C)(3) of this section. ~~Each district or school shall choose one of the approved instruments to evaluate the applicable component selected by the district or school under that section.~~ 53678
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Sec. 3319.22. (A)(1) The state board of education shall issue the following educator licenses: 53685
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(a) A resident educator license, which shall be valid for four years and shall be renewable for reasons specified by rules adopted by the state board pursuant to division (A)(3) of this section. The state board, on a case-by-case basis, may extend the license's duration as necessary to enable the license holder to complete the Ohio teacher residency program established under section 3319.223 of the Revised Code; 53687
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(b) A professional educator license, which shall be valid for five years and shall be renewable; 53694
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(c) A senior professional educator license, which shall be valid for five years and shall be renewable; 53696
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(d) A lead professional educator license, which shall be valid for five years and shall be renewable. 53698
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(2) The state board may issue any additional educator licenses of categories, types, and levels the board elects to provide. 53700
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(3) The state board shall adopt rules establishing the standards and requirements for obtaining each educator license issued under this section. The rules shall also include the 53703
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reasons for which a resident educator license may be renewed under 53706
division (A)(1)(a) of this section. 53707

(B) The rules adopted under this section shall require at 53708
least the following standards and qualifications for the educator 53709
licenses described in division (A)(1) of this section: 53710

(1) An applicant for a resident educator license shall hold 53711
at least a bachelor's degree from an accredited teacher 53712
preparation program or be a participant in the teach for America 53713
program and meet the qualifications required under section 53714
3319.227 of the Revised Code. 53715

(2) An applicant for a professional educator license shall: 53716

(a) Hold at least a bachelor's degree from an institution of 53717
higher education accredited by a regional accrediting 53718
organization; 53719

(b) Have successfully completed the Ohio teacher residency 53720
program established under section 3319.223 of the Revised Code, if 53721
the applicant's current or most recently issued license is a 53722
resident educator license issued under this section or an 53723
alternative resident educator license issued under section 3319.26 53724
of the Revised Code. 53725

(3) An applicant for a senior professional educator license 53726
shall: 53727

(a) Hold at least a master's degree from an institution of 53728
higher education accredited by a regional accrediting 53729
organization; 53730

(b) Have previously held a professional educator license 53731
issued under this section or section 3319.222 or under former 53732
section 3319.22 of the Revised Code; 53733

(c) Meet the criteria for the accomplished or distinguished 53734
level of performance, as described in the standards for teachers 53735

adopted by the state board under section 3319.61 of the Revised Code. 53736
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(4) An applicant for a lead professional educator license shall: 53738
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(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 53740
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 53743
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 53747
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 53750
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 53755
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of ~~the Ohio board of regents~~ higher education, in the manner and to the extent permitted by state and federal law. 53759
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of 53764
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section 3301.07 of the Revised Code, or any other law shall be 53766
adopted, amended, or rescinded under Chapter 119. of the Revised 53767
Code except as follows: 53768

(1) Notwithstanding division (E) of section 119.03 and 53769
division (A)(1) of section 119.04 of the Revised Code, in the case 53770
of the adoption of any rule or the amendment or rescission of any 53771
rule that necessitates institutions' offering preparation programs 53772
for educators and other school personnel that are approved by the 53773
chancellor of ~~the Ohio board of regents~~ higher education under 53774
section 3333.048 of the Revised Code to revise the curriculum of 53775
those programs, the effective date shall not be as prescribed in 53776
division (E) of section 119.03 and division (A)(1) of section 53777
119.04 of the Revised Code. Instead, the effective date of such 53778
rules, or the amendment or rescission of such rules, shall be the 53779
date prescribed by section 3333.048 of the Revised Code. 53780

(2) Notwithstanding the authority to adopt, amend, or rescind 53781
emergency rules in division (G) of section 119.03 of the Revised 53782
Code, this authority shall not apply to the state board of 53783
education with regard to rules for educator licenses. 53784

(F)(1) The rules adopted under this section establishing 53785
standards requiring additional coursework for the renewal of any 53786
educator license shall require a school district and a chartered 53787
nonpublic school to establish local professional development 53788
committees. In a nonpublic school, the chief administrative 53789
officer shall establish the committees in any manner acceptable to 53790
such officer. The committees established under this division shall 53791
determine whether coursework that a district or chartered 53792
nonpublic school teacher proposes to complete meets the 53793
requirement of the rules. The department of education shall 53794
provide technical assistance and support to committees as the 53795
committees incorporate the professional development standards 53796
adopted by the state board of education pursuant to section 53797

3319.61 of the Revised Code into their review of coursework that 53798
is appropriate for license renewal. The rules shall establish a 53799
procedure by which a teacher may appeal the decision of a local 53800
professional development committee. 53801

(2) In any school district in which there is no exclusive 53802
representative established under Chapter 4117. of the Revised 53803
Code, the professional development committees shall be established 53804
as described in division (F)(2) of this section. 53805

Not later than the effective date of the rules adopted under 53806
this section, the board of education of each school district shall 53807
establish the structure for one or more local professional 53808
development committees to be operated by such school district. The 53809
committee structure so established by a district board shall 53810
remain in effect unless within thirty days prior to an anniversary 53811
of the date upon which the current committee structure was 53812
established, the board provides notice to all affected district 53813
employees that the committee structure is to be modified. 53814
Professional development committees may have a district-level or 53815
building-level scope of operations, and may be established with 53816
regard to particular grade or age levels for which an educator 53817
license is designated. 53818

Each professional development committee shall consist of at 53819
least three classroom teachers employed by the district, one 53820
principal employed by the district, and one other employee of the 53821
district appointed by the district superintendent. For committees 53822
with a building-level scope, the teacher and principal members 53823
shall be assigned to that building, and the teacher members shall 53824
be elected by majority vote of the classroom teachers assigned to 53825
that building. For committees with a district-level scope, the 53826
teacher members shall be elected by majority vote of the classroom 53827
teachers of the district, and the principal member shall be 53828
elected by a majority vote of the principals of the district, 53829

unless there are two or fewer principals employed by the district, 53830
in which case the one or two principals employed shall serve on 53831
the committee. If a committee has a particular grade or age level 53832
scope, the teacher members shall be licensed to teach such grade 53833
or age levels, and shall be elected by majority vote of the 53834
classroom teachers holding such a license and the principal shall 53835
be elected by all principals serving in buildings where any such 53836
teachers serve. The district superintendent shall appoint a 53837
replacement to fill any vacancy that occurs on a professional 53838
development committee, except in the case of vacancies among the 53839
elected classroom teacher members, which shall be filled by vote 53840
of the remaining members of the committee so selected. 53841

Terms of office on professional development committees shall 53842
be prescribed by the district board establishing the committees. 53843
The conduct of elections for members of professional development 53844
committees shall be prescribed by the district board establishing 53845
the committees. A professional development committee may include 53846
additional members, except that the majority of members on each 53847
such committee shall be classroom teachers employed by the 53848
district. Any member appointed to fill a vacancy occurring prior 53849
to the expiration date of the term for which a predecessor was 53850
appointed shall hold office as a member for the remainder of that 53851
term. 53852

The initial meeting of any professional development 53853
committee, upon election and appointment of all committee members, 53854
shall be called by a member designated by the district 53855
superintendent. At this initial meeting, the committee shall 53856
select a chairperson and such other officers the committee deems 53857
necessary, and shall adopt rules for the conduct of its meetings. 53858
Thereafter, the committee shall meet at the call of the 53859
chairperson or upon the filing of a petition with the district 53860
superintendent signed by a majority of the committee members 53861

calling for the committee to meet. 53862

(3) In the case of a school district in which an exclusive 53863
representative has been established pursuant to Chapter 4117. of 53864
the Revised Code, professional development committees shall be 53865
established in accordance with any collective bargaining agreement 53866
in effect in the district that includes provisions for such 53867
committees. 53868

If the collective bargaining agreement does not specify a 53869
different method for the selection of teacher members of the 53870
committees, the exclusive representative of the district's 53871
teachers shall select the teacher members. 53872

If the collective bargaining agreement does not specify a 53873
different structure for the committees, the board of education of 53874
the school district shall establish the structure, including the 53875
number of committees and the number of teacher and administrative 53876
members on each committee; the specific administrative members to 53877
be part of each committee; whether the scope of the committees 53878
will be district levels, building levels, or by type of grade or 53879
age levels for which educator licenses are designated; the lengths 53880
of terms for members; the manner of filling vacancies on the 53881
committees; and the frequency and time and place of meetings. 53882
However, in all cases, except as provided in division (F)(4) of 53883
this section, there shall be a majority of teacher members of any 53884
professional development committee, there shall be at least five 53885
total members of any professional development committee, and the 53886
exclusive representative shall designate replacement members in 53887
the case of vacancies among teacher members, unless the collective 53888
bargaining agreement specifies a different method of selecting 53889
such replacements. 53890

(4) Whenever an administrator's coursework plan is being 53891
discussed or voted upon, the local professional development 53892
committee shall, at the request of one of its administrative 53893

members, cause a majority of the committee to consist of 53894
administrative members by reducing the number of teacher members 53895
voting on the plan. 53896

(G)(1) The department of education, educational service 53897
centers, county boards of developmental disabilities, regional 53898
professional development centers, special education regional 53899
resource centers, college and university departments of education, 53900
head start programs, and the Ohio education computer network may 53901
establish local professional development committees to determine 53902
whether the coursework proposed by their employees who are 53903
licensed or certificated under this section or section 3319.222 of 53904
the Revised Code, or under the former version of either section as 53905
it existed prior to October 16, 2009, meet the requirements of the 53906
rules adopted under this section. They may establish local 53907
professional development committees on their own or in 53908
collaboration with a school district or other agency having 53909
authority to establish them. 53910

Local professional development committees established by 53911
county boards of developmental disabilities shall be structured in 53912
a manner comparable to the structures prescribed for school 53913
districts in divisions (F)(2) and (3) of this section, as shall 53914
the committees established by any other entity specified in 53915
division (G)(1) of this section that provides educational services 53916
by employing or contracting for services of classroom teachers 53917
licensed or certificated under this section or section 3319.222 of 53918
the Revised Code, or under the former version of either section as 53919
it existed prior to October 16, 2009. All other entities specified 53920
in division (G)(1) of this section shall structure their 53921
committees in accordance with guidelines which shall be issued by 53922
the state board. 53923

(2) Any public agency that is not specified in division 53924
(G)(1) of this section but provides educational services and 53925

employs or contracts for services of classroom teachers licensed 53926
or certificated under this section or section 3319.222 of the 53927
Revised Code, or under the former version of either section as it 53928
existed prior to October 16, 2009, may establish a local 53929
professional development committee, subject to the approval of the 53930
department of education. The committee shall be structured in 53931
accordance with guidelines issued by the state board. 53932

(H) Not later than July 1, 2016, the state board, in 53933
accordance with Chapter 119. of the Revised Code, shall adopt 53934
rules pursuant to division (A)(3) of this section that do both of 53935
the following: 53936

(1) Exempt consistently high-performing teachers from the 53937
requirement to complete any additional coursework for the renewal 53938
of an educator license issued under this section or section 53939
3319.26 of the Revised Code. The rules also shall specify that 53940
such teachers are exempt from any requirements prescribed by 53941
professional development committees established under divisions 53942
(F) and (G) of this section. 53943

(2) For purposes of division (H)(1) of this section, the 53944
state board shall define the term "consistently high-performing 53945
teacher." 53946

Sec. 3319.223. (A) Not later than January 1, 2011, the 53947
superintendent of public instruction and the chancellor of ~~the~~ 53948
~~Ohio board of regents~~ higher education jointly shall establish the 53949
Ohio teacher residency program, which shall be a four-year, 53950
entry-level program for classroom teachers. The teacher residency 53951
program shall include at least the following components: 53952

(1) Mentoring by teachers ~~who hold a lead professional~~ 53953
~~educator license issued under section 3319.22 of the Revised Code~~ 53954
for the first two years of the program; 53955

(2) Counseling, as determined necessary by the school district or school, to ensure that program participants receive needed professional development; 53956
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(3) Measures of appropriate progression through the program, which shall include the performance-based assessment prescribed by the state board of education for resident educators in the third year of the program. 53959
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An individual who is teaching career-technical courses under an alternative resident educator license issued under section 3319.26 of the Revised Code shall not be required to complete the conditions of the Ohio teacher residency program that a participant, as of the effective date of this amendment, would have been required to complete during the participant's first and second year of teaching under an alternative resident educator license. Such an individual shall complete all the conditions that, as of the effective date of this amendment, were necessary for a participant in the third and fourth year of the program prior to applying for a professional educator license under division (A)(2) of section 3319.22 of the Revised Code. 53963
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(B) The teacher residency program shall be aligned with the standards for teachers adopted by the state board ~~of education~~ under section 3319.61 of the Revised Code and best practices identified by the superintendent of public instruction. 53975
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(C) Each person who holds a resident educator license issued under section 3319.22 or 3319.227 of the Revised Code or an alternative resident educator license issued under section 3319.26 of the Revised Code shall participate in the teacher residency program. Successful completion of the program shall be required to qualify any such person for a professional educator license issued under section 3319.22 of the Revised Code. 53979
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Sec. 3319.271. (A) As used in this section, the "bright new 53986

leaders for Ohio schools program" means the program created and 53987
implemented by the nonprofit corporation incorporated pursuant to 53988
Section 733.40 of Am. Sub. H.B. 59 of the 130th general assembly 53989
to provide an alternative path for individuals to receive training 53990
and development in the administration of primary and secondary 53991
education and leadership, enable those individuals to earn degrees 53992
and obtain licenses in public school administration, and promote 53993
the placement of those individuals in public schools that have a 53994
poverty percentage greater than fifty per cent. 53995

(B) The state board of education shall issue an alternative 53996
principal license or an alternative administrator license, as 53997
applicable, to an individual who successfully completes the bright 53998
new leaders for Ohio schools program and satisfies the 53999
requirements in rules adopted by the state board under division 54000
(C) of this section. 54001

(C) The state board, in consultation with the board of 54002
directors of the bright new leaders for Ohio schools program, 54003
shall adopt rules that prescribe the requirements for obtaining an 54004
alternative principal license or an alternative administrator 54005
license under this section. The state board shall use the rules 54006
adopted under section 3319.27 of the Revised Code as guidance in 54007
developing the rules adopted under this division. 54008

Sec. 3319.303. (A) The state board of education shall adopt 54009
rules establishing standards and requirements for obtaining a 54010
pupil-activity program permit for any individual who does not hold 54011
a valid educator license, certificate, or permit issued by the 54012
state board under section 3319.22, 3319.26, or 3319.27 of the 54013
Revised Code. The permit issued under this section shall be valid 54014
for coaching, supervising, or directing a pupil-activity program 54015
under section 3313.53 of the Revised Code. Subject to the 54016
provisions of section 3319.31 of the Revised Code, a permit issued 54017

under this ~~section~~ division shall be valid for three years and 54018
shall be renewable. 54019

(B) The state board shall adopt rules applicable to 54020
individuals who hold valid educator licenses, certificates, or 54021
permits issued by the state board under section 3319.22, 3319.26, 54022
or 3319.27 of the Revised Code setting forth standards to assure 54023
any such individual's competence to direct, supervise, or coach a 54024
pupil-activity program described in section 3313.53 of the Revised 54025
Code. The rules adopted under this division shall not be more 54026
stringent than the standards set forth in rules applicable to 54027
individuals who do not hold such licenses, certificates, or 54028
permits adopted under division (A) of this section. Subject to the 54029
provisions of section 3319.31 of the Revised Code, a permit issued 54030
to an individual under this division shall be valid for the same 54031
number of years as the individual's educator license, certificate, 54032
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 54033
Revised Code and shall be renewable. 54034

(C) As a condition to issuing or renewing a pupil-activity 54035
program permit to coach interscholastic athletics: 54036

(1) The state board shall require each individual applying 54037
for a first permit on or after April 26, 2013, to successfully 54038
complete a training program that is specifically focused on brain 54039
trauma and brain injury management. 54040

(2) The state board shall require each individual applying 54041
for a permit renewal on or after that date to present evidence 54042
that the individual has successfully completed, within the 54043
previous three years, a training program in recognizing the 54044
symptoms of concussions and head injuries to which the department 54045
of health has provided a link on its internet web site under 54046
section 3707.52 of the Revised Code or a training program 54047
authorized and required by an organization that regulates 54048
interscholastic athletic competition and conducts interscholastic 54049

athletic events. 54050

Sec. 3319.323. During the course of transferring a student's 54051
record to an educational institution for a legitimate educational 54052
purpose as specified under division (C) of section 3319.321 of the 54053
Revised Code, no school district or school shall alter, truncate, 54054
or redact any part of a student's record so that any information 54055
on the student's record is rendered unreadable or unintelligible. 54056

Sec. 3319.51. (A)(1) The state board of education shall 54057
annually establish the amount of the fees required to be paid for 54058
any license, certificate, or permit issued under this chapter or 54059
division (B) of section 3301.071 or section 3301.074 of the 54060
Revised Code. The Except as provided in division (A)(2) of this 54061
section, the amount of these fees shall be such that they, along 54062
with any appropriation made to the fund established under division 54063
(B) of this section, will be sufficient to cover the annual 54064
estimated cost of administering the requirements described under 54065
division (B) of this section. 54066

(2) The state board shall not require any fee to be paid 54067
under division (A)(1) of this section for a license, certificate, 54068
or permit issued for the purpose of teaching in a junior reserve 54069
officer training corps (JROTC) program approved by the congress of 54070
the United States under title 10 of the United States Code. 54071

(B) There is hereby established in the state treasury the 54072
state board of education licensure fund, which shall be used by 54073
the state board of education solely to pay the cost of 54074
administering requirements related to the issuance and renewal of 54075
licenses, certificates, and permits described in this chapter and 54076
sections 3301.071 and 3301.074 of the Revised Code. The fund shall 54077
consist of the amounts paid into the fund pursuant to division (B) 54078
of section 3301.071 and sections 3301.074 and 3319.29 of the 54079

Revised Code and any appropriations to the fund by the general assembly. 54080
54081

Sec. 3319.61. (A) The educator standards board, in 54082
consultation with the chancellor of ~~the Ohio board of regents~~ 54083
higher education, shall do all of the following: 54084

(1) Develop state standards for teachers and principals that 54085
reflect what teachers and principals are expected to know and be 54086
able to do at all stages of their careers. These standards shall 54087
be aligned with the statewide academic content standards for 54088
students adopted pursuant to section 3301.079 of the Revised Code, 54089
be primarily based on educator performance instead of years of 54090
experience or certain courses completed, and rely on 54091
evidence-based factors. These standards shall also be aligned with 54092
the operating standards adopted under division (D)(3) of section 54093
3301.07 of the Revised Code. 54094

(a) The standards for teachers shall reflect the following 54095
additional criteria: 54096

(i) Alignment with the interstate new teacher assessment and 54097
support consortium standards; 54098

(ii) Differentiation among novice, experienced, and advanced 54099
teachers; 54100

(iii) Reliance on competencies that can be measured; 54101

(iv) Reliance on content knowledge, teaching skills, 54102
discipline-specific teaching methods, and requirements for 54103
professional development; 54104

(v) Alignment with a career-long system of professional 54105
development and evaluation that ensures teachers receive the 54106
support and training needed to achieve the teaching standards as 54107
well as reliable feedback about how well they meet the standards; 54108

(vi) The standards under section 3301.079 of the Revised 54109

Code, including standards on collaborative learning environments	54110
and interdisciplinary, project-based, real-world learning and	54111
differentiated instruction;	54112
(vii) The Ohio leadership framework.	54113
(b) The standards for principals shall be aligned with the	54114
interstate school leaders licensing consortium standards.	54115
(2) Develop standards for school district superintendents	54116
that reflect what superintendents are expected to know and be able	54117
to do at all stages of their careers. The standards shall reflect	54118
knowledge of systems theory and effective management principles	54119
and be aligned with the buckeye association of school	54120
administrators standards and the operating standards developed	54121
under division (D)(3) of section 3301.07 of the Revised Code.	54122
(3) Develop standards for school district treasurers and	54123
business managers that reflect what treasurers and business	54124
managers are expected to know and be able to do at all stages of	54125
their careers. The standards shall reflect knowledge of systems	54126
theory and effective management principles and be aligned with the	54127
association of school business officials international standards	54128
and the operating standards developed under division (D)(3) of	54129
section 3301.07 of the Revised Code.	54130
(4) Develop standards for the renewal of licenses under	54131
sections 3301.074 and 3319.22 of the Revised Code;	54132
(5) Develop standards for educator professional development;	54133
(6) Investigate and make recommendations for the creation,	54134
expansion, and implementation of school building and school	54135
district leadership academies;	54136
<u>(7) Develop standards for school counselors that reflect what</u>	54137
<u>school counselors are expected to know and be able to do at all</u>	54138
<u>stages of their careers. The standards shall reflect knowledge of</u>	54139

academic, personal, and social counseling for students and 54140
effective principles to implement an effective school counseling 54141
program. The standards also shall reflect Ohio-specific knowledge 54142
of career counseling for students and education options that 54143
provide flexibility for earning credit, such as earning units of 54144
high school credit using the methods adopted by the state board of 54145
education under division (J) of section 3313.603 of the Revised 54146
Code and earning college credit through the college credit plus 54147
program established under Chapter 3365. of the Revised Code. The 54148
standards shall align with the American school counselor 54149
association's professional standards and the operating standards 54150
developed under division (D)(3) of section 3301.07 of the Revised 54151
Code. 54152

The superintendent of public instruction, the chancellor of 54153
~~the Ohio board of regents higher education~~, or the education 54154
standards board itself may request that the educator standards 54155
board update, review, or reconsider any standards developed under 54156
this section. 54157

(B) The educator standards board shall incorporate indicators 54158
of cultural competency into the standards developed under division 54159
(A) of this section. For this purpose, the educator standards 54160
board shall develop a definition of cultural competency based upon 54161
content and experiences that enable educators to know, understand, 54162
and appreciate the students, families, and communities that they 54163
serve and skills for addressing cultural diversity in ways that 54164
respond equitably and appropriately to the cultural needs of 54165
individual students. 54166

(C) In developing the standards under division (A) of this 54167
section, the educator standards board shall consider the impact of 54168
the standards on closing the achievement gap between students of 54169
different subgroups. 54170

(D) In developing the standards under division (A) of this 54171

section, the educator standards board shall ensure both of the 54172
following: 54173

(1) That teachers have sufficient knowledge to provide 54174
appropriate instruction for students identified as gifted pursuant 54175
to Chapter 3324. of the Revised Code and to assist in the 54176
identification of such students, and have sufficient knowledge 54177
that will enable teachers to provide learning opportunities for 54178
all children to succeed; 54179

(2) That principals, superintendents, school treasurers, and 54180
school business managers have sufficient knowledge to provide 54181
principled, collaborative, foresighted, and data-based leadership 54182
that will provide learning opportunities for all children to 54183
succeed. 54184

(E) The standards for educator professional development 54185
developed under division (A)(5) of this section shall include the 54186
following: 54187

(1) Standards for the inclusion of local professional 54188
development committees established under section 3319.22 of the 54189
Revised Code in the planning and design of professional 54190
development; 54191

(2) Standards that address the crucial link between academic 54192
achievement and mental health issues. 54193

(F) The educator standards board shall also perform the 54194
following functions: 54195

(1) Monitor compliance with the standards developed under 54196
division (A) of this section and make recommendations to the state 54197
board of education for appropriate corrective action if such 54198
standards are not met; 54199

(2) Research, develop, and recommend policies on the 54200
professions of teaching and school administration; 54201

- (3) Recommend policies to close the achievement gap between students of different subgroups; 54202
54203
- (4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 54204
54205
- (5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 54206
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- (6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section. 54223
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- (7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of multiple evaluation criteria into each of the following: 54226
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- (a) Eligibility for a professional educator license, senior professional educator license, lead professional educator license, or principal license issued under section 3319.22 of the Revised 54230
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Code; 54233

(b) The Ohio teacher residency program established under 54234
section 3319.223 of the Revised Code; 54235

(c) The model teacher and principal evaluation instruments 54236
and processes developed under division (F)(6) of this section. 54237

(G) The educator standards board shall submit recommendations 54238
of standards developed under division (A) of this section to the 54239
state board of education not later than September 1, 2010. The 54240
state board of education shall review those recommendations at the 54241
state board's regular meeting that next succeeds the date that the 54242
recommendations are submitted to the state board. At that meeting, 54243
the state board of education shall vote to either adopt standards 54244
based on those recommendations or request that the educator 54245
standards board reconsider its recommendations. The state board of 54246
education shall articulate reasons for requesting reconsideration 54247
of the recommendations but shall not direct the content of the 54248
recommendations. The educator standards board shall reconsider its 54249
recommendations if the state board of education so requests, may 54250
revise the recommendations, and shall resubmit the 54251
recommendations, whether revised or not, to the state board not 54252
later than two weeks prior to the state board's regular meeting 54253
that next succeeds the meeting at which the state board requested 54254
reconsideration of the initial recommendations. The state board of 54255
education shall review the recommendations as resubmitted by the 54256
educator standards board at the state board's regular meeting that 54257
next succeeds the meeting at which the state board requested 54258
reconsideration of the initial recommendations and may adopt the 54259
standards as resubmitted or, if the resubmitted standards have not 54260
addressed the state board's concerns, the state board may modify 54261
the standards prior to adopting them. The final responsibility to 54262
determine whether to adopt standards as described in division (A) 54263
of this section and the content of those standards, if adopted, 54264

belongs solely to the state board of education. 54265

Sec. 3319.67. (A) The state board of education may establish 54266
an annual teacher of the year recognition program for outstanding 54267
teachers. 54268

(B) Notwithstanding division (A) of section 2921.43 of the 54269
Revised Code, a person or entity may make a voluntary contribution 54270
to the recognition program described in division (A) of this 54271
section. 54272

(C) Notwithstanding division (A) of section 2921.43 of the 54273
Revised Code, a teacher who is recognized as a teacher of the year 54274
by the recognition program described in division (A) of this 54275
section may accept gifts and privileges as part of the recognition 54276
program. 54277

Sec. 3323.13. (A) If a child who is a school resident of one 54278
school district receives special education from another district, 54279
the board of education of the district providing the education, 54280
subject to division (C) of this section, may require the payment 54281
by the board of education of the district of residence of a sum 54282
not to exceed one of the following, as applicable: 54283

(1) For any child except a preschool child with a disability 54284
described in division (A)(2) of this section, the tuition of the 54285
district providing the education for a child of normal needs of 54286
the same school grade. The determination of the amount of such 54287
tuition shall be in the manner provided for by division (A) of 54288
section 3317.08 of the Revised Code. 54289

(2) For any preschool child with a disability, the tuition of 54290
the district providing the education for the child as calculated 54291
under division (B) of section 3317.08 of the Revised Code, ~~7~~ 54292
~~multiplied by 0.50.~~ 54293

(B) The board of the district of residence may contract with 54294

the board of another district for the transportation of such child 54295
into any school in such other district, on terms agreed upon by 54296
such boards. Upon direction of the state board of education, the 54297
board of the district of residence shall pay for the child's 54298
transportation and the tuition. 54299

(C) The board of education of a district providing the 54300
education for a child shall be entitled to require payment from 54301
the district of residence under this section or section 3323.14 of 54302
the Revised Code only if the district providing the education has 54303
done at least one of the following: 54304

(1) Invited the district of residence to send representatives 54305
to attend the meetings of the team developing the child's 54306
individualized education program; 54307

(2) Received from the district of residence a copy of the 54308
individualized education program or a multifactored evaluation 54309
developed for the child by the district of residence; 54310

(3) Informed the district of residence in writing that the 54311
district is providing the education for the child. 54312

As used in division (C)(2) of this section, "multifactored 54313
evaluation" means an evaluation, conducted by a multidisciplinary 54314
team, of more than one area of the child's functioning so that no 54315
single procedure shall be the sole criterion for determining an 54316
appropriate educational program placement for the child. 54317

Sec. 3326.10. Each science, technology, engineering, and 54318
mathematics school shall adopt admission procedures that specify 54319
the following: 54320

(A)(1) Admission shall be open to individuals entitled and 54321
eligible to attend school pursuant to section 3313.64 or 3313.65 54322
of the Revised Code in a school district in the state. 54323

(2) ~~Students who are not residents of Ohio shall not be~~ 54324

~~permitted to enroll in a science, technology, engineering, and~~ 54325
~~mathematics school (a) Admission may be open on a tuition basis to~~ 54326
~~individuals who are not residents of this state. The school shall~~ 54327
~~not receive state funds under sections 3326.33 to 3326.51 of the~~ 54328
~~Revised Code for any student who is not a resident of this state.~~ 54329

(b) The school shall charge tuition for a student who is not 54330
a resident of this state in an amount equal to the amount 54331
calculated by the department of education under section 3326.101 54332
of the Revised Code. 54333

(B) There will be no discrimination in the admission of 54334
students to the school on the basis of race, creed, color, 54335
disability, or sex. 54336

(C) The school will comply with all federal and state laws 54337
regarding the education of students with disabilities. 54338

(D) Unless the school serves only students identified as 54339
gifted under Chapter 3324. of the Revised Code, the school will 54340
not limit admission to students on the basis of intellectual 54341
ability, measures of achievement or aptitude, or athletic or 54342
artistic ability. 54343

(E) The school will assert its best effort to attract a 54344
diverse student body that reflects the community, and the school 54345
will recruit students from disadvantaged and underrepresented 54346
groups. 54347

Sec. 3326.101. For each student who is not a resident of this 54348
state and is enrolled in a science, technology, engineering, and 54349
mathematics school under division (A)(2) of section 3326.10 of the 54350
Revised Code, the department of education shall calculate the 54351
amount that the school would have received for that student under 54352
section 3326.33 of the Revised Code if that student were a 54353
resident of this state. The department shall not pay that amount 54354

to the school, but the school shall charge that amount to the 54355
student as tuition. 54356

Sec. 3326.11. Each science, technology, engineering, and 54357
mathematics school established under this chapter and its 54358
governing body shall comply with sections 9.90, 9.91, 109.65, 54359
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 54360
3301.0714, 3301.0715, 3301.948, 3313.14, 3313.15, 3313.16, 54361
3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 3313.481, 3313.482, 54362
3313.50, 3313.536, 3313.539, 3313.608, 3313.6012, 3313.6013, 54363
3313.6014, 3313.6015, 3313.6020, 3313.61, 3313.611, 3313.614, 54364
3313.615, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 54365
3313.662, 3313.666, 3313.667, 3313.67, 3313.671, 3313.672, 54366
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 54367
3313.7112, 3317.721, 3313.80, 3313.801, 3313.814, 3313.816, 54368
3313.817, 3313.86, 3313.89, 3313.96, 3319.073, 3319.21, 3319.32, 54369
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 54370
3321.01, 3321.041, 3321.13, 3321.14, 3321.17, 3321.18, 3321.19, 54371
3321.191, 3327.10, 4111.17, 4113.52, and 5705.391 and Chapters 54372
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 54373
4123., 4141., and 4167. of the Revised Code as if it were a school 54374
district. 54375

Sec. 3326.32. Each science, technology, engineering, and 54376
mathematics school shall report to the department of education, in 54377
the form and manner required by the department, all of the 54378
following information: 54379

(A) The total number of students enrolled in the school who 54380
are residents of this state; 54381

(B) The number of students reported under division (A) of 54382
this section who are receiving special education and related 54383
services pursuant to an IEP; 54384

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student; 54385
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(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A), (B), (C), (D), and (E) of section 3317.014 of the Revised Code that are provided by the STEM school; 54388
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(E) The number of students reported under division (A) of this section who are limited English proficient students and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student; 54393
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(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income. 54397
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(G) The resident district of each student reported under division (A) of this section; 54402
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(H) The total number of students enrolled in the school who are not residents of this state and any additional information regarding these students that the department requires the school to report. The school shall not receive any payments under this chapter for students reported under this division. 54404
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(I) Any additional information the department determines necessary to make payments under this chapter. 54409
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Sec. 3326.33. For each student enrolled in a science, technology, engineering, and mathematics school established under this chapter, on a full-time equivalency basis, the department of education annually shall deduct from the state education aid of a 54411
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student's resident school district and, if necessary, from the 54415
payment made to the district under sections 321.24 and 323.156 of 54416
the Revised Code and pay to the school the sum of the following: 54417

(A) An opportunity grant in an amount equal to the formula 54418
amount; 54419

(B) The per pupil amount of targeted assistance funds 54420
calculated under division (A) of section 3317.0217 of the Revised 54421
Code for the student's resident district, as determined by the 54422
department, X 0.25; 54423

(C) Additional state aid for special education and related 54424
services provided under Chapter 3323. of the Revised Code as 54425
follows: 54426

(1) If the student is a category one special education 54427
student, the amount specified in division (A) of section 3317.013 54428
of the Revised Code; 54429

(2) If the student is a category two special education 54430
student, the amount specified in division (B) of section 3317.013 54431
of the Revised Code; 54432

(3) If the student is a category three special education 54433
student, the amount specified in division (C) of section 3317.013 54434
of the Revised Code; 54435

(4) If the student is a category four special education 54436
student, the amount specified in division (D) of section 3317.013 54437
of the Revised Code; 54438

(5) If the student is a category five special education 54439
student, the amount specified in division (E) of section 3317.013 54440
of the Revised Code; 54441

(6) If the student is a category six special education 54442
student, the amount specified in division (F) of section 3317.013 54443
of the Revised Code. 54444

(D) If the student is in kindergarten through third grade,	54445
\$211 <u>\$305</u> , in fiscal year 2014 <u>2016</u> , or \$290 <u>\$320</u> , in fiscal year	54446
2015 <u>2017</u> ;	54447
(E) If the student is economically disadvantaged, an amount	54448
equal to the following:	54449
(\$269, in fiscal year 2014, or \$272, in fiscal year 2015) X (the	54450
resident district's economically disadvantaged index)	54451
(F) Limited English proficiency funds, as follows:	54452
(1) If the student is a category one limited English	54453
proficient student, the amount specified in division (A) of	54454
section 3317.016 of the Revised Code;	54455
(2) If the student is a category two limited English	54456
proficient student, the amount specified in division (B) of	54457
section 3317.016 of the Revised Code;	54458
(3) If the student is a category three limited English	54459
proficient student, the amount specified in division (C) of	54460
section 3317.016 of the Revised Code.	54461
(G) Career-technical education funds as follows:	54462
(1) If the student is a category one career-technical	54463
education student, the amount specified in division (A) of section	54464
3317.014 of the Revised Code;	54465
(2) If the student is a category two career-technical	54466
education student, the amount specified in division (B) of section	54467
3317.014 of the Revised Code;	54468
(3) If the student is a category three career-technical	54469
education student, the amount specified in division (C) of section	54470
3317.014 of the Revised Code;	54471
(4) If the student is a category four career-technical	54472
education student, the amount specified in division (D) of section	54473
3317.014 of the Revised Code;	54474

(5) If the student is a category five career-technical education student, the amount specified in division (E) of section 3317.014 of the Revised Code. 54475
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Deduction and payment of funds under division (G) of this section is subject to approval under section 3317.161 of the Revised Code. 54478
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Sec. 3326.41. (A) For purposes of this section: 54481

(1) "Formula amount" has the same meaning as in section 3317.02 of the Revised Code. 54482
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(2) "Four-year adjusted cohort graduation rate" has the same meaning as in section 3302.01 of the Revised Code. 54484
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(B) In addition to the payments made under section 3326.33 of the Revised Code, the department of education shall annually pay to each science, technology, engineering, and mathematics school a graduation bonus calculated according to the following formula: The school's four-year adjusted cohort graduation rate on its most recent report card issued by the department under section 3302.03 of the Revised Code X 0.05 X the formula amount X the number of the school's graduates reported to the department, in accordance with the guidelines adopted under section 3301.0714 of the Revised Code, for the same school year for which the most recent report card was issued 54486
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Sec. 3326.50. A Except as provided in division (A)(2) of section 3326.10 of the Revised Code, a science, technology, engineering, and mathematics school shall not charge tuition for any student enrolled in the school. 54497
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Sec. 3327.01. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, this section and sections 3327.011, 3327.012, and 3327.02 of the 54501
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Revised Code do not apply to any joint vocational or cooperative 54504
education school district. 54505

In all city, local, and exempted village school districts 54506
where resident school pupils in grades kindergarten through eight 54507
live more than two miles from the school for which the state board 54508
of education prescribes minimum standards pursuant to division (D) 54509
of section 3301.07 of the Revised Code and to which they are 54510
assigned by the board of education of the district of residence or 54511
to and from the nonpublic or community school which they attend, 54512
the board of education shall provide transportation for such 54513
pupils to and from that school except as provided in section 54514
3327.02 of the Revised Code. 54515

In all city, local, and exempted village school districts 54516
where pupil transportation is required under a career-technical 54517
plan approved by the state board of education under section 54518
3313.90 of the Revised Code, for any student attending a 54519
career-technical program operated by another school district, 54520
including a joint vocational school district, as prescribed under 54521
that section, the board of education of the student's district of 54522
residence shall provide transportation from the public high school 54523
operated by that district to which the student is assigned to the 54524
career-technical program. 54525

In all city, local, and exempted village school districts, 54526
the board may provide transportation for resident school pupils in 54527
grades nine through twelve to and from the high school to which 54528
they are assigned by the board of education of the district of 54529
residence or to and from the nonpublic or community high school 54530
which they attend for which the state board of education 54531
prescribes minimum standards pursuant to division (D) of section 54532
3301.07 of the Revised Code. 54533

A board of education shall not be required to transport 54534
elementary or high school pupils to and from a nonpublic or 54535

community school where such transportation would require more than 54536
thirty minutes of direct travel time as measured by school bus 54537
from the public school building to which the pupils would be 54538
assigned if attending the public school designated by the district 54539
of residence. 54540

Where it is impractical to transport a pupil by school 54541
conveyance, a board of education may offer payment, in lieu of 54542
providing such transportation in accordance with section 3327.02 54543
of the Revised Code. 54544

A board of education shall not be required to transport 54545
elementary or high school pupils to and from a nonpublic or 54546
community school on Saturday or Sunday, unless a board of 54547
education and a nonpublic or community school have an agreement in 54548
place to do so before the first day of July 1, 2014 of the school 54549
year in which the agreement takes effect. 54550

In all city, local, and exempted village school districts, 54551
the board shall provide transportation for all children who are so 54552
disabled that they are unable to walk to and from the school for 54553
which the state board of education prescribes minimum standards 54554
pursuant to division (D) of section 3301.07 of the Revised Code 54555
and which they attend. In case of dispute whether the child is 54556
able to walk to and from the school, the health commissioner shall 54557
be the judge of such ability. In all city, exempted village, and 54558
local school districts, the board shall provide transportation to 54559
and from school or special education classes for mentally disabled 54560
children in accordance with standards adopted by the state board 54561
of education. 54562

When transportation of pupils is provided the conveyance 54563
shall be run on a time schedule that shall be adopted and put in 54564
force by the board not later than ten days after the beginning of 54565
the school term. 54566

The cost of any transportation service authorized by this 54567
section shall be paid first out of federal funds, if any, 54568
available for the purpose of pupil transportation, and secondly 54569
out of state appropriations, in accordance with regulations 54570
adopted by the state board of education. 54571

No transportation of any pupils shall be provided by any 54572
board of education to or from any school which in the selection of 54573
pupils, faculty members, or employees, practices discrimination 54574
against any person on the grounds of race, color, religion, or 54575
national origin. 54576

Sec. 3327.02. (A) After considering each of the following 54577
factors, the board of education of a city, exempted village, or 54578
local school district, or a community school governing authority 54579
providing transportation pursuant to section 3314.091 of the 54580
Revised Code, may determine that it is impractical to transport a 54581
pupil who is eligible for transportation to and from a school 54582
under section 3327.01 of the Revised Code: 54583

(1) The time and distance required to provide the 54584
transportation; 54585

(2) The number of pupils to be transported; 54586

(3) The cost of providing transportation in terms of 54587
equipment, maintenance, personnel, and administration; 54588

(4) Whether similar or equivalent service is provided to 54589
other pupils eligible for transportation; 54590

(5) Whether and to what extent the additional service 54591
unavoidably disrupts current transportation schedules; 54592

(6) Whether other reimbursable types of transportation are 54593
available. 54594

(B)~~(1)~~ Based on its consideration of the factors established 54595
in division (A) of this section, the board or governing authority 54596

may pass a resolution declaring the impracticality of 54597
transportation. The resolution shall include each pupil's name and 54598
the reason for impracticality. 54599

~~(2) The board or governing authority shall report its 54600
determination to the state board of education in a manner 54601
determined by the state board. 54602~~

~~(3) The board of education of a local school district 54603
additionally shall submit the resolution for concurrence to the 54604
educational service center that contains the local district's 54605
territory. If the educational service center governing board 54606
considers transportation by school conveyance practicable, it 54607
shall so inform the local board and transportation shall be 54608
provided by such local board. If the educational service center 54609
board agrees with the view of the local board, the local board may 54610
offer payment in lieu of transportation as provided in this 54611
section. 54612~~

(C) After passing the resolution declaring the impracticality 54613
of transportation, the district board or governing authority shall 54614
offer to provide payment in lieu of transportation by doing the 54615
following: 54616

(1) In accordance with guidelines established by the 54617
department of education, informing the pupil's parent, guardian, 54618
or other person in charge of the pupil of both of the following: 54619

(a) The ~~board's~~ resolution; 54620

(b) The right of the pupil's parent, guardian, or other 54621
person in charge of the pupil to accept the offer of payment in 54622
lieu of transportation or to reject the offer and instead request 54623
the department to initiate mediation procedures. 54624

(2) Issuing the pupil's parent, guardian, or other person in 54625
charge of the pupil a contract or other form on which the parent, 54626
guardian, or other person in charge of the pupil is given the 54627

option to accept or reject the board's offer of payment in lieu of transportation. 54628
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(D) If the parent, guardian, or other person in charge of the pupil accepts the offer of payment in lieu of providing transportation, the board or governing authority shall pay the parent, guardian, or other person in charge of the pupil an amount that shall be not less than the amount determined by the general assembly as the minimum for payment in lieu of transportation, and not more than the amount determined by the department of education as the average cost of pupil transportation for the previous school year. Payment may be prorated if the time period involved is only a part of the school year. 54630
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(E)(1)(a) Upon the request of a parent, guardian, or other person in charge of the pupil who rejected the payment in lieu of transportation, the department shall conduct mediation procedures. 54640
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(b) If the mediation does not resolve the dispute, the state board of education shall conduct a hearing in accordance with Chapter 119. of the Revised Code. The state board may approve the payment in lieu of transportation or may order the district board of education or governing authority to provide transportation. The decision of the state board is binding in subsequent years and on future parties in interest provided the facts of the determination remain comparable. 54643
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(2) The school district or governing authority shall provide transportation for the pupil from the time the parent, guardian, or other person in charge of the pupil requests mediation until the matter is resolved under division (E)(1)(a) or (b) of this section. 54651
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(F)(1) If the department determines that a school district board or governing authority has failed or is failing to provide transportation as required by division (E)(2) of this section or 54656
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as ordered by the state board under division (E)(1)(b) of this 54659
section, the department shall order the school district board or 54660
governing authority to pay to the pupil's parent, guardian, or 54661
other person in charge of the pupil, an amount equal to the state 54662
average daily cost of transportation as determined by the state 54663
board of education for the previous year. The school district 54664
board or governing authority shall make payments on a schedule 54665
ordered by the department. 54666

(2) If the department subsequently finds that a school 54667
district board is not in compliance with an order issued under 54668
division (F)(1) of this section and the affected pupils are 54669
enrolled in a nonpublic or community school, the department shall 54670
deduct the amount that the board is required to pay under that 54671
order from any pupil transportation payments the department makes 54672
to the school district board under section 3317.0212 of the 54673
Revised Code or other provisions of law. The department shall use 54674
the moneys so deducted to make payments to the nonpublic or 54675
community school attended by the pupil. The department shall 54676
continue to make the deductions and payments required under this 54677
division until the school district board either complies with the 54678
department's order issued under division (F)(1) of this section or 54679
begins providing transportation. 54680

(G) A nonpublic or community school that receives payments 54681
from the department under division (F)(2) of this section shall do 54682
either of the following: 54683

(1) Disburse the entire amount of the payments to the parent, 54684
guardian, or other person in charge of the pupil affected by the 54685
failure of the school district of residence to provide 54686
transportation; 54687

(2) Use the entire amount of the payments to provide 54688
acceptable transportation for the affected pupil. 54689

Sec. 3328.24. A college-preparatory boarding school 54690
established under this chapter and its board of trustees shall 54691
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 54692
3301.0714, 3301.948, 3313.536, 3313.6013, 3313.6411, 3313.7112, 54693
3313.721, 3313.89, 3319.39, 3319.391, and 3319.46 and Chapter 54694
3365. of the Revised Code as if the school were a school district 54695
and the school's board of trustees were a district board of 54696
education. 54697

Sec. 3332.10. (A) No individual shall sell any program or 54698
solicit students therefor in this state unless the individual is 54699
an employee of the school. Any individual whose primary duty, 54700
whether on or off school premises, is to solicit prospective 54701
students shall first secure a permit as an agent from the state 54702
board of career colleges and schools. If the agent represents more 54703
than one school, a separate permit shall be obtained for each 54704
school represented by the agent. An agent who represents a person 54705
that operates more than one school in the same geographical area, 54706
as determined by the board, need not obtain a separate permit for 54707
each such school. Upon approval for a permit, the board shall 54708
issue a pocket card to the individual, giving the individual's 54709
name, address, permit number, and the name and address of the 54710
employing school, and certifying that the individual whose name 54711
appears on the card is an authorized agent of the school. 54712

(B) The application for a permit shall be made on forms to be 54713
furnished by the board and accompanied by the fee established in 54714
accordance with section 3332.07 of the Revised Code. A permit 54715
shall be ~~renewed every twelve~~ granted for a period not to exceed 54716
twenty-four months and shall be valid for up to thirty days after 54717
its expiration date. An application for a renewal permit shall be 54718
accompanied by the fee established in accordance with section 54719
3332.07 of the Revised Code. 54720

(C) Each school subject to this chapter shall assume full 54721
responsibility for the actions, statements, and conduct of its 54722
agents, and shall provide them with adequate training and arrange 54723
for proper supervision of their work. The board shall hold schools 54724
liable for the actions, statements, and conduct of agents that 54725
violate any provision of this chapter, unless an agent's acts or 54726
omissions were manifestly outside the scope of the agent's 54727
employment or official responsibilities. 54728

Sec. 3333.01. (A) There is hereby created the Ohio board of 54729
regents as an advisory board to the chancellor of higher education 54730
appointed under section 3333.03 of the Revised Code. The board 54731
shall consist of nine members to be appointed by the governor with 54732
the advice and consent of the senate. The members shall be 54733
residents of this state who possess an interest in and knowledge 54734
of higher education. No member shall be a trustee, officer, or 54735
employee of any Ohio public or private college or university while 54736
serving as a member of the board. In addition to the members 54737
appointed by the governor, the chairperson of the education 54738
committee of the senate and the chairperson of the education 54739
committee of the house of representatives shall, after January 1, 54740
1967, be ex officio members of the board without a vote. 54741

(B) Prior to September 20, 2008, terms of office shall be for 54742
nine years, commencing on the twenty-first day of September and 54743
ending on the twentieth day of September. 54744

(C) Beginning on September 20, 2008, the terms of office for 54745
the members of the board of regents shall be as follows: 54746

(1) The terms of office of the three members whose terms 54747
under division (B) of this section are scheduled to expire on 54748
September 20, 2008, shall expire on September 20, 2008. The 54749
governor, with the advice and consent of the senate, shall appoint 54750
successors for terms beginning on September 21, 2008, and ending 54751

on September 20, 2014. 54752

(2) Notwithstanding division (B) of this section, the terms 54753
of office of the three members whose terms under division (B) of 54754
this section otherwise are scheduled to expire on September 20, 54755
2011, shall expire on September 20, 2010. The governor, with the 54756
advice and consent of the senate, shall appoint successors for 54757
terms beginning on September 21, 2010, and ending on September 20, 54758
2016. 54759

(3) Notwithstanding division (B) of this section, the terms 54760
of office of the three members whose terms under division (B) of 54761
this section otherwise are scheduled to expire on September 20, 54762
2014, shall expire on September 20, 2012. The governor, with the 54763
advice and consent of the senate, shall appoint successors for 54764
terms beginning on September 21, 2012, and ending on September 20, 54765
2018. 54766

Thereafter, the terms of office of all subsequent members of 54767
the board of regents shall be for six years beginning on the 54768
twenty-first day of September and ending on the twentieth day of 54769
September. 54770

(D) Except as provided in division (C) of this section, each 54771
member shall hold office from the date of appointment until the 54772
end of the term for which the member was appointed. Any member 54773
appointed to fill a vacancy occurring prior to the expiration of 54774
the term for which the member's predecessor was appointed shall 54775
hold office for the remainder of such term. Any member shall 54776
continue in office subsequent to the expiration date of the 54777
member's term until a successor takes office, or until a period of 54778
sixty days has elapsed, whichever occurs first. 54779

No person who has served a full nine-year term under division 54780
(B) of this section or two full six-year terms under division (C) 54781
of this section shall be eligible for reappointment. 54782

(E) Board members shall serve without compensation, but shall 54783
be reimbursed for necessary expenses incurred in the conduct of 54784
board business. 54785

Sec. 3333.011. No member of the Ohio board of regents, 54786
created by section 3333.01 of the Revised Code, shall be a 54787
trustee, officer, or employee of a technical college while serving 54788
as a member of the board. Neither the chancellor of higher 54789
education nor any staff member or employee of the ~~board~~ department 54790
of higher education shall be a trustee, officer, or employee of a 54791
technical college while serving on the board. 54792

Sec. ~~3333.031~~ 3333.012. Whenever the term "Ohio board of 54793
regents" is used, referred to, or designated in any statute, rule, 54794
contract, grant, or other document, the use, reference, or 54795
designation shall be construed to mean the "chancellor of ~~the Ohio~~ 54796
~~board of regents~~ higher education," except in sections 3333.01, 54797
3333.011, 3333.02, and 3333.032 of the Revised Code or unless the 54798
use, reference, or designation of the term "Ohio board of regents" 54799
relates to the board's duties to give advice to the chancellor ~~of~~ 54800
~~the Ohio board of regents~~ or unless another section of law 54801
expressly provides otherwise. 54802

Whenever the term "chancellor of the Ohio board of regents" 54803
or "chancellor" is used, referred to, or designated in any 54804
statute, rule, contract, grant, or other document, the use, 54805
reference, or designation shall be construed to mean the 54806
chancellor of higher education. 54807

Sec. 3333.021. As used in this section, "university" means 54808
any college or university that receives a state appropriation. 54809

(A) This division does not apply to proposed rules, 54810
amendments, or rescissions subject to legislative review under 54811
section 106.02 of the Revised Code. No action taken by the 54812

chancellor of ~~the Ohio board of regents~~ higher education that 54813
could reasonably be expected to have an effect on the revenue or 54814
expenditures of any university shall take effect unless at least 54815
two weeks prior to the date on which the action is taken, the 54816
chancellor has filed with the speaker of the house of 54817
representatives, the president of the senate, ~~the legislative~~ 54818
~~budget office of~~ the legislative service commission, and the 54819
director of budget and management a fiscal analysis of the 54820
proposed action. The analysis shall include an estimate of the 54821
amount by which, during the current and ensuing fiscal biennium, 54822
the action would increase or decrease the university's revenues or 54823
expenditures and increase or decrease any state expenditures and 54824
any other information the chancellor considers necessary to 54825
explain the action's fiscal effect. 54826

(B) Within three days of the date the chancellor files with 54827
the clerk of the senate a proposed rule, amendment, or rescission 54828
that is subject to legislative review and invalidation under 54829
section 106.02 of the Revised Code, the chancellor shall file with 54830
the speaker of the house of representatives, the president of the 54831
senate, the legislative service commission, and the director of 54832
budget and management a fiscal analysis of the proposed rule. The 54833
analysis shall include an estimate of the amount by which, during 54834
the current and ensuing fiscal biennium, the action would increase 54835
or decrease any university's revenues or expenditures and increase 54836
or decrease state revenues or expenditures and any other 54837
information the chancellor considers necessary to explain the 54838
fiscal effect of the rule, amendment, or rescission. No rule, 54839
amendment, or rescission shall take effect unless the chancellor 54840
has complied with this division. 54841

Sec. 3333.03. (A) There is hereby created the department of 54842
higher education, which shall be composed of the chancellor of 54843
higher education and the chancellor's employees, agents, and 54844

representatives. The chancellor shall perform the functions, 54845
exercise the powers, and discharge the duties as are assigned to 54846
the chancellor by law. 54847

(B) The governor, with the advice and consent of the senate, 54848
shall appoint the chancellor of ~~the Ohio board of regents~~ higher 54849
education. The chancellor shall serve at the pleasure of the 54850
governor, and the governor shall prescribe the chancellor's duties 54851
in addition to the chancellor's duties prescribed by law. The 54852
governor shall fix the compensation for the chancellor. The 54853
chancellor shall be a member of the governor's cabinet. 54854

~~(B) The term of the chancellor in office on the effective~~ 54855
~~date of this amendment shall coincide with the term of that~~ 54856
~~chancellor's appointing governor. Subsequent appointments to the~~ 54857
~~office of chancellor shall be made pursuant to division (A) of~~ 54858
~~this section.~~ 54859

(C) The chancellor is responsible for appointing and fixing 54860
the compensation of all professional, administrative, and clerical 54861
employees and staff members necessary to assist in the performance 54862
of the chancellor's duties. All employees and staff shall serve at 54863
the chancellor's pleasure. 54864

(D) The chancellor shall be a person qualified by training 54865
and experience to understand the problems and needs of the state 54866
in the field of higher education and to devise programs, plans, 54867
and methods of solving the problems and meeting the needs. 54868

(E) Neither the chancellor nor any staff member or employee 54869
of the chancellor shall be a trustee, officer, or employee of any 54870
public or private college or university while serving as 54871
chancellor, staff member, or employee. 54872

Sec. 3333.032. The Ohio board of regents shall submit to the 54873
general assembly, in accordance with division (B) of section 54874

101.68 of the Revised Code, and to the governor, an annual report 54875
on the condition of higher education in this state, including the 54876
performance of the chancellor of ~~the board~~ higher education. 54877

Sec. 3333.04. The chancellor of ~~the Ohio board of regents~~ 54878
higher education shall: 54879

(A) Make studies of state policy in the field of higher 54880
education and formulate a master plan for higher education for the 54881
state, considering the needs of the people, the needs of the 54882
state, and the role of individual public and private institutions 54883
within the state in fulfilling these needs; 54884

(B)(1) Report annually to the governor and the general 54885
assembly on the findings from the chancellor's studies and the 54886
master plan for higher education for the state; 54887

(2) Report at least semiannually to the general assembly and 54888
the governor the enrollment numbers at each state-assisted 54889
institution of higher education. 54890

(C) Approve or disapprove the establishment of new branches 54891
or academic centers of state colleges and universities; 54892

(D) Approve or disapprove the establishment of state 54893
technical colleges or any other state institution of higher 54894
education; 54895

(E) Recommend the nature of the programs, undergraduate, 54896
graduate, professional, state-financed research, and public 54897
services which should be offered by the state colleges, 54898
universities, and other state-assisted institutions of higher 54899
education in order to utilize to the best advantage their 54900
facilities and personnel; 54901

(F) Recommend to the state colleges, universities, and other 54902
state-assisted institutions of higher education graduate or 54903
professional programs, including, but not limited to, doctor of 54904

philosophy, doctor of education, and juris doctor programs, that 54905
could be eliminated because they constitute unnecessary 54906
duplication, as shall be determined using the process developed 54907
pursuant to this division, or for other good and sufficient cause. 54908
Prior to recommending a program for elimination, the chancellor 54909
shall request the board of regents to hold at least one public 54910
hearing on the matter and advise the chancellor on whether the 54911
program should be recommended for elimination. The board shall 54912
provide notice of each hearing within a reasonable amount of time 54913
prior to its scheduled date. Following the hearing, the board 54914
shall issue a recommendation to the chancellor. The chancellor 54915
shall consider the board's recommendation but shall not be 54916
required to accept it. 54917

For purposes of determining the amounts of any state 54918
instructional subsidies paid to state colleges, universities, and 54919
other state-assisted institutions of higher education, the 54920
chancellor may exclude students enrolled in any program that the 54921
chancellor has recommended for elimination pursuant to this 54922
division except that the chancellor shall not exclude any such 54923
student who enrolled in the program prior to the date on which the 54924
chancellor initially commences to exclude students under this 54925
division. 54926

The chancellor and state colleges, universities, and other 54927
state-assisted institutions of higher education shall jointly 54928
develop a process for determining which existing graduate or 54929
professional programs constitute unnecessary duplication. 54930

(G) Recommend to the state colleges, universities, and other 54931
state-assisted institutions of higher education programs which 54932
should be added to their present programs; 54933

(H) Conduct studies for the state colleges, universities, and 54934
other state-assisted institutions of higher education to assist 54935
them in making the best and most efficient use of their existing 54936

facilities and personnel; 54937

(I) Make recommendations to the governor and general assembly 54938
concerning the development of state-financed capital plans for 54939
higher education; the establishment of new state colleges, 54940
universities, and other state-assisted institutions of higher 54941
education; and the establishment of new programs at the existing 54942
state colleges, universities, and other institutions of higher 54943
education; 54944

(J) Review the appropriation requests of the public community 54945
colleges and the state colleges and universities and submit to the 54946
office of budget and management and to the chairpersons of the 54947
finance committees of the house of representatives and of the 54948
senate the chancellor's recommendations in regard to the biennial 54949
higher education appropriation for the state, including 54950
appropriations for the individual state colleges and universities 54951
and public community colleges. For the purpose of determining the 54952
amounts of instructional subsidies to be paid to state-assisted 54953
colleges and universities, the chancellor shall define "full-time 54954
equivalent student" by program per academic year. The definition 54955
may take into account the establishment of minimum enrollment 54956
levels in technical education programs below which support 54957
allowances will not be paid. Except as otherwise provided in this 54958
section, the chancellor shall make no change in the definition of 54959
"full-time equivalent student" in effect on November 15, 1981, 54960
which would increase or decrease the number of subsidy-eligible 54961
full-time equivalent students, without first submitting a fiscal 54962
impact statement to the president of the senate, the speaker of 54963
the house of representatives, the legislative service commission, 54964
and the director of budget and management. The chancellor shall 54965
work in close cooperation with the director of budget and 54966
management in this respect and in all other matters concerning the 54967
expenditures of appropriated funds by state colleges, 54968

universities, and other institutions of higher education. 54969

(K) Seek the cooperation and advice of the officers and 54970
trustees of both public and private colleges, universities, and 54971
other institutions of higher education in the state in performing 54972
the chancellor's duties and making the chancellor's plans, 54973
studies, and recommendations; 54974

(L) Appoint advisory committees consisting of persons 54975
associated with public or private secondary schools, members of 54976
the state board of education, or personnel of the state department 54977
of education; 54978

(M) Appoint advisory committees consisting of college and 54979
university personnel, or other persons knowledgeable in the field 54980
of higher education, or both, in order to obtain their advice and 54981
assistance in defining and suggesting solutions for the problems 54982
and needs of higher education in this state; 54983

(N) Approve or disapprove all new degrees and new degree 54984
programs at all state colleges, universities, and other 54985
state-assisted institutions of higher education; 54986

(O) Adopt such rules as are necessary to carry out the 54987
chancellor's duties and responsibilities. The rules shall 54988
prescribe procedures for the chancellor to follow when taking 54989
actions associated with the chancellor's duties and 54990
responsibilities and shall indicate which types of actions are 54991
subject to those procedures. The procedures adopted under this 54992
division shall be in addition to any other procedures prescribed 54993
by law for such actions. However, if any other provision of the 54994
Revised Code or rule adopted by the chancellor prescribes 54995
different procedures for such an action, the procedures adopted 54996
under this division shall not apply to that action to the extent 54997
they conflict with the procedures otherwise prescribed by law. The 54998
procedures adopted under this division shall include at least the 54999

following:	55000
(1) Provision for public notice of the proposed action;	55001
(2) An opportunity for public comment on the proposed action, which may include a public hearing on the action by the board of regents;	55002 55003 55004
(3) Methods for parties that may be affected by the proposed action to submit comments during the public comment period;	55005 55006
(4) Submission of recommendations from the board of regents regarding the proposed action, at the request of the chancellor;	55007 55008
(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	55009 55010
(6) A timeline for the process described in divisions (O)(1) to (5) of this section.	55011 55012
(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;	55013 55014 55015 55016
(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	55017 55018 55019 55020
(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	55021 55022 55023 55024 55025
(S) Conduct enrollment audits of state-supported institutions of higher education;	55026 55027
(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of	55028 55029

statewide collaborative efforts, including the Ohio supercomputer 55030
center, the Ohio academic resources network, OhioLink, and the 55031
Ohio learning network. For each consortium, the chancellor shall 55032
designate a college or university to serve as that consortium's 55033
fiscal agent, financial officer, and employer. Any funds 55034
appropriated for the consortia shall be distributed to the fiscal 55035
agents for the operation of the consortia. A consortium shall 55036
follow the rules of the college or university that serves as its 55037
fiscal agent. The chancellor may restructure existing consortia, 55038
appointed under this division, in accordance with procedures 55039
adopted under divisions (O)(1) to (6) of this section. 55040

(U) Adopt rules establishing advisory duties and 55041
responsibilities of the board of regents not otherwise prescribed 55042
by law; 55043

(V) Respond to requests for information about higher 55044
education from members of the general assembly and direct staff to 55045
conduct research or analysis as needed for this purpose. 55046

Sec. 3333.041. (A) On or before the last day of December of 55047
each year, the chancellor of ~~the Ohio board of regents~~ higher 55048
education shall submit to the governor and, in accordance with 55049
section 101.68 of the Revised Code, the general assembly a report 55050
or reports concerning all of the following: 55051

(1) The status of graduates of Ohio school districts at state 55052
institutions of higher education during the twelve-month period 55053
ending on the thirtieth day of September of the current calendar 55054
year. The report shall list, by school district, the number of 55055
graduates of each school district who attended a state institution 55056
of higher education and the percentage of each district's 55057
graduates enrolled in a state institution of higher education 55058
during the reporting period who were required during such period 55059
by the college or university, as a prerequisite to enrolling in 55060

those courses generally required for first-year students, to 55061
enroll in a remedial course in English, including composition or 55062
reading, mathematics, and any other area designated by the 55063
chancellor. The chancellor also shall make the information 55064
described in division (A)(1) of this section available to the 55065
board of education of each city, exempted village, and local 55066
school district. 55067

Each state institution of higher education shall, by the 55068
first day of November of each year, submit to the chancellor in 55069
the form specified by the chancellor the information the 55070
chancellor requires to compile the report. 55071

~~(2) Aggregate academic growth data for students assigned to 55072
graduates of teacher preparation programs approved under section 55073
3333.048 of the Revised Code who teach English language arts or 55074
mathematics in any of grades four to eight in a public school in 55075
Ohio. For this purpose, the chancellor shall use the value added 55076
progress dimension prescribed by section 3302.021 of the Revised 55077
Code or the alternative student academic progress measure if 55078
adopted under division (C)(1)(e) of section 3302.03 of the Revised 55079
Code. The chancellor shall aggregate the data by graduating class 55080
for each approved teacher preparation program, except that if a 55081
particular class has ten or fewer graduates to which this section 55082
applies, the chancellor shall report the data for a group of 55083
classes over a three year period. In no case shall the report 55084
identify any individual graduate. The department of education 55085
shall share any data necessary for the report with the chancellor. 55086~~

~~(3) The following information with respect to the Ohio 55087
tuition trust authority: 55088~~

(a) The name of each investment manager that is a minority 55089
business enterprise or a women's business enterprise with which 55090
the chancellor contracts; 55091

(b) The amount of assets managed by investment managers that are minority business enterprises or women's business enterprises, expressed as a percentage of assets managed by investment managers with which the chancellor has contracted;

(c) Efforts by the chancellor to increase utilization of investment managers that are minority business enterprises or women's business enterprises.

~~(4) A description of advanced standing programs, as defined in section 3313.6013 of the Revised Code, that are offered by school districts, community schools established under Chapter 3314. of the Revised Code, STEM schools established under Chapter 3326. of the Revised Code, college preparatory boarding schools established under Chapter 3328. of the Revised Code, and chartered nonpublic high schools. The chancellor also shall post the information on the chancellor's web site.~~

~~(5)~~(3) The chancellor's strategy in assigning choose Ohio first scholarships, as established under section 3333.61 of the Revised Code, among state universities and colleges and how the actual awards fit that strategy.

~~(6)~~(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.

(B) On or before the fifteenth day of February of each year, 55123
the director shall submit to the governor and, in accordance with 55124
section 101.68 of the Revised Code, the general assembly a report 55125
concerning aggregate academic growth data for students assigned to 55126
graduates of teacher preparation programs approved under section 55127
3333.048 of the Revised Code who teach English language arts or 55128
mathematics in any of grades four to eight in a public school in 55129
Ohio. For this purpose, the director shall use the value-added 55130
progress dimension prescribed by section 3302.021 of the Revised 55131
Code or the alternative student academic progress measure if 55132
adopted under division (C)(1)(e) of section 3302.03 of the Revised 55133
Code. The director shall aggregate the data by graduating class 55134
for each approved teacher preparation program, except that if a 55135
particular class has ten or fewer graduates to which this division 55136
applies, the director shall report the data for a group of classes 55137
over a three-year period. In no case shall the report identify any 55138
individual graduate. The department of education shall share any 55139
data necessary for the report with the director. 55140

(C) As used in this section: 55141

(1) "Minority business enterprise" has the same meaning as in 55142
section 122.71 of the Revised Code. 55143

(2) "State institution of higher education" and "state 55144
university" have the same meanings as in section 3345.011 of the 55145
Revised Code. 55146

(3) "State university or college" has the same meaning as in 55147
section 3345.12 of the Revised Code. 55148

(4) "Women's business enterprise" means a business, or a 55149
partnership, corporation, limited liability company, or joint 55150
venture of any kind, that is owned and controlled by women who are 55151
United States citizens and residents of this state. 55152

Sec. 3333.042. The chancellor of ~~the Ohio board of regents~~ 55153
higher education may grant money to a nonprofit entity that 55154
provides a statewide resource for aerospace research, education, 55155
and technology, so long as the nonprofit entity makes its 55156
resources accessible to state colleges and universities and to 55157
agencies of this and other states and the United States. The 55158
chancellor, by rule adopted in accordance with Chapter 119. of the 55159
Revised Code, shall establish procedures and forms whereby 55160
nonprofit entities may apply for grants; standards and procedures 55161
for reviewing applications for and awarding grants; procedures for 55162
distributing grants to recipients; procedures for monitoring the 55163
use of grants by recipients; requirements, procedures, and forms 55164
whereby grant recipients shall report upon their use of grants; 55165
and standards and procedures for terminating and requiring 55166
repayment of grants in the event of their improper use. 55167

A state college or university or a private institution exempt 55168
from regulation under Chapter 3332. of the Revised Code as 55169
prescribed in section 3333.046 of the Revised Code and any agency 55170
of state government may provide assistance, in any form, to any 55171
nonprofit entity that receives a grant under this section. Such 55172
assistance shall be solely for the purpose of assisting the 55173
nonprofit entity in making proper use of the grant. 55174

A nonprofit entity that expends a grant under this section 55175
for a capital project is not thereby subject to Chapter 123. or 55176
153. of the Revised Code. An officer or employee of, or a person 55177
who serves on a governing or advisory board or committee of, a 55178
nonprofit entity that receives a grant under this section is not 55179
thereby an officer or employee of a state college or university or 55180
of the state. An officer or employee of a state college or 55181
university or of the state who is assigned to assist a nonprofit 55182
entity in making proper use of a grant does not, to the extent the 55183
officer or employee provides such assistance, thereby hold an 55184

incompatible office or employment, or have a direct or indirect 55185
interest in a contract or expenditure of the entity. 55186

Sec. 3333.043. (A) As used in this section: 55187

(1) "Institution of higher education" means the state 55188
universities listed in section 3345.011 of the Revised Code, 55189
municipal educational institutions established under Chapter 3349. 55190
of the Revised Code, community colleges established under Chapter 55191
3354. of the Revised Code, university branches established under 55192
Chapter 3355. of the Revised Code, technical colleges established 55193
under Chapter 3357. of the Revised Code, state community colleges 55194
established under Chapter 3358. of the Revised Code, any 55195
institution of higher education with a certificate of registration 55196
from the state board of career colleges and schools, and any 55197
institution for which the chancellor of ~~the Ohio board of regents~~ 55198
higher education receives a notice pursuant to division (C) of 55199
this section. 55200

(2) "Community service" has the same meaning as in section 55201
3313.605 of the Revised Code. 55202

(B)(1) The board of trustees or other governing entity of 55203
each institution of higher education shall encourage and promote 55204
participation of students in community service through a program 55205
appropriate to the mission, student population, and environment of 55206
each institution. The program may include, but not be limited to, 55207
providing information about community service opportunities during 55208
student orientation or in student publications; providing awards 55209
for exemplary community service; encouraging faculty members to 55210
incorporate community service into students' academic experiences 55211
wherever appropriate to the curriculum; encouraging recognized 55212
student organizations to undertake community service projects as 55213
part of their purposes; and establishing advisory committees of 55214
students, faculty members, and community and business leaders to 55215

develop cooperative programs that benefit the community and 55216
enhance student experience. The program shall be flexible in 55217
design so as to permit participation by the greatest possible 55218
number of students, including part-time students and students for 55219
whom participation may be difficult due to financial, academic, 55220
personal, or other considerations. The program shall emphasize 55221
community service opportunities that can most effectively use the 55222
skills of students, such as tutoring or literacy programs. The 55223
programs shall encourage students to perform services that will 55224
not supplant the hiring of, result in the displacement of, or 55225
impair any existing employment contracts of any particular 55226
employee of any private or governmental entity for which services 55227
are performed. 55228

(2) The chancellor of ~~the Ohio board of regents~~ higher 55229
education shall encourage all institutions of higher education in 55230
the development of community service programs. With the assistance 55231
of the Ohio commission on service and volunteerism created in 55232
section 121.40 of the Revised Code, the chancellor shall make 55233
available information about higher education community service 55234
programs to institutions of higher education and to statewide 55235
organizations involved with or promoting volunteerism, including 55236
information about model community service programs, teacher 55237
training courses, and community service curricula and teaching 55238
materials for possible use by institutions of higher education in 55239
their programs. The chancellor shall encourage institutions of 55240
higher education to jointly coordinate higher education community 55241
service programs through consortia of institutions or other 55242
appropriate means of coordination. 55243

(C) The board of trustees of any nonprofit institution with a 55244
certificate of authorization issued pursuant to Chapter 1713. of 55245
the Revised Code or the governing authority of a private 55246
institution exempt from regulation under Chapter 3332. of the 55247

Revised Code as prescribed in section 3333.046 of the Revised Code 55248
may notify the chancellor that it is making itself subject to 55249
divisions (A) and (B) of this section. Upon receipt of such a 55250
notice, these divisions shall apply to that institution. 55251

Sec. 3333.044. (A) The chancellor of ~~the Ohio board of~~ 55252
~~regents~~ higher education may contract with any consultants that 55253
are necessary for the discharge of the chancellor's duties under 55254
this chapter. 55255

(B) The chancellor may purchase, upon the terms that the 55256
chancellor determines to be advisable, one or more policies of 55257
insurance from insurers authorized to do business in this state 55258
that insure consultants who have contracted with the chancellor 55259
under division (A) of this section or members of an advisory 55260
committee appointed under section 3333.04 of the Revised Code, 55261
with respect to the activities of the consultants or advisory 55262
committee members in the course of the performance of their 55263
responsibilities as consultants or advisory committee members. 55264

(C) Subject to the approval of the controlling board, the 55265
chancellor may contract with any entities for the discharge of the 55266
chancellor's duties and responsibilities under any of the programs 55267
established pursuant to sections 3333.12, 3333.122, 3333.21 to 55268
3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 55269
chancellor shall not enter into a contract under this division 55270
unless the proposed contractor demonstrates that its primary 55271
purpose is to promote access to higher education by providing 55272
student financial assistance through loans, grants, or 55273
scholarships, and by providing high quality support services and 55274
information to students and their families with regard to such 55275
financial assistance. 55276

Chapter 125. of the Revised Code does not apply to contracts 55277
entered into pursuant to this section. In awarding contracts under 55278

this division, the chancellor shall consider factors such as the 55279
cost of the administration of the contract, the experience of the 55280
contractor, and the contractor's ability to properly execute the 55281
contract. 55282

Sec. 3333.045. As used in this section, "state university or 55283
college" means any state university listed in section 3345.011 of 55284
the Revised Code, the northeast Ohio medical university, any 55285
community college under Chapter 3354. of the Revised Code, any 55286
university branch district under Chapter 3355. of the Revised 55287
Code, any technical college under Chapter 3357. of the Revised 55288
Code, and any state community college under Chapter 3358. of the 55289
Revised Code. 55290

The chancellor of ~~the Ohio board of regents~~ higher education 55291
shall work with the attorney general, the auditor of state, and 55292
the Ohio ethics commission to develop a model for training members 55293
of the boards of trustees of all state universities and colleges 55294
and members of the board of regents regarding the authority and 55295
responsibilities of a board of trustees or the board of regents. 55296
This model shall include a review of fiduciary responsibilities, 55297
ethics, and fiscal management. Use of this model by members of 55298
boards of trustees and the board of regents shall be voluntary. 55299

Sec. 3333.047. With regard to any state student financial aid 55300
program established in this chapter, Chapter 5910., or section 55301
5919.34 of the Revised Code, the chancellor of ~~the Ohio board of~~ 55302
~~regents~~ higher education shall conduct audits to: 55303

(A) Determine the validity of information provided by 55304
students and parents regarding eligibility for state student 55305
financial aid. If the chancellor determines that eligibility data 55306
has been reported incorrectly or inaccurately, and where the 55307
chancellor determines an adjustment to be appropriate, the 55308

institution of higher education shall adjust the financial aid 55309
awarded to the student. 55310

(B) Ensure that institutions of higher education are in 55311
compliance with the rules governing state student financial aid 55312
programs. An institution that fails to comply with the rules in 55313
the administration of any state student financial aid program 55314
shall be fully liable to reimburse the state for the unauthorized 55315
use of student financial aid funds. 55316

Sec. 3333.048. (A) Not later than one year after October 16, 55317
2009, the chancellor of ~~the Ohio board of regents~~ higher education 55318
and the superintendent of public instruction jointly shall do the 55319
following: 55320

(1) In accordance with Chapter 119. of the Revised Code, 55321
establish metrics and educator preparation programs for the 55322
preparation of educators and other school personnel and the 55323
institutions of higher education that are engaged in their 55324
preparation. The metrics and educator preparation programs shall 55325
be aligned with the standards and qualifications for educator 55326
licenses adopted by the state board of education under section 55327
3319.22 of the Revised Code and the requirements of the Ohio 55328
teacher residency program established under section 3319.223 of 55329
the Revised Code. The metrics and educator preparation programs 55330
also shall ensure that educators and other school personnel are 55331
adequately prepared to use the value-added progress dimension 55332
prescribed by section 3302.021 of the Revised Code or the 55333
alternative student academic progress measure if adopted under 55334
division (C)(1)(e) of section 3302.03 of the Revised Code. 55335

(2) Provide for the inspection of institutions of higher 55336
education desiring to prepare educators and other school 55337
personnel. 55338

(B) Not later than one year after October 16, 2009, the 55339

chancellor shall approve institutions of higher education engaged 55340
in the preparation of educators and other school personnel that 55341
maintain satisfactory training procedures and records of 55342
performance, as determined by the chancellor. 55343

(C) If the metrics established under division (A)(1) of this 55344
section require an institution of higher education that prepares 55345
teachers to satisfy the standards of an independent accreditation 55346
organization, the chancellor shall permit each institution to 55347
satisfy the standards of any applicable national educator 55348
preparation accrediting agency recognized by the United States 55349
department of education. 55350

(D) The metrics and educator preparation programs established 55351
under division (A)(1) of this section may require an institution 55352
of higher education, as a condition of approval by the chancellor, 55353
to make changes in the curricula of its preparation programs for 55354
educators and other school personnel. 55355

Notwithstanding division ~~(D)~~(E) of section 119.03 and 55356
division (A)(1) of section 119.04 of the Revised Code, any 55357
metrics, educator preparation programs, rules, and regulations, or 55358
any amendment or rescission of such metrics, educator preparation 55359
programs, rules, and regulations, adopted under this section that 55360
necessitate institutions offering preparation programs for 55361
educators and other school personnel approved by the chancellor to 55362
revise the curricula of those programs shall not be effective for 55363
at least one year after the first day of January next succeeding 55364
the publication of the said change. 55365

Each institution shall allocate money from its existing 55366
revenue sources to pay the cost of making the curricular changes. 55367

(E) The chancellor shall notify the state board of the 55368
metrics and educator preparation programs established under 55369
division (A)(1) of this section and the institutions of higher 55370

education approved under division (B) of this section. The state 55371
board shall publish the metrics, educator preparation programs, 55372
and approved institutions with the standards and qualifications 55373
for each type of educator license. 55374

(F) The graduates of educator preparation programs approved 55375
by the chancellor shall be licensed by the state board in 55376
accordance with the standards and qualifications adopted under 55377
section 3319.22 of the Revised Code. 55378

Sec. 3333.049. Not later than July 1, 2016, the chancellor of 55379
~~the Ohio board of regents~~ higher education shall revise the 55380
requirements for reading endorsement programs offered by 55381
institutions of higher education to align those requirements with 55382
the reading competencies adopted by the state board of education 55383
under section 3301.077 of the Revised Code. 55384

Sec. 3333.0410. The chancellor of ~~the Ohio board of regents~~ 55385
higher education shall require each state institution of higher 55386
education, as defined in section 3345.011 of the Revised Code, 55387
when reporting student data to the chancellor under any provision 55388
of law, to use the student's data verification code assigned under 55389
division (D)(2) of section 3301.0714 of the Revised Code, if that 55390
code was included in the student's records submitted to the 55391
institution by the student's high school or by another state 55392
institution of higher education. 55393

Sec. 3333.0411. Not later than December 31, 2014, and 55394
annually thereafter, the chancellor of ~~the Ohio board of regents~~ 55395
higher education shall report for each approved teacher 55396
preparation program, the number and percentage of all graduates of 55397
the program who were rated at each of the performance levels 55398
prescribed by division (B)(1) of section 3319.112 of the Revised 55399
Code on an evaluation conducted in accordance with section 55400

3319.111 of the Revised Code in the previous school year. 55401

In no case shall the report identify any individual graduate. 55402

The department of education shall share any data necessary for the 55403

report with the chancellor. 55404

Sec. 3333.0412. No nonprofit institution that holds a 55405

certificate of authorization issued under Chapter 1713. of the 55406

Revised Code shall be liable for a breach of confidentiality 55407

arising from the institution's submission of student data or 55408

records to the ~~board of regents~~ chancellor of higher education or 55409

any other state agency in compliance with any law, rule, or 55410

regulation, provided that the breach occurs as a result of one of 55411

the following: 55412

(A) An action by a third party during and after the 55413

transmission of the data or records by the institution but prior 55414

to receipt of the data or records by the ~~board of regents~~ 55415

chancellor of higher education or other state agency; 55416

(B) An action by the ~~board of regents~~ chancellor of higher 55417

education or the state agency. 55418

This provision shall apply to the submission of any student 55419

data or records that are subject to any laws of this state or, to 55420

the extent permitted, any federal law, including the "Family 55421

Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 55422

U.S.C. 1232g. 55423

Sec. 3333.0413. Not later than December 31, 2014, the 55424

chancellor of ~~the Ohio board of regents~~ higher education shall 55425

make available, in a prominent location on the chancellor's web 55426

site, a complete inventory of education programs that focus on 55427

workforce development and training that includes both of the 55428

following: 55429

(A) Programs offered by state institutions of higher education, as defined in section 3345.011 of the Revised Code, adult career-technical institutions, and all private nonprofit and for-profit postsecondary institutions operating in the state;

(B) Programs registered with the apprenticeship council established under Chapter 4139. of the Revised Code.

The chancellor may update this inventory as necessary.

Sec. 3333.05. The chancellor of ~~the Ohio board of regents~~ higher education shall approve or disapprove proposed official plans of community college districts, prepared and submitted pursuant to sections 3354.01 to 3354.18 of the Revised Code, and issue or decline to issue charters for operation of community colleges, pursuant to section 3354.07 of the Revised Code.

The chancellor shall approve an official plan, and issue a charter, only upon the following findings:

(A) That the official plan and all past and proposed actions of the community college district are in conformity to law;

(B) That the proposed community college will not unreasonably and wastefully duplicate existing educational services available to students and prospective students residing in the community college district;

(C) That there is reasonable prospect of adequate current operating revenue for the proposed community college from its proposed opening date of operation;

(D) That the proposed lands and facilities of the community colleges will be adequate and efficient for the purposes of the proposed community college;

(E) That the proposed curricular programs defined in section 3354.01 of the Revised Code as "arts and sciences" and "technical," or either, are the programs for which there is

substantial need in the territory of the district. 55460

The employment and separation of individual personnel in a 55461
community college, and the establishing or abolishing of 55462
individual courses of instruction, shall not be subject to the 55463
specific and individual approval or disapproval of the chancellor, 55464
but shall occur in the discretion of the local management of such 55465
college within the limitations of law, the official plan, and the 55466
charter of such college. 55467

Sec. 3333.06. The chancellor of ~~the Ohio board of regents~~ 55468
higher education shall prepare a state plan and do all other 55469
things necessary for participation in federal acts relative to the 55470
construction of higher educational academic facilities. 55471

Such plan shall provide for objective standards and methods 55472
of determining the relative priorities for eligible projects for 55473
the construction of academic facilities submitted by institutions 55474
of higher education within the state and for determining the 55475
federal share of the development for each such project. 55476

The chancellor shall provide for assigning priorities in 55477
accordance with such criteria, standards, and methods to eligible 55478
projects submitted to and approved by the chancellor, shall 55479
recommend to the United States secretary of education, in the 55480
order of such priority, applications covering such eligible 55481
projects, and shall certify to the secretary the federal share of 55482
the development cost of such projects. 55483

The chancellor shall provide a fair hearing to each 55484
institution which has submitted a project as to the priority 55485
assigned to such project by the chancellor or as to any other 55486
determination of the chancellor adversely affecting such 55487
institution. 55488

The chancellor shall receive federal grants for the proper 55489

and efficient administration of the state plan, and shall provide 55490
for such fiscal control and fund accounting procedures as may be 55491
necessary to ensure proper disbursement of, and accounting for, 55492
federal funds paid to the chancellor. 55493

The chancellor shall make such reports in such form and 55494
containing such information as may be reasonably required by the 55495
secretary in the performance of the secretary's functions under 55496
federal law relating to grants for the construction of academic 55497
facilities. 55498

Each federal grant received by the chancellor shall be paid 55499
into the state treasury. 55500

Sec. 3333.07. (A) Colleges, universities, and other 55501
institutions of higher education which receive state assistance, 55502
but are not supported primarily by the state, shall submit to the 55503
chancellor of ~~the Ohio board of regents~~ higher education such 55504
accounting of the expenditure of state funds at such time and in 55505
such form as the chancellor prescribes. 55506

(B) No state institution of higher education shall establish 55507
a new branch or academic center without the approval of the 55508
chancellor. 55509

(C) No state institution of higher education shall offer a 55510
new degree or establish a new degree program without the approval 55511
of the chancellor. No degree approval shall be given for a 55512
technical education program unless such program is offered by a 55513
state assisted university, a university branch, a technical 55514
college, or a community college. 55515

(D) Any state college, university, or other state assisted 55516
institution of higher education not complying with a 55517
recommendation of the chancellor pursuant to division (F) or (G) 55518
of section 3333.04 of the Revised Code shall so notify the 55519

chancellor in writing within one hundred twenty days after receipt 55520
of the recommendation, stating the reasons why it cannot or should 55521
not comply. 55522

(E) The officers, trustees, and employees of all institutions 55523
of higher education which are state supported or state assisted 55524
shall cooperate with the chancellor in supplying information 55525
regarding their institutions, and advising and assisting the 55526
chancellor on matters of higher education in this state in every 55527
way possible when so requested by the chancellor. 55528

(F) Persons associated with the public school systems in this 55529
state, personnel of the state department of education, and members 55530
of the state board of education shall provide such data about high 55531
school students as are requested by the chancellor to aid in the 55532
development of state higher education plans. 55533

Sec. 3333.071. Notwithstanding section 3345.16 of the Revised 55534
Code, no expenditure shall be made for land for higher education 55535
purposes by public institutions of higher education or agents of 55536
such institutions from any fund without the approval of the 55537
chancellor of ~~the Ohio board of regents~~ higher education and the 55538
controlling board. No state appropriation for capital improvements 55539
shall be released by the controlling board for the purchase of 55540
land or buildings from any organization or corporation which has 55541
been established to benefit or assist the institution, except that 55542
such releases may be made if the land is to be used for a 55543
currently state-financed improvement. 55544

Sec. 3333.08. It is the declared policy of this state that 55545
the availability of eminent domain on behalf of educational 55546
institutions of higher education is in the public welfare. A 55547
private college, university, or other institution of higher 55548
education may therefore apply to the chancellor of ~~the Ohio board~~ 55549

~~of regents~~ higher education for the right to appropriate property 55550
when such institution is unable to agree with the owner or owners 55551
of the subject property upon the price to be paid for the 55552
property. The institution shall be one that any educationally 55553
qualified member of the public who desires to attend has, or can 55554
acquire, a right to be admitted upon equal terms without 55555
discrimination. The institution shall certify to the chancellor, 55556
in its application, that the use of the property to be 55557
appropriated is to be for educational purposes, including student 55558
housing and dining facilities, that reasonable efforts have been 55559
made to purchase the property, and that it will be used without 55560
discrimination against any person or group and be equally 55561
available to all qualified persons. The institution also shall 55562
submit to the chancellor its plans for the use of the property and 55563
such other information as the chancellor may require. The 55564
chancellor may, thereafter, and upon a determination that the 55565
intended use is in the public interest, approve the application by 55566
resolution. Upon such approval, the institution may appropriate 55567
the property in the same manner as is provided for the 55568
appropriation of property in Chapter 163. of the Revised Code. 55569

Sec. 3333.09. "Public university or college," as used in this 55570
section, means any ~~non-profit~~ nonprofit university or college 55571
situated within this state which is open to the public on equal 55572
terms and which is not affiliated with or controlled by an 55573
organization which is not primarily educational in nature. Any 55574
such university or college shall be considered to be serving a 55575
public purpose. 55576

The chancellor of ~~the Ohio board of regents~~ higher education 55577
may, upon the chancellor's determination that such action would 55578
serve the interests of higher education in this state, in terms of 55579
expansion of educational opportunity in a major urban area and in 55580
terms of expansion of educational service to a major urban 55581

community, accept conveyances of land, situated within this state, 55582
from any public university or college and enter into an agreement 55583
before or after such conveyance to lease to such public university 55584
or college, upon terms as may be prescribed by the chancellor, 55585
such land together with buildings constructed thereon and 55586
furniture, fixtures, and equipment therein for use as an 55587
educational facility. The lease shall be for a period not to 55588
exceed fifty years, renewable for a like term, and shall provide 55589
that such buildings be used solely for educational purposes and 55590
that the chancellor may cancel such lease if such buildings are 55591
used for other purposes. Such lease may contain provisions for the 55592
sale of such property to the lessee, upon the consent of the 55593
chancellor, for a purchase price not less than the actual cost to 55594
the chancellor, less depreciation, computed at the rate 55595
customarily applied to similar structures. The chancellor, through 55596
the department of administrative services, may construct, equip, 55597
or remodel buildings on lands accepted by the chancellor in the 55598
name of the state pursuant to this section. Title to lands 55599
acquired under this section shall be taken in the name of the 55600
state. 55601

Responsibility for the proper use, maintenance, and repair of 55602
leased buildings shall rest upon the lessee. 55603

Sec. 3333.10. (A) As used in this section: 55604

(1) "Qualified institution of higher education" or 55605
"institution" means a nonprofit educational institution, holding 55606
an effective certificate of authorization issued under section 55607
1713.02 of the Revised Code, operating in the state an eligible 55608
program, and admitting students without discrimination by reason 55609
of race, creed, color, or national origin. 55610

(2) "School of dentistry" means an accredited dental college 55611
as defined under section 4715.10 of the Revised Code. 55612

(3) "Eligible program" means a medical school accredited by 55613
the liaison committee on medical education or an osteopathic 55614
medical school accredited by the American osteopathic association, 55615
or such a school together with a school of dentistry. 55616

(B) In order to provide better for the public health and the 55617
necessary enhancement of instruction in medicine and dentistry in 55618
the state, and to encourage the means of such instruction with the 55619
least economic cost to the people of the state, the chancellor of 55620
~~the Ohio board of regents~~ higher education may enter into 55621
agreements with qualified institutions of higher education 55622
providing for the continued operation by the institution of 55623
eligible programs, conditioned upon continued payments by the 55624
state to such institution for the purposes of such eligible 55625
programs of amounts determined in the manner provided for the 55626
state subsidy from time to time afforded to state universities on 55627
the basis of comparable programs. Before entering into such 55628
agreement, the chancellor shall determine that the institution is 55629
a qualified institution of higher education as defined in division 55630
(A) of this section, and that the operation of such eligible 55631
programs as provided for in such agreement and such payments will 55632
contribute to the objectives stated in this section and to the 55633
objectives of the master plan of higher education formulated under 55634
section 3333.04 of the Revised Code. 55635

(C) Agreements under this section shall contain provisions to 55636
the effect that: 55637

(1) The institution shall submit to the chancellor 55638
accountings for the expenditure of state payments in the manner 55639
and at the times as are requested for state-assisted institutions 55640
of higher education pursuant to division (A) of section 3333.07 of 55641
the Revised Code. 55642

(2) The institution shall notify the chancellor in the manner 55643
provided for state-assisted institutions under division (D) of 55644

section 3333.07 of the Revised Code with regard to program 55645
recommendations by the chancellor in the nature of those provided 55646
for in divisions (F) and (G) of section 3333.04 of the Revised 55647
Code. 55648

(3) The agreement shall terminate if the institution ceases 55649
to be a qualified institution of higher education as determined by 55650
the chancellor in accordance with Chapter 119. of the Revised 55651
Code. 55652

(D) Agreements under this section may make further provision 55653
for any one or more of the following as the parties determine: 55654

(1) The duration of any such agreement, or additional 55655
provision for terminating the agreement; 55656

(2) Additional conditions for the effectiveness or continued 55657
effectiveness of such agreement; 55658

(3) Procedures for the amendment or supplementation of the 55659
agreement, including designation of the parties to approve or 55660
execute such amendments or supplements; 55661

(4) Such other provisions as may be deemed necessary or 55662
appropriate. 55663

(E) In case any provision or part of this section or any 55664
provision, agreement, covenant, stipulation, obligation, act or 55665
action, or part thereof, made, assumed, or taken under or pursuant 55666
to this section, or any application thereof, is for any reason 55667
held to be illegal or invalid, such illegality or invalidity shall 55668
not affect the remainder thereof or any other provision of this 55669
section or any other provision, agreement, covenant, stipulation, 55670
obligation, action, or part thereof, made, assumed, or taken under 55671
or pursuant to this section, which shall be construed and enforced 55672
as if such illegal or invalid portion were not contained therein, 55673
nor shall such illegality or invalidity of any application thereof 55674
affect any legal and valid application thereof, and each such 55675

provision, agreement, covenant, stipulation, obligation, act, or 55676
action, or part thereof, shall be deemed to be effective, 55677
operative, made, done, or entered into in the manner and to the 55678
full extent permitted by law to accomplish most nearly the 55679
intention thereof. 55680

(F) No agreement shall be entered into under this section 55681
with any institution which is not in compliance with section 55682
3333.11 of the Revised Code. 55683

Sec. 3333.11. Each school or college of medicine or medical 55684
university supported in whole or in part by the state shall create 55685
a curriculum for and maintain a department of family practice, the 55686
purpose of which shall be to acquaint undergraduates with and to 55687
train postgraduate physicians for the practice of family medicine. 55688
The minimum requirements for the department shall include courses 55689
of study in family care, including clinical experience, a program 55690
of preceptorships, and a program of family practice residencies in 55691
university or other hospital settings. 55692

Each program of family practice shall: 55693

(A) Be designated to advance the field of family practice; 55694

(B) Educate all medical students in family practice and 55695
encourage students to enter it as a career; 55696

(C) Provide students an opportunity to study family practice 55697
in various situations through preceptorships, seminars, model 55698
family practice units within the medical school, classroom work, 55699
hospital programs, or other means; 55700

(D) Develop residency and other training programs for family 55701
practice in public and private hospitals, including those in 55702
nonmetropolitan areas of the state; 55703

(E) The department shall be a full department co-equal with 55704
all other major clinical departments and headed by a qualified 55705

experienced family practitioner serving as chairperson of the 55706
department of family practice and director of the family practice 55707
residency program. 55708

Funds appropriated by the general assembly in support of 55709
family practice programs shall not be disbursed until the 55710
chancellor of ~~the Ohio board of regents~~ higher education has 55711
certified that the intent and requirements of this section are 55712
being met. 55713

Sec. 3333.12. (A) As used in this section: 55714

(1) "Eligible student" means an undergraduate student who is: 55715

(a) An Ohio resident enrolled in an undergraduate program 55716
before the 2006-2007 academic year; 55717

(b) Enrolled in either of the following: 55718

(i) An accredited institution of higher education in this 55719
state that meets the requirements of Title VI of the Civil Rights 55720
Act of 1964 and is state-assisted, is nonprofit and has a 55721
certificate of authorization pursuant to Chapter 1713. of the 55722
Revised Code, has a certificate of registration from the state 55723
board of career colleges and schools and program authorization to 55724
award an associate or bachelor's degree, or is a private 55725
institution exempt from regulation under Chapter 3332. of the 55726
Revised Code as prescribed in section 3333.046 of the Revised 55727
Code. Students who attend an institution that holds a certificate 55728
of registration shall be enrolled in a program leading to an 55729
associate or bachelor's degree for which associate or bachelor's 55730
degree program the institution has program authorization issued 55731
under section 3332.05 of the Revised Code. 55732

(ii) A technical education program of at least two years 55733
duration sponsored by a private institution of higher education in 55734
this state that meets the requirements of Title VI of the Civil 55735

Rights Act of 1964. 55736

(c) Enrolled as a full-time student or enrolled as a less 55737
than full-time student for the term expected to be the student's 55738
final term of enrollment and is enrolled for the number of credit 55739
hours necessary to complete the requirements of the program in 55740
which the student is enrolled. 55741

(2) "Gross income" includes all taxable and nontaxable income 55742
of the parents, the student, and the student's spouse, except 55743
income derived from an Ohio academic scholarship, income earned by 55744
the student between the last day of the spring term and the first 55745
day of the fall term, and other income exclusions designated by 55746
the chancellor of ~~the Ohio board of regents~~ higher education. 55747
Gross income may be verified to the chancellor by the institution 55748
in which the student is enrolled using the federal financial aid 55749
eligibility verification process or by other means satisfactory to 55750
the chancellor. 55751

(3) "Resident," "full-time student," "dependent," 55752
"financially independent," and "accredited" shall be defined by 55753
rules adopted by the chancellor. 55754

(B) The chancellor shall establish and administer an 55755
instructional grant program and may adopt rules to carry out this 55756
section. The general assembly shall support the instructional 55757
grant program by such sums and in such manner as it may provide, 55758
but the chancellor may also receive funds from other sources to 55759
support the program. If the amounts available for support of the 55760
program are inadequate to provide grants to all eligible students, 55761
preference in the payment of grants shall be given in terms of 55762
income, beginning with the lowest income category of gross income 55763
and proceeding upward by category to the highest gross income 55764
category. 55765

An instructional grant shall be paid to an eligible student 55766

through the institution in which the student is enrolled, except 55767
that no instructional grant shall be paid to any person serving a 55768
term of imprisonment. Applications for such grants shall be made 55769
as prescribed by the chancellor, and such applications may be made 55770
in conjunction with and upon the basis of information provided in 55771
conjunction with student assistance programs funded by agencies of 55772
the United States government or from financial resources of the 55773
institution of higher education. The institution shall certify 55774
that the student applicant meets the requirements set forth in 55775
divisions (A)(1)(b) and (c) of this section. Instructional grants 55776
shall be provided to an eligible student only as long as the 55777
student is making appropriate progress toward a nursing diploma or 55778
an associate or bachelor's degree. No student shall be eligible to 55779
receive a grant for more than ten semesters, fifteen quarters, or 55780
the equivalent of five academic years. A grant made to an eligible 55781
student on the basis of less than full-time enrollment shall be 55782
based on the number of credit hours for which the student is 55783
enrolled and shall be computed in accordance with a formula 55784
adopted by the chancellor. No student shall receive more than one 55785
grant on the basis of less than full-time enrollment. 55786

An instructional grant shall not exceed the total 55787
instructional and general charges of the institution. 55788

(C) The tables in this division prescribe the maximum grant 55789
amounts covering two semesters, three quarters, or a comparable 55790
portion of one academic year. Grant amounts for additional terms 55791
in the same academic year shall be determined under division (D) 55792
of this section. 55793

For a full-time student who is a dependent and enrolled in a 55794
nonprofit educational institution that is not a state-assisted 55795
institution and that has a certificate of authorization issued 55796
pursuant to Chapter 1713. of the Revised Code, the amount of the 55797
instructional grant for two semesters, three quarters, or a 55798

comparable portion of the academic year shall be determined in 55799
accordance with the following table: 55800

Private Institution 55801

Table of Grants 55802

Maximum Grant \$5,466 55803

Gross Income Number of Dependents 55804

	1	2	3	4	5 or more	55805
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\$0 - \$15,000	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	55806
\$15,001 - \$16,000	4,920	5,466	5,466	5,466	5,466	55807
\$16,001 - \$17,000	4,362	4,920	5,466	5,466	5,466	55808
\$17,001 - \$18,000	3,828	4,362	4,920	5,466	5,466	55809
\$18,001 - \$19,000	3,288	3,828	4,362	4,920	5,466	55810
\$19,001 - \$22,000	2,736	3,288	3,828	4,362	4,920	55811
\$22,001 - \$25,000	2,178	2,736	3,288	3,828	4,362	55812
\$25,001 - \$28,000	1,626	2,178	2,736	3,288	3,828	55813
\$28,001 - \$31,000	1,344	1,626	2,178	2,736	3,288	55814
\$31,001 - \$32,000	1,080	1,344	1,626	2,178	2,736	55815
\$32,001 - \$33,000	984	1,080	1,344	1,626	2,178	55816
\$33,001 - \$34,000	888	984	1,080	1,344	1,626	55817
\$34,001 - \$35,000	444	888	984	1,080	1,344	55818
\$35,001 - \$36,000	--	444	888	984	1,080	55819
\$36,001 - \$37,000	--	--	444	888	984	55820
\$37,001 - \$38,000	--	--	--	444	888	55821
\$38,001 - \$39,000	--	--	--	--	444	55822

For a full-time student who is financially independent and 55823
enrolled in a nonprofit educational institution that is not a 55824
state-assisted institution and that has a certificate of 55825
authorization issued pursuant to Chapter 1713. of the Revised 55826
Code, the amount of the instructional grant for two semesters, 55827
three quarters, or a comparable portion of the academic year shall 55828
be determined in accordance with the following table: 55829

	Private Institution						55830
	Table of Grants						55831
	Maximum Grant \$5,466						55832
Gross Income	Number of Dependents						55833
	0	1	2	3	4	5 or more	55834
\$0 - \$4,800	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	\$5,466	55835
\$4,801 - \$5,300	4,920	5,466	5,466	5,466	5,466	5,466	55836
\$5,301 - \$5,800	4,362	5,196	5,466	5,466	5,466	5,466	55837
\$5,801 - \$6,300	3,828	4,914	5,196	5,466	5,466	5,466	55838
\$6,301 - \$6,800	3,288	4,650	4,914	5,196	5,466	5,466	55839
\$6,801 - \$7,300	2,736	4,380	4,650	4,914	5,196	5,466	55840
\$7,301 - \$8,300	2,178	4,104	4,380	4,650	4,914	5,196	55841
\$8,301 - \$9,300	1,626	3,822	4,104	4,380	4,650	4,914	55842
\$9,301 - \$10,300	1,344	3,546	3,822	4,104	4,380	4,650	55843
\$10,301 - \$11,800	1,080	3,408	3,546	3,822	4,104	4,380	55844
\$11,801 - \$13,300	984	3,276	3,408	3,546	3,822	4,104	55845
\$13,301 - \$14,800	888	3,228	3,276	3,408	3,546	3,822	55846
\$14,801 - \$16,300	444	2,904	3,228	3,276	3,408	3,546	55847
\$16,301 - \$19,300	--	2,136	2,628	2,952	3,276	3,408	55848
\$19,301 - \$22,300	--	1,368	1,866	2,358	2,676	3,000	55849
\$22,301 - \$25,300	--	1,092	1,368	1,866	2,358	2,676	55850
\$25,301 - \$30,300	--	816	1,092	1,368	1,866	2,358	55851
\$30,301 - \$35,300	--	492	540	672	816	1,314	55852

For a full-time student who is a dependent and enrolled in an 55853
educational institution that holds a certificate of registration 55854
from the state board of career colleges and schools or a private 55855
institution exempt from regulation under Chapter 3332. of the 55856
Revised Code as prescribed in section 3333.046 of the Revised 55857
Code, the amount of the instructional grant for two semesters, 55858
three quarters, or a comparable portion of the academic year shall 55859
be determined in accordance with the following table: 55860

Career Institution 55861

Table of Grants						55862
Maximum Grant \$4,632						55863
Gross Income	Number of Dependents					55864
	1	2	3	4	5 or more	55865
\$0 - \$15,000	\$4,632	\$4,632	\$4,632	\$4,632	\$4,632	55866
\$15,001 - \$16,000	4,182	4,632	4,632	4,632	4,632	55867
\$16,001 - \$17,000	3,684	4,182	4,632	4,632	4,632	55868
\$17,001 - \$18,000	3,222	3,684	4,182	4,632	4,632	55869
\$18,001 - \$19,000	2,790	3,222	3,684	4,182	4,632	55870
\$19,001 - \$22,000	2,292	2,790	3,222	3,684	4,182	55871
\$22,001 - \$25,000	1,854	2,292	2,790	3,222	3,684	55872
\$25,001 - \$28,000	1,416	1,854	2,292	2,790	3,222	55873
\$28,001 - \$31,000	1,134	1,416	1,854	2,292	2,790	55874
\$31,001 - \$32,000	906	1,134	1,416	1,854	2,292	55875
\$32,001 - \$33,000	852	906	1,134	1,416	1,854	55876
\$33,001 - \$34,000	750	852	906	1,134	1,416	55877
\$34,001 - \$35,000	372	750	852	906	1,134	55878
\$35,001 - \$36,000	--	372	750	852	906	55879
\$36,001 - \$37,000	--	--	372	750	852	55880
\$37,001 - \$38,000	--	--	--	372	750	55881
\$38,001 - \$39,000	--	--	--	--	372	55882

For a full-time student who is financially independent and 55883
enrolled in an educational institution that holds a certificate of 55884
registration from the state board of career colleges and schools 55885
or a private institution exempt from regulation under Chapter 55886
3332. of the Revised Code as prescribed in section 3333.046 of the 55887
Revised Code, the amount of the instructional grant for two 55888
semesters, three quarters, or a comparable portion of the academic 55889
year shall be determined in accordance with the following table: 55890

Career Institution	55891
Table of Grants	55892
Maximum Grant \$4,632	55893

\$15,001 - \$16,000	1,974	2,190	2,190	2,190	2,190	55925
\$16,001 - \$17,000	1,740	1,974	2,190	2,190	2,190	55926
\$17,001 - \$18,000	1,542	1,740	1,974	2,190	2,190	55927
\$18,001 - \$19,000	1,320	1,542	1,740	1,974	2,190	55928
\$19,001 - \$22,000	1,080	1,320	1,542	1,740	1,974	55929
\$22,001 - \$25,000	864	1,080	1,320	1,542	1,740	55930
\$25,001 - \$28,000	648	864	1,080	1,320	1,542	55931
\$28,001 - \$31,000	522	648	864	1,080	1,320	55932
\$31,001 - \$32,000	420	522	648	864	1,080	55933
\$32,001 - \$33,000	384	420	522	648	864	55934
\$33,001 - \$34,000	354	384	420	522	648	55935
\$34,001 - \$35,000	174	354	384	420	522	55936
\$35,001 - \$36,000	--	174	354	384	420	55937
\$36,001 - \$37,000	--	--	174	354	384	55938
\$37,001 - \$38,000	--	--	--	174	354	55939
\$38,001 - \$39,000	--	--	--	--	174	55940

For a full-time student who is financially independent and enrolled in a state-assisted educational institution, the amount of the instructional grant for two semesters, three quarters, or a comparable portion of the academic year shall be determined in accordance with the following table:

Public Institution							55941
Table of Grants							55942
Maximum Grant \$2,190							55943
Gross Income	Number of Dependents						55944
	0	1	2	3	4	5 or more	55945
\$0 - \$4,800	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	\$2,190	55946
\$4,801 - \$5,300	1,974	2,190	2,190	2,190	2,190	2,190	55947
\$5,301 - \$5,800	1,740	2,082	2,190	2,190	2,190	2,190	55948
\$5,801 - \$6,300	1,542	1,968	2,082	2,190	2,190	2,190	55949
\$6,301 - \$6,800	1,320	1,866	1,968	2,082	2,190	2,190	55950
\$6,801 - \$7,300	1,080	1,758	1,866	1,968	2,082	2,190	55951

\$7,301 - \$8,300	864	1,638	1,758	1,866	1,968	2,082	55957
\$8,301 - \$9,300	648	1,530	1,638	1,758	1,866	1,968	55958
\$9,301 - \$10,300	522	1,422	1,530	1,638	1,758	1,866	55959
\$10,301 - \$11,800	420	1,356	1,422	1,530	1,638	1,758	55960
\$11,801 - \$13,300	384	1,308	1,356	1,422	1,530	1,638	55961
\$13,301 - \$14,800	354	1,290	1,308	1,356	1,422	1,530	55962
\$14,801 - \$16,300	174	1,164	1,290	1,308	1,356	1,422	55963
\$16,301 - \$19,300	--	858	1,050	1,182	1,308	1,356	55964
\$19,301 - \$22,300	--	540	750	948	1,062	1,200	55965
\$22,301 - \$25,300	--	432	540	750	948	1,062	55966
\$25,301 - \$30,300	--	324	432	540	750	948	55967
\$30,301 - \$35,300	--	192	210	264	324	522	55968

(D) For a full-time student enrolled in an eligible institution for a semester or quarter in addition to the portion of the academic year covered by a grant determined under division (C) of this section, the maximum grant amount shall be a percentage of the maximum prescribed in the applicable table of that division. The maximum grant for a fourth quarter shall be one-third of the maximum amount prescribed under that division. The maximum grant for a third semester shall be one-half of the maximum amount prescribed under that division.

(E) No grant shall be made to any student in a course of study in theology, religion, or other field of preparation for a religious profession unless such course of study leads to an accredited bachelor of arts, bachelor of science, associate of arts, or associate of science degree.

(F)(1) Except as provided in division (F)(2) of this section, no grant shall be made to any student for enrollment during a fiscal year in an institution with a cohort default rate determined by the United States secretary of education pursuant to the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 20 U.S.C.A. 1085, as amended, as of the fifteenth day of June

preceding the fiscal year, equal to or greater than thirty per cent for each of the preceding two fiscal years. 55989
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(2) Division (F)(1) of this section does not apply to the following: 55991
55992

(a) Any student enrolled in an institution that under the federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring institutions to provide information regarding an appeal to the chancellor. 55993
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(b) Any student who has previously received a grant under this section who meets all other requirements of this section. 56002
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(3) The chancellor shall adopt rules for the notification of all institutions whose students will be ineligible to participate in the grant program pursuant to division (F)(1) of this section. 56004
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(4) A student's attendance at an institution whose students lose eligibility for grants under division (F)(1) of this section shall not affect that student's eligibility to receive a grant when enrolled in another institution. 56007
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(G) Institutions of higher education that enroll students receiving instructional grants under this section shall report to the chancellor all students who have received instructional grants but are no longer eligible for all or part of such grants and shall refund any moneys due the state within thirty days after the beginning of the quarter or term immediately following the quarter or term in which the student was no longer eligible to receive all or part of the student's grant. There shall be an interest charge of one per cent per month on all moneys due and payable after such 56011
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thirty-day period. The chancellor shall immediately notify the 56020
office of budget and management and the legislative service 56021
commission of all refunds so received. 56022

Sec. 3333.121. There is hereby established in the state 56023
treasury the state need-based financial aid reconciliation fund, 56024
which shall consist of refunds of instructional grant payments 56025
made pursuant to section 3333.12 of the Revised Code and refunds 56026
of state need-based financial aid payments made pursuant to 56027
section 3333.122 of the Revised Code. Revenues credited to the 56028
fund shall be used by the chancellor of ~~the Ohio board of regents~~ 56029
higher education to pay to higher education institutions any 56030
outstanding obligations from the prior year owed for the Ohio 56031
instructional grant program and the Ohio college opportunity grant 56032
program that are identified through the annual reconciliation and 56033
financial audit. Any amount in the fund that is in excess of the 56034
amount certified to the director of budget and management by the 56035
chancellor of higher education as necessary to reconcile prior 56036
year payments under the program shall be transferred to the 56037
general revenue fund. 56038

Sec. 3333.122. (A) The chancellor of ~~the Ohio board of~~ 56039
~~regents~~ higher education shall adopt rules to carry out this 56040
section and as authorized under section 3333.123 of the Revised 56041
Code. The rules shall include definitions of the terms "resident," 56042
"expected family contribution," "full-time student," 56043
"three-quarters-time student," "half-time student," 56044
"one-quarter-time student," "state cost of attendance," and 56045
"accredited" for the purpose of those sections. 56046

(B) Only an Ohio resident who meets both of the following is 56047
eligible for a grant awarded under this section: 56048

(1) The resident has an expected family contribution of two 56049

thousand one hundred ninety or less; 56050

(2) The resident enrolls in one of the following: 56051

(a) An undergraduate program, or a nursing diploma program 56052
approved by the board of nursing under division (A)(5) of section 56053
4723.06 of the Revised Code, at a state-assisted state institution 56054
of higher education, as defined in section 3345.12 of the Revised 56055
Code, that meets the requirements of Title VI of the Civil Rights 56056
Act of 1964; 56057

(b) An undergraduate program, or a nursing diploma program 56058
approved by the board of nursing under division (A)(5) of section 56059
4723.06 of the Revised Code, at a private, nonprofit institution 56060
in this state holding a certificate of authorization pursuant to 56061
Chapter 1713. of the Revised Code; 56062

(c) An undergraduate program, or a nursing diploma program 56063
approved by the board of nursing under division (A)(5) of section 56064
4723.06 of the Revised Code, at a career college in this state 56065
that holds a certificate of registration from the state board of 56066
career colleges and schools under Chapter 3332. of the Revised 56067
Code or at a private institution exempt from regulation under 56068
Chapter 3332. of the Revised Code as prescribed in section 56069
3333.046 of the Revised Code, if the program has a certificate of 56070
authorization pursuant to Chapter 1713. of the Revised Code. 56071

(C)(1) The chancellor shall establish and administer a 56072
needs-based financial aid grants program based on the United 56073
States department of education's method of determining financial 56074
need. The program shall be known as the Ohio college opportunity 56075
grant program. The general assembly shall support the needs-based 56076
financial aid program by such sums and in such manner as it may 56077
provide, but the chancellor also may receive funds from other 56078
sources to support the program. If, for any academic year, the 56079
amounts available for support of the program are inadequate to 56080

provide grants to all eligible students, the chancellor shall do 56081
one of the following: 56082

(a) Give preference in the payment of grants based upon 56083
expected family contribution, beginning with the lowest expected 56084
family contribution category and proceeding upward by category to 56085
the highest expected family contribution category; 56086

(b) Proportionately reduce the amount of each grant to be 56087
awarded for the academic year under this section; 56088

(c) Use an alternate formula for such grants that addresses 56089
the shortage of available funds and has been submitted to and 56090
approved by the controlling board. 56091

(2) The needs-based financial aid grant shall be paid to the 56092
eligible student through the institution in which the student is 56093
enrolled, except that no needs-based financial aid grant shall be 56094
paid to any person serving a term of imprisonment. Applications 56095
for the grants shall be made as prescribed by the chancellor, and 56096
such applications may be made in conjunction with and upon the 56097
basis of information provided in conjunction with student 56098
assistance programs funded by agencies of the United States 56099
government or from financial resources of the institution of 56100
higher education. The institution shall certify that the student 56101
applicant meets the requirements set forth in division (B) of this 56102
section. Needs-based financial aid grants shall be provided to an 56103
eligible student only as long as the student is making appropriate 56104
progress toward a nursing diploma or an associate or bachelor's 56105
degree. No student shall be eligible to receive a grant for more 56106
than ten semesters, fifteen quarters, or the equivalent of five 56107
academic years. A grant made to an eligible student on the basis 56108
of less than full-time enrollment shall be based on the number of 56109
credit hours for which the student is enrolled and shall be 56110
computed in accordance with a formula adopted by rule issued by 56111
the chancellor. No student shall receive more than one grant on 56112

the basis of less than full-time enrollment. 56113

(D)(1) Except as provided in division (D)(4) of this section, 56114
no grant awarded under this section shall exceed the total state 56115
cost of attendance. 56116

(2) Subject to divisions (D)(1), (3), and (4) of this 56117
section, the amount of a grant awarded to a student under this 56118
section shall equal the student's remaining state cost of 56119
attendance after the student's Pell grant and expected family 56120
contribution are applied to the instructional and general charges 56121
for the undergraduate program. However, for students enrolled in a 56122
state university or college as defined in section 3345.12 of the 56123
Revised Code or a university branch, the chancellor may provide 56124
that the grant amount shall equal the student's remaining 56125
instructional and general charges for the undergraduate program 56126
after the student's Pell grant and expected family contribution 56127
have been applied to those charges, but, in no case, shall the 56128
grant amount for such a student exceed any maximum that the 56129
chancellor may set by rule. 56130

(3) For a student enrolled for a semester or quarter in 56131
addition to the portion of the academic year covered by a grant 56132
under this section, the maximum grant amount shall be a percentage 56133
of the maximum specified in any table established in rules adopted 56134
by the chancellor as provided in division (A) of this section. The 56135
maximum grant for a fourth quarter shall be one-third of the 56136
maximum amount so prescribed. The maximum grant for a third 56137
semester shall be one-half of the maximum amount so prescribed. 56138

(4) If a student is enrolled in a two-year institution of 56139
higher education and is eligible for an education and training 56140
voucher through the Ohio education and training voucher program 56141
that receives federal funding under the John H. Chafee foster care 56142
independence program, 42 U.S.C. 677, the amount of a grant awarded 56143
under this section may exceed the total state cost of attendance 56144

to additionally cover housing costs. 56145

(E) No grant shall be made to any student in a course of 56146
study in theology, religion, or other field of preparation for a 56147
religious profession unless such course of study leads to an 56148
accredited bachelor of arts, bachelor of science, associate of 56149
arts, or associate of science degree. 56150

(F)(1) Except as provided in division (F)(2) of this section, 56151
no grant shall be made to any student for enrollment during a 56152
fiscal year in an institution with a cohort default rate 56153
determined by the United States secretary of education pursuant to 56154
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 56155
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 56156
preceding the fiscal year, equal to or greater than thirty per 56157
cent for each of the preceding two fiscal years. 56158

(2) Division (F)(1) of this section does not apply in the 56159
case of either of the following: 56160

(a) The institution pursuant to federal law appeals its loss 56161
of eligibility for federal financial aid and the United States 56162
secretary of education determines its cohort default rate after 56163
recalculation is lower than the rate specified in division (F)(1) 56164
of this section or the secretary determines due to mitigating 56165
circumstances that the institution may continue to participate in 56166
federal financial aid programs. The chancellor shall adopt rules 56167
requiring any such appellant to provide information to the 56168
chancellor regarding an appeal. 56169

(b) Any student who has previously received a grant pursuant 56170
to any provision of this section, including prior to the section's 56171
amendment by H.B. 1 of the 128th general assembly, effective July 56172
17, 2009, and who meets all other eligibility requirements of this 56173
section. 56174

(3) The chancellor shall adopt rules for the notification of 56175

all institutions whose students will be ineligible to participate 56176
in the grant program pursuant to division (F)(1) of this section. 56177

(4) A student's attendance at any institution whose students 56178
are ineligible for grants due to division (F)(1) of this section 56179
shall not affect that student's eligibility to receive a grant 56180
when enrolled in another institution. 56181

(G) Institutions of higher education that enroll students 56182
receiving needs-based financial aid grants under this section 56183
shall report to the chancellor all students who have received such 56184
needs-based financial aid grants but are no longer eligible for 56185
all or part of those grants and shall refund any moneys due the 56186
state within thirty days after the beginning of the quarter or 56187
term immediately following the quarter or term in which the 56188
student was no longer eligible to receive all or part of the 56189
student's grant. There shall be an interest charge of one per cent 56190
per month on all moneys due and payable after such thirty-day 56191
period. The chancellor shall immediately notify the office of 56192
budget and management and the legislative service commission of 56193
all refunds so received. 56194

Sec. 3333.123. (A) As used in this section: 56195

(1) "The Ohio college opportunity grant program" means the 56196
program established under section 3333.122 of the Revised Code. 56197

(2) "Rules for the Ohio college opportunity grant program" 56198
means the rules authorized in division (R) of section 3333.04 of 56199
the Revised Code for the implementation of the program. 56200

(B) In adopting rules for the Ohio college opportunity grant 56201
program, the chancellor of ~~the Ohio board of regents~~ higher 56202
education may include provisions that give preferential or 56203
priority funding to low-income students who in their primary and 56204
secondary school work participate in or complete rigorous academic 56205

coursework, attain passing scores on the assessments prescribed in 56206
section 3301.0710 or 3301.0712 of the Revised Code, or meet other 56207
high academic performance standards determined by the chancellor 56208
to reduce the need for remediation and ensure academic success at 56209
the postsecondary education level. Any such rules shall include a 56210
specification of procedures needed to certify student achievement 56211
of primary and secondary standards as well as the timeline for 56212
implementation of the provisions authorized by this section. 56213

Sec. 3333.124. There is hereby created in the state treasury 56214
the Ohio college opportunity grant program reserve fund. ~~Not later~~ 56215
~~than the first day of July~~ As soon as possible following the end 56216
of each fiscal year, the chancellor of ~~the Ohio board of regents~~ 56217
higher education shall certify to the director of budget and 56218
management the unencumbered balance of the general revenue fund 56219
appropriations made in the immediately preceding fiscal year for 56220
purposes of the Ohio college opportunity grant program created in 56221
section 3333.122 of the Revised Code. Upon receipt of the 56222
certification, the director of budget and management may transfer 56223
an amount not exceeding the certified amount from the general 56224
revenue fund to the Ohio college opportunity grant program reserve 56225
fund. Moneys in the Ohio college opportunity grant program reserve 56226
fund shall be used to pay grant obligations in excess of the 56227
general revenue fund appropriations made for that purpose. 56228

The director of budget and management may transfer any 56229
unencumbered balance from the Ohio college opportunity grant 56230
program reserve fund to the general revenue fund. 56231

If it is determined that general revenue fund appropriations 56232
are insufficient to meet the obligations of the Ohio college 56233
opportunity grant program in a fiscal year, the director of budget 56234
and management may transfer funds from the Ohio college 56235
opportunity grant program reserve fund to the general revenue fund 56236

in order to meet those obligations. The amount transferred is 56237
hereby appropriated. If the funds transferred from the Ohio 56238
college opportunity grant program reserve fund are not needed, the 56239
director of budget and management may transfer the unexpended 56240
balance from the general revenue fund back to the Ohio college 56241
opportunity grant program reserve fund. 56242

Sec. 3333.13. (A) Money appropriated to the chancellor of ~~the~~ 56243
~~Ohio board of regents~~ higher education for the purposes of this 56244
division shall be paid at the times and in the amounts necessary 56245
to meet all payments required to be made by the chancellor to the 56246
Ohio public facilities commission pursuant to leases or agreements 56247
made under division (B) of section 154.21 of the Revised Code, as 56248
certified under division (C) of this section, including 56249
supplements to such certifications. 56250

(B) The chancellor shall include in the estimate of proposed 56251
expenses submitted pursuant to section 126.02 of the Revised Code 56252
the estimated amounts of all such payments to be made by the 56253
chancellor. The chancellor shall include the estimated amounts of 56254
all such payments to be made by the chancellor in recommendations 56255
for appropriation required by division (J) of section 3333.04 of 56256
the Revised Code. The director of budget and management shall 56257
include in the state budget estimates provided for in section 56258
126.02 of the Revised Code the estimated amount of all such 56259
payments to be made during the next biennium, and this amount 56260
shall be included in the state budget to be submitted by the 56261
governor to the general assembly pursuant to section 107.03 of the 56262
Revised Code. 56263

(C) On the first day of July of each year, or as soon 56264
thereafter as is practicable, the chancellor or a vice-chancellor 56265
shall certify to the director of budget and management the 56266
payments contracted to be made, during the period of the then 56267

current appropriations made for the purposes of division (A) of 56268
this section, to the commission by the chancellor pursuant to 56269
leases and agreements made under division (B) of section 154.21 of 56270
the Revised Code. The certification shall state the amounts and 56271
dates of payment required therefor and the amounts to be credited 56272
pursuant to such leases and agreements to the higher education 56273
bond service trust fund and other special funds established 56274
pursuant to Chapter 154. of the Revised Code. If the director of 56275
budget and management finds such certification to be correct, the 56276
director shall promptly add the director's certification thereto 56277
and submit it to the treasurer of state. Such annual certification 56278
shall be supplemented in similar manner upon the execution of each 56279
new lease or agreement, any supplement to an existing lease or 56280
agreement, or any amendment thereof, affecting the amounts of 56281
those payments. 56282

Sec. 3333.14. Effective July 1, 1971, all public post high 56283
school technical education programs shall be operated by technical 56284
colleges, community colleges, university branches, state colleges, 56285
state-affiliated universities and state universities. Subject to 56286
rules and regulations adopted by the chancellor of ~~the Ohio board~~ 56287
~~of regents~~ higher education, the board of trustees or directors of 56288
one of the above such institutions shall adopt a plan of 56289
transition governing each public post high school technical 56290
education program not specifically identified or included in this 56291
section which is located in the geographic region of such 56292
institution as defined by the chancellor. The plan of transition 56293
shall provide for the dissolution of such technical education 56294
programs either by transfer of a program's lands, buildings, and 56295
equipment to one of the above such institutions or by complete 56296
termination of the technical education program. 56297

Sec. 3333.15. If the board of trustees of a state university 56298

fails to undertake appropriate action to establish a university 56299
branch campus within one year from the enactment of a capital 56300
improvement appropriation for the development of such university 56301
branch facility, the chancellor of ~~the Ohio board of regents~~ 56302
higher education may act as the chancellor deems necessary in 56303
place of the board of trustees, including securing the release of 56304
construction planning and construction contract funds from the 56305
state controlling board. If the chancellor takes action to plan 56306
and construct a university branch in accordance with this section, 56307
the officers and staff of such university shall perform all 56308
necessary functions incident to the planning and construction of 56309
such university branch as directed by the chancellor. 56310

Sec. 3333.16. As used in this section "state institution of 56311
higher education" means an institution of higher education as 56312
defined in section 3345.12 of the Revised Code. 56313

(A) The chancellor of ~~the Ohio board of regents~~ higher 56314
education shall do all of the following: 56315

(1) Establish policies and procedures applicable to all state 56316
institutions of higher education that ensure that students can 56317
begin higher education at any state institution of higher 56318
education and transfer coursework and degrees to any other state 56319
institution of higher education without unnecessary duplication or 56320
institutional barriers. The purpose of this requirement is to 56321
allow students to attain their highest educational aspirations in 56322
the most efficient and effective manner for the students and the 56323
state. These policies and procedures shall require state 56324
institutions of higher education to make changes or modifications, 56325
as needed, to strengthen course content so as to ensure 56326
equivalency for that course at any state institution of higher 56327
education. 56328

(2) Develop and implement a universal course equivalency 56329

classification system for state institutions of higher education 56330
so that the transfer of students and the transfer and articulation 56331
of equivalent courses or specified learning modules or units 56332
completed by students are not inhibited by inconsistent judgment 56333
about the application of transfer credits. Coursework completed 56334
within such a system at one state institution of higher education 56335
and transferred to another institution shall be applied to the 56336
student's degree objective in the same manner as equivalent 56337
coursework completed at the receiving institution. 56338

(3) Develop a system of transfer policies that ensure that 56339
graduates with associate degrees which include completion of 56340
approved transfer modules shall be admitted to a state institution 56341
of higher education, shall be able to compete for admission to 56342
specific programs on the same basis as students native to the 56343
institution, and shall have priority over out-of-state associate 56344
degree graduates and transfer students. To assist a student in 56345
advising and transferring, all state institutions of higher 56346
education shall fully implement the information system for 56347
advising and transferring selected by, contracted for, or 56348
developed by the chancellor. 56349

(4) Examine the feasibility of developing a transfer 56350
marketing agenda that includes materials and interactive 56351
technology to inform the citizens of Ohio about the availability 56352
of transfer options at state institutions of higher education and 56353
to encourage adults to return to colleges and universities for 56354
additional education; 56355

(5) Study, in consultation with the state board of career 56356
colleges and schools, and in light of existing criteria and any 56357
other criteria developed by the articulation and transfer advisory 56358
council, the feasibility of credit recognition and transferability 56359
to state institutions of higher education for graduates who have 56360
received associate degrees from a career college or school with a 56361

certificate of registration from the state board of career 56362
colleges and schools under Chapter 3332. of the Revised Code. 56363

(B) All provisions of the existing articulation and transfer 56364
policy developed by the ~~Ohio board of regents~~ chancellor shall 56365
remain in effect except where amended by this section. 56366

(C) Not later than December 1, 2018, the chancellor shall 56367
update and implement the policies and procedures established 56368
pursuant to this section to ensure that any associate degree 56369
offered at a state institution of higher education may be 56370
transferred and applied to a bachelor degree program in an 56371
equivalent field at any other state institution of higher 56372
education without unnecessary duplication or institutional 56373
barriers. The policies and procedures shall ensure that each 56374
transferred associate degree applies to the student's degree 56375
objective in the same manner as equivalent coursework completed by 56376
the student at the receiving institution. 56377

When updating and implementing the policies and procedures 56378
pursuant to this division, the chancellor shall seek input from 56379
faculty and academic leaders in each academic field or discipline. 56380

Sec. 3333.161. (A) As used in this section: 56381

(1) "Articulation agreement" means an agreement between two 56382
or more state institutions of higher education to facilitate the 56383
transfer of students and credits between such institutions. 56384

(2) "State institution of higher education" and "state 56385
university" have the same meanings as in section 3345.011 of the 56386
Revised Code. 56387

(3) "Two year college" includes a community college, state 56388
community college, technical college, and university branch. 56389

(B) The chancellor of ~~the Ohio board of regents~~ higher 56390
education shall adopt rules establishing a statewide system for 56391

articulation agreements among state institutions of higher education for transfer students pursuing teacher education programs. The rules shall require an articulation agreement between institutions to include all of the following:

(1) The development of a transfer module for teacher education that includes introductory level courses that are evaluated as appropriate by faculty employed by the state institutions of higher education that are parties to the articulation agreement;

(2) A foundation of general studies courses that have been identified as part of the transfer module for teacher education and have been evaluated as appropriate for the preparation of teachers and consistent with the academic content standards adopted under section 3301.079 of the Revised Code;

(3) A clear identification of university faculty who are partnered with two year college faculty;

(4) The publication of the articulation agreement that is available to all students, faculty, and staff.

Sec. 3333.162. (A) As used in this section, "state institution of higher education" means an institution of higher education as defined in section 3345.12 of the Revised Code.

(B) By April 15, 2007, the chancellor of ~~the Ohio board of regents~~ higher education, in consultation with the department of education, public adult and secondary career-technical education institutions, and state institutions of higher education, shall establish criteria, policies, and procedures that enable students to transfer agreed upon technical courses completed through an adult career-technical education institution, a public secondary career-technical institution, or a state institution of higher education to a state institution of higher education without

unnecessary duplication or institutional barriers. The courses to 56422
which the criteria, policies, and procedures apply shall be those 56423
that adhere to recognized industry standards and equivalent 56424
coursework common to the secondary career pathway and adult 56425
career-technical education system and regionally accredited state 56426
institutions of higher education. Where applicable, the policies 56427
and procedures shall build upon the articulation agreement and 56428
transfer initiative course equivalency system required by section 56429
3333.16 of the Revised Code. 56430

Sec. 3333.163. (A) As used in this section, "state 56431
institution of higher education" has the same meaning as in 56432
section 3345.011 of the Revised Code. 56433

(B) Not later than April 15, 2008, the articulation and 56434
transfer advisory council of the chancellor of ~~the Ohio board of~~ 56435
~~regents~~ higher education shall recommend to the chancellor 56436
standards for awarding course credit toward degree requirements at 56437
state institutions of higher education based on scores attained on 56438
advanced placement examinations. The recommended standards shall 56439
include a score on each advanced placement examination that the 56440
council considers to be a passing score for which course credit 56441
may be awarded. Upon adoption of the standards by the chancellor, 56442
each state institution of higher education shall comply with the 56443
standards in awarding course credit to any student enrolled in the 56444
institution who has attained a passing score on an advanced 56445
placement examination. 56446

Sec. 3333.164. (A) As used in this section, "state 56447
institution of higher education" has the same meaning as in 56448
section 3345.011 of the Revised Code. 56449

(B) Not later than December 31, 2014, the chancellor of ~~the~~ 56450
~~Ohio board of regents~~ higher education shall do all of the 56451

following with regard to the awarding of college credit for 56452
military training, experience, and coursework: 56453

(1) Develop a set of standards and procedures for state 56454
institutions of higher education to utilize in the granting of 56455
college credit for military training, experience, and coursework; 56456

(2) Create a military articulation and transfer assurance 56457
guide for college credit that is earned through military training, 56458
experience, and coursework. The chancellor shall use the current 56459
articulation and transfer policy adopted pursuant to section 56460
3333.16 of the Revised Code as a model in developing this guide. 56461

(3) Create a web site that contains information related to 56462
the awarding of college credit for military training, experience, 56463
and coursework. The web site shall include both of the following: 56464

(a) Standardized resources that address frequently asked 56465
questions regarding the awarding of such credit and related 56466
issues; 56467

(b) A statewide database that shows how specified military 56468
training, experience, and coursework translates to college credit. 56469

(4) Develop a statewide training program that prepares 56470
faculty and staff of state institutions of higher education to 56471
evaluate various military training, experience, and coursework and 56472
to award appropriate equivalent credit. The training program shall 56473
incorporate the best practices of awarding credit for military 56474
experiences, including both the recommendations of the American 56475
council on education and the standards developed by the council 56476
for adult and experiential learning. 56477

(C) Beginning on July 1, 2015, state institutions of higher 56478
education shall ensure that appropriate equivalent credit is 56479
awarded for military training, experience, and coursework that 56480
meet the standards developed by the chancellor pursuant to this 56481
section. 56482

Sec. 3333.165. (A) At the end of each academic year, the 56483
chancellor of higher education shall develop and release a report 56484
that includes all of the following information: 56485

(1) The total number of courses that were successfully 56486
transferred to state institutions of higher education under 56487
sections 3333.16 to 3333.164 of the Revised Code, during the most 56488
recent academic year for which data is available; 56489

(2) The total number of courses that were not accepted for 56490
transfer at state institutions of higher education under sections 56491
3333.16 to 3333.164 of the Revised Code, during the most recent 56492
academic year for which data is available; 56493

(3) The number of students who earned an associate degree at 56494
a community college, a state community college, or a university 56495
branch that was successfully transferred to a state university 56496
under sections 3333.16 to 3333.164 of the Revised Code. 56497

(B) As used in this section, "state institution of higher 56498
education" and "state university" have the same meanings as in 56499
section 3345.011 of the Revised Code. 56500

Sec. 3333.17. The chancellor of the Ohio board of regents 56501
higher education may enter into contracts with the appropriate 56502
agency in a contiguous state whereby the agency provides for 56503
charging Ohio residents enrolled in state-assisted post-secondary 56504
educational institutions in the contiguous state, tuition and fees 56505
at rates no higher than the rates charged to students who are 56506
residents of that state, and whereby the chancellor, as part of 56507
such contracts, may provide that rates for tuition and fees 56508
charged to residents of the contiguous state who are enrolled in 56509
state-assisted post-secondary educational institutions in Ohio 56510
shall not exceed those charged Ohio residents. 56511

State-assisted post-secondary educational institutions in 56512

Ohio may enter into contracts with appropriate state-assisted 56513
post-secondary educational institutions in a contiguous state 56514
whereby the state-assisted post-secondary educational institution 56515
provides for charging Ohio residents enrolled in the institution 56516
in the contiguous state, tuition and fees at rates no higher than 56517
the rates charged to students who are residents of that state, and 56518
whereby the Ohio state-assisted post-secondary institution, as 56519
part of such contracts, may provide that rates for tuition and 56520
fees charged to residents of the contiguous state who are enrolled 56521
in the state-assisted post-secondary educational institutions in 56522
Ohio shall not exceed those charged Ohio residents. 56523

The contracts entered into by the chancellor or a 56524
state-assisted post-secondary educational institution may limit 56525
the type of academic program offered at the reciprocal rates. 56526
Residents of contiguous states enrolled in for credit courses 56527
taught at the main campus and identified off-campus sites at 56528
state-assisted post-secondary educational institutions in Ohio 56529
under such contracts shall be included in calculating the number 56530
of full-time equivalent students for state subsidy purposes. The 56531
chancellor and each state-assisted post-secondary educational 56532
institution shall periodically assess the costs and benefits of 56533
each such contract and the extent to which parity is achieved 56534
between Ohio and the contiguous state with respect to students 56535
benefiting from the contract. All Ohio state-assisted 56536
post-secondary educational institutions participating in these 56537
contracts shall report enrollments and other information annually 56538
to the chancellor. No contract shall be entered into under this 56539
section without the approval of the chancellor. The chancellor 56540
shall report the status of these contracts to the controlling 56541
board annually. 56542

Sec. 3333.171. (A) The chancellor of ~~the Ohio board of~~ 56543
~~regents~~ higher education may enter into a reciprocity agreement 56544

with the midwestern higher education compact whereby the agreement 56545
provides for both of the following: 56546

(1) A participating institution in Ohio may enroll residents 56547
of a participating state in distance education programs at that 56548
institution without attaining prior approval from the appropriate 56549
agency of that participating state. 56550

(2) A participating institution in another state may enroll 56551
Ohio residents in distance education programs at that institution 56552
without attaining prior approval from the chancellor. 56553

(B) Under the terms of an agreement, the chancellor may do 56554
any of the following: 56555

(1) Apply on behalf of the state of Ohio to become an 56556
eligible state to participate in the agreement; 56557

(2) Designate the ~~board~~ department of ~~regents~~ higher 56558
education as the lead agency to ensure that Ohio meets the 56559
eligibility requirements of the agreement, as determined by the 56560
midwestern higher education compact; 56561

(3) Develop criteria and procedures for eligible institutions 56562
in Ohio to apply to participate in the agreement and for their 56563
continued participation in the agreement; 56564

(4) Assess and collect fees, pursuant to rules adopted by the 56565
chancellor under Chapter 119. of the Revised Code, from 56566
participating institutions in Ohio; 56567

(5) Collect annual data, as prescribed by the chancellor or 56568
as required by the midwestern higher education compact, from 56569
participating institutions in Ohio; 56570

(6) Develop a student grievance process to resolve complaints 56571
brought against participating institutions in Ohio in regard to 56572
the distance education programs that are eligible under the terms 56573
of the agreement; 56574

(7) Work collaboratively with the state board of career colleges and schools to determine the eligibility of institutions authorized by that agency under section 3332.05 of the Revised Code for initial and continued participation in the agreement;

(8) Perform other duties and responsibilities as required for participation in the agreement.

(C) Any eligible institution in Ohio that wishes to participate in the agreement entered into under this section shall first attain approval for inclusion in the agreement from the chancellor. Thereafter, a participating institution in Ohio shall attain approval from the chancellor for any new distance education programs offered by that institution prior to enrolling residents of a participating state in such programs under the terms of the agreement.

(D) All other post-secondary activity that requires the chancellor's approval and is not included under the terms of the agreement entered into under this section is subject to the chancellor's review and approval pursuant to Chapters 1713. and 3333. of the Revised Code.

(E) The chancellor may terminate the agreement entered into under this section or remove the ~~board of regents~~ department as the lead agency on the agreement, if the chancellor determines that the agreement is not in the best interest of the state or the board.

(F) For purposes of this section:

(1) "Eligible institution in Ohio" is any of the following types of institutions, as long as it is degree-granting and is accredited by an accrediting agency recognized by the United States secretary of education:

(a) A state institution of higher education as defined in section 3345.011 of the Revised Code;

(b) An Ohio institution of higher education that has received a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(c) An Ohio institution of higher education authorized by the state board of career colleges and schools under section 3332.05 of the Revised Code.

(2) "Participating institution in Ohio" is any "eligible institution in Ohio" that has been approved by the chancellor for participation in the agreement entered into under this section.

(3) "Participating institution in another state" is any institution of higher education that is located outside of Ohio that meets the eligibility requirements under the terms of a similar reciprocity agreement and is approved by the appropriate agency of that institution's home state to participate in an agreement entered into with the midwestern higher education compact, the New England board of higher education, the southern regional education board, or the western interstate commission for higher education.

Sec. 3333.18. The chancellor of ~~the Ohio board of regents~~ higher education may enter into contracts with the appropriate agency in a contiguous state whereby financial aids from the funds of each state may be used by qualified student recipients to attend approved post-secondary educational institutions in the other state. Approved institutions in Ohio are those that are state-assisted or are nonprofit and have received certificates of authorization pursuant to Chapter 1713. of the Revised Code, or are private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code. Eligible post-secondary educational institutions in the contiguous state shall be similarly approved by the appropriate agency of that state. In formulating and executing

such contracts with a contiguous state, the chancellor shall 56637
assure that the total cost to this state approximates the total 56638
cost to the contiguous state. Any contract entered into under this 56639
section shall be subject to the periodic review of, and approval 56640
by, the controlling board. 56641

Sec. 3333.19. The chancellor of ~~the Ohio board of regents~~ 56642
higher education may enter into agreements with the appropriate 56643
agency in a foreign country or with an agency or organization 56644
sponsoring foreign student exchanges under which the agency or 56645
organization ensures that Ohio residents enrolled in 56646
post-secondary educational institutions in the foreign country 56647
will pay tuition and fees at rates no higher than the rates 56648
charged to students who are residents of that country and under 56649
which the chancellor provides that rates for tuition and fees 56650
charged to a comparable number of students from the foreign 56651
country who are enrolled in state-assisted institutions of higher 56652
education in Ohio are to be no higher than the rates charged to 56653
students who are Ohio residents. Notwithstanding that an Ohio 56654
resident is enrolled in a post-secondary educational institution 56655
in a foreign country under one of these agreements, any such 56656
student who was previously enrolled in a state-assisted 56657
institution shall be counted as enrolled in such institution for 56658
state subsidy purposes in a manner prescribed by rules the 56659
chancellor shall adopt. 56660

Sec. 3333.20. (A) The chancellor of ~~the Ohio board of regents~~ 56661
higher education shall adopt educational service standards that 56662
shall apply to all community colleges, university branches, 56663
technical colleges, and state community colleges established under 56664
Chapters 3354., 3355., 3357., and 3358. of the Revised Code, 56665
respectively. These standards shall provide for such institutions 56666
to offer or demonstrate at least the following: 56667

(1) An appropriate range of career or technical programs designed to prepare individuals for employment in specific careers at the technical or paraprofessional level;	56668 56669 56670
(2) Commitment to an effective array of developmental education services providing opportunities for academic skill enhancement;	56671 56672 56673
(3) Partnerships with industry, business, government, and labor for the retraining of the workforce and the economic development of the community;	56674 56675 56676
(4) Noncredit continuing education opportunities;	56677
(5) College transfer programs or the initial two years of a baccalaureate degree for students planning to transfer to institutions offering baccalaureate programs;	56678 56679 56680
(6) Linkages with high schools to ensure that graduates are adequately prepared for post-secondary instruction;	56681 56682
(7) Student access provided according to a convenient schedule and program quality provided at an affordable price;	56683 56684
(8) That student fees charged by any institution are as low as possible, especially if the institution is being supported by a local tax levy;	56685 56686 56687
(9) A high level of community involvement in the decision-making process in such critical areas as course delivery, range of services, fees and budgets, and administrative personnel.	56688 56689 56690
(B) The chancellor shall consult with representatives of state-assisted colleges and universities, as defined in section 3333.041 of the Revised Code, in developing appropriate methods for achieving or maintaining the standards adopted pursuant to division (A) of this section.	56691 56692 56693 56694 56695
(C) In considering institutions that are co-located, the chancellor shall apply the standards to them in two manners:	56696 56697

(1) As a whole entity; 56698

(2) As separate entities, applying the standards separately 56699
to each. 56700

When distributing any state funds among institutions based on 56701
the degree to which they meet the standards, the chancellor shall 56702
provide to institutions that are co-located the higher amount 56703
produced by the two judgments under divisions (C)(1) and (2) of 56704
this section. 56705

Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the 56706
Revised Code, "term" and "academic year" mean "term" and "academic 56707
year" as defined by the chancellor of ~~the Ohio board of regents~~ 56708
higher education. 56709

The chancellor shall establish and administer an academic 56710
scholarship program. Under the program, a total of one thousand 56711
new scholarships shall be awarded annually in the amount of not 56712
less than two thousand dollars per award. At least one such new 56713
scholarship shall be awarded annually to a student in each public 56714
high school and joint vocational school and each nonpublic high 56715
school for which the state board of education prescribes minimum 56716
standards in accordance with section 3301.07 of the Revised Code. 56717

To be eligible for the award of a scholarship, a student 56718
shall be a resident of Ohio and shall be enrolled as a full-time 56719
undergraduate student in an Ohio institution of higher education 56720
that meets the requirements of Title VI of the "Civil Rights Act 56721
of 1964" and is state-assisted, is nonprofit and holds a 56722
certificate of authorization issued under section 1713.02 of the 56723
Revised Code, is a private institution exempt from regulation 56724
under Chapter 3332. of the Revised Code as prescribed in section 56725
3333.046 of the Revised Code, or holds a certificate of 56726
registration and program authorization issued under section 56727
3332.05 of the Revised Code and awards an associate or bachelor's 56728

degree. Students who attend an institution holding a certificate 56729
of registration shall be enrolled in a program leading to an 56730
associate or bachelor's degree for which associate or bachelor's 56731
degree program the institution has program authorization to offer 56732
the program issued under section 3332.05 of the Revised Code. 56733

"Resident" and "full-time student" shall be defined in rules 56734
adopted by the chancellor. 56735

The chancellor shall award the scholarships on the basis of a 56736
formula designed by the chancellor to identify students with the 56737
highest capability for successful college study. The formula shall 56738
weigh the factor of achievement, as measured by grade point 56739
average, and the factor of ability, as measured by performance on 56740
a competitive examination specified by the chancellor. Students 56741
receiving scholarships shall be known as "Ohio academic scholars." 56742

Sec. 3333.22. Each Ohio academic scholarship shall be awarded 56743
for an academic year and may be renewed for each of three 56744
additional academic years. The scholarship amount awarded to a 56745
scholar for an academic year shall be not less than two thousand 56746
dollars. A scholarship shall be renewed if the scholar maintains 56747
an academic record satisfactory to the chancellor of ~~the Ohio~~ 56748
~~board of regents~~ higher education and meets any of the following 56749
conditions: 56750

(A) The scholar is enrolled as a full-time undergraduate; 56751

(B) The scholar was awarded an undergraduate degree in less 56752
than four academic years and is enrolled as a full-time graduate 56753
or professional student in an Ohio institution of higher education 56754
that meets the requirements of Title VI of the "Civil Rights Act 56755
of 1964" and is state-assisted or is nonprofit and holds a 56756
certificate of authorization issued under section 1713.02 of the 56757
Revised Code; 56758

(C) The scholar is a full-time student concurrently enrolled 56759
as an undergraduate student and as a graduate or professional 56760
student in an Ohio institution of higher education that meets the 56761
requirements of division (B) of this section. 56762

Each amount awarded shall be paid in equal installments to 56763
the scholar at the time of enrollment for each term of the 56764
academic year for which the scholarship is awarded or renewed. No 56765
scholar is eligible to receive an Ohio academic scholarship for 56766
more than the equivalent of four academic years. 56767

If an Ohio academic scholar is temporarily unable to attend 56768
school because of illness or other cause satisfactory to the 56769
chancellor, the chancellor may grant a leave of absence for a 56770
designated period of time. If a scholar discontinues full-time 56771
attendance at the scholar's school during a term because of 56772
illness or other cause satisfactory to the chancellor, the scholar 56773
may either claim a prorated payment for the period of actual 56774
attendance or waive payment for that term. A term for which 56775
prorated payment is made shall be considered a full term for which 56776
a scholarship was received. A term for which payment is waived 56777
shall not be considered a term for which a scholarship was 56778
received. 56779

Receipt of an Ohio academic scholarship shall not affect a 56780
scholar's eligibility for the Ohio instructional grant program. 56781

Sec. 3333.23. At the end of each term, each Ohio academic 56782
scholar shall request the registrar of the school to send a copy 56783
of the scholar's scholastic record to the chancellor of ~~the Ohio~~ 56784
~~board of regents~~ higher education. If the scholar's record fails 56785
to meet the standards established by the chancellor, further 56786
payments shall be suspended until the scholar demonstrates promise 56787
of successful progress in the academic program for which the award 56788
was made. The chancellor may revoke the scholarship if the scholar 56789

does not resume successful academic progress within a reasonable 56790
time. 56791

Sec. 3333.25. There is hereby created the Ohio academic 56792
scholarship payment fund, which shall be in the custody of the 56793
treasurer of state but shall not be a part of the state treasury. 56794
The fund shall consist of all moneys appropriated for the fund by 56795
the general assembly and other moneys otherwise made available to 56796
the fund. The payment fund shall be used for the payment of Ohio 56797
academic scholarships or for additional scholarships to recognize 56798
outstanding academic achievement and ability. The chancellor of 56799
~~the Ohio board of regents~~ higher education shall administer this 56800
section and establish rules for the distribution and awarding of 56801
any additional scholarships. 56802

The chancellor may direct the treasurer of state to invest 56803
any moneys in the payment fund not currently needed for 56804
scholarship payments, in any kinds of investments in which moneys 56805
of the public employees retirement system may be invested. 56806

The instruments of title of all investments shall be 56807
delivered to the treasurer of state or to a qualified trustee 56808
designated by the treasurer of state as provided in section 135.18 56809
of the Revised Code. The treasurer of state shall collect both 56810
principal and investment earnings on all investments as they 56811
become due and pay them into the fund. 56812

All deposits to the fund shall be made in financial 56813
institutions of this state secured as provided in section 135.18 56814
of the Revised Code. 56815

Sec. 3333.26. (A) Any citizen of this state who has resided 56816
within the state for one year, who was in the active service of 56817
the United States as a soldier, sailor, nurse, or marine between 56818
April 6, 1917, and November 11, 1918, and who has been honorably 56819

discharged from that service, shall be admitted to any school, 56820
college, or university that receives state funds in support 56821
thereof, without being required to pay any tuition or 56822
matriculation fee, but is not relieved from the payment of 56823
laboratory or similar fees. 56824

(B)(1) As used in this division: 56825

(a) "Volunteer firefighter" has the meaning as in division 56826
(B)(1) of section 146.01 of the Revised Code. 56827

(b) "Public service officer" means an Ohio firefighter, 56828
volunteer firefighter, police officer, member of the state highway 56829
patrol, employee designated to exercise the powers of police 56830
officers pursuant to section 1545.13 of the Revised Code, or other 56831
peace officer as defined by division (B) of section 2935.01 of the 56832
Revised Code, or a person holding any equivalent position in 56833
another state. 56834

(c) "Qualified former spouse" means the former spouse of a 56835
public service officer, or of a member of the armed services of 56836
the United States, who is the custodial parent of a minor child of 56837
that marriage pursuant to an order allocating the parental rights 56838
and responsibilities for care of the child issued pursuant to 56839
section 3109.04 of the Revised Code. 56840

(d) "Operation enduring freedom" means that period of 56841
conflict which began October 7, 2001, and ends on a date declared 56842
by the president of the United States or the congress. 56843

(e) "Operation Iraqi freedom" means that period of conflict 56844
which began March 20, 2003, and ends on a date declared by the 56845
president of the United States or the congress. 56846

(f) "Combat zone" means an area that the president of the 56847
United States by executive order designates, for purposes of 26 56848
U.S.C. 112, as an area in which armed forces of the United States 56849
are or have engaged in combat. 56850

(2) Any resident of this state who is under twenty-six years of age, or under thirty years of age if the resident has been honorably discharged from the armed services of the United States, who is the child of a public service officer killed in the line of duty or of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college shall not be required to pay any tuition or any student fee for up to four academic years of education, which shall be at the undergraduate level.

A child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom is eligible for a waiver of tuition and student fees under this division only if the student is not eligible for a war orphans scholarship authorized by Chapter 5910. of the Revised Code. In any year in which the war orphans scholarship board reduces the percentage of tuition covered by a war orphans scholarship below one hundred per cent pursuant to division (A) of section 5910.04 of the Revised Code, the waiver of tuition and student fees under this division for a child of a member of the armed services of the United States killed in the line of duty during operation enduring freedom or operation Iraqi freedom shall be reduced by the same percentage.

(3) Any resident of this state who is the spouse or qualified former spouse of a public service officer killed in the line of duty, and who is admitted to any state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college, shall not be required to pay any tuition or any

student fee for up to four academic years of education, which 56883
shall be at the undergraduate level. 56884

(4) Any resident of this state who is the spouse or qualified 56885
former spouse of a member of the armed services of the United 56886
States killed in the line of duty while serving in a combat zone 56887
after May 7, 1975, and who is admitted to any state university or 56888
college as defined in division (A)(1) of section 3345.12 of the 56889
Revised Code, community college, state community college, 56890
university branch, or technical college, shall not be required to 56891
pay any tuition or any student fee for up to four years of 56892
academic education, which shall be at the undergraduate level. In 56893
order to qualify under division (B)(4) of this section, the spouse 56894
or qualified former spouse shall have been a resident of this 56895
state at the time the member was killed in the line of duty. 56896

(C) Any institution that is not subject to division (B) of 56897
this section and that holds a valid certificate of registration 56898
issued under Chapter 3332. of the Revised Code, a valid 56899
certificate issued under Chapter 4709. of the Revised Code, or a 56900
valid license issued under Chapter 4713. of the Revised Code, or 56901
that is nonprofit and has a certificate of authorization issued 56902
under section 1713.02 of the Revised Code, or that is a private 56903
institution exempt from regulation under Chapter 3332. of the 56904
Revised Code as prescribed in section 3333.046 of the Revised 56905
Code, which reduces tuition and student fees of a student who is 56906
eligible to attend an institution of higher education under the 56907
provisions of division (B) of this section by an amount indicated 56908
by the chancellor of ~~the Ohio board of regents~~ higher education 56909
shall be eligible to receive a grant in that amount from the 56910
chancellor. 56911

Each institution that enrolls students under division (B) of 56912
this section shall report to the chancellor, by the first day of 56913
July of each year, the number of students who were so enrolled and 56914

the average amount of all such tuition and student fees waived 56915
during the preceding year. The chancellor shall determine the 56916
average amount of all such tuition and student fees waived during 56917
the preceding year. The average amount of the tuition and student 56918
fees waived under division (B) of this section during the 56919
preceding year shall be the amount of grants that participating 56920
institutions shall receive under this division during the current 56921
year, but no grant under this division shall exceed the tuition 56922
and student fees due and payable by the student prior to the 56923
reduction referred to in this division. The grants shall be made 56924
for four years of undergraduate education of an eligible student. 56925

Sec. 3333.28. (A) The chancellor of ~~the Ohio board of regents~~ 56926
higher education shall establish the nurse education assistance 56927
program, the purpose of which shall be to make loans to students 56928
enrolled in prelicensure nurse education programs at institutions 56929
approved by the board of nursing under section 4723.06 of the 56930
Revised Code and postlicensure nurse education programs approved 56931
by the chancellor under section 3333.04 of the Revised Code or 56932
offered by an institution holding a certificate of authorization 56933
issued under Chapter 1713. of the Revised Code. The board of 56934
nursing shall assist the chancellor in administering the program. 56935
56936

(B) There is hereby created in the state treasury the nurse 56937
education assistance fund, which shall consist of all money 56938
transferred to it pursuant to section 4743.05 of the Revised Code. 56939
The fund shall be used by the chancellor for loans made under 56940
division (A) of this section and for expenses of administering the 56941
loan program. 56942

(C) Between July 1, 2005, and January 1, 2012, the chancellor 56943
shall distribute money in the nurse education assistance fund in 56944
the following manner: 56945

(1)(a) Fifty per cent of available funds shall be awarded as 56946
loans to registered nurses enrolled in postlicensure nurse 56947
education programs described in division (A) of this section. To 56948
be eligible for a loan, the applicant shall provide the chancellor 56949
with a letter of intent to practice as a faculty member at a 56950
prelicensure or postlicensure program for nursing in this state 56951
upon completion of the applicant's academic program. 56952

(b) If the borrower of a loan under division (C)(1)(a) of 56953
this section secures employment as a faculty member of an approved 56954
nursing education program in this state within six months 56955
following graduation from an approved nurse education program, the 56956
chancellor may forgive the principal and interest of the student's 56957
loans received under division (C)(1)(a) of this section at a rate 56958
of twenty-five per cent per year, for a maximum of four years, for 56959
each year in which the borrower is so employed. A deferment of the 56960
service obligation, and other conditions regarding the forgiveness 56961
of loans may be granted as provided by the rules adopted under 56962
division (D)(7) of this section. 56963

(c) Loans awarded under division (C)(1)(a) of this section 56964
shall be awarded on the basis of the student's expected family 56965
contribution, with preference given to those applicants with the 56966
lowest expected family contribution. However, the chancellor may 56967
consider other factors the chancellor determines relevant in 56968
ranking the applications. 56969

(d) Each loan awarded to a student under division (C)(1)(a) 56970
of this section shall be not less than five thousand dollars per 56971
year. 56972

(2) Twenty-five per cent of available funds shall be awarded 56973
to students enrolled in prelicensure nurse education programs for 56974
registered nurses, as defined in section 4723.01 of the Revised 56975
Code. 56976

(3) Twenty-five per cent of available funds shall be awarded 56977
to students enrolled in nurse education programs as determined by 56978
the chancellor, with preference given to programs aimed at 56979
increasing enrollment in an area of need. 56980

After January 1, 2012, the chancellor shall determine the 56981
manner in which to distribute loans under this section. 56982

(D) Subject to the requirements specified in division (C) of 56983
this section, the chancellor shall adopt rules in accordance with 56984
Chapter 119. of the Revised Code establishing: 56985

(1) Eligibility criteria for receipt of a loan; 56986

(2) Loan application procedures; 56987

(3) The amounts in which loans may be made and the total 56988
amount that may be loaned to an individual; 56989

(4) The total amount of loans that can be made each year; 56990

(5) The percentage of the money in the fund that must remain 56991
in the fund at all times as a fund balance; 56992

(6) Interest and principal repayment schedules; 56993

(7) Conditions under which a portion of principal and 56994
interest obligations incurred by an individual under the program 56995
will be forgiven; 56996

(8) Conditions under which all or a portion of the principal 56997
and interest obligations incurred by an individual who is deployed 56998
on active duty outside of the state or who is the spouse of a 56999
person deployed on active duty outside of the state may be 57000
deferred or forgiven. 57001

(9) Ways that the program may be used to encourage 57002
individuals who are members of minority groups to enter the 57003
nursing profession; 57004

(10) Any other matters incidental to the operation of the 57005

program. 57006

(E) The obligation to repay a portion of the principal and 57007
interest on a loan made under this section shall be forgiven if 57008
the recipient of the loan meets the criteria for forgiveness 57009
established by division (C)(1)(b) of this section, in the case of 57010
loans awarded under division (C)(1)(a) of this section, or by the 57011
chancellor under the rule adopted under division (D)(7) of this 57012
section, in the case of other loans awarded under this section. 57013

(F) The obligation to repay all or a portion of the principal 57014
and interest on a loan made under this section may be deferred or 57015
forgiven if the recipient of the loan meets the criteria for 57016
deferment or forgiveness established by the chancellor under the 57017
rule adopted under division (D)(8) of this section. 57018

(G) The receipt of a loan under this section shall not affect 57019
a student's eligibility for assistance, or the amount of that 57020
assistance, granted under section 3333.12, 3333.122, 3333.22, 57021
3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but 57022
the rules of the chancellor may provide for taking assistance 57023
received under those sections into consideration when determining 57024
a student's eligibility for a loan under this section. 57025

(H) As used in this section, "active duty" means active duty 57026
pursuant to an executive order of the president of the United 57027
States, an act of the congress of the United States, or section 57028
5919.29 or 5923.21 of the Revised Code. 57029

Sec. 3333.29. (A) As used in this section, "state institution 57030
of higher education" has the same meaning as in section 3345.011 57031
of the Revised Code. 57032

(B) The chancellor of ~~the Ohio board of regents~~ higher 57033
education shall establish, within the Ohio skills bank, a 57034
mechanism to facilitate communication, cooperation, and 57035

partnerships among state institutions of higher education with 57036
nursing education programs and between state institutions of 57037
higher education and hospitals in this state to meet regional and 57038
statewide nursing education needs. 57039

Sec. 3333.30. The chancellor of ~~the Ohio board of regents~~ 57040
higher education may enter into an agreement with private entities 57041
to provide log-in access or an internet link to free career 57042
information for students via the web site maintained by the 57043
chancellor. A log-in access or internet link authorized under this 57044
section shall not be considered an advertisement, endorsement, or 57045
sponsorship for purposes of the regulation of state-controlled web 57046
sites under any section of the Revised Code, any rule of the 57047
Administrative Code, or any other policy or directive adopted or 57048
issued by the office of information technology or any other state 57049
agency. 57050

Sec. 3333.31. (A) For state subsidy and tuition surcharge 57051
purposes, status as a resident of Ohio shall be defined by the 57052
chancellor of ~~the Ohio board of regents~~ higher education by rule 57053
promulgated pursuant to Chapter 119. of the Revised Code. No 57054
adjudication as to the status of any person under such rule, 57055
however, shall be required to be made pursuant to Chapter 119. of 57056
the Revised Code. The term "resident" for these purposes shall not 57057
be equated with the definition of that term as it is employed 57058
elsewhere under the laws of this state and other states, and shall 57059
not carry with it any of the legal connotations appurtenant 57060
thereto. Rather, except as provided in divisions (B), (C), and 57061
~~(D)~~(E) of this section, for such purposes, the rule promulgated 57062
under this section shall have the objective of excluding from 57063
treatment as residents those who are present in the state 57064
primarily for the purpose of attending a state-supported or 57065
state-assisted institution of higher education, and may prescribe 57066

presumptive rules, rebuttable or conclusive, as to such purpose 57067
based upon the source or sources of support of the student, 57068
residence prior to first enrollment, evidence of intention to 57069
remain in the state after completion of studies, or such other 57070
factors as the chancellor deems relevant. 57071

(B) The rules of the chancellor for determining student 57072
residency shall grant residency status to a veteran and to the 57073
veteran's spouse and any dependent of the veteran, if both of the 57074
following conditions are met: 57075

(1) The veteran either: 57076

(a) Served one or more years on active military duty and was 57077
honorably discharged or received a medical discharge that was 57078
related to the military service; 57079

(b) Was killed while serving on active military duty or has 57080
been declared to be missing in action or a prisoner of war. 57081

(2) If the veteran seeks residency status for tuition 57082
surcharge purposes, the veteran has established domicile in this 57083
state as of the first day of a term of enrollment in an 57084
institution of higher education. If the spouse or a dependent of 57085
the veteran seeks residency status for tuition surcharge purposes, 57086
the veteran and the spouse or dependent seeking residency status 57087
have established domicile in this state as of the first day of a 57088
term of enrollment in an institution of higher education, except 57089
that if the veteran was killed while serving on active military 57090
duty, has been declared to be missing in action or a prisoner of 57091
war, or is deceased after discharge, only the spouse or dependent 57092
seeking residency status shall be required to have established 57093
domicile in accordance with this division. 57094

(C) The rules of the chancellor for determining student 57095
residency shall grant residency status to both of the following: 57096

(1) A veteran who is the recipient of federal veterans' 57097

benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria: 57098
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(a) The veteran served at least ninety days on active duty. 57103

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code. 57104
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(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education. 57106
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(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria: 57108
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57112

(a) The person enrolls in a state institution of higher education. 57113
57114

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 57115
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In order to qualify under division (C)(2) of this section, the veteran's period of active duty must have been at least ninety days. 57117
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A veteran or other person who is granted residency status for tuition surcharge purposes under division (C)(1) or (C)(2) of this section shall continue to qualify for such status, so long as the veteran or other person is continuously enrolled in at least one program at the state institution of higher education in which the veteran or student enrolls pursuant to division (C)(1)(b) or (C)(2)(a) of this section. 57120
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(D) The rules of the chancellor for determining student 57127

residency shall not deny residency status to a student who is 57128
either a dependent child of a parent, or the spouse of a person 57129
who, as of the first day of a term of enrollment in an institution 57130
of higher education, has accepted full-time employment and 57131
established domicile in this state for reasons other than gaining 57132
the benefit of favorable tuition rates. 57133

Documentation of full-time employment and domicile shall 57134
include both of the following documents: 57135

(1) A sworn statement from the employer or the employer's 57136
representative on the letterhead of the employer or the employer's 57137
representative certifying that the parent or spouse of the student 57138
is employed full-time in Ohio; 57139

(2) A copy of the lease under which the parent or spouse is 57140
the lessee and occupant of rented residential property in the 57141
state, a copy of the closing statement on residential real 57142
property of which the parent or spouse is the owner and occupant 57143
in this state or, if the parent or spouse is not the lessee or 57144
owner of the residence in which the parent or spouse has 57145
established domicile, a letter from the owner of the residence 57146
certifying that the parent or spouse resides at that residence. 57147

Residency officers may also evaluate, in accordance with the 57148
chancellor's rule, requests for immediate residency status from 57149
dependent students whose parents are not living and whose domicile 57150
follows that of a legal guardian who has accepted full-time 57151
employment and established domicile in the state for reasons other 57152
than gaining the benefit of favorable tuition rates. 57153

~~(D)~~(E)(1) The rules of the chancellor for determining student 57154
residency shall grant residency status to a person who, while a 57155
resident of this state for state subsidy and tuition surcharge 57156
purposes, graduated from a high school in this state or completed 57157
the final year of instruction at home as authorized under section 57158

3321.04 of the Revised Code, if the person enrolls in an 57159
institution of higher education and establishes domicile in this 57160
state, regardless of the student's residence prior to that 57161
enrollment. 57162

(2) The rules of the chancellor for determining student 57163
residency shall not grant residency status to an alien if the 57164
alien is not also an immigrant or a nonimmigrant. 57165

~~(E)~~(F) As used in this section: 57166

(1) "Dependent," "domicile," "institution of higher 57167
education," and "residency officer" have the meanings ascribed in 57168
the chancellor's rules adopted under this section. 57169

(2) "Alien" means a person who is not a United States citizen 57170
or a United States national. 57171

(3) "Immigrant" means an alien who has been granted the right 57172
by the United States bureau of citizenship and immigration 57173
services to reside permanently in the United States and to work 57174
without restrictions in the United States. 57175

(4) "Nonimmigrant" means an alien who has been granted the 57176
right by the United States bureau of citizenship and immigration 57177
services to reside temporarily in the United States. 57178

Sec. 3333.33. (A) A community college established under 57179
Chapter 3354. of the Revised Code, state community college 57180
established under Chapter 3358. of the Revised Code, or technical 57181
college established under Chapter 3357. of the Revised Code may 57182
establish a tuition guarantee program, subject to approval of the 57183
chancellor of ~~the Ohio board of regents~~ higher education. 57184

(B) The chancellor shall establish guidelines for the board 57185
of trustees of a community college, state community college, or 57186
technical college to follow when developing a tuition guarantee 57187
program and submitting applications to the chancellor. 57188

Sec. 3333.34. (A) As used in this section: 57189

(1) "Pre-college stackable certificate" means a certificate 57190
earned before an adult is enrolled in an institution of higher 57191
education that can be transferred to college credit based on 57192
standards established by the chancellor of ~~the Ohio board of~~ 57193
~~regents~~ higher education and the department of education. 57194

(2) "College-level certificate" means a certificate earned 57195
while an adult is enrolled in an institution of higher education 57196
that can be transferred to college credit based on standards 57197
established by the chancellor and the department of education. 57198

(B) The chancellor and the department of education shall 57199
create a system of pre-college stackable certificates to provide a 57200
clear and accessible path for adults seeking to advance their 57201
education. The system shall do all of the following: 57202

(1) Be uniform across the state; 57203

(2) Be available from an array of providers, including adult 57204
career centers, institutions of higher education, and employers; 57205

(3) Be structured to respond to the expectations of both the 57206
workplace and higher education; 57207

(4) Be articulated in a way that ensures the most effective 57208
interconnection of competencies offered in specialized training 57209
programs; 57210

(5) Establish standards for earning pre-college certificates; 57211

(6) Establish transferability of pre-college certificates to 57212
college credit. 57213

(C) The chancellor shall develop college-level certificates 57214
that can be transferred to college credit in different subject 57215
competencies. The certificates shall be based on competencies and 57216
experience and not on classroom seat time. 57217

Sec. 3333.342. (A) The chancellor of ~~the Ohio board of~~ 57218
~~regents higher education~~ may designate a "certificate of value" 57219
for a certificate program at any adult career-technical education 57220
institution or state institution of higher education, as defined 57221
under section 3345.011 of the Revised Code, based on the standards 57222
adopted under division (B) of this section. 57223

(B) The chancellor shall develop standards for designation of 57224
the certificates of value for certificate programs at adult 57225
career-technical education institutions and state institutions of 57226
higher education. The standards shall include at least the 57227
following considerations: 57228

(1) The quality of the certificate program; 57229

(2) The ability to transfer agreed-upon technical courses 57230
completed through an adult career-technical education institution 57231
to a state institution of higher education without unnecessary 57232
duplication or institutional barriers; 57233

(3) The extent to which the certificate program encourages a 57234
student to obtain an associate's or bachelor's degree; 57235

(4) The extent to which the certificate program increases a 57236
student's likelihood to complete other certificate programs or an 57237
associate's or bachelor's degree; 57238

(5) The ability of the certificate program to meet the 57239
expectations of the workplace and higher education; 57240

(6) The extent to which the certificate program is aligned 57241
with the strengths of the regional economy; 57242

(7) The extent to which the certificate program increases the 57243
amount of individuals who remain in or enter the state's 57244
workforce; 57245

(8) The extent of a certificate program's relationship with 57246
private companies in the state to fill potential job growth. 57247

(C) The designation of a certificate of value under this section shall expire six years after its designation date.

(D) The chancellor may revoke a designation prior to its expiration date if the chancellor determines that the program no longer complies with the standards developed under division (B) of this section.

(E) Any revocation of a certificate of value under this section shall become effective one hundred eighty days after the date the revocation was declared by the chancellor.

(F) Any adult career-technical education institution or state institution of higher education that desires to be eligible to receive a designation of certificate of value for one or more of its certificate programs shall comply with all records and data requests required by the chancellor.

Sec. 3333.35. The state board of education and the chancellor of ~~the Ohio board of regents~~ higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, and enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code.

Sec. 3333.36. If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the ~~Ohio board of regents~~ department of higher education or to the chancellor ~~of the Ohio board of regents~~, the chancellor shall allocate the following:

(A) Up to seventy thousand dollars in each fiscal year to make payments to the Columbus program in intergovernmental issues, an Ohio internship program at Kent state university, for

scholarships of up to two thousand dollars for each student 57278
enrolled in the program; 57279

(B) Up to one hundred sixty-five thousand dollars in each 57280
fiscal year to make payments to the Washington center for 57281
scholarships provided to undergraduates of Ohio's four-year public 57282
and private institutions of higher education selected to 57283
participate in the Washington center internship program. The 57284
amount of a student's scholarship shall not exceed the amount 57285
specified for such scholarships in the biennial operating 57286
appropriations act. 57287

The chancellor may utilize any general revenue funds 57288
appropriated to the ~~board of regents~~ department or to the 57289
chancellor that the chancellor determines to be available for 57290
purposes of this section. 57291

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of the 57292
Revised Code, the following words and terms have the following 57293
meanings unless the context indicates a different meaning or 57294
intent: 57295

(A) "Cost of attendance" means all costs of a student 57296
incurred in connection with a program of study at an eligible 57297
institution, as determined by the institution, including tuition; 57298
instructional fees; room and board; books, computers, and 57299
supplies; and other related fees, charges, and expenses. 57300

(B) "Eligible institution" means one of the following: 57301

(1) A state-assisted post-secondary educational institution 57302
within the state; 57303

(2) A nonprofit institution of higher education within the 57304
state that holds a certificate of authorization issued under 57305
Chapter 1713. of the Revised Code, that is accredited by the 57306
appropriate regional and, when appropriate, professional 57307

accrediting associations within whose jurisdiction it falls, is 57308
authorized to grant a bachelor's degree or higher, and satisfies 57309
other conditions as set forth in the policy guidelines; 57310

(3) A private institution exempt from regulation under 57311
Chapter 3332. of the Revised Code as prescribed in section 57312
3333.046 of the Revised Code. 57313

(C) "Eligible student" means either of the following: 57314

(1) An undergraduate student who meets all of the following: 57315

(a) Is a resident of this state; 57316

(b) Has graduated from any Ohio secondary school for which 57317
the state board of education prescribes minimum standards in 57318
accordance with section 3301.07 of the Revised Code; 57319

(c) Is attending and in good standing, or has been accepted 57320
for attendance, at any eligible institution as a full-time student 57321
to pursue a bachelor's degree. 57322

(2) A graduate student who is a resident of this state, and 57323
is attending and in good standing, or has been accepted for 57324
attendance, at any eligible institution. 57325

(D) "Fellowship" or "fellowship program" means the Ohio 57326
priority needs fellowship created by sections 3333.37 to 3333.375 57327
of the Revised Code. 57328

(E) "Full-time student" has the meaning as defined by rule of 57329
the chancellor of ~~the Ohio board of regents~~ higher education. 57330

(F) "Ohio outstanding scholar" means a student who is the 57331
recipient of a scholarship under sections 3333.37 to 3333.375 of 57332
the Revised Code. 57333

(G) "Policy guidelines" means the rules adopted by the 57334
chancellor pursuant to section 3333.374 of the Revised Code. 57335

(H) "Priority needs fellow" means a student who is the 57336

recipient of a fellowship under sections 3333.37 to 3333.375 of 57337
the Revised Code. 57338

(I) "Priority needs field of study" means those academic 57339
majors and disciplines as determined by the chancellor that 57340
support the purposes and intent of sections 3333.37 to 3333.375 of 57341
the Revised Code as described in section 3333.371 of the Revised 57342
Code. 57343

(J) "Scholarship" or "scholarship program" means the Ohio 57344
outstanding scholarship created by sections 3333.37 to 3333.375 of 57345
the Revised Code. 57346

Sec. 3333.372. (A) There are hereby authorized the "Ohio 57347
outstanding scholarship" and the "Ohio priority needs fellowship" 57348
programs, which shall be established and administered by the 57349
chancellor of ~~the Ohio board of regents~~ higher education for 57350
eligible students. The programs shall provide scholarships to 57351
eligible undergraduate students and fellowships to eligible 57352
graduate students, equal to the annual cost of attendance at 57353
eligible institutions, to pursue baccalaureate degrees and 57354
post-baccalaureate degrees in priority needs field of study 57355
consistent with section 3333.371 of the Revised Code. 57356

(B) The scholarship and fellowship programs created under 57357
sections 3333.37 to 3333.375 of the Revised Code and any necessary 57358
administrative expenses shall be funded solely from the Ohio 57359
outstanding scholarship and the Ohio priority needs fellowship 57360
programs payment funds established pursuant to section 3333.375 of 57361
the Revised Code. 57362

(C) The scholarships shall be renewable for each of three 57363
additional years for undergraduate study, and the fellowships 57364
shall be renewable for each of two additional years for graduate 57365
study, provided the Ohio outstanding scholar or priority needs 57366
fellow remains an eligible student at an eligible institution. 57367

Sec. 3333.373. (A) The scholarship rules advisory committee 57368
is hereby established. The committee shall consist of the 57369
chancellor of ~~the Ohio board of regents~~ higher education or the 57370
chancellor's designee, the treasurer of state or the treasurer of 57371
state's designee, the director of development or the director's 57372
designee, one state senator appointed by the president of the 57373
senate, one state representative appointed by the speaker of the 57374
house of representatives, and two public members appointed by the 57375
chancellor of higher education representing the interests of the 57376
state-assisted eligible institutions and private nonprofit 57377
eligible institutions, respectively. 57378

(B) The committee shall provide recommendations to the 57379
chancellor of higher education as to rules, criteria, and 57380
guidelines necessary and appropriate to implement the scholarship 57381
and fellowship programs created by sections 3333.37 to 3333.375 of 57382
the Revised Code. 57383

(C) The committee shall meet at least annually to review the 57384
scholarship and fellowship programs guidelines; make 57385
recommendations to amend, rescind, or modify the policy 57386
guidelines; and approve scholarship and fellowship awards to 57387
eligible students. 57388

(D) Sections 101.82 to 101.87 of the Revised Code do not 57389
apply to this section. 57390

Sec. 3333.374. (A) After receipt of recommendations from the 57391
scholarship rules advisory committee or if no recommendations are 57392
received, the chancellor of ~~the Ohio board of regents~~ higher 57393
education, with the approval of the treasurer of state, shall 57394
adopt rules, in accordance with Chapter 119. of the Revised Code, 57395
establishing policy guidelines for the implementation of the 57396
scholarship and fellowship programs. 57397

(B) Nothing in this section or section 3333.373 of the Revised Code shall prevent the chancellor, with the approval of the treasurer of state, from amending or rescinding rules adopted pursuant to division (A) of this section, or from adopting new rules, in accordance with Chapter 119. of the Revised Code, from time to time as are necessary to further the purposes of sections 3333.37 to 3333.375 of the Revised Code.

Sec. 3333.375. (A)(1) There are hereby created the Ohio outstanding scholarship and the Ohio priority needs fellowship programs payment funds, which shall be in the custody of the treasurer of state, but shall not be a part of the state treasury.

(2) The payment funds shall consist solely of all moneys returned to the treasurer of state, as issuer of certain tax-exempt student loan revenue bonds, from all indentures of trust, both presently existing and future, created as a result of tax-exempt student loan revenue bonds issued under Chapter 3366. of the Revised Code, and any moneys earned from allowable investments of the payment funds under division (B) of this section.

(3) Except as provided in division (E) of this section, the payment funds shall be used solely for scholarship and fellowships awarded under sections 3333.37 to 3333.375 of the Revised Code by the chancellor of ~~the Ohio board of regents~~ higher education and for any necessary administrative expenses incurred by the chancellor in administering the scholarship and fellowship programs.

(B) The treasurer of state may invest any moneys in the payment funds not currently needed for scholarship and fellowship payments in any kind of investments in which moneys of the public employees retirement system may be invested under Chapter 145. of the Revised Code.

(C)(1) The instruments of title of all investments shall be 57429
delivered to the treasurer of state or to a qualified trustee 57430
designated by the treasurer of state as provided in section 135.18 57431
of the Revised Code. 57432

(2) The treasurer of state shall collect both principal and 57433
investment earnings on all investments as they become due and pay 57434
them into the payment funds. 57435

(3) All deposits to the payment funds shall be made in public 57436
depositories of this state and secured as provided in section 57437
135.18 of the Revised Code. 57438

(D) On or before March 1, 2001, and on or before the first 57439
day of March in each subsequent year, the treasurer of state shall 57440
provide to the chancellor ~~of the Ohio board of regents~~ a statement 57441
indicating the moneys in the Ohio outstanding scholarship and the 57442
Ohio priority needs fellowship programs payment funds that are 57443
available for the upcoming academic year to award scholarships and 57444
fellowships under sections 3333.37 to 3333.375 of the Revised 57445
Code. 57446

(E) The chancellor may use funds the treasurer has indicated 57447
as available pursuant to division (D) of this section to support 57448
distribution of state need-based financial aid in accordance with 57449
sections 3333.12 and 3333.122 of the Revised Code. 57450

Sec. 3333.39. The chancellor of ~~the Ohio board of regents~~ 57451
higher education and the superintendent of public instruction 57452
shall establish and administer the teach Ohio program to promote 57453
and encourage citizens of this state to consider teaching as a 57454
profession. The program shall include all of the following: 57455

(A) A statewide program administered by a nonprofit 57456
corporation that has been in existence for at least fifteen years 57457
with demonstrated results in encouraging high school students from 57458

economically disadvantaged groups to enter the teaching 57459
profession. The chancellor and superintendent jointly shall select 57460
the nonprofit corporation. 57461

(B) The Ohio teaching fellows program established under 57462
sections 3333.391 and 3333.392 of the Revised Code; 57463

(C) The Ohio teacher residency program established under 57464
section 3319.223 of the Revised Code; 57465

(D) Alternative licensure procedures established under 57466
section 3319.26 of the Revised Code; 57467

(E) Any other program as identified by the chancellor and the 57468
superintendent. 57469

Sec. 3333.391. (A) As used in this section and in section 57470
3333.392 of the Revised Code: 57471

(1) "Academic year" shall be as defined by the chancellor of 57472
~~the Ohio board of regents~~ higher education. 57473

(2) "Hard-to-staff school" and "hard-to-staff subject" shall 57474
be as defined by the department of education. 57475

(3) "Parent" means the parent, guardian, or custodian of a 57476
qualified student. 57477

(4) "Qualified service" means teaching at a qualifying 57478
school. 57479

(5) "Qualifying school" means a hard-to-staff school district 57480
building or a school district building that has a persistently low 57481
performance rating, as determined jointly by the chancellor and 57482
superintendent of public instruction, under section 3302.03 of the 57483
Revised Code at the time the recipient becomes employed by the 57484
district. 57485

(B) If the chancellor of ~~the Ohio board of regents~~ higher 57486
education determines that sufficient funds are available from 57487

general revenue fund appropriations made to the ~~Ohio board of~~ 57488
~~regents~~ department of higher education or to the chancellor, the 57489
chancellor and the superintendent of public instruction jointly 57490
may develop and agree on a plan for the Ohio teaching fellows 57491
program to promote and encourage high school seniors to enter and 57492
remain in the teaching profession. Upon agreement of such a plan, 57493
the chancellor shall establish and administer the program in 57494
conjunction with the superintendent and with the cooperation of 57495
teacher training institutions. Under the program, the chancellor 57496
annually shall provide scholarships to students who commit to 57497
teaching in a qualifying school for a minimum of four years upon 57498
graduation from a teacher training program at a state institution 57499
of higher education or an Ohio nonprofit institution of higher 57500
education that has a certificate of authorization under Chapter 57501
1713. of the Revised Code. The scholarships shall be for up to 57502
four years at the undergraduate level at an amount determined by 57503
the chancellor based on state appropriations. 57504

(C) The chancellor shall adopt a competitive process for 57505
awarding scholarships under the teaching fellows program, which 57506
shall include minimum grade point average and scores on national 57507
standardized tests for college admission. The process shall also 57508
give additional consideration to all of the following: 57509

(1) A person who has participated in the program described in 57510
division (A) of section 3333.39 of the Revised Code; 57511

(2) A person who plans to specialize in teaching students 57512
with special needs; 57513

(3) A person who plans to teach in the disciplines of 57514
science, technology, engineering, or mathematics. 57515

The chancellor shall require that all applicants to the 57516
teaching fellows program shall file a statement of service status 57517
in compliance with section 3345.32 of the Revised Code, if 57518

applicable, and that all applicants have not been convicted of, 57519
plead guilty to, or adjudicated a delinquent child for any 57520
violation listed in section 3333.38 of the Revised Code. 57521

(D) Teaching fellows shall complete the four-year teaching 57522
commitment within not more than seven years after graduating from 57523
the teacher training program. Failure to fulfill the commitment 57524
shall convert the scholarship into a loan to be repaid under 57525
section 3333.392 of the Revised Code. 57526

(E) The chancellor shall adopt rules in accordance with 57527
Chapter 119. of the Revised Code to administer this section and 57528
section 3333.392 of the Revised Code. 57529

Sec. 3333.392. (A) Each recipient who accepts a scholarship 57530
under the Ohio teaching fellows program created under section 57531
3333.391 of the Revised Code, or the recipient's parent if the 57532
recipient is younger than eighteen years of age, shall sign a 57533
promissory note payable to the state in the event the recipient 57534
does not satisfy the service requirement of division (D) of 57535
section 3333.391 of the Revised Code or the scholarship is 57536
terminated. The amount payable under the note shall be the amount 57537
of total scholarships accepted by the recipient under the program 57538
plus ten per cent interest accrued annually beginning on the first 57539
day of September after graduating from the teacher training 57540
program or immediately after termination of the scholarship. The 57541
period of repayment under the note shall be determined by the 57542
chancellor of ~~the Ohio board of regents~~ higher education. The note 57543
shall stipulate that the obligation to make payments under the 57544
note is canceled following completion of four years of qualified 57545
service by the recipient in accordance with division (D) of 57546
section 3333.391 of the Revised Code, or if the recipient dies, 57547
becomes totally and permanently disabled, or is unable to complete 57548
the required qualified service as a result of a reduction in force 57549

at the recipient's school of employment before the obligation 57550
under the note has been satisfied. 57551

(B) Repayment of the principal amount of the scholarship and 57552
interest accrued shall be deferred while the recipient is enrolled 57553
in an approved teaching program, while the recipient is seeking 57554
employment to fulfill the service obligation, for a period not to 57555
exceed six months, or while the recipient is engaged in qualified 57556
service. 57557

(C) During the seven-year period following the recipient's 57558
graduation from an approved teaching program, the chancellor shall 57559
deduct twenty-five per cent of the outstanding balance that may be 57560
converted to a loan for each year the recipient teaches at a 57561
qualifying school. 57562

(D) The chancellor may terminate the scholarship, in which 57563
case the scholarship shall be converted to a loan to be repaid 57564
under division (A) of this section. 57565

(E) The scholarship shall be deemed terminated upon the 57566
recipient's withdrawal from school or the recipient's failure to 57567
meet the standards of the scholarship as determined by the 57568
chancellor and shall be converted to a loan to be repaid under 57569
division (A) of this section. 57570

(F) The chancellor and the attorney general shall collect 57571
payments on the converted loan in accordance with section 131.02 57572
of the Revised Code. 57573

Sec. 3333.43. This section does not apply to any 57574
baccalaureate degree program that is a cooperative education 57575
program, as defined in section 3333.71 of the Revised Code. 57576

(A) The chancellor of ~~the Ohio board of regents~~ higher 57577
education shall require all state institutions of higher education 57578
that offer baccalaureate degrees, as a condition of 57579

reauthorization for certification of each baccalaureate program 57580
offered by the institution, to submit a statement describing how 57581
each major for which the school offers a baccalaureate degree may 57582
be completed within three academic years. The chronology of the 57583
statement shall begin with the fall semester of a student's first 57584
year of the baccalaureate program. 57585

(B) The statement required under this section may include, 57586
but not be limited to, any of the following methods to contribute 57587
to earning a baccalaureate degree in three years: 57588

(1) Advanced placement credit; 57589

(2) International baccalaureate program credit; 57590

(3) A waiver of degree and credit-hour requirements by 57591
completion of courses that are widely available at community 57592
colleges in the state or through online programs offered by state 57593
institutions of higher education or private nonprofit institutions 57594
of higher education holding certificates of authorization under 57595
Chapter 1713. of the Revised Code, and through courses taken by 57596
the student through the college credit plus program under Chapter 57597
3365. of the Revised Code; 57598

(4) Completion of coursework during summer sessions; 57599

(5) A waiver of foreign-language degree requirements based on 57600
a proficiency examination specified by the institution. 57601

(C)(1) Not later than October 15, 2012, each state 57602
institution of higher education shall provide statements required 57603
under this section for ten per cent of all baccalaureate degree 57604
programs offered by the institution. 57605

(2) Not later than June 30, 2014, each state institution of 57606
higher education shall provide statements required under this 57607
section for sixty per cent of all baccalaureate degree programs 57608
offered by the institution. 57609

(D) Each state institution of higher education required to 57610
submit statements under this section shall post its three-year 57611
option on its web site and also provide that information to the 57612
department of education. The department shall distribute that 57613
information to the superintendent, high school principal, and 57614
guidance counselor, or equivalents, of each school district, 57615
community school established under Chapter 3314. of the Revised 57616
Code, and STEM school established under Chapter 3326. of the 57617
Revised Code. 57618

(E) Nothing in this section requires an institution to take 57619
any action that would violate the requirements of any independent 57620
association accrediting baccalaureate degree programs. 57621

Sec. 3333.44. The chancellor of ~~the Ohio board of regents~~ 57622
higher education shall designate a postsecondary globalization 57623
liaison to work with state institutions of higher education, as 57624
defined in section 3345.011 of the Revised Code, other state 57625
agencies, and representatives of the business community to enhance 57626
the state's globalization efforts. 57627

The chancellor may designate a person already employed by the 57628
chancellor as the liaison. 57629

Sec. 3333.50. The ~~Ohio board of regents~~ chancellor of higher 57630
education, in consultation with the governor and the department of 57631
development, shall develop a critical needs rapid response system 57632
to respond quickly to critical workforce shortages in the state. 57633
Not later than ninety days after a critical workforce shortage is 57634
identified, the chancellor ~~of the board~~ shall submit to the 57635
governor a proposal for addressing the shortage through 57636
initiatives of the ~~board~~ department of higher education or 57637
institutions of higher education. 57638

Sec. 3333.55. (A) The health information and imaging 57639

technology workforce development pilot project is hereby 57640
established. Under the project, in fiscal years 2008 through 2010, 57641
the ~~Ohio board of regents~~ chancellor of higher education shall 57642
design and implement a three-year pilot program to test, in the 57643
vicinity of Clark, Greene, and Montgomery counties, how a P-16 57644
public-private education and workforce development collaborative 57645
may address each of the following goals: 57646

(1) Increase the number of students taking and mastering 57647
high-level science, technology, engineering, or mathematics 57648
courses and pursuing careers in those subjects, in all demographic 57649
regions of the state; 57650

(2) Increase the number of students pursuing professional 57651
careers in health information and imaging technology upon 57652
receiving related technical education and professional experience, 57653
in all demographic regions of the state; 57654

(3) Unify efforts among schools, career centers, 57655
post-secondary programs, and employers in a region for career and 57656
workforce development, preservation, and public education. 57657

(B) The project shall focus on enhancing P-16 education and 57658
workforce development in the field of health information and 57659
imaging technology through such activities as increased academic 57660
intervention in related areas of study, after-school and summer 57661
intervention programs, tutoring, career and job fairs and other 57662
promotional and recruitment activities, externships, professional 57663
development, field trips, academic competitions, development of 57664
related specialized study modules, development of honors programs, 57665
and development and enhancement of dual high school and college 57666
enrollment programs. 57667

(C) Project participants shall include Clark-Shawnee local 57668
school district, Springfield city school district, Greene county 57669
career center, Clark state community college, Central state 57670

university, Wright state university, Cedarville university, 57671
Wittenberg university, the university of Dayton, and private 57672
employers in the health information and imaging technology 57673
industry in the vicinity of Clark, Greene, and Montgomery 57674
counties, selected by the ~~board of regents~~ chancellor. 57675

For the third year of the project, the ~~board of regents~~ 57676
chancellor may add as participants the Dayton city school district 57677
and Xenia city school district. 57678

(D) Wittenberg university shall be the lead coordinating 57679
agent and Clark state community college shall be the fiscal agent 57680
for the project. 57681

(E) The ~~board of regents~~ chancellor shall create an advisory 57682
council made up of representatives of the participating entities 57683
to coordinate, monitor, and evaluate the project. The advisory 57684
council shall submit an annual activity report to the ~~board of~~ 57685
~~regents~~ chancellor by a date specified by the ~~board of regents~~ 57686
chancellor. 57687

Sec. 3333.58. There is hereby created at Shawnee state 57688
university the Ohio Appalachian center for higher education to 57689
increase the educational attainment of the residents of Ohio's 57690
Appalachian region, as defined in section 107.21 of the Revised 57691
Code. The board of directors of the center shall consist of the 57692
following members: 57693

(A) The presidents of all of the following: 57694

(1) Shawnee state university; 57695

(2) Belmont technical college; 57696

(3) Hocking college; 57697

(4) Jefferson community college; 57698

(5) Zane state college; 57699

(6) Rio Grande community college;	57700
(7) Southern state community college;	57701
(8) Central Ohio technical college, Coshocton campus;	57702
(9) Washington state community college.	57703
(B) The president of Ohio university, or the president's designee;	57704 57705
(C) The dean of one of the Salem, Tuscarawas, or East Liverpool regional campuses of Kent state university, as designated by the president of Kent state university;	57706 57707 57708
(D) A representative of the chancellor of the Ohio board of regents <u>higher education</u> as designated by the chancellor.	57709 57710
Sec. 3333.59. (A) As used in this section:	57711
(1) "Allocated state share of instruction" means, for any fiscal year, the amount of the state share of instruction appropriated to the Ohio board of regents <u>department of higher education</u> by the general assembly that is allocated to a community or technical college or community or technical college district for such fiscal year.	57712 57713 57714 57715 57716 57717
(2) "Issuing authority" has the same meaning as in section 154.01 of the Revised Code.	57718 57719
(3) "Bond service charges" has the same meaning as in section 154.01 of the Revised Code.	57720 57721
(4) "Chancellor" means the chancellor of the Ohio board of regents <u>higher education</u> .	57722 57723
(5) "Community or technical college" or "college" means any of the following state-supported or state-assisted institutions of higher education:	57724 57725 57726
(a) A community college as defined in section 3354.01 of the	57727

Revised Code;	57728
(b) A technical college as defined in section 3357.01 of the Revised Code;	57729 57730
(c) A state community college as defined in section 3358.01 of the Revised Code.	57731 57732
(6) "Community or technical college district" or "district" means any of the following institutions of higher education that are state-supported or state-assisted:	57733 57734 57735
(a) A community college district as defined in section 3354.01 of the Revised Code;	57736 57737
(b) A technical college district as defined in section 3357.01 of the Revised Code;	57738 57739
(c) A state community college district as defined in section 3358.01 of the Revised Code.	57740 57741
(7) "Credit enhancement facilities" has the same meaning as in section 133.01 of the Revised Code.	57742 57743
(8) "Obligations" has the meaning as in section 154.01 or 3345.12 of the Revised Code, as the context requires.	57744 57745
(B) The board of trustees of any community or technical college district authorizing the issuance of obligations under section 3354.12, 3354.121, 3357.11, 3357.112, or 3358.10 of the Revised Code, or for whose benefit and on whose behalf the issuing authority proposes to issue obligations under section 154.25 of the Revised Code, may adopt a resolution requesting the chancellor to enter into an agreement with the community or technical college district and the primary paying agent or fiscal agent for such obligations, providing for the withholding and deposit of funds otherwise due the district or the community or technical college it operates in respect of its allocated state share of instruction, for the payment of bond service charges on such	57746 57747 57748 57749 57750 57751 57752 57753 57754 57755 57756 57757

obligations. 57758

The board of trustees shall deliver to the chancellor a copy 57759
of the resolution and any additional pertinent information the 57760
chancellor may require. 57761

The chancellor and the office of budget and management, and 57762
the issuing authority in the case of obligations to be issued by 57763
the issuing authority, shall evaluate each request received from a 57764
community or technical college district under this section. The 57765
chancellor, with the advice and consent of the director of budget 57766
and management and the issuing authority in the case of 57767
obligations to be issued by the issuing authority, shall approve 57768
each request if all of the following conditions are met: 57769

(1) Approval of the request will enhance the marketability of 57770
the obligations for which the request is made; 57771

(2) The chancellor and the office of budget and management, 57772
and the issuing authority in the case of obligations to be issued 57773
by the issuing authority, have no reason to believe the requesting 57774
community or technical college district or the community or 57775
technical college it operates will be unable to pay when due the 57776
bond service charges on the obligations for which the request is 57777
made, and bond service charges on those obligations are therefore 57778
not anticipated to be paid pursuant to this section from the 57779
allocated state share of instruction for purposes of Section 17 of 57780
Article VIII, Ohio Constitution. 57781

(3) Any other pertinent conditions established in rules 57782
adopted under division (H) of this section. 57783

(C) If the chancellor approves the request of a community or 57784
technical college district to withhold and deposit funds pursuant 57785
to this section, the chancellor shall enter into a written 57786
agreement with the district and the primary paying agent or fiscal 57787
agent for the obligations, which agreement shall provide for the 57788

withholding of funds pursuant to this section for the payment of 57789
bond service charges on those obligations. The agreement may also 57790
include both of the following: 57791

(1) Provisions for certification by the district to the 57792
chancellor, prior to the deadline for payment of the applicable 57793
bond service charges, whether the district and the community or 57794
technical college it operates are able to pay those bond service 57795
charges when due; 57796

(2) Requirements that the district or the community or 57797
technical college it operates deposits amounts for the payment of 57798
those bond service charges with the primary paying agent or fiscal 57799
agent for the obligations prior to the date on which the bond 57800
service charges are due to the owners or holders of the 57801
obligations. 57802

(D) Whenever a district or the community or technical college 57803
it operates notifies the chancellor that it will not be able to 57804
pay the bond service charges when they are due, subject to the 57805
withholding provisions of this section, or whenever the applicable 57806
paying agent or fiscal agent notifies the chancellor that it has 57807
not timely received from a district or from the college it 57808
operates the full amount needed for payment of the bond service 57809
charges when due to the holders or owners of such obligations, the 57810
chancellor shall immediately contact the district or college and 57811
the paying agent or fiscal agent to confirm that the district and 57812
the college are not able to make the required payment by the date 57813
on which it is due. 57814

If the chancellor confirms that the district and the college 57815
are not able to make the payment and the payment will not be made 57816
pursuant to a credit enhancement facility, the chancellor shall 57817
promptly pay to the applicable primary paying agent or fiscal 57818
agent the lesser of the amount due for bond service charges or the 57819
amount of the next periodic distribution scheduled to be made to 57820

the district or to the college in respect of its allocated state 57821
share of instruction. If this amount is insufficient to pay the 57822
total amount then due the agent for the payment of bond service 57823
charges, the chancellor shall continue to pay to the agent from 57824
each periodic distribution thereafter, and until the full amount 57825
due the agent for unpaid bond service charges is paid in full, the 57826
lesser of the remaining amount due the agent for bond service 57827
charges or the amount of the next periodic distribution scheduled 57828
to be made to the district or college in respect of its allocated 57829
state share of instruction. 57830

(E) The chancellor may make any payments under this section 57831
by direct deposit of funds by electronic transfer. 57832

Any amount received by a paying agent or fiscal agent under 57833
this section shall be applied only to the payment of bond service 57834
charges on the obligations of the community or technical college 57835
district or community or technical college subject to this section 57836
or to the reimbursement of the provider of a credit enhancement 57837
facility that has paid the bond service charges. 57838

(F) The chancellor may make payments under this section to 57839
paying agents or fiscal agents during any fiscal biennium of the 57840
state only from and to the extent that money is appropriated to 57841
the ~~board of regents~~ department by the general assembly for 57842
distribution during such biennium for the state share of 57843
instruction and only to the extent that a portion of the state 57844
share of instruction has been allocated to the community or 57845
technical college district or community or technical college. 57846
Obligations of the issuing authority or of a community or 57847
technical college district to which this section is made 57848
applicable do not constitute an obligation or a debt or a pledge 57849
of the faith, credit, or taxing power of the state, and the 57850
holders or owners of those obligations have no right to have 57851
excises or taxes levied or appropriations made by the general 57852

assembly for the payment of bond service charges on the 57853
obligations, and the obligations shall contain a statement to that 57854
effect. The agreement for or the actual withholding and payment of 57855
money under this section does not constitute the assumption by the 57856
state of any debt of a community or technical college district or 57857
a community or technical college, and bond service charges on the 57858
related obligations are not anticipated to be paid from the state 57859
general revenue fund for purposes of Section 17 of Article VIII, 57860
Ohio Constitution. 57861

(G) In the case of obligations subject to the withholding 57862
provisions of this section, the issuing community or technical 57863
college district, or the issuing authority in the case of 57864
obligations issued by the issuing authority, shall appoint a 57865
paying agent or fiscal agent who is not an officer or employee of 57866
the district or college. 57867

(H) The chancellor, with the advice and consent of the office 57868
of budget and management, may adopt reasonable rules not 57869
inconsistent with this section for the implementation of this 57870
section to secure payment of bond service charges on obligations 57871
issued by a community or technical college district or by the 57872
issuing authority for the benefit of a community or technical 57873
college district or the community or technical college it 57874
operates. Those rules shall include criteria for the evaluation 57875
and approval or denial of community or technical college district 57876
requests for withholding under this section. 57877

(I) The authority granted by this section is in addition to 57878
and not a limitation on any other authorizations granted by or 57879
pursuant to law for the same or similar purposes. 57880

Sec. 3333.61. The chancellor of ~~the Ohio board of regents~~ 57881
higher education shall establish and administer the Ohio 57882
innovation partnership, which shall consist of the choose Ohio 57883

first scholarship program and the Ohio research scholars program. 57884
Under the programs, the chancellor, subject to approval by the 57885
controlling board, shall make awards to state universities or 57886
colleges for programs and initiatives that recruit students and 57887
scientists in the fields of science, technology, engineering, 57888
mathematics, medicine, and dentistry to state universities or 57889
colleges, in order to enhance regional educational and economic 57890
strengths and meet the needs of the state's regional economies. 57891
Awards may be granted for programs and initiatives to be 57892
implemented by a state university or college alone or in 57893
collaboration with other state institutions of higher education, 57894
nonpublic Ohio universities and colleges, or other public or 57895
private Ohio entities. If the chancellor makes an award to a 57896
program or initiative that is intended to be implemented by a 57897
state university or college in collaboration with other state 57898
institutions of higher education or nonpublic Ohio universities or 57899
colleges, the chancellor may provide that some portion of the 57900
award be received directly by the collaborating universities or 57901
colleges consistent with all terms of the Ohio innovation 57902
partnership. 57903

The choose Ohio first scholarship program shall assign a 57904
number of scholarships to state universities and colleges to 57905
recruit Ohio residents as undergraduate, or as provided in section 57906
3333.66 of the Revised Code graduate, students in the fields of 57907
science, technology, engineering, mathematics, medicine, and 57908
dentistry, or in science, technology, engineering, mathematics, 57909
medical, or dental education. Choose Ohio first scholarships shall 57910
be awarded to each participating eligible student as a grant to 57911
the state university or college the student is attending and shall 57912
be reflected on the student's tuition bill. Choose Ohio first 57913
scholarships are student-centered grants from the state to 57914
students to use to attend a university or college and are not 57915
grants from the state to universities or colleges. 57916

Notwithstanding any other provision of this section or 57917
sections 3333.62 to 3333.69 of the Revised Code, a nonpublic 57918
four-year Ohio institution of higher education may submit a 57919
proposal for choose Ohio first scholarships or Ohio research 57920
scholars grants. If the chancellor awards a nonpublic institution 57921
scholarships or grants, the nonpublic institution shall comply 57922
with all requirements of this section, sections 3333.62 to 3333.69 57923
of the Revised Code, and the rules adopted under this section that 57924
apply to state universities or colleges awarded choose Ohio first 57925
scholarships or Ohio research scholars grants. 57926

The Ohio research scholars program shall award grants to use 57927
in recruiting scientists to the faculties of state universities or 57928
colleges. 57929

The chancellor shall adopt rules in accordance with Chapter 57930
119. of the Revised Code to administer the programs. 57931

Sec. 3333.611. (A) All of the following individuals shall 57932
jointly develop a proposal for the creation of a primary care 57933
medical student component of the choose Ohio first scholarship 57934
program operated under section 3333.61 of the Revised Code under 57935
which scholarships are annually made available and awarded to 57936
medical students who meet the requirements specified in division 57937
(D) of this section: 57938

(1) The dean of the Ohio state university school of medicine; 57939

(2) The dean of the Case western reserve university school of 57940
medicine; 57941

(3) The dean of the university of Toledo college of medicine; 57942

(4) The president and dean of the northeast Ohio medical 57943
university; 57944

(5) The dean of the university of Cincinnati college of 57945
medicine; 57946

(6) The dean of the Boonshoft school of medicine at Wright state university; 57947
57948

(7) The dean of the Ohio university college of osteopathic medicine. 57949
57950

(B) The individuals specified in division (A) of this section shall consider including the following provisions in the proposal: 57951
57952

(1) Establishing a scholarship of sufficient size to permit annually not more than fifty medical students to receive scholarships; 57953
57954
57955

(2) Specifying that a scholarship, once granted, may be provided to a medical student for not more than four years. 57956
57957

(C) The individuals specified in division (A) of this section shall submit the proposal for the component to the chancellor of ~~the Ohio board of regents~~ higher education not later than March 6, 2011. The chancellor shall review the proposal and determine whether to implement the component as part of the program. 57958
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(D) To be eligible for a scholarship made available under the component, a medical student shall meet all of the following requirements: 57963
57964
57965

(1) Participate in identified patient centered medical home model training opportunities during medical school; 57966
57967

(2) Commit to a post-residency primary care practice in this state for not less than three years; 57968
57969

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship. 57970
57971
57972

Sec. 3333.612. (A) All of the following individuals shall jointly develop a proposal for the creation of a primary care nursing student component of the choose Ohio first scholarship 57973
57974
57975

program operated under section 3333.61 of the Revised Code under 57976
which scholarships are annually made available and awarded to 57977
advanced practice nursing students who meet the requirements 57978
specified in division (D) of this section: 57979

(1) The dean of the college of nursing at the university of 57980
Toledo; 57981

(2) The dean of the Wright state university college of 57982
nursing and health; 57983

(3) The dean of the college of nursing at Kent state 57984
university; 57985

(4) The dean of the university of Akron college of nursing; 57986

(5) The director of the school of nursing at Ohio university. 57987

(B) The individuals specified in division (A) of this section 57988
shall consider including the following provisions in the proposal: 57989

(1) Establishing a scholarship of sufficient size to permit 57990
annually not more than thirty advanced practice nursing students 57991
to receive scholarships; 57992

(2) Specifying that a scholarship, once granted, may be 57993
provided to an advanced practice nursing student for not more than 57994
three years. 57995

(C) The individuals specified in division (A) of this section 57996
shall submit the proposal for the component to the chancellor of 57997
~~the Ohio board of regents~~ higher education not later than six 57998
months after ~~the effective date of this section~~ September 6, 2010. 57999
The chancellor shall review the proposal and determine whether to 58000
implement the component as part of the program. 58001

(D) To be eligible for a scholarship made available under the 58002
component, an advanced practice nursing student shall meet all of 58003
the following requirements: 58004

(1) Participate in identified patient centered medical home model training opportunities during nursing school; 58005
58006

(2) Commit to an advanced practice nursing primary care practice in this state after completing nursing school for not less than three years; 58007
58008
58009

(3) Accept medicaid recipients as patients, without restriction and, as compared to other patients, in a proportion that is specified in the scholarship. 58010
58011
58012

Sec. 3333.613. There is hereby created in the state treasury the choose Ohio first scholarship reserve fund. ~~Not later than the first day of July~~ As soon as possible following the end of each fiscal year, the chancellor of ~~the Ohio board of regents~~ higher education shall certify to the director of budget and management the unencumbered balance of the general revenue fund appropriations made in the immediately preceding fiscal year for purposes of the choose Ohio first scholarship program created in section 3333.61 of the Revised Code. Upon receipt of the certification, the director of budget and management may transfer an amount not exceeding the certified amount from the general revenue fund to the choose Ohio first scholarship reserve fund. Moneys in the choose Ohio first scholarship reserve fund shall be used to pay scholarship obligations in excess of the general revenue fund appropriations made for that purpose. 58013
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The director of budget and management may transfer any unencumbered balance from the choose Ohio first scholarship reserve fund to the general revenue fund. 58028
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If it is determined that general revenue fund appropriations are insufficient to meet the obligations for the choose Ohio first scholarship in a fiscal year, the director of budget and management may transfer funds from the choose Ohio first scholarship reserve fund to the general revenue fund in order to 58031
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meet those obligations. The amount transferred is hereby 58036
appropriated. If the funds transferred from the choose Ohio first 58037
scholarship reserve fund are not needed, the director of budget 58038
and management may transfer the unexpended balance from the 58039
general revenue fund back to the choose Ohio first scholarship 58040
reserve fund. 58041

Sec. 3333.62. The chancellor of ~~the Ohio board of regents~~ 58042
higher education shall establish a competitive process for making 58043
awards under the choose Ohio first scholarship program and the 58044
Ohio research scholars program. The chancellor, on completion of 58045
that process, shall make a recommendation to the controlling board 58046
asking for approval of each award selected by the chancellor. 58047

Any state university or college may apply for one or more 58048
awards under one or both programs. The state university or college 58049
shall submit a proposal and other documentation required by the 58050
chancellor, in the form and manner prescribed by the chancellor, 58051
for each award it seeks. A proposal may propose an initiative to 58052
be implemented solely by the state university or college or in 58053
collaboration with other state institutions of higher education, 58054
nonpublic Ohio universities or colleges, or other public or 58055
nonpublic Ohio entities. A single proposal may seek an award under 58056
one or both programs. 58057

The chancellor shall determine which proposals will receive 58058
awards each fiscal year, and the amount of each award, on the 58059
basis of the merit of each proposal, which the chancellor, subject 58060
to approval by the controlling board, shall determine based on one 58061
or more of the following criteria: 58062

(A) The quality of the program that is the subject of the 58063
proposal and the extent to which additional resources will enhance 58064
its quality; 58065

(B) The extent to which the proposal is integrated with the 58066

strengths of the regional economy;	58067
(C) The extent to which the proposal is integrated with centers of research excellence within the private sector;	58068 58069
(D) The amount of other institutional, public, or private resources, whether monetary or nonmonetary, that the proposal pledges to leverage;	58070 58071 58072
(E) The extent to which the proposal is collaborative with other public or nonpublic Ohio institutions of higher education;	58073 58074
(F) The extent to which the proposal is integrated with the university's or college's mission and does not displace existing resources already committed to the mission;	58075 58076 58077
(G) The extent to which the proposal facilitates a more efficient utilization of existing faculty and programs;	58078 58079
(H) The extent to which the proposal meets a statewide educational need;	58080 58081
(I) The demonstrated productivity or future capacity of the students or scientists to be recruited;	58082 58083
(J) The extent to which the proposal will create additional capacity in educational or economic areas of need;	58084 58085
(K) The extent to which the proposal will encourage students who received degrees in the fields of science, technology, engineering, mathematics, or medicine from two-year institutions to transfer to state universities or colleges to pursue baccalaureate degrees in science, technology, engineering, mathematics, or medicine;	58086 58087 58088 58089 58090 58091
(L) The extent to which the proposal encourages students enrolled in state universities to transfer into science, technology, engineering, mathematics, or medicine programs;	58092 58093 58094
(M) The extent to which the proposal facilitates the completion of a baccalaureate degree in a cost-effective manner,	58095 58096

for example, by facilitating students' completing two years at a 58097
two-year institution and two years at a state university or 58098
college; 58099

(N) The extent to which the proposal allows attendance at a 58100
state university or college of students who otherwise could not 58101
afford to attend; 58102

(O) The extent to which other institutional, public, or 58103
private resources pledged to the proposal will be deployed to 58104
assist in sustaining students' scholarships over their academic 58105
careers; 58106

(P) The extent to which the proposal increases the likelihood 58107
that students will successfully complete their degree programs in 58108
science, technology, engineering, mathematics, or medicine or in 58109
science, technology, engineering, mathematics, or medical 58110
education; 58111

(Q) The extent to which the proposal ensures that a student 58112
who is awarded a scholarship is appropriately qualified and 58113
prepared to successfully complete a degree program in science, 58114
technology, engineering, mathematics, or medicine or in science, 58115
technology, engineering, mathematics, or medical education; 58116

(R) The extent to which the proposal will increase the number 58117
of women participating in the choose Ohio first scholarship 58118
program. 58119

Sec. 3333.63. The chancellor of ~~the Ohio board of regents~~ 58120
higher education shall conduct at least one public meeting 58121
annually, prior to deciding awards under the Ohio innovation 58122
partnership. At the meeting, an employee of the chancellor shall 58123
summarize the proposals submitted for consideration, and each 58124
state university or college that has a proposal pending shall have 58125
the opportunity to review the summary of their proposal prepared 58126

by the chancellor's staff and answer questions or respond to 58127
concerns about the proposal raised by the chancellor's staff. 58128

Sec. 3333.64. The chancellor of ~~the Ohio board of regents~~ 58129
higher education shall endeavor to make awards under the choose 58130
Ohio first scholarship program and the Ohio research scholars 58131
program such that the aggregate, statewide amount of other 58132
institutional, public, and private money pledged to the proposals 58133
in each fiscal year equals at least one hundred per cent of the 58134
aggregate amount of the money awarded under both programs that 58135
year. The chancellor shall endeavor to make awards under the 58136
choose Ohio first scholarship program in such a way that at least 58137
fifty per cent of the students receiving the scholarships are 58138
involved in a co-op or internship program in a private industry or 58139
a university laboratory. The value of institutional, public, or 58140
private industry co-ops and internships shall count toward the 58141
statewide aggregate amount of other institutional, public, or 58142
private money specified in this paragraph. 58143

The chancellor also shall endeavor to distribute awards in 58144
such a way that all regions of the state benefit from the economic 58145
development impact of the programs and shall guarantee that 58146
students from all regions of the state are able to participate in 58147
the scholarship program. 58148

Sec. 3333.65. The chancellor of ~~the Ohio board of regents~~ 58149
higher education shall require each state university or college 58150
that the controlling board approves to receive an award under the 58151
Ohio innovation partnership to enter into an agreement governing 58152
the use of the award. The agreement shall contain terms the 58153
chancellor determines to be necessary, which shall include 58154
performance measures, reporting requirements, and an obligation to 58155
fulfill pledges of other institutional, public, or nonpublic 58156
resources for the proposal. 58157

The chancellor may require a state university or college that violates the terms of its agreement to repay the award plus interest at the rate required by section 5703.47 of the Revised Code to the chancellor.

If the chancellor makes an award to a program or initiative that is intended to be implemented by a state university or college in collaboration with other state institutions of higher education or nonpublic Ohio universities or colleges, the chancellor may enter into an agreement with the collaborating universities or colleges that permits awards to be received directly by the collaborating universities or colleges consistent with the terms of the program or initiative. In that case, the chancellor shall incorporate into the agreement terms consistent with the requirements of this section.

Sec. 3333.66. (A)(1) Except as provided in division (A)(2) of this section, in each academic year, no student who receives a choose Ohio first scholarship shall receive less than one thousand five hundred dollars or more than one-half of the highest in-state undergraduate instructional and general fees charged by all state universities. For this purpose, if Miami university is implementing the pilot tuition restructuring plan originally recognized in Am. Sub. H.B. 95 of the 125th general assembly, that university's instructional and general fees shall be considered to be the average full-time in-state undergraduate instructional and general fee amount after taking into account the Ohio resident and Ohio leader scholarships and any other credit provided to all Ohio residents.

(2) The chancellor of ~~the Ohio board of regents~~ higher education may authorize a state university or college or a nonpublic Ohio institution of higher education to award a choose Ohio first scholarship in an amount greater than one-half of the

highest in-state undergraduate instructional and general fees 58189
charged by all state universities to either of the following: 58190

(a) Any undergraduate student who qualifies for a scholarship 58191
and is enrolled in a program leading to a teaching profession in 58192
science, technology, engineering, mathematics, or medicine; 58193

(b) Any graduate student who qualifies for a scholarship, if 58194
any initiatives are selected for award under division (B) of this 58195
section. 58196

(B) The chancellor shall encourage state universities and 58197
colleges, alone or in collaboration with other state institutions 58198
of higher education, nonpublic Ohio universities and colleges, or 58199
other public or private Ohio entities, to submit proposals under 58200
the choose Ohio first scholarship program for initiatives that 58201
recruit either of the following: 58202

(1) Ohio residents who enrolled in colleges and universities 58203
in other states or other countries to return to Ohio and enroll in 58204
state universities or colleges as graduate students in the fields 58205
of science, technology, engineering, mathematics, and medicine, or 58206
in the fields of science, technology, engineering, mathematics, or 58207
medical education. If such proposals are submitted and meet the 58208
chancellor's competitive criteria for awards, the chancellor, 58209
subject to approval by the controlling board, shall give at least 58210
one of the proposals preference for an award. 58211

(2) Graduates, or undergraduates who will graduate in time to 58212
participate in the program described in this division by the 58213
subsequent school year, from an Ohio college or university who 58214
received, or will receive, a degree in science, technology, 58215
engineering, mathematics, or medicine to participate in a 58216
graduate-level teacher education masters program in one of those 58217
fields that requires the student to establish a domicile in the 58218
state and to commit to teach for a minimum of three years in a 58219

hard-to-staff school district in the state upon completion of the 58220
master's degree program. The chancellor may require a college or 58221
university to give priority to qualified candidates who graduated 58222
from a high school in this state. 58223

"Hard-to-staff" shall be as defined by the department of 58224
education. 58225

(C) The general assembly intends that money appropriated for 58226
the choose Ohio first scholarship program in each fiscal year be 58227
used for scholarships in the following academic year. 58228

Sec. 3333.67. Each state university or college that receives 58229
an award under the Ohio research scholars program shall deposit 58230
the amount it receives into a new or existing endowment fund. The 58231
university or college shall maintain the amount received and use 58232
income generated from that amount, and other institutional, 58233
public, or nonpublic resources, to finance the proposal approved 58234
by the chancellor of ~~the Ohio board of regents~~ higher education 58235
and the controlling board. 58236

Sec. 3333.68. When making an award under the Ohio innovation 58237
partnership, the chancellor of ~~the Ohio board of regents~~ higher 58238
education, subject to approval by the controlling board, may 58239
commit to giving a state university's or college's proposal 58240
preference for future awards after the current fiscal year or 58241
fiscal biennium. A proposal's eligibility for future awards 58242
remains conditional on all of the following: 58243

(A) Future appropriations of the general assembly; 58244

(B) The university's or college's adherence to the agreement 58245
entered into under section 3333.65 of the Revised Code, including 58246
its fulfillment of pledges of other institutional, public, or 58247
nonpublic resources; 58248

(C) With respect to the choose Ohio first scholarship 58249

program, a demonstration that the students receiving the 58250
scholarship are satisfied with the state universities or colleges 58251
selected by the chancellor to offer the scholarships. 58252

The chancellor and the controlling board shall not commit to 58253
awarding any proposal for more than five fiscal years at a time. 58254
However, when a commitment for future awards expires, a state 58255
university or college may reapply. 58256

Sec. 3333.69. The chancellor of ~~the Ohio board of regents~~ 58257
higher education shall monitor each initiative for which an award 58258
is granted under the Ohio innovation partnership to ensure the 58259
following: 58260

(A) Fiscal accountability, so that the award is used in 58261
accordance with the agreement entered into under section 3333.65 58262
of the Revised Code; 58263

(B) Operating progress, so that the initiative is managed to 58264
achieve the goals stated in the proposal and in the agreement, and 58265
so that problems may be promptly identified and remedied; 58266

(C) Desired outcomes, so that the initiative contributes to 58267
the programs' goals of enhancing regional educational and economic 58268
strengths and meeting regional economic needs. 58269

Sec. 3333.71. As used in sections 3333.71 to 3333.79 of the 58270
Revised Code: 58271

(A) "Cooperative education program" means a partnership 58272
between students, institutions of higher education, and employers 58273
that formally integrates students' academic study with work 58274
experience in cooperating employer organizations and that meets 58275
all of the following conditions: 58276

(1) Alternates or combines periods of academic study and work 58277
experience in appropriate fields as an integral part of student 58278

education;	58279
(2) Provides students with compensation from the cooperative employer in the form of wages or salaries for work performed;	58280 58281
(3) Evaluates each participating student's performance in the cooperative position, both from the perspective of the student's institution of higher education and the student's cooperative employer;	58282 58283 58284 58285
(4) Provides participating students with academic credit from the institution of higher education upon successful completion of their cooperative education;	58286 58287 58288
(5) Is part of an overall degree or certificate program for which a percentage of the total program acceptable to the chancellor of the Ohio board of regents <u>higher education</u> involves cooperative education.	58289 58290 58291 58292
(B) "Internship program" means a partnership between students, institutions of higher education, and employers that formally integrates students' academic study with work or community service experience and that does both of the following:	58293 58294 58295 58296
(1) Offers internships of specified and definite duration;	58297
(2) Evaluates each participating student's performance in the internship position, both from the perspective of the student's institution of higher education and the student's internship employer.	58298 58299 58300 58301
An internship program may provide participating students with academic credit upon successful completion of the internship, and may provide students with compensation in the form of wages or salaries, stipends, or scholarships.	58302 58303 58304 58305
(C) "Nonpublic university or college" means a nonprofit institution holding a certificate of authorization issued under Chapter 1713. of the Revised Code.	58306 58307 58308

(D) "State institution of higher education" has the same 58309
meaning as in section 3345.011 of the Revised Code. 58310

Sec. 3333.72. The chancellor of ~~the Ohio board of regents~~ 58311
higher education shall establish and administer the Ohio 58312
co-op/internship program to promote and encourage cooperative 58313
education programs or internship programs at Ohio institutions of 58314
higher education for the purpose of recruiting Ohio students to 58315
stay in the state, and recruiting Ohio residents who left Ohio to 58316
attend out-of-state institutions of higher education back to Ohio 58317
institutions of higher education, to participate in high quality 58318
academic programs that use cooperative education programs or 58319
significant internship programs, in order to support the growth of 58320
Ohio's businesses by providing businesses with Ohio's most 58321
talented students and providing Ohio graduates with job 58322
opportunities with Ohio's growing companies. 58323

The chancellor, subject to approval by the controlling board, 58324
shall make awards to state institutions of higher education for 58325
new or existing programs and initiatives meeting the goals of the 58326
Ohio co-op/internship program. Awards may be granted for programs 58327
and initiatives to be implemented by a state institution of higher 58328
education alone or in collaboration with other state institutions 58329
of higher education or nonpublic Ohio universities and colleges. 58330
If the chancellor makes an award to a program or initiative that 58331
is intended to be implemented by a state institution of higher 58332
education in collaboration with other state institutions of higher 58333
education or nonpublic Ohio universities or colleges, the 58334
chancellor may provide that some portion of the award be received 58335
directly by the collaborating universities or colleges consistent 58336
with all terms of the Ohio co-op/internship program. 58337

The Ohio co-op/internship program shall support the creation 58338
and maintenance of high quality academic programs that utilize an 58339

intensive cooperative education or internship program for students 58340
at state institutions of higher education, or assign a number of 58341
scholarships to institutions to recruit Ohio residents as students 58342
in a high quality academic program, or both. If scholarships are 58343
included in an award to an institution of higher education, the 58344
scholarships shall be awarded to each participating eligible 58345
student as a grant to the state institution of higher education 58346
the student is attending and shall be reflected on the student's 58347
tuition bill. 58348

Notwithstanding any other provision of this section or 58349
sections 3333.73 to 3333.79 of the Revised Code, an Ohio four-year 58350
nonpublic university or college may submit a proposal as lead 58351
applicant or co-lead applicant for an award under the Ohio 58352
co-op/internship program if the proposal is to be implemented in 58353
collaboration with a state institution of higher education. If the 58354
chancellor grants a nonpublic university or college an award, the 58355
nonpublic university or college shall comply with all requirements 58356
of this section, sections 3333.73 to 3333.79 of the Revised Code, 58357
and the rules adopted under this section that apply to state 58358
institutions of higher education that receive awards under the 58359
program. 58360

The chancellor shall adopt rules in accordance with Chapter 58361
119. of the Revised Code to administer the Ohio co-op/internship 58362
program. 58363

Sec. 3333.73. The chancellor of ~~the Ohio board of regents~~ 58364
higher education shall establish a competitive process for making 58365
awards under the Ohio co-op/internship program. The chancellor, on 58366
completion of that process, shall make a recommendation to the 58367
controlling board asking for approval of each award selected by 58368
the chancellor. 58369

The state institution of higher education shall submit a 58370

proposal and other documentation required by the chancellor, in 58371
the form and manner prescribed by the chancellor, for each award 58372
it seeks. A proposal may propose an initiative to be implemented 58373
solely by the state institution of higher education or in 58374
collaboration with other state institutions of higher education or 58375
nonpublic Ohio universities or colleges. 58376

The chancellor shall determine which proposals will receive 58377
awards each fiscal year, and the amount of each award, on the 58378
basis of the merit of each proposal, which the chancellor, subject 58379
to approval by the controlling board, shall determine based on one 58380
or more of the following criteria: 58381

(A) The extent to which the proposal will keep Ohio students 58382
in Ohio institutions of higher education; 58383

(B) The extent to which the proposal will attract Ohio 58384
residents who left Ohio to attend out-of-state institutions of 58385
higher education to return to Ohio institutions of higher 58386
education; 58387

(C) The extent to which the proposal will increase the number 58388
of Ohio graduates who remain in Ohio and enter Ohio's workforce; 58389

(D) The quality of the program that is the subject of the 58390
proposal and the extent to which additional resources will enhance 58391
its quality; 58392

(E) The extent to which the proposal is integrated with the 58393
strengths of the regional economy; 58394

(F) The extent to which the proposal supports the workforce 58395
policies of the governor's office of workforce transformation to 58396
meet the workforce needs of the state and to provide a student 58397
participating in the program with the skills needed for workplace 58398
success; 58399

(G) The extent to which the proposal facilitates the 58400

development of high quality academic programs with a cooperative 58401
education program or a significant internship program at state 58402
institutions of higher education; 58403

(H) The extent to which the proposal is integrated with 58404
supporting private companies to fill potential job growth, is 58405
responsive to the needs of employers, aligns with the skills 58406
identified by employers as necessary to fill high-demand job 58407
openings, particularly job openings in targeted industry sectors 58408
as identified by the governor's office of workforce 58409
transformation; 58410

(I) The amount of other institutional, public, or private 58411
resources, whether monetary or nonmonetary, the proposal pledges 58412
to leverage that are in addition to the monetary cost-sharing 58413
requirement prescribed in section 3333.74 of the Revised Code; 58414

(J) The extent to which the proposal is collaborative with 58415
other Ohio institutions of higher education; 58416

(K) The extent to which the proposal is integrated with the 58417
institution's mission; 58418

(L) The extent to which the proposal meets a statewide 58419
educational need at the undergraduate or graduate level; 58420

(M) The demonstrated productivity or future capacity of the 58421
students to be recruited; 58422

(N) The extent to which the proposal will create additional 58423
capacity in a high quality academic program with a cooperative 58424
education program or significant internship program; 58425

(O) The extent to which the proposal will encourage students 58426
who received degrees from two-year institutions to pursue 58427
baccalaureate degrees; 58428

(P) The extent to which the proposal facilitates the 58429
completion of a baccalaureate degree in a cost-effective manner; 58430

(Q) The extent to which other institutional, public, or private resources that are pledged to the proposal, in addition to the monetary cost-sharing requirement prescribed in section 3333.74 of the Revised Code, will be deployed to assist in sustaining the academic program of excellence;

(R) The extent to which the proposal increases the likelihood that students will successfully complete their degree programs or certificate programs;

(S) The extent to which the proposal ensures that a student participating in the high quality academic program funded by the Ohio co-op/internship program is appropriately qualified and prepared to successfully transition into professions in Ohio's growing companies and industries.

Sec. 3333.731. (A) The co-op/internship program advisory committee is hereby created. The committee shall consist of the following members:

(1) Five members appointed by the governor, two of whom shall represent academia, two of whom shall be representatives of private industry, and one of whom shall be a member of the public;

(2) The director of development, or the director's designee;

(3) Five members appointed by the president of the senate, three of whom shall be members of the senate, but not more than two from the same political party, one of whom shall represent academia, and one of whom shall be a member of the public;

(4) Five members appointed by the speaker of the house of representatives, three of whom shall be members of the house of representatives, but not more than two from the same political party, one of whom shall represent private industry, and one of whom shall be a member of the public.

(B) Members of the committee who are members of the general

assembly shall serve for terms of four years or until their 58461
legislative terms end, whichever is sooner. The director of 58462
development or the director's designee shall serve as an 58463
ex-officio, voting member. Otherwise, initial members shall serve 58464
the following terms: 58465

(1) Of the initial members appointed by the governor, the 58466
member representing the public and one member representing 58467
academia shall serve for terms of one year; one member 58468
representing private industry shall serve for a term of two years; 58469
and one member representing private industry and one member 58470
representing academia shall serve for terms of three years. 58471

(2) The member representing academia and the representative 58472
of the public initially appointed by the president of the senate 58473
shall serve for terms of two years. 58474

(3) The member representing private industry initially 58475
appointed by the speaker of the house of representatives shall 58476
serve for a term of one year. 58477

(4) The representative of the public initially appointed by 58478
the speaker of the house of representatives shall serve for a term 58479
of three years. 58480

Thereafter, terms shall be for three years, with each term 58481
ending on the same day of the same month as did the term that it 58482
succeeds. Each member shall serve from the date of appointment 58483
until the end of the term for which the member was appointed. 58484
Members may be reappointed. Vacancies shall be filled in the same 58485
manner as provided for original appointments. Any member appointed 58486
to fill a vacancy occurring prior to the expiration date of the 58487
term for which the member was appointed shall hold office for the 58488
remainder of that term. A member shall continue to serve after the 58489
expiration date of the member's term until the member's successor 58490
is appointed or until a period of sixty days has elapsed, 58491

whichever occurs first. The appointing authority may remove a 58492
member from the committee for failure to attend two consecutive 58493
meetings without showing good cause for the absences. 58494

(C) The committee annually shall select a chairperson and a 58495
vice-chairperson. Only the members who represent academia and 58496
private industry may serve as chairperson and vice-chairperson. 58497
For this purpose, any committee member appointed as a member of 58498
the public who is a trustee, officer, employee, or student of an 58499
institution of higher education shall be included among the 58500
representatives of academia who may serve as chairperson or 58501
vice-chairperson, and any committee member appointed as a member 58502
of the public who is a director, officer, or employee of a private 58503
business shall be included among the representatives of private 58504
industry who may serve as chairperson or vice-chairperson. The 58505
committee annually shall rotate the selection of the chairperson 58506
between these two groups and shall select a member of the other 58507
group to serve as vice-chairperson. 58508

The committee annually shall select one of its members to 58509
serve as secretary to keep a record of the committee's 58510
proceedings. 58511

(D) A majority vote of the members of the full committee is 58512
necessary to take action on any matter. The committee may adopt 58513
bylaws governing its operation, including bylaws that establish 58514
the frequency of meetings. 58515

(E) Members of the committee shall serve without 58516
compensation. 58517

(F) A member of the committee shall not participate in 58518
discussions or votes concerning a proposed initiative or an actual 58519
award under the Ohio co-op/internship program that involves an 58520
institution of higher education of which the member is a trustee, 58521
officer, employee, or student; an organization of which the member 58522

is a trustee, director, officer, or employee; or a business of 58523
which the member is a director, officer, or employee or a 58524
shareholder of more than five per cent of the business' stock. 58525

(G) The committee shall advise the chancellor of ~~the Ohio~~ 58526
~~board of regents~~ higher education on growing industries 58527
well-suited for awards under the Ohio co-op/internship program. 58528
The chancellor shall consult with the committee and request the 58529
committee's advice at each of the following times: 58530

(1) Prior to issuing each request for applications under the 58531
program; 58532

(2) While the chancellor is reviewing applications and before 58533
deciding on awards to submit for the controlling board's approval; 58534

(3) After deciding on awards to submit for the controlling 58535
board's approval and prior to submitting them. 58536

The committee shall advise the chancellor on other matters 58537
the chancellor considers appropriate. 58538

(H) The chancellor shall provide meeting space for the 58539
committee. The committee shall be assisted in its duties by the 58540
chancellor's staff. 58541

(I) Sections 101.82 to 101.87 of the Revised Code do not 58542
apply to the committee. 58543

Sec. 3333.74. (A) Except as provided in division (B) of this 58544
section, each award under the Ohio co-op/internship program shall 58545
require a pledge of private funds equal to the following: 58546

(1) In the case of a program, initiative, or scholarships for 58547
undergraduate students, at least one hundred per cent of the money 58548
awarded; 58549

(2) In the case of a program, initiative, or scholarships for 58550
graduate students, at least one hundred fifty per cent of the 58551

money awarded. 58552

(B) The chancellor of ~~the Ohio board of regents~~ higher 58553
education may waive the requirement of division (A) of this 58554
section if the chancellor finds that exceptional circumstances 58555
exist to do so, provided that the chancellor reviews the proposal 58556
with the advisory committee established under section 3333.731 of 58557
the Revised Code and provides an explanation for the waiver to the 58558
controlling board. 58559

(C) The chancellor shall endeavor to distribute awards in 58560
such a way that a wide range of disciplines is supported and that 58561
all regions of the state benefit from the economic development 58562
impact of the program. 58563

Sec. 3333.75. The chancellor of ~~the Ohio board of regents~~ 58564
higher education shall require each state institution of higher 58565
education that the controlling board approves to receive an award 58566
under the Ohio co-op/internship program to enter into an agreement 58567
governing the use of the award. The agreement shall contain terms 58568
the chancellor determines to be necessary, which shall include 58569
performance measures, reporting requirements, and an obligation to 58570
fulfill pledges of other institutional, public, or nonpublic 58571
resources for the proposal. 58572

The chancellor may require a state institution of higher 58573
education that violates the terms of its agreement to repay the 58574
award plus interest at the rate required by section 5703.47 of the 58575
Revised Code to the chancellor. 58576

If the chancellor makes an award to a program or initiative 58577
that is intended to be implemented by a state institution of 58578
higher education in collaboration with other state institutions of 58579
higher education or nonpublic Ohio universities or colleges, the 58580
chancellor may enter into an agreement with the collaborating 58581
universities or colleges that permits awards to be received 58582

directly by the collaborating universities or colleges consistent 58583
with the terms of the program or initiative. In that case, the 58584
chancellor shall incorporate into the agreement terms consistent 58585
with the requirements of this section. 58586

Sec. 3333.76. The chancellor of ~~the Ohio board of regents~~ 58587
higher education shall encourage state institutions of higher 58588
education, alone or in collaboration with other state institutions 58589
of higher education or nonpublic Ohio universities and colleges, 58590
to submit proposals under the Ohio co-op/internship program for 58591
initiatives that recruit Ohio residents enrolled in colleges and 58592
universities in other states or other countries to return to Ohio 58593
and enroll in state institutions of higher education or nonpublic 58594
Ohio universities and colleges as graduate students in a high 58595
quality academic program that uses a cooperative education 58596
program, a significant internship program in a private industry or 58597
institutional laboratory, or a similar model involving a variation 58598
of cooperative education or internship programs common to graduate 58599
education, and is in an educational area, industry, or industry 58600
sector of need. 58601

The chancellor may encourage state institutions of higher 58602
education, alone or in collaboration with other state institutions 58603
of higher education or nonpublic Ohio universities and colleges, 58604
to submit proposals for initiatives that recruit Ohio residents 58605
who have received baccalaureate degrees to remain in Ohio and 58606
enroll in state institutions of higher education or nonpublic Ohio 58607
universities and colleges as graduate students in a high quality 58608
academic program of the type described in the preceding paragraph. 58609

Sec. 3333.77. When making an award under the Ohio 58610
co-op/internship program, the chancellor of ~~the Ohio board of~~ 58611
~~regents~~ higher education, subject to approval by the controlling 58612
board, may commit to giving a state institution of higher 58613

education's proposal preference for future awards after the 58614
current fiscal year or fiscal biennium. A proposal's eligibility 58615
for future awards remains conditional on all of the following: 58616

(A) Future appropriations of the general assembly; 58617

(B) The institution's adherence to the agreement entered into 58618
under section 3333.75 of the Revised Code, including its 58619
fulfillment of pledges of other institutional, public, or 58620
nonpublic resources; 58621

(C) A demonstration that the students participating in the 58622
programs and initiatives or receiving scholarships financed by the 58623
awards are satisfied with the institutions selected by the 58624
chancellor to offer the programs, initiatives, or scholarships 58625
financed by the awards. 58626

The chancellor and the controlling board shall not commit to 58627
awarding any proposal for a period that exceeds five fiscal years. 58628
However, when an award, or the commitment for an award, expires, a 58629
state institution of higher education may apply for a new award. 58630

Sec. 3333.78. The chancellor of ~~the Ohio board of regents~~ 58631
higher education shall monitor each initiative for which an award 58632
is granted under the Ohio co-op/internship program to ensure the 58633
following: 58634

(A) Fiscal accountability, so that the award is used in 58635
accordance with the agreement entered into under section 3333.75 58636
of the Revised Code; 58637

(B) Operating progress, so that the initiative is managed to 58638
achieve the goals stated in the proposal and in the agreement, and 58639
so that problems may be promptly identified and remedied; 58640

(C) Desired outcomes, so that the initiative contributes to 58641
the program's goal of retaining Ohio's students after graduation. 58642

Sec. 3333.79. (A) As used in this section, "minority" has the same meaning as in section 184.17 of the Revised Code. The term also includes an individual who is economically disadvantaged.

(B) The chancellor of ~~the board of regents~~ higher education shall conduct outreach activities in Ohio that seek to include minorities in the Ohio co-op/internship program established under section 3333.72 of the Revised Code. The outreach activities shall include the following, when appropriate:

(1) Identifying and partnering with historically black colleges and universities;

(2) Working with all institutions of higher education in the state to support minority faculty and students involved in cooperative and intern programs;

(3) Developing a plan to contact by telephone minorities and other economically disadvantaged individuals to notify them of opportunities to participate in the co-op/internship program;

(4) Identifying minority professional and trade associations and economic development assistance organizations and notifying them of the co-op/internship program;

(5) Partnering with regional technology councils to foster local efforts to support minority participation in the co-op/internship program.

(C) To the extent possible, outreach activities described in this section shall be conducted in conjunction with the EDGE program created in section 123.152 of the Revised Code.

Sec. 3333.82. (A) The chancellor of ~~the Ohio board of regents~~ higher education shall establish a clearinghouse of digital texts, interactive distance learning courses, and other distance learning courses delivered via a computer-based method offered by school

districts, community schools, STEM schools, state institutions of 58672
higher education, private colleges and universities, and other 58673
nonprofit and for-profit course providers for sharing with other 58674
school districts, community schools, STEM schools, state 58675
institutions of higher education, private colleges and 58676
universities, and individuals for the fee set pursuant to section 58677
3333.84 of the Revised Code. The chancellor shall not be 58678
responsible for the content of digital texts or courses offered 58679
through the clearinghouse; however, all such digital texts and 58680
courses shall be delivered only in accordance with technical 58681
specifications approved by the chancellor and on a common 58682
statewide platform administered by the chancellor. The chancellor 58683
may provide professional development and training on the use of 58684
the distance learning clearinghouse. 58685

The clearinghouse's distance learning program for students in 58686
grades kindergarten to twelve shall be based on the following 58687
principles: 58688

(1) All Ohio students shall have access to high quality 58689
digital texts and distance learning courses at any point in their 58690
educational careers. 58691

(2) All students shall be able to customize their education 58692
using digital texts and distance learning courses offered through 58693
the clearinghouse and no student shall be denied access to any 58694
digital text or course in the clearinghouse in which the student 58695
is eligible to enroll. 58696

(3) Students may take distance learning courses for all or 58697
any portion of their curriculum requirements and may utilize a 58698
combination of digital texts and distance learning courses and 58699
courses taught in a traditional classroom setting. 58700

(4) Students may earn an unlimited number of academic credits 58701
through distance learning courses. 58702

(5) Students may take distance learning courses at any time 58703
of the calendar year. 58704

(6) Student advancement to higher coursework shall be based 58705
on a demonstration of subject area competency instead of 58706
completion of any particular number of hours of instruction. 58707

(B) To offer digital texts or a course through the 58708
clearinghouse, a provider shall apply to the chancellor in a form 58709
and manner prescribed by the chancellor. The application for each 58710
digital text or course shall describe the digital text or course 58711
of study in as much detail as required by the chancellor, whether 58712
an instructor is provided, the qualification and credentials of 58713
the instructor, the number of hours of instruction, and any other 58714
information required by the chancellor. The chancellor may require 58715
course providers to include in their applications information 58716
recommended by the state board of education under former section 58717
3353.30 of the Revised Code. 58718

(C) The chancellor shall review the technical specifications 58719
of each application submitted under division (B) of this section. 58720
In reviewing applications, the chancellor may consult with the 58721
department of education; however, the responsibility to either 58722
approve or not approve a digital text or course for the 58723
clearinghouse belongs to the chancellor. The chancellor may 58724
request additional information from a provider that submits an 58725
application under division (B) of this section, if the chancellor 58726
determines that such information is necessary. The chancellor may 58727
negotiate changes in the proposal to offer a digital text or 58728
course, if the chancellor determines that changes are necessary in 58729
order to approve the digital text or course. 58730

(D) The chancellor shall catalog each digital text or course 58731
approved for the clearinghouse, through a print or electronic 58732
medium, displaying the following: 58733

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district, community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that digital text or course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into the common statewide platform shall be borne by the course provider.

(F) The chancellor may contract with an entity to perform any or all of the chancellor's duties under sections 3333.81 to 3333.88 of the Revised Code.

Sec. 3333.83. (A) Each school district, community school, and STEM school shall encourage students to take advantage of the distance learning opportunities offered through the clearinghouse and shall assist any student electing to participate in the clearinghouse with the selection and scheduling of courses that satisfy the district's or school's curriculum requirements and promote the student's post-secondary college or career plans.

(B) For each student enrolled in a school operated by a school district or in a community school or STEM school who is enrolling in a course provided through the clearinghouse by another school district, community school, or STEM school, the student's school district, community school, or STEM school shall transmit the student's name to the course provider.

The course provider may request from the student's school district, community school, or STEM school other information from the student's school record. The district or school shall provide the requested information only in accordance with section 3319.321 of the Revised Code.

(C) The student's school district, community school, or STEM school shall determine the manner in which and facilities at which the student shall participate in the course consistent with specifications for technology and connectivity adopted by the chancellor of ~~the Ohio board of regents~~ higher education.

(D) A student may withdraw from a course prior to the end of the course only by a date and in a manner prescribed by the student's school district, community school, or STEM school.

(E) A student who is enrolled in a school operated by a school district or in a community school or STEM school and who takes a course through the clearinghouse shall be counted in the formula ADM of a school district under section 3317.03 of the Revised Code as if the student were taking the course from the student's school district, community school, or STEM school.

Sec. 3333.84. (A) The fee charged for any digital ~~texts~~ text or course offered through the clearinghouse shall be set by the provider.

(B) The chancellor of ~~the Ohio board of regents~~ higher education shall prescribe the manner in which the fee for a digital ~~texts~~ text or course shall be collected or deducted from the school district, school, college or university, or individual subscribing to the digital ~~texts~~ text or course and in which manner the fee shall be paid to the provider.

(C) The chancellor may retain a percentage of the fee charged for a digital ~~texts~~ text or course to offset the cost of maintaining and operating the clearinghouse, including the payment of compensation for an entity or a private entity that is under contract with the chancellor under division (F) of section 3333.82 of the Revised Code. The percentage retained shall be determined by the chancellor.

(D) Nothing in this section shall be construed to require the school district, community school, or STEM school in which a student is enrolled to pay the fee charged for a digital ~~texts~~ text or course taken by the student.

Sec. 3333.86. The chancellor of ~~the Ohio board of regents~~ higher education may determine the manner in which a course included in the clearinghouse may be offered as an advanced standing program as defined in section 3313.6013 of the Revised Code, may be offered to students who are enrolled in nonpublic schools or are instructed at home pursuant to section 3321.04 of the Revised Code, or may be offered at times outside the normal school day or school week, including any necessary additional fees and methods of payment for a course so offered.

Sec. 3333.87. The chancellor of ~~the Ohio board of regents~~ higher education and the state board of education jointly, and in consultation with the director of the governor's office of 21st century education, shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the implementation of sections 3333.81 to 3333.86 of the Revised Code.

Sec. 3333.90. (A) The chancellor of ~~the Ohio board of regents~~ higher education shall establish a course and program sharing network that enables members of the university system of Ohio and adult career centers to share curricula for existing courses and academic programs with one another. The purpose of the network shall be to increase course availability across the state and to avoid unnecessary course duplication through the sharing of existing curricula.

(B) The chancellor shall adopt rules to administer the course and program sharing network established under this section.

(C) As used in this section, "member of the university system

of Ohio" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3333.91. Not later than December 31, 2014, the governor's office of workforce transformation, in collaboration with the chancellor of ~~the Ohio board of regents~~ higher education, the superintendent of public instruction, and the department of job and family services, shall develop and submit to the appropriate federal agency a single, state unified plan for the adult basic and literacy education program administered by the United States secretary of education, the "Carl D. Perkins Vocational and Technical Education Act," 20 U.S.C. 2301, et seq., as amended, and the "Workforce Investment Act of 1998," 29 U.S.C. 2801, et seq., as amended. Following the plan's initial submission to the appropriate federal agency, the governor's office of workforce transformation may update it as necessary. If the plan is updated, the governor's office of workforce transformation shall submit the updated plan to the appropriate federal agency.

Sec. 3333.92. (A) As used in this section, "OhioMeansJobs" has the same meaning as in section 6301.01 of the Revised Code.

(B)(1) Beginning January 1, 2016, each participant in an adult basic and literacy education funded training or education program shall create an account with OhioMeansJobs at the twelfth week of the program.

(2) Beginning January 1, 2016, each participant in an Ohio technical center funded training or education program shall create an account with OhioMeansJobs at the time of enrollment in the program.

(C) Division (B) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to

use a computer, or has a limited ability to read, write, speak, or 58854
understand a language in which OhioMeansJobs is available. 58855

Sec. 3334.08. (A) Subject to division (B) of this section, in 58856
addition to any other powers conferred by this chapter, the Ohio 58857
tuition trust authority may do any of the following: 58858

(1) Impose reasonable residency requirements for 58859
beneficiaries of tuition units; 58860

(2) Impose reasonable limits on the number of tuition unit 58861
participants; 58862

(3) Impose and collect administrative fees and charges in 58863
connection with any transaction under this chapter; 58864

(4) Purchase insurance from insurers licensed to do business 58865
in this state providing for coverage against any loss in 58866
connection with the authority's property, assets, or activities or 58867
to further ensure the value of tuition units; 58868

(5) Indemnify or purchase policies of insurance on behalf of 58869
members, officers, and employees of the authority from insurers 58870
licensed to do business in this state providing for coverage for 58871
any liability incurred in connection with any civil action, 58872
demand, or claim against a director, officer, or employee by 58873
reason of an act or omission by the director, officer, or employee 58874
that was not manifestly outside the scope of the employment or 58875
official duties of the director, officer, or employee or with 58876
malicious purpose, in bad faith, or in a wanton or reckless 58877
manner; 58878

(6) Make, execute, and deliver contracts, conveyances, and 58879
other instruments necessary to the exercise and discharge of the 58880
powers and duties of the authority; 58881

(7) Promote, advertise, and publicize the Ohio college 58882
savings program and the variable college savings program; 58883

(8) Adopt rules under section 111.15 of the Revised Code for the implementation of the Ohio college savings program;

(9) Contract, for the provision of all or part of the services necessary for the management and operation of the Ohio college savings program and the variable college savings program, with a bank, trust company, savings and loan association, insurance company, or licensed dealer in securities if the bank, company, association, or dealer is authorized to do business in this state and information about the contract is filed with the controlling board pursuant to division (D)(6) of section 127.16 of the Revised Code; provided, however, that any funds of the Ohio college savings program and the variable college savings program that are not needed for immediate use shall be deposited by the treasurer of state in the same manner provided under Chapter 135. of the Revised Code for public moneys of the state. All interest earned on those deposits shall be credited to the Ohio college savings program or the variable college savings program, as applicable.

(10) Contract for other services, or for goods, needed by the authority in the conduct of its business, including but not limited to credit card services;

(11) Employ an executive director and other personnel as necessary to carry out its responsibilities under this chapter, and fix the compensation of these persons. All employees of the authority shall be in the unclassified civil service and shall be eligible for membership in the public employees retirement system. In the hiring of the executive director, the Ohio tuition trust authority shall obtain the advice and consent of the Ohio tuition trust board created in section 3334.03 of the Revised Code, provided that the executive director shall not be hired unless a majority of the board votes in favor of the hiring. In addition, the board may remove the executive director at any time subject to

the advice and consent of the chancellor of ~~the Ohio board of~~ 58916
~~regents~~ higher education. 58917

(12) Contract with financial consultants, actuaries, 58918
auditors, and other consultants as necessary to carry out its 58919
responsibilities under this chapter; 58920

(13) Enter into agreements with any agency of the state or 58921
its political subdivisions or with private employers under which 58922
an employee may agree to have a designated amount deducted in each 58923
payroll period from the wages or salary due the employee for the 58924
purpose of purchasing tuition units pursuant to a tuition payment 58925
contract or making contributions pursuant to a variable college 58926
savings program contract; 58927

(14) Enter into an agreement with the treasurer of state 58928
under which the treasurer of state will receive, and credit to the 58929
Ohio tuition trust fund or variable college savings program fund, 58930
from any bank or savings and loan association authorized to do 58931
business in this state, amounts that a depositor of the bank or 58932
association authorizes the bank or association to withdraw 58933
periodically from the depositor's account for the purpose of 58934
purchasing tuition units pursuant to a tuition payment contract or 58935
making contributions pursuant to a variable college savings 58936
program contract; 58937

(15) Solicit and accept gifts, grants, and loans from any 58938
person or governmental agency and participate in any governmental 58939
program; 58940

(16) Impose limits on the number of units which may be 58941
purchased on behalf of or assigned or awarded to any beneficiary 58942
and on the total amount of contributions that may be made on 58943
behalf of a beneficiary; 58944

(17) Impose restrictions on the substitution of another 58945
individual for the original beneficiary under the Ohio college 58946

savings program;	58947
(18) Impose a limit on the age of a beneficiary, above which tuition units may not be purchased on behalf of that beneficiary;	58948 58949
(19) Enter into a cooperative agreement with the treasurer of state to provide for the direct disbursement of payments under tuition payment or variable college savings program contracts;	58950 58951 58952
(20) Determine the other higher education expenses for which tuition units or contributions may be used;	58953 58954
(21) Terminate any tuition payment or variable college savings program contract if no purchases or contributions are made for a period of three years or more and there are fewer than a total of five tuition units or less than a dollar amount set by rule on account, provided that notice of a possible termination shall be provided in advance, explaining any options to prevent termination, and a reasonable amount of time shall be provided within which to act to prevent a termination;	58955 58956 58957 58958 58959 58960 58961 58962
(22) Maintain a separate account for each tuition payment or variable college savings program contract;	58963 58964
(23) Perform all acts necessary and proper to carry out the duties and responsibilities of the authority pursuant to this chapter.	58965 58966 58967
(B) The authority shall adopt rules under section 111.15 of the Revised Code for the implementation and administration of the variable college savings program. The rules shall provide taxpayers with the maximum tax advantages and flexibility consistent with section 529 of the Internal Revenue Code and regulations adopted thereunder with regard to disposition of contributions and earnings, designation of beneficiaries, and rollover of account assets to other programs.	58968 58969 58970 58971 58972 58973 58974 58975
(C) Except as otherwise specified in this chapter, the	58976

provisions of Chapters ~~123., 125.,~~ and 4117. of the Revised Code 58977
shall not apply to the authority and Chapter 125. of the Revised 58978
Code shall not apply to contracts approved under the powers of the 58979
Ohio tuition trust authority board under section 3334.03 of the 58980
Revised Code. ~~The department of administrative services shall,~~ 58981
~~upon the request of the authority, act as the authority's agent~~ 58982
~~for the purchase of equipment, supplies, insurance, or services,~~ 58983
~~or the performance of administrative services pursuant to Chapter~~ 58984
~~125. of the Revised Code.~~ 58985

Sec. 3337.10. There is hereby established the Ohio university 58986
college of osteopathic medicine the purpose of which shall be to 58987
provide instruction in the practice of osteopathic medicine. The 58988
college shall be a component college of Ohio university. The 58989
clinical instruction portions of the medical program shall be 58990
provided through the facilities of existing osteopathic and joint 58991
staff hospitals. ~~The college shall have an advisory committee of~~ 58992
~~ten members, which shall consist of the president of Ohio~~ 58993
~~university or the president's designee and nine members appointed~~ 58994
~~by the governor with the advice and consent of the senate. Within~~ 58995
~~one hundred twenty days of November 17, 1975, the governor shall~~ 58996
~~make initial appointments to the advisory committee. Of these,~~ 58997
~~three shall be for terms ending two years after November 17, 1975,~~ 58998
~~three shall be for terms ending four years after that date, and~~ 58999
~~three shall be for terms ending six years after that date.~~ 59000
~~Thereafter, terms of office shall be for six years, each term~~ 59001
~~ending on the same day of the same month of the year as did the~~ 59002
~~term that it succeeds. Each member shall hold office from the date~~ 59003
~~of appointment until the end of the term for which the member was~~ 59004
~~appointed. Any member appointed to fill a vacancy occurring prior~~ 59005
~~to the expiration of the term for which the member's predecessor~~ 59006
~~was appointed shall hold office for the remainder of such term.~~ 59007
~~Any member shall continue in office subsequent to the expiration~~ 59008

~~date of the member's term until the member's successor takes 59009
office, or until a period of sixty days has elapsed, whichever 59010
occurs first. 59011~~

Sec. 3345.022. The board of trustees of any college or 59012
university supported in part or in whole by state funds, or two or 59013
more such boards, may enter into a contract, upon such terms as 59014
shall be determined to be in the best interests of students, for 59015
the provision of legal services to students through a group legal 59016
services insurance plan approved by the superintendent of 59017
insurance or through a prepaid legal services plan established by 59018
attorneys admitted to the practice of law in this state. The fees 59019
or charges to students who participate in the plan shall be 59020
established by the board or boards and shall be sufficient to 59021
defray the college's or university's cost of administering the 59022
plan. No student shall be required to pay any such fee or charge 59023
unless ~~he~~ the student elects to participate in the plan, and no 59024
revenue from any other student fees or charges shall be used to 59025
finance any portion of the cost of any plan or the college's or 59026
university's cost of administering the plan. Legal representation 59027
under the plan shall be limited to services determined by the 59028
board to be reasonably related to student welfare, to the 59029
advancement or successful completion of student education, or to 59030
serve a public purpose within the powers of the college or 59031
university. 59032

A plan shall not provide or pay for the cost of 59033
representation of a student in an action against a state officer 59034
or agency arising out of the performance of the duties of the 59035
officer or agency, against a law enforcement officer arising out 59036
of the performance of the duties of the officer, against a college 59037
or university participating in the plan, against a student of such 59038
a college or university, or against the chancellor of higher 59039
education or a member of the board of regents or of the board of 59040

trustees, faculty, or staff of such a college or university, if 59041
the cause of action arises out of the performance of the duties of 59042
the office of the member or in the course of the member's 59043
employment by the college or university. As used in this section, 59044
"law enforcement officer" means a sheriff, deputy sheriff, 59045
constable, marshal, deputy marshal, municipal police officer, 59046
state highway patrol trooper, or state university law enforcement 59047
officer appointed under section 3345.04 of the Revised Code. 59048

Sec. 3345.05. (A) All registration fees, nonresident tuition 59049
fees, academic fees for the support of off-campus instruction, 59050
laboratory and course fees when so assessed and collected, student 59051
health fees for the support of a student health service, all other 59052
fees, deposits, charges, receipts, and income from all or part of 59053
the students, all subsidy or other payments from state 59054
appropriations, and all other fees, deposits, charges, receipts, 59055
income, and revenue received by each state institution of higher 59056
education, the Ohio state university hospitals and their ancillary 59057
facilities, the Ohio agricultural research and development center, 59058
and OSU extension shall be held and administered by the respective 59059
boards of trustees of the state institution of higher education; 59060
provided, that such fees, deposits, charges, receipts, income and 59061
revenue, to the extent required by resolutions, trust agreements, 59062
indentures, leases, and agreements adopted, made, or entered into 59063
under Chapter 154. or section 3345.07, 3345.11, or 3345.12 of the 59064
Revised Code, shall be held, administered, transferred, and 59065
applied in accordance therewith. 59066

(B) ~~The Ohio board of regents~~ chancellor of higher education 59067
shall require annual reporting by the Ohio agricultural research 59068
and development center and by each university and college 59069
receiving state aid in such form and detail as determined by the 59070
~~board~~ chancellor of higher education in consultation with such 59071
center, universities and colleges, and the director of budget and 59072

management. 59073

(C) Notwithstanding any provision of the Revised Code to the 59074
contrary, the title to investments made by the board of trustees 59075
of a state institution of higher education with funds derived from 59076
any of the sources described in division (A) of this section shall 59077
not be vested in the state or the political subdivision but shall 59078
be held in trust by the board. Such investments shall be made 59079
pursuant to an investment policy adopted by the board in public 59080
session that requires all fiduciaries to discharge their duties 59081
with the care, skill, prudence, and diligence under the 59082
circumstances then prevailing that a prudent person acting in like 59083
capacity and familiar with such matters would use in the conduct 59084
of an enterprise of a like character and with like aims. The 59085
policy also shall require at least the following: 59086

(1) A stipulation that investment of at least twenty-five per 59087
cent of the average amount of the investment portfolio over the 59088
course of the previous fiscal year be invested in securities of 59089
the United States government or of its agencies or 59090
instrumentalities, the treasurer of state's pooled investment 59091
program, obligations of this state or any political subdivision of 59092
this state, certificates of deposit of any national bank located 59093
in this state, written repurchase agreements with any eligible 59094
Ohio financial institution that is a member of the federal reserve 59095
system or federal home loan bank, money market funds, or bankers 59096
acceptances maturing in two hundred seventy days or less which are 59097
eligible for purchase by the federal reserve system, as a reserve; 59098

(2) Eligible funds above those that meet the conditions of 59099
division (C)(1) of this section may be pooled with other 59100
institutional funds and invested in accordance with section 59101
1715.52 of the Revised Code. 59102

(3) The establishment of an investment committee. 59103

(D) The investment committee established under division 59104
(C)(3) of this section shall meet at least quarterly. The 59105
committee shall review and recommend revisions to the board's 59106
investment policy and shall advise the board on its investments 59107
made under division (C) of this section in an effort to assist it 59108
in meeting its obligations as a fiduciary as described in division 59109
(C) of this section. The committee shall be authorized to retain 59110
the services of an investment advisor who meets both of the 59111
following qualifications: 59112

(1) The advisor is either: 59113

(a) Licensed by the division of securities under section 59114
1707.141 of the Revised Code; 59115

(b) Registered with the securities and exchange commission. 59116

(2) The advisor either: 59117

(a) Has experience in the management of investments of public 59118
funds, especially in the investment of state-government investment 59119
portfolios; 59120

(b) Is an eligible institution referenced in section 135.03 59121
of the Revised Code. 59122

(E) As used in this section, "state institution of higher 59123
education" means a state institution of higher education as 59124
defined in section 3345.011 of the Revised Code. 59125

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 59126
section, a graduate of the twelfth grade shall be entitled to 59127
admission without examination to any college or university which 59128
is supported wholly or in part by the state, but for unconditional 59129
admission may be required to complete such units not included in 59130
the graduate's high school course as may be prescribed, not less 59131
than two years prior to the graduate's entrance, by the faculty of 59132
the institution. 59133

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the ~~Ohio board of regents~~ chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B)(1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section at any post-secondary institution or at a summer program at the state university. A state university may admit a person for enrollment

contingent upon completion of such topics or courses or summer program. 59166
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(3) The person met the high school graduation requirements by successfully completing the person's individualized education program developed under section 3323.08 of the Revised Code. 59168
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(4) The person is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code, or has graduated from a nonchartered, nonpublic school in Ohio, and demonstrates mastery of the academic content and skills in reading, writing, and mathematics needed to successfully complete introductory level coursework at an institution of higher education and to avoid remedial coursework. 59171
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(5) The person is a high school student participating in the college credit plus program under Chapter 3365. of the Revised Code or another advanced standing program. 59178
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(C) A state university subject to division (B) of this section may delay admission for or admit conditionally an undergraduate student who has successfully completed the requirements prescribed in division (C) of section 3313.603 of the Revised Code if the university determines the student requires academic remedial or developmental coursework. The university may delay admission pending, or make admission conditional upon, the student's successful completion of the academic remedial or developmental coursework at a university branch, community college, state community college, or technical college. 59181
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(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent. 59191
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Sec. 3345.061. (A) Ohio's two-year institutions of higher 59195

education are respected points of entry for students embarking on 59196
post-secondary careers and courses completed at those institutions 59197
are transferable to state universities in accordance with 59198
articulation and transfer agreements developed under sections 59199
3333.16, 3333.161, and 3333.162 of the Revised Code. 59200

(B) Beginning with undergraduate students who commence 59201
undergraduate studies in the 2014-2015 academic year, no state 59202
university listed in section 3345.011 of the Revised Code, except 59203
Central state university, Shawnee state university, and Youngstown 59204
state university, shall receive any state operating subsidies for 59205
any academic remedial or developmental courses for undergraduate 59206
students, including courses prescribed in division (C) of section 59207
3313.603 of the Revised Code, offered at its main campus, except 59208
as provided in divisions (B)(1) to (4) of this section. 59209

(1) In the 2014-2015 and 2015-2016 academic years, a state 59210
university may receive state operating subsidies for academic 59211
remedial or developmental courses for not more than three per cent 59212
of the total undergraduate credit hours provided by the university 59213
at its main campus. 59214

(2) In the 2016-2017 academic year, a state university may 59215
receive state operating subsidies for academic remedial or 59216
developmental courses for not more than fifteen per cent of the 59217
first-year students who have graduated from high school within the 59218
previous twelve months and who are enrolled in the university at 59219
its main campus, as calculated on a full-time-equivalent basis. 59220

(3) In the 2017-2018 academic year, a state university may 59221
receive state operating subsidies for academic remedial or 59222
developmental courses for not more than ten per cent of the 59223
first-year students who have graduated from high school within the 59224
previous twelve months and who are enrolled in the university at 59225
its main campus, as calculated on a full-time-equivalent basis. 59226

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code.

(E) The chancellor of ~~the Ohio board of regents~~ higher education shall do all of the following:

(1) Withhold state operating subsidies for academic remedial

or developmental courses provided by a state university as 59258
required in order to conform to divisions (B) and (C) of this 59259
section; 59260

(2) Adopt uniform statewide standards for academic remedial 59261
and developmental courses offered by all state institutions of 59262
higher education; 59263

(3) Encourage and assist in the design and establishment of 59264
academic remedial and developmental courses by institutions of 59265
higher education; 59266

(4) Define "academic year" for purposes of this section and 59267
section 3345.06 of the Revised Code; 59268

(5) Encourage and assist in the development of articulation 59269
and transfer agreements between state universities and other 59270
institutions of higher education in accordance with policies and 59271
procedures adopted under sections 3333.16, 3333.161, and 3333.162 59272
of the Revised Code. 59273

(F) Not later than December 31, 2012, the presidents, or 59274
equivalent position, of all state institutions of higher 59275
education, or their designees, jointly shall establish uniform 59276
statewide standards in mathematics, science, reading, and writing 59277
each student enrolled in a state institution of higher education 59278
must meet to be considered in remediation-free status. The 59279
presidents also shall establish assessments, if they deem 59280
necessary, to determine if a student meets the standards adopted 59281
under this division. Each institution is responsible for assessing 59282
the needs of its enrolled students in the manner adopted by the 59283
presidents. The board of trustees or managing authority of each 59284
state institution of higher education shall adopt the 59285
remediation-free status standard, and any related assessments, 59286
into the institution's policies. 59287

The chancellor shall assist in coordinating the work of the 59288

presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the superintendent of public instruction all of the following for the prior academic year:

(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which the students taking those courses received their high school diplomas;

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate.

(H) Not later than December 31, 2011, and the thirty-first day of each December thereafter, the chancellor and the superintendent of public instruction shall issue a report recommending policies and strategies for reducing the need for academic remediation and developmental courses at state institutions of higher education.

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

Sec. 3345.311. (A) As used in this section, "excess benefits" has the same meaning as in section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I.

(B) Except as provided in division (C) of this section, no state institution of higher education shall provide excess benefits to an employee that would trigger the excise tax imposed under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I.

(C) A state institution of higher education may provide excess benefits to an employee that would trigger the excise tax imposed under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I, if the excess benefits are provided pursuant to a policy or contract that was issued or entered into prior to the effective date of this section.

(D) Nothing in this section shall be construed to prohibit a state institution of higher education from offering health benefits to an employee, the value of which would not trigger the excise tax imposed under section 4980I of the Internal Revenue Code, 26 U.S.C. 4980I.

Sec. 3345.32. (A) As used in this section: 59334

(1) "State university or college" means the institutions described in section 3345.27 of the Revised Code and the northeast Ohio medical university. 59335
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(2) "Resident" has the meaning specified by rule of the chancellor of ~~the Ohio board of regents~~ higher education. 59338
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(3) "Statement of selective service status" means a statement certifying one of the following: 59340
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(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended; 59342
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(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons: 59346
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(i) The individual is under eighteen or over twenty-six years of age. 59349
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(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit. 59351
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(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended. 59354
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(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands. 59357
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(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section. 59360
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(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male student born after December 31, 1959, certifies that the student has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended. For those students not required to register with the selective service, as specified in divisions (A)(2)(b)(i) to (iv) of this section, a section shall be provided on the statement of selective service status for the certification of nonregistration and for an explanation of the reason for the exemption. The chancellor may require that such statements be accompanied by documentation specified by rule of the chancellor. 59366
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(C) A state university or college that enrolls in any course, 59380
class, or program a male student born after December 31, 1959, who 59381
has not filed a statement of selective service status with the 59382
university or college shall, regardless of the student's 59383
residency, charge the student any tuition surcharge charged 59384
students who are not residents of this state. 59385

(D) No male born after December 31, 1959, shall be eligible 59386
to receive any loan, grant, scholarship, or other financial 59387
assistance for educational expenses granted under section 3315.33, 59388
3333.12, 3333.122, 3333.21, 3333.22, 3333.26, 3333.391, 5910.03, 59389
5910.032, or 5919.34 of the Revised Code, financed by an award 59390
under the choose Ohio first scholarship program established under 59391
section 3333.61 of the Revised Code, or financed by an award under 59392
the Ohio co-op/internship program established under section 59393
3333.72 of the Revised Code, unless that person has filed a 59394
statement of selective service status with that person's 59395
institution of higher education. 59396

(E) If an institution of higher education receives a 59397
statement from an individual certifying that the individual has 59398
registered with the selective service system in accordance with 59399
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 59400
453, as amended, or that the individual is exempt from 59401
registration for a reason other than that the individual is under 59402
eighteen years of age, the institution shall not require the 59403
individual to file any further statements. If it receives a 59404
statement certifying that the individual is not required to 59405
register because the individual is under eighteen years of age, 59406
the institution shall require the individual to file a new 59407
statement of selective service status each time the individual 59408
seeks to enroll for a new academic term or makes application for a 59409
new loan or loan guarantee or for any form of financial assistance 59410
for educational expenses, until it receives a statement certifying 59411

that the individual has registered with the selective service 59412
system or is exempt from registration for a reason other than that 59413
the individual is under eighteen years of age. 59414

Sec. 3345.35. Not later than January 1, 2016, and by the 59415
first day of January of every fifth year thereafter, the board of 59416
trustees of each state institution of higher education, as defined 59417
in section 3345.011 of the Revised Code, shall evaluate all 59418
courses and programs the institution offers based on enrollment 59419
and student performance in each course or program. For courses 59420
with low enrollment, as defined by the chancellor of higher 59421
education, the board of trustees shall evaluate the benefits of 59422
collaboration with other institutions of higher education, based 59423
on geographic region, to deliver the course. 59424

Each board of trustees shall submit its findings under this 59425
section to the chancellor not later than thirty days after the 59426
completion of the evaluations. 59427

Sec. 3345.38. (A) The board of trustees of each state 59428
institution of higher education shall adopt and implement a policy 59429
to grant undergraduate course credit to a student who has 59430
successfully completed an international baccalaureate diploma 59431
program. 59432

(B) The policy adopted by each institution under this section 59433
shall do all of the following: 59434

(1) Establish conditions for granting course credit, 59435
including the minimum scores required on examinations constituting 59436
the international baccalaureate diploma program in order to 59437
receive credit; 59438

(2) Identify specific course credit or other academic 59439
requirements of the institution, including the number of credit 59440
hours or other course credit that the institution will grant to a 59441

student who completes the diploma program. 59442

(C) As used in this section: 59443

(1) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 59444
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(2) "International baccalaureate diploma program" means the curriculum and examinations leading to an international baccalaureate diploma awarded by the international baccalaureate organization. 59446
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Sec. 3345.39. (A) Beginning with the fall semester, or equivalent quarter, of the 2015-2016 academic year, and the fall semester, or equivalent quarter, of each academic year thereafter, the board of trustees of each state institution of higher education annually shall report to the chancellor of higher education any increase in or additional auxiliary fees charged by the institution and the justification for such increase or addition. The chancellor shall establish procedures for reporting the information required under division (D) of this section. 59450
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(B) As used in this section: 59459

(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students. 59460
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(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 59467
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Sec. 3345.421. Not later than December 31, 2014, the board of trustees of each state institution of higher education, as defined 59469
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in section 3345.011 of the Revised Code, shall do all of the 59471
following: 59472

(A) Designate at least one person employed by the institution 59473
to serve as the contact person for veterans and service member 59474
affairs. Such a person shall assist and advise veterans and 59475
service members on issues related to earning college credit for 59476
military training, experience, and coursework. 59477

(B) Adopt a policy regarding the support and assistance the 59478
institution will provide to veterans and service members. 59479

(C) Allow for the establishment of a student-led group on 59480
campus for student service members and veterans and encourage 59481
other service member- and veteran-friendly organizations. 59482

(D) Integrate existing career services to create and 59483
encourage meaningful collaborative relationships between student 59484
service members and veterans and alumni of the institution, that 59485
links student service members and veterans with prospective 59486
employers, and that provides student service members and veterans 59487
with social opportunities; and, if the institution has career 59488
services programs, encourage the responsible office to seek and 59489
promote partnership opportunities for internships and employment 59490
of student service members and veterans with state, local, 59491
national, and international employers. 59492

(E) Survey student service members and veterans to identify 59493
their needs and challenges and make the survey available to 59494
faculty and staff at the state institution of higher education. 59495
And periodically conduct follow-up surveys, at a frequency 59496
determined by the board, to gauge the institution's progress 59497
toward meeting identified needs and challenges. 59498

The chancellor of ~~the Ohio board of regents~~ higher education 59499
shall provide guidance to state institutions of higher education 59500

in their compliance with this section, including the 59501
recommendation of standardized policies on support and assistance 59502
to veterans and service members. 59503

The person or persons designated under division (A) of this 59504
section shall not be a person currently designated by the 59505
institution as a veterans administration certifying official. 59506

Sec. 3345.45. On or before January 1, 1994, the ~~Ohio board of~~ 59507
~~regents~~ chancellor of higher education jointly with all state 59508
universities, as defined in section 3345.011 of the Revised Code, 59509
shall develop standards for instructional workloads for full-time 59510
and part-time faculty in keeping with the universities' missions 59511
and with special emphasis on the undergraduate learning 59512
experience. The standards shall contain clear guidelines for 59513
institutions to determine a range of acceptable undergraduate 59514
teaching by faculty. 59515

On or before June 30, 1994, the board of trustees of each 59516
state university shall take formal action to adopt a faculty 59517
workload policy consistent with the standards developed under this 59518
section. Notwithstanding section 4117.08 of the Revised Code, the 59519
policies adopted under this section are not appropriate subjects 59520
for collective bargaining. Notwithstanding division (A) of section 59521
4117.10 of the Revised Code, any policy adopted under this section 59522
by a board of trustees prevails over any conflicting provisions of 59523
any collective bargaining agreement between an employees 59524
organization and that board of trustees. 59525

Sec. 3345.46. (A) As used in this section: 59526

(1) "Full course load" shall be defined by the board of 59527
trustees of each state institution of higher education. 59528

(2) "Overload fee" means a fee or increased tuition rate 59529
charged to students who enroll in courses for a total number of 59530

credit hours in excess of a full course load. 59531

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 59532
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(B) No state institution of higher education shall charge an overload fee to any student for courses in which that student is enrolled that exceed the full course load per semester or per quarter, whichever is applicable, except as follows: 59534
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(1) If a student is enrolled in more than eighteen credit hours per semester, or the equivalent number of credit hours per quarter as determined by the board of trustees of the institution, the institution may charge an overload fee to the student for only those credit hours taken in excess of eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable. 59538
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(2) If a student is enrolled in a course load that exceeds the full course load but is less than or equal to eighteen credit hours per semester, or the equivalent number of credit hours per quarter, whichever is applicable, the institution may charge an overload fee to any student for a course from which the student withdraws prior to a date specified by the board of trustees of the state institution. 59545
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Sec. 3345.47. (A) No state university shall require a student to live in on-campus student housing, if the student lives within twenty-five miles of the campus. 59552
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(B) As used in this section: 59555

(1) "On-campus student housing" has the same meaning as in section 3345.85 of the Revised Code. 59556
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(2) "State university" has the same meaning as in section 3345.011 of the Revised Code. 59558
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Sec. 3345.48. (A) As used in this section: 59560

(1) "Cohort" means a group of students who will complete 59561
their bachelor's degree requirements and graduate from a state 59562
university at the same time. A cohort may include transfer 59563
students and other selected undergraduate student academic 59564
programs as determined by the board of trustees of a state 59565
university. 59566

(2) "Eligible student" means an undergraduate student who: 59567

(a) Is enrolled full-time in a bachelor's degree program at a 59568
state university; 59569

(b) Is a resident of this state, as defined by the chancellor 59570
of ~~the Ohio board of regents~~ higher education under section 59571
3333.31 of the Revised Code. 59572

(3) "State university" has the same meaning as in section 59573
3345.011 of the Revised Code. 59574

(B) The board of trustees of a state university may establish 59575
an undergraduate tuition guarantee program that allows eligible 59576
students in the same cohort to pay a fixed rate for general and 59577
instructional fees for four years. A board of trustees may include 59578
room and board and any additional fees in the program. 59579

If the board of trustees chooses to establish such a program, 59580
the board shall adopt rules for the program that include, but are 59581
not limited to, all of the following: 59582

(1) The number of credit hours required to earn an 59583
undergraduate degree in each major; 59584

(2) A guarantee that the general and instructional fees for 59585
each student in the cohort shall remain constant for four years so 59586
long as the student complies with the requirements of the program, 59587
except that, notwithstanding any law to the contrary, the board 59588
may increase the guaranteed amount by up to six per cent above 59589

what has been charged in the previous academic year one time for 59590
the first cohort enrolled under the tuition guarantee program. If 59591
the board of trustees determines that economic conditions or other 59592
circumstances require an increase for the first cohort of above 59593
six per cent, the board shall submit a request to increase the 59594
amount by a specified percentage to the chancellor. The 59595
chancellor, based on information the chancellor requires from the 59596
board of trustees, shall approve or disapprove such a request. 59597
Thereafter, the board of trustees may increase the guaranteed 59598
amount by up to the sum of the following above what has been 59599
charged in the previous academic year one time per subsequent 59600
cohort: 59601

(a) The average rate of inflation, as measured by the 59602
consumer price index prepared by the bureau of labor statistics of 59603
the United States department of labor (all urban consumers, all 59604
items), for the previous sixty-month period; and 59605

(b) The percentage amount the general assembly restrains 59606
increases on in-state undergraduate instructional and general fees 59607
for the applicable fiscal year. If the general assembly does not 59608
enact a limit on the increase of in-state undergraduate 59609
instructional and general fees, then no limit shall apply under 59610
this division for the cohort that first enrolls in any academic 59611
year for which the general assembly does not prescribe a limit. 59612

If, beginning with the academic year that starts four years 59613
after ~~the effective date of this section~~ September 29, 2013, the 59614
board of trustees determines that the general and instructional 59615
fees charged under the tuition guarantee have fallen significantly 59616
lower than those of other state universities, the board of 59617
trustees may submit a request to increase the amount charged to a 59618
cohort by a specified percentage to the chancellor, who shall 59619
approve or disapprove such a request. 59620

(3) A benchmark by which the board sets annual increases in 59621

general and instructional fees. This benchmark and any subsequent
change to the benchmark shall be subject to approval of the
chancellor.

(4) Eligibility requirements for students to participate in
the program;

(5) Student rights and privileges under the program;

(6) Consequences to the university for students unable to
complete a degree program within four years, as follows:

(a) For a student who could not complete the program in four
years due to a lack of available classes or space in classes
provided by the university, the university shall provide the
necessary course or courses for completion to the student free of
charge.

(b) For a student who could not complete the program in four
years due to military service or other circumstances beyond a
student's control, as determined by the board of trustees, the
university shall provide the necessary course or courses for
completion to the student at the student's initial cohort rate.

(c) For a student who did not complete the program in four
years for any other reason, as determined by the board of
trustees, the university shall provide the necessary course or
courses for completion to the student at a rate determined through
a method established by the board under division (B)(7) of this
section.

(7) Guidelines for adjusting a student's annual charges if
the student, due to circumstances under the student's control, is
unable to complete a degree program within four years;

(8) A requirement that the rules adopted under division (B)
of this section be published or posted in the university handbook,
course catalog, and web site.

(C) If a board of trustees implements a program under this section, the board shall submit the rules adopted under division (B) of this section to the chancellor for approval before beginning implementation of the program.

The chancellor shall not unreasonably withhold approval of a program if the program conforms in principle with the parameters and guidelines of this section.

(D) A board of trustees of a state university may establish an undergraduate tuition guarantee program for nonresident students.

(E) Within five years after ~~the effective date of this section~~ September 29, 2013, the chancellor shall publish on the ~~board of regents~~ chancellor's web site a report that includes all of the following:

(1) The state universities that have adopted an undergraduate tuition guarantee program under this section;

(2) The details of each undergraduate tuition guarantee program established under this section;

(3) Comparative data, including general and instructional fees, room and board, graduation rates, and retention rates, from all state universities.

(F) Except as provided in this section, no other limitation on the increase of in-state undergraduate instructional and general fees shall apply to a state university that has established an undergraduate tuition guarantee program under this section.

Sec. 3345.50. Notwithstanding anything to the contrary in sections 123.01 and 123.10 of the Revised Code, a state university, a state community college, or the northeast Ohio medical university not certified pursuant to section 123.24 of the

Revised Code may administer any capital facilities project for the 59682
construction, reconstruction, improvement, renovation, 59683
enlargement, or alteration of a public improvement under its 59684
jurisdiction for which the total amount of funds expected to be 59685
appropriated by the general assembly does not exceed four million 59686
dollars without the supervision, control, or approval of the Ohio 59687
facilities construction commission as specified in those sections, 59688
if both of the following occur: 59689

(A) Within sixty days after the effective date of the section 59690
of an act in which the general assembly initially makes an 59691
appropriation for the project, the board of trustees of the 59692
institution notifies the chancellor of ~~the Ohio board of regents~~ 59693
higher education in writing of its intent to administer the 59694
capital facilities project; 59695

(B) The board of trustees complies with the guidelines 59696
established pursuant to section 153.16 of the Revised Code and all 59697
laws that govern the selection of consultants, preparation and 59698
approval of contract documents, receipt of bids, and award of 59699
contracts with respect to the project. 59700

The chancellor shall adopt rules in accordance with Chapter 59701
119. of the Revised Code that establish criteria for the 59702
administration by any such institution of higher education of a 59703
capital facilities project for which the total amount of funds 59704
expected to be appropriated by the general assembly exceeds four 59705
million dollars. The criteria, to be developed with the Ohio 59706
facilities construction commission and higher education 59707
representatives selected by the chancellor, shall include such 59708
matters as the adequacy of the staffing levels and expertise 59709
needed for the institution to administer the project, past 59710
performance of the institution in administering such projects, and 59711
the amount of institutional or other nonstate money to be used in 59712
financing the project. The chancellor and the Ohio facilities 59713

construction commission shall approve the request of any such 59714
institution of higher education that seeks to administer any such 59715
capital facilities project and meets the criteria set forth in the 59716
rules and in the requirements of division (B) of this section. 59717

Sec. 3345.51. (A) Notwithstanding anything to the contrary in 59718
sections 123.20 and 123.21 of the Revised Code, a state 59719
university, the northeast Ohio medical university, or a state 59720
community college may administer any capital facilities project 59721
for the construction, reconstruction, improvement, renovation, 59722
enlargement, or alteration of a public improvement under its 59723
jurisdiction for which funds are appropriated by the general 59724
assembly without the supervision, control, or approval of the Ohio 59725
facilities construction commission as specified in those sections, 59726
if all of the following occur: 59727

(1) The institution is certified by the commission under 59728
section 123.24 of the Revised Code; 59729

(2) Within sixty days after the effective date of the section 59730
of an act in which the general assembly initially makes an 59731
appropriation for the project, the board of trustees of the 59732
institution notifies the chancellor of ~~the Ohio board of regents~~ 59733
higher education in writing of its request to administer the 59734
capital facilities project and the chancellor approves that 59735
request pursuant to division (B) of this section; 59736

(3) The board of trustees passes a resolution stating its 59737
intent to comply with section 153.13 of the Revised Code and the 59738
guidelines established pursuant to section 153.16 of the Revised 59739
Code and all laws that govern the selection of consultants, 59740
preparation and approval of contract documents, receipt of bids, 59741
and award of contracts with respect to the project. 59742

(B) The chancellor shall adopt rules in accordance with 59743
Chapter 119. of the Revised Code that establish criteria for the 59744

administration by any such institution of higher education of a 59745
capital facilities project for which the general assembly 59746
appropriates funds. The criteria, to be developed with the 59747
commission and higher education representatives selected by the 59748
chancellor, shall include such matters as the adequacy of the 59749
staffing levels and expertise needed for the institution to 59750
administer the project, past performance of the institution in 59751
administering such projects, and the amount of institutional or 59752
other nonstate money to be used in financing the project. The 59753
chancellor shall approve the request of any such institution of 59754
higher education that seeks to administer any such capital 59755
facilities project and meets the criteria set forth in the rules 59756
and the requirements of division (A) of this section. 59757

(C) Any institution that administers a capital facilities 59758
project under this section shall conduct biennial audits for the 59759
duration of the project to ensure that the institution is 59760
complying with Chapters 9., 123., and 153. of the Revised Code and 59761
that the institution is using its certification issued under 59762
section 123.24 of the Revised Code appropriately. The chancellor, 59763
in consultation with higher education representatives selected by 59764
the chancellor, shall adopt rules in accordance with Chapter 119. 59765
of the Revised Code that establish criteria for the conduct of the 59766
audits. The criteria shall include documentation necessary to 59767
determine compliance with Chapters 9., 123., and 153. of the 59768
Revised Code and a method to determine whether an institution is 59769
using its certification issued under section 123.24 of the Revised 59770
Code appropriately. 59771

(D) The chancellor, in consultation with higher education 59772
representatives selected by the chancellor, shall adopt rules in 59773
accordance with Chapter 119. of the Revised Code establishing 59774
criteria for monitoring capital facilities projects administered 59775
by institutions under this section. The criteria shall include the 59776

following:	59777
(1) Conditions under which the chancellor may revoke the authority of an institution to administer a capital facilities project under this section, including the failure of an institution to maintain a sufficient number of employees who have successfully completed the certification program under section 123.24 of the Revised Code;	59778 59779 59780 59781 59782 59783
(2) A process for institutions to remedy any problems found by an audit conducted pursuant to division (C) of this section, including the improper use of state funds or violations of Chapter 9., 123., or 153. of the Revised Code.	59784 59785 59786 59787
(E) If the chancellor revokes an institution's authority to administer a capital facilities project, the commission shall administer the capital facilities project. The chancellor also may require an institution, for which the chancellor revoked authority to administer a capital facilities project, to acquire a new local administration competency certification pursuant to section 123.24 of the Revised Code.	59788 59789 59790 59791 59792 59793 59794
Sec. 3345.54. (A) As used in this section:	59795
(1) "Auxiliary facilities" has the same meaning as in section 3345.12 of the Revised Code.	59796 59797
(2) "Conduit entity" means an organization described in section 501(c)(3) of the Internal Revenue Code qualified as a public charity under section 509(a)(2) or 509(a)(3) of the Internal Revenue Code, or any other appropriate legal entity selected by the state institution, whose corporate purpose allows it to perform the functions and obligations of a conduit entity pursuant to the terms of a financing agreement.	59798 59799 59800 59801 59802 59803 59804
(3) "Conveyed property" means auxiliary facilities conveyed by a state institution to a conduit entity pursuant to a financing	59805 59806

agreement.	59807
(4) "Financing agreement" means a contract described in	59808
division (C) of this section.	59809
(5) "Independent funding source" means a private entity that	59810
enters into a financing agreement with a conduit entity and a	59811
state institution.	59812
(6) "State institution" means a state institution of higher	59813
education as defined in section 3345.011 of the Revised Code.	59814
(B) The board of trustees of a state institution, with the	59815
approval of the chancellor of the Ohio board of regents <u>higher</u>	59816
<u>education</u> and the controlling board, may enter into a financing	59817
agreement with a conduit entity and an independent funding source	59818
selected either through a competitive selection process or by	59819
direct negotiations, and may convey to the conduit entity title to	59820
any auxiliary facilities owned by the state institution pursuant	59821
to the terms of a financing agreement.	59822
(C) A financing agreement under this section is a written	59823
contract entered into among a state institution, a conduit entity,	59824
and an independent funding source that provides for:	59825
(1) The conveyance of auxiliary facilities owned by a state	59826
institution to the conduit entity for consideration deemed	59827
adequate by the state institution;	59828
(2) The lease of the conveyed property by the conduit entity	59829
to the independent funding source and leaseback of the conveyed	59830
property to the conduit entity for a term not to exceed	59831
ninety-nine years;	59832
(3) Such other terms and conditions that may be negotiated	59833
and agreed upon by the parties, including, but not limited to,	59834
terms regarding:	59835
(a) Payment to the state institution by the conduit entity of	59836

revenues received by it from the operations of the conveyed 59837
property in excess of the payments it is required to make to the 59838
independent funding source under the lease-leaseback arrangement 59839
described in division (C)(2) of this section; 59840

(b) Pledge, assignment, or creation of a lien in favor of the 59841
independent funding source by the conduit entity of any revenues 59842
derived from the conveyed property; 59843

(c) Reverter or conveyance of title to the conveyed property 59844
to the state institution when the conveyed property is no longer 59845
subject to a lease with the independent funding source. 59846

(4) Terms and conditions required by the chancellor or the 59847
controlling board as a condition of approval of the financing 59848
agreement. 59849

(D) The state institution and the conduit entity may enter 59850
into such other management agreements or other contracts regarding 59851
the conveyed property the parties deem appropriate, including 59852
agreements pursuant to which the state institution may maintain or 59853
administer the conveyed property and collect and disburse revenues 59854
from the conveyed property on behalf of the conduit entity. 59855

(E) The parties may modify or extend the term of the 59856
financing agreement with the approval of the chancellor and the 59857
controlling board. 59858

(F) The conveyed property shall retain its exemption from 59859
property taxes and assessments as though title to the conveyed 59860
property were held by the state institution during any part of a 59861
tax year that title is held by the state institution or the 59862
conduit entity and, if held by the conduit entity, remains subject 59863
to the lease-leaseback arrangement described in division (C)(2) of 59864
this section. However, as a condition of the continued exemption 59865
of the conveyed property during the term of the lease-leaseback 59866
arrangement the conduit entity shall apply for and maintain the 59867

exemption as provided by law. 59868

(G) Nothing in this section is intended to abrogate, amend, 59869
limit, or replace any existing authority state institutions may 59870
have with respect to the conveyance, lease, lease-leaseback, 59871
finance, or acquisition of auxiliary facilities including, but not 59872
limited to, authority granted under sections 3345.07, 3345.11, and 59873
3345.12 of the Revised Code. 59874

Sec. 3345.692. (A) Not later than September 15, 2010, and the 59875
fifteenth day of September each year thereafter, a state 59876
institution of higher education shall prepare and submit to the 59877
chancellor of ~~the board of regents~~ higher education a report that 59878
describes the number and types of biobased products purchased 59879
under section 125.092 of the Revised Code and the amount of money 59880
spent by the state institution of higher education for those 59881
biobased products. 59882

(B) As used in this section, "state institution of higher 59883
education" has the same meaning as in section 3345.011 of the 59884
Revised Code. 59885

Sec. 3345.70. (A) Whenever the board of trustees of a state 59886
university, as defined under section 3345.011 of the Revised Code, 59887
declares that the university is in a state of fiscal exigency, the 59888
board shall do all of the following until it declares that the 59889
university is no longer in such a state: 59890

(1) File quarterly reports on an annualized budget, comparing 59891
the budget to actual spending with projected expenses for the 59892
remainder of the year. Such reports shall include narrative 59893
explanations as appropriate. 59894

(2) Place all residence hall and meal fees in a rotary 59895
account dedicated to the upkeep and maintenance of the dormitory 59896
buildings and to fund meal programs; 59897

(3) Place moneys for the operation of residence hall and meal programs in separately maintained auxiliary funds in the university accounting system;

(4) File the minutes from their board of trustees meetings with the ~~board of regents~~ chancellor of higher education within thirty days of their meetings.

(B) No state university described under division (A) of this section shall do any of the following:

(1) Use state funds for the purpose of providing grants or scholarships to out-of-state students;

(2) Use state funds to subsidize off-campus housing or subsidize transportation to and from off-campus housing.

(C) The requirements of divisions (A)(2) and (3) of this section are subject to the provisions of any applicable bond proceedings as defined under division (A)(9) of section 3345.12 of the Revised Code and to any applicable pledge made as authorized by division (R) of section 3345.12 of the Revised Code.

Sec. 3345.72. (A) The office of budget and management shall work with the auditor of state, the ~~Ohio board of regents~~ chancellor of higher education, and two representatives of state universities and colleges appointed by the chancellor ~~of the board of regents~~ to develop rules under this division, and shall adopt the rules in accordance with section 111.15 of the Revised Code. One of the chancellor's appointments shall represent a four-year institution and one a two-year institution. The rules shall include all of the following:

(1) Criteria for determining when to declare a state university or college under a fiscal watch, which criteria shall include all of the following:

(a) A requirement for the submission of a quarterly report

from each state university or college, within thirty days after 59928
the end of each calendar quarter, to the ~~board of regents~~ 59929
chancellor of higher education, the director of budget and 59930
management, ~~the legislative budget office~~ of the legislative 59931
service commission, and the chairpersons and ranking minority 59932
members of the finance committees of the house of representatives 59933
and the senate; 59934

(b) A requirement that each state university and college 59935
shall prepare at the end of each fiscal year a financial statement 59936
consistent with audit requirements prescribed by the auditor of 59937
state, and shall submit the financial statement to the auditor of 59938
state within four months after the end of the fiscal year; 59939

(c) A requirement that the auditor of state shall send 59940
written notice to the agencies and persons mentioned in division 59941
(A)(1)(a) of this section if a state university or college fails 59942
to submit its financial statement within the time required under 59943
division (A)(1)(b) of this section; 59944

(d) A requirement that the auditor of state shall send 59945
written notice to the agencies and persons mentioned in division 59946
(A)(1)(a) of this section if an audit of a state university or 59947
college reveals any of the following: 59948

(i) Substantive audit findings, such as an inability to make 59949
timely payments to vendors, delays in pension retirement 59950
contributions, or requests for advanced state funding; 59951

(ii) A significant variance between budgeted and actual 59952
spending for a fiscal year; 59953

(iii) A significant operating budget deficit for a fiscal 59954
year. 59955

(2) Actions to be taken by the board of trustees of a state 59956
university or college while under a fiscal watch; 59957

(3) Criteria for determining when to declare the termination of the fiscal watch of a state university or college; 59958
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(4) The fiscal information to be reported to the ~~board of regents~~ chancellor of higher education by each state university or college under a fiscal watch for purposes of making determinations under division (D) of this section and division (A) of section 3345.74 of the Revised Code, and the frequency and deadlines for reporting this information. 59960
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(B) The ~~board of regents~~ chancellor shall adopt a resolution declaring a state university or college to be in a state of fiscal watch if the ~~board of regents~~ chancellor determines that the criteria adopted under division (A)(1) of this section are satisfied with respect to that state university or college. For purposes of making this determination, the ~~board of regents~~ chancellor shall establish a financial tracking system and shall use the system to regularly assess each state university or college with respect to the criteria adopted under division (A)(1) of this section. 59966
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(C) While a state university or college is under a fiscal watch, the board of trustees of the university or college shall take the actions and report the fiscal information prescribed under divisions (A)(2) and (4) of this section. 59976
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(D) The ~~board of regents~~ chancellor shall adopt a resolution declaring the termination of the fiscal watch of a state university or college if the ~~board of regents~~ chancellor determines that the criteria adopted under division (A)(3) of this section are satisfied with respect to that state university or college. 59980
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(E) In making assessments and determinations under division (B) or (D) of this section, the ~~board of regents~~ chancellor shall use financial reports required under section 3345.05 of the 59986
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Revised Code or any other documents, records, or information 59989
available to ~~it~~ the chancellor or the auditor of state related to 59990
the criteria adopted under division (A)(1) or (3) of this section. 59991
In making determinations under division (D) of this section, the 59992
~~board of regents~~ chancellor shall also use the fiscal information 59993
reported under division (C) of this section. 59994

(F) The ~~board of regents~~ chancellor of higher education shall 59995
certify each action taken under division (B) or (D) of this 59996
section to the governor, the director of budget and management, 59997
the speaker and minority leader of the house of representatives, 59998
the president and minority leader of the senate, ~~the legislative~~ 59999
~~budget office~~ of the legislative service commission, and the 60000
chairpersons and ranking minority members of the finance 60001
committees of the house and senate. 60002

(G) A determination by the ~~board of regents~~ chancellor of 60003
higher education under this section that a fiscal watch exists or 60004
does not exist, or that a fiscal watch is terminated or is not 60005
terminated, is final and conclusive and not appealable. 60006

(H) If a state university or college fails to submit the 60007
quarterly report required under division (A)(1) of this section 60008
within thirty days after the end of a calendar quarter, the ~~board~~ 60009
~~of regents~~ chancellor shall withhold payment of any instructional 60010
subsidies to the university or college until it submits the 60011
report. Upon submission of the report, the ~~board of regents~~ 60012
chancellor shall pay the withheld subsidies to the university or 60013
college. 60014

Sec. 3345.73. The office of budget and management shall work 60015
with the auditor of state, the ~~Ohio board of regents~~ chancellor of 60016
higher education, and two representatives of state universities 60017
and colleges appointed by the chancellor ~~of the board of regents~~ 60018
to develop rules under this section, and shall adopt the rules in 60019

accordance with section 111.15 of the Revised Code. One of the 60020
chancellor's appointments shall represent a four-year institution 60021
and one a two-year institution. The rules shall establish the 60022
following: 60023

(A) The financial indicators and the standards for using 60024
those indicators that the ~~board of regents~~ chancellor is to employ 60025
to determine whether a university or college under a fiscal watch 60026
is experiencing sufficient fiscal difficulties to warrant 60027
appointing a conservator under section 3345.74 of the Revised 60028
Code; 60029

(B) The financial indicators and the standards for using 60030
those indicators that a governance authority established for a 60031
state university or college under section 3345.75 of the Revised 60032
Code is to employ to determine whether the university or college 60033
is experiencing sufficient fiscal stability to warrant terminating 60034
that governance authority in accordance with section 3345.76 of 60035
the Revised Code. 60036

The indicators and standards adopted under this section shall 60037
be designed so as to take into account at least the revenues, 60038
expenditures, assets, liabilities, and fund balances of a state 60039
university or college, and shall be designed so as to indicate the 60040
financial performance and position of a state university or 60041
college. 60042

Sec. 3345.74. (A) The ~~Ohio board of regents~~ chancellor of 60043
higher education at least annually shall apply the indicators and 60044
standards adopted under division (A) of section 3345.73 of the 60045
Revised Code to determine whether a state university or college 60046
under a fiscal watch is experiencing sufficient fiscal 60047
difficulties to warrant the appointment of a conservator under 60048
this section. Upon making a determination that appointment of a 60049
conservator is warranted, the ~~board of regents~~ chancellor shall 60050

request from the office of budget and management, which shall 60051
provide, certification that sufficient fiscal difficulties exist 60052
to warrant appointment of a conservator. The ~~board of regents~~ 60053
chancellor shall then certify this determination to the governor. 60054

Notwithstanding section 3333.021 of the Revised Code, that 60055
section does not apply to certification by the ~~board of regents~~ 60056
chancellor under this section or to the declaration of a fiscal 60057
watch under section 3345.72 of the Revised Code. 60058

A determination by the ~~board of regents~~ chancellor under this 60059
division that sufficient fiscal difficulties exist or do not exist 60060
to warrant appointing a conservator is final and conclusive and 60061
not appealable. 60062

(B) The governor may appoint a conservator for any state 60063
university or college under a fiscal watch, upon certification by 60064
the ~~Ohio board of regents~~ chancellor under division (A) of this 60065
section that the appointment is warranted. The governor shall 60066
consult with the speaker ~~and~~ and minority leader of the house of 60067
representatives and the president and minority leader of the 60068
senate before making the appointment. From the time a conservator 60069
is appointed until the time the governor issues an order 60070
terminating the governance authority under division (B) of section 60071
3345.76 of the Revised Code, the governor may remove any member of 60072
the board of trustees of the state university or college from 60073
office and not fill the vacancy. 60074

(C) Upon appointment of a conservator under this section for 60075
a state university or college, all of the following shall occur 60076
effective immediately: 60077

(1) All duties, responsibilities, and powers of the board of 60078
trustees of the university or college are suspended; 60079

(2) The management and control of the state university or 60080
college is assumed by the conservator; 60081

(3) Notwithstanding any section of the Revised Code, all 60082
duties, responsibilities, and powers assigned by law to the board 60083
of trustees are assigned to the conservator, and the conservator 60084
becomes the successor to, assumes the lawful obligations of, and 60085
otherwise constitutes the continuation of the board of trustees 60086
for purposes of all pending legal actions, contracts or other 60087
agreements, and obligations of the university or college; 60088

(4) Wherever the board of trustees is referred to in any 60089
contract or legal document, the reference is deemed to refer to 60090
the conservator. No validation, cure, right, privilege, remedy, 60091
obligation, or liability is lost or impaired by reason of the 60092
assumption of the board's authority by the conservator under this 60093
section and any such validation, cure, right, privilege, remedy, 60094
obligation, or liability shall be administered by the conservator. 60095
No action or proceeding pending on the effective date of the 60096
assumption by the conservator of the board's authority is affected 60097
by that assumption and any such action or proceeding shall be 60098
prosecuted or defended in the name of the conservator. 60099

(5) The conservator assumes custody of all equipment, 60100
records, files, effects, and all other property real or personal 60101
of the state university or college; 60102

(6) All authority and duties of the president or chief 60103
executive officer, and the pay of the president or chief executive 60104
officer, are suspended. 60105

(D) The conservator for a state university or college shall 60106
conduct a preliminary performance evaluation of the president or 60107
chief executive officer of the university or college and provide a 60108
copy of findings and any recommendations to the governance 60109
authority established for the university or college under section 60110
3345.75 of the Revised Code. 60111

(E) A conservator appointed under this section shall be 60112

immune, indemnified, and held harmless from civil liability, 60113
including any cause of action, legal, equitable, or otherwise, for 60114
any action taken or duties performed by the conservator in good 60115
faith and in furtherance of the performance of the duties of the 60116
conservator under this section. 60117

(F) The governor shall set the compensation for a conservator 60118
appointed for a state university or college. The expenses and 60119
compensation of the conservator and others employed by the 60120
conservator shall be paid out of the operating funds and revenues 60121
of that university or college. 60122

Sec. 3345.75. (A) Not later than thirty days after the date 60123
of the appointment of a conservator for a state university or 60124
college under section 3345.74 of the Revised Code, the governor 60125
shall appoint, with the advice and consent of the senate, a 60126
governance authority for the university or college consisting of 60127
five members. The members shall serve at the pleasure of the 60128
governor and any vacancies shall be filled in the same manner as 60129
an original appointment. 60130

The governor shall designate one of the members of the 60131
governance authority as the chairperson and shall call the first 60132
meeting of the authority. A majority of the members of a 60133
governance authority constitutes a quorum and the affirmative vote 60134
of a majority of the members shall be necessary for any action 60135
taken by an authority. Meetings of a governance authority shall be 60136
called in the manner and at the times prescribed by the authority, 60137
but the authority shall meet at least four times annually and at 60138
other times necessary for the best interest of the university or 60139
college. A governance authority may adopt procedures for the 60140
conduct of its business. 60141

The members of a governance authority shall not receive 60142
compensation for their services, but shall be paid their 60143

reasonable and necessary expenses while engaged in the discharge 60144
of their official duties. 60145

(B)(1) A governance authority established under this section 60146
shall appoint an executive director who shall serve at the 60147
pleasure of the authority and with the compensation and other 60148
terms and conditions established by it. With the approval of the 60149
chairperson of the authority, the executive director may appoint 60150
additional personnel as the director considers appropriate. The 60151
executive director shall oversee the day-to-day operation of the 60152
university or college under the direction and supervision of the 60153
authority. 60154

(2) The governance authority shall conduct a final 60155
performance evaluation of the president or chief executive officer 60156
of the university or college. Following the evaluation, the 60157
governance authority may reinstate any duties, authority, or pay 60158
previously suspended under division (C)(6) of section 3345.74 of 60159
the Revised Code, or may terminate the president or chief 60160
executive officer in accordance with the terms of the person's 60161
employment contract. 60162

(C) Upon appointment of all members of a governance authority 60163
under this section and upon the effective date for the 60164
commencement of the duties of the executive director appointed by 60165
that authority under this section, all authority, 60166
responsibilities, duties, and references assumed by or conferred 60167
upon the conservator under divisions (C)(2) to (6) of section 60168
3345.74 of the Revised Code terminate and all of the following 60169
shall occur, effective immediately: 60170

(1) The management and control of the state university or 60171
college is assumed by the governance authority; 60172

(2) Notwithstanding any section of the Revised Code, all 60173
duties, responsibilities, and powers assigned by law to the board 60174

of trustees or to the conservator are assigned to the governance 60175
authority and the governance authority becomes the successor to, 60176
assumes the lawful obligations of, and otherwise constitutes the 60177
continuation of the board of trustees and the conservator for 60178
purposes of all pending legal actions, contracts or other 60179
agreements, and obligations of the university or college; 60180

(3) Wherever the board of trustees or conservator is referred 60181
to in any contract or legal document, the reference is deemed to 60182
refer to the governance authority. No validation, cure, right, 60183
privilege, remedy, obligation, or liability is lost or impaired by 60184
reason of the assumption of the authority of the board of trustees 60185
and the conservator by the governance authority under this section 60186
and any such validation, cure, right, privilege, remedy, 60187
obligation, or liability shall be administered by the governance 60188
authority. No action or proceeding pending on the effective date 60189
of the assumption by the governance authority of the authority of 60190
the board of trustees and the conservator is affected by that 60191
assumption and any such action or proceeding shall be prosecuted 60192
or defended in the name of the governance authority. 60193

(4) The governance authority assumes custody of all 60194
equipment, records, files, effects, and all other property real or 60195
personal of the state university or college. 60196

(D) A governance authority and executive director appointed 60197
under this section shall be immune, indemnified, and held harmless 60198
from civil liability, including any cause of action, legal, 60199
equitable, or otherwise, for any action taken or duties performed 60200
by the governance authority and executive director in good faith 60201
and in furtherance of the performance of the duties of the 60202
governance authority and executive director under this section. 60203

(E) The expenses of a governance authority and the expenses 60204
and compensation of an executive director appointed for a state 60205
university or college under this section and others employed by 60206

the executive director under this section shall be paid out of the 60207
operating funds and revenues of that university or college. 60208

(F) A governance authority appointed under this section shall 60209
prepare, in accordance with rules adopted by the office of budget 60210
and management, and submit to the ~~board of regents~~ chancellor of 60211
higher education, the governor, the speaker and minority leader of 60212
the house of representatives, and the president and minority 60213
leader of the senate a quarterly report setting forth all of the 60214
following: 60215

(1) The general condition of the university or college; 60216

(2) The amounts of receipts and disbursements and the items 60217
for which the disbursements were made; 60218

(3) The numbers of professors, officers, teachers, and other 60219
employees and the position and compensation of each and the 60220
numbers of students by courses of instruction; 60221

(4) An estimate of expenses for the ensuing quarter; 60222

(5) A statement of the general progress of the university or 60223
college with indication of any improvements and specification of 60224
any experiments with institutional reform and the costs and 60225
results of those experiments; 60226

(6) Any other matters the governance authority considers 60227
useful to report. 60228

(G) The attorney general shall be the legal adviser to the 60229
conservator and the governance authority, and the attorney general 60230
may employ special counsel to aid the conservator or governance 60231
authority with respect to any legal matter on behalf of the 60232
institution. The conservator and the governance authority may as 60233
otherwise provided by law request the attorney general to bring or 60234
defend suits or proceedings in the name of the institution. 60235

Sec. 3345.76. (A) A governance authority appointed for a 60236

state university or college under section 3345.75 of the Revised Code at least annually shall apply the indicators and standards adopted under division (B) of section 3345.73 of the Revised Code to determine whether the university or college is experiencing sufficient fiscal stability to warrant terminating that governance authority in accordance with this section. Upon making a determination that termination of the governance authority is warranted, the governance authority shall certify this determination to the governor.

A determination by a governance authority under this division that sufficient fiscal stability exists or does not exist to warrant terminating that governance authority is final and conclusive and not appealable.

(B) The governor may issue an order, effective as provided under division (D) of this section, terminating the governance authority appointed under section 3345.75 of the Revised Code, upon the occurrence of either of the following:

(1) Certification by the governance authority for that state university or college the termination of that governance authority is warranted;

(2) A finding that in the governor's opinion termination of the governance authority is in the best interests of the state, that state university or college, and the students of that state university or college.

(C) Upon issuance of an order under division (B) of this section, the governor shall fill each vacancy on the board of trustees of the university or college for the unexpired portion of the member's term or, if the term for the member has already expired, for the unexpired portion of the succeeding term.

(D) Thirty days after the date on which the ~~Ohio board of regents~~ chancellor of higher education determines that all

vacancies on the board of trustees have been filled, all 60268
authority, responsibilities, duties, and references assumed by or 60269
conferred upon the governance authority of that university or 60270
college under division (C) of section 3345.75 of the Revised Code 60271
terminate and all of the following shall occur: 60272

(1) The management and control of the state university or 60273
college by the board of trustees shall be resumed; 60274

(2) The board becomes the successor to, assumes the lawful 60275
obligations of, and otherwise constitutes the continuation of the 60276
conservator and the governance authority for purposes of all 60277
pending legal actions, contracts or other agreements, and 60278
obligations of the university or college; 60279

(3) Wherever the conservator or the governance authority is 60280
referred to in any contract or legal document, the reference is 60281
deemed to refer to the board of trustees. No validation, cure, 60282
right, privilege, remedy, obligation, or liability is lost or 60283
impaired by reason of the resumption by the board of trustees of 60284
the authority of the conservator and the governance authority, and 60285
any such validation, cure, right, privilege, remedy, obligation, 60286
or liability shall be administered by the board of trustees. No 60287
action or proceeding pending on the effective date of the 60288
resumption by the board of trustees of the authority of the 60289
conservator and the governance authority is affected by that 60290
resumption, and any such action or proceeding shall be prosecuted 60291
or defended in the name of the board of trustees. 60292

(4) The board of trustees resumes custody of all equipment, 60293
records, files, effects, and all other property real or personal 60294
of the state university or college; 60295

(5) Employment of the executive director appointed for the 60296
university or college under section 3345.75 of the Revised Code is 60297
terminated; 60298

(6) The duties, authority, and pay of the president or chief executive officer of the university or college suspended under division (C)(6) of section 3345.74 and not reinstated under division (B)(2) of section 3345.75 of the Revised Code are reinstated to the person holding that position, unless otherwise provided for by the board of trustees.

Sec. 3345.81. Not later than June 30, 2014, the board of trustees of each institution of higher education, as defined by section 3345.12 of the Revised Code, shall adopt an institution-specific strategic completion plan designed to increase the number of degrees and certificates awarded to students. The plan shall be consistent with the mission and strategic priorities of the institution, include ~~measurable~~ measurable student completion goals, and align with the state's workforce development priorities. Upon adoption by the board of trustees, each institution of higher education shall provide a copy of its plan to the chancellor of ~~the Ohio board of regents~~ higher education.

The board of trustees of each institution of higher education shall update its plan at least once every two years and provide a copy of their updated plan to the chancellor upon adoption.

Sec. 3345.86. (A) As used in this section, an "eligible institution" means a community college established under Chapter 3354. of the Revised Code, a university branch established under Chapter 3355. of the Revised Code, a technical college established under Chapter 3357. of the Revised Code, or a state community college established under Chapter 3358. of the Revised Code.

(B) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll in an eligible institution for up to two

~~cumulative~~ consecutive school years for the purpose of completing 60329
the requirements to earn a high school diploma. An individual 60330
enrolled under this division may elect to satisfy these 60331
requirements by successfully completing a competency-based 60332
~~instructional~~ educational program, as defined in section 3317.02 60333
of the Revised Code, that complies with the standards adopted by 60334
the ~~state board~~ department of education under section 3317.231 of 60335
the Revised Code. 60336

The eligible institution in which the individual enrolls 60337
shall report that individual's enrollment on a full-time 60338
equivalency basis to the department ~~of education~~. 60339

(C)(1) For each eligible institution that enrolls individuals 60340
under division (B) of this section, the department annually shall 60341
certify the enrollment and attendance, on a full-time equivalency 60342
basis, of each individual reported by the institution under that 60343
division. 60344

(2) For each individual enrolled in an eligible institution 60345
under division (B) of this section, the department annually shall 60346
pay ~~to the institution an amount equal to the following:~~ 60347

~~\$5,000 X the individual's enrollment on a full time 60348
equivalency basis as certified under division (C)(1) of this 60349
section X the portion of the school year in which the individual 60350
is enrolled in the institution expressed as a percentage up to 60351
\$5,000, as determined by the department based on the extent of the 60352
individual's successful completion of the graduation requirements 60353
prescribed under sections 3313.603, 3313.61, 3313.611, and 60354
3313.614 of the Revised Code. 60355~~

(D) If an individual enrolled in an eligible institution 60356
under division (B) of this section completes the requirements to 60357
earn a high school diploma, the institution shall certify the 60358
completion of those requirements to the city, local, or exempted 60359

village school district in which the individual resides. Upon 60360
receiving certification under this division, the city, local, or 60361
exempted village school district in which the individual resides 60362
shall issue a high school diploma to the individual within sixty 60363
days of receipt of the certification. 60364

(E) An eligible institution that enrolls individuals under 60365
division (B) of this section shall be subject to the program 60366
administration standards adopted by the ~~state board~~ department 60367
under section 3317.231 of the Revised Code, as applicable. 60368

Sec. 3354.01. As used in sections 3354.01 to 3354.18~~7~~ 60369
~~inclusive~~, of the Revised Code: 60370

(A) "Community college district" means a political 60371
subdivision of the state and a body corporate with all the powers 60372
of a corporation, comprised of the territory of one or more 60373
contiguous counties having together a total population of not less 60374
than seventy-five thousand preceding the establishment of such 60375
district, and organized for the purpose of establishing, owning, 60376
and operating a community college within the territory of such 60377
district. 60378

(B) "Contiguous counties" means counties so located that each 60379
such county shares at least one boundary in common with at least 60380
one other such county in the group of counties referred to as 60381
being "contiguous." 60382

(C) "Community college" means a public institution of 60383
education beyond the high school organized for the principal 60384
purpose of providing for the people of the community college 60385
district wherein such college is situated the instructional 60386
programs defined in this section as "arts and sciences" and 60387
"technical," or either, and may include the "adult-education" 60388
program as defined in this section~~7~~. Except for bachelor's 60389
programs offered under section 3354.071 of the Revised Code, 60390

instructional programs shall not exceeding exceed two years⁺ in 60391
duration. 60392

A university maintained and operated by a municipality 60393
located in a county having a total population equal to the 60394
requirement for a community college district as set forth in 60395
division (A) of section 3354.01 of the Revised Code and is found 60396
by the ~~Ohio board of regents~~ chancellor of higher education to 60397
offer instructional programs which are needed in the community and 60398
which are equivalent to those required of community colleges shall 60399
be, for the purposes of receiving state or federal financial aid 60400
only, considered a community college and shall receive the same 60401
state financial assistance granted to community colleges but only 60402
in respect to students enrolled in their first and second year of 60403
post high school education in the kinds of instructional programs 60404
offered by the municipal university. 60405

(D) "Arts and sciences program" means a both of the 60406
following: 60407

(1) A curricular program of two years or less duration, 60408
provided within a community college, planned and intended to 60409
enable students to gain academic credit for courses generally 60410
comparable to courses offered in the first two years in accredited 60411
colleges and universities in the state, and designed either to 60412
enable students to transfer to such colleges and universities for 60413
the purpose of earning baccalaureate degrees or to enable students 60414
to terminate academic study after two years with a proportionate 60415
recognition of academic achievement. 60416

(2) A bachelor's degree program approved and offered under 60417
section 3354.071 of the Revised Code. 60418

(E) "Adult-education program" means the dissemination of post 60419
high school educational service and knowledge, by a community 60420
college, for the occupational, cultural, or general educational 60421

benefit of adult persons, such educational service and knowledge 60422
not being offered for the primary purpose of enabling such persons 60423
to obtain academic credit or other formal academic recognition. 60424

(F) "Charter amendment" means a change in the official plan 60425
of a community college for the purpose of acquiring additional 60426
lands or structures, disposing of or transferring lands or 60427
structures, erection of structures, or creating or abolishing of 60428
one or more academic departments corresponding to generally 60429
recognized fields of academic study. 60430

(G) "Technical program" means a post high school curricular 60431
program of two years or less duration, provided within a community 60432
college, planned and intended to enable students to gain academic 60433
credit for courses designed to prepare such students to meet the 60434
occupational requirements of the community. 60435

(H) "Operating costs" means all expenses for all purposes of 60436
the community college district except expenditures for permanent 60437
improvements having an estimated life of usefulness of five years 60438
or more as certified by the fiscal officer of the community 60439
college district. 60440

Sec. 3365.02. (A) There is hereby established the college 60441
credit plus program under which, beginning with the 2015-2016 60442
school year, a secondary grade student who is a resident of this 60443
state may enroll at a college, on a full- or part-time basis, and 60444
complete nonsectarian, nonremedial courses for high school and 60445
college credit. The program shall govern arrangements in which a 60446
secondary grade student enrolls in a college and, upon successful 60447
completion of coursework taken under the program, receives 60448
transcripted credit from the college, ~~except for any of the.~~ The 60449
following are not governed by the college credit plus program: 60450

(1) An agreement governing an early college high school 60451
program that meets any of the exemption criteria under division 60452

(E) of section 3313.6013 of the Revised Code; 60453

(2) An advanced placement course or international 60454
baccalaureate diploma course, as described in divisions (A)(2) and 60455
(3) of section 3313.6013 of the Revised Code; 60456

(3) ~~Until July 1, 2016, a~~ A career-technical education 60457
program that is approved by the department of education under 60458
section 3317.161 of the Revised Code and grants articulated credit 60459
to students participating in that program. However, any portion of 60460
an approved program that results in the conferral of transcribed 60461
credit upon the completion of the course shall be governed by the 60462
college credit plus program. 60463

(B) Any student enrolled in a public or nonpublic secondary 60464
school in the student's ninth, tenth, eleventh, or twelfth grade; 60465
any student enrolled in a nonchartered nonpublic secondary school 60466
in the student's ninth, tenth, eleventh, or twelfth grade; and any 60467
student who has been excused from the compulsory attendance law 60468
for the purpose of home instruction under section 3321.04 of the 60469
Revised Code and is the equivalent of a ninth, tenth, eleventh, or 60470
twelfth grade student, may participate in the program, if the 60471
student meets the applicable eligibility criteria in section 60472
3365.03 of the Revised Code. If a nonchartered nonpublic secondary 60473
school student chooses to participate in the program, that student 60474
shall be subject to the same requirements as a home-instructed 60475
student who chooses to participate in the program under this 60476
chapter. 60477

(C) All public secondary schools and all public colleges 60478
shall participate in the program and are subject to the 60479
requirements of this chapter. Any nonpublic secondary school or 60480
private college that chooses to participate in the program shall 60481
also be subject to the requirements of this chapter. 60482

If a nonpublic secondary school chooses not to participate in 60483

the program, the school shall not be subject to the requirements 60484
of this chapter. Additionally, the school shall not be subject to 60485
any rule adopted by the chancellor of higher education or the 60486
state board of education for purposes of the college credit plus 60487
program. 60488

(D) ~~The chancellor of the Ohio board of regents,~~ in 60489
accordance with Chapter 119. of the Revised Code and in 60490
consultation with the superintendent of public instruction, shall 60491
adopt rules governing the program. 60492

Sec. 3365.034. (A) Notwithstanding anything to the contrary 60493
in the Revised Code, a student who is eligible to participate in 60494
the college credit plus program under section 3365.03 or 3365.033 60495
of the Revised Code may participate in the program during the 60496
summer term of a public or participating private college or an 60497
eligible out-of-state college participating in the program. 60498

Unless otherwise specified, if a student participates in the 60499
college credit plus program under this section, all requirements 60500
of the program shall apply. 60501

(B)(1) In order for a public secondary school student to 60502
participate under this section, the student shall meet the 60503
criteria in division (A)(1) of section 3365.03 of the Revised 60504
Code, except that the student or the student's parent shall inform 60505
the principal, or equivalent, of the student's school by the date 60506
designated by rule of the chancellor of higher education, pursuant 60507
to division (E) of this section, of the student's intent to 60508
participate in the program during the summer term. 60509

(2) In order for a nonpublic secondary school student, a 60510
nonchartered nonpublic secondary school student, or a 60511
home-instructed student to participate under this section, the 60512
student shall meet the applicable criteria in division (A)(2) of 60513
section 3365.03 of the Revised Code, except that the parent or 60514

guardian of a nonchartered nonpublic secondary school student or a 60515
home-instructed student shall notify the department of education 60516
by the date designated by rule of the chancellor of higher 60517
education, pursuant to division (E) of this section, of the 60518
student's intent to participate in the program during the summer 60519
term. 60520

(C) If a participant under this section elects to have the 60521
college reimbursed under section 3365.07 of the Revised Code for 60522
courses taken under the program, the department shall reimburse 60523
the college in the same manner as for students who participate 60524
during the school year in accordance with that section, except 60525
that the department shall make the applicable payments each 60526
September, or as soon as possible thereafter. 60527

(D) Notwithstanding section 3327.01 of the Revised Code, the 60528
participant or the participant's parent or guardian shall be 60529
responsible for any transportation related to participation in the 60530
program during the summer term. 60531

(E) The chancellor of higher education, in accordance with 60532
Chapter 119. of the Revised Code and in consultation with the 60533
superintendent of public instruction, shall adopt rules for the 60534
administration of this section. The rules shall include the dates 60535
by which the student or student's parent must provide notification 60536
of the student's intent to participate in the program during the 60537
summer term. 60538

Sec. 3365.07. The department of education shall calculate and 60539
pay state funds to colleges for participants in the college credit 60540
plus program under division (B) of section 3365.06 of the Revised 60541
Code pursuant to this section. For a nonpublic secondary school 60542
participant, a nonchartered nonpublic secondary school 60543
participant, or a home-instructed participant, the department 60544
shall pay state funds pursuant to this section only if that 60545

participant is awarded funding according to rules adopted by the 60546
chancellor of ~~the Ohio board of regents~~ higher education, in 60547
consultation with the superintendent of public instruction, 60548
pursuant to section 3365.071 of the Revised Code. The program 60549
shall be the sole mechanism by which state funds are paid to 60550
colleges for students to earn ~~college-level~~ transcripted credit 60551
for college courses while enrolled in both a secondary school and 60552
a college, with the exception of ~~the programs listed~~ state funds 60553
paid to colleges according to an agreement described in division 60554
(A)(1) of section 3365.02 of the Revised Code. 60555

(A) For each public or nonpublic secondary school participant 60556
enrolled in a public college: 60557

(1) If no agreement has been entered into under division 60558
(A)(2) of this section, both of the following shall apply: 60559

(a) The department shall pay to the college the applicable 60560
amount as follows: 60561

(i) For a participant enrolled in a college course delivered 60562
on the college campus, at another location operated by the 60563
college, or online, the default ceiling amount; 60564

(ii) For a participant enrolled in a college course delivered 60565
at the participant's secondary school but taught by college 60566
faculty, fifty per cent of the default ceiling amount; 60567

(iii) For a participant enrolled in a college course 60568
delivered at the participant's secondary school and taught by a 60569
high school teacher who has met the credential requirements 60570
established for purposes of the program in rules adopted by the 60571
chancellor ~~of the Ohio board of regents~~, the default floor amount. 60572

(b) The participant's secondary school shall pay for 60573
textbooks, and the college shall waive payment of all other fees 60574
related to participation in the program. 60575

(2) The governing entity of a participant's secondary school 60576
and the college may enter into an agreement to establish an 60577
alternative payment structure for tuition, textbooks, and fees. 60578
Under such an agreement, payments for each participant made by the 60579
department shall be not less than the default floor amount, unless 60580
approved by the chancellor, and not more than the default ceiling 60581
amount. The chancellor shall approve an agreement that includes a 60582
payment below the default floor amount, as long as the provisions 60583
of the agreement comply with all other requirements of this 60584
chapter to ensure program quality. If no agreement is entered into 60585
under division (A)(2) of this section, both of the following shall 60586
apply: 60587

(a) The department shall pay to the college the applicable 60588
default amounts prescribed by division (A)(1)(a) of this section, 60589
depending upon the method of delivery and instruction. 60590

(b) In accordance with division (A)(1)(b) of this section, 60591
the participant's secondary school shall pay for textbooks, and 60592
the college shall waive payment of all other fees related to 60593
participation in the program. 60594

(3) No participant that is enrolled in a public college shall 60595
be charged for any tuition, textbooks, or other fees related to 60596
participation in the program. 60597

(B) For each public secondary school participant enrolled in 60598
a private college: 60599

(1) If no agreement has been entered into under division 60600
(B)(2) of this section, the department shall pay to the college 60601
the applicable amount calculated in the same manner as in division 60602
(A)(1)(a) of this section. 60603

(2) The governing entity of a participant's secondary school 60604
and the college may enter into an agreement to establish an 60605
alternative payment structure for tuition, textbooks, and fees. 60606

Under such an agreement, payments shall be not less than the 60607
default floor amount, unless approved by the chancellor, and not 60608
more than the default ceiling amount. 60609

If an agreement is entered into under division (B)(2) of this 60610
section, both of the following shall apply: 60611

(a) The department shall make a payment to the college for 60612
each participant that is equal to the default floor amount, unless 60613
approved by the chancellor to pay an amount below the default 60614
floor amount. The chancellor shall approve an agreement that 60615
includes a payment below the default floor amount, as long as the 60616
provisions of the agreement comply with all other requirements of 60617
this chapter to ensure program quality. 60618

(b) Payment for costs for the participant that exceed the 60619
amount paid by the department pursuant to division (B)(2)(a) of 60620
this section shall be negotiated by the school and the college. 60621
The agreement may include a stipulation permitting the charging of 60622
a participant. 60623

However, under no circumstances shall: 60624

(i) Payments for a participant made by the department under 60625
~~this~~ division (B)(2) of this section exceed the default ceiling 60626
amount; 60627

(ii) The amount charged to a participant under division 60628
(B)(2) of this section exceed the difference between the maximum 60629
per participant charge amount and the default floor amount; 60630

(iii) The sum of the payments made by the department for a 60631
participant and the amount charged to that participant under 60632
division (B)(2) of this section exceed the following amounts, as 60633
applicable: 60634

(I) For a participant enrolled in a college course delivered 60635
on the college campus, at another location operated by the 60636

college, or online, the maximum per participant charge amount; 60637

(II) For a participant enrolled in a college course delivered 60638
at the participant's secondary school but taught by college 60639
faculty, one hundred twenty-five dollars; 60640

(III) For a participant enrolled in a college course 60641
delivered at the participant's secondary school and taught by a 60642
high school teacher who has met the credential requirements 60643
established for purposes of the program in rules adopted by the 60644
chancellor ~~of the Ohio board of regents~~, one hundred dollars. 60645

(iv) A participant that is identified as economically 60646
disadvantaged according to rules adopted by the department be 60647
charged under division (B)(2) of this section for any tuition, 60648
textbooks, or other fees related to participation in the program. 60649

(C) For each nonpublic secondary school participant enrolled 60650
in a private or eligible out-of-state college, the department 60651
shall pay to the college the applicable amount calculated in the 60652
same manner as in division (A)(1)(a) of this section. Payment for 60653
costs for the participant that exceed the amount paid by the 60654
department shall be negotiated by the governing body of the 60655
nonpublic secondary school and the college. 60656

However, under no circumstances shall: 60657

(1) The payments for a participant made by the department 60658
under this division exceed the default ceiling amount. 60659

(2) Any nonpublic secondary school participant, who is 60660
enrolled in that secondary school with a scholarship awarded under 60661
either the educational choice scholarship pilot program, as 60662
prescribed by sections 3310.01 to 3310.17, or the pilot project 60663
scholarship program, as prescribed by sections 3313.974 to 60664
3313.979 of the Revised Code, and who qualifies as a low-income 60665
student under either of those programs, be charged for any 60666
tuition, textbooks, or other fees related to participation in the 60667

college credit plus program. 60668

(D) For each nonchartered nonpublic secondary school 60669
participant and each home-instructed participant enrolled in a 60670
public, private, or eligible out-of-state college, the department 60671
shall pay to the college the default ceiling amount, if that 60672
participant is enrolled in a college course delivered on the 60673
college campus, at another location operated by the college, or 60674
online. 60675

(E) Not later than thirty days after the end of each term, 60676
each college expecting to receive payment for the costs of a 60677
participant under this section shall notify the department of the 60678
number of enrolled credit hours for each participant. 60679

(F) Each January and July, or as soon as possible thereafter, 60680
the department shall make the applicable payments under this 60681
section to each college, which provided proper notification to the 60682
department under division (E) of this section, for the number of 60683
enrolled credit hours for participants enrolled in the college 60684
under division (B) of section 3365.06 of the Revised Code. The 60685
department shall not make any payments to a college under this 60686
section if a participant withdrew from a course prior to the date 60687
on which a withdrawal from the course would have negatively 60688
affected the participant's transcribed grade, as prescribed by 60689
the college's established withdrawal policy. 60690

(1) Payments made for public secondary school participants 60691
under this section shall be deducted from the school foundation 60692
payments made to the participant's school district or, if the 60693
participant is enrolled in a community school, a STEM school, or a 60694
college-preparatory boarding school, from the payments made to 60695
that school under section 3314.08, 3326.33, or 3328.34 of the 60696
Revised Code. If the participant is enrolled in a joint vocational 60697
school district, a portion of the amount shall be deducted from 60698
the payments to the joint vocational school district and a portion 60699

shall be deducted from the payments to the participant's city, 60700
local, or exempted village school district in accordance with the 60701
full-time equivalency of the student's enrollment in each 60702
district. Amounts deducted under division (F)(1) of this section 60703
shall be calculated in accordance with rules adopted by the 60704
chancellor, in consultation with the state superintendent, 60705
pursuant to division (B) of section 3365.071 of the Revised Code. 60706

(2) Payments made for nonpublic secondary school 60707
participants, nonchartered nonpublic secondary school 60708
participants, and home-instructed participants under this section 60709
shall be deducted from moneys appropriated by the general assembly 60710
for such purpose. Payments shall be allocated and distributed in 60711
accordance with rules adopted by the chancellor, in consultation 60712
with the state superintendent, pursuant to division (A) of section 60713
3365.071 of the Revised Code. 60714

(G) Any public college that enrolls a student under division 60715
(B) of section 3365.06 of the Revised Code may include that 60716
student in the calculation used to determine its state share of 60717
instruction funds appropriated to the ~~Ohio board of regents~~ 60718
department of higher education by the general assembly. 60719

Sec. 3365.15. The chancellor of ~~the Ohio board of regents~~ 60720
higher education and the superintendent of public instruction 60721
jointly shall do all of the following: 60722

(A) Adopt data reporting guidelines specifying the types of 60723
data that public and participating nonpublic secondary schools and 60724
public and participating private colleges, including eligible 60725
out-of-state colleges participating in the program, must annually 60726
collect, report, and track under division (G) of section 3365.04 60727
and division (H) of section 3365.05 of the Revised Code. The types 60728
of data shall include all of the following: 60729

(1) For each secondary school and college: 60730

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability; 60731
60732

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled; 60733
60734

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty. 60735
60736

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code. 60737
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(3) For each college: 60744

(a) The number of students who applied to enroll in the college under the program but were not granted admission; 60745
60746

(b) The average number of completed courses per participant; 60747

(c) The average grade point average for participants in college courses under the program. 60748
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The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data. 60750
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(B) Annually compile the data required under division (A) of this section. Not later than the thirty-first day of December of each year, the data from the previous school year shall be posted in a prominent location on both the ~~board of regents'~~ chancellor of higher education's and the department of education's web sites. 60753
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(C) Submit a biennial report detailing the status of the college credit plus program, including an analysis of quality assurance measures related to the program, to the governor, the 60758
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president of the senate, the speaker of the house of 60761
representatives, and the chairpersons of the education committees 60762
of the senate and house of representatives. The first report shall 60763
be submitted not later than December 31, 2017, and each subsequent 60764
report shall be submitted not later than the thirty-first day of 60765
December every two years thereafter. 60766

(D) Establish a college credit plus advisory committee to 60767
assist in the development of performance metrics and the 60768
monitoring of the program's progress. At least one member of the 60769
advisory committee shall be a school guidance counselor. 60770

The chancellor shall also, in consultation with the 60771
superintendent, create a standard packet of information for the 60772
college credit plus program directed toward students and parents 60773
that are interested in the program. 60774

Sec. 3501.01. As used in the sections of the Revised Code 60775
relating to elections and political communications: 60776

(A) "General election" means the election held on the first 60777
Tuesday after the first Monday in each November. 60778

(B) "Regular municipal election" means the election held on 60779
the first Tuesday after the first Monday in November in each 60780
odd-numbered year. 60781

(C) "Regular state election" means the election held on the 60782
first Tuesday after the first Monday in November in each 60783
even-numbered year. 60784

(D) "Special election" means any election other than those 60785
elections defined in other divisions of this section. A special 60786
election may be held only on the first Tuesday after the first 60787
Monday in ~~February~~, May, August, or November, or on the day 60788
authorized by a particular municipal or county charter for the 60789
holding of a primary election, except that in any year in which a 60790

presidential primary election is held, no special election shall 60791
be held in ~~February~~ or May, except as authorized by a municipal or 60792
county charter, but may be held on the first Tuesday after the 60793
first Monday in March. 60794

(E)(1) "Primary" or "primary election" means an election held 60795
for the purpose of nominating persons as candidates of political 60796
parties for election to offices, and for the purpose of electing 60797
persons as members of the controlling committees of political 60798
parties and as delegates and alternates to the conventions of 60799
political parties. Primary elections shall be held on the first 60800
Tuesday after the first Monday in May of each year except in years 60801
in which a presidential primary election is held. 60802

(2) "Presidential primary election" means a primary election 60803
as defined by division (E)(1) of this section at which an election 60804
is held for the purpose of choosing delegates and alternates to 60805
the national conventions of the major political parties pursuant 60806
to section 3513.12 of the Revised Code. Unless otherwise 60807
specified, presidential primary elections are included in 60808
references to primary elections. In years in which a presidential 60809
primary election is held, all primary elections shall be held on 60810
the first Tuesday after the first Monday in March except as 60811
otherwise authorized by a municipal or county charter. 60812

(F) "Political party" means any group of voters meeting the 60813
requirements set forth in section 3517.01 of the Revised Code for 60814
the formation and existence of a political party. 60815

(1) "Major political party" means any political party 60816
organized under the laws of this state whose candidate for 60817
governor or nominees for presidential electors received not less 60818
than twenty per cent of the total vote cast for such office at the 60819
most recent regular state election. 60820

(2) "Minor political party" means any political party 60821

organized under the laws of this state that meets either of the 60822
following requirements: 60823

(a) Except as otherwise provided in this division, the 60824
political party's candidate for governor or nominees for 60825
presidential electors received less than twenty per cent but not 60826
less than three per cent of the total vote cast for such office at 60827
the most recent regular state election. A political party that 60828
meets the requirements of this division remains a political party 60829
for a period of four years after meeting those requirements. 60830

(b) The political party has filed with the secretary of 60831
state, subsequent to its failure to meet the requirements of 60832
division (F)(2)(a) of this section, a petition that meets the 60833
requirements of section 3517.01 of the Revised Code. 60834

A newly formed political party shall be known as a minor 60835
political party until the time of the first election for governor 60836
or president which occurs not less than twelve months subsequent 60837
to the formation of such party, after which election the status of 60838
such party shall be determined by the vote for the office of 60839
governor or president. 60840

(G) "Dominant party in a precinct" or "dominant political 60841
party in a precinct" means that political party whose candidate 60842
for election to the office of governor at the most recent regular 60843
state election at which a governor was elected received more votes 60844
than any other person received for election to that office in such 60845
precinct at such election. 60846

(H) "Candidate" means any qualified person certified in 60847
accordance with the provisions of the Revised Code for placement 60848
on the official ballot of a primary, general, or special election 60849
to be held in this state, or any qualified person who claims to be 60850
a write-in candidate, or who knowingly assents to being 60851
represented as a write-in candidate by another at either a 60852

primary, general, or special election to be held in this state. 60853

(I) "Independent candidate" means any candidate who claims 60854
not to be affiliated with a political party, and whose name has 60855
been certified on the office-type ballot at a general or special 60856
election through the filing of a statement of candidacy and 60857
nominating petition, as prescribed in section 3513.257 of the 60858
Revised Code. 60859

(J) "Nonpartisan candidate" means any candidate whose name is 60860
required, pursuant to section 3505.04 of the Revised Code, to be 60861
listed on the nonpartisan ballot, including all candidates for 60862
judicial office, for member of any board of education, for 60863
municipal or township offices in which primary elections are not 60864
held for nominating candidates by political parties, and for 60865
offices of municipal corporations having charters that provide for 60866
separate ballots for elections for these offices. 60867

(K) "Party candidate" means any candidate who claims to be a 60868
member of a political party and who has been certified to appear 60869
on the office-type ballot at a general or special election as the 60870
nominee of a political party because the candidate has won the 60871
primary election of the candidate's party for the public office 60872
the candidate seeks, has been nominated under section 3517.012, or 60873
is selected by party committee in accordance with section 3513.31 60874
of the Revised Code. 60875

(L) "Officer of a political party" includes, but is not 60876
limited to, any member, elected or appointed, of a controlling 60877
committee, whether representing the territory of the state, a 60878
district therein, a county, township, a city, a ward, a precinct, 60879
or other territory, of a major or minor political party. 60880

(M) "Question or issue" means any question or issue certified 60881
in accordance with the Revised Code for placement on an official 60882
ballot at a general or special election to be held in this state. 60883

- (N) "Elector" or "qualified elector" means a person having the qualifications provided by law to be entitled to vote. 60884
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- (O) "Voter" means an elector who votes at an election. 60886
- (P) "Voting residence" means that place of residence of an elector which shall determine the precinct in which the elector may vote. 60887
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- (Q) "Precinct" means a district within a county established by the board of elections of such county within which all qualified electors having a voting residence therein may vote at the same polling place. 60890
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- (R) "Polling place" means that place provided for each precinct at which the electors having a voting residence in such precinct may vote. 60894
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- (S) "Board" or "board of elections" means the board of elections appointed in a county pursuant to section 3501.06 of the Revised Code. 60897
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- (T) "Political subdivision" means a county, township, city, village, or school district. 60900
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- (U) "Election officer" or "election official" means any of the following: 60902
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- (1) Secretary of state; 60904
 - (2) Employees of the secretary of state serving the division of elections in the capacity of attorney, administrative officer, administrative assistant, elections administrator, office manager, or clerical supervisor; 60905
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 - (3) Director of a board of elections; 60909
 - (4) Deputy director of a board of elections; 60910
 - (5) Member of a board of elections; 60911
 - (6) Employees of a board of elections; 60912

(7) Precinct election officials;	60913
(8) Employees appointed by the boards of elections on a temporary or part-time basis.	60914 60915
(V) "Acknowledgment notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, informing a voter registration applicant or an applicant who wishes to change the applicant's residence or name of the status of the application; the information necessary to complete or update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.	60916 60917 60918 60919 60920 60921 60922
(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.	60923 60924 60925 60926
(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.	60927 60928 60929 60930 60931 60932 60933 60934 60935 60936 60937 60938 60939 60940 60941 60942 60943

(Y) "National Voter Registration Act of 1993" means the 60944
"National Voter Registration Act of 1993," 107 Stat. 77, 42 60945
U.S.C.A. 1973gg. 60946

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act 60947
of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended. 60948

(AA) "Photo identification" means a document that meets each 60949
of the following requirements: 60950

(1) It shows the name of the individual to whom it was 60951
issued, which shall conform to the name in the poll list or 60952
signature pollbook. 60953

(2) It shows the current address of the individual to whom it 60954
was issued, which shall conform to the address in the poll list or 60955
signature pollbook, except for a driver's license or a state 60956
identification card issued under section 4507.50 of the Revised 60957
Code, which may show either the current or former address of the 60958
individual to whom it was issued, regardless of whether that 60959
address conforms to the address in the poll list or signature 60960
pollbook. 60961

(3) It shows a photograph of the individual to whom it was 60962
issued. 60963

(4) It includes an expiration date that has not passed. 60964

(5) It was issued by the government of the United States or 60965
this state. 60966

Sec. 3501.12. (A) The annual compensation of members of the 60967
board of elections shall be determined on the basis of the 60968
population of the county according to the next preceding federal 60969
census, and shall be paid monthly out of the appropriations made 60970
to the board and upon vouchers or payrolls certified by the 60971
chairperson, or a member of the board designated by it, and 60972
countersigned by the director or in the director's absence by the 60973

deputy director. Upon presentation of any such voucher or payroll, 60974
the county auditor shall issue a warrant upon the county treasurer 60975
for the amount thereof as in the case of vouchers or payrolls for 60976
county offices and the treasurer shall pay such warrant. 60977

~~(A) Except as provided in divisions (B) and (C) of this~~ 60978
~~section (B) In calendar year 2015,~~ the amount of annual 60979
compensation of ~~members~~ each member of the board of elections 60980
shall be as follows: 60981

(1) ~~Eighty-five~~ Ninety-two dollars and eighty-nine cents for 60982
each full one thousand of the first one hundred thousand 60983
population; 60984

(2) ~~Forty~~ Forty-four dollars and ~~fifty~~ twenty-six cents for 60985
each full one thousand of the second one hundred thousand 60986
population; 60987

(3) ~~Twenty-two~~ Twenty-four dollars and four cents for each 60988
full one thousand of the third one hundred thousand population; 60989

(4) ~~Six~~ Seven dollars and ~~seventy-five~~ thirty-seven cents for 60990
each full one thousand above three hundred thousand population. 60991

~~(B) Except as provided in division (C) of this section (C) In~~ 60992
~~calendar year 2015,~~ the compensation of a member of the board 60993
shall not be less than three thousand ~~three~~ six hundred 60994
~~seventy-five~~ eighty-seven dollars and shall not exceed ~~twenty~~ 60995
twenty-one thousand eight hundred fifty-five dollars annually. 60996

~~(C) In calendar year 2001, the annual compensation of each~~ 60997
~~member of the board shall be computed after increasing the dollar~~ 60998
~~amounts specified in divisions (A) and (B) of this section by~~ 60999
~~three per cent.~~ 61000

~~(D) In calendar year 2002, the annual compensation of each~~ 61001
~~member of the board shall be computed after increasing by three~~ 61002
~~per cent the dollar amounts used to compute the compensation of a~~ 61003

~~member under division (C) of this section.~~ 61004

~~(E) In calendar year 2003 and thereafter, the annual 61005
compensation of each member of the board shall be computed after 61006
increasing by three per cent the dollar amounts used to compute 61007
the compensation of a member under division (D) of this section 61008~~

(D) In calendar year 2016, the annual compensation of each 61009
member of the board shall be computed after increasing the dollar 61010
amounts specified in divisions (B) and (C) of this section by five 61011
per cent. Such compensation shall not be less than four thousand 61012
eight hundred thirty dollars. 61013

(E) In calendar year 2017, the annual compensation of each 61014
member of the board shall be computed after increasing the dollar 61015
amounts specified in division (D) of this section by five per 61016
cent. Such compensation shall not be less than six thousand 61017
dollars. 61018

(F) In calendar year 2018 and thereafter, the annual 61019
compensation of each member of the board shall be the dollar 61020
amounts computed under division (E) of this section. 61021

For the purposes of this section, members of boards of 61022
elections shall be deemed to be appointed and not elected, and 61023
therefore not subject to Section 20 of Article II of the Ohio 61024
Constitution. 61025

Sec. 3501.17. (A) The expenses of the board of elections 61026
shall be paid from the county treasury, in pursuance of 61027
appropriations by the board of county commissioners, in the same 61028
manner as other county expenses are paid. If the board of county 61029
commissioners fails to appropriate an amount sufficient to provide 61030
for the necessary and proper expenses of the board of elections 61031
pertaining to the conduct of elections, the board of elections may 61032
apply to the court of common pleas within the county, which shall 61033

fix the amount necessary to be appropriated and the amount shall 61034
be appropriated. Payments shall be made upon vouchers of the board 61035
of elections certified to by its chairperson or acting chairperson 61036
and the director or deputy director, upon warrants of the county 61037
auditor. 61038

The board of elections shall not incur any obligation 61039
involving the expenditure of money unless there are moneys 61040
sufficient in the funds appropriated therefor to meet the 61041
obligation. If the board of elections requests a transfer of funds 61042
from one of its appropriation items to another, the board of 61043
county commissioners shall adopt a resolution providing for the 61044
transfer except as otherwise provided in section 5705.40 of the 61045
Revised Code. The expenses of the board of elections shall be 61046
apportioned among the county and the various subdivisions as 61047
provided in this section, and the amount chargeable to each 61048
subdivision shall be paid as provided in division (J) of this 61049
section or withheld by the county auditor from the moneys payable 61050
thereto at the time of the next tax settlement. At the time of 61051
submitting budget estimates in each year, the board of elections 61052
shall submit to the taxing authority of each subdivision, upon the 61053
request of the subdivision, an estimate of the amount to be paid 61054
or withheld from the subdivision during the current or next fiscal 61055
year. 61056

A board of township trustees may, by resolution, request that 61057
the county auditor withhold expenses charged to the township from 61058
a specified township fund that is to be credited with revenue at a 61059
tax settlement. The resolution shall specify the tax levy ballot 61060
issue, the date of the election on the levy issue, and the 61061
township fund from which the expenses the board of elections 61062
incurs related to that ballot issue shall be withheld. 61063

(B) Except as otherwise provided in division (F) of this 61064
section, the compensation of the members of the board of elections 61065

and of the director, deputy director, and regular employees in the 61066
board's offices, other than compensation for overtime worked; the 61067
expenditures for the rental, furnishing, and equipping of the 61068
office of the board and for the necessary office supplies for the 61069
use of the board; the expenditures for the acquisition, repair, 61070
care, and custody of the polling places, booths, guardrails, and 61071
other equipment for polling places; the cost of tally sheets, 61072
maps, flags, ballot boxes, and all other permanent records and 61073
equipment; the cost of all elections held in and for the state and 61074
county; and all other expenses of the board which are not 61075
chargeable to a political subdivision in accordance with this 61076
section shall be paid in the same manner as other county expenses 61077
are paid. 61078

(C) The compensation of precinct election officials and 61079
intermittent employees in the board's offices; the cost of 61080
renting, moving, heating, and lighting polling places and of 61081
placing and removing ballot boxes and other fixtures and equipment 61082
thereof, including voting machines, marking devices, and automatic 61083
tabulating equipment; the cost of printing and delivering ballots, 61084
cards of instructions, registration lists required under section 61085
3503.23 of the Revised Code, and other election supplies, 61086
including the supplies required to comply with division (H) of 61087
section 3506.01 of the Revised Code; the cost of contractors 61088
engaged by the board to prepare, program, test, and operate voting 61089
machines, marking devices, and automatic tabulating equipment; and 61090
all other expenses of conducting primaries and elections in the 61091
odd-numbered years shall be charged to the subdivisions in and for 61092
which such primaries or elections are held. The charge for each 61093
primary or general election in odd-numbered years for each 61094
subdivision shall be determined in the following manner: first, 61095
the total cost of all chargeable items used in conducting such 61096
elections shall be ascertained; second, the total charge shall be 61097
divided by the number of precincts participating in such election, 61098

in order to fix the cost per precinct; third, the cost per
precinct shall be prorated by the board of elections to the
subdivisions conducting elections for the nomination or election
of offices in such precinct; fourth, the total cost for each
subdivision shall be determined by adding the charges prorated to
it in each precinct within the subdivision.

(D) The entire cost of special elections held on a day other
than the day of a primary or general election, both in
odd-numbered or in even-numbered years, shall be charged to the
subdivision. Where a special election is held on the same day as a
primary or general election in an even-numbered year, the
subdivision submitting the special election shall be charged only
for the cost of ballots and advertising. Where a special election
is held on the same day as a primary or general election in an
odd-numbered year, the subdivision submitting the special election
shall be charged for the cost of ballots and advertising for such
special election, in addition to the charges prorated to such
subdivision for the election or nomination of candidates in each
precinct within the subdivision, as set forth in the preceding
paragraph.

(E) Where a special election is held on the day specified by
division (E) of section 3501.01 of the Revised Code for the
holding of a primary election, for the purpose of submitting to
the voters of the state constitutional amendments proposed by the
general assembly, and a subdivision conducts a special election on
the same day, the entire cost of the special election shall be
divided proportionally between the state and the subdivision based
upon a ratio determined by the number of issues placed on the
ballot by each, except as otherwise provided in division (G) of
this section. Such proportional division of cost shall be made
only to the extent funds are available for such purpose from
amounts appropriated by the general assembly to the secretary of

state. If a primary election is also being conducted in the 61131
subdivision, the costs shall be apportioned as otherwise provided 61132
in this section. 61133

(F) When a precinct is open during a general, primary, or 61134
special election solely for the purpose of submitting to the 61135
voters a statewide ballot issue, the state shall bear the entire 61136
cost of the election in that precinct and shall reimburse the 61137
county for all expenses incurred in opening the precinct. 61138

(G)(1) The state shall bear the entire cost of advertising in 61139
newspapers statewide ballot issues, explanations of those issues, 61140
and arguments for or against those issues, as required by Section 61141
1g of Article II and Section 1 of Article XVI, Ohio Constitution, 61142
and any other section of law. Appropriations made to the 61143
controlling board shall be used to reimburse the secretary of 61144
state for all expenses the secretary of state incurs for such 61145
advertising under division (G) of section 3505.062 of the Revised 61146
Code. 61147

(2) There is hereby created in the state treasury the 61148
statewide ballot advertising fund. The fund shall receive 61149
transfers approved by the controlling board, and shall be used by 61150
the secretary of state to pay the costs of advertising state 61151
ballot issues as required under division (G)(1) of this section. 61152
Any such transfers may be requested from and approved by the 61153
controlling board prior to placing the advertising, in order to 61154
facilitate timely provision of the required advertising. 61155

(H) The cost of renting, heating, and lighting registration 61156
places; the cost of the necessary books, forms, and supplies for 61157
the conduct of registration; and the cost of printing and posting 61158
precinct registration lists shall be charged to the subdivision in 61159
which such registration is held. 61160

(I) At the request of a majority of the members of the board 61161

of elections, the board of county commissioners may, by 61162
resolution, establish an elections revenue fund. Except as 61163
otherwise provided in this division, the purpose of the fund shall 61164
be to accumulate revenue withheld by or paid to the county under 61165
this section for the payment of any expense related to the duties 61166
of the board of elections specified in section 3501.11 of the 61167
Revised Code, upon approval of a majority of the members of the 61168
board of elections. The fund shall not accumulate any revenue 61169
withheld by or paid to the county under this section for the 61170
compensation of the members of the board of elections or of the 61171
director, deputy director, or other regular employees in the 61172
board's offices, other than compensation for overtime worked. 61173

Notwithstanding sections 5705.14, 5705.15, and 5705.16 of the 61174
Revised Code, the board of county commissioners may, by 61175
resolution, transfer money to the elections revenue fund from any 61176
other fund of the political subdivision from which such payments 61177
lawfully may be made. Following an affirmative vote of a majority 61178
of the members of the board of elections, the board of county 61179
commissioners may, by resolution, rescind an elections revenue 61180
fund established under this division. If an elections revenue fund 61181
is rescinded, money that has accumulated in the fund shall be 61182
transferred to the county general fund. 61183

(J)(1) Not less than fifteen business days before the 61184
deadline for submitting a question or issue for placement on the 61185
ballot at a special election, the board of elections shall prepare 61186
and file with the board of county commissioners and the office of 61187
the secretary of state the estimated cost, based on the factors 61188
enumerated in this section, for preparing for and conducting an 61189
election on one question or issue, one nomination for office, or 61190
one election to office in each precinct in the county at that 61191
special election and shall divide that cost by the number of 61192
registered voters in the county. 61193

(2) The board of elections shall provide to a political subdivision seeking to submit a question or issue, a nomination for office, or an election to office for placement on the ballot at a special election with the estimated cost for preparing for and conducting that election, which shall be calculated either by multiplying the number of registered voters in the political subdivision with the cost calculated under division (J)(1) of this section or by multiplying the cost per precinct with the number or precincts in the political subdivision. A political subdivision submitting a question or issue, a nomination for office, or an election to office for placement on the ballot at that special election shall pay to the county elections revenue fund sixty-five per cent of the estimated cost of the election not less than ten business days after the deadline for submitting a question or issue for placement on the ballot for that special election.

(3) Not later than sixty days after the date of a special election, the board of elections shall provide to each political subdivision the true and accurate cost for the question or issue, nomination for office, or election to office that the subdivision submitted to the voters on the special election ballots. If the board of elections determines that a subdivision paid less for the cost of preparing and conducting a special election under division (J)(2) of this section than the actual cost calculated under this division, the subdivision shall remit to the county elections revenue fund the difference between the payment made under division (J)(2) of this section and the final cost calculated under this division within thirty days after being notified of the final cost. If the board of elections determines that a subdivision paid more for the cost of preparing and conducting a special election under division (J)(2) of this section than the actual cost calculated under this division, the board of elections promptly shall notify the board of county commissioners of that difference. The board of county commissioners shall remit from the

county elections revenue fund to the political subdivision the 61227
difference between the payment made under division (J)(2) of this 61228
section and the final cost calculated under this division within 61229
thirty days after receiving that notification. 61230

(K) As used in this section: 61231

(1) "Political subdivision" and "subdivision" mean any board 61232
of county commissioners, board of township trustees, legislative 61233
authority of a municipal corporation, board of education, or any 61234
other board, commission, district, or authority that is empowered 61235
to levy taxes or permitted to receive the proceeds of a tax levy, 61236
regardless of whether the entity receives tax settlement moneys as 61237
described in division (A) of this section; 61238

(2) "Statewide ballot issue" means any ballot issue, whether 61239
proposed by the general assembly or by initiative or referendum, 61240
that is submitted to the voters throughout the state. 61241

Sec. 3599.03. (A)(1) Except to carry on activities specified 61242
in sections 3517.082, 3517.101, and 3517.1011, division (A)(2) of 61243
section 3517.1012, division (B) of section 3517.1013, division 61244
(C)(1) of section 3517.1014, and section 3599.031 of the Revised 61245
Code and except as provided in divisions (D), (E), and (F) of this 61246
section, no corporation, no nonprofit corporation, and no labor 61247
organization, directly or indirectly, shall pay or use, or offer, 61248
advise, consent, or agree to pay or use, the corporation's money 61249
or property, or the labor organization's money, including dues, 61250
initiation fees, or other assessments paid by members, or 61251
property, for or in aid of or opposition to a political party, a 61252
candidate for election or nomination to public office, a political 61253
action committee including a political action committee of the 61254
corporation or labor organization, a legislative campaign fund, or 61255
any organization that supports or opposes any such candidate, or 61256
for any partisan political purpose, shall violate any law 61257

requiring the filing of an affidavit or statement respecting such 61258
use of those funds, or shall pay or use the corporation's or labor 61259
organization's money for the expenses of a social fund-raising 61260
event for its political action committee if an employee's or labor 61261
organization member's right to attend such an event is predicated 61262
on the employee's or member's contribution to the corporation's or 61263
labor organization's political action committee. 61264

(2) Whoever violates division (A)(1) of this section shall be 61265
fined not less than five hundred nor more than five thousand 61266
dollars. 61267

(B)(1) No officer, stockholder, attorney, or agent of a 61268
corporation or nonprofit corporation, no member, including an 61269
officer, attorney, or agent, of a labor organization, and no 61270
candidate, political party official, or other individual shall 61271
knowingly aid, advise, solicit, or receive money or other property 61272
in violation of division (A)(1) of this section. 61273

(2) Whoever violates division (B)(1) of this section shall be 61274
fined not more than one thousand dollars, or imprisoned not more 61275
than one year, or both. 61276

(C) A corporation, a nonprofit corporation, or a labor 61277
organization may use its funds or property for or in aid of or 61278
opposition to a proposed or certified ballot issue. Such use of 61279
funds or property shall be reported on a form prescribed by the 61280
secretary of state. Reports of contributions in connection with 61281
statewide ballot issues shall be filed with the secretary of 61282
state. Reports of contributions in connection with local issues 61283
shall be filed with the board of elections of the most populous 61284
county of the district in which the issue is submitted or to be 61285
submitted to the electors. Reports made pursuant to this division 61286
shall be filed by the times specified in divisions (A)(1) and (2) 61287
of section 3517.10 of the Revised Code. 61288

(D) A nonprofit corporation that is a membership association and that is exempt from taxation under subsection 501(c)(6) of the Internal Revenue Code may transfer contributions received as part of a regular dues payment from member partnerships and other unincorporated businesses as defined in division (I)(6) of section 3517.10 of the Revised Code to its political action committee. Contributions received under this division shall be itemized and allocated to individuals subject to contribution limits. 61289
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(E)(1) Any gift made pursuant to section 3517.101 of the Revised Code does not constitute a violation of this section or of any other section of the Revised Code. 61297
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(2) Any gift made pursuant to division (A)(2) of section 3517.1012 of the Revised Code does not constitute a violation of this section. 61300
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(3) Any gift made pursuant to division (B) of section 3517.1013 of the Revised Code does not constitute a violation of this section. 61303
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(4) Any donation made pursuant to division (C)(1) of section 3517.1014 of the Revised Code does not constitute a violation of this section. 61306
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~~(E)~~(F) Any compensation or fees paid by a financial institution to a state political party for services rendered pursuant to division (B) of section 3517.19 of the Revised Code do not constitute a violation of this section or of any other section of the Revised Code. 61309
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~~(F)~~(G)(1) The use by a nonprofit corporation of its money or property for communicating information for a purpose specified in division (A) of this section is not a violation of that division if the stockholders, members, donors, trustees, or officers of the nonprofit corporation are the predominant recipients of the communication. 61314
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(2) The placement of a campaign sign on the property of a 61320
corporation, nonprofit corporation, or labor organization is not a 61321
use of property in violation of division (A) of this section by 61322
that corporation, nonprofit corporation, or labor organization. 61323

(3) The use by a corporation or labor organization of its 61324
money or property for communicating information for a purpose 61325
specified in division (A) of this section is not a violation of 61326
that division if it is not a communication made by mass broadcast 61327
such as radio or television or made by advertising in a newspaper 61328
of general circulation but is a communication sent exclusively to 61329
members, employees, officers, or trustees of that labor 61330
organization or shareholders, employees, officers, or directors of 61331
that corporation or to members of the immediate families of any 61332
such individuals or if the communication intended to be so sent 61333
exclusively is unintentionally sent as well to a de minimis number 61334
of other individuals. 61335

~~(G)~~(H) In addition to the laws listed in division (A) of 61336
section 4117.10 of the Revised Code that prevail over conflicting 61337
agreements between employee organizations and public employers, 61338
this section prevails over any conflicting provisions of 61339
agreements between labor organizations and public employers that 61340
are entered into on or after March 31, 2005, pursuant to Chapter 61341
4117. of the Revised Code. 61342

~~(H)~~(I) As used in this section, "labor organization" has the 61343
same meaning as in section 3517.01 of the Revised Code. 61344

Sec. 3701.023. (A) The department of health shall review 61345
applications for eligibility for the program for medically 61346
handicapped children that are submitted to the department by city 61347
and general health districts and physician providers approved in 61348
accordance with division (C) of this section. The department shall 61349
determine whether the applicants meet the medical and financial 61350

eligibility requirements established by the director of health 61351
pursuant to division (A)(1) of section 3701.021 of the Revised 61352
Code, and by the department in the manual of operational 61353
procedures and guidelines for the program for medically 61354
handicapped children developed pursuant to division (B) of that 61355
section. Referrals of potentially eligible children for the 61356
program may be submitted to the department on behalf of the child 61357
by parents, guardians, public health nurses, or any other 61358
interested person. The department of health may designate other 61359
agencies to refer applicants to the department of health. 61360

(B) In accordance with the procedures established in rules 61361
adopted under division (A)(4) of section 3701.021 of the Revised 61362
Code, the department of health shall authorize a provider or 61363
providers to provide to any Ohio resident under twenty-one years 61364
of age, without charge to the resident or the resident's family 61365
and without restriction as to the economic status of the resident 61366
or the resident's family, diagnostic services necessary to 61367
determine whether the resident has a medically handicapping or 61368
potentially medically handicapping condition. 61369

(C) The department of health shall review the applications of 61370
health professionals, hospitals, medical equipment suppliers, and 61371
other individuals, groups, or agencies that apply to become 61372
providers. The department shall enter into a written agreement 61373
with each applicant who is determined, pursuant to the 61374
requirements set forth in rules adopted under division (A)(2) of 61375
section 3701.021 of the Revised Code, to be eligible to be a 61376
provider in accordance with the provider agreement required by the 61377
medicaid program. No provider shall charge a medically handicapped 61378
child or the child's parent or guardian for services authorized by 61379
the department under division (B) or (D) of this section. 61380

The department, in accordance with rules adopted under 61381
division (A)(3) of section 3701.021 of the Revised Code, may 61382

disqualify any provider from further participation in the program 61383
for violating any requirement set forth in rules adopted under 61384
division (A)(2) of that section. The disqualification shall not 61385
take effect until a written notice, specifying the requirement 61386
violated and describing the nature of the violation, has been 61387
delivered to the provider and the department has afforded the 61388
provider an opportunity to appeal the disqualification under 61389
division (H) of this section. 61390

(D) The department of health shall evaluate applications from 61391
city and general health districts and approved physician providers 61392
for authorization to provide treatment services, service 61393
coordination, and related goods to children determined to be 61394
eligible for the program for medically handicapped children 61395
pursuant to division (A) of this section. The department shall 61396
authorize necessary treatment services, service coordination, and 61397
related goods for each eligible child in accordance with an 61398
individual plan of treatment for the child. As an alternative, the 61399
department may authorize payment of health insurance premiums on 61400
behalf of eligible children when the department determines, in 61401
accordance with criteria set forth in rules adopted under division 61402
(A)(9) of section 3701.021 of the Revised Code, that payment of 61403
the premiums is cost-effective. 61404

(E) The department of health shall pay, from appropriations 61405
to the department, any necessary expenses, including but not 61406
limited to, expenses for diagnosis, treatment, service 61407
coordination, supportive services, transportation, and accessories 61408
and their upkeep, provided to medically handicapped children, 61409
provided that the provision of the goods or services is authorized 61410
by the department under division (B) or (D) of this section. Money 61411
appropriated to the department of health may also be expended for 61412
reasonable administrative costs incurred by the program. The 61413
department of health also may purchase liability insurance 61414

covering the provision of services under the program for medically 61415
handicapped children by physicians and other health care 61416
professionals. 61417

Payments made to providers by the department of health 61418
pursuant to this division for inpatient hospital care, outpatient 61419
care, and all other medical assistance furnished to eligible 61420
recipients shall be made in accordance with rules adopted by the 61421
director of health pursuant to division (A) of section 3701.021 of 61422
the Revised Code. 61423

The departments of health and medicaid shall jointly 61424
implement procedures to ensure that duplicate payments are not 61425
made under the program for medically handicapped children and the 61426
medicaid program and to identify and recover duplicate payments. 61427

(F) At the time of applying for participation in the program 61428
for medically handicapped children, a medically handicapped child 61429
or the child's parent or guardian shall disclose the identity of 61430
any third party against whom the child or the child's parent or 61431
guardian has or may have a right of recovery for goods and 61432
services provided under division (B) or (D) of this section. The 61433
department of health shall require a medically handicapped child 61434
who receives services from the program or the child's parent or 61435
guardian to apply for all third-party benefits for which the child 61436
may be eligible and require the child, parent, or guardian to 61437
apply all third-party benefits received to the amount determined 61438
under division (E) of this section as the amount payable for goods 61439
and services authorized under division (B) or (D) of this section. 61440
The department is the payer of last resort and shall pay for 61441
authorized goods or services, up to the amount determined under 61442
division (E) of this section for the authorized goods or services, 61443
only to the extent that payment for the authorized goods or 61444
services is not made through third-party benefits. When a third 61445
party fails to act on an application or claim for benefits by a 61446

medically handicapped child or the child's parent or guardian, the 61447
department shall pay for the goods or services only after ninety 61448
days have elapsed since the date the child, parents, or guardians 61449
made an application or claim for all third-party benefits. 61450
Third-party benefits received shall be applied to the amount 61451
determined under division (E) of this section. Third-party 61452
payments for goods and services not authorized under division (B) 61453
or (D) of this section shall not be applied to payment amounts 61454
determined under division (E) of this section. Payment made by the 61455
department shall be considered payment in full of the amount 61456
determined under division (E) of this section. Medicaid payments 61457
for persons eligible for the medicaid program shall be considered 61458
payment in full of the amount determined under division (E) of 61459
this section. 61460

(G) The department of health shall administer a program to 61461
provide services to Ohio residents who are twenty-one or more 61462
years of age who have cystic fibrosis and who meet the eligibility 61463
requirements established in rules adopted by the director of 61464
health pursuant to division (A)(7) of section 3701.021 of the 61465
Revised Code, subject to all provisions of this section, but not 61466
subject to section 3701.024 of the Revised Code. 61467

(H) The department of health shall provide for appeals, in 61468
accordance with rules adopted under section 3701.021 of the 61469
Revised Code, of denials of applications for the program for 61470
medically handicapped children under division (A) or (D) of this 61471
section, disqualification of providers, or amounts paid under 61472
division (E) of this section. Appeals under this division are not 61473
subject to Chapter 119. of the Revised Code. 61474

The department may designate ombudspersons to assist 61475
medically handicapped children or their parents or guardians, upon 61476
the request of the children, parents, or guardians, in filing 61477
appeals under this division and to serve as children's, parents', 61478

or guardians' advocates in matters pertaining to the 61479
administration of the program for medically handicapped children 61480
and eligibility for program services. The ombudspersons shall 61481
receive no compensation but shall be reimbursed by the department, 61482
in accordance with rules of the office of budget and management, 61483
for their actual and necessary travel expenses incurred in the 61484
performance of their duties. 61485

(I) The department of health, and city and general health 61486
districts providing service coordination pursuant to division 61487
(A)(2) of section 3701.024 of the Revised Code, shall provide 61488
service coordination in accordance with the standards set forth in 61489
the rules adopted under section 3701.021 of the Revised Code, 61490
without charge, and without restriction as to economic status. 61491

(J)(1) The department of health may establish a manufacturer 61492
discount program under which a manufacturer of a drug or 61493
nutritional formula is permitted to enter into an agreement with 61494
the department to provide a discount on the price of the drug or 61495
nutritional formula distributed to medically handicapped children 61496
participating in the program for medically handicapped children. 61497
The program shall be administered in accordance with rules adopted 61498
under section 3701.021 of the Revised Code. 61499

(2) If a manufacturer enters into an agreement with the 61500
department as described in division (J)(1) of this section, the 61501
manufacturer and the department may negotiate the amount and terms 61502
of the discount. 61503

(3) In lieu of establishing a discount program as described 61504
in division (J)(1) of this section, the department and a 61505
manufacturer of a drug or nutritional formula may discuss a 61506
donation of drugs, nutritional formulas, or money by the 61507
manufacturer to the department. 61508

(K) As used in this division "209(b) option" has the same 61509

meaning as in section 5166.01 of the Revised Code. 61510

The program for medically handicapped children and the 61511
program the department of health administers pursuant to division 61512
(G) of this section shall continue to assist individuals who have 61513
cystic fibrosis and are enrolled in those programs in qualifying 61514
for medicaid under the spenddown process in the same manner it 61515
assists such individuals on the effective date of this amendment, 61516
regardless of whether the department of medicaid continues to 61517
implement the 209(b) option or, after terminating the 209(b) 61518
option, establishes the medicaid waiver component described in 61519
section 5166.33 of the Revised Code. 61520

Sec. 3701.045. (A) The department of health, in consultation 61521
with the children's trust fund board established under section 61522
3109.15 of the Revised Code and any bodies acting as child 61523
fatality review boards on October 5, 2000, shall adopt rules in 61524
accordance with Chapter 119. of the Revised Code that establish a 61525
procedure for county or regional child fatality review boards to 61526
follow in conducting a review of the death of a child. The rules 61527
shall do all of the following: 61528

(1) Establish the format for the annual reports required by 61529
section 307.626 of the Revised Code; 61530

(2) Establish guidelines for a county or regional child 61531
fatality review board to follow in compiling statistics for annual 61532
reports so that the reports do not contain any information that 61533
would permit any person's identity to be ascertained from a 61534
report; 61535

(3) Establish guidelines for a county or regional child 61536
fatality review board to follow in creating and maintaining the 61537
comprehensive database of child deaths required by section 307.623 61538
of the Revised Code, including provisions establishing uniform 61539
record-keeping procedures; 61540

(4) Establish guidelines for reporting child fatality review data to the department of health or a national child death review database, either of which must maintain the confidentiality of information that would permit a person's identity to be ascertained;

(5) Establish guidelines, materials, and training to help educate members of county or regional child fatality review boards about the purpose of the review process and the confidentiality of the information described in section 307.629 of the Revised Code and to make them aware that such information is not a public record under section 149.43 of the Revised Code.

(B) On or before the thirtieth day of September of each year, the department of health and the children's trust fund board jointly shall prepare and publish a report organizing and setting forth the data from the department of health child death review database or the national child death review database, data in all the reports provided by county or regional child fatality review boards in their annual reports for the previous calendar year, and recommendations for any changes to law and policy that might prevent future deaths. The department and the children's trust fund board jointly shall provide a copy of the report to the governor, the speaker of the house of representatives, the president of the senate, the minority leaders of the house of representatives and the senate, each county or regional child fatality review board, and each county or regional family and children first council.

Sec. 3701.142. (A) As used in this section:

(1) "Certified community health worker" has the same meaning as in section 4723.01 of the Revised Code.

(2) "Community health worker services" means the services described in section 4723.81 of the Revised Code.

(B) The director of health shall adopt rules specifying 61572
healthy behaviors to be promoted and facilitated by certified 61573
community health workers who provide community health worker 61574
services and other services covered by medicaid managed care 61575
organizations under section 5167.15 of the Revised Code. Before 61576
adopting the rules, the director shall consult with members of the 61577
Ohio perinatal quality collaborative or a successor organization. 61578
The director may consult with other health care organizations as 61579
the director determines to be appropriate. 61580

(C) The director of health, in consultation with the medicaid 61581
director, shall adopt rules specifying both of the following: 61582

(1) The urban and rural communities, identified by zip code 61583
or portions of zip codes that are contiguous, that have the 61584
highest infant mortality rates in this state; 61585

(2) The licensed health professionals, in addition to 61586
physicians, who may recommend that a medicaid recipient receive 61587
the services covered by medicaid managed care organizations under 61588
section 5167.15 of the Revised Code. 61589

(D) The rules adopted under this section shall be adopted in 61590
accordance with Chapter 119. of the Revised Code. 61591

Sec. 3701.344. (A) As used in this section and sections 61592
3701.345, 3701.346, and 3701.347 of the Revised Code, "private 61593
water system" means any water system for the provision of water 61594
for human consumption, if the system has fewer than fifteen 61595
service connections and does not regularly serve an average of at 61596
least twenty-five individuals daily at least sixty days out of the 61597
year. "Private water system" includes any well, spring, cistern, 61598
pond, hauled water, or recycled water and any equipment for the 61599
collection, transportation, filtration, disinfection, treatment, 61600
or storage of such water extending from and including the source 61601
of the water to the point of discharge from any pressure tank or 61602

other storage vessel; to the point of discharge from the water 61603
pump where no pressure tank or other storage vessel is present; 61604
or, in the case of multiple service connections serving more than 61605
one dwelling, to the point of discharge from each service 61606
connection. "Private water system" does not include the water 61607
service line extending from the point of discharge to a structure. 61608

(B) Notwithstanding section 3701.347 of the Revised Code and 61609
subject to division (C) of this section, rules adopted by the 61610
director of health regarding private water systems shall provide 61611
for the following: 61612

(1) Except as otherwise provided in this division, boards of 61613
health of city or general health districts shall be given the 61614
exclusive power to establish fees in accordance with section 61615
3709.09 of the Revised Code for administering and enforcing the 61616
rules. The fees shall establish a different rate for administering 61617
and enforcing the rules relative to private water systems serving 61618
single-family dwelling houses and nonsingle-family dwelling 61619
houses. Except for an amount established by the director, pursuant 61620
to division (B)(5) of this section, for each new private water 61621
system installation, no portion of any fee for administering and 61622
enforcing the rules shall be returned to the department of health. 61623
If the director of health determines that a board of health of a 61624
city or general health district is unable to administer and 61625
enforce a private water system program in the district, the 61626
director shall administer and enforce such a program in the 61627
district and establish fees for such administration and 61628
enforcement. 61629

(2) Boards of health of city or general health districts 61630
shall be given the exclusive power to determine the number of 61631
inspections necessary for determining the safe drinking 61632
characteristics of a private water system. 61633

(3) Private water systems contractors, as a condition of 61634

doing business in this state, shall annually register with, and 61635
comply with surety bonding requirements of, the department of 61636
health. No such contractor shall be permitted to register if the 61637
contractor fails to comply with all applicable rules adopted by 61638
the director and the board of health of the city or general health 61639
district. The annual registration fee for private water systems 61640
contractors shall be sixty-five dollars. The director, by rule 61641
adopted in accordance with Chapter 119. of the Revised Code, may 61642
increase the annual registration fee. 61643

(4) Subject to rules adopted by the director, boards of 61644
health of city or general health districts shall have the option 61645
of determining whether bacteriological examinations shall be 61646
performed at approved laboratories of the state or at approved 61647
private laboratories. 61648

(5) The director may establish fees for each new private 61649
water system installation, which shall be collected by the 61650
appropriate board of health and transmitted to the director 61651
pursuant to section 3709.092 of the Revised Code. 61652

(6) All fees received by the director of health under 61653
divisions (B)(1), (3), and (5) of this section shall be deposited 61654
in the state treasury to the credit of the general operations fund 61655
created in section 3701.83 of the Revised Code for use in the 61656
administration and enforcement of sections 3701.344 to 3701.347 of 61657
the Revised Code and the rules pertaining to private water systems 61658
adopted under those sections. 61659

(7) The director shall define "well," "spring," "cistern," 61660
"pond," "hauled water," and "recycled water" for purposes of this 61661
section and the rules adopted under it. 61662

(C) To the extent that rules adopted under division (B) of 61663
this section require health districts to follow specific 61664
procedures or use prescribed forms, no such procedure or form 61665

shall be implemented until it is approved by majority vote of an approval board of health commissioners, hereby created. Members of the board shall be the officers of the association of Ohio health commissioners, or any successor organization, and membership on the board shall be coterminous with holding an office of the association. No health district is required to follow a procedure or use a form required by a rule adopted under division (B) of this section without the approval of the board.

(D) A board of health shall collect well log filing fees on behalf of the division of ~~soil and~~ water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

(E) A water system that will be used in agriculture and that does not provide water for human consumption shall not be required to obtain a permit or license issued under, pay any fees assessed or levied under, or comply with any rule adopted under sections 3701.34 to 3701.347 of the Revised Code.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules, adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply ~~if~~ in either of the following circumstances:

(a) If the parents of the child object ~~thereto~~ to the screening on the grounds that ~~the screening~~ it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of the child communicate their decision to forgo the screening.

(B) There is hereby created the newborn screening advisory council to advise the director of health regarding the screening of newborn children for genetic, endocrine, and metabolic disorders. The council shall engage in an ongoing review of the newborn screening requirements established under this section and shall provide recommendations and reports to the director as the director requests and as the council considers necessary. The director may assign other duties to the council, as the director considers appropriate.

The council shall consist of fourteen members appointed by the director. In making appointments, the director shall select individuals and representatives of entities with interest and expertise in newborn screening, including such individuals and entities as health care professionals, hospitals, children's hospitals, regional genetic centers, regional sickle cell centers, newborn screening coordinators, and members of the public.

The department of health shall provide meeting space, staff services, and other technical assistance required by the council in carrying out its duties. Members of the council shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in attending meetings of the council or performing assignments for the council.

The council is not subject to sections 101.82 to 101.87 of the Revised Code.

(C)(1) The (a) Subject to division (C)(1)(b) of this section, the director of health shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the disorders for which each newborn child must be screened.

(b) In adopting the rules, the director shall specify Krabbe disease as a disorder for which a newborn child who is born on or after July 1, 2016, must be screened. The rules shall limit the

screening requirement for Krabbe disease to the process known as 61727
"first tier testing," which is a screening for Krabbe disease that 61728
is accomplished by measuring galactocerebrosidase activity using 61729
mass spectrometry. 61730

(2) The newborn screening advisory council shall evaluate 61731
genetic, metabolic, and endocrine disorders to assist the director 61732
in determining which disorders should be included in the 61733
screenings required under this section. In determining whether a 61734
disorder should be included, the council shall consider all of the 61735
following: 61736

(a) The disorder's incidence, mortality, and morbidity; 61737

(b) Whether the disorder causes disability if diagnosis, 61738
treatment, and early intervention are delayed; 61739

(c) The potential for successful treatment of the disorder; 61740

(d) The expected benefits to children and society in relation 61741
to the risks and costs associated with screening for the disorder; 61742

(e) Whether a screening for the disorder can be conducted 61743
without taking an additional blood sample or specimen. 61744

(3) Based on the considerations specified in division (C)(2) 61745
of this section, the council shall make recommendations to the 61746
director of health for the adoption of rules under division (C)(1) 61747
of this section. The director shall promptly and thoroughly review 61748
each recommendation the council submits. 61749

(D) The director shall adopt rules in accordance with Chapter 61750
119. of the Revised Code establishing standards and procedures for 61751
the screenings required by this section. The rules shall include 61752
standards and procedures for all of the following: 61753

(1) Causing rescreenings to be performed when initial 61754
screenings have abnormal results; 61755

(2) Designating the person or persons who will be responsible 61756

for causing screenings and rescreenings to be performed; 61757

(3) Giving to the parents of a child notice of the required 61758
initial screening and the possibility that rescreenings may be 61759
necessary; 61760

(4) Communicating to the parents of a child the results of 61761
the child's screening and any rescreenings that are performed; 61762

(5) Giving notice of the results of an initial screening and 61763
any rescreenings to the person who caused the child to be screened 61764
or rescreened, or to another person or government entity when the 61765
person who caused the child to be screened or rescreened cannot be 61766
contacted; 61767

(6) Referring children who receive abnormal screening or 61768
rescreening results to providers of follow-up services, including 61769
the services made available through funds disbursed under division 61770
(F) of this section. 61771

(E)(1) Except as provided in divisions (E)(2) and (3) of this 61772
section, all newborn screenings required by this section shall be 61773
performed by the public health laboratory authorized under section 61774
3701.22 of the Revised Code. 61775

(2) If the director determines that the public health 61776
laboratory is unable to perform screenings for all of the 61777
disorders specified in the rules adopted under division (C) of 61778
this section, the director shall select another laboratory to 61779
perform the screenings. The director shall select the laboratory 61780
by issuing a request for proposals. The director may accept 61781
proposals submitted by laboratories located outside this state. At 61782
the conclusion of the selection process, the director shall enter 61783
into a written contract with the selected laboratory. If the 61784
director determines that the laboratory is not complying with the 61785
terms of the contract, the director shall immediately terminate 61786
the contract and another laboratory shall be selected and 61787

contracted with in the same manner. 61788

(3) Any rescreening caused to be performed pursuant to this 61789
section may be performed by the public health laboratory or one or 61790
more other laboratories designated by the director. Any laboratory 61791
the director considers qualified to perform rescreenings may be 61792
designated, including a laboratory located outside this state. If 61793
more than one laboratory is designated, the person responsible for 61794
causing a rescreening to be performed is also responsible for 61795
selecting the laboratory to be used. 61796

(F)(1) The director shall adopt rules in accordance with 61797
Chapter 119. of the Revised Code establishing a fee that shall be 61798
charged and collected in addition to or in conjunction with any 61799
laboratory fee that is charged and collected for performing the 61800
screenings required by this section. The fee, which shall be not 61801
less than fourteen dollars, shall be disbursed as follows: 61802

(a) Not less than ten dollars and twenty-five cents shall be 61803
deposited in the state treasury to the credit of the genetics 61804
services fund, which is hereby created. Not less than seven 61805
dollars and twenty-five cents of each fee credited to the genetics 61806
services fund shall be used to defray the costs of the programs 61807
authorized by section 3701.502 of the Revised Code. Not less than 61808
three dollars from each fee credited to the genetics services fund 61809
shall be used to defray costs of phenylketonuria programs. 61810

(b) Not less than three dollars and seventy-five cents shall 61811
be deposited into the state treasury to the credit of the sickle 61812
cell fund, which is hereby created. Money credited to the sickle 61813
cell fund shall be used to defray costs of programs authorized by 61814
section 3701.131 of the Revised Code. 61815

(2) In adopting rules under division (F)(1) of this section, 61816
the director shall not establish a fee that differs according to 61817
whether a screening is performed by the public health laboratory 61818

or by another laboratory selected by the director pursuant to 61819
division (E)(2) of this section. 61820

Sec. 3701.602. (A) As used in this section, "eligible 61821
nonprofit corporation" means a nonprofit corporation that meets 61822
all of the following requirements: 61823

(1) The nonprofit corporation is exempt from federal income 61824
taxation under subsection 501(c)(3) of the Internal Revenue Code. 61825

(2) For at least ten years before the effective date of this 61826
section, the primary purpose of the nonprofit corporation, or the 61827
nonprofit corporation's predecessor in interest, has been granting 61828
the wishes of individuals under the age of eighteen who have been 61829
diagnosed with a life-threatening medical condition. 61830

(3) The nonprofit corporation has spent at least one million 61831
dollars per year for each of the last three years in furtherance 61832
of the purpose described in division (A)(2) of this section. 61833

(B) There is hereby created in the state treasury the wishes 61834
for sick children income tax contribution fund, which shall 61835
consist of money contributed to it under section 5747.113 of the 61836
Revised Code and of contributions made directly to it. Any person 61837
may contribute directly to the fund in addition to or 61838
independently of the income tax refund contribution system 61839
established in section 5747.113 of the Revised Code. 61840

The department of health shall distribute all funds 61841
contributed under this section to an eligible nonprofit 61842
corporation that will use the contributions to grant the wishes of 61843
individuals who are under the age of eighteen, are residents of 61844
this state, and have been diagnosed with a life-threatening 61845
medical condition. Not later than six months after the effective 61846
date of this section, the department shall develop guidelines 61847
under which an eligible nonprofit corporation may apply to receive 61848

funding under this section. 61849

Sec. 3701.65. (A) There is hereby created in the state 61850
treasury the "choose life" fund. The fund shall consist of the 61851
contributions that are paid to the registrar of motor vehicles by 61852
applicants who voluntarily elect to obtain "choose life" license 61853
plates pursuant to section 4503.91 of the Revised Code and any 61854
money returned to the fund under division (E)(1)(d) of this 61855
section. All investment earnings of the fund shall be credited to 61856
the fund. 61857

(B)(1) At least annually, the director of health shall 61858
distribute the money in the fund to any private, nonprofit 61859
organization that is eligible to receive funds under this section 61860
and that applies for funding under division (C) of this section. 61861

(2) The director shall ~~distribute~~ allocate the funds ~~based on~~ 61862
~~the county in which the organization applying for funding is~~ 61863
~~located and to each county~~ in proportion to the number of "choose 61864
life" license plates issued during the preceding year to vehicles 61865
registered in each county. The director shall distribute funds 61866
allocated for a county ~~to one or more eligible organizations~~ 61867
~~located in contiguous counties if no eligible organization located~~ 61868
~~within the county applies for funding. Within each county,~~ 61869
~~eligible organizations that apply for funding shall share equally~~ 61870
~~in the funds available for distribution to organizations located~~ 61871
~~within that county as follows:~~ 61872

(a) To one or more eligible organizations located within the 61873
county; 61874

(b) If no eligible organization located within the county 61875
applies for funding, to one or more eligible organizations located 61876
in contiguous counties; 61877

(c) If no eligible organization located within the county or 61878

a contiguous county applies for funding, to one or more eligible organizations within any other county. 61879
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(3) The director shall ensure that any funds allocated for a county are distributed equally among eligible organizations that apply for funding within the county. 61881
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(C) Any organization seeking funds under this section 61884
annually shall apply for distribution of the funds based on the 61885
county in which the organization is located. An organization also 61886
may apply for funding in a ~~contiguous~~ county in which it is not 61887
located if it demonstrates that it provides services for pregnant 61888
women residing in that ~~contiguous~~ county. The director shall 61889
develop an application form and may determine the schedule and 61890
procedures that an organization shall follow when annually 61891
applying for funds. The application shall inform the applicant of 61892
the conditions for receiving and using funds under division (E) of 61893
this section. The application shall require evidence that the 61894
organization meets all of the following requirements: 61895

(1) Is a private, nonprofit organization; 61896

(2) Is committed to counseling pregnant women about the 61897
option of adoption; 61898

(3) Provides services within the state to pregnant women who 61899
are planning to place their children for adoption, including 61900
counseling and meeting the material needs of the women; 61901

(4) Does not charge women for any services received; 61902

(5) Is not involved or associated with any abortion 61903
activities, including counseling for or referrals to abortion 61904
clinics, providing medical abortion-related procedures, or 61905
pro-abortion advertising; 61906

(6) Does not discriminate in its provision of any services on 61907
the basis of race, religion, color, age, marital status, national 61908

origin, handicap, gender, or age; 61909

(7) If the organization is applying for funding in a county 61910
in which it is not located, provides services for pregnant women 61911
residing in that county. 61912

(D) The director shall not distribute funds to an 61913
organization that does not provide verifiable evidence of the 61914
requirements specified in the application under division (C) of 61915
this section and shall not provide additional funds to any 61916
organization that fails to comply with division (E) of this 61917
section in regard to its previous receipt of funds under this 61918
section. 61919

(E)(1) An organization receiving funds under this section 61920
shall do all of the following: 61921

(a) Use not more than sixty per cent of the funds distributed 61922
to it for the material needs of pregnant women who are planning to 61923
place their children for adoption or for infants awaiting 61924
placement with adoptive parents, including clothing, housing, 61925
medical care, food, utilities, and transportation; 61926

(b) Use not more than forty per cent of the funds distributed 61927
to it for counseling, training, or advertising; 61928

(c) Not use any of the funds distributed to it for 61929
administrative expenses, legal expenses, or capital expenditures; 61930

(d) Annually return to the fund created under division (A) of 61931
this section any unused money that exceeds ten per cent of the 61932
money distributed to the organization. 61933

(2) The organization annually shall submit to the director an 61934
audited financial statement verifying its compliance with division 61935
(E)(1) of this section. 61936

(F) The director, in accordance with Chapter 119. of the 61937
Revised Code, shall adopt rules to implement this section. 61938

It is not the intent of the general assembly that the department create a new position within the department to implement and administer this section. It is the intent of the general assembly that the implementation and administration of this section be accomplished by existing department personnel.

Sec. 3701.70. (A) The director of health shall establish guidelines for a state-level review of deaths of children under eighteen years of age who, at the time of death, were residents of this state.

(B) The purpose of a review conducted pursuant to guidelines adopted under this section is to decrease the incidence of preventable child deaths by doing all of the following:

(1) Promoting cooperation, collaboration, and communication between all groups, professions, agencies, or entities that serve families and children;

(2) Maintaining a comprehensive database of child deaths that occur in this state in order to develop an understanding of the causes and incidence of those deaths;

(3) Recommending and developing plans for implementing state and local service and program changes and changes to the groups, professions, agencies, or entities that serve families and children that might prevent child deaths.

(C) The guidelines shall provide that the director may not conduct a review while an investigation of the child's death or prosecution of a person for causing the death is pending, unless the prosecuting attorney agrees to allow the review. At the director's request, the law enforcement agency conducting the criminal investigation, on the conclusion of the investigation, and the prosecuting attorney, on the conclusion of the prosecution, shall notify the director of the conclusion.

Sec. 3701.701. (A)(1) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, any individual, public children services agency, private child placing agency, or agency that provides services specifically to individuals or families, law enforcement agency, or other public or private entity that provided services to a child whose death is being reviewed by the director of health pursuant to guidelines established under section 3701.70 of the Revised Code, on the request of the director, shall submit to the director a summary sheet of information.

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(a) With respect to a request made to a health care entity, the summary sheet shall contain only information available and reasonably drawn from the child's medical record created by the health care entity.

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(b) With respect to a request made to any other individual or entity, the summary sheet shall contain only information available and reasonably drawn from any record involving the child that the individual or entity develops in the normal course of business.

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(c) On the request of the director, an individual or entity may, at the individual's or entity's discretion, make any additional information, documents, or reports available to the director.

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(2) Notwithstanding section 3701.243 and any other section of the Revised Code pertaining to confidentiality, in the case of a child one year of age or younger whose death is being reviewed by the director, on the request of the director, a health care entity that provided services to the child's mother shall submit to the director a summary sheet of information available and reasonably drawn from the mother's medical record created by the health care entity. Before submitting the summary sheet, the health care entity shall attempt to obtain the mother's consent to do so, but

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lack of consent shall not preclude the entity from submitting the 62000
summary sheet. 62001

(3) For purposes of the review, the director shall have 62002
access to confidential information provided to the director under 62003
this section or division (H)(4) of section 2151.421 of the Revised 62004
Code, and the director shall preserve the confidentiality of that 62005
information. 62006

(B) Notwithstanding division (A) of this section, no person, 62007
entity, law enforcement agency, or prosecuting attorney shall 62008
provide any information regarding the death of a child to the 62009
director pursuant to guidelines established under section 3701.70 62010
of the Revised Code while an investigation of the death or 62011
prosecution of a person for causing the death is pending, unless 62012
the prosecuting attorney agrees to allow the review. 62013

Sec. 3701.702. (A) An individual or public or private entity 62014
providing information, documents, or reports to the director of 62015
health pursuant to guidelines established under section 3701.70 of 62016
the Revised Code is immune from civil liability for injury, death, 62017
or loss to person or property that otherwise might be incurred or 62018
imposed as a result of providing the information, document, or 62019
reports to the director. 62020

(B) Each person participating in a review conducted pursuant 62021
to guidelines established under section 3701.70 of the Revised 62022
Code is immune from civil liability for injury, death, or loss to 62023
person or property that might otherwise be incurred or imposed as 62024
a result of the person's participation in the review. 62025

Sec. 3701.703. (A) Except as provided in division (B) of this 62026
section and sections 5153.171 to 5153.173 of the Revised Code, any 62027
information, document, or report presented to the director of 62028
health pursuant to guidelines established under section 3701.70 of 62029

the Revised Code, all statements made by persons participating in 62030
a review conducted pursuant to those guidelines, and all work 62031
products of the director are confidential and shall be used by the 62032
director only in the exercise of the proper functions of the 62033
department of health. 62034

(B) The director may disclose the confidential information 62035
described in division (A) of this section to a fetal and infant 62036
mortality review team. 62037

(C) No person shall knowingly permit or encourage the 62038
unauthorized dissemination of the confidential information 62039
described in division (A) of this section. 62040

(D) Whoever violates division (C) of this section is guilty 62041
of a misdemeanor of the second degree. 62042

Sec. 3701.74. (A) As used in this section and section 62043
3701.741 of the Revised Code: 62044

(1) "Ambulatory care facility" means a facility that provides 62045
medical, diagnostic, or surgical treatment to patients who do not 62046
require hospitalization, including a dialysis center, ambulatory 62047
surgical facility, cardiac catheterization facility, diagnostic 62048
imaging center, extracorporeal shock wave lithotripsy center, home 62049
health agency, inpatient hospice, birthing center, radiation 62050
therapy center, emergency facility, and an urgent care center. 62051
"Ambulatory care facility" does not include the private office of 62052
a physician or dentist, whether the office is for an individual or 62053
group practice. 62054

(2) "Chiropractor" means an individual licensed under Chapter 62055
4734. of the Revised Code to practice chiropractic. 62056

(3) "Emergency facility" means a hospital emergency 62057
department or any other facility that provides emergency medical 62058
services. 62059

(4) "Health care practitioner" means all of the following:	62060
(a) A dentist or dental hygienist licensed under Chapter 4715. of the Revised Code;	62061 62062
(b) A registered or licensed practical nurse licensed under Chapter 4723. of the Revised Code;	62063 62064
(c) An optometrist licensed under Chapter 4725. of the Revised Code;	62065 62066
(d) A dispensing optician, spectacle dispensing optician, contact lens dispensing optician, or spectacle-contact lens dispensing optician licensed under Chapter 4725. of the Revised Code;	62067 62068 62069 62070
(e) A pharmacist licensed under Chapter 4729. of the Revised Code;	62071 62072
(f) A physician;	62073
(g) A physician assistant authorized under Chapter 4730. of the Revised Code to practice as a physician assistant;	62074 62075
(h) A practitioner of a limited branch of medicine issued a certificate under Chapter 4731. of the Revised Code;	62076 62077
(i) A psychologist licensed under Chapter 4732. of the Revised Code;	62078 62079
(j) A chiropractor;	62080
(k) A hearing aid dealer or fitter licensed under Chapter 4747. of the Revised Code;	62081 62082
(l) A speech-language pathologist or audiologist licensed under Chapter 4753. of the Revised Code;	62083 62084
(m) An occupational therapist or occupational therapy assistant licensed under Chapter 4755. of the Revised Code;	62085 62086
(n) A physical therapist or physical therapy assistant licensed under Chapter 4755. of the Revised Code;	62087 62088

(o) A licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist licensed, or a social work assistant registered, under Chapter 4757. of the Revised Code;	62089 62090 62091 62092 62093
(p) A dietitian licensed under Chapter 4759. of the Revised Code;	62094 62095
(q) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	62096 62097
(r) An emergency medical technician-basic, emergency medical technician-intermediate, or emergency medical technician-paramedic certified under Chapter 4765. of the Revised Code;	62098 62099 62100
<u>(s) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.</u>	62101 62102
(5) "Health care provider" means a hospital, ambulatory care facility, long-term care facility, pharmacy, emergency facility, or health care practitioner.	62103 62104 62105
(6) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.	62106 62107
(7) "Long-term care facility" means a nursing home, residential care facility, or home for the aging, as those terms are defined in section 3721.01 of the Revised Code; a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; a nursing facility, as defined in section 5165.01 of the Revised Code; a skilled nursing facility, as defined in section 5165.01 of the Revised Code; and an intermediate care facility for individuals with intellectual disabilities, as defined in section 5124.01 of the Revised Code.	62108 62109 62110 62111 62112 62113 62114 62115 62116 62117
(8) "Medical record" means data in any form that pertains to	62118

a patient's medical history, diagnosis, prognosis, or medical condition and that is generated and maintained by a health care provider in the process of the patient's health care treatment.

(9) "Medical records company" means a person who stores, locates, or copies medical records for a health care provider, or is compensated for doing so by a health care provider, and charges a fee for providing medical records to a patient or patient's representative.

(10) "Patient" means either of the following:

(a) An individual who received health care treatment from a health care provider;

(b) A guardian, as defined in section 1337.11 of the Revised Code, of an individual described in division (A)(10)(a) of this section.

(11) "Patient's personal representative" means a minor patient's parent or other person acting in loco parentis, a court-appointed guardian, or a person with durable power of attorney for health care for a patient, the executor or administrator of the patient's estate, or the person responsible for the patient's estate if it is not to be probated. "Patient's personal representative" does not include an insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state, a health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code, or any other person not named in this division.

(12) "Pharmacy" has the same meaning as in section 4729.01 of the Revised Code.

(13) "Physician" means a person authorized under Chapter 4731. of the Revised Code to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and

surgery. 62150

(14) "Authorized person" means a person to whom a patient has 62151
given written authorization to act on the patient's behalf 62152
regarding the patient's medical record. 62153

(B) A patient, a patient's personal representative, or an 62154
authorized person who wishes to examine or obtain a copy of part 62155
or all of a medical record shall submit to the health care 62156
provider a written request signed by the patient, personal 62157
representative, or authorized person dated not more than one year 62158
before the date on which it is submitted. The request shall 62159
indicate whether the copy is to be sent to the requestor, 62160
physician or chiropractor, or held for the requestor at the office 62161
of the health care provider. Within a reasonable time after 62162
receiving a request that meets the requirements of this division 62163
and includes sufficient information to identify the record 62164
requested, a health care provider that has the patient's medical 62165
records shall permit the patient to examine the record during 62166
regular business hours without charge or, on request, shall 62167
provide a copy of the record in accordance with section 3701.741 62168
of the Revised Code, except that if a physician, psychologist, 62169
licensed professional clinical counselor, licensed professional 62170
counselor, independent social worker, social worker, independent 62171
marriage and family therapist, marriage and family therapist, or 62172
chiropractor who has treated the patient determines for clearly 62173
stated treatment reasons that disclosure of the requested record 62174
is likely to have an adverse effect on the patient, the health 62175
care provider shall provide the record to a physician, 62176
psychologist, licensed professional clinical counselor, licensed 62177
professional counselor, independent social worker, social worker, 62178
independent marriage and family therapist, marriage and family 62179
therapist, or chiropractor designated by the patient. The health 62180
care provider shall take reasonable steps to establish the 62181

identity of the person making the request to examine or obtain a 62182
copy of the patient's record. 62183

(C) If a health care provider fails to furnish a medical 62184
record as required by division (B) of this section, the patient, 62185
personal representative, or authorized person who requested the 62186
record may bring a civil action to enforce the patient's right of 62187
access to the record. 62188

(D)(1) This section does not apply to medical records whose 62189
release is covered by section 173.20 or 3721.13 of the Revised 62190
Code, by Chapter 1347., 5119., or 5122. of the Revised Code, by 42 62191
C.F.R. part 2, "Confidentiality of Alcohol and Drug Abuse Patient 62192
Records," or by 42 C.F.R. 483.10. 62193

(2) Nothing in this section is intended to supersede the 62194
confidentiality provisions of sections 2305.24, 2305.25, 2305.251, 62195
and 2305.252 of the Revised Code. 62196

Sec. 3701.834. There is hereby created in the state treasury 62197
the public health emergency preparedness fund. All federal funds 62198
the department of health receives to conduct public health 62199
emergency preparedness and response activities shall be credited 62200
to the fund. The department shall use money in the fund to pay 62201
expenses related to public health emergency preparedness and 62202
response activities. 62203

Sec. 3701.95. (A) As used in this section, "government 62204
program providing public benefits" has the same meaning as in 62205
section 191.01 of the Revised Code. 62206

(B) The director of health shall identify each government 62207
program providing benefits, other than the help me grow program 62208
established by the department of health pursuant to section 62209
3701.61 of the Revised Code, that has the goal of reducing infant 62210
mortality and negative birth outcomes or the goal of reducing 62211

disparities among women who are pregnant or capable of becoming 62212
pregnant and who belong to a racial or ethnic minority. A program 62213
shall be identified only if it provides education, training, and 62214
support services related to those goals to program participants in 62215
their homes. The director may consult with the Ohio partnership to 62216
build stronger families for assistance with identifying the 62217
programs. 62218

(C) An administrator of a program identified under division 62219
(B) of this section shall report to the director data on program 62220
performance indicators that are used to assess progress toward 62221
achieving program goals. The administrator shall report the data 62222
in the format and within the time frames specified in rules 62223
adopted under division (D) of this section. Using the data 62224
reported under this division, the director shall prepare an annual 62225
report assessing the performance of each government program 62226
identified pursuant to division (B) of this section during the 62227
immediately preceding twelve-month period. In addition, the report 62228
shall summarize and provide an analysis of the information 62229
contained in the "information for medical and health use only" 62230
section of the birth records for individuals born during the prior 62231
twelve-month period. 62232

The director shall provide a copy of the report to the 62233
general assembly and the joint medicaid oversight committee. The 62234
copy to the general assembly shall be provided in accordance with 62235
section 101.68 of the Revised Code. 62236

(D) The director shall adopt rules specifying program 62237
performance indicators on which data must be reported by the 62238
administrators described in division (C) of this section as well 62239
as the format and time frames in which the data must be reported. 62240
To the extent possible, the program performance indicators 62241
specified in the rules shall be consistent with federal reporting 62242
requirements for federally funded home visiting services. The 62243

rules shall be adopted in accordance with Chapter 119. of the 62244
Revised Code. 62245

Sec. 3702.304. (A)(1) The director of health may grant a 62246
variance from the written transfer agreement requirement of 62247
section 3702.303 of the Revised Code if the ambulatory surgical 62248
facility submits to the director a complete variance application, 62249
prescribed by the director, and the director determines after 62250
reviewing the application that the facility is capable of 62251
achieving the purpose of a written transfer agreement in the 62252
absence of one. The director's determination is final. 62253

(2) Not later than sixty days after receiving a variance 62254
application from an ambulatory surgical facility, the director 62255
shall grant or deny the variance. A variance application that has 62256
not been approved within sixty days is considered denied. 62257

(B) A variance application is complete for purposes of 62258
division (A)(1) of this section if it contains or includes as 62259
attachments all of the following: 62260

(1) A statement explaining why application of the requirement 62261
would cause the facility undue hardship and why the variance will 62262
not jeopardize the health and safety of any patient; 62263

(2) A letter, contract, or memorandum of understanding signed 62264
by the facility and one or more consulting physicians who have 62265
admitting privileges at a minimum of one local hospital, 62266
memorializing the physician or physicians' agreement to provide 62267
back-up coverage when medical care beyond the level the facility 62268
can provide is necessary; 62269

(3) For each consulting physician described in division 62270
(B)(2) of this section: 62271

(a) A signed statement in which the physician attests that 62272
the physician is familiar with the facility and its operations, 62273

and agrees to provide notice to the facility of any changes in the 62274
physician's ability to provide back-up coverage; 62275

(b) The estimated travel time from the physician's main 62276
residence or office to each local hospital where the physician has 62277
admitting privileges; 62278

(c) Written verification that the facility has a record of 62279
the name, telephone numbers, and practice specialties of the 62280
physician; 62281

(d) Written verification from the state medical board that 62282
the physician possesses a valid certificate to practice medicine 62283
and surgery or osteopathic medicine and surgery issued under 62284
Chapter 4731. of the Revised Code; 62285

(e) Documented verification that each hospital at which the 62286
physician has admitting privileges has been informed in writing by 62287
the physician that the physician is a consulting physician for the 62288
ambulatory surgical facility and has agreed to provide back-up 62289
coverage for the facility when medical care beyond the care the 62290
facility can provide is necessary. 62291

(4) A copy of the facility's operating procedures or 62292
protocols that, at a minimum, do all of the following: 62293

(a) Address how back-up coverage by consulting physicians is 62294
to occur, including how back-up coverage is to occur when 62295
consulting physicians are temporarily unavailable; 62296

(b) Specify that each consulting physician is required to 62297
notify the facility, without delay, when the physician is unable 62298
to expeditiously admit patients to a local hospital and provide 62299
for continuity of patient care; 62300

(c) Specify that a patient's medical record maintained by the 62301
facility must be transferred contemporaneously with the patient 62302
when the patient is transferred from the facility to a hospital. 62303

(5) Any other information the director considers necessary. 62304

(C) The director's decision to grant, refuse, or rescind a 62305
variance is final. 62306

(D) The director shall consider each application for a 62307
variance independently without regard to any decision the director 62308
may have made on a prior occasion to grant or deny a variance to 62309
that ambulatory surgical facility or any other facility. 62310

Sec. 3702.309. (A) If a variance application is denied under 62311
section 3702.304 of the Revised Code, the license of such an 62312
ambulatory surgical facility is automatically suspended. The 62313
director of health shall reinstate the license if one of the 62314
following occurs: 62315

(1) The facility files with the director a copy of a written 62316
transfer agreement that meets the requirements of section 3702.303 62317
of the Revised Code. 62318

(2) The director grants the facility a variance pursuant to 62319
the requirements and procedures under section 3702.304 of the 62320
Revised Code; 62321

(3) The license is required to be reinstated pursuant to an 62322
order issued in accordance with sections 119.01 to 119.13 of the 62323
Revised Code. 62324

(B) If a facility's license remains under suspension pursuant 62325
to this section after the expiration date of the license, in order 62326
to operate as an ambulatory surgical facility it must apply for a 62327
new license under section 3702.30 of the Revised Code. 62328

Sec. 3702.74. (A) A primary care physician who has signed a 62329
letter of intent under section 3702.73 of the Revised Code and the 62330
director of health may enter into a contract for the physician's 62331
participation in the physician loan repayment program. The 62332

physician's employer or other funding source may also be a party 62333
to the contract. 62334

(B) The contract shall include all of the following 62335
obligations: 62336

(1) The primary care physician agrees to provide primary care 62337
services in the health resource shortage area identified in the 62338
letter of intent for the number of hours and duration specified in 62339
the contract; 62340

(2) When providing primary care services in the health 62341
resource shortage area, the primary care physician agrees to do 62342
all of the following: 62343

(a) Provide primary care services in an outpatient or 62344
ambulatory setting approved by the department of health; 62345

(b) Provide primary care services without regard to a 62346
patient's ability to pay; 62347

(c) Meet the requirements for a medicaid provider agreement 62348
and enter into the agreement with the department of medicaid to 62349
provide primary care services to medicaid recipients. 62350

(3) The department of health agrees, as provided in section 62351
3702.75 of the Revised Code, to repay, so long as the primary care 62352
physician performs the service obligation agreed to under division 62353
(B)(1) of this section, all or part of the principal and interest 62354
of a government or other educational loan taken by the primary 62355
care physician for expenses described in section 3702.75 of the 62356
Revised Code; 62357

(4) The primary care physician agrees to pay the department 62358
of health an amount established by rules adopted under section 62359
3702.79 of the Revised Code if the physician fails to complete the 62360
service obligation agreed to under division (B)(1) of this 62361
section. 62362

(C) The contract shall include the following terms as agreed upon by the parties: 62363
62364

(1) The primary care physician's required length of service in the health resource shortage area, which must be at least two years; 62365
62366
62367

(2) The number of weekly hours the primary care physician will be engaged in full-time practice or part-time practice in the health resource shortage area; 62368
62369
62370

(3) The maximum amount that the department will repay on behalf of the primary care physician; 62371
62372

(4) The extent to which the primary care physician's teaching activities will be counted toward the physician's full-time practice or part-time practice hours under the contract. 62373
62374
62375

(D) If the amount specified in division (C)(3) of this section includes federal funds ~~from the bureau of clinician recruitment and service in the United States department of health and human services~~, the amount of state funds repaid on the individual's behalf shall be the same as the amount of those federal funds. 62376
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Sec. 3702.91. (A) As used in this section: 62382

(1) "Full-time practice" and "part-time practice" have the same meanings as in section 3702.71 of the Revised Code; 62383
62384

(2) "Teaching activities" means ~~supervising~~ providing clinical education to dental students and dental residents and dental health profession students at the service site specified in the ~~letter of intent~~ contract described in division (B) of this section ~~3702.90 of the Revised Code~~. 62385
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(B) An individual who has signed a letter of intent may enter into a contract with the director of health for participation in the dentist loan repayment program. The dentist's employer or 62390
62391
62392

other funding source may also be a party to the contract. 62393

(C) The contract shall include all of the following 62394
obligations: 62395

(1) The individual agrees to provide dental services in the 62396
dental health resource shortage area identified in the letter of 62397
intent for the number of hours and duration specified in the 62398
contract. 62399

(2) When providing dental services in the dental health 62400
resource shortage area, the individual agrees to do all of the 62401
following: 62402

(a) Provide dental services in a service site approved by the 62403
department of health; 62404

(b) Provide dental services without regard to a patient's 62405
ability to pay; 62406

(c) Meet the requirements for a medicaid provider agreement 62407
and enter into the agreement with the department of medicaid to 62408
provide dental services to medicaid recipients. 62409

(3) The department of health agrees, as provided in section 62410
3702.85 of the Revised Code, to repay, so long as the individual 62411
performs the service obligation agreed to under division (C)(1) of 62412
this section, all or part of the principal and interest of a 62413
government or other educational loan taken by the individual for 62414
expenses described in section 3702.85 of the Revised Code. 62415

(4) The individual agrees to pay the department of health an 62416
amount established by rules adopted under section 3702.86 of the 62417
Revised Code, if the individual fails to complete the service 62418
obligation agreed to under division (C)(1) of this section. 62419

(D) The contract shall include the following terms as agreed 62420
upon by the parties: 62421

(1) The individual's required length of service in the dental 62422

health resource shortage area, which must be at least two years; 62423

(2) The number of weekly hours the individual will be engaged 62424
in full-time practice or part-time practice; 62425

(3) The maximum amount that the department will repay on 62426
behalf of the individual; 62427

(4) The extent to which the individual's teaching activities 62428
will be counted toward the individual's full-time practice or 62429
part-time practice hours under the contract. 62430

(E) If the amount specified in division (D)(3) of this 62431
section includes federal funds ~~from the bureau of clinician~~ 62432
~~recruitment and service in the United States department of health~~ 62433
~~and human services~~, the amount of state funds repaid on the 62434
individual's behalf shall be the same as the amount of those 62435
federal funds. 62436

Sec. 3704.05. (A) No person shall cause, permit, or allow 62437
emission of an air contaminant in violation of any rule adopted by 62438
the director of environmental protection under division (E) of 62439
section 3704.03 of the Revised Code unless the person is the 62440
holder of a variance that is issued under division (H) of that 62441
section and consistent with the federal Clean Air Act permitting 62442
the emission of the contaminant in excess of that permitted by the 62443
rule or the person is the holder of an operating permit that 62444
includes a compliance schedule issued pursuant to rules adopted 62445
under division (G) of section 3704.03 of the Revised Code. 62446

(B) No person who is the holder of a variance issued under 62447
division (H) of section 3704.03 of the Revised Code shall cause, 62448
permit, or allow emission of an air contaminant or contaminants 62449
listed therein in violation of the conditions of the variance or 62450
fail to obey an order of the director issued under authority of 62451
that division. 62452

(C) No person who is the holder of a permit issued under
division (F) or (G) of section 3704.03 of the Revised Code shall
violate any of its terms or conditions.

(D) No person shall fail to install and maintain monitoring
devices or to submit reports or other information as may be
required under division (I) of section 3704.03 of the Revised
Code.

(E) No person to whom a permit or variance has been issued
shall refuse entry to an authorized representative of the director
or the environmental protection agency as provided in division
~~(M)~~(L) of section 3704.03 of the Revised Code or hinder or thwart
the person in making an investigation.

(F) No person shall fail to submit plans and specifications
as required by section 3704.03 of the Revised Code.

(G) No person shall violate any order, rule, or determination
of the director issued, adopted, or made under this chapter.

(H) No person shall do any of the following:

(1) Falsify any plans, specifications, data, reports,
records, or other information required to be kept or submitted to
the director by this chapter or rules adopted under it;

(2) Make any false material statement, representation, or
certification in any form, notice, or report required by the Title
V permit program;

(3) Render inaccurate any monitoring device required by a
Title V permit.

Violation of division (H)(1), (2), or (3) of this section is
not also falsification under section 2921.13 of the Revised Code.

(I) No person shall knowingly falsify an inspection
certificate submitted to another under section 3704.14 or Chapter
4503. of Revised Code. Violation of this division is not also

falsification under section 2921.13 of the Revised Code. 62483

(J) No person shall do either of the following: 62484

(1) With regard to the Title V permit program, fail to pay 62485
any administrative penalty assessed in accordance with rules 62486
adopted under division (S) of section 3704.03 of the Revised Code 62487
or any fee assessed under section 3745.11 of the Revised Code; 62488

(2) Violate any applicable requirement of a Title V permit or 62489
any permit condition, except for an emergency as defined in 40 62490
C.F.R. 70.6 (g), or filing requirement of the Title V permit 62491
program, any duty to allow or carry out inspection, entry, or 62492
monitoring activities, or any rule adopted or order issued by the 62493
director pursuant to the Title V permit program. 62494

(K) On and after the three hundred sixty-sixth day following 62495
the administrator's final approval of the Title V permit program, 62496
or on and after the three hundred sixty-sixth day following the 62497
commencement of operation of a new major source required to comply 62498
with section 112(g) or part C or D of Title I of the federal Clean 62499
Air Act, whichever is later, no person shall operate any such 62500
source that is required to obtain a Title V permit under section 62501
3704.036 of the Revised Code or rules adopted under it unless such 62502
a permit has been issued authorizing operation of the source or 62503
unless a complete and timely application for the issuance, 62504
renewal, or modification of a Title V permit for the source has 62505
been submitted to the director under that section. 62506

Sec. 3704.14. (A)(1) If the director of environmental 62507
protection determines that implementation of a motor vehicle 62508
inspection and maintenance program is necessary for the state to 62509
effectively comply with the federal Clean Air Act after June 30, 62510
~~2011~~ 2015, the director may provide for the implementation of the 62511
program in those counties in this state in which such a program is 62512
federally mandated. Upon making such a determination, the director 62513

of environmental protection may request the director of 62514
administrative services to extend the terms of the contract that 62515
was entered into under the authority of Am. Sub. H.B. ~~± 153~~ of the 62516
~~128th~~ 129th general assembly. Upon receiving the request, the 62517
director of administrative services shall extend the contract, 62518
beginning on July 1, ~~2014~~ 2015, in accordance with this section. 62519
The contract shall be extended for a period of up to ~~twelve~~ 62520
twenty-four months with the contractor who conducted the motor 62521
vehicle inspection and maintenance program under that contract. 62522

(2) Prior to the expiration of the contract extension that is 62523
authorized by division (A)(1) of this section, the director of 62524
environmental protection shall request the director of 62525
administrative services to enter into a contract with a vendor to 62526
operate a decentralized motor vehicle inspection and maintenance 62527
program in each county in this state in which such a program is 62528
federally mandated through June 30, ~~2015~~ 2019, with an option for 62529
the state to renew the contract for a period of up to twenty-four 62530
months through June 30, ~~2017~~ 2021. The contract shall ensure that 62531
the decentralized motor vehicle inspection and maintenance program 62532
achieves at least the same emission reductions as achieved by the 62533
program operated under the authority of the contract that was 62534
extended under division (A)(1) of this section. The director of 62535
administrative services shall select a vendor through a 62536
competitive selection process in compliance with Chapter 125. of 62537
the Revised Code. 62538

(3) Notwithstanding any law to the contrary, the director of 62539
administrative services shall ensure that a competitive selection 62540
process regarding a contract to operate a decentralized motor 62541
vehicle inspection and maintenance program in this state 62542
incorporates the following, which shall be included in the 62543
contract: 62544

(a) For purposes of expanding the number of testing locations 62545
for consumer convenience, a requirement that the vendor utilize 62546
established local businesses, auto repair facilities, or leased 62547
properties to operate state-approved inspection and maintenance 62548
testing facilities; 62549

(b) A requirement that the vendor selected to operate the 62550
program provide notification of the program's requirements to each 62551
owner of a motor vehicle that is required to be inspected under 62552
the program. The contract shall require the notification to be 62553
provided not later than sixty days prior to the date by which the 62554
owner of the motor vehicle is required to have the motor vehicle 62555
inspected. The director of environmental protection and the vendor 62556
shall jointly agree on the content of the notice. However, the 62557
notice shall include at a minimum the locations of all inspection 62558
facilities within a specified distance of the address that is 62559
listed on the owner's motor vehicle registration; 62560

(c) A requirement that the vendor comply with testing 62561
methodology and supply the required equipment approved by the 62562
director of environmental protection as specified in the 62563
competitive selection process in compliance with Chapter 125. of 62564
the Revised Code. 62565

(4) A decentralized motor vehicle inspection and maintenance 62566
program operated under this section shall comply with division (B) 62567
of this section. The director of environmental protection shall 62568
administer the decentralized motor vehicle inspection and 62569
maintenance program operated under this section. 62570

(B) The decentralized motor vehicle inspection and 62571
maintenance program authorized by this section, at a minimum, 62572
shall do all of the following: 62573

(1) Comply with the federal Clean Air Act; 62574

(2) Provide for the issuance of inspection certificates; 62575

(3) Provide for a new car exemption for motor vehicles four 62576
years old or newer and provide that a new motor vehicle is exempt 62577
for four years regardless of whether legal title to the motor 62578
vehicle is transferred during that period. 62579

(C) The director of environmental protection shall adopt 62580
rules in accordance with Chapter 119. of the Revised Code that the 62581
director determines are necessary to implement this section. The 62582
director may continue to implement and enforce rules pertaining to 62583
the motor vehicle inspection and maintenance program previously 62584
implemented under former section 3704.14 of the Revised Code as 62585
that section existed prior to its repeal and reenactment by Am. 62586
Sub. H.B. 66 of the 126th general assembly, provided that the 62587
rules do not conflict with this section. 62588

(D) There is hereby created in the state treasury the auto 62589
emissions test fund, which shall consist of money received by the 62590
director from any cash transfers, state and local grants, and 62591
other contributions that are received for the purpose of funding 62592
the program established under this section. The director of 62593
environmental protection shall use money in the fund solely for 62594
the implementation, supervision, administration, operation, and 62595
enforcement of the motor vehicle inspection and maintenance 62596
program established under this section. Money in the fund shall 62597
not be used for either of the following: 62598

(1) To pay for the inspection costs incurred by a motor 62599
vehicle dealer so that the dealer may provide inspection 62600
certificates to an individual purchasing a motor vehicle from the 62601
dealer when that individual resides in a county that is subject to 62602
the motor vehicle inspection and maintenance program; 62603

(2) To provide payment for more than one free passing 62604
emissions inspection or a total of three emissions inspections for 62605
a motor vehicle in any three-hundred-sixty-five-day period. The 62606
owner or lessee of a motor vehicle is responsible for inspection 62607

fees that are related to emissions inspections beyond one free 62608
passing emissions inspection or three total emissions inspections 62609
in any three-hundred-sixty-five-day period. Inspection fees that 62610
are charged by a contractor conducting emissions inspections under 62611
a motor vehicle inspection and maintenance program shall be 62612
approved by the director of environmental protection. 62613

(E) The motor vehicle inspection and maintenance program 62614
established under this section expires upon the termination of all 62615
contracts entered into under this section and shall not be 62616
implemented beyond the final date on which termination occurs. 62617

Sec. 3705.08. (A) The director of health, by rule, shall 62618
prescribe the form of records and certificates required by this 62619
chapter. Records and certificates shall include the items and 62620
information prescribed by the director, including the items 62621
recommended by the national center for health statistics of the 62622
United States department of health and human services, subject to 62623
approval of and modification by the director. 62624

(B) All birth certificates shall include a statement setting 62625
forth the names of the child's parents and a line for the mother's 62626
and the father's signature. 62627

(C) All death certificates shall include, in the medical 62628
certification portion of the certificate, a space to indicate, if 62629
the deceased individual is female and the manner of death is 62630
determined to be a suspicious or violent death, whether any of the 62631
following conditions apply to the individual: 62632

(1) Not pregnant within the past year; 62633

(2) Pregnant at the time of death; 62634

(3) Not pregnant, but had been pregnant within forty-two days 62635
prior to the time of death; 62636

(4) Not pregnant, but had been pregnant within forty-three 62637

days to one year prior to the time of death; 62638

(5) Unknown whether pregnant within the past year. 62639

(D)(1) The director shall prescribe methods, forms, and 62640
blanks and shall furnish necessary postage, forms, and blanks for 62641
obtaining registration of births, deaths, and other vital 62642
statistics in each registration district, and for preserving the 62643
records of the office of vital statistics, and no forms or blanks 62644
shall be used other than those prescribed by the director. 62645

(2) All birth, fetal death, and death records and 62646
certificates shall be ~~printed legibly or typewritten in unfading~~ 62647
~~black ink and~~ signed. Except as provided in division (G) of 62648
section 3705.09, section 3705.12, 3705.121, 3705.122, or 3705.124, 62649
division (D) of section 3705.15, or section 3705.16 of the Revised 62650
Code, ~~a signature required on~~ a birth, fetal death, or death 62651
certificate shall be ~~written~~ signed by the person required to sign 62652
~~and a facsimile signature shall not be used~~ the certificate. 62653

(3) All vital records shall contain the date received for 62654
registration. 62655

(4) Information and signatures required in certificates, 62656
records, or reports authorized by this chapter may be filed and 62657
registered by photographic, electronic, or other means as 62658
prescribed by the director. 62659

Sec. 3705.231. (A) A local registrar shall issue, on receipt 62660
of a signed application for a birth or death record and the fee 62661
specified in division (B) of this section, a noncertified copy of 62662
a birth or death record, and the birth or death record shall 62663
contain at least the name, sex, date of birth or death, 62664
registration date, and place of birth or death of the person to 62665
whose birth or death the record attests and shall attest that the 62666
person's birth or death has been registered. 62667

(B) A local registrar may charge a fee for providing a noncertified copy, not to exceed twenty-five cents per page when provided in black and white, or, if a local registrar offers to provide a color copy, a reasonable amount not to exceed the amount the local registrar expends in producing the color copy. 62668
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Sec. 3707.57. (A) As used in this section: 62673

(1) "Bloodborne pathogens" means the human immunodeficiency virus (HIV), hepatitis B virus, and hepatitis C virus. 62674
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(2) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code. 62676
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(3) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code. 62679
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(B) If the director of health determines that there is a public health emergency related to the transmission of bloodborne pathogens in one or more areas of the state, a board of health serving a health district that includes one or more of those areas may establish a bloodborne infectious disease prevention program. The cost of the program is the responsibility of the board of health. 62681
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(C) A board of health that establishes a bloodborne infectious disease prevention program shall determine the manner in which the program is operated and the individuals who are eligible to participate. The program shall do all of the following: 62688
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(1) If resources are available, provide on-site screening for bloodborne pathogens and make appropriate referrals for care and treatment; 62693
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(2) Provide education to each program participant regarding exposure to bloodborne pathogens; 62696
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- (3) Encourage each program participant to seek appropriate medical, mental health, drug treatment, or social services; 62698
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- (4) Use a recordkeeping system that ensures that the identity of each program participant remains anonymous; 62700
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- (5) Comply with applicable state and federal laws governing participant confidentiality; 62702
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- (6) Provide each program participant with documentation identifying the individual as an active participant in the program. 62704
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- (D) A bloodborne infectious disease prevention program may collect demographic information about each program participant, including the zip code applicable to the participant's address, and the participant's comorbidity diagnosis, if any. The program may report the information to the department of mental health and addiction services. 62707
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- (E)(1) Before establishing a bloodborne infectious disease prevention program, the board of health shall consult with all of the following: 62713
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- (a) Interested parties from the health district represented by the board, including all of the following: 62716
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- (i) Law enforcement representatives; 62718
- (ii) Prosecutors, as defined in section 2935.01 of the Revised Code; 62719
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- (iii) Representatives of community addiction services providers certified under section 5119.36 of the Revised Code; 62721
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- (iv) Persons recovering from substance abuse; 62723
- (v) Relevant private, nonprofit organizations, including hepatitis C and HIV advocacy organizations; 62724
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- (vi) Residents of the health district; 62726

(vii) The board of alcohol, drug addiction, and mental health services that serves the area in which the health district is located. 62727
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(b) Representatives selected by the governing authority of the city, village, or township in which the program is proposed to be established. 62730
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(2) If the board of health, after consulting with the interested parties and representatives listed in division (D)(1) of this section, decides to establish a bloodborne infectious disease prevention program, the board shall provide written notice of the proposed location to the governing authority of the city, village, or township in which the program is to be located. The governing authority retains all zoning rights. 62733
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(F)(1) If carrying out a duty under a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, an employee or volunteer of the program, when carrying out the duty, is not subject to criminal prosecution for the violation: 62740
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(a) Section 2923.24 of the Revised Code; 62745

(b) Section 2925.12 of the Revised Code; 62746

(c) Division (C)(1) of section 2925.14 of the Revised Code regarding the prohibition against illegal possession of drug paraphernalia; 62747
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(d) Division (C) or (D) of section 3719.172 of the Revised Code regarding the prohibition against furnishing a hypodermic needle to another person. 62750
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(2) If participating in a component of a bloodborne infectious disease prevention program would be considered a violation of any of the following, a program participant who is within one thousand feet of a program facility and is in 62753
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possession of documentation from the program identifying the 62757
individual as an active participant in the program is not subject 62758
to criminal prosecution for the violation: 62759

(a) Section 2923.24 of the Revised Code; 62760

(b) Section 2925.12 of the Revised Code; 62761

(c) Division (C)(1) of section 2925.14 of the Revised Code 62762
regarding the prohibition against illegal possession of drug 62763
paraphernalia. 62764

(G) A board of health that establishes a bloodborne 62765
infectious disease prevention program shall include details about 62766
the program in its annual report prepared under section 3707.47 of 62767
the Revised Code. 62768

Sec. 3709.03. (A) There is hereby created in each general 62769
health district a district advisory council. A council shall 62770
consist of the president of the board of county commissioners, the 62771
chief executive of each municipal corporation not constituting a 62772
city health district, and the president of the board of township 62773
trustees of each township. The board of county commissioners, the 62774
legislative body of a municipal corporation, and the board of 62775
township trustees of a township may select an alternate from among 62776
themselves to serve if the president, the chief executive, or the 62777
president of the board of township trustees is unable to attend 62778
any meeting of the district advisory council. When attending a 62779
meeting on behalf of a council member, the alternate may vote on 62780
any matter on which the member is authorized to vote. 62781

The council shall organize by selecting a chair and secretary 62782
from among its members. The council shall adopt bylaws governing 62783
its meetings, the transaction of business, and voting procedures. 62784

The council shall meet annually in March at a place 62785
determined by the chair and the health commissioner for the 62786

purpose of electing the chair and the secretary, making necessary 62787
appointments to the board of health, receiving and considering the 62788
annual or special reports from the board of health, and making 62789
recommendations to the board of health or to the department of 62790
health in regard to matters for the betterment of health and 62791
sanitation within the district or for needed legislation. The 62792
secretary of the council shall notify the district health 62793
commissioner and the director of health of the proceedings of such 62794
meeting. 62795

Special meetings of the council shall be held on the order of 62796
any of the following: 62797

(1) The director of health; 62798

(2) The board of health; 62799

(3) The lesser of five or a majority of district advisory 62800
council members. 62801

The district health commissioner shall attend all meetings of 62802
the council. 62803

(B) The district advisory council shall appoint ~~four~~ five 62804
members of the board of health, ~~and the remaining member shall be~~ 62805
~~appointed by the~~ unless the board of health has established a 62806
health district licensing council ~~established~~ under section 62807
3709.41 of the Revised Code, in which case, the district advisory 62808
council shall appoint four members of the board of health, and the 62809
health district licensing council shall appoint one member of the 62810
board of health. At least one member of the board of health shall 62811
be a physician. Appointments shall be made with due regard to 62812
equal representation of all parts of the district. 62813

(C) If at an annual or special meeting at which a member of 62814
the board of health is to be appointed fewer than a majority of 62815
the members of the district council are present, the council, by 62816
the majority vote of council members present, may organize an 62817

executive committee to make the appointment. An executive 62818
committee shall consist of five council members, including the 62819
president of the board of county commissioners, the council chair, 62820
the council secretary, and two additional council members selected 62821
by majority affirmative vote of the council members present at the 62822
meeting. The additional members selected shall include one 62823
representative of municipal corporations in the district that are 62824
not city health districts and one representative of townships in 62825
the district. If an individual is eligible for more than one 62826
position on the executive committee due to holding a particular 62827
office, the individual shall fill one position on the committee 62828
and the other position shall be filled by a member selected by a 62829
majority affirmative vote of the council members present at the 62830
meeting. A council member's alternate for annual meetings may 62831
serve as the member's alternate at meetings of the executive 62832
committee. 62833

Not later than thirty days after an executive committee is 62834
organized, the committee shall meet and the council chair shall 62835
present to the committee the matter of appointing a member of the 62836
board of health. The committee shall appoint the board member by 62837
majority affirmative vote. In the case of a combined health 62838
district, the executive committee shall appoint only members of 62839
the board of health that are to be appointed by the district 62840
advisory council, unless the contract for administration of health 62841
affairs in the combined district provides otherwise. If a majority 62842
affirmative vote is not reached within thirty days after the 62843
executive committee is organized, the director of health shall 62844
appoint the member of the board of health under the authority 62845
conferred by section 3709.03 of the Revised Code. 62846

If the council fails to meet or appoint a member of the board 62847
of health as required by this section or section 3709.02 of the 62848
Revised Code, the director of health may appoint the member. 62849

Sec. 3709.05. (A) Unless an administration of public health 62850
different from that specifically provided in this section is 62851
established and maintained under authority of its charter, or 62852
unless a combined city health district is formed under section 62853
3709.051 of the Revised Code, the legislative authority of each 62854
city constituting a city health district shall establish a board 62855
of health. The board of health shall be composed of ~~four~~ five 62856
members appointed by the mayor and confirmed by the legislative 62857
authority ~~and one member appointed by the,~~ unless the board of 62858
health has established a health district licensing council 62859
~~established~~ under section 3709.41 of the Revised Code, in which 62860
case, the mayor shall appoint four members of the board of health, 62861
confirmed by the legislative authority, and the health district 62862
licensing council shall appoint one member of the board of health. 62863

(B) Each member of the board shall be paid a sum not to 62864
exceed eighty dollars a day for the member's attendance at each 62865
meeting of the board. No member shall receive compensation for 62866
attendance at more than eighteen meetings in any year. 62867

(C) Each member of the board shall receive travel expenses at 62868
rates established by the director of budget and management 62869
pursuant to section 126.31 of the Revised Code to cover the actual 62870
and necessary travel expenses incurred for travel to and from 62871
meetings that take place outside the county in which the member 62872
resides, except that any member may receive travel expenses for 62873
registration for any conference that takes place inside the county 62874
in which the member resides. 62875

(D) A majority of the members constitutes a quorum, and the 62876
mayor shall be president of the board. 62877

(E) The term of office of the members shall be five years 62878
from the date of appointment, except that of those first 62879
appointed, one shall serve for five years, one for four years, one 62880

for three years, one for two years, and one for one year, and 62881
thereafter one shall be appointed each year. 62882

A vacancy in the membership of the board shall be filled in 62883
like manner as an original appointment and shall be for the 62884
unexpired term. 62885

Sec. 3709.07. Except as provided in section 3709.071 of the 62886
Revised Code, when it is proposed that one or more city health 62887
districts unite with a general health district in the formation of 62888
a single district, the district advisory council of the general 62889
health district shall meet and vote on the question of union. It 62890
shall require a majority affirmative vote of the members of the 62891
district advisory council to carry the question. The legislative 62892
authority of each city shall likewise vote on the question. A 62893
majority voting affirmatively shall be required for approval. When 62894
the majority of the district advisory council and the legislative 62895
authority have voted affirmatively, the chair of the council and 62896
the chief executive of each city shall enter into a contract for 62897
the administration of health affairs in the combined district. 62898
Such contract shall state the proportion of the expenses of the 62899
board of health or health department of the combined district to 62900
be paid by the city or cities and by the original general health 62901
district. The contract may provide that the administration of the 62902
combined district shall be taken over by either the board of 62903
health or health department of one of the cities, by the board of 62904
health of the general health district, or by a combined board of 62905
health. Such contract shall prescribe the date on which such 62906
change of administration shall be made. A copy of such contract 62907
shall be filed with the director of health. 62908

The combined district shall constitute a general health 62909
district, and the board of health or health department of the 62910
city, the board of health of the original general health district, 62911

or the combined board of health, as may be agreed in the contract, 62912
shall have, within the combined district, all the powers granted 62913
to, and perform all the duties required of, the board of health of 62914
a general health district. 62915

The district advisory council of the combined general health 62916
district shall consist of the members of the district advisory 62917
council of the original general health district and the chief 62918
executive of each city constituting a city health district, each 62919
member having one vote. 62920

If the contract provides that the administration of the 62921
combined district shall be taken over by a combined board of 62922
health, rather than the board of health of the original health 62923
district, the contract shall set forth the number of members of 62924
such board, their terms of office, and the manner of appointment 62925
or election of officers. One of the members of such combined board 62926
of health shall be a physician, and one member shall be an 62927
individual appointed by the health district licensing council, if 62928
such council is established under section 3709.41 of the Revised 62929
Code. The contract may also provide for the representation of 62930
areas by one or more members and shall, in such event, specify the 62931
territory to be included in each such area. 62932

The appointment of any member of the combined board who is 62933
designated by the provisions of the contract to represent a city 62934
shall be made by the chief executive and approved by the 62935
legislative authority of such city. If a member is designated by 62936
the contract to represent more than one city, the member shall be 62937
appointed by majority vote of the chief executives of all cities 62938
included in any such area. Except for the member appointed by the 62939
health district licensing council, if such council is established, 62940
the appointment of all members of the combined board who are 62941
designated to represent the balance of the district shall be made 62942
by the district advisory council. 62943

The service status of any person employed by a city or 62944
general health district shall not be affected by the creation of a 62945
combined district. 62946

Sec. 3709.41. (A) ~~There is hereby created in~~ The board of 62947
health of each city and ~~in~~ of each general health district may 62948
establish a health district licensing council, to be appointed by 62949
the entity that has responsibility for appointing the board of 62950
health in the health district. The members of the council shall 62951
consist of one representative of each business activity for which 62952
the board of health operates a licensing program. To be appointed 62953
and remain a member, an individual shall be a resident of the 62954
health district for which the council was created. 62955

The appointing authority shall make initial appointments to 62956
the council not later than thirty days after ~~November 21, 2001~~ the 62957
board of health establishes the council. Of the initial 62958
appointments to the council, one-third of the members, rounded to 62959
the nearest whole number, shall serve for a term ending three 62960
years after ~~November 21, 2001~~ the date of appointment; one-third, 62961
rounded to the nearest whole number, shall serve for a term ending 62962
four years after ~~November 21, 2001~~ the date of appointment; and 62963
the remaining members shall serve for a term ending five years 62964
after ~~November 21, 2001~~ the date of appointment. Thereafter, terms 62965
of office shall be five years, with each term ending on the same 62966
day of the same month as did the term that it succeeds. 62967

Each member shall hold office from the date of the member's 62968
appointment until the end of the term for which the member was 62969
appointed. Members may be reappointed. 62970

Vacancies shall be filled in the manner provided for original 62971
appointments. Any member appointed to fill a vacancy occurring 62972
prior to the expiration of the term for which the member's 62973
predecessor was appointed shall hold office as a member for the 62974

remainder of that term. A member shall continue in office 62975
subsequent to the expiration date of the member's term until the 62976
member's successor takes office or until a period of sixty days 62977
has elapsed, whichever occurs first. 62978

Members shall serve without compensation, except to the 62979
extent that serving on the council is part of their regular duties 62980
of employment. 62981

(B) Each health district licensing council shall organize by 62982
selecting from among its members a chairperson, a secretary, and 62983
any other officers it considers necessary. Each council shall 62984
adopt bylaws for the regulation of its affairs and the conduct of 62985
its business. 62986

Each council shall meet at least annually or at more frequent 62987
intervals if specified in its bylaws. In addition to the mandatory 62988
meetings, a council shall meet at the call of the chairperson or 62989
the request of a majority of the council members. 62990

(C) Pursuant to sections 3709.03, 3709.05, and 3709.07 of the 62991
Revised Code, the health district licensing council, if 62992
established by the board of health, shall appoint one ~~of its~~ 62993
~~members to serve as a~~ member of the board of health. The council 62994
shall appoint one of its members to serve as an alternate board of 62995
health member if for any reason the original member is required to 62996
abstain from voting on a particular issue being considered by the 62997
board of health. While serving on behalf of the original member, 62998
the alternate member has the same powers and duties as the 62999
original member. 63000

Sec. 3714.051. (A)(1) Not later than one hundred eighty days 63001
after ~~the effective date of this section~~ December 22, 2005, and in 63002
accordance with rules adopted under section 3714.02 of the Revised 63003
Code, the director of environmental protection shall establish a 63004
program for the issuance of permits to install for new 63005

construction and demolition debris facilities. 63006

(2) On and after ~~the effective date of this section~~ December 63007
22, 2005, no person shall establish a new construction and 63008
demolition debris facility without first obtaining a permit to 63009
install issued by the board of health of the health district in 63010
which the facility is or is to be located or from the director if 63011
the facility is or is to be located in a health district that is 63012
not on the approved list under section 3714.09 of the Revised Code 63013
or if a board of health requests the director to issue the permit 63014
to install under division (G) of this section. 63015

(B) The director, the director's authorized representative, a 63016
board of health, or an authorized representative of the board may 63017
assist an applicant for a permit to install during the permitting 63018
process by providing guidance and technical assistance. 63019

(C) An applicant for a permit to install shall submit an 63020
application to a board of health or the director, as applicable, 63021
on a form that the director prescribes. The applicant shall 63022
include with the application all of the following: 63023

(1) The name and address of the applicant, of all partners if 63024
the applicant is a partnership or of all officers and directors if 63025
the applicant is a corporation, and of any other person who has a 63026
right to control or in fact controls management of the applicant 63027
or the selection of officers, directors, or managers of the 63028
applicant; 63029

(2) The designs and plans for the construction and demolition 63030
debris facility that include the location or proposed location of 63031
the facility, design and construction plans and specifications, 63032
anticipated beginning and ending dates for work performed, and any 63033
other related information that the director requires by rule; 63034

(3) The information required under section 3714.052 of the 63035
Revised Code; 63036

(4) An application fee of two thousand dollars. A board of health shall deposit money collected under division (C)(4) of this section into the special fund of the health district created under section 3714.07 of the Revised Code. The director shall transmit money collected under division (C)(4) of this section to the treasurer of state to be credited to the ~~construction and demolition debris facility oversight~~ waste management fund created in ~~that~~ section 3734.061 of the Revised Code. Not later than six months after a facility that is issued a permit to install begins accepting construction and demolition debris for disposal, a board of health or the director, as applicable, shall refund the application fee received under division (C)(4) of this section to the person that submitted the application for the permit to install.

(5) Any other information required by the director in accordance with rules adopted under section 3714.02 of the Revised Code.

(D) A permit to install may be issued with terms and conditions that a board of health or the director, as applicable, finds necessary to ensure that the facility will comply with this chapter and rules adopted under it and to protect public health and safety and the environment.

(E) A permit to install shall expire after a time period specified by the director or board of health, as applicable, in accordance with rules adopted under section 3714.02 of the Revised Code unless the applicant has undertaken a continuing program of construction or has entered into a binding contractual obligation to undertake and complete a continuing program of construction within a reasonable time, in which case the director or board, as applicable, may extend the expiration date of a permit to install upon request of the applicant.

(F) The director or a board of health, as applicable, may

issue, deny, modify, suspend, or revoke a permit to install in 63069
accordance with rules. 63070

(G) A board of health shall notify the director of its 63071
receipt of an application for a permit to install. A board of 63072
health, or its authorized representative, may request the director 63073
to review an application, or part of an application, for a permit 63074
to install and also may request that the director issue or deny it 63075
when the board determines that additional expertise is required. 63076
The director shall comply with such a request. 63077

Upon a board of health's issuance of a permit to install for 63078
a new construction and demolition debris facility under this 63079
section, the board shall mail a copy of the permit to the director 63080
together with approved plans, specifications, and information 63081
regarding the facility. 63082

Sec. 3714.07. (A)(1) For the purpose of assisting boards of 63083
health and the environmental protection agency in administering 63084
and enforcing this chapter and rules adopted under it, there is 63085
hereby levied a fee of thirty cents per cubic yard or sixty cents 63086
per ton, as applicable, on both of the following: 63087

(a) The disposal of construction and demolition debris at a 63088
construction and demolition debris facility that is licensed under 63089
this chapter or at a solid waste facility that is licensed under 63090
Chapter 3734. of the Revised Code; 63091

(b) The disposal of asbestos or asbestos-containing materials 63092
or products at a construction and demolition debris facility that 63093
is licensed under this chapter or at a solid waste facility that 63094
is licensed under Chapter 3734. of the Revised Code. 63095

(2) The owner or operator of a construction and demolition 63096
debris facility or a solid waste facility shall determine if cubic 63097
yards or tons will be used as the unit of measurement. If basing 63098

the fee on cubic yards, the owner or operator shall utilize either 63099
the maximum cubic yard capacity of the container, or the hauling 63100
volume of the vehicle, that transports the construction and 63101
demolition debris to the facility or the cubic yards actually 63102
logged for disposal by the owner or operator in accordance with 63103
rules adopted under section 3714.02 of the Revised Code. If basing 63104
the fee on tonnage, the owner or operator shall use certified 63105
scales to determine the tonnage of construction and demolition 63106
debris that is disposed of. 63107

(3) The owner or operator of a construction and demolition 63108
debris facility or a solid waste facility shall calculate the 63109
amount of money generated from the fee levied under division 63110
(A)(1) of this section and shall hold that amount as a trustee for 63111
the health district having jurisdiction over the facility, if that 63112
district is on the approved list under section 3714.09 of the 63113
Revised Code, or for the state. The owner or operator shall 63114
prepare and file with the appropriate board of health or the 63115
director of environmental protection monthly returns indicating 63116
the total volume or weight, as applicable, of construction and 63117
demolition debris and asbestos or asbestos-containing materials or 63118
products disposed of at the facility and the total amount of money 63119
generated during that month from the fee levied under division 63120
(A)(1) of this section on the disposal of construction and 63121
demolition debris and asbestos or asbestos-containing materials or 63122
products. Not later than thirty days after the last day of the 63123
month to which the return applies, the owner or operator shall 63124
mail to the board of health or the director the return for that 63125
month together with the amount of money calculated under division 63126
(A)(3) of this section on the disposal of construction and 63127
demolition debris and asbestos or asbestos-containing materials or 63128
products during that month or may submit the return and money 63129
electronically in a manner approved by the director. The owner or 63130
operator may request, in writing, an extension of not more than 63131

thirty days after the last day of the month to which the return 63132
applies. A request for extension may be denied. If the owner or 63133
operator submits the money late, the owner or operator shall pay a 63134
penalty of ten per cent of the amount of the money due for each 63135
month that it is late. 63136

(4) Of the money that is submitted by a construction and 63137
demolition debris facility or a solid waste facility on a per 63138
cubic yard or per ton basis under this section, a board of health 63139
shall transmit three cents per cubic yard or six cents per ton, as 63140
applicable, to the director not later than forty-five days after 63141
the receipt of the money. The money retained by a board of health 63142
under this section shall be paid into a special fund, which is 63143
hereby created in each health district, and used solely for the 63144
following purposes: 63145

(a) To administer and enforce this chapter and rules adopted 63146
under it; 63147

(b) To abate abandoned accumulations of construction and 63148
demolition debris as provided in section 3714.074 of the Revised 63149
Code. 63150

The director shall transmit all money received under this 63151
section to the treasurer of state to be ~~credited~~ deposited in the 63152
state treasury to the ~~construction and demolition debris facility~~ 63153
~~oversight~~ credit of the waste management fund, which is hereby 63154
created in the ~~state treasury~~ section 3734.061 of the Revised 63155
Code. ~~The fund shall be administered by the director, and money~~ 63156
~~credited to the fund shall be used exclusively for the~~ 63157
~~administration and enforcement of this chapter and rules adopted~~ 63158
~~under it.~~ 63159

(B) The board of health of a health district or the director 63160
may enter into an agreement with the owner or operator of a 63161
construction and demolition debris facility or a solid waste 63162

facility for the quarterly payment of money generated from the 63163
disposal fee as calculated in division (A)(3) of this section. The 63164
board of health shall notify the director of any such agreement. 63165
Not later than forty-five days after receipt of the quarterly 63166
payment, the board of health shall transmit the amount established 63167
in division (A)(4) of this section to the director. The money 63168
retained by the board of health shall be deposited in the special 63169
fund of the district as required under that division. Upon receipt 63170
of the money from a board of health, the director shall transmit 63171
the money to the treasurer of state to be credited to the 63172
~~construction and demolition debris facility oversight~~ waste
management fund. 63173
63174

(C) If a construction and demolition debris facility or a 63175
solid waste facility is located within the territorial boundaries 63176
of a municipal corporation or the unincorporated area of a 63177
township, the municipal corporation or township may appropriate up 63178
to four cents per cubic yard or up to eight cents per ton of the 63179
disposal fee required to be paid by the facility under division 63180
(A)(1) of this section for the same purposes that a municipal 63181
corporation or township may levy a fee under division (C) of 63182
section 3734.57 of the Revised Code. 63183

The legislative authority of the municipal corporation or 63184
township may appropriate the money from the fee by enacting an 63185
ordinance or adopting a resolution establishing the amount of the 63186
fee to be appropriated. Upon doing so, the legislative authority 63187
shall mail a certified copy of the ordinance or resolution to the 63188
board of health of the health district in which the construction 63189
and demolition debris facility or the solid waste facility is 63190
located or, if the facility is located in a health district that 63191
is not on the approved list under section 3714.09 of the Revised 63192
Code, to the director. Upon receipt of the copy of the ordinance 63193
or resolution and not later than forty-five days after receipt of 63194

money generated from the fee, the board or the director, as 63195
applicable, shall transmit to the treasurer or other appropriate 63196
officer of the municipal corporation or clerk of the township that 63197
portion of the money generated from the disposal fee by the owner 63198
or operator of the facility that is required by the ordinance or 63199
resolution to be paid to that municipal corporation or township. 63200

Money received by the treasurer or other appropriate officer 63201
of a municipal corporation under this division shall be paid into 63202
the general fund of the municipal corporation. Money received by 63203
the clerk of a township under this division shall be paid into the 63204
general fund of the township. The treasurer or other officer of 63205
the municipal corporation or the clerk of the township, as 63206
appropriate, shall maintain separate records of the money received 63207
under this division. 63208

The legislative authority of a municipal corporation or 63209
township may cease appropriating money under this division by 63210
repealing the ordinance or resolution that was enacted or adopted 63211
under this division. 63212

The director shall adopt rules in accordance with Chapter 63213
119. of the Revised Code establishing requirements for prorating 63214
the amount of the fee that may be appropriated under this division 63215
by a municipal corporation or township in which only a portion of 63216
a construction and demolition debris facility is located within 63217
the territorial boundaries of the municipal corporation or 63218
township. 63219

(D) The board of county commissioners of a county in which a 63220
construction and demolition debris facility or a solid waste 63221
facility is located may appropriate up to three cents per cubic 63222
yard or up to six cents per ton of the disposal fee required to be 63223
paid by the facility under division (A)(1) of this section for the 63224
same purposes that a solid waste management district may levy a 63225
fee under division (B) of section 3734.57 of the Revised Code. 63226

The board of county commissioners may appropriate the money 63227
from the fee by adopting a resolution establishing the amount of 63228
the fee to be appropriated. Upon doing so, the board of county 63229
commissioners shall mail a certified copy of the resolution to the 63230
board of health of the health district in which the construction 63231
and demolition debris facility or the solid waste facility is 63232
located or, if the facility is located in a health district that 63233
is not on the approved list under section 3714.09 of the Revised 63234
Code, to the director. Upon receipt of the copy of the resolution 63235
and not later than forty-five days after receipt of money 63236
generated from the fee, the board of health or the director, as 63237
applicable, shall transmit to the treasurer of the county that 63238
portion of the money generated from the disposal fee by the owner 63239
or operator of the facility that is required by the resolution to 63240
be paid to that county. 63241

Money received by a county treasurer under this division 63242
shall be paid into the general fund of the county. The county 63243
treasurer shall maintain separate records of the money received 63244
under this division. 63245

A board of county commissioners may cease appropriating money 63246
under this division by repealing the resolution that was adopted 63247
under this division. 63248

(E)(1) This section does not apply to the disposal of 63249
construction and demolition debris at a solid waste facility that 63250
is licensed under Chapter 3734. of the Revised Code if there is no 63251
construction and demolition debris facility licensed under this 63252
chapter within thirty-five miles of the solid waste facility as 63253
determined by a facility's property boundaries. 63254

(2) This section does not apply to the disposal of 63255
construction and demolition debris at a solid waste facility that 63256
is licensed under Chapter 3734. of the Revised Code if the owner 63257
or operator of the facility chooses to collect fees on the 63258

disposal of the construction and demolition debris and asbestos or 63259
asbestos-containing materials or products that are identical to 63260
the fees that are collected under Chapters 343. and 3734. of the 63261
Revised Code on the disposal of solid wastes at that facility. 63262

(3) This section does not apply to the disposal of source 63263
separated materials that are exclusively composed of reinforced or 63264
nonreinforced concrete, asphalt, clay tile, building or paving 63265
brick, or building or paving stone at a construction and 63266
demolition debris facility that is licensed under this chapter 63267
when either of the following applies: 63268

(a) The materials are placed within the limits of 63269
construction and demolition debris placement at the facility as 63270
specified in the license issued to the facility under section 63271
3714.06 of the Revised Code, are not placed within the unloading 63272
zone of the facility, and are used as a fire prevention measure in 63273
accordance with rules adopted by the director under section 63274
3714.02 of the Revised Code. 63275

(b) The materials are not placed within the unloading zone of 63276
the facility or within the limits of construction and demolition 63277
debris placement at the facility as specified in the license 63278
issued to the facility under section 3714.06 of the Revised Code, 63279
but are used as fill material, either alone or in conjunction with 63280
clean soil, sand, gravel, or other clean aggregates, in legitimate 63281
fill operations for construction purposes at the facility or to 63282
bring the facility up to a consistent grade. 63283

Sec. 3714.073. (A) In addition to the fee levied under 63284
division (A)(1) of section 3714.07 of the Revised Code, beginning 63285
July 1, 2005, there is hereby levied on the disposal of 63286
construction and demolition debris at a construction and 63287
demolition debris facility that is licensed under this chapter or 63288
at a solid waste facility that is licensed under Chapter 3734. of 63289

the Revised Code and on the disposal of asbestos or 63290
asbestos-containing materials or products at a construction and 63291
demolition debris facility that is licensed under this chapter or 63292
at a solid waste facility that is licensed under Chapter 3734. of 63293
the Revised Code the following fees: 63294

(1) A fee of twelve and one-half cents per cubic yard or 63295
twenty-five cents per ton, as applicable, the proceeds of which 63296
shall be deposited in the state treasury to the credit of the soil 63297
and water conservation district assistance fund created in section 63298
~~1515.14~~ 940.15 of the Revised Code; 63299

(2) A fee of thirty-seven and one-half cents per cubic yard 63300
or seventy-five cents per ton, as applicable, the proceeds of 63301
which shall be deposited in the state treasury to the credit of 63302
the recycling and litter prevention fund created in section 63303
3736.03 of the Revised Code. 63304

(B) The owner or operator of a construction and demolition 63305
debris facility or a solid waste facility, as a trustee of the 63306
state, shall calculate the amount of money generated from the fees 63307
levied under this section and remit the money from the fees in the 63308
manner that is established in divisions (A)(2) and (3) of section 63309
3714.07 of the Revised Code for the fee that is levied under 63310
division (A)(1) of that section and may enter into an agreement 63311
for the quarterly payment of money generated from the fees in the 63312
manner established in division (B) of that section for the 63313
quarterly payment of money generated from the fee that is levied 63314
under division (A)(1) of that section. 63315

(C) The amount of money that is calculated by the owner or 63316
operator of a construction and demolition debris facility or a 63317
solid waste facility and remitted to a board of health or the 63318
director of environmental protection, as applicable, pursuant to 63319
this section shall be transmitted by the board or director to the 63320

treasurer of state not later than forty-five days after the 63321
receipt of the money to be credited to the soil and water 63322
conservation district assistance fund or the recycling and litter 63323
prevention fund, as applicable. 63324

(D) This section does not apply to the disposal of 63325
construction and demolition debris at a solid waste facility that 63326
is licensed under Chapter 3734. of the Revised Code if the owner 63327
or operator of the facility chooses to collect fees on the 63328
disposal of the construction and demolition debris and asbestos or 63329
asbestos-containing materials or products that are identical to 63330
the fees that are collected under Chapters 343. and 3734. of the 63331
Revised Code on the disposal of solid wastes at that facility. 63332

(E) This section does not apply to the disposal of source 63333
separated materials that are exclusively composed of reinforced or 63334
nonreinforced concrete, asphalt, clay tile, building or paving 63335
brick, or building or paving stone at a construction and 63336
demolition debris facility that is licensed under this chapter 63337
when either of the following applies: 63338

(1) The materials are placed within the limits of 63339
construction and demolition debris placement at the facility as 63340
specified in the license issued to the facility under section 63341
3714.06 of the Revised Code, are not placed within the unloading 63342
zone of the facility, and are used as a fire prevention measure in 63343
accordance with rules adopted by the director under section 63344
3714.02 of the Revised Code. 63345

(2) The materials are not placed within the unloading zone of 63346
the facility or within the limits of construction and demolition 63347
debris placement at the facility as specified in the license 63348
issued to the facility under section 3714.06 of the Revised Code, 63349
but are used as fill material, either alone or in conjunction with 63350
clean soil, sand, gravel, or other clean aggregates, in legitimate 63351
fill operations for construction purposes at the facility or to 63352

bring the facility up to a consistent grade. 63353

Sec. 3714.08. (A) At least annually, the board of health of a 63354
health district or the director of environmental protection shall 63355
cause each construction and demolition debris facility for which 63356
the board or the director, as appropriate, issued a license under 63357
section 3714.06 of the Revised Code to be inspected and shall 63358
cause a record to be made of each inspection. The board or the 63359
director shall require each such facility to be in substantial 63360
compliance with this chapter and rules adopted under it. 63361

(B) Within thirty days after the issuance of a license, the 63362
board of health shall certify to the director of environmental 63363
protection that the construction and demolition debris facility 63364
has been inspected and is in substantial compliance with this 63365
chapter and rules adopted under it. Each board of health shall 63366
provide the director with such other information as ~~he~~ the 63367
director may require from time to time. 63368

(C) The board of health or its authorized representative and 63369
the director or ~~his~~ the director's authorized representative, upon 63370
proper identification and upon stating the purpose and necessity 63371
of an inspection, may enter at reasonable times upon any public or 63372
private property, real or personal, to inspect or investigate, 63373
obtain samples, and examine or copy records to determine 63374
compliance with this chapter and rules adopted under it. The board 63375
of health or its authorized representative or the director or ~~his~~ 63376
the director's authorized representative may apply for, and any 63377
judge of a court of record may issue, an appropriate search 63378
warrant necessary to achieve the purposes of this chapter and 63379
rules adopted under it within the court's territorial 63380
jurisdiction. If entry is refused or inspection or investigation 63381
is refused, hindered, or thwarted, the board of health or the 63382
director may suspend or revoke the construction and demolition 63383

debris facility's license. 63384

(D) If the entry authorized by division (C) of this section 63385
is refused or if the inspection or investigation so authorized is 63386
refused, hindered, or thwarted by intimidation or otherwise and if 63387
the director, the board of health, or authorized representative of 63388
either applies for and obtains a search warrant under division (C) 63389
of this section to conduct the inspection or investigation, the 63390
owner or operator of the premises where entry was refused or 63391
inspection or investigation was refused, hindered, or thwarted is 63392
liable to the director or board of health for the reasonable costs 63393
incurred by either for ~~the~~ all of the following: 63394

(1) The regular salaries and fringe benefit costs of 63395
personnel assigned to conduct the inspection or investigation from 63396
the time the entry, inspection, or investigation was refused, 63397
hindered, or thwarted until the search warrant is executed; ~~for~~ 63398
~~the~~ 63399

(2) The salary, fringe benefits, and travel expenses of the 63400
attorney general, prosecuting attorney of the county, or city 63401
director of law, or an authorized assistant, incurred in obtaining 63402
the search warrant; ~~and for expenses~~ 63403

(3) Expenses necessarily incurred for the assistance of local 63404
law enforcement officers in executing the search warrant. ~~In~~ 63405

In the application for a search warrant, the director or 63406
board of health may request and the court, in its order granting 63407
the search warrant, may order the owner or operator of the 63408
premises to reimburse the director or board of health for such of 63409
those costs as the court finds reasonable. From moneys recovered 63410
under this division, the director shall reimburse the attorney 63411
general for the costs incurred by ~~him~~ the attorney general or ~~his~~ 63412
the attorney general's authorized assistant in connection with 63413
proceedings for obtaining the search warrant, shall reimburse the 63414

political subdivision in which the premises is located for the 63415
assistance of its law enforcement officers in executing the search 63416
warrant, and shall deposit the remainder in the state treasury to 63417
the credit of the ~~construction and demolition debris facility~~ 63418
~~oversight waste management~~ fund created in section ~~3714.07~~ 63419
3734.061 of the Revised Code. From moneys recovered under this 63420
division, the board of health shall reimburse the prosecuting 63421
attorney of the county or the city director of law for the costs 63422
incurred by ~~him~~ the prosecuting attorney or the city director of 63423
law or ~~his~~ the authorized assistant of the prosecuting attorney or 63424
the city director of law in connection with proceedings for 63425
obtaining the search warrant, shall reimburse the political 63426
subdivision in which the premises is located for the assistance of 63427
its law enforcement officers in executing the search warrant, and 63428
shall deposit the remainder of any such moneys to the credit of 63429
the special fund of the health district created in section 3714.07 63430
of the Revised Code. 63431

Sec. 3714.09. (A) The director of environmental protection 63432
shall place each health district that is on the approved list 63433
under division (A) or (B) of section 3734.08 of the Revised Code 63434
on the approved list for the purposes of issuing permits to 63435
install and licenses under this chapter. Any survey or resurvey of 63436
any such health district conducted under section 3734.08 of the 63437
Revised Code shall also determine whether there is substantial 63438
compliance with this chapter. If the director removes any such 63439
health district from the approved list under division (B) of that 63440
section, the director shall also remove the health district from 63441
the approved list under this division and shall administer and 63442
enforce this chapter in the health district until the health 63443
district is placed on the approved list under division (B) of 63444
section 3734.08 of the Revised Code or division (B)(1) of this 63445
section. 63446

(B)(1) Upon the request of the board of health of a health district that is not on the approved list under division (A) or (B) of section 3734.08 of the Revised Code, the director may place the board on the approved list for the purpose of permitting and licensing construction and demolition debris facilities under this chapter if the director determines that the board is both capable of and willing to enforce all of the applicable requirements of this chapter and rules adopted under it.

(2) The director shall annually survey each health district on the approved list under division (B)(1) of this section to determine whether there is substantial compliance with this chapter and rules adopted under it. Upon determining that there is substantial compliance, the director shall place the health district on the approved list under that division. The director shall make a resurvey when in the director's opinion a resurvey is necessary and shall remove from the approved list under division (B)(1) of this section any health district not substantially complying with this chapter and rules adopted under it.

(3) If, after a survey or resurvey is made under division (B)(2) of this section, the director determines that a health district is not eligible to be placed on the approved list or to continue on that list, the director shall certify that fact to the board of health of the health district and shall administer and enforce this chapter and rules adopted under it in the health district until such time as the health district is placed on the approved list.

(4) Whenever the director is required to administer and enforce this chapter in any health district under division (A) or (B)(3) of this section, the director is hereby vested with all of the authority and all the duties granted to or imposed upon a board of health under this chapter and rules adopted under it within the health district. All disposal fees required to be paid

to a board of health by section 3714.07 of the Revised Code and 63479
all such previous fees paid to the board, together with any money 63480
from construction and demolition debris facility license fees that 63481
were required to be paid to the board under section 3714.07 of the 63482
Revised Code as that section existed prior to April 15, 2005, that 63483
have not been expended or encumbered shall be paid to the director 63484
and deposited by the director in the state treasury to the credit 63485
of the ~~construction and demolition debris facility oversight~~ waste
management fund created in section ~~3714.07~~ 3734.061 of the Revised 63486
Code. 63487
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(C) Nothing in this chapter limits the authority of the 63489
director to initiate and pursue any administrative remedy or to 63490
request the attorney general, the prosecuting attorney of the 63491
appropriate county, or the city director of law of the appropriate 63492
city to initiate and pursue any appropriate judicial remedy 63493
available under this chapter to enforce any provision of this 63494
chapter and any rules or terms or conditions of any permit or 63495
license or order adopted or issued under this chapter with respect 63496
to any construction and demolition debris facility regardless of 63497
whether the facility is located in a health district that is on 63498
the approved list under this section. 63499

Sec. 3718.03. (A) There is hereby created the sewage 63500
treatment system technical advisory committee consisting of the 63501
director of health or the director's designee and thirteen members 63502
who are knowledgeable about sewage treatment systems and 63503
technologies. The director or the director's designee shall serve 63504
as committee secretary and may vote on actions taken by the 63505
committee. Of the thirteen members, five shall be appointed by the 63506
governor, four shall be appointed by the president of the senate, 63507
and four shall be appointed by the speaker of the house of 63508
representatives. 63509

(1) Of the members appointed by the governor, one shall 63510
represent academia and shall be active in teaching or research in 63511
the area of on-site wastewater treatment, one shall be a 63512
representative of the public who is not employed by the state or 63513
any of its political subdivisions and who does not have a 63514
pecuniary interest in sewage treatment systems, one shall be a 63515
registered professional engineer employed by the environmental 63516
protection agency, one shall be selected from among soil 63517
scientists in the division of soil and water ~~resources~~ 63518
conservation in the department of ~~natural resources~~ agriculture, 63519
and one shall be a representative of a statewide organization 63520
representing townships. 63521

(2) Of the members appointed by the president of the senate, 63522
one shall be a health commissioner who is a member of and 63523
recommended by the association of Ohio health commissioners, one 63524
shall represent the interests of manufacturers of sewage treatment 63525
systems, one shall represent installers and service providers, and 63526
one shall be a person with demonstrated experience in the design 63527
of sewage treatment systems. 63528

(3) Of the members appointed by the speaker of the house of 63529
representatives, one shall be a health commissioner who is a 63530
member of and recommended by the association of Ohio health 63531
commissioners, one shall represent the interests of manufacturers 63532
of sewage treatment systems, one shall be a sanitarian who is 63533
registered under Chapter 4736. of the Revised Code and who is a 63534
member of the Ohio environmental health association, and one shall 63535
be a registered professional engineer with experience in sewage 63536
treatment systems. 63537

(B) Terms of members appointed to the committee shall be for 63538
three years, with each term ending on the same day of the same 63539
month as did the term that it succeeds. Each member shall serve 63540
from the date of appointment until the end of the term for which 63541

the member was appointed. 63542

Members may be reappointed. Vacancies shall be filled in the 63543
same manner as provided for original appointments. Any member 63544
appointed to fill a vacancy occurring prior to the expiration date 63545
of the term for which the member was appointed shall hold office 63546
for the remainder of that term. A member shall continue to serve 63547
after the expiration date of the member's term until the member's 63548
successor is appointed or until a period of sixty days has 63549
elapsed, whichever occurs first. The applicable appointing 63550
authority may remove a member from the committee for failure to 63551
attend two consecutive meetings without showing good cause for the 63552
absences. 63553

(C) The technical advisory committee annually shall select 63554
from among its members a chairperson and a vice-chairperson. The 63555
secretary shall keep a record of its proceedings. A majority vote 63556
of the members of the full committee is necessary to take action 63557
on any matter. The committee may adopt bylaws governing its 63558
operation, including bylaws that establish the frequency of 63559
meetings. 63560

(D) Serving as a member of the sewage treatment system 63561
technical advisory committee does not constitute holding a public 63562
office or position of employment under the laws of this state and 63563
does not constitute grounds for removal of public officers or 63564
employees from their offices or positions of employment. Members 63565
of the committee shall serve without compensation for attending 63566
committee meetings. 63567

(E) A member of the committee shall not have a conflict of 63568
interest with the position. For the purposes of this division, 63569
"conflict of interest" means the taking of any action that 63570
violates any provision of Chapter 102. or 2921. of the Revised 63571
Code. 63572

(F) The sewage treatment system technical advisory committee shall do all of the following: 63573
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(1) Develop with the department of health standards, guidelines, and protocols for approving or disapproving a sewage treatment system or components of a system under section 3718.04 of the Revised Code. Any guideline requiring the submission of scientific information or testing data shall specify, in writing, the protocol and format to be used in submitting the information or data. 63575
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(2) Develop with the department an application form to be submitted to the director by an applicant for approval or disapproval of a sewage treatment system or components of a system and specify the information that must be included with an application form; 63582
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(3) Make recommendations to the director regarding the approval or disapproval of an application sent to the director under section 3718.04 of the Revised Code requesting approval of a sewage treatment system or components of a system; 63587
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(4) Pursue and recruit in an active manner the research, development, introduction, and timely approval of innovative and cost-effective sewage treatment systems and components of a system for use in this state, which shall include conducting pilot projects to assess the effectiveness of a system or components of a system. 63591
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(G) The chairperson of the committee shall prepare and submit an annual report concerning the activities of the committee to the general assembly not later than ninety days after the end of the calendar year. The report shall discuss the number of applications submitted under section 3718.04 of the Revised Code for the approval of a new sewage treatment system or a component of a system, the number of such systems and components that were 63597
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63603

approved, any information that the committee considers beneficial 63604
to the general assembly, and any other information that the 63605
chairperson determines is beneficial to the general assembly. If 63606
other members of the committee determine that certain information 63607
should be included in the report, they shall submit the 63608
information to the chairperson not later than thirty days after 63609
the end of the calendar year. 63610

(H) The department shall provide meeting space for the 63611
committee. The committee shall be assisted in its duties by the 63612
staff of the department. 63613

(I) Sections 101.82 to 101.87 of the Revised Code do not 63614
apply to the sewage treatment system technical advisory committee. 63615

Sec. 3734.01. As used in this chapter: 63616

(A) "Board of health" means the board of health of a city or 63617
general health district or the authority having the duties of a 63618
board of health in any city as authorized by section 3709.05 of 63619
the Revised Code. 63620

(B) "Director" means the director of environmental 63621
protection. 63622

(C) "Health district" means a city or general health district 63623
as created by or under authority of Chapter 3709. of the Revised 63624
Code. 63625

(D) "Agency" means the environmental protection agency. 63626

(E) "Solid wastes" means such unwanted residual solid or 63627
semisolid material as results from industrial, commercial, 63628
agricultural, and community operations, excluding earth or 63629
material from construction, mining, or demolition operations, or 63630
other waste materials of the type that normally would be included 63631
in demolition debris, nontoxic fly ash and bottom ash, including 63632
at least ash that results from the combustion of coal and ash that 63633

results from the combustion of coal in combination with scrap 63634
tires where scrap tires comprise not more than fifty per cent of 63635
heat input in any month, spent nontoxic foundry sand, nontoxic, 63636
nonhazardous, unwanted fired and unfired, glazed and unglazed, 63637
structural shale and clay products, and slag and other substances 63638
that are not harmful or inimical to public health, and includes, 63639
but is not limited to, garbage, scrap tires, combustible and 63640
noncombustible material, street dirt, and debris. "Solid wastes" 63641
does not include any material that is an infectious waste or a 63642
hazardous waste. 63643

(F) "Disposal" means the discharge, deposit, injection, 63644
dumping, spilling, leaking, emitting, or placing of any solid 63645
wastes or hazardous waste into or on any land or ground or surface 63646
water or into the air, except if the disposition or placement 63647
constitutes storage or treatment or, if the solid wastes consist 63648
of scrap tires, the disposition or placement constitutes a 63649
beneficial use or occurs at a scrap tire recovery facility 63650
licensed under section 3734.81 of the Revised Code. 63651

(G) "Person" includes the state, any political subdivision 63652
and other state or local body, the United States and any agency or 63653
instrumentality thereof, and any legal entity defined as a person 63654
under section 1.59 of the Revised Code. 63655

(H) "Open burning" means the burning of solid wastes in an 63656
open area or burning of solid wastes in a type of chamber or 63657
vessel that is not approved or authorized in rules adopted by the 63658
director under section 3734.02 of the Revised Code or, if the 63659
solid wastes consist of scrap tires, in rules adopted under 63660
division (V) of this section or section 3734.73 of the Revised 63661
Code, or the burning of treated or untreated infectious wastes in 63662
an open area or in a type of chamber or vessel that is not 63663
approved in rules adopted by the director under section 3734.021 63664
of the Revised Code. 63665

(I) "Open dumping" means the depositing of solid wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code or, if the solid wastes consist of scrap tires, as a scrap tire collection, storage, monocell, monofill, or recovery facility under section 3734.81 of the Revised Code; the depositing of solid wastes that consist of scrap tires onto the surface of the ground at a site or in a manner not specifically identified in divisions (C)(2) to (5), (7), or (10) of section 3734.85 of the Revised Code; the depositing of untreated infectious wastes into a body or stream of water or onto the surface of the ground; or the depositing of treated infectious wastes into a body or stream of water or onto the surface of the ground at a site that is not licensed as a solid waste facility under section 3734.05 of the Revised Code.

(J) "Hazardous waste" means any waste or combination of wastes in solid, liquid, semisolid, or contained gaseous form that in the determination of the director, because of its quantity, concentration, or physical or chemical characteristics, may do either of the following:

(1) Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness;

(2) Pose a substantial present or potential hazard to human health or safety or to the environment when improperly stored, treated, transported, disposed of, or otherwise managed.

"Hazardous waste" includes any substance identified by regulation as hazardous waste under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, and does not include any substance that is subject to the "Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as amended.

(K) "Treat" or "treatment," when used in connection with hazardous waste, means any method, technique, or process designed to change the physical, chemical, or biological characteristics or composition of any hazardous waste; to neutralize the waste; to recover energy or material resources from the waste; to render the waste nonhazardous or less hazardous, safer to transport, store, or dispose of, or amenable for recovery, storage, further treatment, or disposal; or to reduce the volume of the waste. When used in connection with infectious wastes, "treat" or "treatment" means any method, technique, or process that renders the wastes noninfectious so that it is no longer an infectious waste and is no longer an infectious substance as defined in applicable federal law, including, without limitation, steam sterilization and incineration, and, in the instance of wastes identified in division (R)(7) of this section, to substantially reduce or eliminate the potential for the wastes to cause lacerations or puncture wounds.

(L) "Manifest" means the form used for identifying the quantity, composition, origin, routing, and destination of hazardous waste during its transportation from the point of generation to the point of disposal, treatment, or storage.

(M) "Storage," when used in connection with hazardous waste, means the holding of hazardous waste for a temporary period in such a manner that it remains retrievable and substantially unchanged physically and chemically and, at the end of the period, is treated; disposed of; stored elsewhere; or reused, recycled, or reclaimed in a beneficial manner. When used in connection with solid wastes that consist of scrap tires, "storage" means the holding of scrap tires for a temporary period in such a manner that they remain retrievable and, at the end of that period, are beneficially used; stored elsewhere; placed in a scrap tire monocell or monofill facility licensed under section 3734.81 of

the Revised Code; processed at a scrap tire recovery facility 63730
licensed under that section or a solid waste incineration or 63731
energy recovery facility subject to regulation under this chapter; 63732
or transported to a scrap tire monocell, monofill, or recovery 63733
facility, any other solid waste facility authorized to dispose of 63734
scrap tires, or a facility that will beneficially use the scrap 63735
tires, that is located in another state and is operating in 63736
compliance with the laws of the state in which the facility is 63737
located. 63738

(N) "Facility" means any site, location, tract of land, 63739
installation, or building used for incineration, composting, 63740
sanitary landfilling, or other methods of disposal of solid wastes 63741
or, if the solid wastes consist of scrap tires, for the 63742
collection, storage, or processing of the solid wastes; for the 63743
transfer of solid wastes; for the treatment of infectious wastes; 63744
or for the storage, treatment, or disposal of hazardous waste. 63745

(O) "Closure" means the time at which a hazardous waste 63746
facility will no longer accept hazardous waste for treatment, 63747
storage, or disposal, the time at which a solid waste facility 63748
will no longer accept solid wastes for transfer or disposal or, if 63749
the solid wastes consist of scrap tires, for storage or 63750
processing, or the effective date of an order revoking the permit 63751
for a hazardous waste facility or the registration certificate, 63752
permit, or license for a solid waste facility, as applicable. 63753
"Closure" includes measures performed to protect public health or 63754
safety, to prevent air or water pollution, or to make the facility 63755
suitable for other uses, if any, including, but not limited to, 63756
the removal of processing residues resulting from solid wastes 63757
that consist of scrap tires; the establishment and maintenance of 63758
a suitable cover of soil and vegetation over cells in which 63759
hazardous waste or solid wastes are buried; minimization of 63760
erosion, the infiltration of surface water into such cells, the 63761

production of leachate, and the accumulation and runoff of 63762
contaminated surface water; the final construction of facilities 63763
for the collection and treatment of leachate and contaminated 63764
surface water runoff, except as otherwise provided in this 63765
division; the final construction of air and water quality 63766
monitoring facilities, except as otherwise provided in this 63767
division; the final construction of methane gas extraction and 63768
treatment systems; or the removal and proper disposal of hazardous 63769
waste or solid wastes from a facility when necessary to protect 63770
public health or safety or to abate or prevent air or water 63771
pollution. With regard to a solid waste facility that is a scrap 63772
tire facility, "closure" includes the final construction of 63773
facilities for the collection and treatment of leachate and 63774
contaminated surface water runoff and the final construction of 63775
air and water quality monitoring facilities only if those actions 63776
are determined to be necessary. 63777

(P) "Premises" means either of the following: 63778

(1) Geographically contiguous property owned by a generator; 63779

(2) Noncontiguous property that is owned by a generator and 63780
connected by a right-of-way that the generator controls and to 63781
which the public does not have access. Two or more pieces of 63782
property that are geographically contiguous and divided by public 63783
or private right-of-way or rights-of-way are a single premises. 63784

(Q) "Post-closure" means that period of time following 63785
closure during which a hazardous waste facility is required to be 63786
monitored and maintained under this chapter and rules adopted 63787
under it, including, without limitation, operation and maintenance 63788
of methane gas extraction and treatment systems, or the period of 63789
time after closure during which a scrap tire monocell or monofill 63790
facility licensed under section 3734.81 of the Revised Code is 63791
required to be monitored and maintained under this chapter and 63792
rules adopted under it. 63793

(R) "Infectious wastes" means any wastes or combination of wastes that include cultures and stocks of infectious agents and associated biologicals, human blood and blood products, and substances that were or are likely to have been exposed to or contaminated with or are likely to transmit an infectious agent or zoonotic agent, including all of the following:

(1) Laboratory wastes;

(2) Pathological wastes;

(3) Animal blood and blood products;

(4) Animal carcasses and parts;

(5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section.

(6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals;

(7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because

they are contaminated with, or are likely to be contaminated with, 63825
infectious agents. 63826

As used in this division, "blood products" does not include 63827
patient care waste such as bandages or disposable gowns that are 63828
lightly soiled with blood or other body fluids unless those wastes 63829
are soiled to the extent that the generator of the wastes 63830
determines that they should be managed as infectious wastes. 63831

(S) "Infectious agent" means a type of microorganism, 63832
pathogen, virus, or proteinaceous infectious particle that can 63833
cause or significantly contribute to disease in or death of human 63834
beings. 63835

(T) "Zoonotic agent" means a type of microorganism, pathogen, 63836
or virus that causes disease in vertebrate animals, is 63837
transmissible to human beings, and can cause or significantly 63838
contribute to disease in or death of human beings. 63839

(U) "Solid waste transfer facility" means any site, location, 63840
tract of land, installation, or building that is used or intended 63841
to be used primarily for the purpose of transferring solid wastes 63842
that were generated off the premises of the facility from vehicles 63843
or containers into other vehicles for transportation to a solid 63844
waste disposal facility. "Solid waste transfer facility" does not 63845
include any facility that consists solely of portable containers 63846
that have an aggregate volume of fifty cubic yards or less nor any 63847
facility where legitimate recycling activities are conducted. 63848

(V) "Beneficially use" includes: 63849

(1) With regard to scrap tires, to use a scrap tire in a 63850
manner that results in a commodity for sale or exchange or in any 63851
other manner authorized as a beneficial use in rules adopted by 63852
the director in accordance with Chapter 119. of the Revised Code; 63853

(2) With regard to material from a horizontal well that has 63854
come in contact with a refined oil-based substance and that is not 63855

technologically enhanced naturally occurring radioactive material, 63856
to use the material in any manner authorized as a beneficial use 63857
in rules adopted by the director under section 3734.125 of the 63858
Revised Code. 63859

(W) "Commercial car," "commercial tractor," "farm machinery," 63860
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 63861
the same meanings as in section 4501.01 of the Revised Code. 63862

(X) "Construction equipment" means road rollers, traction 63863
engines, power shovels, power cranes, and other equipment used in 63864
construction work, or in mining or producing or processing 63865
aggregates, and not designed for or used in general highway 63866
transportation. 63867

(Y) "Motor vehicle salvage dealer" has the same meaning as in 63868
section 4738.01 of the Revised Code. 63869

(Z) "Scrap tire" means an unwanted or discarded tire. 63870

(AA) "Scrap tire collection facility" means any facility that 63871
meets all of the following qualifications: 63872

(1) The facility is used for the receipt and storage of whole 63873
scrap tires from the public prior to their transportation to a 63874
scrap tire storage, monocell, monofill, or recovery facility 63875
licensed under section 3734.81 of the Revised Code; a solid waste 63876
incineration or energy recovery facility subject to regulation 63877
under this chapter; a premises within the state where the scrap 63878
tires will be beneficially used; or a scrap tire storage, 63879
monocell, monofill, or recovery facility, any other solid waste 63880
disposal facility authorized to dispose of scrap tires, or a 63881
facility that will beneficially use the scrap tires, that is 63882
located in another state, and that is operating in compliance with 63883
the laws of the state in which the facility is located. 63884

(2) The facility exclusively stores scrap tires in portable 63885
containers. 63886

(3) The aggregate storage of the portable containers in which 63887
the scrap tires are stored does not exceed five thousand cubic 63888
feet. 63889

(BB) "Scrap tire monocell facility" means an individual site 63890
within a solid waste landfill that is used exclusively for the 63891
environmentally sound storage or disposal of whole scrap tires or 63892
scrap tires that have been shredded, chipped, or otherwise 63893
mechanically processed. 63894

(CC) "Scrap tire monofill facility" means an engineered 63895
facility used or intended to be used exclusively for the storage 63896
or disposal of scrap tires, including at least facilities for the 63897
submergence of whole scrap tires in a body of water. 63898

(DD) "Scrap tire recovery facility" means any facility, or 63899
portion thereof, for the processing of scrap tires for the purpose 63900
of extracting or producing usable products, materials, or energy 63901
from the scrap tires through a controlled combustion process, 63902
mechanical process, or chemical process. "Scrap tire recovery 63903
facility" includes any facility that uses the controlled 63904
combustion of scrap tires in a manufacturing process to produce 63905
process heat or steam or any facility that produces usable heat or 63906
electric power through the controlled combustion of scrap tires in 63907
combination with another fuel, but does not include any solid 63908
waste incineration or energy recovery facility that is designed, 63909
constructed, and used for the primary purpose of incinerating 63910
mixed municipal solid wastes and that burns scrap tires in 63911
conjunction with mixed municipal solid wastes, or any tire 63912
retreading business, tire manufacturing finishing center, or tire 63913
adjustment center having on the premises of the business a single, 63914
covered scrap tire storage area at which not more than four 63915
thousand scrap tires are stored. 63916

(EE) "Scrap tire storage facility" means any facility where 63917
whole scrap tires are stored prior to their transportation to a 63918

scrap tire monocell, monofill, or recovery facility licensed under 63919
section 3734.81 of the Revised Code; a solid waste incineration or 63920
energy recovery facility subject to regulation under this chapter; 63921
a premises within the state where the scrap tires will be 63922
beneficially used; or a scrap tire storage, monocell, monofill, or 63923
recovery facility, any other solid waste disposal facility 63924
authorized to dispose of scrap tires, or a facility that will 63925
beneficially use the scrap tires, that is located in another 63926
state, and that is operating in compliance with the laws of the 63927
state in which the facility is located. 63928

(FF) "Used oil" means any oil that has been refined from 63929
crude oil, or any synthetic oil, that has been used and, as a 63930
result of that use, is contaminated by physical or chemical 63931
impurities. "Used oil" includes only those substances identified 63932
as used oil by the United States environmental protection agency 63933
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 63934
U.S.C.A. 6901a, as amended. 63935

(GG) "Accumulated speculatively" has the same meaning as in 63936
rules adopted by the director under section 3734.12 of the Revised 63937
Code. 63938

(HH) "Horizontal well" has the same meaning as in section 63939
1509.01 of the Revised Code. 63940

(II) "Technologically enhanced naturally occurring 63941
radioactive material" has the same meaning as in section 3748.01 63942
of the Revised Code. 63943

Sec. 3734.02. (A) The director of environmental protection, 63944
in accordance with Chapter 119. of the Revised Code, shall adopt 63945
and may amend, suspend, or rescind rules having uniform 63946
application throughout the state governing solid waste facilities 63947
and the inspections of and issuance of permits and licenses for 63948
all solid waste facilities in order to ensure that the facilities 63949

will be located, maintained, and operated, and will undergo 63950
closure and post-closure care, in a sanitary manner so as not to 63951
create a nuisance, cause or contribute to water pollution, create 63952
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 63953
257.3-8, as amended. The rules may include, without limitation, 63954
financial assurance requirements for closure and post-closure care 63955
and corrective action and requirements for taking corrective 63956
action in the event of the surface or subsurface discharge or 63957
migration of explosive gases or leachate from a solid waste 63958
facility, or of ground water contamination resulting from the 63959
transfer or disposal of solid wastes at a facility, beyond the 63960
boundaries of any area within a facility that is operating or is 63961
undergoing closure or post-closure care where solid wastes were 63962
disposed of or are being disposed of. The rules shall not concern 63963
or relate to personnel policies, salaries, wages, fringe benefits, 63964
or other conditions of employment of employees of persons owning 63965
or operating solid waste facilities. The director, in accordance 63966
with Chapter 119. of the Revised Code, shall adopt and may amend, 63967
suspend, or rescind rules governing the issuance, modification, 63968
revocation, suspension, or denial of variances from the director's 63969
solid waste rules, including, without limitation, rules adopted 63970
under this chapter governing the management of scrap tires. 63971

Variances shall be issued, modified, revoked, suspended, or 63972
rescinded in accordance with this division, rules adopted under 63973
it, and Chapter 3745. of the Revised Code. The director may order 63974
the person to whom a variance is issued to take such action within 63975
such time as the director may determine to be appropriate and 63976
reasonable to prevent the creation of a nuisance or a hazard to 63977
the public health or safety or the environment. Applications for 63978
variances shall contain such detail plans, specifications, and 63979
information regarding objectives, procedures, controls, and other 63980
pertinent data as the director may require. The director shall 63981
grant a variance only if the applicant demonstrates to the 63982

director's satisfaction that construction and operation of the 63983
solid waste facility in the manner allowed by the variance and any 63984
terms or conditions imposed as part of the variance will not 63985
create a nuisance or a hazard to the public health or safety or 63986
the environment. In granting any variance, the director shall 63987
state the specific provision or provisions whose terms are to be 63988
varied and also shall state specific terms or conditions imposed 63989
upon the applicant in place of the provision or provisions. ~~The~~ 63990

The director may hold a public hearing on an application for 63991
a variance or renewal of a variance at a location in the county 63992
where the operations that are the subject of the application for 63993
the variance are conducted. The director shall give not less than 63994
twenty days' notice of the hearing to the applicant by certified 63995
mail or by another type of mail accompanied by a receipt and shall 63996
publish at least one notice of the hearing in a newspaper with 63997
general circulation in the county where the hearing is to be held. 63998
The director shall make available for public inspection at the 63999
principal office of the environmental protection agency a current 64000
list of pending applications for variances and a current schedule 64001
of pending variance hearings. The director shall make a complete 64002
stenographic record of testimony and other evidence submitted at 64003
the hearing. ~~Within~~ 64004

Within ten days after the hearing, the director shall make a 64005
written determination to issue, renew, or deny the variance and 64006
shall enter the determination and the basis for it into the record 64007
of the hearing. The director shall issue, renew, or deny an 64008
application for a variance or renewal of a variance within six 64009
months of the date upon which the director receives a complete 64010
application with all pertinent information and data required. No 64011
variance shall be issued, revoked, modified, or denied until the 64012
director has considered the relative interests of the applicant, 64013
other persons and property affected by the variance, and the 64014

general public. Any variance granted under this division shall be 64015
for a period specified by the director and may be renewed from 64016
time to time on such terms and for such periods as the director 64017
determines to be appropriate. No application shall be denied and 64018
no variance shall be revoked or modified without a written order 64019
stating the findings upon which the denial, revocation, or 64020
modification is based. A copy of the order shall be sent to the 64021
applicant or variance holder by certified mail or by another type 64022
of mail accompanied by a receipt. 64023

(B) The director shall prescribe and furnish the forms 64024
necessary to administer and enforce this chapter. The director may 64025
cooperate with and enter into agreements with other state, local, 64026
or federal agencies to carry out the purposes of this chapter. The 64027
director may exercise all incidental powers necessary to carry out 64028
the purposes of this chapter. 64029

~~The director may use moneys in the infectious waste 64030
management fund created in section 3734.021 of the Revised Code 64031
exclusively for administering and enforcing the provisions of this 64032
chapter governing the management of infectious wastes. 64033~~

(C) Except as provided in this division and divisions (N)(2) 64034
and (3) of this section, no person shall establish a new solid 64035
waste facility or infectious waste treatment facility, or modify 64036
an existing solid waste facility or infectious waste treatment 64037
facility, without submitting an application for a permit with 64038
accompanying detail plans, specifications, and information 64039
regarding the facility and method of operation and receiving a 64040
permit issued by the director, except that no permit shall be 64041
required under this division to install or operate a solid waste 64042
facility for sewage sludge treatment or disposal when the 64043
treatment or disposal is authorized by a current permit issued 64044
under Chapter 3704. or 6111. of the Revised Code. 64045

No person shall continue to operate a solid waste facility 64046

for which the director has denied a permit for which an 64047
application was required under division (A)(3) of section 3734.05 64048
of the Revised Code, or for which the director has disapproved 64049
plans and specifications required to be filed by an order issued 64050
under division (A)(5) of that section, after the date prescribed 64051
for commencement of closure of the facility in the order issued 64052
under division (A)(6) of section 3734.05 of the Revised Code 64053
denying the permit application or approval. 64054

On and after the effective date of the rules adopted under 64055
division (A) of this section and division (D) of section 3734.12 64056
of the Revised Code governing solid waste transfer facilities, no 64057
person shall establish a new, or modify an existing, solid waste 64058
transfer facility without first submitting an application for a 64059
permit with accompanying engineering detail plans, specifications, 64060
and information regarding the facility and its method of operation 64061
to the director and receiving a permit issued by the director. 64062

No person shall establish a new compost facility or continue 64063
to operate an existing compost facility that accepts exclusively 64064
source separated yard wastes without submitting a completed 64065
registration for the facility to the director in accordance with 64066
rules adopted under divisions (A) and (N)(3) of this section. 64067

This division does not apply to a generator of infectious 64068
wastes that does any of the following: 64069

(1) Treats, by methods, techniques, and practices established 64070
by rules adopted under division (B)(2)(a) of section 3734.021 of 64071
the Revised Code, any of the following: 64072

(a) Infectious wastes that are generated on any premises that 64073
are owned or operated by the generator; 64074

(b) Infectious wastes that are generated by a generator who 64075
has staff privileges at a hospital as defined in section 3727.01 64076
of the Revised Code; 64077

(c) Infectious wastes that are generated in providing care to a patient by an emergency medical services organization as defined in section 4765.01 of the Revised Code.

(2) Holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717. and a permit issued under Chapter 3704. of the Revised Code;

(3) Treats or disposes of dead animals or parts thereof, or the blood of animals, and is subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code.

(D) Neither this chapter nor any rules adopted under it apply to single-family residential premises; to infectious wastes generated by individuals for purposes of their own care or treatment; to the temporary storage of solid wastes, other than scrap tires, prior to their collection for disposal; to the storage of one hundred or fewer scrap tires unless they are stored in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, 64108
or disposes of hazardous waste that is generated on the premises 64109
of the facility. 64110

(b) "Off-site facility" means a facility that stores, treats, 64111
or disposes of hazardous waste that is generated off the premises 64112
of the facility and includes such a facility that is also an 64113
on-site facility. 64114

(c) "Satellite facility" means any of the following: 64115

(i) An on-site facility that also receives hazardous waste 64116
from other premises owned by the same person who generates the 64117
waste on the facility premises; 64118

(ii) An off-site facility operated so that all of the 64119
hazardous waste it receives is generated on one or more premises 64120
owned by the person who owns the facility; 64121

(iii) An on-site facility that also receives hazardous waste 64122
that is transported uninterruptedly and directly to the facility 64123
through a pipeline from a generator who is not the owner of the 64124
facility. 64125

(2) Except as provided in division (E)(3) of this section, no 64126
person shall establish or operate a hazardous waste facility, or 64127
use a solid waste facility for the storage, treatment, or disposal 64128
of any hazardous waste, without a hazardous waste facility 64129
installation and operation permit issued in accordance with 64130
section 3734.05 of the Revised Code and subject to the payment of 64131
an application fee not to exceed one thousand five hundred 64132
dollars, payable upon application for a hazardous waste facility 64133
installation and operation permit and upon application for a 64134
renewal permit issued under division (H) of section 3734.05 of the 64135
Revised Code, to be credited to the hazardous waste facility 64136
management fund created in section 3734.18 of the Revised Code. 64137
The term of a hazardous waste facility installation and operation 64138

permit shall not exceed ten years. 64139

In addition to the application fee, there is hereby levied an 64140
annual permit fee to be paid by the permit holder upon the 64141
anniversaries of the date of issuance of the hazardous waste 64142
facility installation and operation permit and of any subsequent 64143
renewal permits and to be credited to the hazardous waste facility 64144
management fund. Annual permit fees totaling forty thousand 64145
dollars or more for any one facility may be paid on a quarterly 64146
basis with the first quarterly payment each year being due on the 64147
anniversary of the date of issuance of the hazardous waste 64148
facility installation and operation permit and of any subsequent 64149
renewal permits. The annual permit fee shall be determined for 64150
each permit holder by the director in accordance with the 64151
following schedule: 64152

TYPE OF BASIC				64153
MANAGEMENT UNIT	TYPE OF FACILITY		FEE	64154
Storage facility using: 64155				
Containers	On-site, off-site, and			64156
	satellite		\$ 500	64157
Tanks	On-site, off-site, and			64158
	satellite		500	64159
Waste pile	On-site, off-site, and			64160
	satellite		3,000	64161
Surface impoundment	On-site and satellite		8,000	64162
	Off-site		10,000	64163
Disposal facility using: 64164				
Deep well injection	On-site and satellite		15,000	64165
	Off-site		25,000	64166
Landfill	On-site and satellite		25,000	64167
	Off-site		40,000	64168
Land application	On-site and satellite		2,500	64169
	Off-site		5,000	64170

Surface impoundment	On-site and satellite	10,000	64171
	Off-site	20,000	64172
Treatment facility using:			64173
Tanks	On-site, off-site, and		64174
	satellite	700	64175
Surface impoundment	On-site and satellite	8,000	64176
	Off-site	10,000	64177
Incinerator	On-site and satellite	5,000	64178
	Off-site	10,000	64179
Other forms			64180
of treatment	On-site, off-site, and		64181
	satellite	1,000	64182

A hazardous waste disposal facility that disposes of hazardous waste by deep well injection and that pays the annual permit fee established in section 6111.046 of the Revised Code is not subject to the permit fee established in this division for disposal facilities using deep well injection unless the director determines that the facility is not in compliance with applicable requirements established under this chapter and rules adopted under it.

In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment

of a part of the appropriate fee indicated by the schedule that 64203
bears the same relationship to the total fee that the number of 64204
days remaining until the next anniversary date at which payment of 64205
the annual permit fee is due bears to three hundred sixty-five. 64206

The director, by rules adopted in accordance with Chapters 64207
119. and 3745. of the Revised Code, shall prescribe procedures for 64208
collecting the annual permit fee established by this division and 64209
may prescribe other requirements necessary to carry out this 64210
division. 64211

(3) The prohibition against establishing or operating a 64212
hazardous waste facility without a hazardous waste facility 64213
installation and operation permit does not apply to either of the 64214
following: 64215

(a) A facility that is operating in accordance with a permit 64216
renewal issued under division (H) of section 3734.05 of the 64217
Revised Code, a revision issued under division (I) of that section 64218
as it existed prior to August 20, 1996, or a modification issued 64219
by the director under division (I) of that section on and after 64220
August 20, 1996; 64221

(b) Except as provided in division (J) of section 3734.05 of 64222
the Revised Code, a facility that will operate or is operating in 64223
accordance with a permit by rule, or that is not subject to permit 64224
requirements, under rules adopted by the director. In accordance 64225
with Chapter 119. of the Revised Code, the director shall adopt, 64226
and subsequently may amend, suspend, or rescind, rules for the 64227
purposes of division (E)(3)(b) of this section. Any rules so 64228
adopted shall be consistent with and equivalent to regulations 64229
pertaining to interim status adopted under the "Resource 64230
Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 64231
6921, as amended, except as otherwise provided in this chapter. 64232

If a modification is requested or proposed for a facility 64233

described in division (E)(3)(a) or (b) of this section, division 64234
(I)(7) of section 3734.05 of the Revised Code applies. 64235

(F) No person shall store, treat, or dispose of hazardous 64236
waste identified or listed under this chapter and rules adopted 64237
under it, regardless of whether generated on or off the premises 64238
where the waste is stored, treated, or disposed of, or transport 64239
or cause to be transported any hazardous waste identified or 64240
listed under this chapter and rules adopted under it to any other 64241
premises, except at or to any of the following: 64242

(1) A hazardous waste facility operating under a permit 64243
issued in accordance with this chapter; 64244

(2) A facility in another state operating under a license or 64245
permit issued in accordance with the "Resource Conservation and 64246
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 64247
amended; 64248

(3) A facility in another nation operating in accordance with 64249
the laws of that nation; 64250

(4) A facility holding a permit issued pursuant to Title I of 64251
the "Marine Protection, Research, and Sanctuaries Act of 1972," 86 64252
Stat. 1052, 33 U.S.C.A. 1401, as amended; 64253

(5) A hazardous waste facility as described in division 64254
(E)(3)(a) or (b) of this section. 64255

(G) The director, by order, may exempt any person generating, 64256
collecting, storing, treating, disposing of, or transporting solid 64257
wastes, infectious wastes, or hazardous waste, or processing solid 64258
wastes that consist of scrap tires, in such quantities or under 64259
such circumstances that, in the determination of the director, are 64260
unlikely to adversely affect the public health or safety or the 64261
environment from any requirement to obtain a registration 64262
certificate, permit, or license or comply with the manifest system 64263
or other requirements of this chapter. Such an exemption shall be 64264

consistent with and equivalent to any regulations adopted by the 64265
administrator of the United States environmental protection agency 64266
under the "Resource Conservation and Recovery Act of 1976," 90 64267
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 64268
provided in this chapter. 64269

(H) No person shall engage in filling, grading, excavating, 64270
building, drilling, or mining on land where a hazardous waste 64271
facility, or a solid waste facility, was operated without prior 64272
authorization from the director, who shall establish the procedure 64273
for granting such authorization by rules adopted in accordance 64274
with Chapter 119. of the Revised Code. 64275

A public utility that has main or distribution lines above or 64276
below the land surface located on an easement or right-of-way 64277
across land where a solid waste facility was operated may engage 64278
in any such activity within the easement or right-of-way without 64279
prior authorization from the director for purposes of performing 64280
emergency repair or emergency replacement of its lines; of the 64281
poles, towers, foundations, or other structures supporting or 64282
sustaining any such lines; or of the appurtenances to those 64283
structures, necessary to restore or maintain existing public 64284
utility service. A public utility may enter upon any such easement 64285
or right-of-way without prior authorization from the director for 64286
purposes of performing necessary or routine maintenance of those 64287
portions of its existing lines; of the existing poles, towers, 64288
foundations, or other structures sustaining or supporting its 64289
lines; or of the appurtenances to any such supporting or 64290
sustaining structure, located on or above the land surface on any 64291
such easement or right-of-way. Within twenty-four hours after 64292
commencing any such emergency repair, replacement, or maintenance 64293
work, the public utility shall notify the director or the 64294
director's authorized representative of those activities and shall 64295
provide such information regarding those activities as the 64296

director or the director's representative may request. Upon 64297
completion of the emergency repair, replacement, or maintenance 64298
activities, the public utility shall restore any land of the solid 64299
waste facility disturbed by those activities to the condition 64300
existing prior to the commencement of those activities. 64301

(I) No owner or operator of a hazardous waste facility, in 64302
the operation of the facility, shall cause, permit, or allow the 64303
emission therefrom of any particulate matter, dust, fumes, gas, 64304
mist, smoke, vapor, or odorous substance that, in the opinion of 64305
the director, unreasonably interferes with the comfortable 64306
enjoyment of life or property by persons living or working in the 64307
vicinity of the facility, or that is injurious to public health. 64308
Any such action is hereby declared to be a public nuisance. 64309

(J) Notwithstanding any other provision of this chapter, in 64310
the event the director finds an imminent and substantial danger to 64311
public health or safety or the environment that creates an 64312
emergency situation requiring the immediate treatment, storage, or 64313
disposal of hazardous waste, the director may issue a temporary 64314
emergency permit to allow the treatment, storage, or disposal of 64315
the hazardous waste at a facility that is not otherwise authorized 64316
by a hazardous waste facility installation and operation permit to 64317
treat, store, or dispose of the waste. The emergency permit shall 64318
not exceed ninety days in duration and shall not be renewed. The 64319
director shall adopt, and may amend, suspend, or rescind, rules in 64320
accordance with Chapter 119. of the Revised Code governing the 64321
issuance, modification, revocation, and denial of emergency 64322
permits. 64323

(K) Except for infectious wastes generated by a person who 64324
produces fewer than fifty pounds of infectious wastes at a 64325
premises during any one month, no owner or operator of a sanitary 64326
landfill shall knowingly accept for disposal, or dispose of, any 64327
infectious wastes that have not been treated to render them 64328

noninfectious. 64329

(L) The director, in accordance with Chapter 119. of the 64330
Revised Code, shall adopt, and may amend, suspend, or rescind, 64331
rules having uniform application throughout the state establishing 64332
a training and certification program that shall be required for 64333
employees of boards of health who are responsible for enforcing 64334
the solid waste and infectious waste provisions of this chapter 64335
and rules adopted under them and for persons who are responsible 64336
for the operation of solid waste facilities or infectious waste 64337
treatment facilities. The rules shall provide all of the 64338
following, without limitation: 64339

(1) The program shall be administered by the director and 64340
shall consist of a course on new solid waste and infectious waste 64341
technologies, enforcement procedures, and rules; 64342

(2) The course shall be offered on an annual basis; 64343

(3) Those persons who are required to take the course under 64344
division (L) of this section shall do so triennially; 64345

(4) Persons who successfully complete the course shall be 64346
certified by the director; 64347

(5) Certification shall be required for all employees of 64348
boards of health who are responsible for enforcing the solid waste 64349
or infectious waste provisions of this chapter and rules adopted 64350
under them and for all persons who are responsible for the 64351
operation of solid waste facilities or infectious waste treatment 64352
facilities; 64353

(6)(a) All employees of a board of health who, on the 64354
effective date of the rules adopted under this division, are 64355
responsible for enforcing the solid waste or infectious waste 64356
provisions of this chapter and the rules adopted under them shall 64357
complete the course and be certified by the director not later 64358
than January 1, 1995; 64359

(b) All employees of a board of health who, after the 64360
effective date of the rules adopted under division (L) of this 64361
section, become responsible for enforcing the solid waste or 64362
infectious waste provisions of this chapter and rules adopted 64363
under them and who do not hold a current and valid certification 64364
from the director at that time shall complete the course and be 64365
certified by the director within two years after becoming 64366
responsible for performing those activities. 64367

No person shall fail to obtain the certification required 64368
under this division. 64369

(M) The director shall not issue a permit under section 64370
3734.05 of the Revised Code to establish a solid waste facility, 64371
or to modify a solid waste facility operating on December 21, 64372
1988, in a manner that expands the disposal capacity or geographic 64373
area covered by the facility, that is or is to be located within 64374
the boundaries of a state park established or dedicated under 64375
Chapter 1541. of the Revised Code, a state park purchase area 64376
established under section 1541.02 of the Revised Code, any unit of 64377
the national park system, or any property that lies within the 64378
boundaries of a national park or recreation area, but that has not 64379
been acquired or is not administered by the secretary of the 64380
United States department of the interior, located in this state, 64381
or any candidate area located in this state and identified for 64382
potential inclusion in the national park system in the edition of 64383
the "national park system plan" submitted under paragraph (b) of 64384
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 64385
U.S.C.A. 1a-5, as amended, current at the time of filing of the 64386
application for the permit, unless the facility or proposed 64387
facility is or is to be used exclusively for the disposal of solid 64388
wastes generated within the park or recreation area and the 64389
director determines that the facility or proposed facility will 64390
not degrade any of the natural or cultural resources of the park 64391

or recreation area. The director shall not issue a variance under 64392
division (A) of this section and rules adopted under it, or issue 64393
an exemption order under division (G) of this section, that would 64394
authorize any such establishment or expansion of a solid waste 64395
facility within the boundaries of any such park or recreation 64396
area, state park purchase area, or candidate area, other than a 64397
solid waste facility exclusively for the disposal of solid wastes 64398
generated within the park or recreation area when the director 64399
determines that the facility will not degrade any of the natural 64400
or cultural resources of the park or recreation area. 64401

(N)(1) The rules adopted under division (A) of this section, 64402
other than those governing variances, do not apply to scrap tire 64403
collection, storage, monocell, monofill, and recovery facilities. 64404
Those facilities are subject to and governed by rules adopted 64405
under sections 3734.70 to 3734.73 of the Revised Code, as 64406
applicable. 64407

(2) Division (C) of this section does not apply to scrap tire 64408
collection, storage, monocell, monofill, and recovery facilities. 64409
The establishment and modification of those facilities are subject 64410
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 64411
Code, as applicable. 64412

(3) The director may adopt, amend, suspend, or rescind rules 64413
under division (A) of this section creating an alternative system 64414
for authorizing the establishment, operation, or modification of a 64415
solid waste compost facility in lieu of the requirement that a 64416
person seeking to establish, operate, or modify a solid waste 64417
compost facility apply for and receive a permit under division (C) 64418
of this section and section 3734.05 of the Revised Code and a 64419
license under division (A)(1) of that section. The rules may 64420
include requirements governing, without limitation, the 64421
classification of solid waste compost facilities, the submittal of 64422
operating records for solid waste compost facilities, and the 64423

creation of a registration or notification system in lieu of the 64424
issuance of permits and licenses for solid waste compost 64425
facilities. The rules shall specify the applicability of divisions 64426
(A)(1), (2)(a), (3), and (4) of section 3734.05 of the Revised 64427
Code to a solid waste compost facility. 64428

(O)(1) As used in this division, "secondary aluminum waste" 64429
means waste material or byproducts, when disposed of, containing 64430
aluminum generated from secondary aluminum smelting operations and 64431
consisting of dross, salt cake, baghouse dust associated with 64432
aluminum recycling furnace operations, or dry-milled wastes. 64433

(2) The owner or operator of a sanitary landfill shall not 64434
dispose of municipal solid waste that has been commingled with 64435
secondary aluminum waste. 64436

(3) The owner or operator of a sanitary landfill may dispose 64437
of secondary aluminum waste, but only in a monocell or monofill 64438
that has been permitted for that purpose in accordance with this 64439
chapter and rules adopted under it. 64440

(P)(1) As used in divisions (P) and (Q) of this section: 64441

(a) "Natural background" means two picocuries per gram or the 64442
actual number of picocuries per gram as measured at an individual 64443
solid waste facility, subject to verification by the director of 64444
health. 64445

(b) "Drilling operation" includes a production operation as 64446
defined in section 1509.01 of the Revised Code. 64447

(2) The owner or operator of a solid waste facility shall not 64448
accept for transfer or disposal technologically enhanced naturally 64449
occurring radioactive material if that material contains or is 64450
contaminated with radium-226, radium-228, or any combination of 64451
radium-226 and radium-228 at concentrations equal to or greater 64452
than five picocuries per gram above natural background. 64453

(3) The owner or operator of a solid waste facility may 64454
receive and process for purposes other than transfer or disposal 64455
technologically enhanced naturally occurring radioactive material 64456
that contains or is contaminated with radium-226, radium-228, or 64457
any combination of radium-226 and radium-228 at concentrations 64458
equal to or greater than five picocuries per gram above natural 64459
background, provided that the owner or operator has obtained and 64460
maintains all other necessary authorizations, including any 64461
authorization required by rules adopted by the director of health 64462
under section 3748.04 of the Revised Code. 64463

(4) The director of environmental protection may adopt rules 64464
in accordance with Chapter 119. of the Revised Code governing the 64465
receipt, acceptance, processing, handling, management, and 64466
disposal by solid waste facilities of material that contains or is 64467
contaminated with radioactive material, including, without 64468
limitation, technologically enhanced naturally occurring 64469
radioactive material that contains or is contaminated with 64470
radium-226, radium-228, or any combination of radium-226 and 64471
radium-228 at concentrations less than five picocuries per gram 64472
above natural background. Rules adopted by the director may 64473
include at a minimum both of the following: 64474

(a) Requirements in accordance with which the owner or 64475
operator of a solid waste facility must monitor leachate and 64476
ground water for radium-226, radium-228, and other radionuclides; 64477

(b) Requirements in accordance with which the owner or 64478
operator of a solid waste facility must develop procedures to 64479
ensure that technologically enhanced naturally occurring 64480
radioactive material accepted at the facility neither contains nor 64481
is contaminated with radium-226, radium-228, or any combination of 64482
radium-226 and radium-228 at concentrations equal to or greater 64483
than five picocuries per gram above natural background. 64484

(Q) Notwithstanding any other provision of this section, the 64485

owner or operator of a solid waste facility shall not receive, 64486
accept, process, handle, manage, or dispose of technologically 64487
enhanced naturally occurring radioactive material associated with 64488
drilling operations without first obtaining representative 64489
analytical results to determine compliance with divisions (P)(2) 64490
and (3) of this section and rules adopted under it. 64491

Sec. 3734.021. (A) Infectious wastes shall be segregated, 64492
managed, treated, and disposed of in accordance with rules adopted 64493
under this section. 64494

(B) The director of environmental protection, in accordance 64495
with Chapter 119. of the Revised Code, shall adopt rules necessary 64496
or appropriate to protect human health or safety or the 64497
environment that do both of the following: 64498

(1) Establish standards for generators of infectious wastes 64499
that include, without limitation, the following requirements and 64500
authorizations that: 64501

(a) All generators of infectious wastes: 64502

(i) Either treat all specimen cultures and cultures of viable 64503
infectious agents on the premises where they are generated to 64504
render them noninfectious by methods, techniques, or practices 64505
prescribed by rules adopted under division (B)(2)(a) of this 64506
section before they are transported off that premises for disposal 64507
or ensure that such wastes are treated to render them 64508
noninfectious at an infectious waste treatment facility off that 64509
premises prior to disposal of the wastes; 64510

(ii) Transport and dispose of infectious wastes, if a 64511
generator produces fewer than fifty pounds of infectious wastes 64512
during any one month that are subject to and packaged and labeled 64513
in accordance with federal requirements, in the same manner as 64514
solid wastes. Such generators who treat specimen cultures and 64515

cultures of viable infectious agents on the premises where they 64516
are generated shall not be considered treatment facilities as 64517
"treatment" and "facility" are defined in section 3734.01 of the 64518
Revised Code. 64519

(iii) Dispose of infectious wastes subject to and treated in 64520
accordance with rules adopted under division (B)(1)(a)(i) of this 64521
section in the same manner as solid wastes; 64522

(iv) May take wastes generated in providing care to a patient 64523
by an emergency medical services organization, as defined in 64524
section 4765.01 of the Revised Code, to and leave them at a 64525
hospital, as defined in section 3727.01 of the Revised Code, for 64526
treatment at a treatment facility owned or operated by the 64527
hospital or, in conjunction with infectious wastes generated by 64528
the hospital, at another treatment facility regardless of whether 64529
the wastes were generated in providing care to the patient at the 64530
scene of an emergency or during the transportation of the patient 64531
to a hospital; 64532

(v) May take wastes generated by an individual for purposes 64533
of the individual's own care or treatment to and leave them at a 64534
hospital, as defined in section 3727.01 of the Revised Code, for 64535
treatment at a treatment facility owned or operated by the 64536
hospital or, in conjunction with infectious wastes generated by 64537
the hospital, at another treatment facility. 64538

(b) Each generator of fifty pounds or more of infectious 64539
wastes during any one month: 64540

(i) Register with the environmental protection agency as a 64541
generator of infectious wastes and obtain a registration 64542
certificate. The fee for issuance of a generator registration 64543
certificate is one hundred forty dollars payable at the time of 64544
application. The registration certificate applies to all the 64545
premises owned or operated by the generator in this state where 64546

infectious wastes are generated and shall list the address of each 64547
such premises. If a generator owns or operates facilities for the 64548
treatment of infectious wastes it generates, the certificate shall 64549
list the address and method of treatment used at each such 64550
facility. 64551

A generator registration certificate is valid for three years 64552
from the date of issuance and shall be renewed for a term of three 64553
years upon the generator's submission of an application for 64554
renewal and payment of a one hundred forty dollar renewal fee. 64555

The rules may establish a system of staggered renewal dates 64556
with approximately one-third of such certificates subject to 64557
renewal each year. The applicable renewal date shall be prescribed 64558
on each registration certificate. Registration fees shall be 64559
prorated according to the time remaining in the registration cycle 64560
to the nearest year. 64561

The registration and renewal fees collected under division 64562
(B)(1)(b)(i) of this section shall be ~~credited~~ deposited in the 64563
state treasury to the ~~infectious wastes management credit of the~~ 64564
waste management fund, hereby created in the state treasury 64565
section 3734.061 of the Revised Code. 64566

(ii) Segregate infectious wastes from other wastes at the 64567
point of generation. Nothing in this section and rules adopted 64568
under it prohibits a generator of infectious wastes from 64569
designating and managing any wastes, in addition to those defined 64570
as infectious wastes under section 3734.01 of the Revised Code, as 64571
infectious wastes. After designating any such other wastes as 64572
infectious, the generator shall manage those wastes in compliance 64573
with the requirements of this chapter and rules adopted under it 64574
applicable to the management of infectious wastes. 64575

(iii) Either treat the infectious wastes that it generates at 64576
a facility owned or operated by the generator by methods, 64577

techniques, or practices prescribed by rules adopted under 64578
division (B)(2)(a) of this section to render them noninfectious, 64579
or designate the wastes for treatment off that premises at an 64580
infectious waste treatment facility holding a license issued under 64581
division (B) of section 3734.05 of the Revised Code, at an 64582
infectious waste treatment facility that is located in another 64583
state that is in compliance with applicable state and federal 64584
laws, or at a treatment facility authorized by rules adopted under 64585
division (B)(2)(d) of this section, prior to disposal of the 64586
wastes. After being treated to render them noninfectious, the 64587
wastes shall be disposed of at a solid waste disposal facility 64588
holding a license issued under division (A) of section 3734.05 of 64589
the Revised Code or at a disposal facility in another state that 64590
is in compliance with applicable state and federal laws. 64591

(iv) Not compact or grind any type of infectious wastes prior 64592
to treatment in accordance with rules adopted under division 64593
(B)(2)(a) of this section; 64594

(v) May discharge untreated liquid or semiliquid infectious 64595
wastes consisting of blood, blood products, body fluids, and 64596
excreta into a disposal system, as defined in section 6111.01 of 64597
the Revised Code, unless the discharge of those wastes into a 64598
disposal system is inconsistent with the terms and conditions of 64599
the permit for the system issued under Chapter 6111. of the 64600
Revised Code; 64601

(vi) May transport or cause to be transported infectious 64602
wastes that have been treated to render them noninfectious in the 64603
same manner as solid wastes are transported. 64604

(2) Establish standards for owners and operators of 64605
infectious waste treatment facilities that include, without 64606
limitation, the following requirements and authorizations that: 64607

(a) Require treatment of all wastes received to be performed 64608

in accordance with methods, techniques, and practices approved by the director;

(b) Govern the location, design, construction, and operation of infectious waste treatment facilities. The rules adopted under division (B)(2)(b) of this section shall require that a new infectious waste incineration facility be located so that the incinerator unit and all areas where infectious wastes are handled on the premises where the facility is proposed to be located are at least three hundred feet inside the property line of the tract of land on which the facility is proposed to be located and are at least one thousand feet from any domicile, school, prison, or jail that is in existence on the date on which the application for the permit to establish the incinerator is submitted under division (B)(2)(b) of section 3734.05 of the Revised Code.

(c) Establish quality control and testing procedures to ensure compliance with the rules adopted under division (B)(2)(b) of this section;

(d) Authorize infectious wastes to be treated at a facility that holds a license or renewal of a license to operate a crematory facility issued under Chapter 4717., and a permit issued under Chapter 3704., of the Revised Code to the extent that the treatment of those wastes is consistent with that permit and its terms and conditions. The rules adopted under divisions (B)(2)(b) and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes 64640
that have been treated to render them noninfectious. The shipping 64641
papers shall include only the following elements: 64642

(i) The name of the owner or operator of the facility where 64643
the wastes were treated and the address of the treatment facility; 64644
64645

(ii) A certification by the owner or operator of the 64646
treatment facility where the wastes were treated indicating that 64647
the wastes have been treated by the methods, techniques, and 64648
practices prescribed in rules adopted under division (B)(2)(a) of 64649
this section. 64650

(C) This section and rules adopted under it do not apply to 64651
the treatment or disposal of wastes consisting of dead animals or 64652
parts thereof, or the blood of animals: 64653

(1) By the owner of the animal after slaughter by the owner 64654
on the owner's premises to obtain meat for consumption by the 64655
owner and the members of the owner's household; 64656

(2) In accordance with Chapter 941. of the Revised Code; or 64657

(3) By persons who are subject to any of the following: 64658

(a) Inspection under the "Federal Meat Inspection Act," 81 64659
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 64660

(b) Chapter 918. of the Revised Code; 64661

(c) Chapter 953. of the Revised Code. 64662

(D) As used in this section, "generator" means a person who 64663
produces infectious wastes at a specific premises. 64664

(E) Rules adopted under this section shall not concern or 64665
relate to personnel policies, salaries, wages, fringe benefits, or 64666
other conditions of employment of employees of persons owning or 64667
operating infectious waste treatment facilities. 64668

(F)(1) The director, in accordance with Chapter 119. of the Revised Code, shall adopt rules governing the issuance, modification, revocation, suspension, and denial of variances from the rules adopted under division (B) of this section. Variances shall be issued, modified, revoked, suspended, or denied in accordance with division (F) of this section, rules adopted under it, and Chapter 3745. of the Revised Code.

(2) A person who desires to obtain a variance or renew a variance from the rules adopted under division (B) of this section shall submit to the director an application as prescribed by the director. The application shall contain detail plans, specifications, and information regarding objectives, procedures, controls, and any other information that the director may require. The director shall issue, renew, or deny a variance or renewal of a variance within six months of the date on which the director receives a complete application with all required information and data.

(3) The director may hold a public hearing on an application submitted under division (F) of this section for a variance at a location in the county in which the operations that are the subject of the application for a variance or renewal of variance are conducted. Not less than twenty days before the hearing, the director shall provide to the applicant notice of the hearing by certified mail or by another type of mail that is accompanied by a receipt and shall publish notice of the hearing at least one time in a newspaper of general circulation in the county in which the hearing is to be held. The director shall make a complete stenographic record of testimony and other evidence submitted at the hearing. Not later than ten days after the hearing, the director shall make a written determination to issue, renew, or deny the variance and shall enter the determination and the basis for it into the record of the hearing.

(4) A variance shall not be issued, modified, revoked, or 64701
denied under division (F) of this section until the director has 64702
considered the relative interests of the applicant, other persons 64703
and property that will be affected by the variance, and the 64704
general public. The director shall grant a variance only if the 64705
applicant demonstrates to the director's satisfaction that the 64706
requested action will not create a nuisance or a hazard to the 64707
health or safety of the public or to the environment. In granting 64708
a variance, the director shall state the specific provision or 64709
provisions whose terms are to be varied and also shall state 64710
specific terms or conditions imposed on the applicant in place of 64711
the provision or provisions. 64712

(5) A variance granted under division (F) of this section 64713
shall be for a period specified by the director and may be renewed 64714
from time to time on terms and for periods that the director 64715
determines to be appropriate. The director may order the person to 64716
whom a variance has been issued to take action within the time 64717
that the director determines to be appropriate and reasonable to 64718
prevent the creation of a nuisance or a hazard to the health or 64719
safety of the public or to the environment. 64720

(6) An application submitted under division (F) of this 64721
section shall not be denied and a variance shall not be revoked or 64722
modified under that division without a written order of the 64723
director stating the findings on which the denial, revocation, or 64724
modification is based. A copy of the order shall be sent to the 64725
applicant or holder of a variance by certified mail or by another 64726
type of mail that is accompanied by a receipt. 64727

(7) The director shall make available for public inspection 64728
at the principal office of the environmental protection agency a 64729
current list of pending applications for variances submitted under 64730
division (F) of this section and a current schedule of pending 64731
variance hearings under it. 64732

Sec. 3734.029. (A)(1) Except as otherwise provided in 64733
division (A)(2) of this section, the standards of quality for 64734
compost products established in rules adopted under division (A) 64735
of section 3734.028 of the Revised Code apply to compost products 64736
produced by a facility composting dead animals that is subject to 64737
section ~~1511.022~~ 939.04 of the Revised Code in addition to compost 64738
products produced by facilities subject to this chapter. 64739

(2) The standards of quality established in rules adopted 64740
under division (A) of section 3734.028 of the Revised Code do not 64741
apply to the use, distribution for use, or giving away of the 64742
compost products produced by a composting facility subject to 64743
section ~~1511.022~~ 939.04 of the Revised Code when either of the 64744
following applies: 64745

(a) The composting is conducted by the person who raises the 64746
animals and the compost product is used in agricultural operations 64747
owned or operated by that person, regardless of whether the person 64748
owns the animals; 64749

(b) The composting is conducted by the person who owns the 64750
animals, but does not raise them and the compost product is used 64751
in agricultural operations either by a person who raises the 64752
animals or by a person who raises grain that is used to feed them 64753
and that is supplied by the owner of the animals. 64754

(B) No owner or operator of a composting facility that is 64755
subject to regulation under section ~~1511.022~~ 939.04 of the Revised 64756
Code shall sell or offer for sale at retail or wholesale, 64757
distribute for use, or give away any compost product that does not 64758
comply with the standard of quality applicable under division (A) 64759
of this section for the use for which the product is being sold, 64760
offered for sale, distributed, or given away. 64761

No person shall violate this division. 64762

Sec. 3734.061. (A) There is hereby created in the state 64763
treasury the waste management fund. The fund shall consist of 64764
money credited to it under division (C)(4) of section 3714.051, 64765
divisions (A)(4) and (B) of section 3714.07, division (D) of 64766
section 3714.08, division (B)(4) of section 3714.09, division (B) 64767
of section 3734.021, division (D)(4) of section 3734.07, division 64768
(B) of section 3734.551, and division (A)(2) of section 3734.57 of 64769
the Revised Code. 64770

(B) The director of environmental protection shall use money 64771
in the fund as follows: 64772

(1) Money credited to the fund under division (C)(4) of 64773
section 3714.051, divisions (A)(4) and (B) of section 3714.07, 64774
division (D) of section 3714.08, and division (B)(4) of section 64775
3714.09 of the Revised Code exclusively for the administration and 64776
enforcement of Chapter 3714. of the Revised Code and rules adopted 64777
under it; 64778

(2) Money credited to the fund under division (B) of section 64779
3734.551 and division (A)(2) of section 3734.57 of the Revised 64780
Code exclusively to pay the costs of administering and enforcing 64781
the laws pertaining to solid wastes, infectious wastes, and 64782
construction and demolition debris, including ground water 64783
evaluations related to solid wastes, infectious wastes, and 64784
construction and demolition debris, under this chapter and Chapter 64785
3714. of the Revised Code and any rules adopted under those 64786
chapters and addressing violations of Chapters 3704. and 6111. of 64787
the Revised Code at facilities; 64788

(3) Money credited to the fund under division (B) of section 64789
3734.021 and division (D)(4) of section 3734.07 of the Revised 64790
Code exclusively for the administration and enforcement of the 64791
provisions of this chapter governing the management of infectious 64792
wastes and rules adopted under them. 64793

Sec. 3734.07. (A) Before a license is initially issued and 64794
annually thereafter, or more often if necessary, the board of 64795
health shall cause each solid waste facility and infectious waste 64796
treatment facility to be inspected and a record to be made of each 64797
inspection and shall require each solid waste facility and 64798
infectious waste treatment facility in the health district to be 64799
in substantial compliance with this chapter and the rules adopted 64800
under it. 64801

(B) Within thirty days after the issuance of a license, the 64802
board of health shall certify to the director of environmental 64803
protection that the solid waste facility or infectious waste 64804
treatment facility has been inspected and is in substantial 64805
compliance with this chapter and the rules adopted under it. Each 64806
board of health shall provide the director with such other 64807
information as he may require from time to time. 64808

(C) The board of health or its authorized representative and 64809
the director or ~~his~~ the director's authorized representative, upon 64810
proper identification and upon stating the purpose and necessity 64811
of an inspection, may enter at reasonable times upon any private 64812
or public property, real or personal, to inspect or investigate, 64813
obtain samples, and examine or copy any records to determine 64814
compliance with this chapter and the rules adopted under it. The 64815
board of health or its authorized representative or the director 64816
or ~~his~~ the director's authorized representative may apply for, and 64817
any judge of a court of record may issue, an appropriate search 64818
warrant necessary to achieve the purposes of this chapter and the 64819
rules adopted under it within the court's territorial 64820
jurisdiction. If entry is refused or inspection or investigation 64821
is refused, hindered, or thwarted, the board of health may suspend 64822
or revoke the operating license of the solid waste facility or 64823
infectious waste treatment facility that refused entry, or the 64824
director may suspend or revoke the license or permit of the solid 64825

waste facility, hazardous waste facility, or infectious waste 64826
treatment facility that refused entry. 64827

(D) If the entry authorized by division (C) of this section 64828
is refused or if the inspection or investigation so authorized is 64829
refused, hindered, or thwarted by intimidation or otherwise and 64830
the director, board of health, or authorized representative of 64831
either applies for and obtains a search warrant under division (C) 64832
of this section to conduct the inspection or investigation, the 64833
owner or operator of the premises where entry was refused or 64834
inspection or investigation was refused, hindered, or thwarted is 64835
liable to the director or board of health for the reasonable costs 64836
incurred by either for the regular salaries and fringe benefit 64837
costs of personnel assigned to conduct the inspection or 64838
investigation from the time the entry, inspection, or 64839
investigation was refused, hindered, or thwarted until the search 64840
warrant is executed; for the salary, fringe benefits, and travel 64841
expenses of the attorney general, prosecuting attorney of the 64842
county, or city director of law, or an authorized assistant, 64843
incurred in obtaining the search warrant; and for expenses 64844
necessarily incurred for the assistance of local law enforcement 64845
officers in executing the search warrant. In the application for 64846
the search warrant, the director or board of health may request 64847
and the court, in its order granting the search warrant, may order 64848
the owner or operator of the premises to reimburse the director or 64849
board of health for such of those costs as the court finds 64850
reasonable. ~~From~~ 64851

From moneys recovered under this division, the director shall 64852
reimburse the attorney general for the costs incurred by ~~him~~ the 64853
attorney general or ~~his~~ the attorney general's authorized 64854
assistant in connection with proceedings for obtaining the search 64855
warrant; shall reimburse the political subdivision in which the 64856
premises is located for the assistance of its law enforcement 64857

officers in executing the search warrant; and shall deposit the 64858
remainder of any such moneys to the credit of the following, as 64859
applicable: 64860

(1) The hazardous waste facility management fund created in 64861
section 3734.18 of the Revised Code if the inspection or 64862
investigation pertained to compliance with the hazardous waste 64863
provisions of this chapter or a rule, order, or term or condition 64864
of a permit adopted or issued under them or with a rule adopted 64865
under section 3734.121 of the Revised Code ~~to the credit of the~~ 64866

(2) The general revenue fund if the inspection or 64867
investigation pertained to compliance with the solid waste 64868
provisions of this chapter or rules, orders, or terms and 64869
conditions of a permit, license, or variance adopted or issued 64870
under them, other than the provisions governing solid wastes that 64871
consist of scrap tires; ~~to the credit of the~~ 64872

(3) The scrap tire management fund created in section 3734.82 64873
of the Revised Code if the inspection or investigation pertained 64874
to compliance with the provisions of this chapter governing solid 64875
wastes that consist of scrap tires or rules, orders, or terms and 64876
conditions of a permit, license, or variance adopted or issued 64877
under them; ~~or to the credit of the infectious~~ 64878

(4) The waste management fund created in section ~~3734.021~~ 64879
3734.061 of the Revised Code if the inspection or investigation 64880
pertained to compliance with the infectious waste provisions of 64881
this chapter or rules, orders, or terms and conditions of a permit 64882
or license issued under them. ~~From~~ 64883

From moneys recovered under this division, the board of 64884
health shall reimburse the prosecuting attorney of the county or 64885
city director of law for the costs incurred by ~~him~~ the prosecuting 64886
attorney or city director of law or an authorized assistant in 64887
connection with proceedings for obtaining the search warrant; 64888

shall reimburse the political subdivision in which the premises is 64889
located for the assistance of its law enforcement officers in 64890
executing the search warrant; and shall deposit the remainder of 64891
any such moneys to the special infectious waste fund of the health 64892
district created under division (C) of section 3734.06 of the 64893
Revised Code if the inspection or investigation pertained to 64894
compliance with the infectious waste provisions of this chapter or 64895
rules, orders, or terms and conditions of a permit or license 64896
issued under them; to the credit of the special fund of the health 64897
district created under division (B) of section 3734.06 of the 64898
Revised Code if the inspection or investigation pertained to 64899
compliance with the solid waste provisions of this chapter or 64900
rules, orders, or terms and conditions of a permit, license, or 64901
variance adopted or issued under them, other than the provisions 64902
governing solid wastes that consist of scrap tires; or to the 64903
credit of the special fund of the health district created under 64904
division (F) of section 3734.82 of the Revised Code if the 64905
inspection or investigation pertained to compliance with the 64906
provisions of this chapter governing solid wastes that consist of 64907
scrap tires or rules, orders, or terms and conditions of a permit, 64908
license, or variance adopted or issued under them. 64909

Sec. 3734.49. (A) There is hereby created within the 64910
environmental protection agency the materials management advisory 64911
council consisting of the following thirteen members who shall be 64912
appointed by the governor with the advice and consent of the 64913
senate: 64914

(1) One member who is an employee of a health district whose 64915
duties include enforcement of the solid waste provisions of this 64916
chapter; 64917

(2) One member representing the interests of counties; 64918

(3) One member representing the interests of municipal 64919

<u>corporations;</u>	64920
<u>(4) One member representing the interests of townships;</u>	64921
<u>(5) One member representing the interests of solid waste management districts;</u>	64922 64923
<u>(6) One member representing a statewide environmental advocacy organization;</u>	64924 64925
<u>(7) One member representing the public;</u>	64926
<u>(8) Six members, representing private industry, with knowledge of or experience in waste management, recycling, or litter prevention programs. Those members also shall represent a broad range of interests, including manufacturing, wholesale, retail, labor, raw materials, commercial recycling, and solid waste management.</u>	64927 64928 64929 64930 64931 64932
<u>(B)(1) The governor shall make initial appointments to the advisory council not later than forty-five days after the effective date of this section.</u>	64933 64934 64935
<u>(2) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2016:</u>	64936 64937
<u>(a) The member representing the interests of counties;</u>	64938
<u>(b) The member representing the interests of solid waste management districts;</u>	64939 64940
<u>(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs.</u>	64941 64942
<u>(3) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2017:</u>	64943 64944
<u>(a) The member who is an employee of a health district whose duties include enforcement of the solid waste provisions of this chapter;</u>	64945 64946 64947
<u>(b) The member representing the interests of municipal</u>	64948

corporations; 64949

(c) Three of the members with knowledge of or experience in waste management, recycling, or litter prevention programs. 64950
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(4) The following initial members of the advisory council each shall be appointed for a term ending July 1, 2018: 64952
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(a) The member representing the interests of townships; 64954

(b) The member representing a statewide environmental advocacy organization; 64955
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(c) The member representing the public. 64957

Thereafter, terms of office shall be for three years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. In the event of death, removal, resignation, or incapacity of a member, the governor, with the advice and consent of the senate, shall appoint a successor who shall hold office for the remainder of the term for which the successor's predecessor was appointed. A member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. Members may be reappointed. The governor at any time may remove a member for misfeasance, nonfeasance, or malfeasance in office. 64958
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(C) The advisory council shall hold at least two meetings each year. Special meetings may be held at the request of the chairperson or a majority of the members. The director of environmental protection shall select from among the advisory council's members a chairperson. The advisory council annually shall select from among its members a vice-chairperson and a secretary to keep a record of its proceedings. Not later than two hundred days after the selection of the first chairperson of the advisory council, the advisory council shall adopt bylaws governing its procedural operations. A majority vote of the 64970
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members of the advisory council is necessary to take action on any matter. 64980
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(D) Membership on the advisory council does not constitute holding a public office or position of employment under the laws of this state and does not constitute grounds for removal of public officers or employees from their offices or positions of employment. 64982
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(E) A member of the advisory council shall serve without compensation for attending advisory council meetings, but shall be reimbursed for all ordinary and necessary expenses incurred in the performance of duties as a member. 64987
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(F) The advisory council shall do all of the following: 64991

(1) Advise and assist the director with preparation of the state solid waste management plan and periodic revisions to the plan under section 3734.50 of the Revised Code; 64992
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(2) Approve or disapprove the draft state solid waste management plan and periodic revisions prior to adoption of the plan under section 3734.50 of the Revised Code; 64995
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(3) Annually review implementation of the state solid waste management plan; 64998
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(4) Prepare and submit an annual report to the general assembly on the state's solid waste management system and efforts towards achieving the goals, restrictions, and objectives established under divisions (A) to (C) of section 3734.50 of the Revised Code. The report may recommend legislative action. 65000
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(5) Triennially advise the director in conducting a review of the progress made toward achieving the objectives, restrictions, and goals established under divisions (A) to (C) of section 3734.50 of the Revised Code; 65005
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(6) With the approval of the director, establish criteria by 65009

which to certify, and certify, agencies of the state and political subdivisions for receipt of grants for activities or projects that are intended to accomplish the purposes of any of the programs established under section 3736.02 or 3736.05 of the Revised Code;

(7) Advise the director on establishing and implementing statewide source reduction, recycling, recycling market development, and litter prevention programs;

(8) Research and respond to questions posed to the advisory council by the director;

(9) Establish and develop formal and informal partnerships with other entities that foster a productive marketplace for the collection and use of recycled materials.

Sec. 3734.50. The director of environmental protection, with the advice of the ~~solid waste~~ materials management advisory council created in section ~~3734.51~~ 3734.49 of the Revised Code, shall prepare a state solid waste management plan to do all of the following:

(A) Reduce reliance on the use of landfills for management of solid wastes;

(B) Establish objectives for solid waste reduction, recycling, reuse, and minimization and a schedule for implementing those objectives;

(C) Establish restrictions on the types of solid wastes disposed of by landfilling for which alternative management methods are available, such as yard wastes, and a schedule for implementing those restrictions. The objectives under division (B) of this section and restrictions under this division need not be of uniform application throughout the state or as to categories of solid waste generators. Rather, in establishing those objectives and restrictions, the director shall take into consideration the

feasibility of waste reduction, recycling, reuse, and minimization 65040
measures and landfilling restrictions in urban, suburban, and 65041
rural areas and also shall take into consideration the extent to 65042
which those measures have been implemented by specific categories 65043
of solid waste generators and political subdivisions prior to June 65044
24, 1988. 65045

(D) Establish revised general criteria for the location of 65046
solid waste facilities; 65047

(E) Examine alternative methods for disposal of fly ash and 65048
bottom ash resulting from the burning of mixed municipal solid 65049
wastes; 65050

(F) Establish a statewide strategy for managing scrap tires, 65051
which shall include identification of locations within the state 65052
that qualify as scrap tire facilities and accumulations. In 65053
developing the strategy, the director shall examine the 65054
feasibility of recycling or recovering materials or energy from 65055
scrap tires and landfilling scrap tires in abandoned coal strip 65056
mines as well as other methods for managing scrap tires. 65057

(G) Establish a strategy that contains specific 65058
recommendations for legislative and administrative action to 65059
promote markets for products containing recycled materials 65060
generally and for promoting the use by state government of 65061
products containing recycled materials; 65062

(H) Establish a program for the proper separation and 65063
disposal of hazardous waste generated by households. 65064

The director shall adopt the state solid waste management 65065
plan within one year after June 24, 1988. After completion of a 65066
draft plan, the director shall hold a public hearing on the draft 65067
plan at each of five different locations within the state. After 65068
receiving public comments on the draft plan, the director may make 65069
such revisions to it as ~~he~~ the director considers appropriate 65070

based on the comments received and shall submit the draft plan 65071
with any revisions to the advisory council for approval. If the 65072
advisory council approves the draft plan, the director shall adopt 65073
it as the state solid waste management plan. If the advisory 65074
council disapproves the draft plan, the director, with the advice 65075
of the advisory council, shall prepare a new draft plan and 65076
proceed in the same manner as for the initial draft plan to hold 65077
hearings on, revise, and submit the new draft plan to the advisory 65078
council for approval, and adopt the new draft plan. 65079

Not later than one year after adoption of the plan, the 65080
director shall adopt rules in accordance with Chapter 119. of the 65081
Revised Code establishing the objectives and restrictions of the 65082
state plan, and schedules for implementing them, under divisions 65083
(B) and (C) of this section as mandatory elements of the solid 65084
waste management plans of county and joint solid waste management 65085
districts under division (A) of section 3734.53 of the Revised 65086
Code. Within one year after adoption of the plan, the director 65087
shall adopt rules in accordance with Chapter 119. of the Revised 65088
Code, which rules are hereby deemed to constitute rules adopted 65089
under division (A) of section 3734.02 of the Revised Code, 65090
establishing revised general location criteria for solid waste 65091
facilities, other than solid waste transfer facilities, and 65092
standards for the disposal of fly ash and bottom ash resulting 65093
from the burning of mixed municipal solid waste. 65094

Triennially the director, with the advice of the advisory 65095
council, shall conduct a thorough review of the progress made 65096
toward achieving the goals set forth in divisions (A) to (H) of 65097
this section. Based upon the findings of ~~his~~ the review, the 65098
director, in accordance with the procedures of this section, may 65099
prepare and adopt a revised state solid waste management plan. If 65100
the revised plan modifies any of the objectives, restrictions, or 65101
implementation schedules established under division (B) or (C) of 65102

this section, the director, not later than one year after adoption 65103
of the revised plan, shall amend the existing rules adopted under 65104
this section in a manner consistent with those revisions. 65105

If any revision to the plan or enactment or amendment of a 65106
statute by the general assembly that takes effect on or after 65107
April 16, 1993, establishes a restriction on the landfilling or 65108
burning or other thermal processing in an incinerator or energy 65109
recovery facility of any type of solid waste with mixed municipal 65110
solid waste, or prescribes for a type of solid waste a management 65111
method alternative to landfilling or thermal processing with mixed 65112
municipal solid waste, the estimated reduction in the quantity of 65113
solid wastes being disposed of by landfilling or thermal 65114
processing that results from the implementation of the restriction 65115
or alternative management method within a county or joint solid 65116
waste management district constitutes a reduction in solid waste 65117
generation within the district for purposes of determining the 65118
district's compliance with the waste reduction objective 65119
established under division (C) of this section and any revisions 65120
thereof and the rules and amendments thereto adopted under this 65121
section to implement that objective. 65122

Sec. 3734.551. (A) The board of county commissioners of a 65123
county or board of directors of a joint solid waste management 65124
district that is ordered to implement an initial or amended solid 65125
waste management plan prepared by the director of environmental 65126
protection under section 3734.521, 3734.55, or 3734.56 of the 65127
Revised Code and that is levying fees under division (A) or (B) of 65128
section 3734.574 of the Revised Code shall reimburse the director 65129
from moneys in the special fund of the district created in 65130
division (G) of section 3734.57 of the Revised Code for the 65131
expenses incurred by the director in preparing and ordering the 65132
implementation of the plan or amended plan for all of the 65133
following purposes, as applicable: 65134

(1) Postage;	65135
(2) Copying and duplicating;	65136
(3) Notices published in newspapers;	65137
(4) A court reporter to record testimony at public hearings and transcribe the record of those hearings;	65138 65139
(5) Facility rental for holding public information sessions or public hearings;	65140 65141
(6) Conducting a survey of industrial solid waste generators within the district and other primary data collection activities when the necessary data are not available from the district, including, without limitation, the costs of conducting the survey or data collection by contract;	65142 65143 65144 65145 65146
(7) Fuel, meals, and lodging for the staff of the environmental protection agency when travel to the district is necessary to conduct data collection and other plan preparation activities;	65147 65148 65149 65150
(8) Necessary long-distance telephone calls.	65151
(B) Upon ordering a district to implement a plan or amended plan under section 3734.521, 3734.55, or 3734.56 of the Revised Code, the director shall send to the board of county commissioners or directors an itemized demand for the expenses enumerated in division (A) of this section that were incurred by the director in preparing and ordering the implementation of the plan or amended plan. The board of county commissioners or directors shall pay to the director the amount stated in the demand within sixty days after receiving it. Moneys received by the director under this division shall be deposited in the state treasury to the credit of the solid waste <u>management</u> fund created in division (A) of section 3734.57 <u>3734.061</u> of the Revised Code.	65152 65153 65154 65155 65156 65157 65158 65159 65160 65161 65162 65163

Sec. 3734.57. (A) The following fees are hereby levied on the 65164

transfer or disposal of solid wastes in this state: 65165

(1) ~~One-dollar~~ Ninety cents per ton through June 30, ~~2016~~ 65166
2018, ~~thirty per cent~~ twenty cents of the proceeds of which shall 65167
be deposited in the state treasury to the credit of the hazardous 65168
waste facility management fund created in section 3734.18 of the 65169
Revised Code and ~~seventy per cent~~ cents of the proceeds of which 65170
shall be deposited in the state treasury to the credit of the 65171
hazardous waste clean-up fund created in section 3734.28 of the 65172
Revised Code; 65173

(2) An additional ~~one-dollar~~ seventy-five cents per ton 65174
through June 30, ~~2016~~ 2018, the proceeds of which shall be 65175
deposited in the state treasury to the credit of the ~~solid waste~~ 65176
management fund, ~~which is hereby~~ created in section 3734.061 of 65177
the Revised Code. ~~The environmental protection agency shall use~~ 65178
~~money in the solid waste fund to pay the costs of administering~~ 65179
~~and enforcing the laws pertaining to solid wastes, infectious~~ 65180
~~wastes, and construction and demolition debris, including, without~~ 65181
~~limitation, ground water evaluations related to solid wastes,~~ 65182
~~infectious wastes, and construction and demolition debris, under~~ 65183
~~this chapter and Chapter 3714. of the Revised Code and any rules~~ 65184
~~adopted under them, providing compliance assistance to small~~ 65185
~~businesses, and paying a share of the administrative costs of the~~ 65186
~~environmental protection agency pursuant to section 3745.014 of~~ 65187
~~the Revised Code.~~ 65188

(3) An additional two dollars and ~~fifty~~ eighty-five cents per 65189
ton through June 30, ~~2016~~ 2018, the proceeds of which shall be 65190
deposited in the state treasury to the credit of the environmental 65191
protection fund created in section 3745.015 of the Revised Code; 65192

(4) An additional twenty-five cents per ton through June 30, 65193
~~2016~~ 2018, the proceeds of which shall be deposited in the state 65194
treasury to the credit of the soil and water conservation district 65195
assistance fund created in section ~~1515.14~~ 940.15 of the Revised 65196

Code. 65197

In the case of solid wastes that are taken to a solid waste transfer facility located in this state prior to being transported for disposal at a solid waste disposal facility located in this state or outside of this state, the fees levied under this division shall be collected by the owner or operator of the transfer facility as a trustee for the state. The amount of fees required to be collected under this division at such a transfer facility shall equal the total tonnage of solid wastes received at the facility multiplied by the fees levied under this division. In the case of solid wastes that are not taken to a solid waste transfer facility located in this state prior to being transported to a solid waste disposal facility, the fees shall be collected by the owner or operator of the solid waste disposal facility as a trustee for the state. The amount of fees required to be collected under this division at such a disposal facility shall equal the total tonnage of solid wastes received at the facility that was not previously taken to a solid waste transfer facility located in this state multiplied by the fees levied under this division. Fees levied under this division do not apply to materials separated from a mixed waste stream for recycling by a generator or materials removed from the solid waste stream through recycling, as "recycling" is defined in rules adopted under section 3734.02 of the Revised Code.

The owner or operator of a solid waste transfer facility or disposal facility, as applicable, shall prepare and file with the director of environmental protection each month a return indicating the total tonnage of solid wastes received at the facility during that month and the total amount of the fees required to be collected under this division during that month. In addition, the owner or operator of a solid waste disposal facility shall indicate on the return the total tonnage of solid wastes

received from transfer facilities located in this state during 65229
that month for which the fees were required to be collected by the 65230
transfer facilities. The monthly returns shall be filed on a form 65231
prescribed by the director. Not later than thirty days after the 65232
last day of the month to which a return applies, the owner or 65233
operator shall mail to the director the return for that month 65234
together with the fees required to be collected under this 65235
division during that month as indicated on the return or may 65236
submit the return and fees electronically in a manner approved by 65237
the director. If the return is filed and the amount of the fees 65238
due is paid in a timely manner as required in this division, the 65239
owner or operator may retain a discount of three-fourths of one 65240
per cent of the total amount of the fees that are required to be 65241
paid as indicated on the return. 65242

The owner or operator may request an extension of not more 65243
than thirty days for filing the return and remitting the fees, 65244
provided that the owner or operator has submitted such a request 65245
in writing to the director together with a detailed description of 65246
why the extension is requested, the director has received the 65247
request not later than the day on which the return is required to 65248
be filed, and the director has approved the request. If the fees 65249
are not remitted within thirty days after the last day of the 65250
month to which the return applies or are not remitted by the last 65251
day of an extension approved by the director, the owner or 65252
operator shall not retain the three-fourths of one per cent 65253
discount and shall pay an additional ten per cent of the amount of 65254
the fees for each month that they are late. For purposes of 65255
calculating the late fee, the first month in which fees are late 65256
begins on the first day after the deadline has passed for timely 65257
submitting the return and fees, and one additional month shall be 65258
counted every thirty days thereafter. 65259

The owner or operator of a solid waste facility may request a 65260

refund or credit of fees levied under this division and remitted 65261
to the director that have not been paid to the owner or operator. 65262
Such a request shall be made only if the fees have not been 65263
collected by the owner or operator, have become a debt that has 65264
become worthless or uncollectable for a period of six months or 65265
more, and may be claimed as a deduction, including a deduction 65266
claimed if the owner or operator keeps accounts on an accrual 65267
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 65268
U.S.C. 166, as amended, and regulations adopted under it. Prior to 65269
making a request for a refund or credit, an owner or operator 65270
shall make reasonable efforts to collect the applicable fees. A 65271
request for a refund or credit shall not include any costs 65272
resulting from those efforts to collect unpaid fees. 65273

A request for a refund or credit of fees shall be made in 65274
writing, on a form prescribed by the director, and shall be 65275
supported by evidence that may be required in rules adopted by the 65276
director under this chapter. After reviewing the request, and if 65277
the request and evidence submitted with the request indicate that 65278
a refund or credit is warranted, the director shall grant a refund 65279
to the owner or operator or shall permit a credit to be taken by 65280
the owner or operator on a subsequent monthly return submitted by 65281
the owner or operator. The amount of a refund or credit shall not 65282
exceed an amount that is equal to ninety days' worth of fees owed 65283
to an owner or operator by a particular debtor of the owner or 65284
operator. A refund or credit shall not be granted by the director 65285
to an owner or operator more than once in any twelve-month period 65286
for fees owed to the owner or operator by a particular debtor. 65287

If, after receiving a refund or credit from the director, an 65288
owner or operator receives payment of all or part of the fees, the 65289
owner or operator shall remit the fees with the next monthly 65290
return submitted to the director together with a written 65291
explanation of the reason for the submittal. 65292

For purposes of computing the fees levied under this division 65293
or division (B) of this section, any solid waste transfer or 65294
disposal facility that does not use scales as a means of 65295
determining gate receipts shall use a conversion factor of three 65296
cubic yards per ton of solid waste or one cubic yard per ton for 65297
baled waste, as applicable. 65298

The fees levied under this division and divisions (B) and (C) 65299
of this section are in addition to all other applicable fees and 65300
taxes and shall be paid by the customer or a political subdivision 65301
to the owner or operator of a solid waste transfer or disposal 65302
facility. In the alternative, the fees shall be paid by a customer 65303
or political subdivision to a transporter of waste who 65304
subsequently transfers the fees to the owner or operator of such a 65305
facility. The fees shall be paid notwithstanding the existence of 65306
any provision in a contract that the customer or a political 65307
subdivision may have with the owner or operator or with a 65308
transporter of waste to the facility that would not require or 65309
allow such payment regardless of whether the contract was entered 65310
prior to or after October 16, 2009. For those purposes, "customer" 65311
means a person who contracts with, or utilizes the solid waste 65312
services of, the owner or operator of a solid waste transfer or 65313
disposal facility or a transporter of solid waste to such a 65314
facility. 65315

(B) For the purposes specified in division (G) of this 65316
section, the solid waste management policy committee of a county 65317
or joint solid waste management district may levy fees upon the 65318
following activities: 65319

(1) The disposal at a solid waste disposal facility located 65320
in the district of solid wastes generated within the district; 65321

(2) The disposal at a solid waste disposal facility within 65322
the district of solid wastes generated outside the boundaries of 65323
the district, but inside this state; 65324

(3) The disposal at a solid waste disposal facility within 65325
the district of solid wastes generated outside the boundaries of 65326
this state. 65327

The solid waste management plan of the county or joint 65328
district approved under section 3734.521 or 3734.55 of the Revised 65329
Code and any amendments to it, or the resolution adopted under 65330
this division, as appropriate, shall establish the rates of the 65331
fees levied under divisions (B)(1), (2), and (3) of this section, 65332
if any, and shall specify whether the fees are levied on the basis 65333
of tons or cubic yards as the unit of measurement. A solid waste 65334
management district that levies fees under this division on the 65335
basis of cubic yards shall do so in accordance with division (A) 65336
of this section. 65337

The fee levied under division (B)(1) of this section shall be 65338
not less than one dollar per ton nor more than two dollars per 65339
ton, the fee levied under division (B)(2) of this section shall be 65340
not less than two dollars per ton nor more than four dollars per 65341
ton, and the fee levied under division (B)(3) of this section 65342
shall be not more than the fee levied under division (B)(1) of 65343
this section. 65344

Prior to the approval of the solid waste management plan of a 65345
district under section 3734.55 of the Revised Code, the solid 65346
waste management policy committee of a district may levy fees 65347
under this division by adopting a resolution establishing the 65348
proposed amount of the fees. Upon adopting the resolution, the 65349
committee shall deliver a copy of the resolution to the board of 65350
county commissioners of each county forming the district and to 65351
the legislative authority of each municipal corporation and 65352
township under the jurisdiction of the district and shall prepare 65353
and publish the resolution and a notice of the time and location 65354
where a public hearing on the fees will be held. Upon adopting the 65355
resolution, the committee shall deliver written notice of the 65356

adoption of the resolution; of the amount of the proposed fees; 65357
and of the date, time, and location of the public hearing to the 65358
director and to the fifty industrial, commercial, or institutional 65359
generators of solid wastes within the district that generate the 65360
largest quantities of solid wastes, as determined by the 65361
committee, and to their local trade associations. The committee 65362
shall make good faith efforts to identify those generators within 65363
the district and their local trade associations, but the 65364
nonprovision of notice under this division to a particular 65365
generator or local trade association does not invalidate the 65366
proceedings under this division. The publication shall occur at 65367
least thirty days before the hearing. After the hearing, the 65368
committee may make such revisions to the proposed fees as it 65369
considers appropriate and thereafter, by resolution, shall adopt 65370
the revised fee schedule. Upon adopting the revised fee schedule, 65371
the committee shall deliver a copy of the resolution doing so to 65372
the board of county commissioners of each county forming the 65373
district and to the legislative authority of each municipal 65374
corporation and township under the jurisdiction of the district. 65375
Within sixty days after the delivery of a copy of the resolution 65376
adopting the proposed revised fees by the policy committee, each 65377
such board and legislative authority, by ordinance or resolution, 65378
shall approve or disapprove the revised fees and deliver a copy of 65379
the ordinance or resolution to the committee. If any such board or 65380
legislative authority fails to adopt and deliver to the policy 65381
committee an ordinance or resolution approving or disapproving the 65382
revised fees within sixty days after the policy committee 65383
delivered its resolution adopting the proposed revised fees, it 65384
shall be conclusively presumed that the board or legislative 65385
authority has approved the proposed revised fees. The committee 65386
shall determine if the resolution has been ratified in the same 65387
manner in which it determines if a draft solid waste management 65388
plan has been ratified under division (B) of section 3734.55 of 65389

the Revised Code. 65390

The committee may amend the schedule of fees levied pursuant 65391
to a resolution adopted and ratified under this division by 65392
adopting a resolution establishing the proposed amount of the 65393
amended fees. The committee may repeal the fees levied pursuant to 65394
such a resolution by adopting a resolution proposing to repeal 65395
them. Upon adopting such a resolution, the committee shall proceed 65396
to obtain ratification of the resolution in accordance with this 65397
division. 65398

Not later than fourteen days after declaring the new fees to 65399
be ratified or the fees to be repealed under this division, the 65400
committee shall notify by certified mail the owner or operator of 65401
each solid waste disposal facility that is required to collect the 65402
fees of the ratification and the amount of the fees or of the 65403
repeal of the fees. Collection of any fees shall commence or 65404
collection of repealed fees shall cease on the first day of the 65405
second month following the month in which notification is sent to 65406
the owner or operator. 65407

Fees levied under this division also may be established, 65408
amended, or repealed by a solid waste management policy committee 65409
through the adoption of a new district solid waste management 65410
plan, the adoption of an amended plan, or the amendment of the 65411
plan or amended plan in accordance with sections 3734.55 and 65412
3734.56 of the Revised Code or the adoption or amendment of a 65413
district plan in connection with a change in district composition 65414
under section 3734.521 of the Revised Code. 65415

Not later than fourteen days after the director issues an 65416
order approving a district's solid waste management plan, amended 65417
plan, or amendment to a plan or amended plan that establishes, 65418
amends, or repeals a schedule of fees levied by the district, the 65419
committee shall notify by certified mail the owner or operator of 65420
each solid waste disposal facility that is required to collect the 65421

fees of the approval of the plan or amended plan, or the amendment 65422
to the plan, as appropriate, and the amount of the fees, if any. 65423
In the case of an initial or amended plan approved under section 65424
3734.521 of the Revised Code in connection with a change in 65425
district composition, other than one involving the withdrawal of a 65426
county from a joint district, the committee, within fourteen days 65427
after the change takes effect pursuant to division (G) of that 65428
section, shall notify by certified mail the owner or operator of 65429
each solid waste disposal facility that is required to collect the 65430
fees that the change has taken effect and of the amount of the 65431
fees, if any. Collection of any fees shall commence or collection 65432
of repealed fees shall cease on the first day of the second month 65433
following the month in which notification is sent to the owner or 65434
operator. 65435

If, in the case of a change in district composition involving 65436
the withdrawal of a county from a joint district, the director 65437
completes the actions required under division (G)(1) or (3) of 65438
section 3734.521 of the Revised Code, as appropriate, forty-five 65439
days or more before the beginning of a calendar year, the policy 65440
committee of each of the districts resulting from the change that 65441
obtained the director's approval of an initial or amended plan in 65442
connection with the change, within fourteen days after the 65443
director's completion of the required actions, shall notify by 65444
certified mail the owner or operator of each solid waste disposal 65445
facility that is required to collect the district's fees that the 65446
change is to take effect on the first day of January immediately 65447
following the issuance of the notice and of the amount of the fees 65448
or amended fees levied under divisions (B)(1) to (3) of this 65449
section pursuant to the district's initial or amended plan as so 65450
approved or, if appropriate, the repeal of the district's fees by 65451
that initial or amended plan. Collection of any fees set forth in 65452
such a plan or amended plan shall commence on the first day of 65453
January immediately following the issuance of the notice. If such 65454

an initial or amended plan repeals a schedule of fees, collection 65455
of the fees shall cease on that first day of January. 65456

If, in the case of a change in district composition involving 65457
the withdrawal of a county from a joint district, the director 65458
completes the actions required under division (G)(1) or (3) of 65459
section 3734.521 of the Revised Code, as appropriate, less than 65460
forty-five days before the beginning of a calendar year, the 65461
director, on behalf of each of the districts resulting from the 65462
change that obtained the director's approval of an initial or 65463
amended plan in connection with the change proceedings, shall 65464
notify by certified mail the owner or operator of each solid waste 65465
disposal facility that is required to collect the district's fees 65466
that the change is to take effect on the first day of January 65467
immediately following the mailing of the notice and of the amount 65468
of the fees or amended fees levied under divisions (B)(1) to (3) 65469
of this section pursuant to the district's initial or amended plan 65470
as so approved or, if appropriate, the repeal of the district's 65471
fees by that initial or amended plan. Collection of any fees set 65472
forth in such a plan or amended plan shall commence on the first 65473
day of the second month following the month in which notification 65474
is sent to the owner or operator. If such an initial or amended 65475
plan repeals a schedule of fees, collection of the fees shall 65476
cease on the first day of the second month following the month in 65477
which notification is sent to the owner or operator. 65478

If the schedule of fees that a solid waste management 65479
district is levying under divisions (B)(1) to (3) of this section 65480
is amended or repealed, the fees in effect immediately prior to 65481
the amendment or repeal shall continue to be collected until 65482
collection of the amended fees commences or collection of the 65483
repealed fees ceases, as applicable, as specified in this 65484
division. In the case of a change in district composition, money 65485
so received from the collection of the fees of the former 65486

districts shall be divided among the resulting districts in 65487
accordance with division (B) of section 343.012 of the Revised 65488
Code and the agreements entered into under division (B) of section 65489
343.01 of the Revised Code to establish the former and resulting 65490
districts and any amendments to those agreements. 65491

For the purposes of the provisions of division (B) of this 65492
section establishing the times when newly established or amended 65493
fees levied by a district are required to commence and the 65494
collection of fees that have been amended or repealed is required 65495
to cease, "fees" or "schedule of fees" includes, in addition to 65496
fees levied under divisions (B)(1) to (3) of this section, those 65497
levied under section 3734.573 or 3734.574 of the Revised Code. 65498

(C) For the purposes of defraying the added costs to a 65499
municipal corporation or township of maintaining roads and other 65500
public facilities and of providing emergency and other public 65501
services, and compensating a municipal corporation or township for 65502
reductions in real property tax revenues due to reductions in real 65503
property valuations resulting from the location and operation of a 65504
solid waste disposal facility within the municipal corporation or 65505
township, a municipal corporation or township in which such a 65506
solid waste disposal facility is located may levy a fee of not 65507
more than twenty-five cents per ton on the disposal of solid 65508
wastes at a solid waste disposal facility located within the 65509
boundaries of the municipal corporation or township regardless of 65510
where the wastes were generated. 65511

The legislative authority of a municipal corporation or 65512
township may levy fees under this division by enacting an 65513
ordinance or adopting a resolution establishing the amount of the 65514
fees. Upon so doing the legislative authority shall mail a 65515
certified copy of the ordinance or resolution to the board of 65516
county commissioners or directors of the county or joint solid 65517
waste management district in which the municipal corporation or 65518

township is located or, if a regional solid waste management 65519
authority has been formed under section 343.011 of the Revised 65520
Code, to the board of trustees of that regional authority, the 65521
owner or operator of each solid waste disposal facility in the 65522
municipal corporation or township that is required to collect the 65523
fee by the ordinance or resolution, and the director of 65524
environmental protection. Although the fees levied under this 65525
division are levied on the basis of tons as the unit of 65526
measurement, the legislative authority, in its ordinance or 65527
resolution levying the fees under this division, may direct that 65528
the fees be levied on the basis of cubic yards as the unit of 65529
measurement based upon a conversion factor of three cubic yards 65530
per ton generally or one cubic yard per ton for baled wastes. 65531

Not later than five days after enacting an ordinance or 65532
adopting a resolution under this division, the legislative 65533
authority shall so notify by certified mail the owner or operator 65534
of each solid waste disposal facility that is required to collect 65535
the fee. Collection of any fee levied on or after March 24, 1992, 65536
shall commence on the first day of the second month following the 65537
month in which notification is sent to the owner or operator. 65538

(D)(1) The fees levied under divisions (A), (B), and (C) of 65539
this section do not apply to the disposal of solid wastes that: 65540

(a) Are disposed of at a facility owned by the generator of 65541
the wastes when the solid waste facility exclusively disposes of 65542
solid wastes generated at one or more premises owned by the 65543
generator regardless of whether the facility is located on a 65544
premises where the wastes are generated; 65545

(b) Are generated from the combustion of coal, or from the 65546
combustion of primarily coal, regardless of whether the disposal 65547
facility is located on the premises where the wastes are 65548
generated; 65549

(c) Are asbestos or asbestos-containing materials or products 65550
disposed of at a construction and demolition debris facility that 65551
is licensed under Chapter 3714. of the Revised Code or at a solid 65552
waste facility that is licensed under this chapter. 65553

(2) Except as provided in section 3734.571 of the Revised 65554
Code, any fees levied under division (B)(1) of this section apply 65555
to solid wastes originating outside the boundaries of a county or 65556
joint district that are covered by an agreement for the joint use 65557
of solid waste facilities entered into under section 343.02 of the 65558
Revised Code by the board of county commissioners or board of 65559
directors of the county or joint district where the wastes are 65560
generated and disposed of. 65561

(3) When solid wastes, other than solid wastes that consist 65562
of scrap tires, are burned in a disposal facility that is an 65563
incinerator or energy recovery facility, the fees levied under 65564
divisions (A), (B), and (C) of this section shall be levied upon 65565
the disposal of the fly ash and bottom ash remaining after burning 65566
of the solid wastes and shall be collected by the owner or 65567
operator of the sanitary landfill where the ash is disposed of. 65568

(4) When solid wastes are delivered to a solid waste transfer 65569
facility, the fees levied under divisions (B) and (C) of this 65570
section shall be levied upon the disposal of solid wastes 65571
transported off the premises of the transfer facility for disposal 65572
and shall be collected by the owner or operator of the solid waste 65573
disposal facility where the wastes are disposed of. 65574

(5) The fees levied under divisions (A), (B), and (C) of this 65575
section do not apply to sewage sludge that is generated by a waste 65576
water treatment facility holding a national pollutant discharge 65577
elimination system permit and that is disposed of through 65578
incineration, land application, or composting or at another 65579
resource recovery or disposal facility that is not a landfill. 65580

(6) The fees levied under divisions (A), (B), and (C) of this section do not apply to solid wastes delivered to a solid waste composting facility for processing. When any unprocessed solid waste or compost product is transported off the premises of a composting facility and disposed of at a landfill, the fees levied under divisions (A), (B), and (C) of this section shall be collected by the owner or operator of the landfill where the unprocessed waste or compost product is disposed of.

(7) When solid wastes that consist of scrap tires are processed at a scrap tire recovery facility, the fees levied under divisions (A), (B), and (C) of this section shall be levied upon the disposal of the fly ash and bottom ash or other solid wastes remaining after the processing of the scrap tires and shall be collected by the owner or operator of the solid waste disposal facility where the ash or other solid wastes are disposed of.

(8) The director of environmental protection may issue an order exempting from the fees levied under this section solid wastes, including, but not limited to, scrap tires, that are generated, transferred, or disposed of as a result of a contract providing for the expenditure of public funds entered into by the administrator or regional administrator of the United States environmental protection agency, the director of environmental protection, or the director of administrative services on behalf of the director of environmental protection for the purpose of remediating conditions at a hazardous waste facility, solid waste facility, or other location at which the administrator or regional administrator or the director of environmental protection has reason to believe that there is a substantial threat to public health or safety or the environment or that the conditions are causing or contributing to air or water pollution or soil contamination. An order issued by the director of environmental protection under division (D)(8) of this section shall include a

determination that the amount of the fees not received by a solid waste management district as a result of the order will not adversely impact the implementation and financing of the district's approved solid waste management plan and any approved amendments to the plan. Such an order is a final action of the director of environmental protection.

(E) The fees levied under divisions (B) and (C) of this section shall be collected by the owner or operator of the solid waste disposal facility where the wastes are disposed of as a trustee for the county or joint district and municipal corporation or township where the wastes are disposed of. Moneys from the fees levied under division (B) of this section shall be forwarded to the board of county commissioners or board of directors of the district in accordance with rules adopted under division (H) of this section. Moneys from the fees levied under division (C) of this section shall be forwarded to the treasurer or such other officer of the municipal corporation as, by virtue of the charter, has the duties of the treasurer or to the fiscal officer of the township, as appropriate, in accordance with those rules.

(F) Moneys received by the treasurer or other officer of the municipal corporation under division (E) of this section shall be paid into the general fund of the municipal corporation. Moneys received by the fiscal officer of the township under that division shall be paid into the general fund of the township. The treasurer or other officer of the municipal corporation or the township fiscal officer, as appropriate, shall maintain separate records of the moneys received from the fees levied under division (C) of this section.

(G) Moneys received by the board of county commissioners or board of directors under division (E) of this section or section 3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code shall be paid to the county treasurer, or other official acting in

a similar capacity under a county charter, in a county district or 65645
to the county treasurer or other official designated by the board 65646
of directors in a joint district and kept in a separate and 65647
distinct fund to the credit of the district. If a regional solid 65648
waste management authority has been formed under section 343.011 65649
of the Revised Code, moneys received by the board of trustees of 65650
that regional authority under division (E) of this section shall 65651
be kept by the board in a separate and distinct fund to the credit 65652
of the district. Moneys in the special fund of the county or joint 65653
district arising from the fees levied under division (B) of this 65654
section and the fee levied under division (A) of section 3734.573 65655
of the Revised Code shall be expended by the board of county 65656
commissioners or directors of the district in accordance with the 65657
district's solid waste management plan or amended plan approved 65658
under section 3734.521, 3734.55, or 3734.56 of the Revised Code 65659
exclusively for the following purposes: 65660

(1) Preparation of the solid waste management plan of the 65661
district under section 3734.54 of the Revised Code, monitoring 65662
implementation of the plan, and conducting the periodic review and 65663
amendment of the plan required by section 3734.56 of the Revised 65664
Code by the solid waste management policy committee; 65665

(2) Implementation of the approved solid waste management 65666
plan or amended plan of the district, including, without 65667
limitation, the development and implementation of solid waste 65668
recycling or reduction programs; 65669

(3) Providing financial assistance to boards of health within 65670
the district, if solid waste facilities are located within the 65671
district, for enforcement of this chapter and rules, orders, and 65672
terms and conditions of permits, licenses, and variances adopted 65673
or issued under it, other than the hazardous waste provisions of 65674
this chapter and rules adopted and orders and terms and conditions 65675
of permits issued under those provisions; 65676

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal

corporations and townships within the district to defray their 65708
added costs of maintaining roads and other public facilities and 65709
of providing emergency and other public services resulting from 65710
the location and operation within their boundaries of a 65711
composting, energy or resource recovery, incineration, or 65712
recycling facility that either is owned by the district or is 65713
furnishing solid waste management facility or recycling services 65714
to the district pursuant to a contract or agreement with the board 65715
of county commissioners or directors of the district; 65716

(10) Payment of any expenses that are agreed to, awarded, or 65717
ordered to be paid under section 3734.35 of the Revised Code and 65718
of any administrative costs incurred pursuant to that section. In 65719
the case of a joint solid waste management district, if the board 65720
of county commissioners of one of the counties in the district is 65721
negotiating on behalf of affected communities, as defined in that 65722
section, in that county, the board shall obtain the approval of 65723
the board of directors of the district in order to expend moneys 65724
for administrative costs incurred. 65725

Prior to the approval of the district's solid waste 65726
management plan under section 3734.55 of the Revised Code, moneys 65727
in the special fund of the district arising from the fees shall be 65728
expended for those purposes in the manner prescribed by the solid 65729
waste management policy committee by resolution. 65730

Notwithstanding division (G)(6) of this section as it existed 65731
prior to October 29, 1993, or any provision in a district's solid 65732
waste management plan prepared in accordance with division 65733
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 65734
prior to that date, any moneys arising from the fees levied under 65735
division (B)(3) of this section prior to January 1, 1994, may be 65736
expended for any of the purposes authorized in divisions (G)(1) to 65737
(10) of this section. 65738

(H) The director shall adopt rules in accordance with Chapter 65739

119. of the Revised Code prescribing procedures for collecting and 65740
forwarding the fees levied under divisions (B) and (C) of this 65741
section to the boards of county commissioners or directors of 65742
county or joint solid waste management districts and to the 65743
treasurers or other officers of municipal corporations and the 65744
fiscal officers of townships. The rules also shall prescribe the 65745
dates for forwarding the fees to the boards and officials and may 65746
prescribe any other requirements the director considers necessary 65747
or appropriate to implement and administer divisions (A), (B), and 65748
(C) of this section. 65749

Sec. 3734.822. (A) There is hereby created in the state 65750
treasury the scrap tire grant fund, consisting of moneys 65751
transferred to the fund under section 3734.82 of the Revised Code. 65752
The director of environmental protection may make grants from the 65753
fund for the following purposes: 65754

(1) Supporting market development activities for scrap tires 65755
and synthetic rubber from tire manufacturing processes and tire 65756
recycling processes; 65757

(2) Supporting scrap tire amnesty and cleanup events 65758
sponsored by solid waste management districts. 65759

Grants awarded under division (A)(1) of this section may be 65760
awarded to individuals, businesses, and entities certified under 65761
division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised Code. 65762

(B) Projects and activities that are eligible for grants 65763
under division (A)(1) of this section shall be evaluated for 65764
funding using, at a minimum, the following criteria: 65765

(1) The degree to which a proposed project contributes to the 65766
increased use of scrap tires generated in this state; 65767

(2) The degree of local financial support for a proposed 65768
project; 65769

(3) The technical merit and quality of a proposed project. 65770

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 65771
defray the cost of administering and enforcing the scrap tire 65772
provisions of this chapter, rules adopted under those provisions, 65773
and terms and conditions of orders, variances, and licenses issued 65774
under those provisions; to abate accumulations of scrap tires; to 65775
make grants supporting market development activities for scrap 65776
tires and synthetic rubber from tire manufacturing processes and 65777
tire recycling processes and to support scrap tire amnesty and 65778
cleanup events; to make loans to promote the recycling or recovery 65779
of energy from scrap tires; and to defray the costs of 65780
administering and enforcing sections 3734.90 to 3734.9014 of the 65781
Revised Code, a fee of fifty cents per tire is hereby levied on 65782
the sale of tires. The proceeds of the fee shall be deposited in 65783
the state treasury to the credit of the scrap tire management fund 65784
created in section 3734.82 of the Revised Code. The fee is levied 65785
from the first day of the calendar month that begins next after 65786
thirty days from October 29, 1993, through June 30, ~~2016~~ 2018. 65787

(2) Beginning on July 1, 2011, and ending on June 30, ~~2016~~ 65788
2018, there is hereby levied an additional fee of fifty cents per 65789
tire on the sale of tires the proceeds of which shall be deposited 65790
in the state treasury to the credit of the soil and water 65791
conservation district assistance fund created in section ~~1515.14~~ 65792
940.15 of the Revised Code. 65793

(B) Only one sale of the same article shall be used in 65794
computing the amount of the fee due. 65795

Sec. 3736.03. (A) There is hereby created in the state 65796
treasury the recycling and litter prevention fund, consisting of 65797
moneys distributed to it from fees, including the fee levied under 65798
division (A)(2) of section 3714.073 of the Revised Code, gifts, 65799

donations, grants, reimbursements, and other sources, including 65800
investment earnings. 65801

(B) The director of environmental protection shall do all of 65802
the following: 65803

(1) Use moneys credited to the fund exclusively for the 65804
purposes set forth in sections 3734.49, 3736.02, ~~3736.04~~, 3736.05, 65805
and 3745.014 of the Revised Code, with particular emphasis on 65806
programs relating to recycling; 65807

(2) Require recipients of grants under section 3736.05 of the 65808
Revised Code, as a condition of receiving and retaining them, to 65809
do all of the following: 65810

(a) Create a separate account for the grants and any cash 65811
donations received that qualify for the donor credit allowed by 65812
section 5733.064 of the Revised Code; 65813

(b) Make expenditures from the account exclusively for the 65814
purposes for which the grants were received; 65815

(c) Use any auditing and accounting practices the director 65816
considers necessary regarding the account; 65817

(d) Report to the director information regarding the amount 65818
and donor of cash donations received as described by section 65819
5733.064 of the Revised Code; 65820

(e) Use grants received to supplement and not to replace any 65821
existing funding for such purposes. 65822

(3) Report to the tax commissioner information the director 65823
receives pursuant to division (B)(2)(d) of this section. 65824

Sec. 3736.05. (A) The director of environmental protection, 65825
pursuant to division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 65826
Revised Code, may make grants from the recycling and litter 65827
prevention fund created in section 3736.03 of the Revised Code to 65828

accomplish the purposes of the programs established under section 65829
3736.02 of the Revised Code. 65830

(B) Except as provided in division (C) of this section, the 65831
director may require any eligible applicant certified by the 65832
~~recycling and litter prevention~~ materials management advisory 65833
council under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the 65834
Revised Code that applies for a grant for an activity or project 65835
that is intended to further the purposes of any program 65836
established under division (A)(1), (2), or (4) of section 3736.02 65837
of the Revised Code to provide a matching contribution of not more 65838
than fifty per cent of the grant. 65839

(C) Notwithstanding division (B) of this section, any grant 65840
awarded under division (A) of this section to foster cooperative 65841
research and development regarding recycling or the cooperative 65842
establishment or expansion of private recycling facilities or 65843
programs shall be made in conjunction with a contribution to the 65844
project by a cooperating enterprise that maintains or proposes to 65845
maintain a relevant research and development or recycling facility 65846
or program in this state or by an agency of the state, provided 65847
that funding provided by a state agency shall not be provided from 65848
general revenue funds appropriated by the general assembly. No 65849
grant made under division (A) of this section for the purposes 65850
described in this division shall exceed the contribution made by 65851
the cooperating enterprise or state agency. The director may 65852
consider cooperating contributions in the form of state of the art 65853
new equipment or in other forms if the director determines that 65854
the contribution is essential to the successful implementation of 65855
the project. 65856

Grants made under division (A) of this section for the 65857
purposes described in this division shall be made in such form and 65858
conditioned on such terms as the director considers to be 65859
appropriate. 65860

(D)(1) The director may require any eligible applicant 65861
certified by the ~~recycling and litter prevention~~ advisory council 65862
under division ~~(A)(F)(6)~~ of section ~~3736.04~~ 3734.49 of the Revised 65863
Code that applies for a grant that is intended to further the 65864
purposes of the program established under division (A)(3) of 65865
section 3736.02 of the Revised Code, except any eligible applicant 65866
that is or is located in a county that has a per capita income 65867
equal to or below ninety per cent of the median county per capita 65868
income of the state as determined by the director using the most 65869
recently available figures from the United States census bureau, 65870
to provide a matching contribution as follows: 65871

(a) Up to ten per cent of the grant from any eligible 65872
applicant that is or is located in a county that has a per capita 65873
income above ninety per cent of the median county per capita 65874
income of the state, but equal to or below one hundred per cent of 65875
the median county per capita income of the state; 65876

(b) Up to twenty per cent of the grant from any eligible 65877
applicant that is or is located in a county that has a per capita 65878
income above the median county per capita income of the state. 65879

(2) If the eligible applicant is a joint solid waste 65880
management district or is filing a joint application on behalf of 65881
two or more counties, the matching contribution required under 65882
division (D)(1) of this section shall be the average of the 65883
matching contributions of all of the counties covered by the 65884
application as determined in accordance with that division. The 65885
matching contribution of a county that has a per capita income 65886
equal to or below ninety per cent of the median county per capita 65887
income of the state shall be included as zero in calculating the 65888
average matching contribution. 65889

(E) The director shall ensure that not less than fifty per 65890
cent of the moneys distributed as grants under this section shall 65891
be expended for the purposes of recycling and recycling market 65892

development. 65893

(F) No information that is submitted to, acquired by, or 65894
exchanged with employees of the environmental protection agency 65895
who administer or provide services under this section and that is 65896
submitted, acquired, or exchanged in order to obtain a grant 65897
pursuant to division (A) of this section shall be used in any 65898
manner for the purpose of the enforcement of any requirement 65899
established in an environmental law or used as evidence in any 65900
judicial or administrative enforcement proceeding unless that 65901
information reveals a clear and immediate danger to the 65902
environment or to the health, safety, or welfare of the public. 65903

(G) Nothing in this section confers immunity on persons from 65904
enforcement that is based on information that is obtained by the 65905
director or the director's authorized representatives who are not 65906
employees of the agency who administer or provide services under 65907
this section. 65908

(H) As used in this section, "environmental law" means a law 65909
that is administered by the environmental protection agency. 65910

Sec. 3736.06. (A) Agencies of the state certified pursuant to 65911
section ~~3736.04~~ 3734.49 of the Revised Code as eligible to receive 65912
a grant shall designate an employee as the liaison with the 65913
director of environmental protection to cooperate with the 65914
director in carrying out the director's duties under this chapter. 65915

(B) The executive and legislative authorities of municipal 65916
corporations, counties, and townships and the boards of park 65917
commissioners of township park districts created under section 65918
511.18 of the Revised Code, boards of park commissioners of park 65919
districts created under section 1545.04 of the Revised Code, and 65920
boards of education of city, exempted village, local, and joint 65921
vocational school districts may participate in the programs 65922
established under section 3736.02 of the Revised Code. 65923

Sec. 3737.17. (A) As used in this section, a "qualifying small government" means any of the following: 65924
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(1) A township that has a population of not more than five thousand or, regardless of its population, is located in a county that has a population of less than one hundred thousand; 65926
65927
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(2) A municipal corporation that has a population of not more than seven thousand five hundred; 65929
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(3) A fire district, joint fire district, or fire and ambulance district that shares territory exclusively with townships or municipal corporations that meet the conditions of division (A)(1) or (2) of this section. 65931
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(B) The state fire marshal shall administer a small government fire department services revolving loan program under which the state fire marshal makes loans to qualifying small governments for the following purposes: 65935
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(1) To expedite purchases of major equipment for fire fighting, ambulance, emergency medical, or rescue services; 65939
65940

(2) To expedite projects for the construction or renovation of fire department buildings. 65941
65942

A loan for either purpose under the small government fire department services revolving loan program is not to carry interest, and is to be repaid within a term of not longer than twenty years. A qualifying small government is not eligible to receive a loan for a project or purchase under the program unless the qualifying small government contributes to the project or purchase an amount equal to at least five per cent of the loan amount. 65943
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(C) A qualifying small government may apply to the state fire marshal for a loan under the small government fire department services revolving loan program. In its application, the 65951
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65953

qualifying small government shall explain how it qualifies for the 65954
loan, describe the project or purchase for which it is requesting 65955
a loan, state the amount of the loan it requests, and state the 65956
amount it is prepared to contribute to the project or purchase. 65957
The qualifying small government shall provide additional 65958
information to support its application for a loan under the 65959
program as requested by the state fire marshal. 65960

(D) The state fire marshal, in accordance with Chapter 119. 65961
of the Revised Code, shall adopt rules for the administration of 65962
the small government fire department services revolving loan 65963
program. 65964

(E) There is hereby created in the state treasury the small 65965
government fire department services revolving loan fund, into 65966
which shall be deposited repayments by qualifying small 65967
governments of loans authorized under this section. The fund also 65968
shall consist of appropriated money. Investment earnings on money 65969
in the fund shall be credited to the fund. The state fire marshal 65970
shall use the money credited to the fund to make loans to 65971
qualifying small governments as described in this section. The 65972
state fire marshal may loan money from repaid loans credited to 65973
the fund at any time to qualifying small governments in accordance 65974
with this section. 65975

Sec. 3737.84. (A) The state fire code adopted pursuant to 65976
sections 3737.82 and 3737.83 of the Revised Code shall not contain 65977
any provision as follows: 65978

(1) Relating to the organization or structure of a municipal 65979
or township fire department; 65980

(2) Relating to structural building requirements covered by 65981
the Ohio building code; 65982

(3) That would cause an employer, in complying with it, to be 65983

in violation of the "Occupational Safety and Health Act of 1970," 65984
84 Stat. 1590, 29 U.S.C.A. 651, or the "Consumer Product Safety 65985
Act of 1972," 86 Stat. 1207, 15 U.S.C.A. 2051; 65986

(4) Regulating manufacturers or manufacturing facilities with 65987
respect to occupational hazards where they are subject to 65988
regulation by the federal occupational safety and health 65989
administration; 65990

(5) That is inconsistent with, or in conflict with, 65991
regulations of the federal occupational safety and health 65992
administration or the hazardous materials regulations of the 65993
hazardous materials regulations board of the federal highway 65994
administration, United States department of transportation, or the 65995
public utilities commission; 65996

(6) That establishes a minimum standard of flammability for 65997
consumer goods in any area where the "Flammable Fabrics Act," 81 65998
Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government 65999
or any department or agency of the federal government to establish 66000
national standards of flammability for consumer goods; 66001

(7) That establishes a health or safety standard for the use 66002
of explosives in mining, for which the federal government through 66003
its authorized agency sets health or safety standards pursuant to 66004
section 6 of the "Federal Metal and Nonmetallic Mine Safety Act of 66005
1966," 80 Stat. 772, 30 U.S.C. 725, or section 101 of the "Federal 66006
Coal Mine Health and Safety Act of 1969," 83 Stat. 745, 30 66007
U.S.C.A. 811; 66008

(8) That is inconsistent with, or in conflict with, section 66009
3737.73 or Chapter 3743. of the Revised Code, or the rules adopted 66010
pursuant to that chapter; 66011

(9)(a) Restricting the dispensing of diesel fuel at a 66012
terminal or bulk plant into a motor vehicle that is transporting 66013
petroleum products or equipment essential to the operation of the 66014

terminal or bulk plant, provided that the motor vehicle is owned 66015
or leased by or operated under a contract with a person who has 66016
been issued a motor fuel dealer's license under section 5735.02 of 66017
the Revised Code; 66018

(b) Authorizing the dispensing of any petroleum products at a 66019
terminal or bulk plant from an ~~above-ground~~ aboveground storage 66020
tank at the terminal or bulk plant to a motor vehicle other than a 66021
motor vehicle that is described in division (A)(9)(a) of this 66022
section or to a member of the general public. 66023

As used in division (A)(9) of this section, "terminal or bulk 66024
plant" means that portion of a property where petroleum products 66025
are received by tank vessels, pipelines, tank cars, or tank 66026
vehicles and are stored or blended in bulk for the purpose of 66027
distributing the petroleum products via tank vessel, pipeline, 66028
tank car, tank vehicle, portable tank, or container. 66029

(10) That prohibits the use of a device described in section 66030
3381.106 of the Revised Code and used in accordance with rules 66031
adopted pursuant to that section. 66032

(B) No penalty shall be imposed by the fire marshal on any 66033
person for a violation of the state fire code if a penalty has 66034
been imposed or an order issued by the federal government for a 66035
violation of a similar provision contained in or adopted pursuant 66036
to the federal acts referred to in this section, where the facts 66037
that constitute the violation of the state fire code are the same 66038
as those that constitute the violation or alleged violation of the 66039
federal act. 66040

Sec. 3743.07. ~~(A)~~ Licensed manufacturers of fireworks shall 66041
keep complete records of all fireworks in their inventory. 66042

~~(B) Licensed manufacturers of fireworks shall keep the~~ 66043
~~following records with respect to fireworks sold at wholesale or~~ 66044

~~retail for a period of three years after the date of their sale:~~ 66045

~~(1) In the case of a wholesale sale, the name and address of 66046
the purchaser; the destination to which the fireworks will be 66047
transported; if applicable, the number of the purchaser's 66048
wholesale license; the date of purchase; when the fireworks are to 66049
be shipped directly out of this state by a manufacturer to a 66050
purchaser, the manner in which the fireworks were shipped to the 66051
purchaser; and such other information as the fire marshal may 66052
require. 66053~~

~~(2) In the case of a retail sale, the name and address of the 66054
purchaser; the destination to which the fireworks will be 66055
transported; if applicable, the number of the purchaser's 66056
exhibitor's license and the number and political subdivision 66057
designation of the purchaser's permit for a fireworks exhibition; 66058
the date of purchase; when the fireworks are shipped directly out 66059
of this state by a manufacturer to a purchaser, the manner in 66060
which the fireworks were shipped to the purchaser; and such other 66061
information as the fire marshal may require. 66062~~

~~(C) The seller shall require each purchaser described in 66063
division (B) of this section to complete a purchaser's form, which 66064
shall be prescribed by the fire marshal and furnished by the 66065
seller. On this form the purchaser shall include the information 66066
described in division (B) of this section and the purchaser's 66067
signature. Each purchaser's form shall contain a statement printed 66068
in bold letters indicating that knowingly making a false statement 66069
on the form is falsification under section 2921.13 of the Revised 66070
Code and is a misdemeanor of the first degree. Each seller shall 66071
keep each purchaser's form for a period of three years after the 66072
date of the purchase, and such forms shall be open to inspection 66073
by the fire marshal or the fire marshal's designated authority. 66074~~

~~(D) A licensed manufacturer of fireworks shall keep its 66075
wholesale sale and retail sale records in separate books. These 66076~~

~~records and the inventory records shall be open to inspection by 66077
the fire marshal or the fire marshal's designated authority. 66078~~

Sec. 3743.20. ~~(A)~~ Licensed wholesalers of fireworks shall 66079
keep complete records of all fireworks in their inventory. 66080

~~(B) Licensed wholesalers of fireworks shall keep the 66081
following records with respect to fireworks sold at wholesale or 66082
retail for a period of three years after the date of their sale: 66083~~

~~(1) In the case of a wholesale sale, the name and address of 66084
the purchaser; the destination to which the fireworks will be 66085
transported; if applicable, the number of the purchaser's 66086
wholesale license; the date of the purchase; when the fireworks 66087
are to be shipped directly out of this state by a wholesaler to a 66088
purchaser, the manner in which the fireworks were shipped to the 66089
purchaser; and such other information as the fire marshal may 66090
require; 66091~~

~~(2) In the case of a retail sale, the name and address of the 66092
purchaser; the destination to which the fireworks will be 66093
transported; if applicable, the number of the purchaser's 66094
exhibitor's license and the number and political subdivision 66095
designation of the purchaser's permit for a fireworks exhibition; 66096
the date of purchase; when the fireworks are shipped directly out 66097
of this state by a wholesaler to a purchaser, the manner in which 66098
the fireworks were shipped to the purchaser; and such other 66099
information as the fire marshal may require. 66100~~

~~(C) The seller shall require each purchaser described in 66101
division (B) of this section to complete a purchaser's form, which 66102
shall be prescribed by the fire marshal and furnished by the 66103
seller. On this form the purchaser shall include the information 66104
described in division (B) of this section and the purchaser's 66105
signature. Each purchaser's form shall contain a statement printed 66106
in bold letters indicating that knowingly making a false statement 66107~~

~~on the form is falsification under section 2921.13 of the Revised Code and is a misdemeanor of the first degree. Each seller shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(D) A licensed wholesaler of fireworks shall keep its wholesale sale and retail sale records in separate books. These records and the inventory records shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

Sec. 3743.44. (A) Any person who resides in another state and who intends to obtain possession in this state of fireworks purchased in this state shall obtain possession of the fireworks only from a licensed manufacturer or licensed wholesaler and only possess the fireworks in this state while in the course of directly transporting them out of this state. ~~Ne~~

~~No~~ licensed manufacturer or licensed wholesaler shall sell 1.3G fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the person to engage in the manufacture, wholesale sale, or retail sale of 1.3G fireworks or that authorizes the person to conduct 1.3G fireworks exhibitions in that state and that person presents a certified copy of the license. ~~Ne~~

~~No~~ licensed manufacturer or licensed wholesaler shall sell fireworks to a person who resides in another state unless that person has been issued a license or permit in the state of the person's residence that authorizes the person to engage in the manufacture, wholesale sale, or retail sale of fireworks in that state or that authorizes the person to conduct fireworks exhibitions in that state and that person presents a certified copy of the license, or, if that person does not possess a license

or permit of that nature, only if the person presents a current 66139
valid motor vehicle operator's license issued to the person in the 66140
person's state of residence, or, if that person does not possess a 66141
motor vehicle operator's license issued in that state, an 66142
identification card issued to the person by a governmental agency 66143
in the person's state of residence indicating that the person is a 66144
resident of that state. If a person who is required to present a 66145
motor vehicle operator's license or other identification card 66146
intends to transport the fireworks purchased directly out of this 66147
state by a motor vehicle and the person will not also be the 66148
operator of that motor vehicle while so transporting the 66149
fireworks, the operator of the motor vehicle also shall present 66150
the operator's motor vehicle operator's license. 66151

~~(B) A licensed manufacturer or licensed wholesaler selling 66152
fireworks under this section shall require the purchaser to 66153
complete a purchaser's form. The fire marshal shall prescribe the 66154
form, and the licensed manufacturer or licensed wholesaler shall 66155
furnish the form. On this form the purchaser shall include the 66156
purchaser's name and address; the date of the purchase; a 66157
statement that the purchaser acknowledges that the purchaser is 66158
responsible for any illegal use of the fireworks, including any 66159
damages caused by improper use; the number of the purchaser's 66160
license or permit authorizing the purchaser to manufacture, sell 66161
at wholesale, or sell at retail fireworks or to conduct fireworks 66162
exhibitions, or the number of the purchaser's motor vehicle 66163
operator's license or other identification card, as applicable; 66164
such other information as the fire marshal may require; and the 66165
purchaser's signature. Each purchaser's form shall contain a 66166
statement printed in bold letters indicating that knowingly making 66167
a false statement on the form is falsification under section 66168
2921.13 of the Revised Code and is a misdemeanor of the first 66169
degree. 66170~~

~~Each licensed manufacturer and licensed wholesaler shall keep each purchaser's form for a period of three years after the date of the purchase, and such forms shall be open to inspection by the fire marshal or the fire marshal's designated authority.~~

~~(C) Each purchaser of fireworks under this section shall transport the fireworks so purchased directly out of this state within forty-eight hours after the time of their purchase.~~

This section regulates wholesale sales and retail sales of fireworks in this state only insofar as purchasers of fireworks are residents of other states and will be obtaining possession in this state of purchased fireworks. This section does not prohibit licensed manufacturers or wholesalers from selling fireworks, in accordance with section 3743.04 or sections 3743.17 and 3743.25 of the Revised Code, to a resident of another state and from shipping the purchased fireworks directly out of this state to the purchaser.

Sec. 3743.45. (A) Any person who resides in this state and who intends to obtain possession in this state of 1.4G fireworks purchased in this state shall obtain possession of the 1.4G fireworks only from a licensed manufacturer or licensed wholesaler.

~~A licensed manufacturer or licensed wholesaler selling 1.4G fireworks under this division shall require the purchaser to complete a purchaser's form, which shall be prescribed by the state fire marshal and furnished by the licensed manufacturer or licensed wholesaler. On this form the purchaser shall include the purchaser's name and address; the date of the purchase; a statement that the purchaser acknowledges that the purchaser is responsible for any illegal use of the fireworks, including any damages caused by improper use; such other information as the fire marshal may require; and the purchaser's signature. Each~~

~~purchaser's form shall contain a statement printed in bold letters 66202
indicating that knowingly making a false statement on the form is 66203
falsification under section 2921.13 of the Revised Code and is a 66204
misdemeanor of the first degree. 66205~~

~~Each licensed manufacturer and licensed wholesaler shall keep 66206
each purchaser's form for a period of three years after the date 66207
of the purchase, and such forms shall be open to inspection by the 66208
fire marshal or the fire marshal's designated authority. 66209~~

Each purchaser of 1.4G fireworks under this division shall 66210
transport the fireworks so purchased directly out of this state 66211
within forty-eight hours after the time of their purchase. 66212

This division does not apply to a person who resides in this 66213
state and who is also a licensed manufacturer, licensed 66214
wholesaler, or licensed exhibitor of fireworks in this state. 66215

(B) No licensed manufacturer or licensed wholesaler shall 66216
sell 1.3G fireworks to a person who resides in this state unless 66217
that person is a licensed manufacturer, licensed wholesaler, or 66218
licensed exhibitor of fireworks in this state. 66219

Sec. 3743.63. (A) No person who resides in another state and 66220
purchases fireworks in this state shall obtain possession of the 66221
fireworks in this state unless the person complies with section 66222
3743.44 of the Revised Code, ~~provided that knowingly making a 66223
false statement on the fireworks purchaser form is not a violation 66224
of this section but is a violation of section 2921.13 of the 66225
Revised Code. 66226~~

(B) No person who resides in another state and who purchases 66227
fireworks in this state shall obtain possession of fireworks in 66228
this state other than from a licensed manufacturer or wholesaler, 66229
or fail, when transporting ~~the~~ 1.3G fireworks, to transport them 66230
directly out of this state within seventy-two hours after the time 66231

of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

(C) No person who resides in this state and purchases fireworks in this state shall obtain possession of the fireworks in this state unless the person complies with section 3743.45 of the Revised Code, ~~provided that knowingly making a false statement on the fireworks purchaser form is not a violation of this section but is a violation of section 2921.13 of the Revised Code.~~

(D) No person who resides in this state and who purchases fireworks in this state under section 3743.45 of the Revised Code shall obtain possession of fireworks in this state other than from a licensed manufacturer or licensed wholesaler, or fail, when transporting the fireworks, to transport them directly out of this state within forty-eight hours after the time of their purchase. No such person shall give or sell to any other person in this state fireworks that the person has acquired in this state.

Sec. 3743.65. (A) No person shall possess fireworks in this state or shall possess for sale or sell fireworks in this state, except a licensed manufacturer of fireworks as authorized by sections 3743.02 to 3743.08 of the Revised Code, a licensed wholesaler of fireworks as authorized by sections 3743.15 to 3743.21 of the Revised Code, a shipping permit holder as authorized by section 3743.40 of the Revised Code, an out-of-state resident as authorized by section 3743.44 of the Revised Code, a resident of this state as authorized by section 3743.45 of the Revised Code, or a licensed exhibitor of fireworks as authorized by sections 3743.50 to 3743.55 of the Revised Code, and except as provided in section 3743.80 of the Revised Code.

(B) Except as provided in section 3743.80 of the Revised Code and except for licensed exhibitors of fireworks authorized to

conduct a fireworks exhibition pursuant to sections 3743.50 to 66263
3743.55 of the Revised Code, no person shall discharge, ignite, or 66264
explode any fireworks in this state. 66265

(C) No person shall use in a theater or public hall, what is 66266
technically known as fireworks showers, or a mixture containing 66267
potassium chlorate and sulphur. 66268

(D) No person shall sell fireworks of any kind to a person 66269
under eighteen years of age. No person under eighteen years of age 66270
shall enter a fireworks sales showroom unless that person is 66271
accompanied by a parent, legal guardian, or other responsible 66272
adult. No person under eighteen years of age shall touch or 66273
possess fireworks on a licensed premises without the consent of 66274
the licensee. A licensee may eject any person from a licensed 66275
premises that is in any way disruptive to the safe operation of 66276
the premises. 66277

(E) ~~No~~ Except as otherwise provided in section 3743.44 of the 66278
Revised Code, no person, other than a licensed manufacturer, 66279
licensed wholesaler, licensed exhibitor, or shipping permit 66280
holder, shall possess 1.3G fireworks in this state. 66281

(F) Except as otherwise provided in division (J) of section 66282
3743.06 and division (K) of section 3743.19 of the Revised Code, 66283
no person shall knowingly disable a fire suppression system as 66284
defined in section 3781.108 of the Revised Code on the premises of 66285
a fireworks plant of a licensed manufacturer of fireworks or on 66286
the premises of the business operations of a licensed wholesaler 66287
of fireworks. 66288

Sec. 3743.75. (A) During the period beginning on June 29, 66289
2001, and ending on December 15, ~~2015~~ 2017, the state fire marshal 66290
shall not do any of the following: 66291

(1) Issue a license as a manufacturer of fireworks under 66292

sections 3743.02 and 3743.03 of the Revised Code to a person for a particular fireworks plant unless that person possessed such a license for that fireworks plant immediately prior to June 29, 2001;

(2) Issue a license as a wholesaler of fireworks under sections 3743.15 and 3743.16 of the Revised Code to a person for a particular location unless that person possessed such a license for that location immediately prior to June 29, 2001;

(3) Except as provided in division (B) of this section, approve the geographic transfer of a license as a manufacturer or wholesaler of fireworks issued under this chapter to any location other than a location for which a license was issued under this chapter immediately prior to June 29, 2001.

(B) Division (A)(3) of this section does not apply to a transfer that the state fire marshal approves under division (F) of section 3743.17 of the Revised Code.

(C) Notwithstanding section 3743.59 of the Revised Code, the prohibited activities established in divisions (A)(1) and (2) of this section, geographic transfers approved pursuant to division (F) of section 3743.17 of the Revised Code, and storage locations allowed pursuant to division (I) of section 3743.04 of the Revised Code or division (G) of section 3743.17 of the Revised Code are not subject to any variance, waiver, or exclusion.

(D) As used in division (A) of this section:

(1) "Person" includes any person or entity, in whatever form or name, that acquires possession of a manufacturer or wholesaler of fireworks license issued pursuant to this chapter by transfer of possession of a license, whether that transfer occurs by purchase, assignment, inheritance, bequest, stock transfer, or any other type of transfer, on the condition that the transfer is in accordance with division (D) of section 3743.04 of the Revised

Code or division (D) of section 3743.17 of the Revised Code and is 66324
approved by the fire marshal. 66325

(2) "Particular location" includes a licensed premises and, 66326
regardless of when approved, any storage location approved in 66327
accordance with section 3743.04 or 3743.17 of the Revised Code. 66328

(3) "Such a license" includes a wholesaler of fireworks 66329
license that was issued in place of a manufacturer of fireworks 66330
license that existed prior to June 29, 2001, and was requested to 66331
be canceled by the license holder pursuant to division (D) of 66332
section 3743.03 of the Revised Code. 66333

Sec. 3745.015. There is hereby created in the state treasury 66334
the environmental protection fund consisting of money credited to 66335
the fund under division (A)(3) of section 3734.57 of the Revised 66336
Code. The environmental protection agency shall use money in the 66337
fund to pay the agency's costs associated with administering and 66338
enforcing, or otherwise conducting activities under, this chapter 66339
and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 66340
3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 66341
6113., 6115., 6117., and 6119. and sections 122.65 and 1521.19 of 66342
the Revised Code, including providing compliance assistance to 66343
small businesses. 66344

Sec. 3745.11. (A) Applicants for and holders of permits, 66345
licenses, variances, plan approvals, and certifications issued by 66346
the director of environmental protection pursuant to Chapters 66347
3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee 66348
to the environmental protection agency for each such issuance and 66349
each application for an issuance as provided by this section. No 66350
fee shall be charged for any issuance for which no application has 66351
been submitted to the director. 66352

(B) Except as otherwise provided in division (C)(2) of this 66353

section, beginning July 1, 1994, each person who owns or operates 66354
an air contaminant source and who is required to apply for and 66355
obtain a Title V permit under section 3704.036 of the Revised Code 66356
shall pay the fees set forth in this division. For the purposes of 66357
this division, total emissions of air contaminants may be 66358
calculated using engineering calculations, emissions factors, 66359
material balance calculations, or performance testing procedures, 66360
as authorized by the director. 66361

The following fees shall be assessed on the total actual 66362
emissions from a source in tons per year of the regulated 66363
pollutants particulate matter, sulfur dioxide, nitrogen oxides, 66364
organic compounds, and lead: 66365

(1) Fifteen dollars per ton on the total actual emissions of 66366
each such regulated pollutant during the period July through 66367
December 1993, to be collected no sooner than July 1, 1994; 66368

(2) Twenty dollars per ton on the total actual emissions of 66369
each such regulated pollutant during calendar year 1994, to be 66370
collected no sooner than April 15, 1995; 66371

(3) Twenty-five dollars per ton on the total actual emissions 66372
of each such regulated pollutant in calendar year 1995, and each 66373
subsequent calendar year, to be collected no sooner than the 66374
fifteenth day of April of the year next succeeding the calendar 66375
year in which the emissions occurred. 66376

The fees levied under this division do not apply to that 66377
portion of the emissions of a regulated pollutant at a facility 66378
that exceed four thousand tons during a calendar year. 66379

(C)(1) The fees assessed under division (B) of this section 66380
are for the purpose of providing funding for the Title V permit 66381
program. 66382

(2) The fees assessed under division (B) of this section do 66383
not apply to emissions from any electric generating unit 66384

designated as a Phase I unit under Title IV of the federal Clean Air Act prior to calendar year 2000. Those fees shall be assessed on the emissions from such a generating unit commencing in calendar year 2001 based upon the total actual emissions from the generating unit during calendar year 2000 and shall continue to be assessed each subsequent calendar year based on the total actual emissions from the generating unit during the preceding calendar year.

(3) The director shall issue invoices to owners or operators of air contaminant sources who are required to pay a fee assessed under division (B) or (D) of this section. Any such invoice shall be issued no sooner than the applicable date when the fee first may be collected in a year under the applicable division, shall identify the nature and amount of the fee assessed, and shall indicate that the fee is required to be paid within thirty days after the issuance of the invoice.

(D)(1) Except as provided in division (D)(3) of this section, from January 1, 1994, through December 31, 2003, each person who owns or operates an air contaminant source; who is required to apply for a permit to operate pursuant to rules adopted under division (G), or a variance pursuant to division (H), of section 3704.03 of the Revised Code; and who is not required to apply for and obtain a Title V permit under section 3704.036 of the Revised Code shall pay a single fee based upon the sum of the actual annual emissions from the facility of the regulated pollutants particulate matter, sulfur dioxide, nitrogen oxides, organic compounds, and lead in accordance with the following schedule:

Total tons per year of regulated pollutants emitted	Annual fee per facility
More than 0, but less than 50	\$ 75
50 or more, but less than 100	300

100 or more 700 66417

(2) Except as provided in division (D)(3) of this section, 66418
beginning January 1, 2004, each person who owns or operates an air 66419
contaminant source; who is required to apply for a permit to 66420
operate pursuant to rules adopted under division (G), or a 66421
variance pursuant to division (H), of section 3704.03 of the 66422
Revised Code; and who is not required to apply for and obtain a 66423
Title V permit under section 3704.03 of the Revised Code shall pay 66424
a single fee based upon the sum of the actual annual emissions 66425
from the facility of the regulated pollutants particulate matter, 66426
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 66427
accordance with the following schedule: 66428

Total tons per year of regulated pollutants emitted	Annual fee per facility	
More than 0, but less than 10	\$ 100	66432
10 or more, but less than 50	200	66433
50 or more, but less than 100	300	66434
100 or more	700	66435

(3)(a) As used in division (D) of this section, "synthetic 66436
minor facility" means a facility for which one or more permits to 66437
install or permits to operate have been issued for the air 66438
contaminant sources at the facility that include terms and 66439
conditions that lower the facility's potential to emit air 66440
contaminants below the major source thresholds established in 66441
rules adopted under section 3704.036 of the Revised Code. 66442

(b) Beginning January 1, 2000, through June 30, ~~2016~~ 2018, 66443
each person who owns or operates a synthetic minor facility shall 66444
pay an annual fee based on the sum of the actual annual emissions 66445
from the facility of particulate matter, sulfur dioxide, nitrogen 66446
dioxide, organic compounds, and lead in accordance with the 66447
following schedule: 66448

Combined total tons		66449
per year of all regulated	Annual fee	66450
pollutants emitted	per facility	66451
Less than 10	\$ 170	66452
10 or more, but less than 20	340	66453
20 or more, but less than 30	670	66454
30 or more, but less than 40	1,010	66455
40 or more, but less than 50	1,340	66456
50 or more, but less than 60	1,680	66457
60 or more, but less than 70	2,010	66458
70 or more, but less than 80	2,350	66459
80 or more, but less than 90	2,680	66460
90 or more, but less than 100	3,020	66461
100 or more	3,350	66462

(4) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 1995. The fees assessed under division (D)(2) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(3) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall

increase the fees prescribed in division (B) of this section by 66482
the percentage, if any, by which the consumer price index for the 66483
most recent calendar year ending before the beginning of a year 66484
exceeds the consumer price index for calendar year 1989. Upon 66485
calculating an increase in fees authorized by division (E)(1) of 66486
this section, the director shall compile revised fee schedules for 66487
the purposes of division (B) of this section and shall make the 66488
revised schedules available to persons required to pay the fees 66489
assessed under that division and to the public. 66490

(2) For the purposes of division (E)(1) of this section: 66491

(a) The consumer price index for any year is the average of 66492
the consumer price index for all urban consumers published by the 66493
United States department of labor as of the close of the 66494
twelve-month period ending on the thirty-first day of August of 66495
that year. 66496

(b) If the 1989 consumer price index is revised, the director 66497
shall use the revision of the consumer price index that is most 66498
consistent with that for calendar year 1989. 66499

(F) Each person who is issued a permit to install pursuant to 66500
rules adopted under division (F) of section 3704.03 of the Revised 66501
Code on or after July 1, 2003, shall pay the fees specified in the 66502
following schedules: 66503

(1) Fuel-burning equipment (boilers, furnaces, or process 66504
heaters used in the process of burning fuel for the primary 66505
purpose of producing heat or power by indirect heat transfer) 66506
Input capacity (maximum) 66507
(million British thermal units per hour) Permit to install 66508
Greater than 0, but less than 10 \$ 200 66509
10 or more, but less than 100 400 66510
100 or more, but less than 300 1000 66511
300 or more, but less than 500 2250 66512

500 or more, but less than 1000	3750	66513
1000 or more, but less than 5000	6000	66514
5000 or more	9000	66515

Units burning exclusively natural gas, number two fuel oil, or both shall be assessed a fee that is one-half the applicable amount shown in division (F)(1) of this section.

(2) Combustion turbines and stationary internal combustion engines designed to generate electricity

Generating capacity (mega watts)	Permit to install	
0 or more, but less than 10	\$ 25	66522
10 or more, but less than 25	150	66523
25 or more, but less than 50	300	66524
50 or more, but less than 100	500	66525
100 or more, but less than 250	1000	66526
250 or more	2000	66527

(3) Incinerators

Input capacity (pounds per hour)	Permit to install	
0 to 100	\$ 100	66530
101 to 500	500	66531
501 to 2000	1000	66532
2001 to 20,000	1500	66533
more than 20,000	3750	66534

(4)(a) Process

Process weight rate (pounds per hour)	Permit to install	
0 to 1000	\$ 200	66537
1001 to 5000	500	66538
5001 to 10,000	750	66539
10,001 to 50,000	1000	66540
more than 50,000	1250	66541

In any process where process weight rate cannot be ascertained, the minimum fee shall be assessed. A boiler, furnace, combustion turbine, stationary internal combustion engine, or

process heater designed to provide direct heat or power to a 66545
process not designed to generate electricity shall be assessed a 66546
fee established in division (F)(4)(a) of this section. A 66547
combustion turbine or stationary internal combustion engine 66548
designed to generate electricity shall be assessed a fee 66549
established in division (F)(2) of this section. 66550

(b) Notwithstanding division (F)(4)(a) of this section, any 66551
person issued a permit to install pursuant to rules adopted under 66552
division (F) of section 3704.03 of the Revised Code shall pay the 66553
fees set forth in division (F)(4)(c) of this section for a process 66554
used in any of the following industries, as identified by the 66555
applicable two-digit, three-digit, or four-digit standard 66556
industrial classification code according to the Standard 66557
Industrial Classification Manual published by the United States 66558
office of management and budget in the executive office of the 66559
president, 1987, as revised: 66560

Major group 10, metal mining; 66561

Major group 12, coal mining; 66562

Major group 14, mining and quarrying of nonmetallic minerals; 66563

Industry group 204, grain mill products; 66564

2873 Nitrogen fertilizers; 66565

2874 Phosphatic fertilizers; 66566

3281 Cut stone and stone products; 66567

3295 Minerals and earth, ground or otherwise treated; 66568

4221 Grain elevators (storage only); 66569

5159 Farm related raw materials; 66570

5261 Retail nurseries and lawn and garden supply stores. 66571

(c) The fees set forth in the following schedule apply to the 66572
issuance of a permit to install pursuant to rules adopted under 66573

division (F) of section 3704.03 of the Revised Code for a process		66574
identified in division (F)(4)(b) of this section:		66575
Process weight rate (pounds per	Permit to install	66576
hour)		
0 to 10,000	\$ 200	66577
10,001 to 50,000	400	66578
50,001 to 100,000	500	66579
100,001 to 200,000	600	66580
200,001 to 400,000	750	66581
400,001 or more	900	66582
(5) Storage tanks		66583
Gallons (maximum useful capacity)	Permit to install	66584
0 to 20,000	\$ 100	66585
20,001 to 40,000	150	66586
40,001 to 100,000	250	66587
100,001 to 500,000	400	66588
500,001 or greater	750	66589
(6) Gasoline/fuel dispensing facilities		66590
For each gasoline/fuel		66591
dispensing facility (includes all	Permit to install	66592
units at the facility)	\$ 100	66593
(7) Dry cleaning facilities		66594
For each dry cleaning		66595
facility (includes all units	Permit to install	66596
at the facility)	\$ 100	66597
(8) Registration status		66598
For each source covered	Permit to install	66599
by registration status	\$ 75	66600
(G) An owner or operator who is responsible for an asbestos		66601
demolition or renovation project pursuant to rules adopted under		66602
section 3704.03 of the Revised Code shall pay the fees set forth		66603

in the following schedule: 66604

Action	Fee	
Each notification	\$75	66606
Asbestos removal	\$3/unit	66607
Asbestos cleanup	\$4/cubic yard	66608

For purposes of this division, "unit" means any combination of 66609
linear feet or square feet equal to fifty. 66610

(H) A person who is issued an extension of time for a permit 66611
to install an air contaminant source pursuant to rules adopted 66612
under division (F) of section 3704.03 of the Revised Code shall 66613
pay a fee equal to one-half the fee originally assessed for the 66614
permit to install under this section, except that the fee for such 66615
an extension shall not exceed two hundred dollars. 66616

(I) A person who is issued a modification to a permit to 66617
install an air contaminant source pursuant to rules adopted under 66618
section 3704.03 of the Revised Code shall pay a fee equal to 66619
one-half of the fee that would be assessed under this section to 66620
obtain a permit to install the source. The fee assessed by this 66621
division only applies to modifications that are initiated by the 66622
owner or operator of the source and shall not exceed two thousand 66623
dollars. 66624

(J) Notwithstanding division (F) of this section, a person 66625
who applies for or obtains a permit to install pursuant to rules 66626
adopted under division (F) of section 3704.03 of the Revised Code 66627
after the date actual construction of the source began shall pay a 66628
fee for the permit to install that is equal to twice the fee that 66629
otherwise would be assessed under the applicable division unless 66630
the applicant received authorization to begin construction under 66631
division (W) of section 3704.03 of the Revised Code. This division 66632
only applies to sources for which actual construction of the 66633
source begins on or after July 1, 1993. The imposition or payment 66634
of the fee established in this division does not preclude the 66635

director from taking any administrative or judicial enforcement 66636
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 66637
of the Revised Code, or a rule adopted under any of them, in 66638
connection with a violation of rules adopted under division (F) of 66639
section 3704.03 of the Revised Code. 66640

As used in this division, "actual construction of the source" 66641
means the initiation of physical on-site construction activities 66642
in connection with improvements to the source that are permanent 66643
in nature, including, without limitation, the installation of 66644
building supports and foundations and the laying of underground 66645
pipework. 66646

(K)(1) Money received under division (B) of this section 66647
shall be deposited in the state treasury to the credit of the 66648
Title V clean air fund created in section 3704.035 of the Revised 66649
Code. Annually, fifty cents per ton of each fee assessed under 66650
division (B) of this section on actual emissions from a source and 66651
received by the environmental protection agency pursuant to that 66652
division shall be transferred using an interstate transfer voucher 66653
to the state treasury to the credit of the small business 66654
assistance fund created in section 3706.19 of the Revised Code. In 66655
addition, annually, the amount of money necessary for the 66656
operation of the office of ombudsperson as determined under 66657
division (B) of that section shall be transferred to the state 66658
treasury to the credit of the small business ombudsperson fund 66659
created by that section. 66660

(2) Money received by the agency pursuant to divisions (D), 66661
(F), (G), (H), (I), and (J) of this section shall be deposited in 66662
the state treasury to the credit of the non-Title V clean air fund 66663
created in section 3704.035 of the Revised Code. 66664

(L)(1)(a) Except as otherwise provided in division (L)(1)(b) 66665
or (c) of this section, a person issued a water discharge permit 66666
or renewal of a water discharge permit pursuant to Chapter 6111. 66667

of the Revised Code shall pay a fee based on each point source to which the issuance is applicable in accordance with the following schedule:

Design flow discharge (gallons per day)	Fee	
0 to 1000	\$ 0	66672
1,001 to 5000	100	66673
5,001 to 50,000	200	66674
50,001 to 100,000	300	66675
100,001 to 300,000	525	66676
over 300,000	750	66677

(b) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit that is applicable to coal mining operations regulated under Chapter 1513. of the Revised Code shall be two hundred fifty dollars per mine.

(c) Notwithstanding the fee schedule specified in division (L)(1)(a) of this section, the fee for a water discharge permit for a public discharger identified by I in the third character of the permittee's NPDES permit number shall not exceed seven hundred fifty dollars.

(2) A person applying for a plan approval for a wastewater treatment works pursuant to section 6111.44, 6111.45, or 6111.46 of the Revised Code shall pay a fee of one hundred dollars plus sixty-five one-hundredths of one per cent of the estimated project cost through June 30, ~~2016~~ 2018, and one hundred dollars plus two-tenths of one per cent of the estimated project cost on and after July 1, ~~2016~~ 2018, except that the total fee shall not exceed fifteen thousand dollars through June 30, ~~2016~~ 2018, and five thousand dollars on and after July 1, ~~2016~~ 2018. The fee shall be paid at the time the application is submitted.

(3) A person issued a modification of a water discharge permit shall pay a fee equal to one-half the fee that otherwise

would be charged for a water discharge permit, except that the fee 66700
for the modification shall not exceed four hundred dollars. 66701

(4) A person who has entered into an agreement with the 66702
director under section 6111.14 of the Revised Code shall pay an 66703
administrative service fee for each plan submitted under that 66704
section for approval that shall not exceed the minimum amount 66705
necessary to pay administrative costs directly attributable to 66706
processing plan approvals. The director annually shall calculate 66707
the fee and shall notify all persons who have entered into 66708
agreements under that section, or who have applied for agreements, 66709
of the amount of the fee. 66710

(5)(a)(i) Not later than January 30, ~~2014~~ 2016, and January 66711
30, ~~2015~~ 2017, a person holding an NPDES discharge permit issued 66712
pursuant to Chapter 6111. of the Revised Code with an average 66713
daily discharge flow of five thousand gallons or more shall pay a 66714
nonrefundable annual discharge fee. Any person who fails to pay 66715
the fee at that time shall pay an additional amount that equals 66716
ten per cent of the required annual discharge fee. 66717

(ii) The billing year for the annual discharge fee 66718
established in division (L)(5)(a)(i) of this section shall consist 66719
of a twelve-month period beginning on the first day of January of 66720
the year preceding the date when the annual discharge fee is due. 66721
In the case of an existing source that permanently ceases to 66722
discharge during a billing year, the director shall reduce the 66723
annual discharge fee, including the surcharge applicable to 66724
certain industrial facilities pursuant to division (L)(5)(c) of 66725
this section, by one-twelfth for each full month during the 66726
billing year that the source was not discharging, but only if the 66727
person holding the NPDES discharge permit for the source notifies 66728
the director in writing, not later than the first day of October 66729
of the billing year, of the circumstances causing the cessation of 66730
discharge. 66731

(iii) The annual discharge fee established in division 66732
(L)(5)(a)(i) of this section, except for the surcharge applicable 66733
to certain industrial facilities pursuant to division (L)(5)(c) of 66734
this section, shall be based upon the average daily discharge flow 66735
in gallons per day calculated using first day of May through 66736
thirty-first day of October flow data for the period two years 66737
prior to the date on which the fee is due. In the case of NPDES 66738
discharge permits for new sources, the fee shall be calculated 66739
using the average daily design flow of the facility until actual 66740
average daily discharge flow values are available for the time 66741
period specified in division (L)(5)(a)(iii) of this section. The 66742
annual discharge fee may be prorated for a new source as described 66743
in division (L)(5)(a)(ii) of this section. 66744

(b) An NPDES permit holder that is a public discharger shall 66745
pay the fee specified in the following schedule: 66746

Average daily	Fee due by	
discharge flow	January 30,	
	2014 <u>2016</u> , and	
	January 30, 2015	
	<u>2017</u>	
5,000 to 49,999	\$ 200	66751
50,000 to 100,000	500	66752
100,001 to 250,000	1,050	66753
250,001 to 1,000,000	2,600	66754
1,000,001 to 5,000,000	5,200	66755
5,000,001 to 10,000,000	10,350	66756
10,000,001 to 20,000,000	15,550	66757
20,000,001 to 50,000,000	25,900	66758
50,000,001 to 100,000,000	41,400	66759
100,000,001 or more	62,100	66760

Public dischargers owning or operating two or more publicly 66761
owned treatment works serving the same political subdivision, as 66762

"treatment works" is defined in section 6111.01 of the Revised Code, and that serve exclusively political subdivisions having a population of fewer than one hundred thousand shall pay an annual discharge fee under division (L)(5)(b) of this section that is based on the combined average daily discharge flow of the treatment works.

(c) An NPDES permit holder that is an industrial discharger, other than a coal mining operator identified by P in the third character of the permittee's NPDES permit number, shall pay the fee specified in the following schedule:

Average daily discharge flow	Fee due by January 30, 2014 <u>2016</u> , and January 30, 2015 <u>2017</u>	
5,000 to 49,999	\$ 250	66777
50,000 to 250,000	1,200	66778
250,001 to 1,000,000	2,950	66779
1,000,001 to 5,000,000	5,850	66780
5,000,001 to 10,000,000	8,800	66781
10,000,001 to 20,000,000	11,700	66782
20,000,001 to 100,000,000	14,050	66783
100,000,001 to 250,000,000	16,400	66784
250,000,001 or more	18,700	66785

In addition to the fee specified in the above schedule, an NPDES permit holder that is an industrial discharger classified as a major discharger during all or part of the annual discharge fee billing year specified in division (L)(5)(a)(ii) of this section shall pay a nonrefundable annual surcharge of seven thousand five hundred dollars not later than January 30, ~~2014~~ 2016, and not later than January 30, ~~2015~~ 2017. Any person who fails to pay the surcharge at that time shall pay an additional amount that equals

ten per cent of the amount of the surcharge. 66794

(d) Notwithstanding divisions (L)(5)(b) and (c) of this 66795
section, a public discharger identified by I in the third 66796
character of the permittee's NPDES permit number and an industrial 66797
discharger identified by I, J, L, V, W, X, Y, or Z in the third 66798
character of the permittee's NPDES permit number shall pay a 66799
nonrefundable annual discharge fee of one hundred eighty dollars 66800
not later than January 30, ~~2014~~ 2016, and not later than January 66801
30, ~~2015~~ 2017. Any person who fails to pay the fee at that time 66802
shall pay an additional amount that equals ten per cent of the 66803
required fee. 66804

(6) Each person obtaining a national pollutant discharge 66805
elimination system general or individual permit for municipal 66806
storm water discharge shall pay a nonrefundable storm water 66807
discharge fee of one hundred dollars per square mile of area 66808
permitted. The fee shall not exceed ten thousand dollars and shall 66809
be payable on or before January 30, 2004, and the thirtieth day of 66810
January of each year thereafter. Any person who fails to pay the 66811
fee on the date specified in division (L)(6) of this section shall 66812
pay an additional amount per year equal to ten per cent of the 66813
annual fee that is unpaid. 66814

(7) The director shall transmit all moneys collected under 66815
division (L) of this section to the treasurer of state for deposit 66816
into the state treasury to the credit of the surface water 66817
protection fund created in section 6111.038 of the Revised Code. 66818

(8) As used in division (L) of this section: 66819

(a) "NPDES" means the federally approved national pollutant 66820
discharge elimination system program for issuing, modifying, 66821
revoking, reissuing, terminating, monitoring, and enforcing 66822
permits and imposing and enforcing pretreatment requirements under 66823
Chapter 6111. of the Revised Code and rules adopted under it. 66824

(b) "Public discharger" means any holder of an NPDES permit identified by P in the second character of the NPDES permit number assigned by the director. 66825
66826
66827

(c) "Industrial discharger" means any holder of an NPDES permit identified by I in the second character of the NPDES permit number assigned by the director. 66828
66829
66830

(d) "Major discharger" means any holder of an NPDES permit classified as major by the regional administrator of the United States environmental protection agency in conjunction with the director. 66831
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(M) Through June 30, ~~2016~~ 2018, a person applying for a license or license renewal to operate a public water system under section 6109.21 of the Revised Code shall pay the appropriate fee established under this division at the time of application to the director. Any person who fails to pay the fee at that time shall pay an additional amount that equals ten per cent of the required fee. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code. 66835
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Except as provided in divisions (M)(4) and (5) of this section, fees required under this division shall be calculated and paid in accordance with the following schedule: 66845
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66847

(1) For the initial license required under section 6109.21 of the Revised Code for any public water system that is a community water system as defined in section 6109.01 of the Revised Code, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is: 66848
66849
66850
66851
66852

Number of service connections	Fee amount	
Not more than 49	\$ 112	66853 66854
50 to 99	176	66855

Number of service connections	Average cost per connection	66856
100 to 2,499	\$ 1.92	66857
2,500 to 4,999	1.48	66858
5,000 to 7,499	1.42	66859
7,500 to 9,999	1.34	66860
10,000 to 14,999	1.16	66861
15,000 to 24,999	1.10	66862
25,000 to 49,999	1.04	66863
50,000 to 99,999	.92	66864
100,000 to 149,999	.86	66865
150,000 to 199,999	.80	66866
200,000 or more	.76	66867

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Population served	Fee amount	66881
Fewer than 150	\$ 112	66882
150 to 299	176	66883
300 to 749	384	66884
750 to 1,499	628	66885
1,500 to 2,999	1,268	66886
3,000 to 7,499	2,816	66887

7,500 to 14,999	5,510	66888
15,000 to 22,499	9,048	66889
22,500 to 29,999	12,430	66890
30,000 or more	16,820	66891

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2016~~ 2018, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	66904
2	112	66905
3	176	66906
4	278	66907
5	568	66908
System designated as using a surface water source	792	66910

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2016~~ 2018, and fifteen thousand dollars on and after July 1, ~~2016~~ 2018. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		66946
MMO-MUG	\$2,000	66947
MF	2,100	66948
MMO-MUG and MF	2,550	66949
organic chemical	5,400	66950

trace metals	5,400	66951
standard chemistry	2,800	66952
limited chemistry	1,550	66953

On and after July 1, ~~2016~~ 2018, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	66956
organic chemicals	3,500	66957
trace metals	3,500	66958
standard chemistry	1,800	66959
limited chemistry	1,000	66960

The fee for those services shall be paid at the time the request for the survey is made. Through June 30, ~~2016~~ 2018, an individual laboratory shall not be assessed a fee under this division more than once in any three-year period unless the person requests the addition of analytical methods or analysts, in which case the person shall pay eighteen hundred dollars for each additional survey requested.

As used in division (N)(3) of this section:

- (a) "MF" means microfiltration.
- (b) "MMO" means minimal medium ONPG.
- (c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide.
- (d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(O) Any person applying to the director to take an examination for certification as an operator of a water supply system or wastewater system under Chapter 6109. or 6111. of the Revised Code that is administered by the director, at the time the

application is submitted, shall pay a fee in accordance with the 66981
following schedule through November 30, ~~2016~~ 2018: 66982

Class A operator	\$ 80	66983
Class I operator	105	66984
Class II operator	120	66985
Class III operator	130	66986
Class IV operator	145	66987

On and after December 1, ~~2016~~ 2018, the applicant shall pay a 66988
fee in accordance with the following schedule: 66989

Class A operator	\$ 50	66990
Class I operator	70	66991
Class II operator	80	66992
Class III operator	90	66993
Class IV operator	100	66994

Any person applying to the director for certification as an 66995
operator of a water supply system or wastewater system who has 66996
passed an examination administered by an examination provider 66997
approved by the director shall pay a certification fee of 66998
forty-five dollars. 66999

A person shall pay a biennial certification renewal fee for 67000
each applicable class of certification in accordance with the 67001
following schedule: 67002

Class A operator	\$25	67003
Class I operator	35	67004
Class II operator	45	67005
Class III operator	55	67006
Class IV operator	65	67007

If a certification renewal fee is received by the director 67008
more than thirty days, but not more than one year after the 67009
expiration date of the certification, the person shall pay a 67010
certification renewal fee in accordance with the following 67011
schedule: 67012

Class A operator	\$45	67013
Class I operator	55	67014
Class II operator	65	67015
Class III operator	75	67016
Class IV operator	85	67017

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a water supply system or wastewater treatment system examination provider shall pay an annual fee that is equal to ten per cent of the fees that the provider assesses and collects for administering water supply system or wastewater treatment system certification examinations in this state for the calendar year. The fee shall be paid not later than forty-five days after the end of a calendar year.

The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the drinking water protection fund created in section 6109.30 of the Revised Code.

(P) Any person submitting an application for an industrial water pollution control certificate under section 6111.31 of the Revised Code, as that section existed before its repeal by H.B. 95 of the 125th general assembly, shall pay a nonrefundable fee of five hundred dollars at the time the application is submitted. The director shall transmit all moneys collected under this division to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. A person paying a certificate fee under this division shall not pay an application fee under division (S)(1) of this section. On and after June 26, 2003, persons shall file such applications and pay

the fee as required under sections 5709.20 to 5709.27 of the Revised Code, and proceeds from the fee shall be credited as provided in section 5709.212 of the Revised Code.

(Q) Except as otherwise provided in division (R) of this section, a person issued a permit by the director for a new solid waste disposal facility other than an incineration or composting facility, a new infectious waste treatment facility other than an incineration facility, or a modification of such an existing facility that includes an increase in the total disposal or treatment capacity of the facility pursuant to Chapter 3734. of the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a

person issued a permit to install or modify a solid waste facility 67078
or an infectious waste treatment facility under that chapter who 67079
fails to pay the permit fee to the director in compliance with 67080
division (V) of this section shall pay an additional ten per cent 67081
of the amount of the fee for each week that the permit fee is 67082
late. 67083

Permit and late payment fees paid to the director under this 67084
division shall be credited to the general revenue fund. 67085

(R)(1) A person issued a registration certificate for a scrap 67086
tire collection facility under section 3734.75 of the Revised Code 67087
shall pay a fee of two hundred dollars, except that if the 67088
facility is owned or operated by a motor vehicle salvage dealer 67089
licensed under Chapter 4738. of the Revised Code, the person shall 67090
pay a fee of twenty-five dollars. 67091

(2) A person issued a registration certificate for a new 67092
scrap tire storage facility under section 3734.76 of the Revised 67093
Code shall pay a fee of three hundred dollars, except that if the 67094
facility is owned or operated by a motor vehicle salvage dealer 67095
licensed under Chapter 4738. of the Revised Code, the person shall 67096
pay a fee of twenty-five dollars. 67097

(3) A person issued a permit for a scrap tire storage 67098
facility under section 3734.76 of the Revised Code shall pay a fee 67099
of one thousand dollars, except that if the facility is owned or 67100
operated by a motor vehicle salvage dealer licensed under Chapter 67101
4738. of the Revised Code, the person shall pay a fee of fifty 67102
dollars. 67103

(4) A person issued a permit for a scrap tire monocell or 67104
monofill facility under section 3734.77 of the Revised Code shall 67105
pay a fee of ten dollars per thousand cubic yards of disposal 67106
capacity or one thousand dollars, whichever is greater, except 67107
that the total fee for any such permit shall not exceed eighty 67108

thousand dollars. 67109

(5) A person issued a registration certificate for a scrap 67110
tire recovery facility under section 3734.78 of the Revised Code 67111
shall pay a fee of one hundred dollars. 67112

(6) A person issued a permit for a scrap tire recovery 67113
facility under section 3734.78 of the Revised Code shall pay a fee 67114
of one thousand dollars. 67115

(7) In addition to the applicable registration certificate or 67116
permit fee under divisions (R)(1) to (6) of this section, a person 67117
issued a registration certificate or permit for any such scrap 67118
tire facility who fails to pay the registration certificate or 67119
permit fee to the director in compliance with division (V) of this 67120
section shall pay an additional ten per cent of the amount of the 67121
fee for each week that the fee is late. 67122

(8) The registration certificate, permit, and late payment 67123
fees paid to the director under divisions (R)(1) to (7) of this 67124
section shall be credited to the scrap tire management fund 67125
created in section 3734.82 of the Revised Code. 67126

(S)(1) Except as provided by divisions (L), (M), (N), (O), 67127
(P), and (S)(2) of this section, division (A)(2) of section 67128
3734.05 of the Revised Code, section 3734.79 of the Revised Code, 67129
and rules adopted under division (T)(1) of this section, any 67130
person applying for a registration certificate under section 67131
3734.75, 3734.76, or 3734.78 of the Revised Code or a permit, 67132
variance, or plan approval under Chapter 3734. of the Revised Code 67133
shall pay a nonrefundable fee of fifteen dollars at the time the 67134
application is submitted. 67135

Except as otherwise provided, any person applying for a 67136
permit, variance, or plan approval under Chapter 6109. or 6111. of 67137
the Revised Code shall pay a nonrefundable fee of one hundred 67138
dollars at the time the application is submitted through June 30, 67139

~~2016~~ 2018, and a nonrefundable fee of fifteen dollars at the time 67140
the application is submitted on and after July 1, ~~2016~~ 2018. 67141
Except as provided in division (S)(3) of this section, through 67142
June 30, ~~2016~~ 2018, any person applying for a national pollutant 67143
discharge elimination system permit under Chapter 6111. of the 67144
Revised Code shall pay a nonrefundable fee of two hundred dollars 67145
at the time of application for the permit. On and after July 1, 67146
~~2016~~ 2018, such a person shall pay a nonrefundable fee of fifteen 67147
dollars at the time of application. 67148

In addition to the application fee established under division 67149
(S)(1) of this section, any person applying for a national 67150
pollutant discharge elimination system general storm water 67151
construction permit shall pay a nonrefundable fee of twenty 67152
dollars per acre for each acre that is permitted above five acres 67153
at the time the application is submitted. However, the per acreage 67154
fee shall not exceed three hundred dollars. In addition, any 67155
person applying for a national pollutant discharge elimination 67156
system general storm water industrial permit shall pay a 67157
nonrefundable fee of one hundred fifty dollars at the time the 67158
application is submitted. 67159

The director shall transmit all moneys collected under 67160
division (S)(1) of this section pursuant to Chapter 6109. of the 67161
Revised Code to the treasurer of state for deposit into the 67162
drinking water protection fund created in section 6109.30 of the 67163
Revised Code. 67164

The director shall transmit all moneys collected under 67165
division (S)(1) of this section pursuant to Chapter 6111. of the 67166
Revised Code and under division (S)(3) of this section to the 67167
treasurer of state for deposit into the surface water protection 67168
fund created in section 6111.038 of the Revised Code. 67169

If a registration certificate is issued under section 67170
3734.75, 3734.76, or 3734.78 of the Revised Code, the amount of 67171

the application fee paid shall be deducted from the amount of the 67172
registration certificate fee due under division (R)(1), (2), or 67173
(5) of this section, as applicable. 67174

If a person submits an electronic application for a 67175
registration certificate, permit, variance, or plan approval for 67176
which an application fee is established under division (S)(1) of 67177
this section, the person shall pay the applicable application fee 67178
as expeditiously as possible after the submission of the 67179
electronic application. An application for a registration 67180
certificate, permit, variance, or plan approval for which an 67181
application fee is established under division (S)(1) of this 67182
section shall not be reviewed or processed until the applicable 67183
application fee, and any other fees established under this 67184
division, are paid. 67185

(2) Division (S)(1) of this section does not apply to an 67186
application for a registration certificate for a scrap tire 67187
collection or storage facility submitted under section 3734.75 or 67188
3734.76 of the Revised Code, as applicable, if the owner or 67189
operator of the facility or proposed facility is a motor vehicle 67190
salvage dealer licensed under Chapter 4738. of the Revised Code. 67191

(3) A person applying for coverage under a national pollutant 67192
discharge elimination system general discharge permit for 67193
household sewage treatment systems shall pay the following fees: 67194

(a) A nonrefundable fee of two hundred dollars at the time of 67195
application for initial permit coverage; 67196

(b) A nonrefundable fee of one hundred dollars at the time of 67197
application for a renewal of permit coverage. 67198

(T) The director may adopt, amend, and rescind rules in 67199
accordance with Chapter 119. of the Revised Code that do all of 67200
the following: 67201

(1) Prescribe fees to be paid by applicants for and holders 67202

of any license, permit, variance, plan approval, or certification 67203
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 67204
the Revised Code that are not specifically established in this 67205
section. The fees shall be designed to defray the cost of 67206
processing, issuing, revoking, modifying, denying, and enforcing 67207
the licenses, permits, variances, plan approvals, and 67208
certifications. 67209

The director shall transmit all moneys collected under rules 67210
adopted under division (T)(1) of this section pursuant to Chapter 67211
6109. of the Revised Code to the treasurer of state for deposit 67212
into the drinking water protection fund created in section 6109.30 67213
of the Revised Code. 67214

The director shall transmit all moneys collected under rules 67215
adopted under division (T)(1) of this section pursuant to Chapter 67216
6111. of the Revised Code to the treasurer of state for deposit 67217
into the surface water protection fund created in section 6111.038 67218
of the Revised Code. 67219

(2) Exempt the state and political subdivisions thereof, 67220
including education facilities or medical facilities owned by the 67221
state or a political subdivision, or any person exempted from 67222
taxation by section 5709.07 or 5709.12 of the Revised Code, from 67223
any fee required by this section; 67224

(3) Provide for the waiver of any fee, or any part thereof, 67225
otherwise required by this section whenever the director 67226
determines that the imposition of the fee would constitute an 67227
unreasonable cost of doing business for any applicant, class of 67228
applicants, or other person subject to the fee; 67229

(4) Prescribe measures that the director considers necessary 67230
to carry out this section. 67231

(U) When the director reasonably demonstrates that the direct 67232
cost to the state associated with the issuance of a permit to 67233

install, license, variance, plan approval, or certification 67234
exceeds the fee for the issuance or review specified by this 67235
section, the director may condition the issuance or review on the 67236
payment by the person receiving the issuance or review of, in 67237
addition to the fee specified by this section, the amount, or any 67238
portion thereof, in excess of the fee specified under this 67239
section. The director shall not so condition issuances for which a 67240
fee is prescribed in division (L)(1)(b) of this section. 67241

(V) Except as provided in divisions (L), (M), and (P) of this 67242
section or unless otherwise prescribed by a rule of the director 67243
adopted pursuant to Chapter 119. of the Revised Code, all fees 67244
required by this section are payable within thirty days after the 67245
issuance of an invoice for the fee by the director or the 67246
effective date of the issuance of the license, permit, variance, 67247
plan approval, or certification. If payment is late, the person 67248
responsible for payment of the fee shall pay an additional ten per 67249
cent of the amount due for each month that it is late. 67250

(W) As used in this section, "fuel-burning equipment," 67251
"fuel-burning equipment input capacity," "incinerator," 67252
"incinerator input capacity," "process," "process weight rate," 67253
"storage tank," "gasoline dispensing facility," "dry cleaning 67254
facility," "design flow discharge," and "new source treatment 67255
works" have the meanings ascribed to those terms by applicable 67256
rules or standards adopted by the director under Chapter 3704. or 67257
6111. of the Revised Code. 67258

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 67259
(J) of this section, and in any other provision of this section 67260
pertaining to fees paid pursuant to Chapter 3704. of the Revised 67261
Code: 67262

(1) "Facility," "federal Clean Air Act," "person," and "Title 67263
V permit" have the same meanings as in section 3704.01 of the 67264
Revised Code. 67265

(2) "Title V permit program" means the following activities	67266
as necessary to meet the requirements of Title V of the federal	67267
Clean Air Act and 40 C.F.R. part 70, including at least:	67268
(a) Preparing and adopting, if applicable, generally	67269
applicable rules or guidance regarding the permit program or its	67270
implementation or enforcement;	67271
(b) Reviewing and acting on any application for a Title V	67272
permit, permit revision, or permit renewal, including the	67273
development of an applicable requirement as part of the processing	67274
of a permit, permit revision, or permit renewal;	67275
(c) Administering the permit program, including the	67276
supporting and tracking of permit applications, compliance	67277
certification, and related data entry;	67278
(d) Determining which sources are subject to the program and	67279
implementing and enforcing the terms of any Title V permit, not	67280
including any court actions or other formal enforcement actions;	67281
(e) Emission and ambient monitoring;	67282
(f) Modeling, analyses, or demonstrations;	67283
(g) Preparing inventories and tracking emissions;	67284
(h) Providing direct and indirect support to small business	67285
stationary sources to determine and meet their obligations under	67286
the federal Clean Air Act pursuant to the small business	67287
stationary source technical and environmental compliance	67288
assistance program required by section 507 of that act and	67289
established in sections 3704.18, 3704.19, and 3706.19 of the	67290
Revised Code.	67291
(3) "Organic compound" means any chemical compound of carbon,	67292
excluding carbon monoxide, carbon dioxide, carbonic acid, metallic	67293
carbides or carbonates, and ammonium carbonate.	67294
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4)	67295

of this section, each sewage sludge facility shall pay a 67296
nonrefundable annual sludge fee equal to three dollars and fifty 67297
cents per dry ton of sewage sludge, including the dry tons of 67298
sewage sludge in materials derived from sewage sludge, that the 67299
sewage sludge facility treats or disposes of in this state. The 67300
annual volume of sewage sludge treated or disposed of by a sewage 67301
sludge facility shall be calculated using the first day of January 67302
through the thirty-first day of December of the calendar year 67303
preceding the date on which payment of the fee is due. 67304

(2)(a) Except as provided in division (Y)(2)(d) of this 67305
section, each sewage sludge facility shall pay a minimum annual 67306
sewage sludge fee of one hundred dollars. 67307

(b) The annual sludge fee required to be paid by a sewage 67308
sludge facility that treats or disposes of exceptional quality 67309
sludge in this state shall be thirty-five per cent less per dry 67310
ton of exceptional quality sludge than the fee assessed under 67311
division (Y)(1) of this section, subject to the following 67312
exceptions: 67313

(i) Except as provided in division (Y)(2)(d) of this section, 67314
a sewage sludge facility that treats or disposes of exceptional 67315
quality sludge shall pay a minimum annual sewage sludge fee of one 67316
hundred dollars. 67317

(ii) A sewage sludge facility that treats or disposes of 67318
exceptional quality sludge shall not be required to pay the annual 67319
sludge fee for treatment or disposal in this state of exceptional 67320
quality sludge generated outside of this state and contained in 67321
bags or other containers not greater than one hundred pounds in 67322
capacity. 67323

A thirty-five per cent reduction for exceptional quality 67324
sludge applies to the maximum annual fees established under 67325
division (Y)(3) of this section. 67326

(c) A sewage sludge facility that transfers sewage sludge to another sewage sludge facility in this state for further treatment prior to disposal in this state shall not be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred. In such a case, the sewage sludge facility that disposes of the sewage sludge shall pay the annual sludge fee. However, the facility transferring the sewage sludge shall pay the one-hundred-dollar minimum fee required under division (Y)(2)(a) of this section.

In the case of a sewage sludge facility that treats sewage sludge in this state and transfers it out of this state to another entity for disposal, the sewage sludge facility in this state shall be required to pay the annual sludge fee for the tons of sewage sludge that have been transferred.

(d) A sewage sludge facility that generates sewage sludge resulting from an average daily discharge flow of less than five thousand gallons per day is not subject to the fees assessed under division (Y) of this section.

(3) No sewage sludge facility required to pay the annual sludge fee shall be required to pay more than the maximum annual fee for each disposal method that the sewage sludge facility uses. The maximum annual fee does not include the additional amount that may be charged under division (Y)(5) of this section for late payment of the annual sludge fee. The maximum annual fee for the following methods of disposal of sewage sludge is as follows:

(a) Incineration: five thousand dollars;

(b) Preexisting land reclamation project or disposal in a landfill: five thousand dollars;

(c) Land application, land reclamation, surface disposal, or any other disposal method not specified in division (Y)(3)(a) or (b) of this section: twenty thousand dollars.

(4)(a) In the case of an entity that generates sewage sludge 67358
or a sewage sludge facility that treats sewage sludge and 67359
transfers the sewage sludge to an incineration facility for 67360
disposal, the incineration facility, and not the entity generating 67361
the sewage sludge or the sewage sludge facility treating the 67362
sewage sludge, shall pay the annual sludge fee for the tons of 67363
sewage sludge that are transferred. However, the entity or 67364
facility generating or treating the sewage sludge shall pay the 67365
one-hundred-dollar minimum fee required under division (Y)(2)(a) 67366
of this section. 67367

(b) In the case of an entity that generates sewage sludge and 67368
transfers the sewage sludge to a landfill for disposal or to a 67369
sewage sludge facility for land reclamation or surface disposal, 67370
the entity generating the sewage sludge, and not the landfill or 67371
sewage sludge facility, shall pay the annual sludge fee for the 67372
tons of sewage sludge that are transferred. 67373

(5) Not later than the first day of April of the calendar 67374
year following March 17, 2000, and each first day of April 67375
thereafter, the director shall issue invoices to persons who are 67376
required to pay the annual sludge fee. The invoice shall identify 67377
the nature and amount of the annual sludge fee assessed and state 67378
the first day of May as the deadline for receipt by the director 67379
of objections regarding the amount of the fee and the first day of 67380
July as the deadline for payment of the fee. 67381

Not later than the first day of May following receipt of an 67382
invoice, a person required to pay the annual sludge fee may submit 67383
objections to the director concerning the accuracy of information 67384
regarding the number of dry tons of sewage sludge used to 67385
calculate the amount of the annual sludge fee or regarding whether 67386
the sewage sludge qualifies for the exceptional quality sludge 67387
discount established in division (Y)(2)(b) of this section. The 67388
director may consider the objections and adjust the amount of the 67389

fee to ensure that it is accurate. 67390

If the director does not adjust the amount of the annual 67391
sludge fee in response to a person's objections, the person may 67392
appeal the director's determination in accordance with Chapter 67393
119. of the Revised Code. 67394

Not later than the first day of June, the director shall 67395
notify the objecting person regarding whether the director has 67396
found the objections to be valid and the reasons for the finding. 67397
If the director finds the objections to be valid and adjusts the 67398
amount of the annual sludge fee accordingly, the director shall 67399
issue with the notification a new invoice to the person 67400
identifying the amount of the annual sludge fee assessed and 67401
stating the first day of July as the deadline for payment. 67402

Not later than the first day of July, any person who is 67403
required to do so shall pay the annual sludge fee. Any person who 67404
is required to pay the fee, but who fails to do so on or before 67405
that date shall pay an additional amount that equals ten per cent 67406
of the required annual sludge fee. 67407

(6) The director shall transmit all moneys collected under 67408
division (Y) of this section to the treasurer of state for deposit 67409
into the surface water protection fund created in section 6111.038 67410
of the Revised Code. The moneys shall be used to defray the costs 67411
of administering and enforcing provisions in Chapter 6111. of the 67412
Revised Code and rules adopted under it that govern the use, 67413
storage, treatment, or disposal of sewage sludge. 67414

(7) Beginning in fiscal year 2001, and every two years 67415
thereafter, the director shall review the total amount of moneys 67416
generated by the annual sludge fees to determine if that amount 67417
exceeded six hundred thousand dollars in either of the two 67418
preceding fiscal years. If the total amount of moneys in the fund 67419
exceeded six hundred thousand dollars in either fiscal year, the 67420

director, after review of the fee structure and consultation with 67421
affected persons, shall issue an order reducing the amount of the 67422
fees levied under division (Y) of this section so that the 67423
estimated amount of moneys resulting from the fees will not exceed 67424
six hundred thousand dollars in any fiscal year. 67425

If, upon review of the fees under division (Y)(7) of this 67426
section and after the fees have been reduced, the director 67427
determines that the total amount of moneys collected and 67428
accumulated is less than six hundred thousand dollars, the 67429
director, after review of the fee structure and consultation with 67430
affected persons, may issue an order increasing the amount of the 67431
fees levied under division (Y) of this section so that the 67432
estimated amount of moneys resulting from the fees will be 67433
approximately six hundred thousand dollars. Fees shall never be 67434
increased to an amount exceeding the amount specified in division 67435
(Y)(7) of this section. 67436

Notwithstanding section 119.06 of the Revised Code, the 67437
director may issue an order under division (Y)(7) of this section 67438
without the necessity to hold an adjudicatory hearing in 67439
connection with the order. The issuance of an order under this 67440
division is not an act or action for purposes of section 3745.04 67441
of the Revised Code. 67442

(8) As used in division (Y) of this section: 67443

(a) "Sewage sludge facility" means an entity that performs 67444
treatment on or is responsible for the disposal of sewage sludge. 67445

(b) "Sewage sludge" means a solid, semi-solid, or liquid 67446
residue generated during the treatment of domestic sewage in a 67447
treatment works as defined in section 6111.01 of the Revised Code. 67448
"Sewage sludge" includes, but is not limited to, scum or solids 67449
removed in primary, secondary, or advanced wastewater treatment 67450
processes. "Sewage sludge" does not include ash generated during 67451

the firing of sewage sludge in a sewage sludge incinerator, grit 67452
and screenings generated during preliminary treatment of domestic 67453
sewage in a treatment works, animal manure, residue generated 67454
during treatment of animal manure, or domestic septage. 67455

(c) "Exceptional quality sludge" means sewage sludge that 67456
meets all of the following qualifications: 67457

(i) Satisfies the class A pathogen standards in 40 C.F.R. 67458
503.32(a); 67459

(ii) Satisfies one of the vector attraction reduction 67460
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 67461

(iii) Does not exceed the ceiling concentration limitations 67462
for metals listed in table one of 40 C.F.R. 503.13; 67463

(iv) Does not exceed the concentration limitations for metals 67464
listed in table three of 40 C.F.R. 503.13. 67465

(d) "Treatment" means the preparation of sewage sludge for 67466
final use or disposal and includes, but is not limited to, 67467
thickening, stabilization, and dewatering of sewage sludge. 67468

(e) "Disposal" means the final use of sewage sludge, 67469
including, but not limited to, land application, land reclamation, 67470
surface disposal, or disposal in a landfill or an incinerator. 67471

(f) "Land application" means the spraying or spreading of 67472
sewage sludge onto the land surface, the injection of sewage 67473
sludge below the land surface, or the incorporation of sewage 67474
sludge into the soil for the purposes of conditioning the soil or 67475
fertilizing crops or vegetation grown in the soil. 67476

(g) "Land reclamation" means the returning of disturbed land 67477
to productive use. 67478

(h) "Surface disposal" means the placement of sludge on an 67479
area of land for disposal, including, but not limited to, 67480
monofills, surface impoundments, lagoons, waste piles, or 67481

dedicated disposal sites. 67482

(i) "Incinerator" means an entity that disposes of sewage 67483
sludge through the combustion of organic matter and inorganic 67484
matter in sewage sludge by high temperatures in an enclosed 67485
device. 67486

(j) "Incineration facility" includes all incinerators owned 67487
or operated by the same entity and located on a contiguous tract 67488
of land. Areas of land are considered to be contiguous even if 67489
they are separated by a public road or highway. 67490

(k) "Annual sludge fee" means the fee assessed under division 67491
(Y)(1) of this section. 67492

(l) "Landfill" means a sanitary landfill facility, as defined 67493
in rules adopted under section 3734.02 of the Revised Code, that 67494
is licensed under section 3734.05 of the Revised Code. 67495

(m) "Preexisting land reclamation project" means a 67496
property-specific land reclamation project that has been in 67497
continuous operation for not less than five years pursuant to 67498
approval of the activity by the director and includes the 67499
implementation of a community outreach program concerning the 67500
activity. 67501

Sec. 3745.70. As used in sections 3745.70 to 3745.73 of the 67502
Revised Code: 67503

(A) "Environmental audit" means a voluntary, thorough, and 67504
discrete self-evaluation of one or more activities at one or more 67505
facilities or properties that is documented; is designed to 67506
improve compliance, or identify, correct, or prevent 67507
noncompliance, with environmental laws; and is conducted by the 67508
owner or operator of a facility or property or the owner's or 67509
operator's employee or independent contractor. An environmental 67510
audit may be conducted by the owner or operator of a facility or 67511

property, the owner's or operator's employees, or independent 67512
contractors. Once initiated, an audit shall be completed within a 67513
reasonable time, not to exceed six months, unless a written 67514
request for an extension is approved by the head officer of the 67515
governmental agency, or division or office thereof, with 67516
jurisdiction over the activities being audited based on a showing 67517
of reasonable grounds. An audit shall not be considered to be 67518
initiated until the owner or operator or the owner's or operator's 67519
employee or independent contractor actively has begun the 67520
self-evaluation of environmental compliance. 67521

(B) "Activity" means any process, procedure, or function that 67522
is subject to environmental laws. 67523

(C) "Voluntary" means, with respect to an environmental audit 67524
of a particular activity, that both of the following apply when 67525
the audit of that activity commences: 67526

(1) The audit is not required by law, prior litigation, or an 67527
order by a court or a government agency; 67528

(2) The owner or operator who conducts the audit does not 67529
know or have reason to know that a government agency has commenced 67530
an investigation or enforcement action that concerns a violation 67531
of environmental laws involving the activity or that such an 67532
investigation or enforcement action is imminent. 67533

(D) "Environmental audit report" means interim or final data, 67534
documents, records, or plans that are necessary to an 67535
environmental audit and are collected, developed, made, and 67536
maintained in good faith as part of the audit, and may include, 67537
without limitation: 67538

(1) Analytical data, laboratory reports, field notes and 67539
records of observations, findings, opinions, suggestions, 67540
conclusions, drafts, memoranda, drawings, photographs, 67541
computer-generated or electronically recorded information, maps, 67542

charts, graphs, and surveys; 67543

(2) Reports that describe the scope, objectives, and methods 67544
of the environmental audit, audit management policies, the 67545
information gained by the environmental audit, and conclusions and 67546
recommendations together with exhibits and appendices; 67547

(3) Memoranda, documents, records, and plans analyzing the 67548
environmental audit report or discussing implementation, 67549
prevention, compliance, and remediation issues associated with the 67550
environmental audit. 67551

"Environmental audit report" does not mean corrective or 67552
remedial action taken pursuant to an environmental audit. 67553

(E) "Environmental laws" means sections ~~1511.02~~ 939.02 and 67554
1531.29, Chapters 3704., 3734., 3745., 3746., 3750., 3751., 3752., 67555
6109., and 6111. of the Revised Code, and any other sections or 67556
chapters of the Revised Code the principal purpose of which is 67557
environmental protection; any federal or local counterparts or 67558
extensions of those sections or chapters; rules adopted under any 67559
such sections, chapters, counterparts, or extensions; and terms 67560
and conditions of orders, permits, licenses, license renewals, 67561
variances, exemptions, or plan approvals issued under such 67562
sections, chapters, counterparts, or extensions. 67563

Sec. 3750.081. (A) Notwithstanding any provision in this 67564
chapter to the contrary, an owner or operator of a facility that 67565
is regulated under Chapter 1509. of the Revised Code ~~who has filed~~ 67566
~~a log in accordance with section 1509.10 of the Revised Code and a~~ 67567
~~production statement in accordance with section 1509.11 of the~~ 67568
~~Revised Code~~ shall be deemed to have satisfied all of the 67569
inventory, notification, listing, and other submission and filing 67570
requirements established under this chapter, except for the 67571
release reporting requirements established under section 3750.06 67572
of the Revised Code, by complying with the requirements 67573

established in section 1509.231 of the Revised Code. 67574

(B) The emergency response commission and every local 67575
emergency planning committee and fire department in this state 67576
shall establish a means by which to access, view, and retrieve 67577
information, ~~through the use of the internet or a computer disk,~~ 67578
from the electronic database maintained by the division of oil and 67579
gas resources management in the department of natural resources in 67580
accordance with section ~~1509.23~~ 1509.231 of the Revised Code. With 67581
respect to facilities regulated under Chapter 1509. of the Revised 67582
Code, the database shall be the means of providing and receiving 67583
the information described in division (A) of this section. 67584

Sec. 3750.13. (A)(1) Except as provided in division (A)(3) or 67585
(4) of this section, the owner or operator of a facility required 67586
to annually file an emergency and hazardous chemical inventory 67587
form under section 3750.08 of the Revised Code shall submit with 67588
the inventory form a filing fee of one hundred fifty dollars. In 67589
addition to the filing fee, the owner or operator shall submit 67590
with the inventory form the following additional fees for 67591
reporting inventories of the individual hazardous chemicals and 67592
extremely hazardous substances produced, used, or stored at the 67593
facility: 67594

(a) Except as provided in division (A)(1)(b) of this section, 67595
an additional fee of twenty dollars per hazardous chemical 67596
enumerated on the inventory form; 67597

(b) An additional fee of one hundred fifty dollars per 67598
extremely hazardous substance enumerated on the inventory form. 67599
The fee established in division (A)(1)(a) of this section does not 67600
apply to the reporting of the inventory of a hazardous chemical 67601
that is also an extremely hazardous substance to which the 67602
inventory reporting fee established in division (A)(1)(b) of this 67603
section applies. 67604

The total fees required to accompany any inventory form shall not exceed twenty-five hundred dollars.

(2) An owner or operator of a facility who fails to submit such an inventory form within thirty days after the applicable filing date prescribed in section 3750.08 of the Revised Code shall submit with the inventory form a late filing fee in the amount of ten per cent per year of the total fees due under division (A)(1) or (4) of this section, in addition to the fees due under division (A)(1) or (4) of this section.

(3) The owner or operator of a facility who, during the preceding year, was required to pay a fee to a municipal corporation pursuant to an ordinance, rule, or requirement that was in effect on the effective date of this section for the reporting or providing of the names or amounts of extremely hazardous substances or hazardous chemicals produced, used, or stored at the facility may claim a credit against the fees due under division (A)(1) or (4) of this section for the fees paid to the municipal corporation pursuant to its reporting requirement. The amount of the credit claimed in any reporting year shall not exceed the amount of the fees due under division (A)(1) or (4) of this section during that reporting year, and no unused portion of the credit shall be carried over to subsequent years. In order to claim a credit under this division, the owner or operator shall submit with the emergency and hazardous chemical inventory form a receipt issued by the municipal corporation or other documentation acceptable to the commission indicating the amount of the fee paid to the municipal corporation and the date on which the fee was paid.

(4) An owner or operator who is regulated under Chapter 1509. of the Revised Code and who submits information under section ~~1509.11~~ 1509.231 of the Revised Code for not more than twenty-five facilities shall submit to the emergency response commission on or

before the first day of March a flat fee of fifty dollars if the facilities meet all of the following conditions:

(a) The facility exclusively stores crude oil or liquid hydrocarbons or other fluids resulting, obtained, or produced in connection with the production or storage of crude oil or natural gas.

(b) The crude oil, liquid hydrocarbons, or other fluids stored at the facility are conveyed directly to it through piping or tubing.

(c) The facility is located on the same site as, or on a site adjacent to, the well from which the crude oil, liquid hydrocarbons, or other fluids are produced or obtained.

(d) The facility is used for the storage of the crude oil, liquid hydrocarbons, or other fluids prior to their transportation off the premises of the facility for sale, use, or disposal.

An owner or operator who submits information for more than twenty-five facilities that meet all of the conditions prescribed in divisions (A)(4)(a) to (d) of this section shall submit to the commission a base fee of fifty dollars and an additional filing fee of ten dollars for each facility reported in excess of twenty-five, but not exceeding a total fee of nine hundred dollars.

As used in division (A)(4) of this section, "owner or operator" means the person who actually owns or operates any such facility and any other person who controls, is controlled by, or is under common control with the person who actually owns or operates the facility.

(B) The emergency response commission and the local emergency planning committee of an emergency planning district may establish fees to be paid by persons, other than public officers or employees, obtaining copies of documents or information submitted

to the commission or a committee under this chapter. The fees 67668
shall be established at a level calculated to defray the costs to 67669
the commission or committee for copying the documents or 67670
information, but shall not exceed the maximum fees established in 67671
rules adopted under division (B)(8) of section 3750.02 of the 67672
Revised Code. 67673

(C) Except as provided in this division and division (B) of 67674
this section, and except for fees authorized by section 3737.22 of 67675
the Revised Code or rules adopted under sections 3737.82 to 67676
3737.882 of the Revised Code and collected exclusively for either 67677
of those purposes, no committee or political subdivision shall 67678
levy any fee, tax, excise, or other charge to carry out the 67679
purposes of this chapter. A committee may charge the actual costs 67680
involved in accessing any computerized data base established by 67681
the commission under this chapter or by the United States 67682
environmental protection agency under the "Emergency Planning and 67683
Community Right-To-Know Act of 1986," 100 Stat. 1729, 42 U.S.C.A. 67684
11001. 67685

(D) Moneys collected by the commission under this section 67686
shall be credited to the emergency planning and community 67687
right-to-know fund created in section 3750.14 of the Revised Code. 67688

Sec. 3769.03. The state racing commission shall prescribe the 67689
rules and conditions under which horse racing may be conducted and 67690
may issue, deny, suspend, diminish, or revoke permits to conduct 67691
horse racing as authorized by sections 3769.01 to 3769.14 of the 67692
Revised Code. The commission may impose, in addition to any other 67693
penalty imposed by the commission, fines in an amount not to 67694
exceed ten thousand dollars on any permit holder or any other 67695
person who violates the rules or orders of the commission. The 67696
commission may prescribe the forms of wagering that are 67697
permissible, the number of races, the procedures on wagering, and 67698

the wagering information to be provided to the public. 67699

The commission may require totalizator equipment to display 67700
the amount of wagering in each wagering pool. The commission shall 67701
initiate safeguards as necessary to account for the amount of 67702
money wagered at each track in each wagering pool. It may require 67703
permit holders to install equipment that will provide a complete 67704
check and analysis of the functioning of any computers and require 67705
safeguards on their performance. The commission shall require all 67706
permit holders, except those holding state fair, county fair, or 67707
other fair permits, to provide a photographic recording, approved 67708
by the commission, of the entire running of all races conducted by 67709
the permit holder. 67710

The state racing commission may issue, deny, suspend, or 67711
revoke licenses to those persons engaged in racing and to those 67712
employees of permit holders as is in the public interest for the 67713
purpose of maintaining a proper control over horse-racing 67714
meetings. The commission, as is in the public interest for the 67715
purpose of maintaining proper control over horse-racing meetings, 67716
also may rule any person off a permit holder's premises. License 67717
fees shall include registration fees and shall be set by the 67718
commission. Each license issued by the commission, unless revoked 67719
for cause, shall be for the period of one year from the first day 67720
of January of the year in which it is issued, except as otherwise 67721
provided in section 3769.07 of the Revised Code. Applicants for 67722
licenses issued by the commission shall submit their fingerprints 67723
to the commission, and the commission may forward the fingerprints 67724
to the federal bureau of investigation or to any other agency, or 67725
to both, for examination. 67726

There is hereby created in the state treasury the state 67727
racing commission operating fund. All license fees established and 67728
collected by the commission pursuant to this section, and the 67729
amounts specified in divisions (B) and (C) of section 3769.08 and 67730

division (A)~~(6)~~(5) of section 3769.087 of the Revised Code, shall 67731
be paid into the state treasury to the credit of the fund. Moneys 67732
in the fund shall be expended by the commission to defray its 67733
operating costs, salaries and expenses, and the cost of 67734
administering and enforcing this chapter. 67735

The commission may deny a permit to any permit holder that 67736
has defaulted in payments to the public, employees, or the 67737
horsemen and may deny a permit to any successor purchaser of a 67738
track for as long as any of those defaults have not been satisfied 67739
by either the seller or purchaser. 67740

The commission shall deny a permit to any permit holder that 67741
has defaulted in payments to the state or has defaulted in 67742
payments required under section 3769.089 or 3769.0810 of the 67743
Revised Code and shall deny a permit to any successor purchaser of 67744
a track for as long as those defaults have not been satisfied by 67745
either the seller or purchaser. 67746

Any violation of this chapter, of any rule of racing adopted 67747
by the commission, or of any law or rule with respect to racing in 67748
any jurisdiction shall be sufficient reason for a refusal to issue 67749
a license, or a suspension or revocation of any license issued, 67750
pursuant to this section. 67751

With respect to the issuance, denial, suspension, or 67752
revocation of a license to a participant in horse racing, the 67753
action of the commission shall be subject to Chapter 119. of the 67754
Revised Code. 67755

The commission may sue and be sued in its own name. Any 67756
action against the commission shall be brought in the court of 67757
common pleas of Franklin county. Any appeal from a determination 67758
or decision of the commission rendered in the exercise of its 67759
powers and duties under this chapter shall be brought in the court 67760
of common pleas of Franklin county. 67761

The commission, biennially, shall make a full report to the 67762
governor of its proceedings for the two-year period ending with 67763
the thirty-first day of December preceding the convening of the 67764
general assembly and shall include its recommendations in the 67765
report. The commission, semiannually, on the thirtieth day of June 67766
and on the thirty-first day of December of each year, shall make a 67767
report and accounting to the governor. 67768

Sec. 3769.08. (A) Any person holding a permit to conduct a 67769
horse-racing meeting may provide a place in the race meeting 67770
grounds or enclosure at which the permit holder may conduct and 67771
supervise the pari-mutuel system of wagering by patrons of legal 67772
age on the live racing programs and simulcast racing programs 67773
conducted by the permit holder. 67774

The pari-mutuel method of wagering upon the live racing 67775
programs and simulcast racing programs held at or conducted within 67776
such race track, and at the time of such horse-racing meeting, or 67777
at other times authorized by the state racing commission, shall 67778
not be unlawful. No other place, except that provided and 67779
designated by the permit holder and except as provided in section 67780
3769.26 of the Revised Code, nor any other method or system of 67781
betting or wagering on live racing programs and simulcast racing 67782
programs, except the pari-mutuel system, shall be used or 67783
permitted by the permit holder; nor, except as provided in section 67784
3769.089 or 3769.26 of the Revised Code, shall the pari-mutuel 67785
system of wagering be conducted by the permit holder on any races 67786
except the races at the race track, grounds, or enclosure for 67787
which the person holds a permit. Each permit holder may retain as 67788
a commission an amount not to exceed eighteen per cent of the 67789
total of all moneys wagered on live racing programs and simulcast 67790
racing programs. 67791

The pari-mutuel wagering authorized by this section is 67792

subject to sections 3769.25 to 3769.28 of the Revised Code. 67793

(B) At the close of each racing day, each permit holder 67794
authorized to conduct thoroughbred racing, out of the amount 67795
retained on that day by the permit holder, shall pay in the manner 67796
prescribed under section 3769.103 of the Revised Code, as a tax, a 67797
sum equal to the following percentages of the total of all moneys 67798
wagered on live racing programs on that day and shall separately 67799
compute and pay in the manner prescribed under section 3769.103 of 67800
the Revised Code, as a tax, a sum equal to the following 67801
percentages of the total of all money wagered on simulcast racing 67802
programs on that day: 67803

(1) One per cent of the first two hundred thousand dollars 67804
wagered, or any part of that amount; 67805

(2) Two per cent of the next one hundred thousand dollars 67806
wagered, or any part of that amount; 67807

(3) Three per cent of the next one hundred thousand dollars 67808
wagered, or any part of that amount; 67809

(4) Four per cent of all sums over four hundred thousand 67810
dollars wagered. 67811

Except as otherwise provided in section 3769.089 of the 67812
Revised Code, each permit holder authorized to conduct 67813
thoroughbred racing shall use for purse money a sum equal to fifty 67814
per cent of the pari-mutuel revenues retained by the permit holder 67815
as a commission after payment of the state tax. This fifty per 67816
cent payment shall be in addition to the purse distribution from 67817
breakage specified in this section. 67818

Subject to division (M) of this section, from the moneys paid 67819
to the tax commissioner by thoroughbred racing permit holders, 67820
one-half of one per cent of the total of all moneys so wagered on 67821
a racing day shall be paid into the Ohio fairs fund created by 67822
section 3769.082 of the Revised Code, one and one-eighth per cent 67823

of the total of all moneys so wagered on a racing day shall be 67824
paid into the Ohio thoroughbred race fund created by section 67825
3769.083 of the Revised Code, and one-quarter of one per cent of 67826
the total of all moneys wagered on a racing day by each permit 67827
holder shall be paid into the state racing commission operating 67828
fund created by section 3769.03 of the Revised Code. The required 67829
payment to the state racing commission operating fund does not 67830
apply to county and independent fairs and agricultural societies. 67831
The remaining moneys may be retained by the permit holder, except 67832
as provided in this section with respect to the odd cents 67833
redistribution. Amounts paid into the nursing home franchise 67834
permit fee fund pursuant to this section and section 3769.26 of 67835
the Revised Code shall be used solely for the support of the 67836
PASSPORT program as determined in appropriations made by the 67837
general assembly. If the PASSPORT program is abolished, the amount 67838
that would have been paid to the nursing home franchise permit fee 67839
fund under this chapter shall be paid to the general revenue fund 67840
of the state. As used in this chapter, "PASSPORT program" has the 67841
same meaning as in section 173.51 of the Revised Code. 67842

The total amount paid to the Ohio thoroughbred race fund 67843
under this section and division (A) of section 3769.087 of the 67844
Revised Code shall not exceed by more than six per cent the total 67845
amount paid to this fund under this section and division (A) of 67846
that section during the immediately preceding calendar year. 67847

Each year, the total amount calculated for payment into the 67848
Ohio fairs fund under this division, division (C) of this section, 67849
and division (A) of section 3769.087 of the Revised Code shall be 67850
an amount calculated using the percentages specified in this 67851
division, division (C) of this section, and division (A) of 67852
section 3769.087 of the Revised Code. 67853

A permit holder may contract with a thoroughbred horsemen's 67854
organization for the organization to act as a representative of 67855

all thoroughbred owners and trainers participating in a 67856
horse-racing meeting conducted by the permit holder. A 67857
"thoroughbred horsemen's organization" is any corporation or 67858
association that represents, through membership or otherwise, more 67859
than one-half of the aggregate of all thoroughbred owners and 67860
trainers who were licensed and actively participated in racing 67861
within this state during the preceding calendar year. Except as 67862
otherwise provided in this paragraph, any moneys received by a 67863
thoroughbred horsemen's organization shall be used exclusively for 67864
the benefit of thoroughbred owners and trainers racing in this 67865
state through the administrative purposes of the organization, 67866
benevolent activities on behalf of the horsemen, promotion of the 67867
horsemen's rights and interests, and promotion of equine research. 67868
A thoroughbred horsemen's organization may expend not more than an 67869
aggregate of five per cent of its annual gross receipts, or a 67870
larger amount as approved by the organization, for dues, 67871
assessments, and other payments to all other local, national, or 67872
international organizations having as their primary purposes the 67873
promotion of thoroughbred horse racing, thoroughbred horsemen's 67874
rights, and equine research. 67875

(C) Except as otherwise provided in division (B) of this 67876
section, at the close of each racing day, each permit holder 67877
authorized to conduct harness or quarter horse racing, out of the 67878
amount retained that day by the permit holder, shall pay in the 67879
manner prescribed under section 3769.103 of the Revised Code, as a 67880
tax, a sum equal to the following percentages of the total of all 67881
moneys wagered on live racing programs and shall separately 67882
compute and pay in the manner prescribed under section 3769.103 of 67883
the Revised Code, as a tax, a sum equal to the following 67884
percentages of the total of all money wagered on simulcast racing 67885
programs on that day: 67886

(1) One per cent of the first two hundred thousand dollars 67887

wagered, or any part of that amount; 67888

(2) Two per cent of the next one hundred thousand dollars 67889
wagered, or any part of that amount; 67890

(3) Three per cent of the next one hundred thousand dollars 67891
wagered, or any part of that amount; 67892

(4) Four per cent of all sums over four hundred thousand 67893
dollars wagered. 67894

Except as otherwise provided in division (B) and subject to 67895
division (M) of this section, from the moneys paid to the tax 67896
commissioner by permit holders authorized to conduct harness or 67897
quarter horse racing, one-half of one per cent of all moneys 67898
wagered on that racing day shall be paid into the Ohio fairs fund; 67899
from the moneys paid to the tax commissioner by permit holders 67900
authorized to conduct harness racing, five-eighths of one per cent 67901
of all moneys wagered on that racing day shall be paid into the 67902
Ohio standardbred development fund; and from the moneys paid to 67903
the tax commissioner by permit holders authorized to conduct 67904
quarter horse racing, five-eighths of one per cent of all moneys 67905
wagered on that racing day shall be paid into the Ohio 67906
thoroughbred race fund to support quarter horse development ~~fund~~ 67907
and purses. 67908

(D) In addition, subject to division (M) of this section, 67909
beginning on January 1, 1996, from the money paid to the tax 67910
commissioner as a tax under this section and division (A) of 67911
section 3769.087 of the Revised Code by harness horse permit 67912
holders, one-half of one per cent of the amount wagered on a 67913
racing day shall be paid into the Ohio standardbred development 67914
fund. Beginning January 1, 1998, the payment to the Ohio 67915
standardbred development fund required under this division does 67916
not apply to county agricultural societies or independent 67917
agricultural societies. 67918

The total amount paid to the Ohio standardbred development 67919
fund under this division, division (C) of this section, and 67920
division (A) of section 3769.087 of the Revised Code and the total 67921
amount paid to the Ohio thoroughbred race fund to support quarter 67922
horse development ~~fund~~ and purses under this division and division 67923
(A) of that section shall not exceed by more than six per cent the 67924
total amount paid into the fund under this division, division (C) 67925
of this section, and division (A) of section 3769.087 of the 67926
Revised Code in the immediately preceding calendar year. 67927

(E) Subject to division (M) of this section, from the money 67928
paid as a tax under this chapter by harness and quarter horse 67929
permit holders, one-quarter of one per cent of the total of all 67930
moneys wagered on a racing day by each permit holder shall be paid 67931
into the state racing commission operating fund created by section 67932
3769.03 of the Revised Code. This division does not apply to 67933
county and independent fairs and agricultural societies. 67934

(F) Except as otherwise provided in section 3769.089 of the 67935
Revised Code, each permit holder authorized to conduct harness 67936
racing shall pay to the harness horsemen's purse pool a sum equal 67937
to fifty per cent of the pari-mutuel revenues retained by the 67938
permit holder as a commission after payment of the state tax. This 67939
fifty per cent payment is to be in addition to the purse 67940
distribution from breakage specified in this section. 67941

(G) In addition, each permit holder authorized to conduct 67942
harness racing shall be allowed to retain the odd cents of all 67943
redistribution to be made on all mutual contributions exceeding a 67944
sum equal to the next lowest multiple of ten. 67945

Forty per cent of that portion of that total sum of such odd 67946
cents shall be used by the permit holder for purse money for Ohio 67947
sired, bred, and owned colts, for purse money for Ohio bred 67948
horses, and for increased purse money for horse races. Upon the 67949
formation of the corporation described in section 3769.21 of the 67950

Revised Code to establish a harness horsemen's health and 67951
retirement fund, twenty-five per cent of that portion of that 67952
total sum of odd cents shall be paid at the close of each racing 67953
day by the permit holder to that corporation to establish and fund 67954
the health and retirement fund. Until that corporation is formed, 67955
that twenty-five per cent shall be paid at the close of each 67956
racing day by the permit holder to the tax commissioner or the tax 67957
commissioner's agent in the county seat of the county in which the 67958
permit holder operates race meetings. The remaining thirty-five 67959
per cent of that portion of that total sum of odd cents shall be 67960
retained by the permit holder. 67961

(H) In addition, each permit holder authorized to conduct 67962
thoroughbred racing shall be allowed to retain the odd cents of 67963
all redistribution to be made on all mutuel contributions 67964
exceeding a sum equal to the next lowest multiple of ten. Twenty 67965
per cent of that portion of that total sum of such odd cents shall 67966
be used by the permit holder for increased purse money for horse 67967
races. Upon the formation of the corporation described in section 67968
3769.21 of the Revised Code to establish a thoroughbred horsemen's 67969
health and retirement fund, forty-five per cent of that portion of 67970
that total sum of odd cents shall be paid at the close of each 67971
racing day by the permit holder to that corporation to establish 67972
and fund the health and retirement fund. Until that corporation is 67973
formed, that forty-five per cent shall be paid by the permit 67974
holder to the tax commissioner or the tax commissioner's agent in 67975
the county seat of the county in which the permit holder operates 67976
race meetings, at the close of each racing day. The remaining 67977
thirty-five per cent of that portion of that total sum of odd 67978
cents shall be retained by the permit holder. 67979

(I) In addition, each permit holder authorized to conduct 67980
quarter horse racing shall be allowed to retain the odd cents of 67981
all redistribution to be made on all mutuel contributions 67982

exceeding a sum equal to the next lowest multiple of ten, subject 67983
to a tax of twenty-five per cent on that portion of the total sum 67984
of such odd cents that is in excess of two thousand dollars during 67985
a calendar year, which tax shall be paid at the close of each 67986
racing day by the permit holder to the tax commissioner or the tax 67987
commissioner's agent in the county seat of the county within which 67988
the permit holder operates race meetings. Forty per cent of that 67989
portion of that total sum of such odd cents shall be used by the 67990
permit holder for increased purse money for horse races. The 67991
remaining thirty-five per cent of that portion of that total sum 67992
of odd cents shall be retained by the permit holder. 67993

(J)(1) To encourage the improvement of racing facilities for 67994
the benefit of the public, breeders, and horse owners, and to 67995
increase the revenue to the state from the increase in pari-mutuel 67996
wagering resulting from those improvements, the taxes paid by a 67997
permit holder to the state as provided for in this chapter shall 67998
be reduced by three-fourths of one per cent of the total amount 67999
wagered for those permit holders who make capital improvements to 68000
existing race tracks or construct new race tracks. The percentage 68001
of the reduction that may be taken each racing day shall equal 68002
seventy-five per cent of the taxes levied under divisions (B) and 68003
(C) of this section and section 3769.087 of the Revised Code, and 68004
division (F)(2) of section 3769.26 of the Revised Code, as 68005
applicable, divided by the calculated amount each fund should 68006
receive under divisions (B) and (C) of this section and section 68007
3769.087 of the Revised Code, and division (F)(2) of section 68008
3769.26 of the Revised Code and the reduction provided for in this 68009
division. If the resulting percentage is less than one, that 68010
percentage shall be multiplied by the amount of the reduction 68011
provided for in this division. Otherwise, the permit holder shall 68012
receive the full reduction provided for in this division. The 68013
amount of the allowable reduction not received shall be carried 68014
forward and applied against future tax liability. After any 68015

reductions expire, any reduction carried forward shall be treated 68016
as a reduction as provided for in this division. 68017

If more than one permit holder is authorized to conduct 68018
racing at the facility that is being built or improved, the cost 68019
of the new race track or capital improvement shall be allocated 68020
between or among all the permit holders in the ratio that the 68021
permit holders' number of racing days bears to the total number of 68022
racing days conducted at the facility. 68023

A reduction for a new race track or a capital improvement 68024
shall start from the day racing is first conducted following the 68025
date actual construction of the new race track or each capital 68026
improvement is completed and the construction cost has been 68027
approved by the racing commission, unless otherwise provided in 68028
this section. A reduction for a new race track or a capital 68029
improvement shall continue for a period of twenty-five years for 68030
new race tracks and for fifteen years for capital improvements if 68031
the construction of the capital improvement or new race track 68032
commenced prior to March 29, 1988, and for a period of ten years 68033
for new race tracks or capital improvements if the construction of 68034
the capital improvement or new race track commenced on or after 68035
March 29, 1988, but before June 6, 2001, or until the total tax 68036
reduction reaches seventy per cent of the approved cost of the new 68037
race track or capital improvement, as allocated to each permit 68038
holder, whichever occurs first. A reduction for a new race track 68039
or a capital improvement approved after June 6, 2001, shall 68040
continue until the total tax reduction reaches one hundred per 68041
cent of the approved cost of the new race track or capital 68042
improvement, as allocated to each permit holder. 68043

A reduction granted for a new race track or a capital 68044
improvement, the application for which was approved by the racing 68045
commission after March 29, 1988, but before June 6, 2001, shall 68046
not commence nor shall the ten-year period begin to run until all 68047

prior tax reductions with respect to the same race track have 68048
ended. The total tax reduction because of capital improvements 68049
shall not during any one year exceed for all permit holders using 68050
any one track three-fourths of one per cent of the total amount 68051
wagered, regardless of the number of capital improvements made. 68052
Several capital improvements to a race track may be consolidated 68053
in an application if the racing commission approved the 68054
application prior to March 29, 1988. No permit holder may receive 68055
a tax reduction for a capital improvement approved by the racing 68056
commission on or after March 29, 1988, at a race track until all 68057
tax reductions have ended for all prior capital improvements 68058
approved by the racing commission under this section or section 68059
3769.20 of the Revised Code at that race track. If there are two 68060
or more permit holders operating meetings at the same track, they 68061
may consolidate their applications. The racing commission shall 68062
notify the tax commissioner when the reduction of tax begins and 68063
when it ends. 68064

Each fiscal year the racing commission shall submit a report 68065
to the tax commissioner, the office of budget and management, and 68066
the legislative service commission. The report shall identify each 68067
capital improvement project undertaken under this division and in 68068
progress at each race track, indicate the total cost of each 68069
project, state the tax reduction that resulted from each project 68070
during the immediately preceding fiscal year, estimate the tax 68071
reduction that will result from each project during the current 68072
fiscal year, state the total tax reduction that resulted from all 68073
such projects at all race tracks during the immediately preceding 68074
fiscal year, and estimate the total tax reduction that will result 68075
from all such projects at all race tracks during the current 68076
fiscal year. 68077

(2) In order to qualify for the reduction in tax, a permit 68078
holder shall apply to the racing commission in such form as the 68079

commission may require and shall provide full details of the new 68080
race track or capital improvement, including a schedule for its 68081
construction and completion, and set forth the costs and expenses 68082
incurred in connection with it. The racing commission shall not 68083
approve an application unless the permit holder shows that a 68084
contract for the new race track or capital improvement has been 68085
let under an unrestricted competitive bidding procedure, unless 68086
the contract is exempted by the controlling board because of its 68087
unusual nature. In determining whether to approve an application, 68088
the racing commission shall consider whether the new race track or 68089
capital improvement will promote the safety, convenience, and 68090
comfort of the racing public and horse owners and generally tend 68091
towards the improvement of racing in this state. 68092

(3) If a new race track or capital improvement is approved by 68093
the racing commission and construction has started, the tax 68094
reduction may be authorized by the commission upon presentation of 68095
copies of paid bills in excess of one hundred thousand dollars or 68096
ten per cent of the approved cost, whichever is greater. After the 68097
initial authorization, the permit holder shall present copies of 68098
paid bills. If the permit holder is in substantial compliance with 68099
the schedule for construction and completion of the new race track 68100
or capital improvement, the racing commission may authorize the 68101
continuation of the tax reduction upon the presentation of the 68102
additional paid bills. The total amount of the tax reduction 68103
authorized shall not exceed the percentage of the approved cost of 68104
the new race track or capital improvement specified in division 68105
(J)(1) of this section. The racing commission may terminate any 68106
tax reduction immediately if a permit holder fails to complete the 68107
new race track or capital improvement, or to substantially comply 68108
with the schedule for construction and completion of the new race 68109
track or capital improvement. If a permit holder fails to complete 68110
a new race track or capital improvement, the racing commission 68111
shall order the permit holder to repay to the state the total 68112

amount of tax reduced. The normal tax paid by the permit holder 68113
shall be increased by three-fourths of one per cent of the total 68114
amount wagered until the total amount of the additional tax 68115
collected equals the total amount of tax reduced. 68116

(4) As used in this section: 68117

(a) "Capital improvement" means an addition, replacement, or 68118
remodeling of a structural unit of a race track facility costing 68119
at least one hundred thousand dollars, including, but not limited 68120
to, the construction of barns used exclusively for the race track 68121
facility, backstretch facilities for horsemen, paddock facilities, 68122
new pari-mutuel and totalizator equipment and appurtenances to 68123
that equipment purchased by the track, new access roads, new 68124
parking areas, the complete reconstruction, reshaping, and 68125
leveling of the racing surface and appurtenances, the installation 68126
of permanent new heating or air conditioning, roof replacement or 68127
restoration, installations of a permanent nature forming a part of 68128
the track structure, and construction of buildings that are 68129
located on a permit holder's premises. "Capital improvement" does 68130
not include the cost of replacement of equipment that is not 68131
permanently installed, ordinary repairs, painting, and maintenance 68132
required to keep a race track facility in ordinary operating 68133
condition. 68134

(b) "New race track" includes the reconstruction of a race 68135
track damaged by fire or other cause that has been declared by the 68136
racing commission, as a result of the damage, to be an inadequate 68137
facility for the safe operation of horse racing. 68138

(c) "Approved cost" includes all debt service and interest 68139
costs that are associated with a capital improvement or new race 68140
track and that the racing commission approves for a tax reduction 68141
under division (J) of this section. 68142

(5) The racing commission shall not approve an application 68143

for a tax reduction under this section if it has reasonable cause 68144
to believe that the actions or negligence of the permit holder 68145
substantially contributed to the damage suffered by the track due 68146
to fire or other cause. The racing commission shall obtain any 68147
data or information available from a fire marshal, law enforcement 68148
official, or insurance company concerning any fire or other damage 68149
suffered by a track, prior to approving an application for a tax 68150
reduction. 68151

(6) The approved cost to which a tax reduction applies shall 68152
be determined by generally accepted accounting principles and 68153
verified by an audit of the permit holder's records upon 68154
completion of the project by the racing commission, or by an 68155
independent certified public accountant selected by the permit 68156
holder and approved by the commission. 68157

(K) No other license or excise tax or fee, except as provided 68158
in sections 3769.01 to 3769.14 of the Revised Code, shall be 68159
assessed or collected from such licensee by any county, township, 68160
district, municipal corporation, or other body having power to 68161
assess or collect a tax or fee. That portion of the tax paid under 68162
this section by permit holders for racing conducted at and during 68163
the course of an agricultural exposition or fair, and that portion 68164
of the tax that would have been paid by eligible permit holders 68165
into the nursing home franchise permit fee fund as a result of 68166
racing conducted at and during the course of an agricultural 68167
exposition or fair, shall be deposited into the state treasury to 68168
the credit of the horse racing tax fund, which is hereby created 68169
for the use of the agricultural societies of the several counties 68170
in which the taxes originate. The state racing commission shall 68171
determine eligible permit holders for purposes of the preceding 68172
sentence, taking into account the breed of horse, the racing 68173
dates, the geographic proximity to the fair, and the best 68174
interests of Ohio racing. On the first day of any month on which 68175

there is money in the fund, the tax commissioner shall provide for 68176
payment to the treasurer of each agricultural society the amount 68177
of the taxes collected under this section upon racing conducted at 68178
and during the course of any exposition or fair conducted by the 68179
society. 68180

(L) From the tax paid under this section by harness track 68181
permit holders, the tax commissioner shall pay into the Ohio 68182
thoroughbred race fund a sum equal to a percentage of the amount 68183
wagered upon which the tax is paid. The percentage shall be 68184
determined by the tax commissioner and shall be rounded to the 68185
nearest one-hundredth. The percentage shall be such that, when 68186
multiplied by the amount wagered upon which tax was paid by the 68187
harness track permit holders in the most recent year for which 68188
final figures are available, it results in a sum that 68189
substantially equals the same amount of tax paid by the tax 68190
commissioner during that year into the Ohio fairs fund from taxes 68191
paid by thoroughbred permit holders. This division does not apply 68192
to county and independent fairs and agricultural societies. 68193

(M) Twenty-five per cent of the taxes levied on thoroughbred 68194
racing permit holders, harness racing permit holders, and quarter 68195
horse racing permit holders under this section, division (A) of 68196
section 3769.087 of the Revised Code, and division (F)(2) of 68197
section 3769.26 of the Revised Code shall be paid into the nursing 68198
home franchise permit fee fund. The tax commissioner shall pay any 68199
money remaining, after the payment into the nursing home franchise 68200
permit fee fund and the reductions provided for in division (J) of 68201
this section and in section 3769.20 of the Revised Code, into the 68202
Ohio fairs fund, Ohio thoroughbred race fund, Ohio standardbred 68203
development fund, ~~Ohio quarter horse fund~~, and state racing 68204
commission operating fund as prescribed in this section and 68205
division (A) of section 3769.087 of the Revised Code. The tax 68206
commissioner shall thereafter use and apply the balance of the 68207

money paid as a tax by any permit holder to cover any shortage in 68208
the accounts of such funds resulting from an insufficient payment 68209
as a tax by any other permit holder. Subject to section 3769.101 68210
of the Revised Code, the moneys received by the tax commissioner 68211
shall be deposited monthly and paid by the tax commissioner into 68212
the funds to cover the total aggregate amount due from all permit 68213
holders to the funds, as calculated under this section and 68214
division (A) of section 3769.087 of the Revised Code, as 68215
applicable. If, after the payment into the nursing home franchise 68216
permit fee fund, sufficient funds are not available from the tax 68217
deposited by the tax commissioner to pay the required amounts into 68218
the Ohio fairs fund, Ohio standardbred development fund, Ohio 68219
thoroughbred race fund, ~~Ohio quarter horse fund~~, and the state 68220
racing commission operating fund, the tax commissioner shall 68221
prorate on a proportional basis the amount paid to each of the 68222
funds. Any shortage to the funds as a result of a proration shall 68223
be applied against future deposits for the same calendar year when 68224
funds are available. After this application, the tax commissioner 68225
shall pay any remaining money paid as a tax by all permit holders 68226
into the nursing home franchise permit fee fund. This division 68227
does not apply to permit holders conducting racing at the course 68228
of an agricultural exposition or fair as described in division (K) 68229
of this section. 68230

Sec. 3769.083. (A) As used in this section: 68231

(1) An "accredited Ohio thoroughbred horse" means a horse 68232
conceived in this state and born in this state which is both of 68233
the following: 68234

(a) Born of a mare that is domiciled in this state at the 68235
time of the horse's conception, that remains continuously in the 68236
state through the date on which the horse is born, and that is 68237
registered as required by the rules of the state racing 68238

commission; 68239

(b) By a stallion that stands for breeding purposes only in 68240
this state in the year in which the horse is conceived, and that 68241
is registered as required by the rules of the commission. 68242

(2) An "Ohio foaled horse" means a horse registered as 68243
required by the rules of the state racing commission which is 68244
either of the following: 68245

(a) A horse born of a mare that enters this state before 68246
foaling and remains continuously in this state until the horse is 68247
born; 68248

(b) A thoroughbred foal produced within the state by any 68249
broodmare shipped into the state to foal and be bred to a 68250
registered Ohio stallion. To qualify this foal as an Ohio foaled 68251
horse, the broodmare shall remain in this state one year 68252
continuously after foaling or continuously through foaling to the 68253
cover of the Ohio stallion, whichever is sooner. All horses 68254
previously registered as Ohio conceived and foaled shall be 68255
considered as Ohio foaled horses effective January 1, 1976. 68256

Any thoroughbred mare may leave this state for periods of 68257
time for purposes of activities such as veterinary treatment or 68258
surgery, sales purposes, breeding purposes, racing purposes, and 68259
similar activities if permission is granted by the state racing 68260
commission and the mare is returned to this state immediately upon 68261
the conclusion of the requested activity. 68262

(3) "Horse," "stallion," "mare," or "foal" means a horse of 68263
the thoroughbred breed as distinguished from a horse of the 68264
standard breed or any other breed, and "race" means a race for 68265
thoroughbred horses conducted by a permit holder of the state 68266
racing commission. 68267

(4) "Horse" includes animals of all ages and of both sexes. 68268

(B) There is hereby created in the state treasury the Ohio thoroughbred race fund, to consist of moneys paid into it pursuant to sections 3769.08 and 3769.087 of the Revised Code. All investment earnings on the cash balances in the fund shall be credited to it. Moneys to the credit of the fund shall be distributed on order of the state racing commission. The commission, with the advice and assistance of the Ohio thoroughbred racing advisory committee, shall use the fund, except as provided in divisions (C)(2) and (3) and (D) of this section, to promote races and provide purses for races for horses in the following classes:

- (1) Accredited Ohio thoroughbred horses;
- (2) Ohio foaled horses.

Not less than ten nor more than twenty-five per cent of the total money to be paid from the fund for all types of races shall be allocated to races restricted to accredited Ohio thoroughbred horses. The commission may combine the classes of horses described in divisions (B)(1) and (2) of this section in one race, except in stakes races.

(C)(1) Each permit holder conducting thoroughbred races shall schedule races each week for horses in the classes named in division (B) of this section; the number of the races shall be prescribed by the state racing commission. The commission, pursuant to division (B) of this section, shall prescribe the class or classes of the races to be held by each permit holder and, with the advice of the Ohio thoroughbred racing advisory committee, shall fix the dates and conditions of the races and the amount of moneys to be paid from the Ohio thoroughbred race fund to be added in each race to the minimum purse established by the permit holder for the class of race held.

- (2) The commission, with the advice of the Ohio thoroughbred

68300 racing advisory committee, may provide for stakes races to be run
68301 each year, and fix the number of stakes races and the time, place,
68302 and conditions under which each shall be run. The commission shall
68303 fix the amount of moneys to be paid from the Ohio thoroughbred
68304 race fund to be added to the purse provided for each stakes race
68305 by the permit holder, except that, in at least four stakes races
68306 each year, the commission shall require, if four stakes races can
68307 be arranged, that the permit holder conducting the stakes race
68308 provide no less than fifteen thousand dollars for the purse for
68309 the stakes race, and the commission shall provide moneys from the
68310 fund to be added to the purse in an amount equal to or greater
68311 than the amount provided by the permit holder. The commission may
68312 require a nominating, sustaining, and entry fee not to exceed one
68313 per cent of the money added from the fund for each horse in any
68314 stakes race, which fee shall be added to the purse for the race.

68315 Stakes races where money is added from the Ohio thoroughbred
68316 race fund shall be open only to accredited Ohio thoroughbred
68317 horses and Ohio foaled horses. Twenty-five per cent of the total
68318 moneys to be paid from the fund for stakes races shall be
68319 allocated to races for only accredited Ohio thoroughbred horses.
68320 The commission may require a nominating, sustaining, and entry
68321 fee, not to exceed one per cent of the money added from the fund,
68322 for each horse in any of these stakes races. These fees shall be
68323 accumulated by the commission and shall be paid out by the
68324 commission at its discretion as part of the purse money for
68325 additional races.

68326 (3) The commission may pay from the Ohio thoroughbred race
68327 fund to the breeder of a horse of class (1) or (2) of division (B)
68328 of this section winning first, second, or third prize money of a
68329 purse for a thoroughbred race an amount not to exceed fifteen per
68330 cent of the first, second, or third prize money of the purse. For
68331 the purposes of this division, the term "breeder" shall be defined

by rule of the commission. 68332

The commission also may provide for stallion owners' awards 68333
in an amount equal to not less than three nor more than ten per 68334
cent of the first, second, or third place share of the purse. The 68335
award shall be paid to the owner of the stallion, provided that 68336
the stallion was standing in this state as provided in division 68337
(A)(1)(b) of this section at the time the horse placing first, 68338
second, or third was conceived. 68339

(D) The state racing commission may provide for the 68340
expenditure of moneys from the Ohio thoroughbred race fund in an 68341
amount not to exceed in any one calendar year ten per cent of the 68342
total amount received in the account that year to provide for 68343
research projects directed toward improving the breeding, raising, 68344
racing, and health and soundness of thoroughbred horses in the 68345
state and toward education or promotion of the industry. Research 68346
for which the moneys from the fund may be used may include, but 68347
shall not be limited to, studies of pre-race blood testing, 68348
post-race testing, improvement of the breed, and nutrition. 68349

(E) The state racing commission shall appoint qualified 68350
personnel as may be required to supervise registration of horses 68351
under the terms of this section, to determine the eligibility of 68352
horses for accredited Ohio thoroughbred races, Ohio foaled races, 68353
and the stakes races authorized by division (C)(2) of this 68354
section, and to assist the Ohio thoroughbred racing advisory 68355
committee and the commission in determining the conditions, class, 68356
and quality of the race program to be established under this 68357
section so as to carry out the purposes of this section. The 68358
personnel shall serve at the pleasure of the commission, and 68359
compensation shall be fixed by the commission. The compensation of 68360
the personnel and necessary expenses shall be paid out of the Ohio 68361
thoroughbred race fund. 68362

The commission shall adopt rules as are necessary to carry 68363

out this section and shall administer the stakes race program and 68364
other races supported by the Ohio thoroughbred race fund in a 68365
manner best designed to aid in the development of the thoroughbred 68366
horse industry in the state, to upgrade the quality of horse 68367
racing in the state, and to improve the quality of horses 68368
conceived and foaled in the state. 68369

(F) The state racing commission shall adopt rules regarding 68370
the maintenance and use of money collected for quarter horse 68371
development and purses under division (C) of section 3769.08 and 68372
division (A) of section 3769.087 of the Revised Code. 68373

Sec. 3769.087. (A) In addition to the commission of eighteen 68374
per cent retained by each permit holder as provided in section 68375
3769.08 of the Revised Code, each permit holder shall retain an 68376
additional amount equal to four per cent of the total of all 68377
moneys wagered on each racing day on all wagering pools other than 68378
win, place, and show, of which amount retained an amount equal to 68379
three per cent of the total of all moneys wagered on each racing 68380
day on those pools shall be paid in the manner prescribed under 68381
section 3769.103 of the Revised Code, as a tax. Subject to the 68382
restrictions contained in divisions (B), (C), and (M) of section 68383
3769.08 of the Revised Code, from such additional moneys paid to 68384
the tax commissioner: 68385

(1) Four-sixths shall be allocated to fund distribution as 68386
provided in division (M) of section 3769.08 of the Revised Code. 68387

(2) One-twelfth shall be paid into the Ohio fairs fund 68388
created by section 3769.082 of the Revised Code. 68389

(3) ~~One-twelfth~~ One-sixth of the additional moneys paid to 68390
the tax commissioner by thoroughbred racing permit holders shall 68391
be paid into the Ohio thoroughbred race fund created by section 68392
3769.083 of the Revised Code. 68393

(4) One-twelfth of the additional moneys paid to the tax commissioner by harness horse racing permit holders shall be paid to the Ohio standardbred development fund created by section 3769.085 of the Revised Code.

~~(5) One-twelfth of the additional moneys paid to the tax commissioner by quarter horse racing permit holders shall be paid to the Ohio quarter horse development fund created by section 3769.086 of the Revised Code.~~

~~(6) One-sixth shall be paid into the state racing commission operating fund created by section 3769.03 of the Revised Code.~~

The remaining one per cent that is retained of the total of all moneys wagered on each racing day on all pools other than win, place, and show, shall be retained by racing permit holders, and, except as otherwise provided in section 3769.089 of the Revised Code, racing permit holders shall use one-half for purse money and retain one-half.

(B) In addition to the commission of eighteen per cent retained by each permit holder as provided in section 3769.08 of the Revised Code and the additional amount retained by each permit holder as provided in division (A) of this section, each permit holder shall retain an additional amount equal to one-half of one per cent of the total of all moneys wagered on each racing day on all wagering pools other than win, place, and show. The additional amount retained under this division shall be paid in the manner prescribed under section 3769.103 of the Revised Code, as a tax. The tax commissioner shall pay the amount of the tax received under this division to the state racing commission operating fund created by section 3769.03 of the Revised Code.

(C) Unless otherwise agreed to by the video lottery sales agent and the applicable horsemen's association recognized by the state racing commission to represent such persons, within ninety

days after ~~the effective date of this amendment~~ September 29, 68425
2013, for video lottery sales agents operating as such on ~~the~~ 68426
~~effective date of this amendment~~ September 29, 2013, or within six 68427
months after the date a video lottery sales agent begins operating 68428
as such for video lottery sales agents not operating as such on 68429
~~the effective date of this amendment~~ September 29, 2013, the state 68430
racing commission shall direct through rule that a percentage of 68431
the lottery sales agent's commission as determined by the state 68432
lottery commission for conducting video lottery terminal gaming on 68433
behalf of the state be paid to the state racing commission for the 68434
benefit of breeding and racing in this state. The percentage so 68435
determined shall not be less than nine per cent or more than 68436
eleven per cent of the video lottery terminal income, and shall be 68437
a sliding scale based upon capital expenditures necessary to build 68438
the video lottery sales agent's facility. The aggregate of one 68439
hundred per cent of video lottery terminal income minus the 68440
lottery sales agent's commission percentage as determined by the 68441
state lottery commission plus the percentage of the lottery sale 68442
agent's commission, as determined by the state racing commission 68443
or otherwise agreed to by the video lottery sales agent and the 68444
applicable horsemen's association recognized by the state racing 68445
commission to represent such persons, for the benefit of breeding 68446
and racing in this state shall not exceed forty-five per cent of 68447
the video lottery terminal income. In addition, beginning July 1, 68448
2013, the state lottery commission shall adopt a rule to require 68449
the lottery sales agent conducting video lottery terminal gaming 68450
on behalf of the state to disperse to the state lottery commission 68451
one-half of one per cent of such a lottery sales agent's 68452
commission for the purpose of providing funding support to 68453
appropriate state agencies for programs that provide for gambling 68454
addiction and other related addiction services. The state lottery 68455
commission's rule also may require the lottery sales agent 68456
conducting video lottery terminal gaming on behalf of the state to 68457

disperse to the state lottery commission an additional amount up 68458
to one-half of one per cent of such a lottery sales agent's 68459
commission for that purpose. 68460

Sec. 3769.089. (A) As used in this chapter: 68461

(1) "Racing day" means any day authorized under a permit 68462
holder's permit on which, at a simulcast host, either a live 68463
racing program is conducted as authorized under section 3769.07 of 68464
the Revised Code or a simulcast racing program is conducted as 68465
authorized under this section. 68466

(2) "Live racing day" means a racing day on which a live 68467
racing program is conducted by the permit holder along with 68468
simulcasts of all other available racing programs from within this 68469
state and simulcast racing programs from outside this state as 68470
authorized under this section. 68471

(3) "Live racing program" means a racing program consisting 68472
of no fewer than seven live horse races at thoroughbred tracks and 68473
nine live races at standardbred tracks and additional horse races 68474
simulcast from other facilities located either inside or outside 68475
this state, in which not more than two horse races on which 68476
pari-mutuel wagering is conducted are simulcast from facilities 68477
located outside this state. If only one racing meeting of a 68478
particular breed of horse is being held, no fewer than nine live 68479
horse races shall be held on a live racing day. If, during the 68480
course of a racing meeting at a standardbred track, the racing 68481
secretary of the permit holder determines that there is an 68482
insufficient number of entries to have a full field of eight 68483
horses for each of nine races on a live racing program, then the 68484
racing secretary of the permit holder, after consultation with the 68485
Ohio harness horsemens association, may reduce the number of live 68486
races on that live racing program, as the racing secretary may 68487
determine. The racing secretary shall not reduce the live racing 68488

program to less than seven live races. If during the course of a 68489
meeting at a thoroughbred track, the racing secretary of a permit 68490
holder determines that there is an insufficient number of entries 68491
to have a full field of eight horses for each of nine races on a 68492
live racing program, then the racing secretary of the permit 68493
holder, with the consent of the thoroughbred horsemens 68494
association, may reduce the number of live races on that live 68495
racing program, as the racing secretary may determine. The racing 68496
secretary shall not reduce the live racing program to less than 68497
seven live races. No more than seventeen races on which 68498
pari-mutuel wagering is conducted, including both live races and 68499
races simulcast from other facilities located either inside or 68500
outside this state, shall be part of a live racing program. 68501

(4) "Simulcast host" means a track or enclosure in this state 68502
where, on a racing day, a permit holder is doing one or both of 68503
the following: 68504

(a) Conducting a live racing program and offering this 68505
program for simulcasting to one or more simulcast guests and 68506
satellite facilities in this state; 68507

(b) Receiving a simulcast racing program for simulcasting to 68508
one or more simulcast guests and satellite facilities in this 68509
state. 68510

(5) "Simulcast guest" means any track or enclosure that is 68511
receiving from a simulcast host, on a day other than a racing day, 68512
a live racing program or a simulcast racing program. 68513

(6) "Simulcast racing program" means all simulcasts of horse 68514
races to a simulcast host or simulcast guest on a racing day or on 68515
any other day on which pari-mutuel wagering is conducted, but does 68516
not include any simulcast horse races from inside or outside this 68517
state that are included in a simulcast host's live racing program. 68518

(7) "Satellite facility" has the same meaning as in section 68519

3769.25 of the Revised Code. 68520

(8) "Collection and settlement agent" has the same meaning as 68521
in section 3769.0810 of the Revised Code. 68522

(9) "Special racing event" means individual races in live 68523
racing programs or simulcast racing programs, and simulcast racing 68524
programs on special event days under division (C) of this section, 68525
conducted at facilities located outside this state for which the 68526
track, racing association, or state regulatory agency conducting 68527
such races charges a simulcast host a fee for the privilege of 68528
receiving a simulcast of such races into this state that is higher 68529
than the customary and regular fee charged for simulcast races 68530
because of the status or popularity of such races. 68531

(B)(1)(a) The state racing commission shall, upon request by 68532
any permit holder, permit electronically televised simulcasts of 68533
horse races at the permit holder's track or enclosure on racing 68534
days authorized by the permit holder's permit. Except as provided 68535
in division (B) of this section, the commission shall not permit 68536
the simulcast of any simulcast racing program conducted at tracks 68537
or facilities located outside this state unless the out-of-state 68538
simulcast racing program is available at the same signal rate to 68539
all permit holders, whether serving as simulcast hosts or 68540
simulcast guests, and all satellite facilities, in this state open 68541
and operating on that day. A permit holder or satellite facility 68542
may inform the commission that it waives the right to receive the 68543
simulcast of a simulcast racing program or a race in a simulcast 68544
racing program on that day and in this event the simulcast racing 68545
program or simulcast race shall be available to all other 68546
simulcast hosts, simulcast guests, and satellite facilities open 68547
and operating in this state on that day. 68548

(b) In order for a permit holder to offer simulcasts of horse 68549
races conducted at facilities located outside this state, the 68550
permit holder shall have conducted live racing programs during the 68551

immediately preceding calendar year on a number of days that is 68552
not less than the number of regular live racing days it conducted 68553
in calendar year 1991, not including additional racing days 68554
conducted in calendar year 1991 by the permit holder at a 68555
winterized facility under a permit issued under section 3769.07 of 68556
the Revised Code, as certified by the commission. In satisfying 68557
the foregoing requirement for live racing days during the 68558
immediately preceding calendar year, a permit holder may include 68559
the number of days on which live racing programs were conducted 68560
under a permit issued under section 3769.07 of the Revised Code 68561
for additional racing days at a winterized facility. In addition, 68562
in order for a permit holder to offer simulcasts of horse races 68563
conducted at facilities located outside this state, the permit 68564
holder shall offer all simulcasts of horse races conducted in this 68565
state made available to it. 68566

In order for a permit holder to offer simulcasts of races 68567
conducted at race tracks located outside this state at the same 68568
time and during the hours in which the live races of a live racing 68569
program are being conducted at its track, a permit holder 68570
conducting a thoroughbred live racing program shall obtain the 68571
consent of the thoroughbred horsemens association and a permit 68572
holder conducting a harness live racing program shall obtain the 68573
consent of the Ohio harness horsemens association. The consent of 68574
the horsemen's organization shall not be unreasonably withheld, 68575
and shall be consistent with the interest of preserving live 68576
racing in this state. If a horsemen's organization withholds its 68577
consent, the permit holder may file an objection with the 68578
commission, which shall promptly consider the objection and 68579
determine whether the horsemen's organization's action in 68580
withholding consent is without substantial merit and, if the 68581
commission so determines, shall authorize the permit holder to 68582
simulcast the simulcast racing programs. The determination of the 68583
commission is final. A permit holder, as a simulcast host, may 68584

offer simulcast racing programs at its track or enclosure of races 68585
conducted at tracks and facilities located outside this state 68586
prior to the commencement of, and following the conclusion of, its 68587
live races without obtaining the consent of a horsemen's 68588
organization under this division. 68589

(c) Division (B)(1)(b) of this section remains in effect for 68590
each permit holder until the calendar year after that permit 68591
holder first receives a commission as a lottery sales agent for 68592
conducting video lottery terminal gaming on behalf of the state. 68593

(2) Notwithstanding section 3769.07 of the Revised Code and 68594
unless otherwise agreed to by the applicable horsemen's 68595
association and the permit holder, beginning in the calendar year 68596
after the permit holder first receives video lottery terminal 68597
income, one of the following applies as determined on a yearly 68598
basis: 68599

(a) If eleven per cent of the gross gaming revenue from video 68600
lottery terminals at the permit holder's facilities (either 68601
existing or relocated) in the previous calendar year exceeds 68602
fifteen million dollars, a permit holder shall conduct a minimum 68603
of one hundred twenty-five live racing days. 68604

(b) If eleven per cent of the gross gaming revenue from video 68605
lottery terminals at the permit holder's facilities (either 68606
existing or relocated) in the previous calendar year exceeds 68607
eleven million dollars, but is less than or equal to fifteen 68608
million dollars, a permit holder shall conduct a minimum of one 68609
hundred live racing days or the number of racing days applied for 68610
by the permit holder in calendar year 2012, whichever is greater. 68611

(c) If eleven per cent of the gross gaming revenue from video 68612
lottery terminals at the permit holder's facilities (either 68613
existing or relocated) in the previous calendar year is less than 68614
or equal to eleven million dollars, a permit holder shall conduct 68615

a minimum of seventy-five racing days or the number of racing days applied for by the permit holder for calendar year 2012, whichever is greater.

In no case shall the minimum number of racing days for any permit holder exceed one hundred twenty-five racing days ~~or the maximum number of racing days for any permit holder exceed two hundred ten racing days.~~

(3) For the purposes of division (B)(2) of this section, for live racing conducted at a track with more than one permit, the minimum ~~and maximum~~ live racing days shall apply to those permits collectively and not as a single permit.

(4) In addition to the required live racing days, a permit holder shall simulcast a simulcast racing program on a minimum of three hundred sixty days each calendar year. The permit holder shall simulcast all simulcast racing programs conducted in this state and made available to the permit holder and simulcast racing programs conducted outside this state.

(5) The commission may make exception to the required minimum number of live racing days or simulcast racing program days in instances of natural disaster or other unexpected circumstances as defined by the commission, in its sole discretion. For any calendar year, the horsemen's association at each track may negotiate an agreement with the permit holder for that track to reduce the number of live racing days at that track to less than the minimum live racing days required by division (B)(2)(a), (b), or (c) of this section, as applicable, ~~or to increase the number of live racing days at that track to a number that is greater than the maximum live racing days permitted by division (B)(2)(c) of this section,~~ subject to the approval of the commission. These negotiations shall not reduce the number of live racing days to less than fifty days per calendar year.

(6) To satisfy the requirement of live racing days, a permit holder may include the number of days on which live racing programs were conducted under a permit issued under section 3769.07 of the Revised Code for racing days authorized at a winterized facility.

(C) The commission shall allocate to each track one racing day for each permit holder during each calendar year for the conduct of a live racing program on which a permit holder may conduct as few as one live horse race, with the remainder of the horse races on that racing day on which pari-mutuel wagering is conducted as part of the live racing program being simulcast from other tracks and facilities located either inside or outside this state. In addition, the commission may allocate to each permit holder racing days on which it may as part of a live racing program simulcast more than two horse races from facilities located outside this state if the horse races involve a national wagering pool and pari-mutuel wagering is conducted on the national wagering pool, but on such a racing day there shall in no event be more than two horse races simulcast from facilities located outside this state included in a live racing program on which separate pari-mutuel wagering is conducted. As used in this division, "national wagering pool" means an interstate or intrastate common pari-mutuel wagering pool involving two or more selections covering two or more horse races conducted at tracks located inside or outside this state.

In emergency situations, the commission may authorize a live racing day at a track in which all horse races on that racing day on which pari-mutuel wagering is conducted are simulcast from tracks and facilities located either inside or outside this state with the consent of the thoroughbred horsemens association for a track conducting a thoroughbred live racing program and with the consent of the Ohio harness horsemens association for a track

conducting a harness live racing program. If a horsemen's 68679
organization withholds its consent, the permit holder may file an 68680
objection with the commission, which shall promptly consider the 68681
objection and determine whether the horsemen's organization's 68682
action in withholding consent is without substantial merit and, if 68683
the commission so determines, shall authorize the permit holder to 68684
simulcast the simulcast racing programs. The determination of the 68685
commission is final. 68686

(D) On any day that a racing day has been applied for at any 68687
track in this state, each track in this state may operate as 68688
either a simulcast host or a simulcast guest and may conduct, with 68689
the approval of the state racing commission, pari-mutuel wagering 68690
on all simulcasts of races conducted inside this state made 68691
available to it plus all simulcasts of races conducted at 68692
facilities located outside this state as determined by the 68693
simulcast hosts. Except as otherwise provided in this section, any 68694
simulcast host or simulcast guest may receive and conduct 68695
simulcast racing programs that feature any breed of horse at any 68696
time of day, as authorized by the commission. Those persons 68697
holding state fair, county fair, or other fair permits shall not 68698
receive a simulcast racing program on which pari-mutuel wagering 68699
is conducted, except that a holder of a permit issued under 68700
section 3769.07 of the Revised Code that has been authorized by 68701
the commission to conduct races of the state fair, a county fair, 68702
or other fair at a commercial track may receive and conduct 68703
simulcast racing programs as a simulcast host or simulcast guest 68704
at the same time in conjunction with the live racing program of 68705
the state fair, county fair, or other fair permit holder conducted 68706
at its track. 68707

The simulcast hosts, with the approval of the state racing 68708
commission, shall determine which simulcast racing programs 68709
offered by race tracks located outside this state will be 68710

simulcast at their tracks and at all simulcast hosts, simulcast 68711
guests, and satellite facilities in this state that are open and 68712
operating during the hours that the simulcast hosts are operating. 68713
Simulcast guests and satellite facilities shall receive all 68714
approved simulcast racing programs offered by simulcast hosts. In 68715
addition, a simulcast host and simulcast guest, with the approval 68716
of the commission, may also receive simulcast horse races and 68717
simulcast racing programs not agreed to by simulcast hosts. 68718

A simulcast host that normally operates during the day only 68719
may serve as a simulcast host for only day-simulcast racing 68720
programs, which include all simulcast racing programs that 68721
commence at a track located outside this state on or before four 68722
p.m. A simulcast host that normally operates during the evening 68723
only may serve as a simulcast host for only evening-simulcast 68724
racing programs, which include all simulcast racing programs that 68725
commence at a track located outside this state on or after three 68726
p.m. A simulcast host that normally operates during the evening, 68727
but that under its permit conducts live racing programs during the 68728
day, may serve as a simulcast host for day-simulcast racing 68729
programs. A permit holder that is offering at its track simulcast 68730
racing programs that commence at a track located outside this 68731
state on or before four p.m. and simulcast racing programs that 68732
commence at a track located outside this state on or after three 68733
p.m. may serve as a simulcast host for both the day-simulcast 68734
racing program and the evening-simulcast racing program only if no 68735
other permit holder is serving as a simulcast host for the other 68736
simulcast racing programs. The times listed in this and the 68737
immediately following paragraphs are standard time as described in 68738
section 1.04 of the Revised Code and in the "Uniform Time Act of 68739
1966," 80 Stat. 107, 15 U.S.C. 260 to 265. 68740

~~If a simulcast host is conducting a racing program that 68741
features thoroughbred or quarter horses on the same day that 68742~~

~~another simulcast host is conducting a live racing program that 68743
features harness horses at a track located in the same county as, 68744
or within twenty miles of, the track of the first simulcast host, 68745
the first simulcast host shall not conduct pari mutuel wagering on 68746
simulcast racing programs that commence after four p.m. on that 68747
day and the second simulcast host shall not conduct wagering on 68748
simulcast racing programs that commence before three p.m. on that 68749
day. 68750~~

A simulcast host that is conducting a live racing program and 68751
is simulcasting that program to other simulcast hosts and 68752
simulcast guests in this state shall receive from each simulcast 68753
host and each simulcast guest receiving the simulcast an 68754
intrastate simulcast fee of one and three-eighths per cent of the 68755
amounts wagered on such simulcast racing program at its 68756
facilities. The simulcast hosts and simulcast guests receiving 68757
such simulcast racing program shall pay the intrastate simulcast 68758
fee to the collection and settlement agent, and the fee shall be 68759
disbursed by the agent, at the time and in the manner provided in 68760
section 3769.0810 of the Revised Code. 68761

(E)(1) The moneys wagered on simulcast racing programs on a 68762
racing day shall be separated from the moneys wagered on the live 68763
racing program on that racing day. From the moneys wagered on the 68764
simulcast races, each permit holder may retain as a commission the 68765
percentage of the amount wagered as specified in sections 3769.08 68766
and 3769.087 of the Revised Code, as applicable, and shall pay, in 68767
the manner prescribed under section 3769.103 of the Revised Code, 68768
as a tax, the tax specified in sections 3769.08 and 3769.087 of 68769
the Revised Code, as applicable. From the tax collected, the tax 68770
commissioner shall make the distributions to the respective funds, 68771
and in the proper amounts, as required by sections 3769.08 and 68772
3769.087 of the Revised Code, as applicable. Except as provided in 68773
division (E)(2) of this section, from the amount remaining after 68774

the payment of state taxes on the moneys wagered on live racing 68775
programs and on the moneys wagered on simulcast racing programs, a 68776
permit holder shall retain an amount equal to two and 68777
three-eighths per cent of the amount wagered on live racing 68778
programs and on intrastate and interstate simulcast racing 68779
programs simulcast at its track and on the amount wagered on the 68780
live racing programs and simulcast racing programs at a satellite 68781
facility allocated to it under section 3769.26 of the Revised 68782
Code, as a fee to pay for those costs associated with the 68783
reception and transmission of simulcasts and the administrative 68784
cost of the conduct of live racing programs and simulcast racing 68785
programs. From the remaining balance, one-half shall be retained 68786
by the permit holder for purses. On a day when a permit holder 68787
conducts a live racing program, all purse money generated from 68788
wagering on live racing programs and on simulcast racing programs 68789
at its track shall be used for that permit holder's purse account. 68790
On a day when a permit holder operates as a simulcast host with no 68791
live racing program, or operates as a simulcast guest, all purse 68792
money generated from wagering on intrastate and interstate 68793
simulcast racing programs shall be paid to the state racing 68794
commission for deposit into the Ohio combined simulcast horse 68795
racing purse fund created under this section. In addition, on a 68796
day when a permit holder serves as a simulcast host for a 68797
satellite facility, all purse money generated from amounts wagered 68798
at the satellite facility allocated to the permit holder under 68799
section 3769.26 of the Revised Code shall be paid to the 68800
commission for deposit into the Ohio simulcast horse racing purse 68801
fund. 68802

(2) If there are not four satellite facilities in operation 68803
in this state within one year after September 19, 1996, or if 68804
there are not seven satellite facilities in operation in this 68805
state within two years after September 19, 1996, or if there are 68806
not ten satellite facilities in operation in this state within 68807

three years after September 19, 1996, then in any such event the 68808
amount to be retained as a fee by the permit holder under division 68809
(E)(1) of this section shall be one and seven-eighths per cent 68810
until such time as the number of satellite facilities specified in 68811
division (E)(2) of this section are in operation. For good cause 68812
shown, the thoroughbred horsemens association and Ohio harness 68813
horsemens association may waive the requirements of division 68814
(E)(2) of this section or extend the date for compliance as to any 68815
year by filing a written notification with the state racing 68816
commission. 68817

(3) If a simulcast racing program simulcast by a simulcast 68818
host at its track or enclosure and to other simulcast hosts, 68819
simulcast guests, and satellite facilities in this state is a 68820
special racing event, the permit holder offering the special 68821
racing event and other simulcast hosts, simulcast guests, and 68822
satellite facilities receiving the special racing event shall not 68823
retain the fee provided under division (E)(1) or (2) of this 68824
section but shall retain from the moneys wagered on the special 68825
racing event an amount equal to the fee charged by the track, 68826
racing association, or state regulatory agency simulcasting the 68827
special racing event to the simulcast host. From the remaining 68828
balance, one-half shall be retained by the permit holder for 68829
purses in the manner provided in division (E)(1) of this section. 68830

A permit holder proposing to simulcast a special racing event 68831
as a simulcast host shall advise its horsemen's organization of 68832
the proposed schedule of the special racing event and obtain its 68833
consent to this schedule. The consent of the horsemen's 68834
organization shall not be unreasonably withheld and shall be 68835
consistent with the interest of preserving live racing in this 68836
state. If the horsemen's organization withholds its consent, the 68837
permit holder may file an objection with the state racing 68838
commission, which shall promptly consider the objection and 68839

determine whether the organization's action in withholding consent 68840
is without substantial merit and, if the commission so determines, 68841
shall authorize the permit holder to simulcast the special racing 68842
event. The determination of the commission is final. 68843

(F) There is hereby created in the state treasury the Ohio 68844
combined simulcast horse racing purse fund, to consist of moneys 68845
paid into it by permit holders pursuant to division (E) of this 68846
section and by satellite facilities pursuant to division (F) of 68847
section 3769.26 of the Revised Code. Moneys to the credit of the 68848
fund, including interest earned thereon, may be used by the 68849
commission for the costs of administering this division and the 68850
balance shall be distributed among permit holders no less 68851
frequently than monthly to each permit holder's purse account on 68852
order of the commission. 68853

For each calendar year, permit holders at each track shall 68854
receive a share of each distribution of the Ohio combined 68855
simulcast horse racing purse fund in the same percentage, rounded 68856
to the nearest one-hundredth of the amount of each distribution, 68857
as the average total amount wagered at the track on racing days at 68858
which live racing programs were conducted, including the amount 68859
allocated to the track under section 3769.26 of the Revised Code 68860
for live races, during the five calendar years immediately 68861
preceding the year for which the distribution is made bears to the 68862
average annual total amount wagered at all tracks in the state 68863
operating under permits issued by the state racing commission 68864
under section 3769.07, 3769.071, or 3769.072 of the Revised Code 68865
on all racing days at which live racing programs were conducted, 68866
including the amount allocated to the tracks under section 3769.26 68867
of the Revised Code for live races, during the five calendar years 68868
immediately preceding the year for which the distribution is made. 68869
By the thirty-first day of January of each year the commission 68870
shall calculate the share of the permit holders at each track for 68871

that year, shall enter the share percentages in its official 68872
records, and shall notify all permit holders of the share 68873
percentages of all tracks for that calendar year. 68874

The permit holders at each track, with the approval of the 68875
commission, shall allocate their share of the fund as distributed 68876
to the purse account of each permit holder for each race meeting. 68877

The commission shall cause to be kept accurate records of its 68878
administration of the fund, including all administrative expenses 68879
incurred by it and charged to the fund, and of distributions to 68880
permit holders. These records are public records available for 68881
inspection at any time during the regular business hours of the 68882
commission by any permit holder or horsemen's organization, by an 68883
authorized agent of the permit holder or horsemen's organization, 68884
or by any other person. 68885

(G) Upon the approval of the commission, a permit holder 68886
conducting live racing programs may transmit electronically 68887
televised simulcasts of horse races conducted at the permit 68888
holder's track to racing associations, tracks, and facilities 68889
located outside this state for the conduct of pari-mutuel wagering 68890
thereon, at the times, on the terms, and for the fee agreed upon 68891
by the permit holder and the receiving racing association, track, 68892
or facility. From the fees paid to the permit holder for such 68893
simulcasts, a permit holder shall retain for the costs of 68894
administration a fee in an amount equal to one per cent of the 68895
amount wagered on the races simulcast by the permit holder. From 68896
the remaining balance of the fee, one-half shall be retained by 68897
the permit holder for purses, except that notwithstanding the fee 68898
arrangement between the permit holder and the receiving racing 68899
association, track, or facility, the permit holder shall deposit 68900
into its purse account not less than an amount equal to 68901
three-fourths of one per cent of the amount wagered at racing 68902
associations, tracks, and facilities located outside the state on 68903

the races simulcast by the permit holder. 68904

All televised simulcasts of horse races conducted in this 68905
state to racing associations, tracks, and facilities located 68906
outside this state shall comply with the "Interstate Horse Racing 68907
Act of 1978," 92 Stat. 1811, 15 U.S.C.A. 3001 to 3007. The consent 68908
of the horsemen's organization at the track of the permit holder 68909
applying to the commission to simulcast horse races conducted at 68910
the permit holder's track to racing associations, tracks, and 68911
facilities located outside this state shall be consistent with the 68912
interest of preserving live racing. 68913

(H)(1) The state racing commission may authorize any permit 68914
holder that is authorized to conduct live horse racing on racing 68915
days and that conducts pari-mutuel wagering on simulcasts of horse 68916
races under this section that are conducted at race tracks either 68917
inside or outside this state to conduct, supervise, and 68918
participate in interstate and intrastate common pari-mutuel 68919
wagering pools on those races in the manner provided in division 68920
(H) of this section. Except as otherwise expressly provided in 68921
division (H) of this section or in the rules of the state racing 68922
commission, the provisions of this chapter that govern pari-mutuel 68923
wagering apply to interstate or intrastate common pari-mutuel 68924
wagering pools. 68925

(2) Subject to the approval of the state racing commission, 68926
the types of wagering, calculation of the commission retained by 68927
the permit holder, tax rates, distribution of winnings, and rules 68928
of racing in effect for pari-mutuel wagering pools at the host 68929
track may govern wagers placed at a receiving track in this state 68930
and merged into an interstate or intrastate common pari-mutuel 68931
wagering pool. Breakage from interstate or intrastate common 68932
pari-mutuel wagering pools shall be calculated in accordance with 68933
the rules that govern the host track and shall be distributed 68934
among the tracks participating in the interstate or intrastate 68935

common wagering pool in a manner agreed to by the participating 68936
tracks and the host track. An interstate common pari-mutuel 68937
wagering pool formed under division (H)(3) of this section is 68938
subject to that division rather than to division (H)(2) of this 68939
section. 68940

(3) Subject to the approval of the state racing commission, 68941
an interstate common pari-mutuel wagering pool may be formed 68942
between a permit holder and one or more receiving tracks located 68943
in states other than the state in which the host track is located. 68944
The commission may approve types of wagering, calculation of the 68945
commission retained by the permit holder, tax rates, distribution 68946
of winnings, rules of racing, and calculation of breakage for such 68947
an interstate common pari-mutuel wagering pool that differ from 68948
those that would otherwise be applied in this state under this 68949
chapter but that are consistent for all tracks participating in 68950
the interstate common pari-mutuel wagering pool formed under 68951
division (H)(3) of this section. 68952

(4) As used in division (H) of this section: 68953

(a) "Host track" means a track where live horse races are 68954
conducted and offered for simulcasting to receiving tracks. 68955

(b) "Receiving track" means a track where simulcasts of races 68956
from a host track are displayed and wagered on. 68957

(I) Each permit holder is responsible for paying all costs 68958
associated with the up-link for, and reception of, simulcasts, and 68959
the conduct and operation of simulcast racing programs, for all 68960
fees and costs associated with serving as a simulcast host or 68961
simulcast guest, and for any required fees payable to the tracks, 68962
racing associations, or state regulatory agencies where simulcast 68963
racing is conducted at tracks located outside this state. 68964

(J) No license, fee, or excise tax, other than as specified 68965
in division (E) of this section, shall be assessed upon or 68966

collected from a permit holder or the owners of a permit holder in 68967
connection with, or pertaining to, the operation and conduct of 68968
simulcast racing programs in this state, by any county, township, 68969
municipal corporation, district, or other body having the 68970
authority to assess or collect a tax or fee. 68971

(K)(1) Permit holders operating tracks within the same county 68972
or adjacent counties that are conducting simulcast racing programs 68973
under this section may enter into agreements regarding the conduct 68974
of simulcast racing programs at their respective tracks and the 68975
sharing of the retained commissions therefrom, for such periods of 68976
time, upon such terms and conditions, and subject to such rights 68977
and obligations, as the contracting permit holders consider 68978
appropriate under the circumstances. Permit holders shall notify 68979
the state racing commission of their entry into an agreement 68980
pursuant to this division, the names of the permit holders that 68981
are parties to the agreement, and the length of time the agreement 68982
shall be in effect. 68983

(2) Permit holders and the thoroughbred horsemens association 68984
and Ohio harness horsemens association may agree to do any of the 68985
following: 68986

(a) Increase or reduce the fees and amounts to be retained by 68987
the permit holders under this section; 68988

(b) Increase or reduce the fees and amounts to be allocated 68989
to the purse accounts of permit holders under this section; 68990

(c) Increase or reduce the fees to be paid between and among 68991
simulcast hosts and simulcast guests under this section and under 68992
division (C) of section 3769.0810 of the Revised Code; 68993

(d) Modify, suspend, or waive the requirements set forth in 68994
division (B) of this section as to any permit holder or as to all 68995
permit holders. 68996

All permit holders and both horsemen's organizations shall 68997

approve such agreement. Any agreement entered into under division 68998
(K)(2) of this section shall set forth the effective date of any 68999
such increase or reduction, and the terms and provisions of the 69000
agreement, and a copy of the agreement shall be filed with the 69001
state racing commission. 69002

Sec. 3769.101. (A) For the purposes of receiving, 69003
distributing, and accounting for revenue received from the taxes 69004
levied by sections 3769.08, 3769.087, and 3769.26 of the Revised 69005
Code, there is hereby created in the state treasury the 69006
horse-racing tax revenue fund. 69007

(B) All moneys collected from the taxes imposed by sections 69008
3769.08, 3769.087, and 3769.26 of the Revised Code shall be 69009
deposited into the horse-racing tax revenue fund. 69010

(C) On or before the fifteenth day of each month, the tax 69011
commissioner shall pay into the nursing home franchise permit fee 69012
fund, Ohio fairs fund, Ohio thoroughbred race fund, Ohio 69013
standardbred development fund, ~~Ohio quarter horse fund~~, and state 69014
racing commission operating fund created under this chapter the 69015
amounts required by sections 3769.08, 3769.087, and 3769.26 of the 69016
Revised Code based on amounts received in the preceding month. 69017

Sec. 3770.01. (A) There is hereby created the state lottery 69018
commission consisting of nine members appointed by the governor 69019
with the advice and consent of the senate. No more than five 69020
members of the commission shall be members of the same political 69021
party. Of the additional and new appointments made to the 69022
commission pursuant to the amendment of August 1, 1980, three 69023
shall be for terms ending August 1, 1981, three shall be for terms 69024
ending August 1, 1982, and three shall be for terms ending August 69025
1, 1983. Thereafter, terms of office shall be for three years, 69026
each term ending on the same day of the same month of the year as 69027

did the term which it succeeds. 69028

(B) Each member shall hold office from the date of 69029
appointment until the end of the term for which the member was 69030
appointed. Any member appointed to fill a vacancy occurring prior 69031
to the expiration of the term for which the member's predecessor 69032
was appointed shall hold office for the remainder of that term. 69033
Any member shall continue in office subsequent to the expiration 69034
date of the member's term until the member's successor takes 69035
office, or until a period of sixty days has elapsed, whichever 69036
occurs first. 69037

(C) All members of the commission shall be citizens of the 69038
United States and residents of this state. The members of the 69039
commission shall represent the various geographic regions of the 69040
state. No member of the commission shall have any pecuniary 69041
interest in any contract or license awarded by the commission. One 69042
person appointed as a member of the commission shall ~~represent an~~ 69043
~~organization that deals with~~ have experience or training in the 69044
area of problem gambling and assists or other addicts and in 69045
assistance to recovering gambling or other addicts. Each person 69046
appointed as a member of the commission, except the member 69047
appointed as a ~~representative of an organization that deals with~~ 69048
having experience or training in the area of problem gambling ~~and~~ 69049
~~assists recovering gambling addicts~~ or other addicts and in 69050
assistance to recovering gambling or other addicts, shall have 69051
prior experience or education in business administration, 69052
management, sales, marketing, or advertising. 69053

(D) The commission shall elect annually one of its members to 69054
serve as chairperson for a term of one year. Election as 69055
chairperson shall not extend a member's appointive term. Each 69056
member of the commission shall receive an annual salary of five 69057
thousand dollars, payable in monthly installments. Each member of 69058
the commission also shall receive the member's actual and 69059

necessary expenses incurred in the discharge of the member's 69060
official duties. 69061

(E) Each member of the commission, before entering upon the 69062
discharge of the member's official duties, shall give a bond, 69063
payable to the treasurer of state, in the sum of ten thousand 69064
dollars with sufficient sureties to be approved by the treasurer 69065
of state, which bond shall be filed with the secretary of state. 69066

(F) The governor may remove any member of the commission for 69067
malfeasance, misfeasance, or nonfeasance in office, giving the 69068
member a copy of the charges against the member and affording the 69069
member an opportunity to be publicly heard in person or by counsel 69070
in the member's own defense upon not less than ten days' notice. 69071
If the member is removed, the governor shall file in the office of 69072
the secretary of state a complete statement of all charges made 69073
against the member and the governor's finding on the charges, 69074
together with a complete report of the proceedings, and the 69075
governor's decision on the charges is final. 69076

(G) The commission shall maintain offices at locations in the 69077
state as it may consider necessary for the efficient performance 69078
of its functions. The director shall maintain an office in 69079
Columbus to coordinate the activities of the state lottery 69080
commission with other state departments. 69081

Sec. 3770.03. (A) The state lottery commission shall 69082
promulgate rules under which a statewide lottery may be conducted, 69083
which includes, and since the original enactment of this section 69084
has included, the authority for the commission to operate video 69085
lottery terminal games. Any reference in this chapter to tickets 69086
shall not be construed to in any way limit the authority of the 69087
commission to operate video lottery terminal games. Nothing in 69088
this chapter shall restrict the authority of the commission to 69089
promulgate rules related to the operation of games utilizing video 69090

lottery terminals as described in section 3770.21 of the Revised Code. The rules shall be promulgated pursuant to Chapter 119. of the Revised Code, except that instant game rules shall be promulgated pursuant to section 111.15 of the Revised Code but are not subject to division (D) of that section. Subjects covered in these rules shall include, but need not be limited to, the following:

(1) The type of lottery to be conducted;

(2) The prices of tickets in the lottery;

(3) The number, nature, and value of prize awards, the manner and frequency of prize drawings, and the manner in which prizes shall be awarded to holders of winning tickets.

(B) The commission shall promulgate rules, in addition to those described in division (A) of this section, pursuant to Chapter 119. of the Revised Code under which a statewide lottery and statewide joint lottery games may be conducted. Subjects covered in these rules shall include, but not be limited to, the following:

(1) The locations at which lottery tickets may be sold and the manner in which they are to be sold. These rules may authorize the sale of lottery tickets by commission personnel or other licensed individuals from traveling show wagons at the state fair, and at any other expositions the director of the commission considers acceptable. These rules shall prohibit commission personnel or other licensed individuals from soliciting from an exposition the right to sell lottery tickets at that exposition, but shall allow commission personnel or other licensed individuals to sell lottery tickets at an exposition if the exposition requests commission personnel or licensed individuals to do so. These rules may also address the accessibility of sales agent locations to commission products in accordance with the "Americans

with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C.A. 12101 69122
et seq. 69123

(2) The manner in which lottery sales revenues are to be 69124
collected, including authorization for the director to impose 69125
penalties for failure by lottery sales agents to transfer revenues 69126
to the commission in a timely manner; 69127

(3) The amount of compensation to be paid licensed lottery 69128
sales agents; 69129

(4) The substantive criteria for the licensing of lottery 69130
sales agents consistent with section 3770.05 of the Revised Code, 69131
and procedures for revoking or suspending their licenses 69132
consistent with Chapter 119. of the Revised Code. If 69133
circumstances, such as the nonpayment of funds owed by a lottery 69134
sales agent, or other circumstances related to the public safety, 69135
convenience, or trust, require immediate action, the director may 69136
suspend a license without affording an opportunity for a prior 69137
hearing under section 119.07 of the Revised Code. 69138

(5) Special game rules to implement any agreements signed by 69139
the governor that the director enters into with other lottery 69140
jurisdictions under division (J) of section 3770.02 of the Revised 69141
Code to conduct statewide joint lottery games. The rules shall 69142
require that the entire net proceeds of those games that remain, 69143
after associated operating expenses, prize disbursements, lottery 69144
sales agent bonuses, commissions, and reimbursements, and any 69145
other expenses necessary to comply with the agreements or the 69146
rules are deducted from the gross proceeds of those games, be 69147
transferred to the lottery profits education fund under division 69148
(B) of section 3770.06 of the Revised Code. 69149

(6) Making EZPlay keno and EZPlay lucky numbers bingo 69150
self-service terminal-generated instant-win style lottery games 69151
available to licensed lottery sales agents, with at least the 69152

following criteria: 69153

(a) EZPlay keno shall consist of and contain the ability to 69154
be played at multiple ticket prices as established by the 69155
commission, and shall be available as an instant play style 69156
lottery game on the interactive format self-service terminal and 69157
other lottery terminals and devices. 69158

(b) EZPlay lucky numbers bingo shall consist of and contain 69159
the ability to be played at multiple ticket prices as established 69160
by the commission, and shall be available as both instant play and 69161
draw style lottery games on the interactive format self-service 69162
terminal and other lottery terminals and devices. 69163

(c) The games shall be made available using either a 69164
clerk-facing lottery terminal or a self-service lottery terminal, 69165
which shall not be a video lottery terminal, as available from the 69166
commission's gaming systems vendor. 69167

(d) The games shall be available for play in graphical, 69168
paperless, and interactive formats. "Interactive format" means the 69169
ability of a player to initiate, play, and view the game, 69170
including the reveal of a result, on the self-service terminal 69171
from which the game is purchased. 69172

(e) The player shall have the option to receive a paper pay 69173
voucher to be redeemed by a licensed lottery sales agent or 69174
credited through a self-service lottery terminal. 69175

(f) These interactive format self-service terminals shall 69176
only be made available to a licensed lottery sales agent that is 69177
also a holder of a D-1, D-2, D-2x, D-3, D-3x, D-3a, or D-5 liquor 69178
permit issued under Chapter 4303. of the Revised Code. 69179

(g) The commission shall acquire and make available at least 69180
three thousand interactive format self-service terminals before 69181
March 1, 2016, one thousand five hundred of which shall be 69182
acquired, deployed, and in operation before January 1, 2016. 69183

Any other subjects the commission determines are necessary 69184
for the operation of video lottery terminal games, including the 69185
establishment of any fees, fines, or payment schedules. 69186

(C) Chapter 2915. of the Revised Code does not apply to, 69187
affect, or prohibit lotteries conducted pursuant to this chapter. 69188

(D) The commission may promulgate rules, in addition to those 69189
described in divisions (A) and (B) of this section, that establish 69190
standards governing the display of advertising and celebrity 69191
images on lottery tickets and on other items that are used in the 69192
conduct of, or to promote, the statewide lottery and statewide 69193
joint lottery games. Any revenue derived from the sale of 69194
advertising displayed on lottery tickets and on those other items 69195
shall be considered, for purposes of section 3770.06 of the 69196
Revised Code, to be related proceeds in connection with the 69197
statewide lottery or gross proceeds from statewide joint lottery 69198
games, as applicable. 69199

(E)(1) The commission shall meet with the director at least 69200
once each month and shall convene other meetings at the request of 69201
the chairperson or any five of the members. No action taken by the 69202
commission shall be binding unless at least five of the members 69203
present vote in favor of the action. A written record shall be 69204
made of the proceedings of each meeting and shall be transmitted 69205
forthwith to the governor, the president of the senate, the senate 69206
minority leader, the speaker of the house of representatives, and 69207
the house minority leader. 69208

(2) The director shall present to the commission a report 69209
each month, showing the total revenues, prize disbursements, and 69210
operating expenses of the state lottery for the preceding month. 69211
As soon as practicable after the end of each fiscal year, the 69212
commission shall prepare and transmit to the governor and the 69213
general assembly a report of lottery revenues, prize 69214
disbursements, and operating expenses for the preceding fiscal 69215

year and any recommendations for legislation considered necessary 69216
by the commission. 69217

Sec. 3770.05. (A) As used in this section, "person" means any 69218
~~person~~ individual, association, corporation, limited liability 69219
company, partnership, club, trust, estate, society, receiver, 69220
trustee, person acting in a fiduciary or representative capacity, 69221
instrumentality of the state or any of its political subdivisions, 69222
or any other business entity or combination of individuals meeting 69223
the requirements set forth in this section or established by rule 69224
or order of the state lottery commission. 69225

(B) The director of the state lottery commission may license 69226
any person as a lottery sales agent. ~~No license shall be issued to~~ 69227
~~any person or group of persons to engage in the sale of lottery~~ 69228
~~tickets as the person's or group's sole occupation or business.~~ 69229

Before issuing any license to a lottery sales agent, the 69230
director shall consider all of the following: 69231

(1) The financial responsibility and security of the 69232
applicant and the applicant's business or activity; 69233

(2) The accessibility of the applicant's place of business or 69234
activity to the public; 69235

(3) The sufficiency of existing licensed agents to serve the 69236
public interest; 69237

(4) The volume of expected sales by the applicant; 69238

(5) Any other factors pertaining to the public interest, 69239
convenience, or trust. 69240

(C) Except as otherwise provided in division (F) of this 69241
section, the director of the state lottery commission ~~shall~~ may 69242
refuse to grant, or ~~shall~~ may suspend or revoke, a license if the 69243
applicant or licensee: 69244

(1) Has been convicted of a felony or has been convicted of a crime involving moral turpitude; 69245
69246

(2) Has been convicted of an offense that involves illegal gambling; 69247
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(3) Has been found guilty of fraud or misrepresentation in any connection; 69249
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(4) Has been found to have violated any rule or order of the commission; or 69251
69252

(5) Has been convicted of illegal trafficking in supplemental nutrition assistance program benefits. 69253
69254

(D) Except as otherwise provided in division (F) of this section, the director of the state lottery commission ~~shall~~ may refuse to grant, or ~~shall~~ may suspend or revoke, a license if the applicant or licensee is a corporation or other business entity, and any of the following applies: 69255
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(1) Any of the ~~corporation's~~ directors, officers, managers, or controlling shareholders has been found guilty of any of the activities specified in divisions (C)(1) to (5) of this section; 69260
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(2) It appears to the director of the state lottery commission that, due to the experience, character, or general fitness of any director, officer, manager, or controlling shareholder ~~of the corporation~~, the granting of a license as a lottery sales agent would be inconsistent with the public interest, convenience, or trust; 69263
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(3) The corporation or other business entity is not the owner or lessee of the business at which it would conduct a lottery sales agency pursuant to the license applied for; 69269
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(4) Any person, firm, association, or corporation other than the applicant or licensee shares or will share in the profits of the applicant or licensee, other than receiving dividends or 69272
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distributions as a shareholder, or participates or will 69275
participate in the management of the affairs of the applicant or 69276
licensee. 69277

(E)(1) The director of the state lottery commission shall 69278
refuse to grant a license to an applicant for a lottery sales 69279
agent license and shall revoke a lottery sales agent license if 69280
the applicant or licensee is or has been convicted of a violation 69281
of division (A) or (C)(1) of section 2913.46 of the Revised Code. 69282

(2) The director shall refuse to grant a license to an 69283
applicant for a lottery sales agent license that is a corporation 69284
and shall revoke the lottery sales agent license of a corporation 69285
if the corporation is or has been convicted of a violation of 69286
division (A) or (C)(1) of section 2913.46 of the Revised Code. 69287

(F) The director of the state lottery commission shall 69288
request the bureau of criminal identification and investigation, 69289
the department of public safety, or any other state, local, or 69290
federal agency to supply the director with the criminal records of 69291
any applicant for a lottery sales agent license, and may 69292
periodically request the criminal records of any person to whom a 69293
lottery sales agent license has been issued. At or prior to the 69294
time of making such a request, the director shall require an 69295
applicant or licensee to obtain fingerprint impressions on 69296
fingerprint cards prescribed by the superintendent of the bureau 69297
of criminal identification and investigation at a qualified law 69298
enforcement agency, and the director shall cause those fingerprint 69299
cards to be forwarded to the bureau of criminal identification and 69300
investigation, to the federal bureau of investigation, or to both 69301
bureaus. The commission shall assume the cost of obtaining the 69302
fingerprint cards. 69303

The director shall pay to each agency supplying criminal 69304
records for each investigation a reasonable fee, as determined by 69305
the agency. 69306

The commission may adopt uniform rules specifying time 69307
periods after which the persons described in divisions (C)(1) to 69308
(5) and (D)(1) to (4) of this section may be issued a license and 69309
establishing requirements for those persons to seek a court order 69310
to have records sealed in accordance with law. 69311

(G)(1) Each applicant for a lottery sales agent license shall 69312
do both of the following: 69313

(a) Pay fees to the state lottery commission, if required by 69314
rule adopted by the director under Chapter 119. of the Revised 69315
Code and the controlling board approves the fees; 69316

(b) Prior to approval of the application, obtain a surety 69317
bond in an amount the director determines by rule adopted under 69318
Chapter 119. of the Revised Code or, alternatively, with the 69319
director's approval, deposit the same amount into a dedicated 69320
account for the benefit of the state lottery. The director also 69321
may approve the obtaining of a surety bond to cover part of the 69322
amount required, together with a dedicated account deposit to 69323
cover the remainder of the amount required. The director also may 69324
establish an alternative program or policy, with the approval of 69325
the commission by rule adopted under Chapter 119. of the Revised 69326
Code, that otherwise ensures the lottery's financial interests are 69327
adequately protected. If such an alternative program or policy is 69328
established, an applicant or lottery sales agent, subject to the 69329
director's approval, may be permitted to participate in the 69330
program or proceed under that policy in lieu of providing a surety 69331
bond or dedicated amount. 69332

A surety bond may be with any company that complies with the 69333
bonding and surety laws of this state and the requirements 69334
established by rules of the commission pursuant to this chapter. A 69335
dedicated account deposit shall be conducted in accordance with 69336
policies and procedures the director establishes. 69337

A surety bond, dedicated account, other established program 69338
or policy, or any combination of these resources, as applicable, 69339
may be used to pay for the lottery sales agent's failure to make 69340
prompt and accurate payments for lottery ticket sales, for missing 69341
or stolen lottery tickets, for damage to equipment or materials 69342
issued to the lottery sales agent, or to pay for expenses the 69343
commission incurs in connection with the lottery sales agent's 69344
license. 69345

(2) A lottery sales agent license is effective for at least 69346
one year, but not more than three years. 69347

A licensed lottery sales agent, on or before the date 69348
established by the director, shall renew the agent's license and 69349
provide at that time evidence to the director that the surety 69350
bond, dedicated account deposit, or both, required under division 69351
(G)(1)(b) of this section has been renewed or is active, whichever 69352
applies. 69353

Before the commission renews a lottery sales agent license, 69354
the lottery sales agent shall submit a renewal fee to the 69355
commission, if one is required by rule adopted by the director 69356
under Chapter 119. of the Revised Code and the controlling board 69357
approves the renewal fee. The renewal fee shall not exceed the 69358
actual cost of administering the license renewal and processing 69359
changes reflected in the renewal application. The renewal of the 69360
license is effective for at least one year, but not more than 69361
three years. 69362

(3) A lottery sales agent license shall be complete, 69363
accurate, and current at all times during the term of the license. 69364
Any changes to an original license application or a renewal 69365
application may subject the applicant or lottery sales agent, as 69366
applicable, to paying an administrative fee that shall be in an 69367
amount that the director determines by rule adopted under Chapter 69368
119. of the Revised Code, and that the controlling board approves, 69369

and that shall not exceed the actual cost of administering and 69370
processing the changes to an application. 69371

(4) The relationship between the commission and a lottery 69372
sales agent is one of trust. A lottery sales agent collects funds 69373
on behalf of the commission through the sale of lottery tickets 69374
for which the agent receives a compensation. 69375

(H) Pending a final resolution of any question arising under 69376
this section, the director of the state lottery commission may 69377
issue a temporary lottery sales agent license, subject to the 69378
terms and conditions the director considers appropriate. 69379

(I) If a lottery sales agent's rental payments for the 69380
lottery sales agent's premises are determined, in whole or in 69381
part, by the amount of retail sales the lottery sales agent makes, 69382
and if the rental agreement does not expressly provide that the 69383
amount of those retail sales includes the amounts the lottery 69384
sales agent receives from lottery ticket sales, only the amounts 69385
the lottery sales agent receives as compensation from the state 69386
lottery commission for selling lottery tickets shall be considered 69387
to be amounts the lottery sales agent receives from the retail 69388
sales the lottery sales agent makes, for the purpose of computing 69389
the lottery sales agent's rental payments. 69390

Sec. 3770.07. (A)(1) Except as provided in division (A)(2) of 69391
this section, lottery prize awards shall be claimed by the holder 69392
of the winning lottery product, or by the executor or 69393
administrator, or the trustee of a trust, of the estate of a 69394
deceased holder of a winning lottery product, in a manner to be 69395
determined by the state lottery commission, within one hundred 69396
eighty days after the date on which the prize award was announced 69397
if the lottery game is an online game, and within one hundred 69398
eighty days after the close of the game if the lottery game is an 69399
instant game. 69400

Any lottery prize award with a value that meets or exceeds 69401
the reportable winnings amounts set by 26 U.S.C. 6041, or a 69402
subsequent analogous section of the Internal Revenue Code, shall 69403
not be claimed by or paid to any person, as defined in section 69404
1.59 of the Revised Code or as defined by rule or order of the 69405
state lottery commission, until the name, address, and social 69406
security number of each beneficial owner of the prize award are 69407
documented for the commission. Except when a beneficial owner 69408
otherwise consents in writing, in the case of a claim for a 69409
lottery prize award made by one or more beneficial owners using a 69410
trust, the name, address, and social security number of each such 69411
beneficial owner in the commission's records as a result of such a 69412
disclosure are confidential and shall not be subject to inspection 69413
or copying under section 149.43 of the Revised Code as a public 69414
record. 69415

Except as otherwise provided in division (A)(1) of this 69416
section or as otherwise provided by law, the name and address of 69417
any individual claiming a lottery prize award are subject to 69418
inspection or copying under section 149.43 of the Revised Code as 69419
a public record. 69420

(2) An eligible person serving on active military duty in any 69421
branch of the United States armed forces during a war or national 69422
emergency declared in accordance with federal law may submit a 69423
delayed claim for a lottery prize award. The eligible person shall 69424
do so by notifying the state lottery commission about the claim 69425
not later than the five hundred fortieth day after the date on 69426
which the prize award was announced if the lottery game is an 69427
online game or after the date on which the lottery game closed if 69428
the lottery game is an instant game. 69429

(3) If no valid claim to a lottery prize award is made within 69430
the prescribed period, the prize money, the cost of goods and 69431
services awarded as prizes, or, if goods or services awarded as 69432

prizes are resold by the state lottery commission, the proceeds 69433
from their sale shall be returned to the state lottery fund and 69434
distributed in accordance with section 3770.06 of the Revised 69435
Code. 69436

(4) The state lottery commission may share with other 69437
governmental agencies the name, address, and social security 69438
number of a beneficial owner disclosed to the commission under 69439
division (A)(1) of this section, as authorized under sections 69440
3770.071 and 3770.073 of the Revised Code. Any shared information 69441
as disclosed pursuant to those sections that is made confidential 69442
by division (A)(1) of this section remains confidential and shall 69443
not be subject to inspection or copying under section 149.43 of 69444
the Revised Code as a public record unless the applicable 69445
beneficial owner otherwise provides written consent. 69446

(5) As used in this division: 69447

(a) "Eligible person" means a person who is entitled to a 69448
lottery prize award and who falls into either of the following 69449
categories: 69450

(i) While on active military duty in this state, the person, 69451
as the result of a war or national emergency declared in 69452
accordance with federal law, is transferred out of this state 69453
before the one hundred eightieth day after the date on which the 69454
winner of the lottery prize award is selected. 69455

(ii) While serving in the reserve forces in this state, the 69456
person, as the result of a war or national emergency declared in 69457
accordance with federal law, is placed on active military duty and 69458
is transferred out of this state before the expiration of the one 69459
hundred eightieth day after the date on which the prize drawing 69460
occurs for an online game or before the expiration of the one 69461
hundred eightieth day following the close of an instant game as 69462
determined by the commission. 69463

(b) "Active military duty" means that a person is covered by the "Servicemembers Civil Relief Act," 117 Stat. 2835 (2003), 50 U.S.C. 501 et seq., as amended, or the "Uniformed Services Employment and Reemployment Rights Act of 1994," 108 Stat. 3149, 38 U.S.C. 4301 et seq., as amended.

(c) "Each beneficial owner" means the ultimate recipient or, if there is more than one, each ultimate recipient of a lottery prize award.

(B) If a prize winner, as defined in section 3770.10 of the Revised Code, is under eighteen years of age, or is under some other legal disability, and the prize money or the cost of goods or services awarded as a prize exceeds one thousand dollars, the director of the state lottery commission shall order that payment be made to the order of the legal guardian of that prize winner. If the amount of the prize money or the cost of goods or services awarded as a prize is one thousand dollars or less, the director may order that payment be made to the order of the adult member, if any, of that prize winner's family legally responsible for the care of that prize winner.

(C) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be the subject of a security interest or used as collateral.

(D)(1) No right of any prize winner, as defined in section 3770.10 of the Revised Code, to a prize award shall be assignable except as follows: when the payment is to be made to the executor or administrator, or the trustee of a trust, of the estate of a prize winner; when the award of a prize is disputed, any person may be awarded a prize award to which another has claimed title, pursuant to the order of a court of competent jurisdiction; when a person is awarded a prize award to which another has claimed title, pursuant to the order of a federal bankruptcy court under Title 11 of the United States Code; or as provided in sections

3770.10 to 3770.14 of the Revised Code. 69496

(2)(a) No right of any prize winner, as defined in section 69497
3770.10 of the Revised Code, to a prize award with a remaining 69498
unpaid balance of less than one hundred thousand dollars shall be 69499
subject to garnishment, attachment, execution, withholding, or 69500
deduction except as provided in sections 3119.80, 3119.81, 69501
3121.02, 3121.03, and 3123.06 of the Revised Code or when the 69502
director is to make a payment pursuant to section 3770.071 or 69503
3770.073 of the Revised Code. 69504

(b) No right of any prize winner, as defined in section 69505
3770.10 of the Revised Code, to a prize award with an unpaid 69506
balance of one hundred thousand dollars or more shall be subject 69507
to garnishment, attachment, execution, withholding, or deduction 69508
except as follows: as provided in sections 3119.80, 3119.81, 69509
3121.02, 3121.03, and 3123.06 of the Revised Code; when the 69510
director is to make a payment pursuant to section 3770.071 or 69511
3770.073 of the Revised Code; or pursuant to the order of a court 69512
of competent jurisdiction located in this state in a proceeding in 69513
which the state lottery commission is a named party, in which case 69514
the garnishment, attachment, execution, withholding, or deduction 69515
pursuant to the order shall be subordinate to any payments to be 69516
made pursuant to section 3119.80, 3119.81, 3121.02, 3121.03, 69517
3123.06, 3770.071, or 3770.073 of the Revised Code. 69518

(3) The state lottery commission may adopt and amend rules 69519
pursuant to Chapter 119. of the Revised Code as necessary to 69520
implement division (D) of this section, to provide for payments 69521
from prize awards subject to garnishment, attachment, execution, 69522
withholding, or deduction, and to comply with any applicable 69523
requirements of federal law. 69524

(4) Upon making payments from a prize award as required by 69525
division (D) of this section, the director and the state lottery 69526
commission are discharged from all further liability for those 69527

payments, whether they are made to an executor, administrator, trustee, judgment creditor, or another person, or to the prize winner, as defined in section 3770.10 of the Revised Code. 69528
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(5) The state lottery commission shall adopt rules pursuant to section 3770.03 of the Revised Code concerning the payment of prize awards upon the death of a prize winner, as defined in section 3770.10 of the Revised Code. Upon the death of a prize winner, the remainder of the prize winner's prize award, to the extent it is not subject to a transfer agreement under sections 3770.10 to 3770.14 of the Revised Code, may be paid to the executor, administrator, or trustee in the form of a discounted lump sum cash settlement. 69531
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(E) No lottery prize award shall be awarded to or for any officer or employee of the state lottery commission, any officer or employee of the auditor of state actively auditing, coordinating, or ~~certifying~~ observing commission drawings, or any blood relative or spouse of such an officer or employee of the commission or auditor of state living as a member of the officer's or employee's household, nor shall any such officer, employee, blood relative, or spouse attempt to claim a lottery prize award. 69540
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(F) The director may prohibit vendors to the state lottery commission and their employees from being awarded a lottery prize award. 69548
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(G) Upon the payment of prize awards pursuant to a provision of this section, other than a provision of division (D) of this section, the director and the state lottery commission are discharged from all further liability for their payment. Installment payments of lottery prize awards shall be paid by official check or warrant, and they shall be sent by mail delivery to the prize winner's address within the United States or by electronic funds transfer to an established bank account located within the United States, or the prize winner may pick them up at 69551
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an office of the commission. 69560

Sec. 3772.02. (A) There is hereby created the Ohio casino 69561
control commission described in Section 6(C)(1) of Article XV, 69562
Ohio Constitution. 69563

(B) The commission shall consist of seven members appointed 69564
within one month of September 10, 2010, by the governor with the 69565
advice and consent of the senate. The governor shall forward all 69566
appointments to the senate within twenty-four hours. 69567

(1) Each commission member is eligible for reappointment at 69568
the discretion of the governor. No commission member shall be 69569
appointed for more than three terms in total. 69570

(2) Each commission member shall be a resident of Ohio. 69571

(3) At least one commission member shall be experienced in 69572
law enforcement and criminal investigation. 69573

(4) At least one commission member shall be a certified 69574
public accountant experienced in accounting and auditing. 69575

(5) At least one commission member shall be an attorney 69576
admitted to the practice of law in Ohio. 69577

(6) At least one commission member shall be a resident of a 69578
county where one of the casino facilities is located. 69579

(7) Not more than four commission members shall be of the 69580
same political party. 69581

(8) No commission member shall have any affiliation with an 69582
Ohio casino operator or facility. 69583

(C) Commission members shall serve four-year terms, except 69584
that when the governor makes initial appointments to the 69585
commission under this chapter, the governor shall appoint three 69586
members to serve four-year terms with not more than two such 69587
members from the same political party, two members to serve 69588

three-year terms with such members not being from the same 69589
political party, and two members to serve two-year terms with such 69590
members not being from the same political party. 69591

(D) Each commission member shall hold office from the date of 69592
appointment until the end of the term for which the member was 69593
appointed. Any member appointed to fill a vacancy occurring before 69594
the expiration of the term for which the member's predecessor was 69595
appointed shall hold office for the remainder of the unexpired 69596
term. Any member shall continue in office after the expiration 69597
date of the member's term until the member's successor takes 69598
office, or until a period of sixty days has elapsed, whichever 69599
occurs first. A vacancy in the commission membership shall be 69600
filled in the same manner as the original appointment. 69601

(E) The governor shall select one member to serve as 69602
chairperson and the commission members shall select one member 69603
from a different party than the chairperson to serve as 69604
vice-chairperson. The governor may remove and replace the 69605
chairperson at any time. No such member shall serve as chairperson 69606
for more than six successive years. The vice-chairperson shall 69607
assume the duties of the chairperson in the absence of the 69608
chairperson. The chairperson and vice-chairperson shall perform 69609
but shall not be limited to additional duties as are prescribed by 69610
commission rule. 69611

(F) A commission member is not required to devote the 69612
member's full time to membership on the commission. ~~Each Beginning~~ 69613
on the effective date of this amendment, each member of the 69614
commission shall receive compensation of ~~thirty~~ fifty thousand 69615
dollars per year, ~~payable in monthly installments.~~ Beginning July 69616
1, 2016, each member of the commission shall receive compensation 69617
of forty thousand dollars per year. Beginning July 1, 2017, each 69618
member of the commission shall receive compensation of thirty 69619
thousand dollars per year. Each member shall receive the member's 69620

actual and necessary expenses incurred in the discharge of the 69621
member's official duties. 69622

(G) The governor shall not appoint an individual to the 69623
commission, and an individual shall not serve on the commission, 69624
if the individual has been convicted of or pleaded guilty or no 69625
contest to a disqualifying offense as defined in section 3772.07 69626
of the Revised Code. Members coming under indictment or bill of 69627
information of a disqualifying offense shall resign from the 69628
commission immediately upon indictment. 69629

(H) At least five commission members shall be present for the 69630
commission to meet. The concurrence of four members is necessary 69631
for the commission to take any action. All members shall vote on 69632
the adoption of rules, and the approval of, and the suspension or 69633
revocation of, the licenses of casino operators or management 69634
companies, unless a member has a written leave of absence filed 69635
with and approved by the chairperson. 69636

(I) A commission member may be removed or suspended from 69637
office in accordance with section 3.04 of the Revised Code. 69638

(J) Each commission member, before entering upon the 69639
discharge of the member's official duties, shall make an oath to 69640
uphold the Ohio Constitution and laws of the state of Ohio and 69641
shall give a bond, payable by the commission, to the treasurer of 69642
state, in the sum of ten thousand dollars with sufficient sureties 69643
to be approved by the treasurer of state, which bond shall be 69644
filed with the secretary of state. 69645

(K) The commission shall hold one regular meeting each month 69646
and shall convene other meetings at the request of the chairperson 69647
or a majority of the members. A member who fails to attend at 69648
least three-fifths of the regular and special meetings of the 69649
commission during any two-year period forfeits membership on the 69650
commission. All meetings of the commission shall be open meetings 69651

under section 121.22 of the Revised Code except as otherwise 69652
allowed by law. 69653

Sec. 3772.03. (A) To ensure the integrity of casino gaming, 69654
the commission shall have authority to complete the functions of 69655
licensing, regulating, investigating, and penalizing casino 69656
operators, management companies, holding companies, key employees, 69657
casino gaming employees, and gaming-related vendors. The 69658
commission also shall have jurisdiction over all persons 69659
participating in casino gaming authorized by Section 6(C) of 69660
Article XV, Ohio Constitution, and this chapter. 69661

(B) All rules adopted by the commission under this chapter 69662
shall be adopted under procedures established in Chapter 119. of 69663
the Revised Code. The commission may contract for the services of 69664
experts and consultants to assist the commission in carrying out 69665
its duties under this section. 69666

(C) ~~Within six months of September 10, 2010, the~~ The 69667
commission shall adopt ~~initial~~ rules as are necessary for 69668
completing the functions stated in division (A) of this section 69669
and for addressing the subjects enumerated in division (D) of this 69670
section. 69671

(D) The commission shall adopt, and as advisable and 69672
necessary shall amend or repeal, rules that include all of the 69673
following: 69674

(1) The prevention of practices detrimental to the public 69675
interest; 69676

(2) Prescribing the method of applying, and the form of 69677
application, that an applicant for a license under this chapter 69678
must follow as otherwise described in this chapter; 69679

(3) Prescribing the information to be furnished by an 69680
applicant or licensee as described in section 3772.11 of the 69681

Revised Code;	69682
(4) Describing the certification standards and duties of an independent testing laboratory certified under section 3772.31 of the Revised Code and the relationship between the commission, the laboratory, the gaming-related vendor, and the casino operator;	69683 69684 69685 69686
(5) The minimum amount of insurance that must be maintained by a casino operator, management company, holding company, or gaming-related vendor;	69687 69688 69689
(6) The approval process for a significant change in ownership or transfer of control of a licensee as provided in section 3772.091 of the Revised Code;	69690 69691 69692
(7) The design of gaming supplies, devices, and equipment to be distributed by gaming-related vendors;	69693 69694
(8) Identifying the casino gaming that is permitted, identifying the gaming supplies, devices, and equipment, that are permitted, defining the area in which the permitted casino gaming may be conducted, and specifying the method of operation according to which the permitted casino gaming is to be conducted as provided in section 3772.20 of the Revised Code, and requiring gaming devices and equipment to meet the standards of this state;	69695 69696 69697 69698 69699 69700 69701
(9) Tournament play in any casino facility;	69702
(10) Establishing and implementing a voluntary exclusion program that provides all of the following:	69703 69704
(a) Except as provided by commission rule, a person who participates in the program shall agree to refrain from entering a casino facility.	69705 69706 69707
(b) The name of a person participating in the program shall be included on a list of persons excluded from all casino facilities.	69708 69709 69710
(c) Except as provided by commission rule, no person who	69711

participates in the program shall petition the commission for 69712
admittance into a casino facility. 69713

(d) The list of persons participating in the program and the 69714
personal information of those persons shall be confidential and 69715
shall only be disseminated by the commission to a casino operator 69716
and the agents and employees of the casino operator for purposes 69717
of enforcement and to other entities, upon request of the 69718
participant and agreement by the commission. 69719

(e) A casino operator shall make all reasonable attempts as 69720
determined by the commission to cease all direct marketing efforts 69721
to a person participating in the program. 69722

(f) A casino operator shall not cash the check of a person 69723
participating in the program or extend credit to the person in any 69724
manner. However, the program shall not exclude a casino operator 69725
from seeking the payment of a debt accrued by a person before 69726
participating in the program. 69727

(g) Any and all locations at which a person may register as a 69728
participant in the program shall be published. 69729

(11) Requiring the commission to adopt standards regarding 69730
the marketing materials of a licensed casino operator, including 69731
allowing the commission to prohibit marketing materials that are 69732
contrary to the adopted standards; 69733

(12) Requiring that the records, including financial 69734
statements, of any casino operator, management company, holding 69735
company, and gaming-related vendor be maintained in the manner 69736
prescribed by the commission and made available for inspection 69737
upon demand by the commission, but shall be subject to section 69738
3772.16 of the Revised Code; 69739

(13) Permitting a licensed casino operator, management 69740
company, key employee, or casino gaming employee to question a 69741
person suspected of violating this chapter; 69742

(14) The chips, tokens, tickets, electronic cards, or similar objects that may be purchased by means of an agreement under which credit is extended to a wagerer by a casino operator;

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(15) Establishing standards for provisional key employee licenses for a person who is required to be licensed as a key employee and is in exigent circumstances and standards for provisional licenses for casino gaming employees who submit complete applications and are compliant under an instant background check. A provisional license shall be valid not longer than three months. A provisional license may be renewed one time, at the commission's discretion, for an additional three months. In establishing standards with regard to instant background checks the commission shall take notice of criminal records checks as they are conducted under section 311.41 of the Revised Code using electronic fingerprint reading devices.

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(16) Establishing approval procedures for third-party engineering or accounting firms, as described in section 3772.09 of the Revised Code;

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(17) Prescribing the manner in which winnings, compensation from casino gaming, and gross revenue must be computed and reported by a licensee as described in Chapter 5753. of the Revised Code;

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(18) Prescribing conditions under which a licensee's license may be suspended or revoked as described in section 3772.04 of the Revised Code;

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(19) Prescribing the manner and procedure of all hearings to be conducted by the commission or by any hearing examiner;

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(20) Prescribing technical standards and requirements that are to be met by security and surveillance equipment that is used at and standards and requirements to be met by personnel who are employed at casino facilities, and standards and requirements for

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the provision of security at and surveillance of casino facilities; 69774
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(21) Prescribing requirements for a casino operator to provide unarmed security services at a casino facility by licensed casino employees, and the training that shall be completed by these employees; 69776
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(22) Prescribing standards according to which casino operators shall keep accounts and standards according to which casino accounts shall be audited, and establish means of assisting the tax commissioner in levying and collecting the gross casino revenue tax levied under section 5753.02 of the Revised Code; 69780
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(23) Defining penalties for violation of commission rules and a process for imposing such penalties subject to the review of the joint committee on gaming and wagering; 69785
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(24) Establishing standards for decertifying contractors that violate statutes or rules of this state or the federal government; 69788
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(25) Establishing standards for the repair of casino gaming equipment; 69790
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(26) Establishing procedures to ensure that casino operators, management companies, and holding companies are compliant with the compulsive and problem gambling plan submitted under section 3772.18 of the Revised Code; 69792
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(27) Prescribing, for institutional investors in or holding companies of a casino operator, management company, holding company, or gaming-related vendor that fall below the threshold needed to be considered an institutional investor or a holding company, standards regarding what any employees, members, or owners of those investors or holding companies may do and shall not do in relation to casino facilities and casino gaming in this state, which standards shall rationally relate to the need to proscribe conduct that is inconsistent with passive institutional 69796
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investment status; 69805

(28) Providing for any other thing necessary and proper for 69806
successful and efficient regulation of casino gaming under this 69807
chapter. 69808

(E) The commission shall employ and assign gaming agents as 69809
necessary to assist the commission in carrying out the duties of 69810
this chapter and Chapter 2915. of the Revised Code. In order to 69811
maintain employment as a gaming agent, the gaming agent shall 69812
successfully complete all continuing training programs required by 69813
the commission and shall not have been convicted of or pleaded 69814
guilty or no contest to a disqualifying offense as defined in 69815
section 3772.07 of the Revised Code. 69816

(F) The commission, as a law enforcement agency, and its 69817
gaming agents, as law enforcement officers as defined in section 69818
2901.01 of the Revised Code, shall have authority with regard to 69819
the detection and investigation of, the seizure of evidence 69820
allegedly relating to, and the apprehension and arrest of persons 69821
allegedly committing ~~gaming~~ violations of this chapter or gambling 69822
offenses as defined in section 2915.01 of the Revised Code or 69823
violations of any other law of this state that may affect the 69824
integrity of casino gaming or the operation of skill-based 69825
amusement machines, and shall have access to casino facilities and 69826
skill-based amusement machine facilities to carry out the 69827
requirements of this chapter. 69828

(G) The commission may eject or exclude or authorize the 69829
ejection or exclusion of and a gaming agent may eject a person 69830
from a casino facility for any of the following reasons: 69831

(1) The person's name is on the list of persons voluntarily 69832
excluding themselves from all casinos in a program established 69833
according to rules adopted by the commission; 69834

(2) The person violates or conspires to violate this chapter 69835

or a rule adopted thereunder; or 69836

(3) The commission determines that the person's conduct or 69837
reputation is such that the person's presence within a casino 69838
facility may call into question the honesty and integrity of the 69839
casino gaming operations or interfere with the orderly conduct of 69840
the casino gaming operations. 69841

(H) A person, other than a person participating in a 69842
voluntary exclusion program, may petition the commission for a 69843
public hearing on the person's ejection or exclusion under this 69844
chapter. 69845

(I) A casino operator or management company shall have the 69846
same authority to eject or exclude a person from the management 69847
company's casino facilities as authorized in division (G) of this 69848
section. The licensee shall immediately notify the commission of 69849
an ejection or exclusion. 69850

(J) The commission shall submit a written annual report with 69851
the governor, president and minority leader of the senate, speaker 69852
and minority leader of the house of representatives, and joint 69853
committee on gaming and wagering before the first day of September 69854
each year. The annual report shall cover the previous fiscal year 69855
and shall include all of the following: 69856

(1) A statement describing the receipts and disbursements of 69857
the commission; 69858

(2) Relevant financial data regarding casino gaming, 69859
including gross revenues and disbursements made under this 69860
chapter; 69861

(3) Actions taken by the commission; 69862

(4) An update on casino operators', management companies', 69863
and holding companies' compulsive and problem gambling plans and 69864
the voluntary exclusion program and list; 69865

(5) Information regarding prosecutions for conduct described 69866
in division (H) of section 3772.99 of the Revised Code, including, 69867
but not limited to, the total number of prosecutions commenced and 69868
the name of each person prosecuted; 69869

(6) Any additional information that the commission considers 69870
useful or that the governor, president or minority leader of the 69871
senate, speaker or minority leader of the house of 69872
representatives, or joint committee on gaming and wagering 69873
requests. 69874

(K) ~~Notwithstanding any law to the contrary, beginning on~~ 69875
~~July 1, 2011, the~~ To ensure the integrity of skill-based amusement 69876
machine operations, the commission shall ~~assume~~ have jurisdiction 69877
over and oversee the regulation of all persons conducting or 69878
participating in the conduct of skill-based amusement machines as 69879
is provided in the law of this state machine operations authorized 69880
by this chapter and Chapter 2915. of the Revised Code, including 69881
the authority to complete the functions of licensing, regulating, 69882
investigating, and penalizing those persons in a manner that is 69883
consistent with the commission's authority to do the same with 69884
respect to casino gaming. To carry out this division, the 69885
commission may adopt rules under Chapter 119. of the Revised Code, 69886
including rules establishing fees and penalties related to the 69887
operation of skill-based amusement machines. 69888

Sec. 3772.99. (A) The commission shall levy and collect 69889
penalties for noncriminal violations of this chapter. Noncriminal 69890
violations include using the term "casino" in any advertisement in 69891
regard to a facility operating video lottery terminals, as defined 69892
in section 3770.21 of the Revised Code, in this state. Moneys 69893
collected from such penalty levies shall be credited to the 69894
general revenue fund. 69895

(B) If a licensed casino operator, management company, 69896

holding company, gaming-related vendor, or key employee violates 69897
this chapter or engages in a fraudulent act, the commission may 69898
suspend or revoke the license and may do either or both of the 69899
following: 69900

(1) Suspend, revoke, or restrict the casino gaming operations 69901
of a casino operator; 69902

(2) Require the removal of a management company, key 69903
employee, or discontinuance of services from a gaming-related 69904
vendor. 69905

(C) The commission shall impose civil penalties against a 69906
person who violates this chapter under the penalties adopted by 69907
commission rule and reviewed by the joint committee on gaming and 69908
wagering. 69909

(D) A person who purposely or knowingly ~~or intentionally~~ does 69910
any of the following commits a misdemeanor of the first degree on 69911
the first offense and a felony of the fifth degree for a 69912
subsequent offense: 69913

(1) Makes a false statement on an application submitted under 69914
this chapter; 69915

(2) Permits a person less than twenty-one years of age to 69916
make a wager at a casino facility; 69917

(3) Aids, induces, or causes a person less than twenty-one 69918
years of age who is not an employee of the casino gaming operation 69919
to enter or attempt to enter a casino facility; 69920

(4) Enters or attempts to enter a casino facility while under 69921
twenty-one years of age, unless the person enters a designated 69922
area as described in section 3772.24 of the Revised Code; 69923

(5) Is a casino operator or employee and participates in 69924
casino gaming other than as part of operation or employment. 69925

(E) A person who purposely or knowingly ~~or intentionally~~ does 69926

any of the following commits a felony of the fifth degree on a 69927
first offense and a felony of the fourth degree for a subsequent 69928
offense. If the person is a licensee under this chapter, the 69929
commission shall revoke the person's license after the first 69930
offense. 69931

(1) Uses or possesses with the intent to use a device to 69932
assist in projecting the outcome of the casino game, keeping track 69933
of the cards played, analyzing the probability of the occurrence 69934
of an event relating to the casino game, or analyzing the strategy 69935
for playing or betting to be used in the casino game, except as 69936
permitted by the commission; 69937

(2) Cheats at a casino game; 69938

(3) Manufactures, sells, or distributes any cards, chips, 69939
dice, game, or device that is intended to be used to violate this 69940
chapter; 69941

(4) Alters or misrepresents the outcome of a casino game on 69942
which wagers have been made after the outcome is made sure but 69943
before the outcome is revealed to the players; 69944

(5) Places, increases, or decreases a wager on the outcome of 69945
a casino game after acquiring knowledge that is not available to 69946
all players and concerns the outcome of the casino game that is 69947
the subject of the wager; 69948

(6) Aids a person in acquiring the knowledge described in 69949
division (E)(5) of this section for the purpose of placing, 69950
increasing, or decreasing a wager contingent on the outcome of a 69951
casino game; 69952

(7) Claims, collects, takes, or attempts to claim, collect, 69953
or take money or anything of value in or from a casino game with 69954
the intent to defraud or without having made a wager contingent on 69955
winning a casino game; 69956

- (8) Claims, collects, or takes an amount of money or thing of value of greater value than the amount won in a casino game; 69957
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- (9) Uses or possesses counterfeit chips, tokens, or cashless wagering instruments in or for use in a casino game; 69959
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- (10) Possesses a key or device designed for opening, entering, or affecting the operation of a casino game, drop box, or an electronic or a mechanical device connected with the casino game or removing coins, tokens, chips, or other contents of a casino game. This division does not apply to a casino operator, management company, or gaming-related vendor or their agents and employees in the course of agency or employment. 69961
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- (11) Possesses materials used to manufacture a device intended to be used in a manner that violates this chapter; 69968
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- (12) Operates a casino gaming operation in which wagering is conducted or is to be conducted in a manner other than the manner required under this chapter or a skill-based amusement machine operation in a manner other than the manner required under Chapter 2915. of the Revised Code. 69970
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- (F) The possession of more than one of the devices described in division (E)(9), (10), or (11) of this section creates a rebuttable presumption that the possessor intended to use the devices for cheating. 69975
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- (G) A person who purposely or knowingly ~~or intentionally~~ does any of the following commits a felony of the third degree. If the person is a licensee under this chapter, the commission shall revoke the person's license after the first offense. A public servant or party official who is convicted under this division is forever disqualified from holding any public office, employment, or position of trust in this state. 69979
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- (1) Offers, promises, or gives anything of value or benefit to a person who is connected with the casino operator, management 69986
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company, holding company, or gaming-related vendor, including 69988
their officers and employees, under an agreement to influence or 69989
with the intent to influence the actions of the person to whom the 69990
offer, promise, or gift was made in order to affect or attempt to 69991
affect the outcome of a casino game or an official action of a 69992
commission member, agent, or employee; 69993

(2) Solicits, accepts, or receives a promise of anything of 69994
value or benefit while the person is connected with a casino, 69995
including an officer or employee of a casino operator, management 69996
company, or gaming-related vendor, under an agreement to influence 69997
or with the intent to influence the actions of the person to 69998
affect or attempt to affect the outcome of a casino game or an 69999
official action of a commission member, agent, or employee; 70000

(H) A person who knowingly or intentionally does any of the 70001
following while participating in casino gaming or otherwise 70002
transacting with a casino facility as permitted by Chapter 3772. 70003
of the Revised Code commits a felony of the fifth degree on a 70004
first offense and a felony of the fourth degree for a subsequent 70005
offense: 70006

(1) Causes or attempts to cause a casino facility to fail to 70007
file a report required under 31 U.S.C. 5313(a) or 5325 or any 70008
regulation prescribed thereunder or section 1315.53 of the Revised 70009
Code, or to fail to file a report or maintain a record required by 70010
an order issued under section 21 of the "Federal Deposit Insurance 70011
Act" or section 123 of Pub. L. No. 91-508; 70012

(2) Causes or attempts to cause a casino facility to file a 70013
report required under 31 U.S.C. 5313(a) or 5325 or any regulation 70014
prescribed thereunder or section 1315.53 of the Revised Code, to 70015
file a report or to maintain a record required by any order issued 70016
under 31 U.S.C. 5326, or to maintain a record required under any 70017
regulation prescribed under section 21 of the "Federal Deposit 70018
Insurance Act" or section 123 of Pub. L. No. 91-508 that contains 70019

a material omission or misstatement of fact; 70020

(3) With one or more casino facilities, structures a 70021
transaction, is complicit in structuring a transaction, attempts 70022
to structure a transaction, or is complicit in an attempt to 70023
structure a transaction. 70024

(I) A person who is convicted of a felony described in this 70025
chapter may be barred for life from entering a casino facility by 70026
the commission. 70027

(J) As used in division (H) of this section: 70028

(1) To be "complicit" means to engage in any conduct of a 70029
type described in divisions (A)(1) to (4) of section 2923.03 of 70030
the Revised Code. 70031

(2) "Structure a transaction" has the same meaning as in 70032
section 1315.51 of the Revised Code. 70033

(K) Premises used or occupied in violation of division 70034
(E)(12) of this section constitute a nuisance subject to abatement 70035
under Chapter 3767. of the Revised Code. 70036

Sec. 3773.33. (A) There is hereby created the Ohio athletic 70037
commission. The commission shall consist of five voting members 70038
appointed by the governor with the advice and consent of the 70039
senate, not more than three of whom shall be of the same political 70040
party, and two nonvoting members, one of whom shall be a member of 70041
the senate appointed by and to serve at the pleasure of the 70042
president of the senate and one of whom shall be a member of the 70043
house of representatives appointed by and to serve at the pleasure 70044
of the speaker of the house of representatives. To be eligible for 70045
appointment as a voting member, a person shall be a qualified 70046
elector and a resident of the state for not less than five years 70047
immediately preceding the person's appointment. Two voting members 70048
shall be knowledgeable in boxing, ~~at least one voting member shall~~ 70049

~~be knowledgeable and experienced in high school athletics, one~~ 70050
~~voting member shall be knowledgeable and experienced in~~ 70051
~~professional athletics, and at least one voting member shall be~~ 70052
~~knowledgeable and experienced in collegiate athletics and mixed~~ 70053
~~martial arts.~~ One commission member shall hold the degree of 70054
doctor of medicine or doctor of osteopathy. 70055

(B) No person shall be appointed to the commission or be an 70056
employee of the commission who is licensed, registered, or 70057
regulated by the commission. No member shall have any legal or 70058
beneficial interest, direct or indirect, pecuniary or otherwise, 70059
in any person who is licensed, registered, or regulated by the 70060
commission or who participates in prize fights or public boxing or 70061
wrestling matches or exhibitions. No member shall participate in 70062
any fight, match, or exhibition other than in the member's 70063
official capacity as a member of the commission, or as an 70064
inspector as authorized in section 3773.52 of the Revised Code. 70065

(C) The governor shall appoint the voting members to the 70066
commission. Of the initial appointments, two shall be for terms 70067
ending one year after September 3, 1996, two shall be for terms 70068
ending two years after September 3, 1996, and one shall be for a 70069
term ending three years after September 3, 1996. Thereafter, terms 70070
of office shall be for three years, each term ending the same day 70071
of the same month of the year as did the term which it succeeds. 70072
Each member shall hold office from the date of the member's 70073
appointment until the end of the term for which the member was 70074
appointed. Any member appointed to fill a vacancy occurring prior 70075
to the expiration of the term for which the member's predecessor 70076
was appointed shall hold office for the remainder of the term. Any 70077
member shall continue in office subsequent to the expiration date 70078
of the member's term until the member's successor takes office,~~or~~ 70079
~~until a period of sixty days has elapsed, whichever occurs first.~~ 70080

The governor shall name one voting member as chairperson of 70081
the commission at the time of making the appointment of any member 70082
for a full term. Three voting members shall constitute a quorum, 70083
and the affirmative vote of ~~three~~ the majority of voting members 70084
shall be necessary for any action taken by the commission. No 70085
vacancy on the commission impairs the authority of the remaining 70086
members to exercise all powers of the commission. 70087

Voting members, when engaged in commission duties, shall 70088
receive a per diem compensation determined in accordance with 70089
division (J) of section 124.15 of the Revised Code, and all 70090
members shall receive their actual and necessary expenses incurred 70091
in the performance of their official duties. 70092

Each voting member, before entering upon the discharge of the 70093
member's duties, shall file a surety bond payable to the treasurer 70094
of state in the sum of ten thousand dollars. Each surety bond 70095
shall be conditioned upon the faithful performance of the duties 70096
of the office, executed by a surety company authorized to transact 70097
business in this state, and filed in the office of the secretary 70098
of state. 70099

The governor may remove any voting member for malfeasance, 70100
misfeasance, or nonfeasance in office after giving the member a 70101
copy of the charges against the member and affording the member an 70102
opportunity for a public hearing, at which the member may be 70103
represented by counsel, upon not less than ten days' notice. If 70104
the member is removed, the governor shall file a complete 70105
statement of all charges made against the member and the 70106
governor's finding on the charges in the office of the secretary 70107
of state, together with a complete report of the proceedings. The 70108
governor's decision shall be final. 70109

Sec. 3773.41. Any person who desires to participate in a 70110
public boxing match ~~or exhibition~~, mixed martial arts event, or 70111

any other unarmed combat sport regulated by the Ohio athletic 70112
commission as a referee, judge, matchmaker, timekeeper, or 70113
contestant, or as a manager, trainer, or second of a contestant, 70114
shall apply for a license from the Ohio athletic commission. The 70115
application shall be on forms provided by the commission. Each 70116
application shall be accompanied by the application fee prescribed 70117
in section 3773.43 of the Revised Code. The applicant shall verify 70118
the application under oath. 70119

The commission shall prescribe the form of the application 70120
for a participant's license. The application shall include the 70121
correct and ring or assumed name, if any, of the applicant, the 70122
applicant's address, the applicant's date and place of birth, the 70123
applicant's occupation, and a copy of the applicant's win and loss 70124
record as a contestant, if applicable. 70125

~~An application for a contestant's license shall also include 70126
a certified copy of the results of a physical examination of the 70127
applicant that a licensed physician, physician assistant, clinical 70128
nurse specialist, certified nurse practitioner, or certified 70129
nurse midwife conducted not more than sixty days prior to the 70130
filing of the application. 70131~~

Sec. 3773.42. Upon the proper filing of an application for a 70132
referee's, judge's, matchmaker's, timekeeper's, manager's, 70133
trainer's, contestant's, or second's license and payment of the 70134
applicable application fee, the Ohio athletic commission shall 70135
issue the license to the applicant if it determines that the 70136
applicant is of good moral character, is not likely to engage in 70137
acts detrimental to the fair and honest conduct of public boxing 70138
matches ~~or exhibitions, mixed martial arts events, or any other~~ 70139
unarmed combat sports regulated by the commission, and is 70140
qualified to hold such a license by reason of the applicant's 70141
knowledge and experience. 70142

A person shall not be determined to possess the knowledge and 70143
experience necessary to qualify that person to hold a referee's 70144
license unless all of the following conditions are met: 70145

(A) The person has completed such referee training 70146
requirements as the commission prescribes by rule; 70147

(B) The person possesses such experience requirements as the 70148
commission prescribes by rule; 70149

~~(C) The person has obtained a passing grade on an examination 70150
administered by the commission and designed to test the examinee's 70151
knowledge of the rules of the particular sport that the person 70152
seeks to referee, the commission's rules applicable to the conduct 70153
of matches and exhibitions in the particular sport that the person 70154
seeks to referee, and such other aspects of officiating as the 70155
commission determines appropriate to its determination as to 70156
whether the applicant possesses the qualifications and 70157
capabilities to act as a referee. 70158~~

The commission shall issue a referee's license to each person 70159
who meets the requirements of divisions (A) ~~to (C)~~ and (B) of this 70160
section. 70161

If upon the proper filing of an application for a 70162
contestant's license the commission determines that the applicant 70163
is of good moral character, is not likely to engage in acts 70164
detrimental to the conduct of public boxing matches ~~or~~ 70165
exhibitions, mixed martial arts events, or any other unarmed 70166
combat sports regulated by the commission, and possesses 70167
sufficient knowledge and experience and, ~~in the opinion of the~~ 70168
~~licensed physician, physician assistant, clinical nurse~~ 70169
~~specialist, certified nurse practitioner, or certified~~ 70170
~~nurse midwife who examined the applicant pursuant to section~~ 70171
~~3773.41 of the Revised Code, is physically fit to engage in public~~ 70172
~~boxing matches or exhibitions, the commission shall issue the~~ 70173

license to the applicant. 70174

Each license issued pursuant to this section shall bear the 70175
correct name ~~and ring~~, or assumed name, if any, of the licensee, 70176
the address of the licensee, the date of issue, and a ~~serial~~ 70177
number designated by the commission, ~~the seal of the commission,~~ 70178
~~and the signature of the commission chairperson.~~ 70179

A license issued pursuant to this section shall expire twelve 70180
months after its date of issue unless renewed. Upon application 70181
for renewal and payment of the renewal fee prescribed in section 70182
3773.43 of the Revised Code, the commission shall renew the 70183
license unless it denies the application for one or more reasons 70184
stated in section 3123.47 or 3773.53 of the Revised Code. ~~If the~~ 70185
~~application is for renewal of a contestant's license, the~~ 70186
~~commission shall also require the applicant to submit the results~~ 70187
~~of a physical examination that a licensed physician, physician~~ 70188
~~assistant, clinical nurse specialist, certified nurse~~ 70189
~~practitioner, or certified nurse midwife conducted not more than~~ 70190
~~sixty days prior to the date of the application.~~ 70191

Sec. 3781.10. (A)(1) The board of building standards shall 70192
formulate and adopt rules governing the erection, construction, 70193
repair, alteration, and maintenance of all buildings or classes of 70194
buildings specified in section 3781.06 of the Revised Code, 70195
including land area incidental to those buildings, the 70196
construction of industrialized units, the installation of 70197
equipment, and the standards or requirements for materials used in 70198
connection with those buildings. The board shall incorporate those 70199
rules into separate residential and nonresidential building codes. 70200
The standards shall relate to the conservation of energy and the 70201
safety and sanitation of those buildings. 70202

(2) The rules governing nonresidential buildings are the 70203
lawful minimum requirements specified for those buildings and 70204

industrialized units, except that no rule other than as provided 70205
in division (C) of section 3781.108 of the Revised Code that 70206
specifies a higher requirement than is imposed by any section of 70207
the Revised Code is enforceable. The rules governing residential 70208
buildings are uniform requirements for residential buildings in 70209
any area with a building department certified to enforce the state 70210
residential building code. In no case shall any local code or 70211
regulation differ from the state residential building code unless 70212
that code or regulation addresses subject matter not addressed by 70213
the state residential building code or is adopted pursuant to 70214
section 3781.01 of the Revised Code. 70215

(3) The rules adopted pursuant to this section are complete, 70216
lawful alternatives to any requirements specified for buildings or 70217
industrialized units in any section of the Revised Code. Except as 70218
otherwise provided in division (I) of this section, the board 70219
shall, on its own motion or on application made under sections 70220
3781.12 and 3781.13 of the Revised Code, formulate, propose, 70221
adopt, modify, amend, or repeal the rules to the extent necessary 70222
or desirable to effectuate the purposes of sections 3781.06 to 70223
3781.18 of the Revised Code. 70224

(B) The board shall report to the general assembly proposals 70225
for amendments to existing statutes relating to the purposes 70226
declared in section 3781.06 of the Revised Code that public health 70227
and safety and the development of the arts require and shall 70228
recommend any additional legislation to assist in carrying out 70229
fully, in statutory form, the purposes declared in that section. 70230
The board shall prepare and submit to the general assembly a 70231
summary report of the number, nature, and disposition of the 70232
petitions filed under sections 3781.13 and 3781.14 of the Revised 70233
Code. 70234

(C) On its own motion or on application made under sections 70235
3781.12 and 3781.13 of the Revised Code, and after thorough 70236

testing and evaluation, the board shall determine by rule that any 70237
particular fixture, device, material, process of manufacture, 70238
manufactured unit or component, method of manufacture, system, or 70239
method of construction complies with performance standards adopted 70240
pursuant to section 3781.11 of the Revised Code. The board shall 70241
make its determination with regard to adaptability for safe and 70242
sanitary erection, use, or construction, to that described in any 70243
section of the Revised Code, wherever the use of a fixture, 70244
device, material, method of manufacture, system, or method of 70245
construction described in that section of the Revised Code is 70246
permitted by law. The board shall amend or annul any rule or issue 70247
an authorization for the use of a new material or manufactured 70248
unit on any like application. No department, officer, board, or 70249
commission of the state other than the board of building standards 70250
or the board of building appeals shall permit the use of any 70251
fixture, device, material, method of manufacture, newly designed 70252
product, system, or method of construction at variance with what 70253
is described in any rule the board of building standards adopts or 70254
issues or that is authorized by any section of the Revised Code. 70255
Nothing in this section shall be construed as requiring approval, 70256
by rule, of plans for an industrialized unit that conforms with 70257
the rules the board of building standards adopts pursuant to 70258
section 3781.11 of the Revised Code. 70259

(D) The board shall recommend rules, codes, and standards to 70260
help carry out the purposes of section 3781.06 of the Revised Code 70261
and to help secure uniformity of state administrative rulings and 70262
local legislation and administrative action to the bureau of 70263
workers' compensation, the director of commerce, any other 70264
department, officer, board, or commission of the state, and to 70265
legislative authorities and building departments of counties, 70266
townships, and municipal corporations, and shall recommend that 70267
they audit those recommended rules, codes, and standards by any 70268
appropriate action that they are allowed pursuant to law or the 70269

constitution. 70270

(E)(1) The board shall certify municipal, township, and 70271
county building departments and the personnel of those building 70272
departments, and persons and employees of individuals, firms, or 70273
corporations as described in division (E)(7) of this section to 70274
exercise enforcement authority, to accept and approve plans and 70275
specifications, and to make inspections, pursuant to sections 70276
3781.03, 3791.04, and 4104.43 of the Revised Code. 70277

(2) The board shall certify departments, personnel, and 70278
persons to enforce the state residential building code, to enforce 70279
the nonresidential building code, or to enforce both the 70280
residential and the nonresidential building codes. Any department, 70281
personnel, or person may enforce only the type of building code 70282
for which certified. 70283

(3) The board shall not require a building department, its 70284
personnel, or any persons that it employs to be certified for 70285
residential building code enforcement if that building department 70286
does not enforce the state residential building code. The board 70287
shall specify, in rules adopted pursuant to Chapter 119. of the 70288
Revised Code, the requirements for certification for residential 70289
and nonresidential building code enforcement, which shall be 70290
consistent with this division. The requirements for residential 70291
and nonresidential certification may differ. Except as otherwise 70292
provided in this division, the requirements shall include, but are 70293
not limited to, the satisfactory completion of an initial 70294
examination and, to remain certified, the completion of a 70295
specified number of hours of continuing building code education 70296
within each three-year period following the date of certification 70297
which shall be not less than thirty hours. The rules shall provide 70298
that continuing education credits and certification issued by the 70299
council of American building officials, national model code 70300
organizations, and agencies or entities the board recognizes are 70301

acceptable for purposes of this division. The rules shall specify 70302
requirements that are consistent with the provisions of section 70303
5903.12 of the Revised Code relating to active duty military 70304
service and are compatible, to the extent possible, with 70305
requirements the council of American building officials and 70306
national model code organizations establish. 70307

(4) The board shall establish and collect a certification and 70308
renewal fee for building department personnel, and persons and 70309
employees of persons, firms, or corporations as described in this 70310
section, who are certified pursuant to this division. 70311

(5) Any individual certified pursuant to this division shall 70312
complete the number of hours of continuing building code education 70313
that the board requires or, for failure to do so, forfeit 70314
certification. 70315

(6) This division does not require or authorize the board to 70316
certify personnel of municipal, township, and county building 70317
departments, and persons and employees of persons, firms, or 70318
corporations as described in this section, whose responsibilities 70319
do not include the exercise of enforcement authority, the approval 70320
of plans and specifications, or making inspections under the state 70321
residential and nonresidential building codes. 70322

(7) Enforcement authority for approval of plans and 70323
specifications and enforcement authority for inspections may be 70324
exercised, and plans and specifications may be approved and 70325
inspections may be made on behalf of a municipal corporation, 70326
township, or county, by any of the following who the board of 70327
building standards certifies: 70328

(a) Officers or employees of the municipal corporation, 70329
township, or county; 70330

(b) Persons, or employees of persons, firms, or corporations, 70331
pursuant to a contract to furnish architectural, engineering, or 70332

other services to the municipal corporation, township, or county; 70333

(c) Officers or employees of, and persons under contract 70334
with, a municipal corporation, township, county, health district, 70335
or other political subdivision, pursuant to a contract to furnish 70336
architectural, engineering, or other services. 70337

(8) Municipal, township, and county building departments have 70338
jurisdiction within the meaning of sections 3781.03, 3791.04, and 70339
4104.43 of the Revised Code, only with respect to the types of 70340
buildings and subject matters for which they are certified under 70341
this section. 70342

(9) A certified municipal, township, or county building 70343
department may exercise enforcement authority, accept and approve 70344
plans and specifications, and make inspections pursuant to 70345
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 70346
park district created pursuant to Chapter 1545. of the Revised 70347
Code upon the approval, by resolution, of the board of park 70348
commissioners of the park district requesting the department to 70349
exercise that authority and conduct those activities, as 70350
applicable. 70351

(10) Certification shall be granted upon application by the 70352
municipal corporation, the board of township trustees, or the 70353
board of county commissioners and approval of that application by 70354
the board of building standards. The application shall set forth: 70355

(a) Whether the certification is requested for residential or 70356
nonresidential buildings, or both; 70357

(b) The number and qualifications of the staff composing the 70358
building department; 70359

(c) The names, addresses, and qualifications of persons, 70360
firms, or corporations contracting to furnish work or services 70361
pursuant to division (E)(7)(b) of this section; 70362

(d) The names of any other municipal corporation, township, county, health district, or political subdivision under contract to furnish work or services pursuant to division (E)(7) of this section; 70363
70364
70365
70366

(e) The proposed budget for the operation of the building department. 70367
70368

~~(10)~~(11) The board of building standards shall adopt rules governing all of the following: 70369
70370

(a) The certification of building department personnel and persons and employees of persons, firms, or corporations exercising authority pursuant to division (E)(7) of this section. 70371
70372
70373
The rules shall disqualify any employee of the department or 70374
person who contracts for services with the department from 70375
performing services for the department when that employee or 70376
person would have to pass upon, inspect, or otherwise exercise 70377
authority over any labor, material, or equipment the employee or 70378
person furnishes for the construction, alteration, or maintenance 70379
of a building or the preparation of working drawings or 70380
specifications for work within the jurisdictional area of the 70381
department. The department shall provide other similarly qualified 70382
personnel to enforce the residential and nonresidential building 70383
codes as they pertain to that work. 70384

(b) The minimum services to be provided by a certified building department. 70385
70386

~~(11)~~(12) The board of building standards may revoke or suspend certification to enforce the residential and nonresidential building codes, on petition to the board by any person affected by that enforcement or approval of plans, or by the board on its own motion. Hearings shall be held and appeals permitted on any proceedings for certification or revocation or suspension of certification in the same manner as provided in 70387
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section 3781.101 of the Revised Code for other proceedings of the board of building standards.

~~(12)~~(13) Upon certification, and until that authority is revoked, any county or township building department shall enforce the residential and nonresidential building codes for which it is certified without regard to limitation upon the authority of boards of county commissioners under Chapter 307. of the Revised Code or boards of township trustees under Chapter 505. of the Revised Code.

(F) In addition to hearings sections 3781.06 to 3781.18 and 3791.04 of the Revised Code require, the board of building standards shall make investigations and tests, and require from other state departments, officers, boards, and commissions information the board considers necessary or desirable to assist it in the discharge of any duty or the exercise of any power mentioned in this section or in sections 3781.06 to 3781.18, 3791.04, and 4104.43 of the Revised Code.

(G) The board shall adopt rules and establish reasonable fees for the review of all applications submitted where the applicant applies for authority to use a new material, assembly, or product of a manufacturing process. The fee shall bear some reasonable relationship to the cost of the review or testing of the materials, assembly, or products and for the notification of approval or disapproval as provided in section 3781.12 of the Revised Code.

(H) The residential construction advisory committee shall provide the board with a proposal for a state residential building code that the committee recommends pursuant to division (D)(1) of section 4740.14 of the Revised Code. Upon receiving a recommendation from the committee that is acceptable to the board, the board shall adopt rules establishing that code as the state residential building code.

(I)(1) The committee may provide the board with proposed 70426
rules to update or amend the state residential building code that 70427
the committee recommends pursuant to division (E) of section 70428
4740.14 of the Revised Code. 70429

(2) If the board receives a proposed rule to update or amend 70430
the state residential building code as provided in division (I)(1) 70431
of this section, the board either may accept or reject the 70432
proposed rule for incorporation into the residential building 70433
code. If the board does not act to either accept or reject the 70434
proposed rule within ninety days after receiving the proposed rule 70435
from the committee as described in division (I)(1) of this 70436
section, the proposed rule shall become part of the residential 70437
building code. 70438

(J) The board shall cooperate with the director of job and 70439
family services when the director promulgates rules pursuant to 70440
section 5104.05 of the Revised Code regarding safety and 70441
sanitation in type A family day-care homes. 70442

(K) The board shall adopt rules to implement the requirements 70443
of section 3781.108 of the Revised Code. 70444

Sec. 3781.106. (A) The board of building standards shall 70445
adopt rules, in accordance with Chapter 119. of the Revised Code, 70446
for the use of a device by a staff member of a public or private 70447
school or institution of higher education that prevents both 70448
ingress and egress through a door in a school building, for a 70449
finite period of time, in an emergency situation, and during 70450
active shooter drills. The rules shall provide that the use of a 70451
device is permissible only if the device requires minimal steps to 70452
remove it after it is engaged. 70453

The rules shall provide that the administrative authority of 70454
a building notify the police chief, or equivalent, of the law 70455
enforcement agency that has jurisdiction over the building, and 70456

the fire chief, or equivalent, of the fire department that serves 70457
the political subdivision in which the building is located, prior 70458
to the use of such devices in a building. 70459

The rules may require that the device be visible from the 70460
exterior of the door. 70461

(B) The device described in division (A) of this section 70462
shall not be permanently mounted to the door. 70463

(C) Each public and private school and institution of higher 70464
education shall provide its staff members in-service training on 70465
the use of the device described in division (A) of this section. 70466
The school shall maintain a record verifying this training on 70467
file. 70468

(D) In consultation with the state board of education and the 70469
chancellor of higher education, the board shall determine and 70470
include in the rules a definition of "emergency situation." These 70471
rules shall apply to both existing and new school buildings. 70472

(E) As used in this section: 70473

(1) "Institution of higher education" means a state 70474
institution of higher education as defined in section 3345.011 of 70475
the Revised Code, a private nonprofit college or university 70476
located in this state that possesses a certificate of 70477
authorization issued pursuant to Chapter 1713. of the Revised 70478
Code, or a school located in this state that possesses a 70479
certificate of registration and one or more program authorizations 70480
issued by the state board of career colleges and schools under 70481
Chapter 3332. of the Revised Code. 70482

(2) "Private school" means a chartered nonpublic school or a 70483
nonchartered nonpublic school. 70484

(3) "Public school" means any school operated by a school 70485
district board of education, any community school established 70486

under Chapter 3314. of the Revised Code, any STEM school 70487
established under Chapter 3326. of the Revised Code, and any 70488
college-preparatory boarding school established under Chapter 70489
3328. of the Revised Code. 70490

(4) "School building" means a structure used for the 70491
instruction of students by a public or private school or 70492
institution of higher education. 70493

Sec. 3901.052. The superintendent of insurance shall apply to 70494
the United States secretary of health and human services and the 70495
United States secretary of the treasury for an innovative waiver 70496
regarding health insurance coverage in this state as authorized by 70497
section 1332 of the "Patient Protection and Affordable Care Act," 70498
42 U.S.C. 18052. The superintendent shall include in the 70499
application a request for waivers of the employer and individual 70500
mandates in sections 4980H and 5000A of the "Internal Revenue Code 70501
of 1986," 26 U.S.C. 4980H and 5000A. The application shall provide 70502
for the establishment of a system that provides access to 70503
affordable health insurance coverage for the residents of this 70504
state. 70505

Sec. 3903.81. As used in sections 3903.81 to 3903.93 of the 70506
Revised Code: 70507

(A) "Adjusted RBC report" means an RBC report that has been 70508
adjusted by the superintendent of insurance in accordance with 70509
division (C) of section 3903.82 of the Revised Code. 70510

(B) "Authorized control level RBC" means the number 70511
determined under the risk-based capital formula in accordance with 70512
the RBC instructions. 70513

(C) "Company action level RBC" means the product of 2.0 and 70514
an insurer's authorized control level RBC. 70515

(D) "Corrective order" means an order issued by the 70516

superintendent of insurance in accordance with division (B)(3) of 70517
section 3903.84 of the Revised Code specifying corrective actions 70518
that the superintendent has determined are required. 70519

(E) "Domestic insurer" means any insurance company organized 70520
under Chapter 3907. or 3925. of the Revised Code. 70521

(F) "Foreign insurer" means any insurance company licensed 70522
under section 3909.01 or 3927.01 of the Revised Code. 70523

(G) "Life or health insurer" means any insurance company 70524
licensed under section 3907.08 or 3909.01 of the Revised Code, a 70525
company possessing a certificate of authority pursuant to section 70526
3929.01 of the Revised Code that writes only accident and health 70527
insurance, ~~or~~ a fraternal benefit society licensed under Chapter 70528
3921. of the Revised Code, or a multiple employer welfare 70529
arrangement issued a certificate of authority under Chapter 1739. 70530
of the Revised Code. 70531

(H) "Mandatory control level RBC" means the product of .70 70532
and an insurer's authorized control level RBC. 70533

(I) "NAIC" means the national association of insurance 70534
commissioners. 70535

(J) "Negative trend" means a negative trend over a period of 70536
time for a life or health insurer as determined in accordance with 70537
the trend test calculation included in the RBC instructions. 70538

(K) "Property and casualty insurer" means any insurance 70539
company that has a certificate of authority pursuant to section 70540
3929.01 of the Revised Code. "Property and casualty insurer" does 70541
not include monoline mortgage guarantee insurers, financial 70542
guarantee insurers, or title insurers. 70543

(L) "RBC" means risk-based capital. 70544

(M) "RBC instructions" means the RBC report, including 70545
risk-based capital instructions, as adopted by the NAIC and as 70546

amended by the NAIC from time to time in accordance with the 70547
procedures adopted by the NAIC. "RBC instructions" shall also 70548
include any modifications adopted by the superintendent, as the 70549
superintendent considers to be necessary. 70550

(N) "RBC level" means an insurer's company action level RBC, 70551
regulatory action level RBC, authorized control level RBC, or 70552
mandatory control level RBC. 70553

(O) "RBC plan" means a comprehensive financial plan 70554
containing the elements specified in division (B) of section 70555
3903.83 of the Revised Code. 70556

(P) "Revised RBC plan" means an RBC plan rejected by the 70557
superintendent of insurance and then revised by an insurer with or 70558
without incorporating the superintendent of insurance's 70559
recommendation. 70560

(Q) "RBC report" means the report required by section 3903.82 70561
of the Revised Code. 70562

(R) "Regulatory action level RBC" means the product of 1.5 70563
and an insurer's authorized control level RBC. 70564

(S) "Total adjusted capital" means the sum of both of the 70565
following: 70566

(1) An insurer's statutory capital and surplus as determined 70567
in accordance with the statutory accounting applicable to the 70568
annual statements prepared on a form adopted under section 3901.77 70569
of the Revised Code, as required to be filed by sections 3907.19, 70570
3909.06, and 3929.30 of the Revised Code; 70571

(2) Such other items, if any, as the RBC instructions may 70572
provide. 70573

Sec. 3905.33. (A) No person licensed under section 3905.30 of 70574
the Revised Code shall solicit, procure an application for, bind, 70575
issue, renew, or deliver a policy with any insurer that is not 70576

eligible to write insurance on an unauthorized basis in this 70577
state. 70578

Pursuant to the "Nonadmitted and Reinsurance Reform Act of 70579
2010," 15 U.S.C. 8201 et seq., 124 Stat. 1589, or any successor or 70580
replacement law, where this state is the home state of the 70581
insured, an insurer shall be considered eligible to write 70582
insurance on an unauthorized basis in this state if either of the 70583
following are true: 70584

(1) The insurer meets the requirements and criteria in 70585
sections 5A(2) and 5C(2)(a) of the ~~non-admitted~~ nonadmitted 70586
insurance model act adopted by the national association of 70587
insurance commissioners, or alternative nationwide uniform 70588
eligibility requirements adopted by this state through 70589
participation in a compact or other nationwide system pursuant to 70590
15 U.S.C. 8201 et seq., 124 Stat. 1589. 70591

(2) For unauthorized insurance placed with, or procured from 70592
an unauthorized insurer domiciled outside the United States, the 70593
insurer is listed on the quarterly listing of alien insurers 70594
maintained by the international insurers department of the 70595
national association of insurance commissioners. 70596

(B)(1) No surplus lines broker shall solicit, procure, place, 70597
or renew any insurance with an unauthorized insurer unless an 70598
agent or the surplus lines broker has complied with the due 70599
diligence requirements of this section and is unable to procure 70600
the requested insurance from an authorized insurer. 70601

Due diligence requires an agent to contact at least five of 70602
the authorized insurers the agent represents, or as many insurers 70603
as the agent represents, that customarily write the kind of 70604
insurance required by the insured. Due diligence is presumed if 70605
declinations are received from each authorized insurer contacted. 70606
If any authorized insurer fails to respond within ten days after 70607

the initial contact, the agent may assume the insurer has declined 70608
to accept the risk. 70609

(2) Due diligence shall only be performed by an agent 70610
licensed in this state that holds an active property and casualty 70611
insurance agent license. 70612

(3) An insurance agent or surplus lines broker is exempt from 70613
the due diligence requirements of this section if the agent or 70614
surplus lines broker is procuring insurance from a risk purchasing 70615
group or risk retention group as provided in Chapter 3960. of the 70616
Revised Code. 70617

(4) An insurance agent or surplus lines broker is exempt from 70618
the due diligence requirements of this section if the agent or 70619
surplus lines broker is seeking to procure or place unauthorized 70620
insurance for a person that qualifies as an exempt commercial 70621
purchaser under section 3905.331 of the Revised Code and both of 70622
the following are true: 70623

(a) The surplus lines broker procuring or placing the surplus 70624
lines insurance has disclosed to the exempt commercial purchaser 70625
that the insurance may or may not be available from the authorized 70626
market that may provide greater protection with more regulatory 70627
oversight. 70628

(b) After receipt of the disclosure required under division 70629
(B)(4)(a) of this section, the exempt commercial purchaser has 70630
requested in writing that the insurance agent or broker procure or 70631
place the insurance from an unauthorized insurer. 70632

(C) Except when exempt from due diligence requirements under 70633
division (B) of this section, an insurance agent who procures or 70634
places insurance through a surplus lines broker shall obtain ~~an~~ 70635
~~affidavit~~ a signed statement from the insured acknowledging that 70636
the insurance policy is to be placed with a company or insurer not 70637
authorized to do business in this state and acknowledging that, in 70638

the event of the insolvency of the insurer, the insured is not 70639
entitled to any benefits or proceeds from the Ohio insurance 70640
guaranty association. The ~~affidavit~~ statement must be on a form 70641
prescribed by the superintendent and need not be notarized. The 70642
agent shall submit the ~~originally executed affidavit~~ original
signed statement to the surplus lines broker within thirty days 70643
after the effective date of the policy. If no other agent is 70644
involved, the surplus lines broker shall obtain the ~~affidavit~~
statement from the insured. 70645
70646
70647

The surplus lines broker shall maintain the ~~originally~~ 70648
~~executed affidavit~~ original signed statement or a copy of the 70649
~~affidavit~~ statement, and the originating agent shall keep a copy 70650
of the ~~affidavit~~ statement, for at least five years after the 70651
effective date of the policy to which the ~~affidavit~~ statement 70652
pertains. A copy of the ~~affidavit~~ signed statement shall be given 70653
to the insured at the time the insurance is bound or a policy is 70654
delivered. 70655

(D) For the purpose of carrying out the "Nonadmitted and 70656
Reinsurance Reform Act of 2010," 124 Stat. 1589, 15 U.S.C. 8201 et 70657
seq., or any successor or replacement law, the superintendent 70658
shall conduct a fiscal analysis of the impact of entering into a 70659
~~multi-state~~ multistate agreement or compact for determining 70660
eligibility for placement of unauthorized insurance and for 70661
payment, reporting, collection, and allocation of the tax on 70662
unauthorized insurance. If the fiscal analysis indicates that 70663
entering into a ~~multi-state~~ multistate agreement or compact is 70664
advantageous to this state, the superintendent may enter into the 70665
surplus lines insurance ~~multi-state~~ multistate compliance compact 70666
adopted by the national conference of insurance legislators and 70667
known as "SLIMPACT," as amended on December 21, 2010, and 70668
including any subsequent amendment; or, if it is in this state's 70669
financial best interest, the superintendent shall request that the 70670

general assembly authorize the superintendent to enter into a 70671
different ~~multi-state~~ multistate agreement or compact. 70672

(E) The superintendent may adopt rules in accordance with 70673
Chapter 119. of the Revised Code to carry out the purposes of 70674
sections 3905.30 to 3905.38 of the Revised Code. 70675

Sec. 3905.481. Each individual who is issued a resident 70676
insurance agent license shall complete at least twenty-four hours 70677
of continuing education ~~in~~ for each license renewal period. The 70678
continuing education shall be offered in a course or program of 70679
study approved by the superintendent of insurance in consultation 70680
with the insurance agent education advisory council and shall 70681
include at least three hours of approved ethics training. 70682

This section does not apply to any person or class of 70683
persons, as determined by the superintendent in consultation with 70684
the council. 70685

Sec. 3929.86. (A) No insurance company doing business in this 70686
state shall pay a claim of a named insured for fire damage to a 70687
structure located within a municipal corporation or township in 70688
this state where the amount recoverable for the fire loss to the 70689
structure under all policies exceeds five thousand dollars, unless 70690
the company is furnished with a certificate pursuant to division 70691
(B) of this section, and unless there is compliance with the 70692
procedures set forth in divisions (C) and (D) of this section. 70693

(B)(1) The county treasurer, upon the written request of the 70694
named insured specifying the tax description of the property and 70695
the date agreed upon by the insurance company and the named 70696
insured as the date of the receipt of a proof of loss of the 70697
claim, shall furnish the named insured, to be supplied by the 70698
named insured to the company, either: 70699

(a) A certificate to the effect that, as of the date 70700

specified in the request, there are no delinquent taxes, 70701
assessments, penalties, or charges against the property and that, 70702
as of the date of the treasurer's certificate, no municipal 70703
corporation or township has certified to the auditor any amount as 70704
total costs incurred by the municipal corporation or township for 70705
removal, repair, or securing of buildings or structures on the 70706
property pursuant to section 715.261 or 505.86 of the Revised 70707
Code; 70708

(b) A certificate and bill showing the amount of delinquent 70709
taxes, assessments, penalties, and charges against the property as 70710
of the date specified in the request that have not been paid as of 70711
the date of the certificate and also showing, as of the date of 70712
the treasurer's certificate, the amount of the total costs, if 70713
any, incurred by a municipal corporation or township for removal, 70714
repair, or securing of buildings or structures on the property 70715
that have been certified to the county auditor under section 70716
715.261 or 505.86 of the Revised Code. The county auditor shall, 70717
for the purposes of division (B) of this section, certify to the 70718
treasurer the total amount, if any, of such costs certified to the 70719
auditor by the municipal corporation or township. 70720

(2)(a) Upon the receipt of a certificate pursuant to division 70721
(B)(1)(a) of this section, the insurance company shall pay the 70722
claim of the named insured in accordance with the policy terms, 70723
unless the loss agreed to between the named insured or insureds 70724
and the company or companies equals or exceeds sixty per cent of 70725
the aggregate limits of liability on all fire policies covering 70726
the building or structure. In the case of such a loss, the 70727
insurance company, the insured property owner, and the municipal 70728
corporation or township shall follow the procedures set forth in 70729
divisions (C) and (D) of this section. 70730

(b) Upon the receipt of a certificate and bill pursuant to 70731
division (B)(1)(b) of this section, the insurance company shall 70732

return the bill to the treasurer and transfer to the county 70733
treasurer an amount from the insurance proceeds necessary to pay 70734
such taxes, assessments, penalties, charges, and costs as shown on 70735
the bill. Notwithstanding section 323.15 of the Revised Code, the 70736
treasurer shall receive such amount and apply or credit it to 70737
payment of the items shown in the bill. 70738

(C) When the loss agreed to between the named insured or 70739
insureds and the company or companies equals or exceeds sixty per 70740
cent of the aggregate limits of liability on all fire policies 70741
covering the building or structure, the insurance company or 70742
companies, in accordance with division (F) of section 715.26 or 70743
division ~~(D)~~(G) of section 505.86 of the Revised Code, shall 70744
transfer from the insurance proceeds to the designated officer of 70745
the municipal corporation or township in the aggregate two 70746
thousand dollars for each fifteen thousand dollars, and each 70747
fraction of that amount, of a claim, or, if, at the time of a 70748
proof of loss agreed to between the named insured or insureds and 70749
the insurance company or companies, the named insured or insureds 70750
have submitted a contractor's signed estimate of the costs of 70751
removing, repairing, or securing the building or other structure, 70752
shall transfer from the insurance proceeds the amount specified in 70753
the estimate. 70754

The transfer of proceeds shall be on a pro rata basis by all 70755
companies insuring the building or other structure. Policy 70756
proceeds remaining after the transfer to the municipal corporation 70757
or township shall be disbursed in accordance with the policy 70758
terms. 70759

The named insured or insureds may submit a contractor's 70760
signed estimate of the costs of removing, repairing, or securing 70761
the building or other structure after the transfer, and the 70762
designated officer shall return the amount of the fund in excess 70763
of the estimate to the named insured or insureds, provided that 70764

the municipal corporation or township has not commenced to remove, 70765
repair, or secure the building or other structure. 70766

This division only applies to municipal corporations or 70767
townships that have adopted a resolution, ordinance, or regulation 70768
authorizing the procedure described in divisions (C) and (D) of 70769
this section and have filed a certified copy of the resolution, 70770
ordinance, or regulation for public record with the superintendent 70771
of insurance, and applies only to fire losses that occur after the 70772
filing of the certified copy. The resolution, ordinance, or 70773
regulation shall designate the officer authorized to carry out the 70774
duties of this section. 70775

(D) Upon receipt of proceeds by the municipal corporation or 70776
township as authorized by this section, the designated officer 70777
shall place the proceeds in a separate fund to be used solely as 70778
security against the total cost of removing, repairing, or 70779
securing incurred by the municipal corporation or township 70780
pursuant to section 715.261 or 505.86 of the Revised Code. 70781

When transferring the funds as required in division (C) of 70782
this section, an insurance company shall provide the municipal 70783
corporation or township with the name and address of the named 70784
insured or insureds, whereupon the municipal corporation or 70785
township shall contact the named insured or insureds, certify that 70786
the proceeds have been received by the municipal corporation or 70787
township, and notify them that the following procedures will be 70788
followed: 70789

The fund shall be returned to the named insured or insureds 70790
when repairs, removal, or securing of the building or other 70791
structure have been completed and the required proof has been 70792
received by the designated officer, if the municipal corporation 70793
or township has not incurred any costs for the repairs, removal, 70794
or securing. However, the fund shall be returned to the named 70795
insured or insureds no later than sixty days after the designated 70796

officer receives the required proof. If the municipal corporation 70797
or township has incurred any costs for repairs, removal, or 70798
securing of the building or other structure, the costs shall be 70799
paid from the fund, and if excess funds remain, the municipal 70800
corporation or township shall transfer, no later than sixty days 70801
after all such costs have been paid, the remaining funds to the 70802
named insured or insureds. Nothing in this section shall be 70803
construed to limit the ability of a municipal corporation or 70804
township to recover any deficiency under section 715.261 or 505.86 70805
of the Revised Code. 70806

Nothing in this division shall be construed to prohibit the 70807
municipal corporation or township and the named insured or 70808
insureds from entering into an agreement that permits the transfer 70809
of funds to the named insured or insureds if some other reasonable 70810
disposition of the damaged property has been negotiated. 70811

(E) Proof of payment by the company or companies of proceeds 70812
under a policy in accordance with division (C) of this section is 70813
conclusive evidence of the discharge of its obligation to the 70814
insured under the policy to the extent of the payment and of 70815
compliance by the company or companies with division (C) of this 70816
section. 70817

(F) Nothing in this section shall be construed to make an 70818
insurance company liable for any amount in excess of proceeds 70819
payable under its insurance policy or for any other act performed 70820
pursuant to this section, or to make a municipal corporation, 70821
township, or public official an insured under a policy of 70822
insurance, or to create an obligation to pay delinquent property 70823
taxes or unpaid removal liens or expenses other than as provided 70824
in this section. 70825

(G) An insurance company making payment of policy proceeds 70826
under this section for delinquent taxes or structure removal liens 70827
or removal expenses incurred by a municipal corporation or 70828

township shall have the full benefit of such payment including all 70829
rights of subrogation and of assignment. 70830

(H) As used in this section and section 3929.87 of the 70831
Revised Code, "insurance company" or "insurer" includes the Ohio 70832
fair plan underwriting association as established in section 70833
3929.43 of the Revised Code. 70834

(I) This section shall be liberally construed to accomplish 70835
its purpose to deter the commission of arson and related crimes, 70836
to discourage the abandonment of property, and to prevent urban 70837
blight and deterioration. 70838

Sec. 3959.01. (A) "Administration fees" means any amount 70839
charged a covered person for services rendered. "Administration 70840
fees" includes commissions earned or paid by any person relative 70841
to services performed by an administrator. 70842

(B) "Administrator" means any person who adjusts or settles 70843
claims on, residents of this state in connection with life, 70844
dental, health, prescription drugs, or disability insurance or 70845
self-insurance programs. "Administrator" includes a pharmacy 70846
benefit manager. "Administrator" does not include any of the 70847
following: 70848

(1) An insurance agent or solicitor licensed in this state 70849
whose activities are limited exclusively to the sale of insurance 70850
and who does not provide any administrative services; 70851

(2) Any person who administers or operates the workers' 70852
compensation program of a self-insuring employer under Chapter 70853
4123. of the Revised Code; 70854

(3) Any person who administers pension plans for the benefit 70855
of the person's own members or employees or administers pension 70856
plans for the benefit of the members or employees of any other 70857
person; 70858

(4) Any person that administers an insured plan or a self-insured plan that provides life, dental, health, or disability benefits exclusively for the person's own members or employees;

(5) Any health insuring corporation holding a certificate of authority under Chapter 1751. of the Revised Code or an insurance company that is authorized to write life or sickness and accident insurance in this state.

(C) "Aggregate excess insurance" means that type of coverage whereby the insurer agrees to reimburse the insured employer or trust for all benefits or claims paid during an agreement period on behalf of all covered persons under the plan or trust which exceed a stated deductible amount and subject to a stated maximum.

(D) "Contracted pharmacy" or "pharmacy" means a pharmacy located in this state participating in either the network of a pharmacy benefit manager or in a health care or pharmacy benefit plan through a direct contract or through a contract with a pharmacy services administration organization, group purchasing organization, or another contracting agent.

(E) "Contributions" means any amount collected from a covered person to fund the self-insured portion of any plan in accordance with the plan's provisions, summary plan descriptions, and contracts of insurance.

~~(E)~~(F) "Drug product reimbursement" means the amount paid by a pharmacy benefit manager to a contracted pharmacy for the cost of the drug dispensed to a patient and does not include a dispensing or professional fee.

(G) "Fiduciary" has the meaning set forth in section 1002(21)(A) of the "Employee Retirement Income Security Act of 1974," 88 Stat. 829, 29 U.S.C. 1001, as amended.

~~(F)~~(H) "Fiscal year" means the twelve-month accounting period

commencing on the date the plan is established and ending twelve 70890
months following that date, and each corresponding twelve-month 70891
accounting period thereafter as provided for in the summary plan 70892
description. 70893

~~(G)~~(I) "Insurer" means an entity authorized to do the 70894
business of insurance in this state or, for the purposes of this 70895
section, a health insuring corporation authorized to issue health 70896
care plans in this state. 70897

(J) "Managed care organization" means an entity that provides 70898
medical management and cost containment services and includes a 70899
medicaid managed care organization, as defined in section 5167.01 70900
of the Revised Code. 70901

(K) "Maximum allowable cost" means a maximum drug product 70902
reimbursement for an individual drug or for a group of 70903
therapeutically and pharmaceutically equivalent multiple source 70904
drugs that are listed in the United States food and drug 70905
administration's approved drug products with therapeutic 70906
equivalence evaluations, commonly referred to as the orange book. 70907

(L) "Maximum allowable cost list" means a list of the drugs 70908
for which a pharmacy benefit manager imposes a maximum allowable 70909
cost. 70910

(M) "Multiple employer welfare arrangement" has the same 70911
meaning as in section 1739.01 of the Revised Code. 70912

(N) "Pharmacy benefit manager" means an entity that contracts 70913
with pharmacies on behalf of an employer, a multiple employer 70914
welfare arrangement, public employee benefit plan, state agency, 70915
insurer, managed care organization, or other third-party payer to 70916
provide pharmacy health benefit services or administration. 70917

(O) "Plan" means any arrangement in written form for the 70918
payment of life, dental, health, or disability benefits to covered 70919
persons defined by the summary plan description. 70920

~~(H)~~(P) "Plan sponsor" means the person who establishes the 70921
plan. "Plan sponsor" includes, with regard to a prescription drug 70922
plan, an employer, a multiple employer welfare arrangement, public 70923
employee benefit plan, state agency, insurer, managed care 70924
organization, or other third-party payer that facilitates a health 70925
benefit plan that provides a drug benefit that is administered by 70926
a pharmacy benefit manager. 70927

~~(I)~~(Q) "Self-insurance program" means a program whereby an 70928
employer provides a plan of benefits for its employees without 70929
involving an intermediate insurance carrier to assume risk or pay 70930
claims. "Self-insurance program" includes but is not limited to 70931
employer programs that pay claims up to a prearranged limit beyond 70932
which they purchase insurance coverage to protect against 70933
unpredictable or catastrophic losses. 70934

~~(J)~~(R) "Specific excess insurance" means that type of 70935
coverage whereby the insurer agrees to reimburse the insured 70936
employer or trust for all benefits or claims paid during an 70937
agreement period on behalf of a covered person in excess of a 70938
stated deductible amount and subject to a stated maximum. 70939

~~(K)~~(S) "Summary plan description" means the written document 70940
adopted by the plan sponsor which outlines the plan of benefits, 70941
conditions, limitations, exclusions, and other pertinent details 70942
relative to the benefits provided to covered persons thereunder. 70943

(T) "Third-party payer" has the same meaning as in section 70944
3901.38 of the Revised Code. 70945

Sec. 3959.111. (A)(1) In each contract between a pharmacy 70946
benefit manager and a pharmacy, the pharmacy shall be given the 70947
right to obtain from the pharmacy benefit manager, within ten days 70948
after any request, a current list of the sources used to determine 70949
maximum allowable cost pricing. In each contract between a 70950
pharmacy benefit manager and a pharmacy, the pharmacy benefit 70951

manager shall be obligated to update and implement the pricing information at least every seven days and provide a means by which contracted pharmacies may promptly review pricing updates in a format that is readily available and accessible. 70952
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(2) A pharmacy benefit manager shall maintain a written procedure to eliminate products from the list of drugs subject to maximum allowable cost pricing in a timely manner in order to remain consistent with pricing changes in the marketplace. 70956
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(B) In each contract between a pharmacy benefit manager and a pharmacy, a pharmacy benefit manager shall be obligated to ensure that all of the following conditions are met prior to placing a prescription drug on a maximum allowable cost list: 70960
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(1) The drug is listed as "A" or "B" rated in the most recent version of the United States food and drug administration's approved drug products with therapeutic equivalence evaluations, or has an "NR" or "NA" rating or similar rating by nationally recognized reference. 70964
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(2) The drug is generally available for purchase by pharmacies in this state from a national or regional wholesaler and is not obsolete. 70969
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(C) Each contract between a pharmacy benefit manager and a pharmacy shall include a process to appeal, investigate, and resolve disputes regarding maximum allowable cost pricing that includes all of the following: 70972
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(1) A twenty-one-day limit on the right to appeal following the initial claim; 70976
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(2) A requirement that the appeal be investigated and resolved within twenty-one days after the appeal; 70978
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(3) A telephone number at which the pharmacy may contact the pharmacy benefit manager to speak to a person responsible for 70980
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processing appeals; 70982

(4) A requirement that a pharmacy benefit manager provide a 70983
reason for any appeal denial and the identification of the 70984
national drug code of a drug that may be purchased in this state 70985
by the pharmacy in this state from a national or regional 70986
wholesaler at a price at or below the benchmark price determined 70987
by the pharmacy benefit manager; 70988

(5) A requirement that a pharmacy benefit manager make an 70989
adjustment to a date related to a claim not later than one day 70990
after the date related to a claim and not later than one day after 70991
the date of determination of the appeal. The adjustment shall be 70992
retroactive to the date the appeal was made and shall apply to all 70993
situated pharmacies as determined by the pharmacy benefit manager. 70994
This requirement does not prohibit a pharmacy benefit manager from 70995
retroactively adjusting a claim for the appealing pharmacy or for 70996
any other similarly situated pharmacies. 70997

(D) Notwithstanding division (B)(5) of section 3959.01 of the 70998
Revised Code, a health insuring corporation or a sickness and 70999
accident insurer shall comply with the requirements of this 71000
section if the corporation or insurer is a pharmacy benefit 71001
manager, as defined in section 3959.01 of the Revised Code. 71002

Sec. 4113.81. The state shall not engage in collective 71003
bargaining with individuals who are excluded from coverage under 71004
Chapter 4117. of the Revised Code and the "National Labor 71005
Relations Act of 1935," 49 Stat. 449, 29 U.S.C. 151, as amended. 71006
This section does not apply with respect to individuals who are 71007
exempt from Chapter 4117. of the Revised Code pursuant to division 71008
(C) of section 4117.01 of the Revised Code but with whom the state 71009
may collectively bargain pursuant to division (C) of section 71010
4117.03 of the Revised Code. 71011

Sec. 4115.03. As used in sections 4115.03 to 4115.16 of the Revised Code:

(A) "Public authority" means any officer, board, or commission of the state, or any political subdivision of the state, authorized to enter into a contract for the construction of a public improvement or to construct the same by the direct employment of labor, or any institution supported in whole or in part by public funds and said sections apply to expenditures of such institutions made in whole or in part from public funds.

(B) "Construction" means any of the following:

(1) Except as provided in division (B)(3) of this section, any new construction of a public improvement, the total overall project cost of which is fairly estimated to be more than the following amounts and performed by other than full-time employees who have completed their probationary periods in the classified service of a public authority:

(a) One hundred twenty-five thousand dollars, beginning on ~~the effective date of this amendment~~ September 29, 2011, and continuing for one year thereafter;

(b) Two hundred thousand dollars, beginning when the time period described in division (B)(1)(a) of this section expires and continuing for one year thereafter;

(c) Two hundred fifty thousand dollars, beginning when the time period described in division (B)(1)(b) of this section expires.

(2) Except as provided in division (B)(4) of this section, any reconstruction, enlargement, alteration, repair, remodeling, renovation, or painting of a public improvement, the total overall project cost of which is fairly estimated to be more than the following amounts and performed by other than full-time employees

who have completed their probationary period in the classified 71042
civil service of a public authority: 71043

(a) Thirty-eight thousand dollars, beginning on ~~the effective~~ 71044
~~date of this amendment~~ September 29, 2011, and continuing for one 71045
year thereafter; 71046

(b) Sixty thousand dollars, beginning when the time period 71047
described in division (B)(2)(a) of this section expires and 71048
continuing for one year thereafter; 71049

(c) Seventy-five thousand dollars, beginning when the time 71050
period described in division (B)(2)(b) of this section expires. 71051

(3) Any new construction of a public improvement that 71052
involves roads, streets, alleys, sewers, ditches, and other works 71053
connected to road or bridge construction, the total overall 71054
project cost of which is fairly estimated to be more than 71055
seventy-eight thousand two hundred fifty-eight dollars adjusted 71056
biennially by the director of commerce pursuant to section 71057
4115.034 of the Revised Code and performed by other than full-time 71058
employees who have completed their probationary periods in the 71059
classified service of a public authority; 71060

(4) Any reconstruction, enlargement, alteration, repair, 71061
remodeling, renovation, or painting of a public improvement that 71062
involves roads, streets, alleys, sewers, ditches, and other works 71063
connected to road or bridge construction, the total overall 71064
project cost of which is fairly estimated to be more than 71065
twenty-three thousand four hundred forty-seven dollars adjusted 71066
biennially by the director of commerce pursuant to section 71067
4115.034 of the Revised ~~code~~ Code and performed by other than 71068
full-time employees who have completed their probationary periods 71069
in the classified service of a public authority. 71070

(C) "Public improvement" includes all buildings, roads, 71071
streets, alleys, sewers, ditches, sewage disposal plants, water 71072

works, and all other structures or works constructed by a public authority of the state or any political subdivision thereof or by any person who, pursuant to a contract with a public authority, constructs any structure for a public authority of the state or a political subdivision thereof. When a public authority rents or leases a newly constructed structure within six months after completion of such construction, all work performed on such structure to suit it for occupancy by a public authority is a "public improvement." "Public improvement" does not include an improvement authorized by section ~~1515.08~~ 940.06 of the Revised Code that is constructed pursuant to a contract with a soil and water conservation district, as defined in section ~~1515.01~~ 940.01 of the Revised Code, or performed as a result of a petition filed pursuant to Chapter 6131., 6133., or 6135. of the Revised Code, wherein no less than seventy-five per cent of the project is located on private land and no less than seventy-five per cent of the cost of the improvement is paid for by private property owners pursuant to Chapter ~~1515.~~ 940., 6131., 6133., or 6135. of the Revised Code.

(D) "Locality" means the county wherein the physical work upon any public improvement is being performed.

(E) "Prevailing wages" means the sum of the following:

(1) The basic hourly rate of pay;

(2) The rate of contribution irrevocably made by a contractor or subcontractor to a trustee or to a third person pursuant to a fund, plan, or program;

(3) The rate of costs to the contractor or subcontractor which may be reasonably anticipated in providing the following fringe benefits to laborers and mechanics pursuant to an enforceable commitment to carry out a financially responsible plan or program which was communicated in writing to the laborers and

mechanics affected:	71104
(a) Medical or hospital care or insurance to provide such;	71105
(b) Pensions on retirement or death or insurance to provide such;	71106 71107
(c) Compensation for injuries or illnesses resulting from occupational activities if it is in addition to that coverage required by Chapters 4121. and 4123. of the Revised Code;	71108 71109 71110
(d) Supplemental unemployment benefits that are in addition to those required by Chapter 4141. of the Revised Code;	71111 71112
(e) Life insurance;	71113
(f) Disability and sickness insurance;	71114
(g) Accident insurance;	71115
(h) Vacation and holiday pay;	71116
(i) Defraying of costs for apprenticeship or other similar training programs which are beneficial only to the laborers and mechanics affected;	71117 71118 71119
(j) Other bona fide fringe benefits.	71120
None of the benefits enumerated in division (E)(3) of this section may be considered in the determination of prevailing wages if federal, state, or local law requires contractors or subcontractors to provide any of such benefits.	71121 71122 71123 71124
(F) "Interested party," with respect to a particular contract for construction of a public improvement, means:	71125 71126
(1) Any person who submits a bid for the purpose of securing the award of the contract;	71127 71128
(2) Any person acting as a subcontractor of a person described in division (F)(1) of this section;	71129 71130
(3) Any bona fide organization of labor which has as members	71131

or is authorized to represent employees of a person described in 71132
division (F)(1) or (2) of this section and which exists, in whole 71133
or in part, for the purpose of negotiating with employers 71134
concerning the wages, hours, or terms and conditions of employment 71135
of employees; 71136

(4) Any association having as members any of the persons 71137
described in division (F)(1) or (2) of this section. 71138

(G) Except as used in division (A) of this section, "officer" 71139
means an individual who has an ownership interest or holds an 71140
office of trust, command, or authority in a corporation, business 71141
trust, partnership, or association. 71142

Sec. 4117.01. As used in this chapter: 71143

(A) "Person," in addition to those included in division (C) 71144
of section 1.59 of the Revised Code, includes employee 71145
organizations, public employees, and public employers. 71146

(B) "Public employer" means the state or any political 71147
subdivision of the state located entirely within the state, 71148
including, without limitation, any municipal corporation with a 71149
population of at least five thousand according to the most recent 71150
federal decennial census; county; township with a population of at 71151
least five thousand in the unincorporated area of the township 71152
according to the most recent federal decennial census; school 71153
district; governing authority of a community school established 71154
under Chapter 3314. of the Revised Code; college preparatory 71155
boarding school established under Chapter 3328. of the Revised 71156
Code or its operator; state institution of higher learning; public 71157
or special district; state agency, authority, commission, or 71158
board; or other branch of public employment. "Public employer" 71159
does not include the nonprofit corporation formed under section 71160
187.01 of the Revised Code. 71161

(C) "Public employee" means any person holding a position by appointment or employment in the service of a public employer, including any person working pursuant to a contract between a public employer and a private employer and over whom the national labor relations board has declined jurisdiction on the basis that the involved employees are employees of a public employer, except:

- (1) Persons holding elective office;
- (2) Employees of the general assembly and employees of any other legislative body of the public employer whose principal duties are directly related to the legislative functions of the body;
- (3) Employees on the staff of the governor or the chief executive of the public employer whose principal duties are directly related to the performance of the executive functions of the governor or the chief executive;
- (4) Persons who are members of the Ohio organized militia, while training or performing duty under section 5919.29 or 5923.12 of the Revised Code;
- (5) Employees of the state employment relations board, including those employees of the state employment relations board utilized by the state personnel board of review in the exercise of the powers and the performance of the duties and functions of the state personnel board of review;
- (6) Confidential employees;
- (7) Management level employees;
- (8) Employees and officers of the courts, assistants to the attorney general, assistant prosecuting attorneys, and employees of the clerks of courts who perform a judicial function;
- (9) Employees of a public official who act in a fiduciary capacity, appointed pursuant to section 124.11 of the Revised

Code;	71192
(10) Supervisors;	71193
(11) Students whose primary purpose is educational training, including graduate assistants or associates, residents, interns, or other students working as part-time public employees less than fifty per cent of the normal year in the employee's bargaining unit;	71194 71195 71196 71197 71198
(12) Employees of county boards of election;	71199
(13) Seasonal and casual employees as determined by the state employment relations board;	71200 71201
(14) Part-time faculty members of an institution of higher education;	71202 71203
(15) Participants in a work activity, developmental activity, or alternative work activity under sections 5107.40 to 5107.69 of the Revised Code who perform a service for a public employer that the public employer needs but is not performed by an employee of the public employer if the participant is not engaged in paid employment or subsidized employment pursuant to the activity;	71204 71205 71206 71207 71208 71209
(16) Employees included in the career professional service of the department of transportation under section 5501.20 of the Revised Code;	71210 71211 71212
(17) Employees of community-based correctional facilities and district community-based correctional facilities created under sections 2301.51 to 2301.58 of the Revised Code who are not subject to a collective bargaining agreement on June 1, 2005.	71213 71214 71215 71216
(D) "Employee organization" means any labor or bona fide organization in which public employees participate and that exists for the purpose, in whole or in part, of dealing with public employers concerning grievances, labor disputes, wages, hours, terms, and other conditions of employment.	71217 71218 71219 71220 71221

(E) "Exclusive representative" means the employee organization certified or recognized as an exclusive representative under section 4117.05 of the Revised Code.

(F) "Supervisor" means any individual who has authority, in the interest of the public employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other public employees; to responsibly direct them; to adjust their grievances; or to effectively recommend such action, if the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment, provided that:

(1) Employees of school districts who are department chairpersons or consulting teachers shall not be deemed supervisors.

(2) With respect to members of a police or fire department, no person shall be deemed a supervisor except the chief of the department or those individuals who, in the absence of the chief, are authorized to exercise the authority and perform the duties of the chief of the department. Where prior to June 1, 1982, a public employer pursuant to a judicial decision, rendered in litigation to which the public employer was a party, has declined to engage in collective bargaining with members of a police or fire department on the basis that those members are supervisors, those members of a police or fire department do not have the rights specified in this chapter for the purposes of future collective bargaining. The state employment relations board shall decide all disputes concerning the application of division (F)(2) of this section.

(3) With respect to faculty members of a state institution of higher education, heads of departments or divisions are supervisors; however, no other faculty member or group of faculty members is a supervisor solely because the faculty member or group

of faculty members participate in decisions with respect to 71254
courses, curriculum, personnel, or other matters of academic 71255
policy. 71256

(4) No teacher as defined in section 3319.09 of the Revised 71257
Code shall be designated as a supervisor or a management level 71258
employee unless the teacher is employed under a contract governed 71259
by section 3319.01, 3319.011, or 3319.02 of the Revised Code and 71260
is assigned to a position for which a license deemed to be for 71261
administrators under state board rules is required pursuant to 71262
section 3319.22 of the Revised Code. 71263

(G) "To bargain collectively" means to perform the mutual 71264
obligation of the public employer, by its representatives, and the 71265
representatives of its employees to negotiate in good faith at 71266
reasonable times and places with respect to wages, hours, terms, 71267
and other conditions of employment and the continuation, 71268
modification, or deletion of an existing provision of a collective 71269
bargaining agreement, with the intention of reaching an agreement, 71270
or to resolve questions arising under the agreement. "To bargain 71271
collectively" includes executing a written contract incorporating 71272
the terms of any agreement reached. The obligation to bargain 71273
collectively does not mean that either party is compelled to agree 71274
to a proposal nor does it require the making of a concession. 71275

(H) "Strike" means continuous concerted action in failing to 71276
report to duty; willful absence from one's position; or stoppage 71277
of work in whole from the full, faithful, and proper performance 71278
of the duties of employment, for the purpose of inducing, 71279
influencing, or coercing a change in wages, hours, terms, and 71280
other conditions of employment. "Strike" does not include a 71281
stoppage of work by employees in good faith because of dangerous 71282
or unhealthful working conditions at the place of employment that 71283
are abnormal to the place of employment. 71284

(I) "Unauthorized strike" includes, but is not limited to, 71285

concerted action during the term or extended term of a collective 71286
bargaining agreement or during the pendency of the settlement 71287
procedures set forth in section 4117.14 of the Revised Code in 71288
failing to report to duty; willful absence from one's position; 71289
stoppage of work; slowdown, or abstinence in whole or in part from 71290
the full, faithful, and proper performance of the duties of 71291
employment for the purpose of inducing, influencing, or coercing a 71292
change in wages, hours, terms, and other conditions of employment. 71293
"Unauthorized strike" includes any such action, absence, stoppage, 71294
slowdown, or abstinence when done partially or intermittently, 71295
whether during or after the expiration of the term or extended 71296
term of a collective bargaining agreement or during or after the 71297
pendency of the settlement procedures set forth in section 4117.14 71298
of the Revised Code. 71299

(J) "Professional employee" means any employee engaged in 71300
work that is predominantly intellectual, involving the consistent 71301
exercise of discretion and judgment in its performance and 71302
requiring knowledge of an advanced type in a field of science or 71303
learning customarily acquired by a prolonged course in an 71304
institution of higher learning or a hospital, as distinguished 71305
from a general academic education or from an apprenticeship; or an 71306
employee who has completed the courses of specialized intellectual 71307
instruction and is performing related work under the supervision 71308
of a professional person to become qualified as a professional 71309
employee. 71310

(K) "Confidential employee" means any employee who works in 71311
the personnel offices of a public employer and deals with 71312
information to be used by the public employer in collective 71313
bargaining; or any employee who works in a close continuing 71314
relationship with public officers or representatives directly 71315
participating in collective bargaining on behalf of the employer. 71316

(L) "Management level employee" means an individual who 71317

formulates policy on behalf of the public employer, who 71318
responsibly directs the implementation of policy, or who may 71319
reasonably be required on behalf of the public employer to assist 71320
in the preparation for the conduct of collective negotiations, 71321
administer collectively negotiated agreements, or have a major 71322
role in personnel administration. Assistant superintendents, 71323
principals, and assistant principals whose employment is governed 71324
by section 3319.02 of the Revised Code are management level 71325
employees. With respect to members of a faculty of a state 71326
institution of higher education, no person is a management level 71327
employee because of the person's involvement in the formulation or 71328
implementation of academic or institution policy. 71329

(M) "Wages" means hourly rates of pay, salaries, or other 71330
forms of compensation for services rendered. 71331

(N) "Member of a police department" means a person who is in 71332
the employ of a police department of a municipal corporation as a 71333
full-time regular police officer as the result of an appointment 71334
from a duly established civil service eligibility list or under 71335
section 737.15 or 737.16 of the Revised Code, a full-time deputy 71336
sheriff appointed under section 311.04 of the Revised Code, a 71337
township constable appointed under section 509.01 of the Revised 71338
Code, or a member of a township or joint police district police 71339
department appointed under section 505.49 of the Revised Code. 71340

(O) "Members of the state highway patrol" means highway 71341
patrol troopers and radio operators appointed under section 71342
5503.01 of the Revised Code. 71343

(P) "Member of a fire department" means a person who is in 71344
the employ of a fire department of a municipal corporation or a 71345
township as a fire cadet, full-time regular firefighter, or 71346
promoted rank as the result of an appointment from a duly 71347
established civil service eligibility list or under section 71348
505.38, 709.012, or 737.22 of the Revised Code. 71349

(Q) "Day" means calendar day. 71350

Sec. 4117.10. (A) An agreement between a public employer and 71351
an exclusive representative entered into pursuant to this chapter 71352
governs the wages, hours, and terms and conditions of public 71353
employment covered by the agreement. If the agreement provides for 71354
a final and binding arbitration of grievances, public employers, 71355
employees, and employee organizations are subject solely to that 71356
grievance procedure and the state personnel board of review or 71357
civil service commissions have no jurisdiction to receive and 71358
determine any appeals relating to matters that were the subject of 71359
a final and binding grievance procedure. Where no agreement exists 71360
or where an agreement makes no specification about a matter, the 71361
public employer and public employees are subject to all applicable 71362
state or local laws or ordinances pertaining to the wages, hours, 71363
and terms and conditions of employment for public employees. ~~Laws~~ 71364
All of the following prevail over conflicting provisions of 71365
agreements between employee organizations and public employers: 71366

(1) Laws pertaining to ~~civil~~ any of the following subjects: 71367

(a) Civil rights, ~~affirmative~~; 71368

(b) Affirmative action, ~~unemployment~~; 71369

(c) Unemployment compensation, ~~workers~~; 71370

(d) Workers' compensation, ~~the~~; 71371

(e) The retirement of public employees, ~~and residency~~; 71372

(f) Residency requirements, ~~the~~; 71373

(g) The minimum educational requirements contained in the 71374
Revised Code pertaining to public education including the 71375
requirement of a certificate by the fiscal officer of a school 71376
district pursuant to section 5705.41 of the Revised Code, ~~the~~ 71377

(h) The provisions of division (A) of section 124.34 of the 71378

Revised Code governing the disciplining of officers and employees 71379
who have been convicted of a felony, ~~and the~~; 71380

(i) The minimum standards promulgated by the state board of 71381
education pursuant to division (D) of section 3301.07 of the 71382
Revised Code ~~prevail over conflicting provisions of agreements~~ 71383
~~between employee organizations and public employers.~~ 71384

(2) The law pertaining to the leave of absence and 71385
compensation provided under section 5923.05 of the Revised Code 71386
~~prevails over any conflicting provisions of such agreements,~~ if 71387
the terms of the agreement contain benefits which are less than 71388
those contained in that section or the agreement contains no such 71389
terms and the public authority is the state or any agency, 71390
authority, commission, or board of the state or if the public 71391
authority is another entity listed in division (B) of section 71392
4117.01 of the Revised Code that elects to provide leave of 71393
absence and compensation as provided in section 5923.05 of the 71394
Revised Code; ~~i~~ 71395

(3) The law pertaining to the leave established under section 71396
5906.02 of the Revised Code ~~prevails over any conflicting~~ 71397
~~provision of an agreement between an employee organization and~~ 71398
~~public employer,~~ if the terms of the agreement contain benefits 71399
that are less than those contained in section 5906.02 of the 71400
Revised Code; ~~i~~ 71401

(4) The law pertaining to excess benefits prohibited under 71402
section 3345.311 of the Revised Code with respect to an agreement 71403
between an employee organization and a public employer entered 71404
into on or after the effective date of this amendment. ~~Except~~ 71405

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 71406
the Revised Code and arrangements entered into thereunder, and 71407
section 4981.21 of the Revised Code as necessary to comply with 71408
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 71409

Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 71410
entered into thereunder, this chapter prevails over any and all 71411
other conflicting laws, resolutions, provisions, present or 71412
future, except as otherwise specified in this chapter or as 71413
otherwise specified by the general assembly. Nothing in this 71414
section prohibits or shall be construed to invalidate the 71415
provisions of an agreement establishing supplemental workers' 71416
compensation or unemployment compensation benefits or exceeding 71417
minimum requirements contained in the Revised Code pertaining to 71418
public education or the minimum standards promulgated by the state 71419
board of education pursuant to division (D) of section 3301.07 of 71420
the Revised Code. 71421

(B) The public employer shall submit a request for funds 71422
necessary to implement an agreement and for approval of any other 71423
matter requiring the approval of the appropriate legislative body 71424
to the legislative body within fourteen days of the date on which 71425
the parties finalize the agreement, unless otherwise specified, 71426
but if the appropriate legislative body is not in session at the 71427
time, then within fourteen days after it convenes. The legislative 71428
body must approve or reject the submission as a whole, and the 71429
submission is deemed approved if the legislative body fails to act 71430
within thirty days after the public employer submits the 71431
agreement. The parties may specify that those provisions of the 71432
agreement not requiring action by a legislative body are effective 71433
and operative in accordance with the terms of the agreement, 71434
provided there has been compliance with division (C) of this 71435
section. If the legislative body rejects the submission of the 71436
public employer, either party may reopen all or part of the entire 71437
agreement. 71438

As used in this section, "legislative body" includes the 71439
governing board of a municipal corporation, school district, 71440
college or university, village, township, or board of county 71441

commissioners or any other body that has authority to approve the 71442
budget of their public jurisdiction and, with regard to the state, 71443
"legislative body" means the controlling board. 71444

(C) The chief executive officer, or the chief executive 71445
officer's representative, of each municipal corporation, the 71446
designated representative of the board of education of each school 71447
district, college or university, or any other body that has 71448
authority to approve the budget of their public jurisdiction, the 71449
designated representative of the board of county commissioners and 71450
of each elected officeholder of the county whose employees are 71451
covered by the collective negotiations, and the designated 71452
representative of the village or the board of township trustees of 71453
each township is responsible for negotiations in the collective 71454
bargaining process; except that the legislative body may accept or 71455
reject a proposed collective bargaining agreement. When the 71456
matters about which there is agreement are reduced to writing and 71457
approved by the employee organization and the legislative body, 71458
the agreement is binding upon the legislative body, the employer, 71459
and the employee organization and employees covered by the 71460
agreement. 71461

(D) There is hereby established an office of collective 71462
bargaining in the department of administrative services for the 71463
purpose of negotiating with and entering into written agreements 71464
between state agencies, departments, boards, and commissions and 71465
the exclusive representative on matters of wages, hours, terms and 71466
other conditions of employment and the continuation, modification, 71467
or deletion of an existing provision of a collective bargaining 71468
agreement. Nothing in any provision of law to the contrary shall 71469
be interpreted as excluding the bureau of workers' compensation 71470
and the industrial commission from the preceding sentence. This 71471
office shall not negotiate on behalf of other statewide elected 71472
officials or boards of trustees of state institutions of higher 71473

education who shall be considered as separate public employers for 71474
the purposes of this chapter; however, the office may negotiate on 71475
behalf of these officials or trustees where authorized by the 71476
officials or trustees. The staff of the office of collective 71477
bargaining are in the unclassified service. The director of 71478
administrative services shall fix the compensation of the staff. 71479

The office of collective bargaining shall: 71480

(1) Assist the director in formulating management's 71481
philosophy for public collective bargaining as well as planning 71482
bargaining strategies; 71483

(2) Conduct negotiations with the exclusive representatives 71484
of each employee organization; 71485

(3) Coordinate the state's resources in all mediation, 71486
fact-finding, and arbitration cases as well as in all labor 71487
disputes; 71488

(4) Conduct systematic reviews of collective bargaining 71489
agreements for the purpose of contract negotiations; 71490

(5) Coordinate the systematic compilation of data by all 71491
agencies that is required for negotiating purposes; 71492

(6) Prepare and submit an annual report and other reports as 71493
requested to the governor and the general assembly on the 71494
implementation of this chapter and its impact upon state 71495
government. 71496

Sec. 4121.03. (A) The governor shall appoint from among the 71497
members of the industrial commission the chairperson of the 71498
industrial commission. The chairperson shall serve as chairperson 71499
at the pleasure of the governor. The chairperson is the head of 71500
the commission and its chief executive officer. 71501

(B) The chairperson shall appoint, after consultation with 71502
other commission members and obtaining the approval of at least 71503

one other commission member, an executive director of the 71504
commission. The executive director shall serve at the pleasure of 71505
the chairperson. The executive director, under the direction of 71506
the chairperson, shall perform all of the following duties: 71507

(1) Act as chief administrative officer for the commission; 71508

(2) Ensure that all commission personnel follow the rules of 71509
the commission; 71510

(3) Ensure that all orders, awards, and determinations are 71511
properly heard and signed, prior to attesting to the documents; 71512

(4) Coordinate, to the fullest extent possible, commission 71513
activities with the bureau of workers' compensation activities; 71514

(5) Do all things necessary for the efficient and effective 71515
implementation of the duties of the commission. 71516

The responsibilities assigned to the executive director of 71517
the commission do not relieve the chairperson from final 71518
responsibility for the proper performance of the acts specified in 71519
this division. 71520

(C) The chairperson shall do all of the following: 71521

(1) Except as otherwise provided in this division, employ, 71522
promote, supervise, remove, and establish the compensation of all 71523
employees as needed in connection with the performance of the 71524
commission's duties under this chapter and Chapters 4123., 4127., 71525
and 4131. of the Revised Code and may assign to them their duties 71526
to the extent necessary to achieve the most efficient performance 71527
of its functions, and to that end may establish, change, or 71528
abolish positions, and assign and reassign duties and 71529
responsibilities of every employee of the commission. The civil 71530
service status of any person employed by the commission prior to 71531
November 3, 1989, is not affected by this section. Personnel 71532
employed by the bureau or the commission who are subject to 71533

Chapter 4117. of the Revised Code shall retain all of their rights 71534
and benefits conferred pursuant to that chapter as it presently 71535
exists or is hereafter amended and nothing in this chapter or 71536
Chapter 4123. of the Revised Code shall be construed as 71537
eliminating or interfering with Chapter 4117. of the Revised Code 71538
or the rights and benefits conferred under that chapter to public 71539
employees or to any bargaining unit. 71540

(2) Hire district and staff hearing officers after 71541
consultation with other commission members and obtaining the 71542
approval of at least one other commission member; 71543

(3) Fire staff and district hearing officers when the 71544
chairperson finds appropriate after obtaining the approval of at 71545
least one other commission member; 71546

(4) Maintain the office for the commission in Columbus; 71547

(5) To the maximum extent possible, use electronic data 71548
processing equipment for the issuance of orders immediately 71549
following a hearing, scheduling of hearings and medical 71550
examinations, tracking of claims, retrieval of information, and 71551
any other matter within the commission's jurisdiction, and shall 71552
provide and input information into the electronic data processing 71553
equipment as necessary to effect the success of the claims 71554
tracking system established pursuant to division (B)~~(15)~~(14) of 71555
section 4121.121 of the Revised Code; 71556

(6) Exercise all administrative and nonadjudicatory powers 71557
and duties conferred upon the commission by Chapters 4121., 4123., 71558
4127., and 4131. of the Revised Code; 71559

(7) Approve all contracts for special services. 71560

(D) The chairperson is responsible for all administrative 71561
matters and may secure for the commission facilities, equipment, 71562
and supplies necessary to house the commission, any employees, and 71563
files and records under the commission's control and to discharge 71564

any duty imposed upon the commission by law, the expense thereof 71565
to be audited and paid in the same manner as other state expenses. 71566
For that purpose, the chairperson, separately from the budget 71567
prepared by the administrator of workers' compensation, shall 71568
prepare and submit to the office of budget and management a budget 71569
for each biennium according to sections 101.532 and 107.03 of the 71570
Revised Code. The budget submitted shall cover the costs of the 71571
commission and staff and district hearing officers in the 71572
discharge of any duty imposed upon the chairperson, the 71573
commission, and hearing officers by law. 71574

(E) A majority of the commission constitutes a quorum to 71575
transact business. No vacancy impairs the rights of the remaining 71576
members to exercise all of the powers of the commission, so long 71577
as a majority remains. Any investigation, inquiry, or hearing that 71578
the commission may hold or undertake may be held or undertaken by 71579
or before any one member of the commission, or before one of the 71580
deputies of the commission, except as otherwise provided in this 71581
chapter and Chapters 4123., 4127., and 4131. of the Revised Code. 71582
Every order made by a member, or by a deputy, when approved and 71583
confirmed by a majority of the members, and so shown on its record 71584
of proceedings, is the order of the commission. The commission may 71585
hold sessions at any place within the state. The commission is 71586
responsible for all of the following: 71587

(1) Establishing the overall adjudicatory policy and 71588
management of the commission under this chapter and Chapters 71589
4123., 4127., and 4131. of the Revised Code, except for those 71590
administrative matters within the jurisdiction of the chairperson, 71591
bureau of workers' compensation, and the administrator of workers' 71592
compensation under those chapters; 71593

(2) Hearing appeals and reconsiderations under this chapter 71594
and Chapters 4123., 4127., and 4131. of the Revised Code; 71595

(3) Engaging in rulemaking where required by this chapter or 71596

Chapter 4123., 4127., or 4131. of the Revised Code. 71597

Sec. 4121.121. (A) There is hereby created the bureau of 71598
workers' compensation, which shall be administered by the 71599
administrator of workers' compensation. A person appointed to the 71600
position of administrator shall possess significant management 71601
experience in effectively managing an organization or 71602
organizations of substantial size and complexity. A person 71603
appointed to the position of administrator also shall possess a 71604
minimum of five years of experience in the field of workers' 71605
compensation insurance or in another insurance industry, except as 71606
otherwise provided when the conditions specified in division (C) 71607
of this section are satisfied. The governor shall appoint the 71608
administrator as provided in section 121.03 of the Revised Code, 71609
and the administrator shall serve at the pleasure of the governor. 71610
The governor shall fix the administrator's salary on the basis of 71611
the administrator's experience and the administrator's 71612
responsibilities and duties under this chapter and Chapters 4123., 71613
4125., 4127., 4131., and 4167. of the Revised Code. The governor 71614
shall not appoint to the position of administrator any person who 71615
has, or whose spouse has, given a contribution to the campaign 71616
committee of the governor in an amount greater than one thousand 71617
dollars during the two-year period immediately preceding the date 71618
of the appointment of the administrator. 71619

The administrator shall hold no other public office and shall 71620
devote full time to the duties of administrator. Before entering 71621
upon the duties of the office, the administrator shall take an 71622
oath of office as required by sections 3.22 and 3.23 of the 71623
Revised Code, and shall file in the office of the secretary of 71624
state, a bond signed by the administrator and by surety approved 71625
by the governor, for the sum of fifty thousand dollars payable to 71626
the state, conditioned upon the faithful performance of the 71627
administrator's duties. 71628

(B) The administrator is responsible for the management of 71629
the bureau and for the discharge of all administrative duties 71630
imposed upon the administrator in this chapter and Chapters 4123., 71631
4125., 4127., 4131., and 4167. of the Revised Code, and in the 71632
discharge thereof shall do all of the following: 71633

(1) Perform all acts and exercise all authorities and powers, 71634
discretionary and otherwise that are required of or vested in the 71635
bureau or any of its employees in this chapter and Chapters 4123., 71636
4125., 4127., 4131., and 4167. of the Revised Code, except the 71637
acts and the exercise of authority and power that is required of 71638
and vested in the bureau of workers' compensation board of 71639
directors or the industrial commission pursuant to those chapters. 71640
The treasurer of state shall honor all warrants signed by the 71641
administrator, or by one or more of the administrator's employees, 71642
authorized by the administrator in writing, or bearing the 71643
facsimile signature of the administrator or such employee under 71644
sections 4123.42 and 4123.44 of the Revised Code. 71645

(2) Employ, direct, and supervise all employees required in 71646
connection with the performance of the duties assigned to the 71647
bureau by this chapter and Chapters 4123., 4125., 4127., 4131., 71648
and 4167. of the Revised Code, including an actuary, and may 71649
establish job classification plans and compensation for all 71650
employees of the bureau provided that this grant of authority 71651
shall not be construed as affecting any employee for whom the 71652
state employment relations board has established an appropriate 71653
bargaining unit under section 4117.06 of the Revised Code. All 71654
positions of employment in the bureau are in the classified civil 71655
service except those employees the administrator may appoint to 71656
serve at the administrator's pleasure in the unclassified civil 71657
service pursuant to section 124.11 of the Revised Code. The 71658
administrator shall fix the salaries of employees the 71659
administrator appoints to serve at the administrator's pleasure, 71660

including the chief operating officer, staff physicians, and other 71661
senior management personnel of the bureau and shall establish the 71662
compensation of staff attorneys of the bureau's legal section and 71663
their immediate supervisors, and take whatever steps are necessary 71664
to provide adequate compensation for other staff attorneys. 71665

The administrator may appoint a person who holds a certified 71666
position in the classified service within the bureau to a position 71667
in the unclassified service within the bureau. A person appointed 71668
pursuant to this division to a position in the unclassified 71669
service shall retain the right to resume the position and status 71670
held by the person in the classified service immediately prior to 71671
the person's appointment in the unclassified service, regardless 71672
of the number of positions the person held in the unclassified 71673
service. An employee's right to resume a position in the 71674
classified service may only be exercised when the administrator 71675
demotes the employee to a pay range lower than the employee's 71676
current pay range or revokes the employee's appointment to the 71677
unclassified service. An employee forfeits the right to resume a 71678
position in the classified service when the employee is removed 71679
from the position in the unclassified service due to incompetence, 71680
inefficiency, dishonesty, drunkenness, immoral conduct, 71681
insubordination, discourteous treatment of the public, neglect of 71682
duty, violation of this chapter or Chapter 124., 4123., 4125., 71683
4127., 4131., or 4167. of the Revised Code, violation of the rules 71684
of the director of administrative services or the administrator, 71685
any other failure of good behavior, any other acts of misfeasance, 71686
malfeasance, or nonfeasance in office, or conviction of a felony. 71687
An employee also forfeits the right to resume a position in the 71688
classified service upon transfer to a different agency. 71689

Reinstatement to a position in the classified service shall 71690
be to a position substantially equal to that position in the 71691
classified service held previously, as certified by the department 71692

of administrative services. If the position the person previously held in the classified service has been placed in the unclassified service or is otherwise unavailable, the person shall be appointed to a position in the classified service within the bureau that the director of administrative services certifies is comparable in compensation to the position the person previously held in the classified service. Service in the position in the unclassified service shall be counted as service in the position in the classified service held by the person immediately prior to the person's appointment in the unclassified service. When a person is reinstated to a position in the classified service as provided in this division, the person is entitled to all rights, status, and benefits accruing to the position during the person's time of service in the position in the unclassified service.

(3) Reorganize the work of the bureau, its sections, departments, and offices to the extent necessary to achieve the most efficient performance of its functions and to that end may establish, change, or abolish positions and assign and reassign duties and responsibilities of every employee of the bureau. All persons employed by the commission in positions that, after November 3, 1989, are supervised and directed by the administrator under this section are transferred to the bureau in their respective classifications but subject to reassignment and reclassification of position and compensation as the administrator determines to be in the interest of efficient administration. The civil service status of any person employed by the commission is not affected by this section. Personnel employed by the bureau or the commission who are subject to Chapter 4117. of the Revised Code shall retain all of their rights and benefits conferred pursuant to that chapter as it presently exists or is hereafter amended and nothing in this chapter or Chapter 4123. of the Revised Code shall be construed as eliminating or interfering with Chapter 4117. of the Revised Code or the rights and benefits

conferred under that chapter to public employees or to any bargaining unit.

(4) Provide offices, equipment, supplies, and other facilities for the bureau.

(5) Prepare and submit to the board information the administrator considers pertinent or the board requires, together with the administrator's recommendations, in the form of administrative rules, for the advice and consent of the board, for classifications of occupations or industries, for premium rates and contributions, for the amount to be credited to the surplus fund, for rules and systems of rating, rate revisions, and merit rating. The administrator shall obtain, prepare, and submit any other information the board requires for the prompt and efficient discharge of its duties.

(6) Keep the accounts required by division (A) of section 4123.34 of the Revised Code and all other accounts and records necessary to the collection, administration, and distribution of the workers' compensation funds and shall obtain the statistical and other information required by section 4123.19 of the Revised Code.

(7) Exercise the investment powers vested in the administrator by section 4123.44 of the Revised Code in accordance with the investment policy approved by the board pursuant to section 4121.12 of the Revised Code and in consultation with the chief investment officer of the bureau of workers' compensation. The administrator shall not engage in any prohibited investment activity specified by the board pursuant to division (F)(9) of section 4121.12 of the Revised Code and shall not invest in any type of investment specified in divisions (B)(1) to (10) of section 4123.442 of the Revised Code. All business shall be transacted, all funds invested, all warrants for money drawn and payments made, and all cash and securities and other property

held, in the name of the bureau, or in the name of its nominee, 71758
provided that nominees are authorized by the administrator solely 71759
for the purpose of facilitating the transfer of securities, and 71760
restricted to the administrator and designated employees. 71761

~~(8) Make contracts for and supervise the construction of any 71762
project or improvement or the construction or repair of buildings 71763
under the control of the bureau. 71764~~

~~(9) Purchase In accordance with Chapter 125. of the Revised 71765
Code, purchase supplies, materials, equipment, and services; ~~make 71766
contracts for, operate, and superintend the telephone, other 71767
telecommunication, and computer services for the use of the 71768
bureau; and make contracts in connection with office reproduction, 71769
forms management, printing, and other services. Notwithstanding 71770
sections 125.12 to 125.14 of the Revised Code, the administrator 71771
may transfer surplus computers and computer equipment directly to 71772
an accredited public school within the state. The computers and 71773
computer equipment may be repaired or refurbished prior to the 71774
transfer. 71775~~~~

~~(10)~~(9) Prepare and submit to the board an annual budget for 71776
internal operating purposes for the board's approval. The 71777
administrator also shall, separately from the budget the 71778
industrial commission submits, prepare and submit to the director 71779
of budget and management a budget for each biennium. The budgets 71780
submitted to the board and the director shall include estimates of 71781
the costs and necessary expenditures of the bureau in the 71782
discharge of any duty imposed by law. 71783

~~(11)~~(10) As promptly as possible in the course of efficient 71784
administration, decentralize and relocate such of the personnel 71785
and activities of the bureau as is appropriate to the end that the 71786
receipt, investigation, determination, and payment of claims may 71787
be undertaken at or near the place of injury or the residence of 71788
the claimant and for that purpose establish regional offices, in 71789

such places as the administrator considers proper, capable of 71790
discharging as many of the functions of the bureau as is 71791
practicable so as to promote prompt and efficient administration 71792
in the processing of claims. All active and inactive lost-time 71793
claims files shall be held at the service office responsible for 71794
the claim. A claimant, at the claimant's request, shall be 71795
provided with information by telephone as to the location of the 71796
file pertaining to the claimant's claim. The administrator shall 71797
ensure that all service office employees report directly to the 71798
director for their service office. 71799

~~(12)~~(11) Provide a written binder on new coverage where the 71800
administrator considers it to be in the best interest of the risk. 71801
The administrator, or any other person authorized by the 71802
administrator, shall grant the binder upon submission of a request 71803
for coverage by the employer. A binder is effective for a period 71804
of thirty days from date of issuance and is nonrenewable. Payroll 71805
reports and premium charges shall coincide with the effective date 71806
of the binder. 71807

~~(13)~~(12) Set standards for the reasonable and maximum 71808
handling time of claims payment functions, ensure, by rules, the 71809
impartial and prompt treatment of all claims and employer risk 71810
accounts, and establish a secure, accurate method of time stamping 71811
all incoming mail and documents hand delivered to bureau 71812
employees. 71813

~~(14)~~(13) Ensure that all employees of the bureau follow the 71814
orders and rules of the commission as such orders and rules relate 71815
to the commission's overall adjudicatory policy-making and 71816
management duties under this chapter and Chapters 4123., 4127., 71817
and 4131. of the Revised Code. 71818

~~(15)~~(14) Manage and operate a data processing system with a 71819
common data base for the use of both the bureau and the commission 71820
and, in consultation with the commission, using electronic data 71821

processing equipment, shall develop a claims tracking system that 71822
is sufficient to monitor the status of a claim at any time and 71823
that lists appeals that have been filed and orders or 71824
determinations that have been issued pursuant to section 4123.511 71825
or 4123.512 of the Revised Code, including the dates of such 71826
filings and issuances. 71827

~~(16)~~(15) Establish and maintain a medical section within the 71828
bureau. The medical section shall do all of the following: 71829

(a) Assist the administrator in establishing standard medical 71830
fees, approving medical procedures, and determining eligibility 71831
and reasonableness of the compensation payments for medical, 71832
hospital, and nursing services, and in establishing guidelines for 71833
payment policies which recognize usual, customary, and reasonable 71834
methods of payment for covered services; 71835

(b) Provide a resource to respond to questions from claims 71836
examiners for employees of the bureau; 71837

(c) Audit fee bill payments; 71838

(d) Implement a program to utilize, to the maximum extent 71839
possible, electronic data processing equipment for storage of 71840
information to facilitate authorizations of compensation payments 71841
for medical, hospital, drug, and nursing services; 71842

(e) Perform other duties assigned to it by the administrator. 71843

~~(17)~~(16) Appoint, as the administrator determines necessary, 71844
panels to review and advise the administrator on disputes arising 71845
over a determination that a health care service or supply provided 71846
to a claimant is not covered under this chapter or Chapter 4123., 71847
4127., or 4131. of the Revised Code or is medically unnecessary. 71848
If an individual health care provider is involved in the dispute, 71849
the panel shall consist of individuals licensed pursuant to the 71850
same section of the Revised Code as such health care provider. 71851

~~(18)~~(17) Pursuant to section 4123.65 of the Revised Code, 71852
approve applications for the final settlement of claims for 71853
compensation or benefits under this chapter and Chapters 4123., 71854
4127., and 4131. of the Revised Code as the administrator 71855
determines appropriate, except in regard to the applications of 71856
self-insuring employers and their employees. 71857

~~(19)~~(18) Comply with section 3517.13 of the Revised Code, and 71858
except in regard to contracts entered into pursuant to the 71859
authority contained in section 4121.44 of the Revised Code, comply 71860
with the competitive bidding procedures set forth in the Revised 71861
Code for all contracts into which the administrator enters 71862
provided that those contracts fall within the type of contracts 71863
and dollar amounts specified in the Revised Code for competitive 71864
bidding and further provided that those contracts are not 71865
otherwise specifically exempt from the competitive bidding 71866
procedures contained in the Revised Code. 71867

~~(20)~~(19) Adopt, with the advice and consent of the board, 71868
rules for the operation of the bureau. 71869

~~(21)~~(20) Prepare and submit to the board information the 71870
administrator considers pertinent or the board requires, together 71871
with the administrator's recommendations, in the form of 71872
administrative rules, for the advice and consent of the board, for 71873
the health partnership program and the qualified health plan 71874
system, as provided in sections 4121.44, 4121.441, and 4121.442 of 71875
the Revised Code. 71876

(C) The administrator, with the advice and consent of the 71877
senate, shall appoint a chief operating officer who has a minimum 71878
of five years of experience in the field of workers' compensation 71879
insurance or in another similar insurance industry if the 71880
administrator does not possess such experience. The chief 71881
operating officer shall not commence the chief operating officer's 71882
duties until after the senate consents to the chief operating 71883

officer's appointment. The chief operating officer shall serve in 71884
the unclassified civil service of the state. 71885

Sec. 4123.01. As used in this chapter: 71886

(A)(1) "Employee" means: 71887

(a) Every person in the service of the state, or of any 71888
county, municipal corporation, township, or school district 71889
therein, including regular members of lawfully constituted police 71890
and fire departments of municipal corporations and townships, 71891
whether paid or volunteer, and wherever serving within the state 71892
or on temporary assignment outside thereof, and executive officers 71893
of boards of education, under any appointment or contract of hire, 71894
express or implied, oral or written, including any elected 71895
official of the state, or of any county, municipal corporation, or 71896
township, or members of boards of education. 71897

As used in division (A)(1)(a) of this section, the term 71898
"employee" includes the following persons when responding to an 71899
inherently dangerous situation that calls for an immediate 71900
response on the part of the person, regardless of whether the 71901
person is within the limits of the jurisdiction of the person's 71902
regular employment or voluntary service when responding, on the 71903
condition that the person responds to the situation as the person 71904
otherwise would if the person were on duty in the person's 71905
jurisdiction: 71906

(i) ~~Off-duty peace officers. As used in division (A)(1)(a)(i)~~ 71907
~~of this section, "peace officer" has the same meaning as in~~ 71908
~~section 2935.01 of the Revised Code.~~ 71909

(ii) ~~Off-duty firefighters, whether paid or volunteer, of a~~ 71910
~~lawfully constituted fire department.~~ 71911

(iii) ~~Off-duty first responders, emergency medical~~ 71912
~~technicians basic, emergency medical technicians intermediate, or~~ 71913

~~emergency medical technicians paramedic, whether paid or~~ 71914
~~volunteer, emergency medical workers of an ambulance service~~ 71915
~~organization or emergency medical service organization pursuant to~~ 71916
~~Chapter 4765. of the Revised Code.~~ 71917

(b) Every person in the service of any person, firm, or 71918
private corporation, including any public service corporation, 71919
that (i) employs one or more persons regularly in the same 71920
business or in or about the same establishment under any contract 71921
of hire, express or implied, oral or written, including aliens and 71922
minors, household workers who earn one hundred sixty dollars or 71923
more in cash in any calendar quarter from a single household and 71924
casual workers who earn one hundred sixty dollars or more in cash 71925
in any calendar quarter from a single employer, or (ii) is bound 71926
by any such contract of hire or by any other written contract, to 71927
pay into the state insurance fund the premiums provided by this 71928
chapter. 71929

(c) Every person who performs labor or provides services 71930
pursuant to a construction contract, as defined in section 4123.79 71931
of the Revised Code, if at least ten of the following criteria 71932
apply: 71933

(i) The person is required to comply with instructions from 71934
the other contracting party regarding the manner or method of 71935
performing services; 71936

(ii) The person is required by the other contracting party to 71937
have particular training; 71938

(iii) The person's services are integrated into the regular 71939
functioning of the other contracting party; 71940

(iv) The person is required to perform the work personally; 71941

(v) The person is hired, supervised, or paid by the other 71942
contracting party; 71943

- (vi) A continuing relationship exists between the person and the other contracting party that contemplates continuing or recurring work even if the work is not full time; 71944
71945
71946
- (vii) The person's hours of work are established by the other contracting party; 71947
71948
- (viii) The person is required to devote full time to the business of the other contracting party; 71949
71950
- (ix) The person is required to perform the work on the premises of the other contracting party; 71951
71952
- (x) The person is required to follow the order of work set by the other contracting party; 71953
71954
- (xi) The person is required to make oral or written reports of progress to the other contracting party; 71955
71956
- (xii) The person is paid for services on a regular basis such as hourly, weekly, or monthly; 71957
71958
- (xiii) The person's expenses are paid for by the other contracting party; 71959
71960
- (xiv) The person's tools and materials are furnished by the other contracting party; 71961
71962
- (xv) The person is provided with the facilities used to perform services; 71963
71964
- (xvi) The person does not realize a profit or suffer a loss as a result of the services provided; 71965
71966
- (xvii) The person is not performing services for a number of employers at the same time; 71967
71968
- (xviii) The person does not make the same services available to the general public; 71969
71970
- (xix) The other contracting party has a right to discharge the person; 71971
71972

(xx) The person has the right to end the relationship with 71973
the other contracting party without incurring liability pursuant 71974
to an employment contract or agreement. 71975

Every person in the service of any independent contractor or 71976
subcontractor who has failed to pay into the state insurance fund 71977
the amount of premium determined and fixed by the administrator of 71978
workers' compensation for the person's employment or occupation or 71979
if a self-insuring employer has failed to pay compensation and 71980
benefits directly to the employer's injured and to the dependents 71981
of the employer's killed employees as required by section 4123.35 71982
of the Revised Code, shall be considered as the employee of the 71983
person who has entered into a contract, whether written or verbal, 71984
with such independent contractor unless such employees or their 71985
legal representatives or beneficiaries elect, after injury or 71986
death, to regard such independent contractor as the employer. 71987

(2) "Employee" does not mean: 71988

(a) A duly ordained, commissioned, or licensed minister or 71989
assistant or associate minister of a church in the exercise of 71990
ministry; 71991

(b) Any officer of a family farm corporation; 71992

(c) An individual incorporated as a corporation; or 71993

(d) An individual who otherwise is an employee of an employer 71994
but who signs the waiver and affidavit specified in section 71995
4123.15 of the Revised Code on the condition that the 71996
administrator has granted a waiver and exception to the 71997
individual's employer under section 4123.15 of the Revised Code. 71998

Any employer may elect to include as an "employee" within 71999
this chapter, any person excluded from the definition of 72000
"employee" pursuant to division (A)(2) of this section. If an 72001
employer is a partnership, sole proprietorship, individual 72002
incorporated as a corporation, or family farm corporation, such 72003

employer may elect to include as an "employee" within this 72004
chapter, any member of such partnership, the owner of the sole 72005
proprietorship, the individual incorporated as a corporation, or 72006
the officers of the family farm corporation. In the event of an 72007
election, the employer shall serve upon the bureau of workers' 72008
compensation written notice naming the persons to be covered, 72009
include such employee's remuneration for premium purposes in all 72010
future payroll reports, and no person excluded from the definition 72011
of "employee" pursuant to division (A)(2) of this section, 72012
proprietor, individual incorporated as a corporation, or partner 72013
shall be deemed an employee within this division until the 72014
employer has served such notice. 72015

For informational purposes only, the bureau shall prescribe 72016
such language as it considers appropriate, on such of its forms as 72017
it considers appropriate, to advise employers of their right to 72018
elect to include as an "employee" within this chapter a sole 72019
proprietor, any member of a partnership, an individual 72020
incorporated as a corporation, the officers of a family farm 72021
corporation, or a person excluded from the definition of 72022
"employee" under division (A)(2) of this section, that they should 72023
check any health and disability insurance policy, or other form of 72024
health and disability plan or contract, presently covering them, 72025
or the purchase of which they may be considering, to determine 72026
whether such policy, plan, or contract excludes benefits for 72027
illness or injury that they might have elected to have covered by 72028
workers' compensation. 72029

(B) "Employer" means: 72030

(1) The state, including state hospitals, each county, 72031
municipal corporation, township, school district, and hospital 72032
owned by a political subdivision or subdivisions other than the 72033
state; 72034

(2) Every person, firm, professional employer organization, 72035

and private corporation, including any public service corporation, 72036
that (a) has in service one or more employees or shared employees 72037
regularly in the same business or in or about the same 72038
establishment under any contract of hire, express or implied, oral 72039
or written, or (b) is bound by any such contract of hire or by any 72040
other written contract, to pay into the insurance fund the 72041
premiums provided by this chapter. 72042

All such employers are subject to this chapter. Any member of 72043
a firm or association, who regularly performs manual labor in or 72044
about a mine, factory, or other establishment, including a 72045
household establishment, shall be considered an employee in 72046
determining whether such person, firm, or private corporation, or 72047
public service corporation, has in its service, one or more 72048
employees and the employer shall report the income derived from 72049
such labor to the bureau as part of the payroll of such employer, 72050
and such member shall thereupon be entitled to all the benefits of 72051
an employee. 72052

(C) "Injury" includes any injury, whether caused by external 72053
accidental means or accidental in character and result, received 72054
in the course of, and arising out of, the injured employee's 72055
employment. "Injury" does not include: 72056

(1) Psychiatric conditions except ~~where~~ as follows: 72057

(a) Where the claimant's psychiatric conditions have arisen 72058
from an injury or occupational disease sustained by that claimant 72059
~~or where~~; 72060

(b) Where the claimant's psychiatric conditions have arisen 72061
from sexual conduct in which the claimant was forced by threat of 72062
physical harm to engage or participate; 72063

(c) Where the claimant is a peace officer, firefighter, or 72064
emergency medical worker and is diagnosed with post-traumatic 72065
stress disorder that has been received in the course of, and has 72066

arisen out of, the claimant's employment as a peace officer, 72067
firefighter, or emergency medical worker. 72068

(2) Injury or disability caused primarily by the natural 72069
deterioration of tissue, an organ, or part of the body; 72070

(3) Injury or disability incurred in voluntary participation 72071
in an employer-sponsored recreation or fitness activity if the 72072
employee signs a waiver of the employee's right to compensation or 72073
benefits under this chapter prior to engaging in the recreation or 72074
fitness activity; 72075

(4) A condition that pre-existed an injury unless that 72076
pre-existing condition is substantially aggravated by the injury. 72077
Such a substantial aggravation must be documented by objective 72078
diagnostic findings, objective clinical findings, or objective 72079
test results. Subjective complaints may be evidence of such a 72080
substantial aggravation. However, subjective complaints without 72081
objective diagnostic findings, objective clinical findings, or 72082
objective test results are insufficient to substantiate a 72083
substantial aggravation. 72084

(D) "Child" includes a posthumous child and a child legally 72085
adopted prior to the injury. 72086

(E) "Family farm corporation" means a corporation founded for 72087
the purpose of farming agricultural land in which the majority of 72088
the voting stock is held by and the majority of the stockholders 72089
are persons or the spouse of persons related to each other within 72090
the fourth degree of kinship, according to the rules of the civil 72091
law, and at least one of the related persons is residing on or 72092
actively operating the farm, and none of whose stockholders are a 72093
corporation. A family farm corporation does not cease to qualify 72094
under this division where, by reason of any devise, bequest, or 72095
the operation of the laws of descent or distribution, the 72096
ownership of shares of voting stock is transferred to another 72097

person, as long as that person is within the degree of kinship 72098
stipulated in this division. 72099

(F) "Occupational disease" means a disease contracted in the 72100
course of employment, which by its causes and the characteristics 72101
of its manifestation or the condition of the employment results in 72102
a hazard which distinguishes the employment in character from 72103
employment generally, and the employment creates a risk of 72104
contracting the disease in greater degree and in a different 72105
manner from the public in general. 72106

(G) "Self-insuring employer" means an employer who is granted 72107
the privilege of paying compensation and benefits directly under 72108
section 4123.35 of the Revised Code, including a board of county 72109
commissioners for the sole purpose of constructing a sports 72110
facility as defined in section 307.696 of the Revised Code, 72111
provided that the electors of the county in which the sports 72112
facility is to be built have approved construction of a sports 72113
facility by ballot election no later than November 6, 1997. 72114

(H) "Private employer" means an employer as defined in 72115
division (B)(2) of this section. 72116

(I) "Professional employer organization" has the same meaning 72117
as in section 4125.01 of the Revised Code. 72118

(J) "Public employer" means an employer as defined in 72119
division (B)(1) of this section. 72120

(K) "Sexual conduct" means vaginal intercourse between a male 72121
and female; anal intercourse, fellatio, and cunnilingus between 72122
persons regardless of gender; and, without privilege to do so, the 72123
insertion, however slight, of any part of the body or any 72124
instrument, apparatus, or other object into the vaginal or anal 72125
cavity of another. Penetration, however slight, is sufficient to 72126
complete vaginal or anal intercourse. 72127

(L) "Other-states' insurer" means an insurance company that 72128

is authorized to provide workers' compensation insurance coverage 72129
in any of the states that permit employers to obtain insurance for 72130
workers' compensation claims through insurance companies. 72131

(M) "Other-states' coverage" means both of the following: 72132

(1) Insurance coverage secured by an eligible employer for 72133
workers' compensation claims of employees who are in employment 72134
relationships localized in a state other than this state or those 72135
employees' dependents; 72136

(2) Insurance coverage secured by an eligible employer for 72137
workers' compensation claims that arise in a state other than this 72138
state where an employer elects to obtain coverage through either 72139
the administrator or an other-states' insurer. 72140

(N) "Limited other-states coverage" means insurance coverage 72141
provided by the administrator to an eligible employer for workers' 72142
compensation claims of employees who are in an employment 72143
relationship localized in this state but are temporarily working 72144
in a state other than this state, or those employees' dependents. 72145

(O) "Peace officer" has the same meaning as in section 72146
2935.01 of the Revised Code. 72147

(P) "Firefighter" means a firefighter, whether paid or 72148
volunteer, of a lawfully constituted fire department. 72149

(Q) "Emergency medical worker" means a first responder, 72150
emergency medical technician-basic, emergency medical 72151
technician-intermediate, or emergency medical 72152
technician-paramedic, certified under Chapter 4765. of the Revised 72153
Code, whether paid or volunteer. 72154

Sec. 4123.026. ~~(A)~~ The administrator of workers' 72155
compensation, or a self-insuring public employer for the peace 72156
officers, firefighters, and emergency medical workers employed by 72157
or volunteering for that self-insuring public employer, shall pay 72158

the costs of conducting post-exposure medical diagnostic services, 72159
consistent with the standards of medical care existing at the time 72160
of the exposure, to investigate whether an injury or occupational 72161
disease was sustained by a peace officer, firefighter, or 72162
emergency medical worker when coming into contact with the blood 72163
or other body fluid of another person in the course of and arising 72164
out of the peace officer's, firefighter's, or emergency medical 72165
worker's employment, or when responding to an inherently dangerous 72166
situation in the manner described in, and in accordance with the 72167
conditions specified under, division (A)(1)(a) of section 4123.01 72168
of the Revised Code, through any of the following means: 72169

~~(1)(A)~~ Splash or spatter in the eye or mouth, including when 72170
received in the course of conducting mouth-to-mouth resuscitation; 72171

~~(2)(B)~~ A puncture in the skin; 72172

~~(3)(C)~~ A cut in the skin or another opening in the skin such 72173
as an open sore, wound, lesion, abrasion, or ulcer. 72174

~~(B) As used in this section:~~ 72175

~~(1) "Peace officer" has the same meaning as in section 72176
2935.01 of the Revised Code. 72177~~

~~(2) "Firefighter" means a firefighter, whether paid or 72178
volunteer, of a lawfully constituted fire department. 72179~~

~~(3) "Emergency medical worker" means a first responder, 72180
emergency medical technician basic, emergency medical 72181
technician intermediate, or emergency medical 72182
technician paramedic, certified under Chapter 4765. of the Revised 72183
Code, whether paid or volunteer. 72184~~

Sec. 4123.322. (A) The administrator of workers' 72185
compensation, with the advice and consent of the bureau of 72186
workers' compensation board of directors, shall adopt rules 72187
establishing a prospective payment system, which shall include all 72188

of the following: 72189

(1) A requirement that upon an initial application for 72190
coverage, a private employer shall file with the application an 72191
estimate of the employer's payroll for the period the 72192
administrator determines pursuant to rules the administrator 72193
adopts, and shall pay the amount the administrator determines by 72194
rule in order to establish coverage for the employer as described 72195
in division (B)(12) of section 4121.121 of the Revised Code; 72196

(2) A requirement that upon an initial application for 72197
coverage, a public employer, except for a state agency or state 72198
university or college, shall file with the application an estimate 72199
of the employer's payroll for the period the administrator 72200
determines pursuant to rules the administrator adopts, and shall 72201
pay the amount the administrator determines by rule in order to 72202
establish coverage for the employer as described in division 72203
(B)~~(12)~~(11) of section 4121.121 of the Revised Code; 72204

(3) A requirement that an employer complete periodic payroll 72205
reports of actual expenditures for previous coverage periods for 72206
reconciliation with estimated payroll reports; 72207

(4) The assessment of a penalty for late payroll 72208
reconciliation reports and for late payment of any reconciliation 72209
premium; 72210

(5) The establishment of a transition period during which 72211
time the bureau shall determine the adequacy of existing premium 72212
security deposits of employers, the establishment of provisions 72213
for additional premium payments during that transition, the 72214
provision of a credit of those deposits toward the first premium 72215
due from an employer under the rules adopted under divisions 72216
(A)(1) to (4) of this section, and the establishment of penalties 72217
for late payment or failure to comply with the rules. 72218

(B) For purposes of division (A)(3) of this section, an 72219

employer shall make timely payment of any premium owed when actual 72220
payroll expenditures exceeded estimated payroll, and the employer 72221
shall receive premium credit when the estimated payroll exceeded 72222
the actual payroll. 72223

(C) For purposes of division (A)(4) of this section, if the 72224
employer's actual payroll substantially exceeds the estimated 72225
payroll, the administrator may assess additional penalties 72226
specified in rules the administrator adopts on the reconciliation 72227
premium. 72228

(D) As used in this section, "state university or college" 72229
has the same meaning as in section 4123.32 of the Revised Code. 72230

Sec. 4123.46. (A)(1) Except as provided in division (A)(2) of 72231
this section, the bureau of workers' compensation shall disburse 72232
the state insurance fund to employees of employers who have paid 72233
into the fund the premiums applicable to the classes to which they 72234
belong when the employees have been injured in the course of their 72235
employment, wherever the injuries have occurred, and provided the 72236
injuries have not been purposely self-inflicted, or to the 72237
dependents of the employees in case death has ensued. 72238

(2) As long as injuries have not been purposely 72239
self-inflicted, the bureau shall disburse the surplus fund created 72240
under section 4123.34 of the Revised Code to off-duty peace 72241
officers, firefighters, and emergency medical technicians, ~~and~~ 72242
~~first responders~~ workers, or to their dependents if death ensues, 72243
who are injured while responding to inherently dangerous 72244
situations that call for an immediate response on the part of the 72245
person, regardless of whether the person was within the limits of 72246
the person's jurisdiction when responding, on the condition that 72247
the person responds to the situation as the person otherwise would 72248
if the person were on duty in the person's jurisdiction. 72249

~~As used in division (A)(2) of this section, "peace officer,"~~ 72250

~~"firefighter," "emergency medical technician," "first responder,"
and "jurisdiction" have the same meanings as in section 4123.01 of
the Revised Code.~~

(B) All self-insuring employers, in compliance with this
chapter, shall pay the compensation to injured employees, or to
the dependents of employees who have been killed in the course of
their employment, unless the injury or death of the employee was
purposely self-inflicted, and shall furnish the medical, surgical,
nurse, and hospital care and attention or funeral expenses as
would have been paid and furnished by virtue of this chapter under
a similar state of facts by the bureau out of the state insurance
fund if the employer had paid the premium into the fund.

If any rule or regulation of a self-insuring employer
provides for or authorizes the payment of greater compensation or
more complete or extended medical care, nursing, surgical, and
hospital attention, or funeral expenses to the injured employees,
or to the dependents of the employees as may be killed, the
employer shall pay to the employees, or to the dependents of
employees killed, the amount of compensation and furnish the
medical care, nursing, surgical, and hospital attention or funeral
expenses provided by the self-insuring employer's rules and
regulations.

(C) Payment to injured employees, or to their dependents in
case death has ensued, is in lieu of any and all rights of action
against the employer of the injured or killed employees.

Sec. 4123.86. (A) Notwithstanding any provision in section
4123.52, 4123.54, 4123.55, 4123.56, 4123.57, 4123.58, 4123.59,
4123.60, or 4123.66 of the Revised Code to the contrary, in the
case of disability due to an injury described in division
(C)(1)(c) of section 4123.01 of the Revised Code:

(1) Any entitlement of a claimant to compensation as a result

of any order issued under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code regarding that injury shall cease not later than one year after the date those payments commence under division (H) of section 4123.511 of the Revised Code. 72282
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(2) Any entitlement of a claimant to medical benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code regarding that injury shall cease not later than one year after those payments commence under division (I) of section 4123.511 of the Revised Code. 72286
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(B) No claimant shall be entitled to compensation or benefits under this chapter or Chapter 4121., 4127., or 4131., of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code while the claimant receives a disability benefit or disability retirement from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system. 72291
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(C) If the administrator receives notice under section 145.364, 742.391, 3309.402, or 5505.182 of the Revised Code that a claimant who is employed by a self-insuring employer is receiving a disability benefit from the public employees retirement system, the Ohio police and fire pension fund, the school employees retirement system, or the state highway patrol retirement system, the administrator shall notify the claimant's self-insuring employer of this fact. 72299
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(D) If a claimant receives an award of compensation or benefits under this chapter or Chapter 4121., 4127., or 4131. of the Revised Code for an injury described in division (C)(1)(c) of section 4123.01 of the Revised Code, the administrator or the applicable self-insuring employer shall terminate the claimant's compensation and benefits upon the claimant's receiving a disability benefit or disability retirement from the public 72307
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employees retirement system, the Ohio police and fire pension 72314
fund, the school employees retirement system, or the state highway 72315
patrol retirement system. 72316

Sec. 4301.12. The division of liquor control shall provide 72317
for the custody, safekeeping, and deposit of all moneys, checks, 72318
and drafts received by it or any of its employees or agents prior 72319
to paying them to the treasurer of state as provided by section 72320
113.08 of the Revised Code. 72321

A sum equal to three dollars and thirty-eight cents for each 72322
gallon of spirituous liquor sold by the division, JobsOhio, or a 72323
designee of JobsOhio during the period covered by the payment 72324
shall be paid into the state treasury to the credit of the general 72325
revenue fund. All moneys received from permit fees, except B-2a 72326
and S permit fees from B-2a and S permit holders who do not also 72327
hold A-2 permits, shall be paid to the credit of the undivided 72328
liquor permit fund established by section 4301.30 of the Revised 72329
Code. 72330

Except as otherwise provided by law, the division shall 72331
deposit all moneys collected under Chapters 4301. and 4303. of the 72332
Revised Code ~~shall be paid by the division~~ into the state treasury 72333
to the credit of the ~~liquor control fund, which is hereby created~~ 72334
state liquor regulatory fund created in section 4301.30 of the 72335
Revised Code. In addition, revenue resulting from any contracts 72336
with the department of commerce pertaining to the responsibilities 72337
and operations described in this chapter may be credited to the 72338
fund. ~~Amounts in the liquor control fund may be used to pay the~~ 72339
~~operating expenses of the liquor control commission.~~ 72340

Whenever, in the judgment of the director of budget and 72341
management, the amount in the liquor control fund is in excess of 72342
that needed to meet the maturing obligations of the division, as 72343
working capital for its further operations, to pay the operating 72344

expenses of the commission, and for the alcohol testing program 72345
under section 3701.143 of the Revised Code, the director shall 72346
transfer the excess to the credit of the general revenue fund. If 72347
the director determines that the amount in the liquor control fund 72348
is insufficient, the director may transfer money from the general 72349
revenue fund to the liquor control fund. 72350

Sec. 4301.243. (A) Notwithstanding any other provision of 72351
this chapter or Chapter 4303. of the Revised Code, a manufacturer, 72352
supplier, or solicitor registered pursuant to section 4303.25 of 72353
the Revised Code, or an agent or employee of a manufacturer or 72354
supplier, excluding a distributor or retail permit holder, may 72355
give merchandise or another thing of value to a personal consumer 72356
in connection with the purchase of an alcoholic beverage if both 72357
of the following apply: 72358

(1) The value of the merchandise or other thing of value does 72359
not meet or exceed the retail price of the alcoholic beverage 72360
purchased by the personal consumer; 72361

(2) The merchandise or other thing of value is not made by or 72362
awarded through a distributor or retail permit holder. 72363

(B) As used in this section, "personal consumer" means an 72364
individual who is at least twenty-one years of age, does not hold 72365
a permit issued under chapter 4303. of the Revised Code, and 72366
intends to use a purchased alcoholic beverage for personal 72367
consumption only and not for resale or other commercial purposes. 72368

Sec. 4301.43. (A) As used in sections 4301.43 to 4301.50 of 72369
the Revised Code: 72370

(1) "Gallon" or "wine gallon" means one hundred twenty-eight 72371
fluid ounces. 72372

(2) "Sale" or "sell" includes exchange, barter, gift, 72373
distribution, and, except with respect to A-4 permit holders, 72374

offer for sale. 72375

(B) For the purposes of providing revenues for the support of 72376
the state and encouraging the grape industries in the state, a tax 72377
is hereby levied on the sale or distribution of wine in Ohio, 72378
except for known sacramental purposes, at the rate of thirty cents 72379
per wine gallon for wine containing not less than four per cent of 72380
alcohol by volume and not more than fourteen per cent of alcohol 72381
by volume, ninety-eight cents per wine gallon for wine containing 72382
more than fourteen per cent but not more than twenty-one per cent 72383
of alcohol by volume, one dollar and eight cents per wine gallon 72384
for vermouth, and one dollar and forty-eight cents per wine gallon 72385
for sparkling and carbonated wine and champagne, the tax to be 72386
paid by the holders of A-2 and B-5 permits or by any other person 72387
selling or distributing wine upon which no tax has been paid. From 72388
the tax paid under this section on wine, vermouth, and sparkling 72389
and carbonated wine and champagne, the treasurer of state shall 72390
credit to the Ohio grape industries fund created under section 72391
924.54 of the Revised Code a sum equal to one cent per gallon for 72392
each gallon upon which the tax is paid. 72393

(C) For the purpose of providing revenues for the support of 72394
the state, there is hereby levied a tax on prepared and bottled 72395
highballs, cocktails, cordials, and other mixed beverages at the 72396
rate of one dollar and twenty cents per wine gallon to be paid by 72397
holders of A-4 permits or by any other person selling or 72398
distributing those products upon which no tax has been paid. Only 72399
one sale of the same article shall be used in computing the amount 72400
of tax due. The tax on mixed beverages to be paid by holders of 72401
A-4 permits under this section shall not attach until the 72402
ownership of the mixed beverage is transferred for valuable 72403
consideration to a wholesaler or retailer, and no payment of the 72404
tax shall be required prior to that time. 72405

(D) During the period of July 1, ~~2013~~ 2015, through June 30, 72406

~~2015~~ 2017, from the tax paid under this section on wine, vermouth, 72407
and sparkling and carbonated wine and champagne, the treasurer of 72408
state shall credit to the Ohio grape industries fund created under 72409
section 924.54 of the Revised Code a sum equal to two cents per 72410
gallon upon which the tax is paid. The amount credited under this 72411
division is in addition to the amount credited to the Ohio grape 72412
industries fund under division (B) of this section. 72413

(E) For the purpose of providing revenues for the support of 72414
the state, there is hereby levied a tax on cider at the rate of 72415
twenty-four cents per wine gallon to be paid by the holders of A-2 72416
and B-5 permits or by any other person selling or distributing 72417
cider upon which no tax has been paid. Only one sale of the same 72418
article shall be used in computing the amount of the tax due. 72419

Sec. 4301.61. (A) As used in this section and section 72420
4301.611 of the Revised Code: 72421

(1) "Card holder" means any person who presents a driver's or 72422
commercial driver's license or an identification card to a permit 72423
holder, or an agent or employee of a permit holder, for either of 72424
the purposes listed in division (A)(4)(a) or (b) of this section. 72425

(2) "Identification card" means an identification card issued 72426
under sections 4507.50 to 4507.52 of the Revised Code or an 72427
equivalent identification card issued by another state. 72428

(3) "Permit holder" means the holder of a permit issued under 72429
Chapter 4303. of the Revised Code. 72430

(4) "Transaction scan" means the process by which a permit 72431
holder or an agent or employee of a permit holder checks, by means 72432
of a transaction scan device, the validity of a driver's or 72433
commercial driver's license or an identification card that is 72434
presented as a condition for doing either of the following: 72435

(a) Purchasing any beer, intoxicating liquor, or low-alcohol 72436

beverage; 72437

(b) Gaining admission to a premises that has been issued a 72438
liquor permit authorizing the sale of beer or intoxicating liquor 72439
for consumption on the premises where sold, and where admission is 72440
restricted to persons twenty-one years of age or older. 72441

(5) "Transaction scan device" means any commercial device or 72442
combination of devices used at a point of sale that is capable of 72443
deciphering in an electronically readable format the information 72444
encoded on the magnetic strip or bar code of a driver's or 72445
commercial driver's license or an identification card. 72446

(B)(1) A permit holder or an agent or employee of a permit 72447
holder may perform a transaction scan by means of a transaction 72448
scan device to check the validity of a driver's or commercial 72449
driver's license or identification card presented by a card holder 72450
for either of the purposes listed in division (A)(4)(a) or (b) of 72451
this section. 72452

(2) If the information deciphered by the transaction scan 72453
performed under division (B)(1) of this section fails to match the 72454
information printed on the driver's or commercial driver's license 72455
or identification card presented by the card holder, or if the 72456
transaction scan indicates that the information so printed is 72457
false or fraudulent, neither the permit holder nor any agent or 72458
employee of the permit holder shall sell any beer, intoxicating 72459
liquor, or low-alcohol beverage to the card holder. 72460

(3) Division (B)(1) of this section does not preclude a 72461
permit holder or an agent or employee of a permit holder from 72462
using a transaction scan device to check the validity of a 72463
document other than a driver's or commercial driver's license or 72464
an identification card, if the document includes a bar code or 72465
magnetic strip that may be scanned by the device, as a condition 72466
of a sale of beer, intoxicating liquor, or a low-alcohol beverage 72467

or of granting admission to a premises described in division 72468
(A)(4) of this section. 72469

(C) The registrar of motor vehicles, with the approval of the 72470
liquor control commission, shall adopt, and may amend or rescind, 72471
rules in accordance with Chapter 119. of the Revised Code that do 72472
both of the following: 72473

(1) Govern the recording and maintenance of information 72474
described in divisions (D)(1)(a) and (b) of this section, 72475
divisions (D)(1)(a) and (b) of section 2927.021 of the Revised 72476
Code, and divisions (D)(1)(a) and (b) of section 2925.57 of the 72477
Revised Code; 72478

(2) Ensure quality control in the use of transaction scan 72479
devices under this section and sections 2927.021, 2927.022, 72480
2925.57, 2925.58, and 4301.611 of the Revised Code. 72481

(D)(1) No permit holder or agent or employee of a permit 72482
holder shall electronically or mechanically record or maintain any 72483
information derived from a transaction scan, except the following: 72484

(a) The name and date of birth of the person listed on the 72485
driver's or commercial driver's license or identification card 72486
presented by a card holder; 72487

(b) The expiration date and identification number of the 72488
driver's or commercial driver's license or identification card 72489
presented by a card holder. 72490

(2) No permit holder or agent or employee of a permit holder 72491
shall use the information that is derived from a transaction scan 72492
or that is permitted to be recorded and maintained by division 72493
(D)(1) of this section, except for purposes of section 4301.611 of 72494
the Revised Code. 72495

(3) No permit holder or agent or employee of a permit holder 72496
shall use a transaction scan device for a purpose other than a 72497

purpose listed in division (A)(4)(a) or (b) of this section. 72498

(4) No permit holder or agent or employee of a permit holder 72499
shall sell or otherwise disseminate the information derived from a 72500
transaction scan to any third party, including, but not limited 72501
to, selling or otherwise disseminating that information for any 72502
marketing, advertising, or promotional activities, but a permit 72503
holder or agent or employee of a permit holder may release that 72504
information pursuant to a court order or as specifically 72505
authorized by section 4301.611 or another section of the Revised 72506
Code. 72507

(E) Nothing in this section or section 4301.611 of the 72508
Revised Code relieves a permit holder or an agent or employee of a 72509
permit holder of any responsibility to comply with any other 72510
applicable state or federal laws or rules governing the sale of 72511
beer, intoxicating liquor, or low-alcohol beverages. 72512

(F) Whoever violates division (B)(2) or (D) of this section 72513
is guilty of an illegal liquor transaction scan, and the court may 72514
impose upon the offender a civil penalty of up to one thousand 72515
dollars for each violation. The clerk of the court shall pay each 72516
collected civil penalty to the county treasurer for deposit into 72517
the county treasury. 72518

Sec. 4301.639. (A) No permit holder, agent or employee of a 72519
permit holder, or any other person may be found guilty of a 72520
violation of any section of this chapter or any rule of the liquor 72521
control commission in which age is an element of the offense, if 72522
the liquor control commission or any court of record finds all of 72523
the following: 72524

(1) That the person buying, at the time of so doing, 72525
exhibited to the permit holder, the agent or employee of the 72526
permit holder, or the other person a driver's or commercial 72527
driver's license, an identification card ~~issued under sections~~ 72528

~~4507.50 to 4507.52~~ as defined in section 4301.61 of the Revised Code, ~~or~~ a military identification card issued by the United States department of defense, or a United States or foreign passport, that displays a picture of the individual for whom the license ~~or~~, card, or passport was issued and shows that the person buying was then at least twenty-one years of age, if the person was buying beer as defined in section 4301.01 of the Revised Code or intoxicating liquor, or that the person was then at least eighteen years of age, if the person was buying any low-alcohol beverage;

(2) That the permit holder, the agent or employee of the permit holder, or the other person made a bona fide effort to ascertain the true age of the person buying by checking the identification presented, at the time of the purchase, to ascertain that the description on the identification compared with the appearance of the buyer and that the identification presented had not been altered in any way;

(3) That the permit holder, the agent or employee of the permit holder, or the other person had reason to believe that the person buying was of legal age.

(B) In any hearing before the liquor control commission and in any action or proceeding before a court of record in which a defense is raised under division (A) of this section, the registrar of motor vehicles or deputy registrar who issued an identification card under sections 4507.50 to 4507.52 of the Revised Code shall be permitted to submit certified copies of the records, in the registrar's or deputy's possession, of that issuance in lieu of the testimony of the personnel of or contractors with the bureau of motor vehicles at the hearing, action, or proceeding.

(C) The defense provided by division (A) of this section is in addition to the affirmative defense provided by section

4301.611 of the Revised Code. 72561

Sec. 4301.83. (A) As used in this section: 72562

(1) "Qualified permit holder" means a person to which both of 72563
the following apply: 72564

(a) The person is the holder of an A-1, A-1-A, A-1c, A-2, or 72565
D permit issued under Chapter 4303. of the Revised Code. 72566

(b) The location of the premises for which the person has 72567
been issued a permit specified in division (A)(1)(a) of this 72568
section is in a county in which a major event will occur or in a 72569
county contiguous to the county in which a major event will occur. 72570

(2) "Major event" means an event that meets all of the 72571
following conditions: 72572

(a) It is scheduled to occur in a municipal corporation with 72573
a population of three hundred fifty thousand or more on or after 72574
the effective date of this section. 72575

(b) It is expected to attract not less than three thousand 72576
visitors. 72577

(c) It is scheduled to have a duration of not less than one 72578
day and not more than ten days. 72579

(B) Notwithstanding any provision of law to the contrary and 72580
upon issuance of a waiver by the division of liquor control under 72581
this section, a qualified permit holder may serve beer, 72582
intoxicating liquor, or both between five thirty a.m. and four 72583
a.m. the following day during a major event. 72584

(C) Not later than one hundred twenty days prior to the 72585
commencement of a major event, a qualified permit holder may file 72586
an application for a waiver with the chief executive officer of 72587
the municipal corporation in which the permit holder's premises is 72588
located or the fiscal officer of the township in which the permit 72589

holder's premises is located. The qualified permit holder shall 72590
include in the application both of the following: 72591

(1) The name and address of the qualified permit holder; 72592

(2) The name and address of the premises that is the subject 72593
of the application. 72594

(D)(1) Not later than ninety days prior to the commencement 72595
of the major event, the chief executive officer of the municipal 72596
corporation or the fiscal officer of the township that receives an 72597
application under division (C) of this section shall review all 72598
applications received under division (C) of this section and 72599
compile a list of the applicants. 72600

(2) In compiling the list under division (D)(1) of this 72601
section, the chief executive officer or fiscal officer shall 72602
consult with the chief law enforcement officer of the municipal 72603
corporation or township, as applicable, to determine whether to 72604
retain each applicant on the list. 72605

(E)(1) Not later than sixty days prior to the commencement of 72606
the major event, the chief executive officer of the municipal 72607
corporation or the fiscal officer of the township that compiles a 72608
list of qualified permit holders under division (D) of this 72609
section shall submit the list to the division. 72610

(2) The division shall review the list and determine whether 72611
to retain each qualified permit holder on the list. The division 72612
may remove the name of a permit holder from the list for good 72613
cause. After review, the division shall certify the list. 72614

(F) Not later than thirty days prior to the commencement of 72615
the major event, the division shall do both of the following: 72616

(1) Return the list certified under division (E) of this 72617
section to the chief executive officer of the municipal 72618
corporation or the fiscal officer of the township that submitted 72619

the original list under division (E) of this section; 72620

(2) Issue a waiver to each permit holder on the list that 72621
allows the permit holder to serve beer, intoxicating liquor, or 72622
both between five thirty a.m. and four a.m. the following day 72623
during the major event. 72624

(G) The division shall establish the form of the application 72625
to be used under this section and shall make it available for use 72626
by qualified permit holders. 72627

Sec. 4303.181. (A) Permit D-5a may be issued either to the 72628
owner or operator of a hotel or motel that is required to be 72629
licensed under section 3731.03 of the Revised Code, that contains 72630
at least fifty rooms for registered transient guests or is owned 72631
by a state institution of higher education as defined in section 72632
3345.011 of the Revised Code or a private college or university, 72633
and that qualifies under the other requirements of this section, 72634
or to the owner or operator of a restaurant specified under this 72635
section, to sell beer and any intoxicating liquor at retail, only 72636
by the individual drink in glass and from the container, for 72637
consumption on the premises where sold, and to registered guests 72638
in their rooms, which may be sold by means of a controlled access 72639
alcohol and beverage cabinet in accordance with division (B) of 72640
section 4301.21 of the Revised Code; and to sell the same products 72641
in the same manner and amounts not for consumption on the premises 72642
as may be sold by holders of D-1 and D-2 permits. The premises of 72643
the hotel or motel shall include a retail food establishment or a 72644
food service operation licensed pursuant to Chapter 3717. of the 72645
Revised Code that operates as a restaurant for purposes of this 72646
chapter and that is affiliated with the hotel or motel and within 72647
or contiguous to the hotel or motel, and that serves food within 72648
the hotel or motel, but the principal business of the owner or 72649
operator of the hotel or motel shall be the accommodation of 72650

transient guests. In addition to the privileges authorized in this 72651
division, the holder of a D-5a permit may exercise the same 72652
privileges as the holder of a D-5 permit. 72653

The owner or operator of a hotel, motel, or restaurant who 72654
qualified for and held a D-5a permit on August 4, 1976, may, if 72655
the owner or operator held another permit before holding a D-5a 72656
permit, either retain a D-5a permit or apply for the permit 72657
formerly held, and the division of liquor control shall issue the 72658
permit for which the owner or operator applies and formerly held, 72659
notwithstanding any quota. 72660

A D-5a permit shall not be transferred to another location. 72661
No quota restriction shall be placed on the number of D-5a permits 72662
that may be issued. 72663

The fee for this permit is two thousand three hundred 72664
forty-four dollars. 72665

(B) Permit D-5b may be issued to the owner, operator, tenant, 72666
lessee, or occupant of an enclosed shopping center to sell beer 72667
and intoxicating liquor at retail, only by the individual drink in 72668
glass and from the container, for consumption on the premises 72669
where sold; and to sell the same products in the same manner and 72670
amount not for consumption on the premises as may be sold by 72671
holders of D-1 and D-2 permits. In addition to the privileges 72672
authorized in this division, the holder of a D-5b permit may 72673
exercise the same privileges as a holder of a D-5 permit. 72674

A D-5b permit shall not be transferred to another location. 72675

One D-5b permit may be issued at an enclosed shopping center 72676
containing at least two hundred twenty-five thousand, but less 72677
than four hundred thousand, square feet of floor area. 72678

Two D-5b permits may be issued at an enclosed shopping center 72679
containing at least four hundred thousand square feet of floor 72680
area. No more than one D-5b permit may be issued at an enclosed 72681

shopping center for each additional two hundred thousand square 72682
feet of floor area or fraction of that floor area, up to a maximum 72683
of five D-5b permits for each enclosed shopping center. The number 72684
of D-5b permits that may be issued at an enclosed shopping center 72685
shall be determined by subtracting the number of D-3 and D-5 72686
permits issued in the enclosed shopping center from the number of 72687
D-5b permits that otherwise may be issued at the enclosed shopping 72688
center under the formulas provided in this division. Except as 72689
provided in this section, no quota shall be placed on the number 72690
of D-5b permits that may be issued. Notwithstanding any quota 72691
provided in this section, the holder of any D-5b permit first 72692
issued in accordance with this section is entitled to its renewal 72693
in accordance with section 4303.271 of the Revised Code. 72694

The holder of a D-5b permit issued before April 4, 1984, 72695
whose tenancy is terminated for a cause other than nonpayment of 72696
rent, may return the D-5b permit to the division of liquor 72697
control, and the division shall cancel that permit. Upon 72698
cancellation of that permit and upon the permit holder's payment 72699
of taxes, contributions, premiums, assessments, and other debts 72700
owing or accrued upon the date of cancellation to this state and 72701
its political subdivisions and a filing with the division of a 72702
certification of that payment, the division shall issue to that 72703
person either a D-5 permit, or a D-1, a D-2, and a D-3 permit, as 72704
that person requests. The division shall issue the D-5 permit, or 72705
the D-1, D-2, and D-3 permits, even if the number of D-1, D-2, 72706
D-3, or D-5 permits currently issued in the municipal corporation 72707
or in the unincorporated area of the township where that person's 72708
proposed premises is located equals or exceeds the maximum number 72709
of such permits that can be issued in that municipal corporation 72710
or in the unincorporated area of that township under the 72711
population quota restrictions contained in section 4303.29 of the 72712
Revised Code. Any D-1, D-2, D-3, or D-5 permit so issued shall not 72713
be transferred to another location. If a D-5b permit is canceled 72714

under the provisions of this paragraph, the number of D-5b permits 72715
that may be issued at the enclosed shopping center for which the 72716
D-5b permit was issued, under the formula provided in this 72717
division, shall be reduced by one if the enclosed shopping center 72718
was entitled to more than one D-5b permit under the formula. 72719

The fee for this permit is two thousand three hundred 72720
forty-four dollars. 72721

(C) Permit D-5c may be issued to the owner or operator of a 72722
retail food establishment or a food service operation licensed 72723
pursuant to Chapter 3717. of the Revised Code that operates as a 72724
restaurant for purposes of this chapter and that qualifies under 72725
the other requirements of this section to sell beer and any 72726
intoxicating liquor at retail, only by the individual drink in 72727
glass and from the container, for consumption on the premises 72728
where sold, and to sell the same products in the same manner and 72729
amounts not for consumption on the premises as may be sold by 72730
holders of D-1 and D-2 permits. In addition to the privileges 72731
authorized in this division, the holder of a D-5c permit may 72732
exercise the same privileges as the holder of a D-5 permit. 72733

To qualify for a D-5c permit, the owner or operator of a 72734
retail food establishment or a food service operation licensed 72735
pursuant to Chapter 3717. of the Revised Code that operates as a 72736
restaurant for purposes of this chapter, shall have operated the 72737
restaurant at the proposed premises for not less than twenty-four 72738
consecutive months immediately preceding the filing of the 72739
application for the permit, have applied for a D-5 permit no later 72740
than December 31, 1988, and appear on the division's quota waiting 72741
list for not less than six months immediately preceding the filing 72742
of the application for the permit. In addition to these 72743
requirements, the proposed D-5c permit premises shall be located 72744
within a municipal corporation and further within an election 72745
precinct that, at the time of the application, has no more than 72746

twenty-five per cent of its total land area zoned for residential use. 72747
72748

A D-5c permit shall not be transferred to another location. 72749
No quota restriction shall be placed on the number of such permits 72750
that may be issued. 72751

Any person who has held a D-5c permit for at least two years 72752
may apply for a D-5 permit, and the division of liquor control 72753
shall issue the D-5 permit notwithstanding the quota restrictions 72754
contained in section 4303.29 of the Revised Code or in any rule of 72755
the liquor control commission. 72756

The fee for this permit is one thousand five hundred 72757
sixty-three dollars. 72758

(D) Permit D-5d may be issued to the owner or operator of a 72759
retail food establishment or a food service operation licensed 72760
pursuant to Chapter 3717. of the Revised Code that operates as a 72761
restaurant for purposes of this chapter and that is located at an 72762
airport operated by a board of county commissioners pursuant to 72763
section 307.20 of the Revised Code, at an airport operated by a 72764
port authority pursuant to Chapter 4582. of the Revised Code, or 72765
at an airport operated by a regional airport authority pursuant to 72766
Chapter 308. of the Revised Code. The holder of a D-5d permit may 72767
sell beer and any intoxicating liquor at retail, only by the 72768
individual drink in glass and from the container, for consumption 72769
on the premises where sold, and may sell the same products in the 72770
same manner and amounts not for consumption on the premises where 72771
sold as may be sold by the holders of D-1 and D-2 permits. In 72772
addition to the privileges authorized in this division, the holder 72773
of a D-5d permit may exercise the same privileges as the holder of 72774
a D-5 permit. 72775

A D-5d permit shall not be transferred to another location. 72776
No quota restrictions shall be placed on the number of such 72777

permits that may be issued. 72778

The fee for this permit is two thousand three hundred 72779
forty-four dollars. 72780

(E) Permit D-5e may be issued to any nonprofit organization 72781
that is exempt from federal income taxation under the "Internal 72782
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501(c)(3), as 72783
amended, or that is a charitable organization under any chapter of 72784
the Revised Code, and that owns or operates a riverboat that meets 72785
all of the following: 72786

(1) Is permanently docked at one location; 72787

(2) Is designated as an historical riverboat by the Ohio 72788
historical society; 72789

(3) Contains not less than fifteen hundred square feet of 72790
floor area; 72791

(4) Has a seating capacity of fifty or more persons. 72792

The holder of a D-5e permit may sell beer and intoxicating 72793
liquor at retail, only by the individual drink in glass and from 72794
the container, for consumption on the premises where sold. 72795

A D-5e permit shall not be transferred to another location. 72796
No quota restriction shall be placed on the number of such permits 72797
that may be issued. The population quota restrictions contained in 72798
section 4303.29 of the Revised Code or in any rule of the liquor 72799
control commission shall not apply to this division, and the 72800
division shall issue a D-5e permit to any applicant who meets the 72801
requirements of this division. However, the division shall not 72802
issue a D-5e permit if the permit premises or proposed permit 72803
premises are located within an area in which the sale of 72804
spirituous liquor by the glass is prohibited. 72805

The fee for this permit is one thousand two hundred nineteen 72806
dollars. 72807

(F) Permit D-5f may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that meets all of the following:

(1) It contains not less than twenty-five hundred square feet of floor area.

(2) It is located on or in, or immediately adjacent to, the shoreline of, a navigable river.

(3) It provides docking space for twenty-five boats.

(4) It provides entertainment and recreation, provided that not less than fifty per cent of the business on the permit premises shall be preparing and serving meals for a consideration.

In addition, each application for a D-5f permit shall be accompanied by a certification from the local legislative authority that the issuance of the D-5f permit is not inconsistent with that political subdivision's comprehensive development plan or other economic development goal as officially established by the local legislative authority.

The holder of a D-5f permit may sell beer and intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold.

A D-5f permit shall not be transferred to another location.

The division of liquor control shall not issue a D-5f permit if the permit premises or proposed permit premises are located within an area in which the sale of spirituous liquor by the glass is prohibited.

A fee for this permit is two thousand three hundred forty-four dollars.

As used in this division, "navigable river" means a river

that is also a "navigable water" as defined in the "Federal Power Act," 94 Stat. 770 (1980), 16 U.S.C. 796. 72838
72839

(G) Permit D-5g may be issued to a nonprofit corporation that 72840
is either the owner or the operator of a national professional 72841
sports museum. The holder of a D-5g permit may sell beer and any 72842
intoxicating liquor at retail, only by the individual drink in 72843
glass and from the container, for consumption on the premises 72844
where sold. The holder of a D-5g permit shall sell no beer or 72845
intoxicating liquor for consumption on the premises where sold 72846
after two-thirty a.m. A D-5g permit shall not be transferred to 72847
another location. No quota restrictions shall be placed on the 72848
number of D-5g permits that may be issued. The fee for this permit 72849
is one thousand eight hundred seventy-five dollars. 72850

(H)(1) Permit D-5h may be issued to any nonprofit 72851
organization that is exempt from federal income taxation under the 72852
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 72853
501(c)(3), as amended, that owns or operates any of the following: 72854

(a) A fine arts museum, provided that the nonprofit 72855
organization has no less than one thousand five hundred bona fide 72856
members possessing full membership privileges; 72857

(b) A community arts center. As used in division (H)(1)(b) of 72858
this section, "community arts center" means a facility that 72859
provides arts programming to the community in more than one arts 72860
discipline, including, but not limited to, exhibits of works of 72861
art and performances by both professional and amateur artists. 72862

(c) A community theater, provided that the nonprofit 72863
organization is a member of the Ohio arts council and the American 72864
community theatre association and has been in existence for not 72865
less than ten years. As used in division (H)(1)(c) of this 72866
section, "community theater" means a facility that contains at 72867
least one hundred fifty seats and has a primary function of 72868

presenting live theatrical performances and providing recreational 72869
opportunities to the community. 72870

(2) The holder of a D-5h permit may sell beer and any 72871
intoxicating liquor at retail, only by the individual drink in 72872
glass and from the container, for consumption on the premises 72873
where sold. The holder of a D-5h permit shall sell no beer or 72874
intoxicating liquor for consumption on the premises where sold 72875
after one a.m. A D-5h permit shall not be transferred to another 72876
location. No quota restrictions shall be placed on the number of 72877
D-5h permits that may be issued. 72878

(3) The fee for a D-5h permit is one thousand eight hundred 72879
seventy-five dollars. 72880

(I) Permit D-5i may be issued to the owner or operator of a 72881
retail food establishment or a food service operation licensed 72882
under Chapter 3717. of the Revised Code that operates as a 72883
restaurant for purposes of this chapter and that meets all of the 72884
following requirements: 72885

(1) It is located in a municipal corporation or a township 72886
with a population of one hundred thousand or less. 72887

(2) It has inside seating capacity for at least one hundred 72888
forty persons. 72889

(3) It has at least four thousand square feet of floor area. 72890

(4) It offers full-course meals, appetizers, and sandwiches. 72891

(5) Its receipts from beer and liquor sales, excluding wine 72892
sales, do not exceed twenty-five per cent of its total gross 72893
receipts. 72894

(6) It has at least one of the following characteristics: 72895

(a) The value of its real and personal property exceeds seven 72896
hundred twenty-five thousand dollars. 72897

(b) It is located on property that is owned or leased by the 72898

state or a state agency, and its owner or operator has 72899
authorization from the state or the state agency that owns or 72900
leases the property to obtain a D-5i permit. 72901

The holder of a D-5i permit may sell beer and any 72902
intoxicating liquor at retail, only by the individual drink in 72903
glass and from the container, for consumption on the premises 72904
where sold, and may sell the same products in the same manner and 72905
amounts not for consumption on the premises where sold as may be 72906
sold by the holders of D-1 and D-2 permits. The holder of a D-5i 72907
permit shall sell no beer or intoxicating liquor for consumption 72908
on the premises where sold after two-thirty a.m. In addition to 72909
the privileges authorized in this division, the holder of a D-5i 72910
permit may exercise the same privileges as the holder of a D-5 72911
permit. 72912

A D-5i permit shall not be transferred to another location. 72913
The division of liquor control shall not renew a D-5i permit 72914
unless the retail food establishment or food service operation for 72915
which it is issued continues to meet the requirements described in 72916
divisions (I)(1) to (6) of this section. No quota restrictions 72917
shall be placed on the number of D-5i permits that may be issued. 72918
The fee for the D-5i permit is two thousand three hundred 72919
forty-four dollars. 72920

(J) Permit D-5j may be issued to the owner or the operator of 72921
a retail food establishment or a food service operation licensed 72922
under Chapter 3717. of the Revised Code to sell beer and 72923
intoxicating liquor at retail, only by the individual drink in 72924
glass and from the container, for consumption on the premises 72925
where sold and to sell beer and intoxicating liquor in the same 72926
manner and amounts not for consumption on the premises where sold 72927
as may be sold by the holders of D-1 and D-2 permits. The holder 72928
of a D-5j permit may exercise the same privileges, and shall 72929
observe the same hours of operation, as the holder of a D-5 72930

permit. 72931

The D-5j permit shall be issued only within a community 72932
entertainment district that is designated under section 4301.80 of 72933
the Revised Code. The permit shall not be issued to a community 72934
entertainment district that is designated under divisions (B) and 72935
(C) of section 4301.80 of the Revised Code if the district does 72936
not meet one of the following qualifications: 72937

(1) It is located in a municipal corporation with a 72938
population of at least one hundred thousand. 72939

(2) It is located in a municipal corporation with a 72940
population of at least twenty thousand, and either of the 72941
following applies: 72942

(a) It contains an amusement park the rides of which have 72943
been issued a permit by the department of agriculture under 72944
Chapter 1711. of the Revised Code. 72945

(b) Not less than fifty million dollars will be invested in 72946
development and construction in the community entertainment 72947
district's area located in the municipal corporation. 72948

(3) It is located in a township with a population of at least 72949
forty thousand. 72950

(4) It is located in a township with a population of at least 72951
twenty thousand, and not less than seventy million dollars will be 72952
invested in development and construction in the community 72953
entertainment district's area located in the township. 72954

(5) It is located in a municipal corporation with a 72955
population between ~~ten~~ seven thousand and twenty thousand, and 72956
both of the following apply: 72957

(a) The municipal corporation was incorporated as a village 72958
prior to calendar year 1860 and currently has a historic downtown 72959
business district. 72960

(b) The municipal corporation is located in the same county 72961
as another municipal corporation with at least one community 72962
entertainment district. 72963

(6) It is located in a municipal corporation with a 72964
population of at least ten thousand, and not less than seventy 72965
million dollars will be invested in development and construction 72966
in the community entertainment district's area located in the 72967
municipal corporation. 72968

(7) It is located in a municipal corporation with a 72969
population of at least five thousand, and not less than one 72970
hundred million dollars will be invested in development and 72971
construction in the community entertainment district's area 72972
located in the municipal corporation. 72973

(8) It is located in a municipal corporation with a 72974
population of less than three thousand and all of the following 72975
apply: 72976

(a) The municipal corporation was incorporated as a village 72977
prior to calendar year 1812 and currently has a historic district 72978
of at least forty acres. 72979

(b) The municipal corporation is located in a county that 72980
does not have a municipal corporation with a population of more 72981
than seven thousand five hundred. 72982

(c) The municipal corporation currently is not the county 72983
seat, but was the county seat prior to 1860. 72984

For purposes of division (J)(8) of this section, the 72985
population of a municipal corporation is considered to be the 72986
population shown by the most recent regular federal decennial 72987
census. 72988

The location of a D-5j permit may be transferred only within 72989
the geographic boundaries of the community entertainment district 72990

in which it was issued and shall not be transferred outside the 72991
geographic boundaries of that district. 72992

Not more than one D-5j permit shall be issued within each 72993
community entertainment district for each five acres of land 72994
located within the district. Not more than fifteen D-5j permits 72995
may be issued within a single community entertainment district. 72996
Except as otherwise provided in division (J)(4) of this section, 72997
no quota restrictions shall be placed upon the number of D-5j 72998
permits that may be issued. 72999

The fee for a D-5j permit is two thousand three hundred 73000
forty-four dollars. 73001

(K)(1) Permit D-5k may be issued to any nonprofit 73002
organization that is exempt from federal income taxation under the 73003
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 73004
501(c)(3), as amended, that is the owner or operator of a 73005
botanical garden recognized by the American association of 73006
botanical gardens and arboreta, and that has not less than 73007
twenty-five hundred bona fide members. 73008

(2) The holder of a D-5k permit may sell beer and any 73009
intoxicating liquor at retail, only by the individual drink in 73010
glass and from the container, on the premises where sold. 73011

(3) The holder of a D-5k permit shall sell no beer or 73012
intoxicating liquor for consumption on the premises where sold 73013
after one a.m. 73014

(4) A D-5k permit shall not be transferred to another 73015
location. 73016

(5) No quota restrictions shall be placed on the number of 73017
D-5k permits that may be issued. 73018

(6) The fee for the D-5k permit is one thousand eight hundred 73019
seventy-five dollars. 73020

(L)(1) Permit D-51 may be issued to the owner or the operator 73021
of a retail food establishment or a food service operation 73022
licensed under Chapter 3717. of the Revised Code to sell beer and 73023
intoxicating liquor at retail, only by the individual drink in 73024
glass and from the container, for consumption on the premises 73025
where sold and to sell beer and intoxicating liquor in the same 73026
manner and amounts not for consumption on the premises where sold 73027
as may be sold by the holders of D-1 and D-2 permits. The holder 73028
of a D-51 permit may exercise the same privileges, and shall 73029
observe the same hours of operation, as the holder of a D-5 73030
permit. 73031

(2) The D-51 permit shall be issued only to a premises to 73032
which all of the following apply: 73033

(a) The premises has gross annual receipts from the sale of 73034
food and meals that constitute not less than seventy-five per cent 73035
of its total gross annual receipts. 73036

(b) The premises is located within a revitalization district 73037
that is designated under section 4301.81 of the Revised Code. 73038

(c) The premises is located in a municipal corporation or 73039
township in which the number of D-5 permits issued equals or 73040
exceeds the number of those permits that may be issued in that 73041
municipal corporation or township under section 4303.29 of the 73042
Revised Code. 73043

(d) The premises meets any of the following qualifications: 73044

(i) It is located in a county with a population of one 73045
hundred twenty-five thousand or less according to the population 73046
estimates certified by the development services agency for 73047
calendar year 2006. 73048

(ii) It is located in the municipal corporation that has the 73049
largest population in a county when the county has a population 73050
between two hundred fifteen thousand and two hundred twenty-five 73051

thousand according to the population estimates certified by the 73052
development services agency for calendar year 2006. Division 73053
(L)(2)(d)(ii) of this section applies only to a municipal 73054
corporation that is wholly located in a county. 73055

(iii) It is located in the municipal corporation that has the 73056
largest population in a county when the county has a population 73057
between one hundred forty thousand and one hundred forty-one 73058
thousand according to the population estimates certified by the 73059
development services agency for calendar year 2006. Division 73060
(L)(2)(d)(iii) of this section applies only to a municipal 73061
corporation that is wholly located in a county. 73062

(iv) It is located in a township with a population density of 73063
less than four hundred fifty people per square mile. For purposes 73064
of division (L)(2)(d)(iv) of this section, the population of a 73065
township is considered to be the population shown by the most 73066
recent regular federal decennial census. 73067

(3) The location of a D-51 permit may be transferred only 73068
within the geographic boundaries of the revitalization district in 73069
which it was issued and shall not be transferred outside the 73070
geographic boundaries of that district. 73071

(4) Not more than one D-51 permit shall be issued within each 73072
revitalization district for each five acres of land located within 73073
the district. Not more than fifteen D-51 permits may be issued 73074
within a single revitalization district. Except as otherwise 73075
provided in division (L)(4) of this section, no quota restrictions 73076
shall be placed upon the number of D-51 permits that may be 73077
issued. 73078

(5) No D-51 permit shall be issued to an adult entertainment 73079
establishment as defined in section 2907.39 of the Revised Code. 73080

(6) The fee for a D-51 permit is two thousand three hundred 73081
forty-four dollars. 73082

(M) Permit D-5m may be issued to either the owner or the operator of a retail food establishment or food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located in, or affiliated with, a center for the preservation of wild animals as defined in section 4301.404 of the Revised Code, to sell beer and any intoxicating liquor at retail, only by the glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5m permit may exercise the same privileges as the holder of a D-5 permit.

A D-5m permit shall not be transferred to another location. No quota restrictions shall be placed on the number of D-5m permits that may be issued. The fee for a permit D-5m is two thousand three hundred forty-four dollars.

(N) Permit D-5n shall be issued to either a casino operator or a casino management company licensed under Chapter 3772. of the Revised Code that operates a casino facility under that chapter, to sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and to sell the same products in the same manner and amounts not for consumption on the premises as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5n permit may exercise the same privileges as the holder of a D-5 permit. A D-5n permit shall not be transferred to another location. Only one D-5n permit may be issued per casino facility and not more than four D-5n permits shall be issued in this state. The fee for a permit D-5n shall be twenty thousand dollars. The holder of a D-5n permit may conduct casino gaming on the permit

premises notwithstanding any provision of the Revised Code or Administrative Code. 73115
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(O) Permit D-5o may be issued to the owner or operator of a retail food establishment or a food service operation licensed under Chapter 3717. of the Revised Code that operates as a restaurant for purposes of this chapter and that is located within a casino facility for which a D-5n permit has been issued. The holder of a D-5o permit may sell beer and any intoxicating liquor at retail, only by the individual drink in glass and from the container, for consumption on the premises where sold, and may sell the same products in the same manner and amounts not for consumption on the premises where sold as may be sold by the holders of D-1 and D-2 permits. In addition to the privileges authorized by this division, the holder of a D-5o permit may exercise the same privileges as the holder of a D-5 permit. A D-5o permit shall not be transferred to another location. No quota restrictions shall be placed on the number of such permits that may be issued. The fee for this permit is two thousand three hundred forty-four dollars. 73117
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Sec. 4303.182. (A) Except as otherwise provided in divisions (B) to ~~(J)~~(K) of this section, permit D-6 shall be issued to the holder of an A-1-A, A-2, A-3a, C-2, D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit to allow sale under that permit as follows: 73134
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(1) Between the hours of ten a.m. and midnight on Sunday if sale during those hours has been approved under question (C)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised Code, under question (B)(2) of section 4301.355 of the Revised Code, or under section 4301.356 of the Revised Code and has been authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73140
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Revised Code, under the restrictions of that authorization; 73146

(2) Between the hours of eleven a.m. and midnight on Sunday, 73147
if sale during those hours has been approved on or after ~~the~~ 73148
~~effective date of this amendment~~ October 16, 2009, under question 73149
(B)(1), (2), or (3) of section 4301.351 or 4301.354 of the Revised 73150
Code, under question (B)(2) of section 4301.355 of the Revised 73151
Code, or under section 4301.356 of the Revised Code and has been 73152
authorized under section 4301.361, 4301.364, 4301.365, or 4301.366 73153
of the Revised Code, under the restrictions of that authorization; 73154

(3) Between the hours of eleven a.m. and midnight on Sunday 73155
if sale between the hours of one p.m. and midnight was approved 73156
before ~~the effective date of this amendment~~ October 16, 2009, 73157
under question (B)(1), (2), or (3) of section 4301.351 or 4301.354 73158
of the Revised Code, under question (B)(2) of section 4301.355 of 73159
the Revised Code, or under section 4301.356 of the Revised Code 73160
and has been authorized under section 4301.361, 4301.364, 73161
4301.365, or 4301.366 of the Revised Code, under the other 73162
restrictions of that authorization. 73163

(B) Permit D-6 shall be issued to the holder of any permit, 73164
including a D-4a and D-5d permit, authorizing the sale of 73165
intoxicating liquor issued for a premises located at any publicly 73166
owned airport, as defined in section 4563.01 of the Revised Code, 73167
at which commercial airline companies operate regularly scheduled 73168
flights on which space is available to the public, to allow sale 73169
under such permit between the hours of ten a.m. and midnight on 73170
Sunday, whether or not that sale has been authorized under section 73171
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73172

(C) Permit D-6 shall be issued to the holder of a D-5a 73173
permit, and to the holder of a D-3 or D-3a permit who is the owner 73174
or operator of a hotel or motel that is required to be licensed 73175
under section 3731.03 of the Revised Code, that contains at least 73176
fifty rooms for registered transient guests, and that has on its 73177

premises a retail food establishment or a food service operation 73178
licensed pursuant to Chapter 3717. of the Revised Code that 73179
operates as a restaurant for purposes of this chapter and is 73180
affiliated with the hotel or motel and within or contiguous to the 73181
hotel or motel and serving food within the hotel or motel, to 73182
allow sale under such permit between the hours of ten a.m. and 73183
midnight on Sunday, whether or not that sale has been authorized 73184
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73185
Revised Code. 73186

(D) The holder of a D-6 permit that is issued to a sports 73187
facility may make sales under the permit between the hours of 73188
eleven a.m. and midnight on any Sunday on which a professional 73189
baseball, basketball, football, hockey, or soccer game is being 73190
played at the sports facility. As used in this division, "sports 73191
facility" means a stadium or arena that has a seating capacity of 73192
at least four thousand and that is owned or leased by a 73193
professional baseball, basketball, football, hockey, or soccer 73194
franchise or any combination of those franchises. 73195

(E) Permit D-6 shall be issued to the holder of any permit 73196
that authorizes the sale of beer or intoxicating liquor and that 73197
is issued to a premises located in or at the Ohio historical 73198
society area or the state fairgrounds, as defined in division (B) 73199
of section 4301.40 of the Revised Code, to allow sale under that 73200
permit between the hours of ten a.m. and midnight on Sunday, 73201
whether or not that sale has been authorized under section 73202
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73203

(F) Permit D-6 shall be issued to the holder of any permit 73204
that authorizes the sale of intoxicating liquor and that is issued 73205
to an outdoor performing arts center to allow sale under that 73206
permit between the hours of one p.m. and midnight on Sunday, 73207
whether or not that sale has been authorized under section 73208
4301.361 of the Revised Code. A D-6 permit issued under this 73209

division is subject to the results of an election, held after the 73210
D-6 permit is issued, on question (B)(4) as set forth in section 73211
4301.351 of the Revised Code. Following the end of the period 73212
during which an election may be held on question (B)(4) as set 73213
forth in that section, sales of intoxicating liquor may continue 73214
at an outdoor performing arts center under a D-6 permit issued 73215
under this division, unless an election on that question is held 73216
during the permitted period and a majority of the voters voting in 73217
the precinct on that question vote "no." 73218

As used in this division, "outdoor performing arts center" 73219
means an outdoor performing arts center that is located on not 73220
less than eight hundred acres of land and that is open for 73221
performances from the first day of April to the last day of 73222
October of each year. 73223

(G) Permit D-6 shall be issued to the holder of any permit 73224
that authorizes the sale of beer or intoxicating liquor and that 73225
is issued to a golf course owned by the state, a conservancy 73226
district, a park district created under Chapter 1545. of the 73227
Revised Code, or another political subdivision to allow sale under 73228
that permit between the hours of ten a.m. and midnight on Sunday, 73229
whether or not that sale has been authorized under section 73230
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73231

(H) Permit D-6 shall be issued to the holder of a D-5g permit 73232
to allow sale under that permit between the hours of ten a.m. and 73233
midnight on Sunday, whether or not that sale has been authorized 73234
under section 4301.361, 4301.364, 4301.365, or 4301.366 of the 73235
Revised Code. 73236

(I) Permit D-6 shall be issued to the holder of any D permit 73237
for a premises that is licensed under Chapter 3717. of the Revised 73238
Code and that is located at a ski area to allow sale under the D-6 73239
permit between the hours of ten a.m. and midnight on Sunday, 73240
whether or not that sale has been authorized under section 73241

4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73242

As used in this division, "ski area" means a ski area as 73243
defined in section 4169.01 of the Revised Code, provided that the 73244
passenger tramway operator at that area is registered under 73245
section 4169.03 of the Revised Code. 73246

(J) Permit D-6 shall be issued to the holder of any permit 73247
that is described in division (A) of this section for a permit 73248
premises that is located in a community entertainment district, as 73249
defined in section 4301.80 of the Revised Code, that was approved 73250
by the legislative authority of a municipal corporation under that 73251
section between October 1 and October 15, 2005, to allow sale 73252
under the permit between the hours of ten a.m. and midnight on 73253
Sunday, whether or not that sale has been authorized under section 73254
4301.361, 4301.364, 4301.365, or 4301.366 of the Revised Code. 73255

(K) A D-6 permit shall be issued to the holder of any D 73256
permit for a premises that is licensed under Chapter 3717. of the 73257
Revised Code and that is located in a state park to allow sales 73258
under the D-6 permit between the hours of ten a.m. and midnight on 73259
Sunday, whether or not those sales have been authorized under 73260
section 4301.361, 4301.364, 4301.365, or 4301.366 of the Revised 73261
Code. 73262

As used in this division, "state park" means a state park 73263
that is established or dedicated under Chapter 1541. of the 73264
Revised Code and that has a working farm on its property. 73265

(L) If the restriction to licensed premises where the sale of 73266
food and other goods and services exceeds fifty per cent of the 73267
total gross receipts of the permit holder at the premises is 73268
applicable, the division of liquor control may accept an affidavit 73269
from the permit holder to show the proportion of the permit 73270
holder's gross receipts derived from the sale of food and other 73271
goods and services. If the liquor control commission determines 73272

that affidavit to have been false, it shall revoke the permits of 73273
the permit holder at the premises concerned. 73274

~~(L)~~(M) The fee for the D-6 permit is five hundred dollars 73275
when it is issued to the holder of an A-1-A, A-2, A-3a, D-2, D-3, 73276
D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, 73277
D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-7 permit. The 73278
fee for the D-6 permit is four hundred dollars when it is issued 73279
to the holder of a C-2 permit. 73280

Sec. 4303.184. (A) Subject to division (B) of this section, a 73281
D-8 permit may be issued to ~~either~~ any of the following: 73282

(1) An agency store; 73283

(2) The holder of a C-1, C-2, or C-2x permit issued to a 73284
retail store that has any of the following characteristics: 73285

(a) The store has at least five thousand five hundred square 73286
feet of floor area, and it generates more than sixty per cent of 73287
its sales in general merchandise items and food for consumption 73288
off the premises where sold. 73289

(b) The store is located in a municipal corporation or 73290
township with a population of five thousand or less, has at least 73291
four thousand five hundred square feet of floor area, and 73292
generates more than sixty per cent of its sales in general 73293
merchandise items and food for consumption off the premises where 73294
sold. 73295

(c) Wine constitutes at least sixty per cent of the value of 73296
the store's inventory. 73297

(3) The holder of both a C-1 and C-2 permit, or the holder of 73298
a C-2x permit, issued to a retail store that is located within a 73299
municipal corporation or township with a population of fifteen 73300
thousand or less. 73301

(B) A D-8 permit may be issued to the holder of a C-1, C-2, 73302

or C-2x permit only if the premises of the permit holder are 73303
located in a precinct, or at a particular location in a precinct, 73304
in which the sale of beer, wine, or mixed beverages is permitted 73305
for consumption off the premises where sold. Sales under a D-8 73306
permit are not affected by whether sales for consumption on the 73307
premises where sold are permitted in the precinct or at the 73308
particular location where the D-8 premises are located. 73309

(C)(1) The holder of a D-8 permit described in division 73310
(A)(2) or (3) of this section may sell tasting samples of beer, 73311
wine, and mixed beverages, but not spirituous liquor, at retail, 73312
for consumption on the premises where sold in an amount not to 73313
exceed two ounces or another amount designated by rule of the 73314
liquor control commission. A tasting sample shall not be sold for 73315
general consumption. 73316

(2) The holder of a D-8 permit described in division (A)(1) 73317
of this section may allow the sale of tasting samples of 73318
spirituous liquor in accordance with section 4301.171 of the 73319
Revised Code. 73320

(3) No D-8 permit holder described in division (A)(2) or (3) 73321
of this section shall allow any authorized purchaser to consume 73322
more than four tasting samples of beer, wine, or mixed beverages, 73323
or any combination of beer, wine, or mixed beverages, per day. 73324

(D)(1) Notwithstanding sections 4303.11 and 4303.121 of the 73325
Revised Code, the holder of a D-8 permit described in division 73326
(A)(2) or (3) of this section may sell beer that is dispensed from 73327
containers that have a capacity equal to or greater than five and 73328
one-sixth gallons if all of the following conditions are met: 73329

(a) A product registration fee for the beer has been paid as 73330
required in division (A)(8)(b) of section 4301.10 of the Revised 73331
Code. 73332

(b) The beer is dispensed only in glass containers whose 73333

capacity does not exceed one gallon and not for consumption on the premises where sold.

(c) The containers are sealed, marked, and transported in accordance with division (E) of section 4301.62 of the Revised Code.

(d) The containers have been cleaned immediately before being filled in accordance with rule 4301:1-1-28 of the Administrative Code.

(2) Beer that is sold and dispensed under division (D)(1) of this section is subject to both of the following:

(a) All applicable rules adopted by the liquor control commission, including, but not limited to, rule 4301:1-1-27 and rule 4301:1-1-72 of the Administrative Code;

(b) All applicable federal laws and regulations.

(E) The privileges authorized for the holder of a D-8 permit described in division (A)(2) or (3) of this section may only be exercised in conjunction with and during the hours of operation authorized by a C-1, C-2, C-2x, or D-6 permit.

(F) A D-8 permit shall not be transferred to another location.

(G) The fee for the D-8 permit is five hundred dollars.

Sec. 4501.01. As used in this chapter and Chapters 4503., 4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the Revised Code, and in the penal laws, except as otherwise provided:

(A) "Vehicles" means everything on wheels or runners, including motorized bicycles, but does not mean electric personal assistive mobility devices, vehicles that are operated exclusively on rails or tracks or from overhead electric trolley wires, and vehicles that belong to any police department, municipal fire

department, or volunteer fire department, or that are used by such a department in the discharge of its functions.

(B) "Motor vehicle" means any vehicle, including mobile homes and recreational vehicles, that is propelled or drawn by power other than muscular power or power collected from overhead electric trolley wires. "Motor vehicle" does not include utility vehicles as defined in division (VV) of this section, motorized bicycles, road rollers, traction engines, power shovels, power cranes, and other equipment used in construction work and not designed for or employed in general highway transportation, well-drilling machinery, ditch-digging machinery, farm machinery, and trailers that are designed and used exclusively to transport a boat between a place of storage and a marina, or in and around a marina, when drawn or towed on a public road or highway for a distance of no more than ten miles and at a speed of twenty-five miles per hour or less.

(C) "Agricultural tractor" and "traction engine" mean any self-propelling vehicle that is designed or used for drawing other vehicles or wheeled machinery, but has no provisions for carrying loads independently of such other vehicles, and that is used principally for agricultural purposes.

(D) "Commercial tractor," except as defined in division (C) of this section, means any motor vehicle that has motive power and either is designed or used for drawing other motor vehicles, or is designed or used for drawing another motor vehicle while carrying a portion of the other motor vehicle or its load, or both.

(E) "Passenger car" means any motor vehicle that is designed and used for carrying not more than nine persons and includes any motor vehicle that is designed and used for carrying not more than fifteen persons in a ridesharing arrangement.

(F) "Collector's vehicle" means any motor vehicle or

agricultural tractor or traction engine that is of special 73394
interest, that has a fair market value of one hundred dollars or 73395
more, whether operable or not, and that is owned, operated, 73396
collected, preserved, restored, maintained, or used essentially as 73397
a collector's item, leisure pursuit, or investment, but not as the 73398
owner's principal means of transportation. "Licensed collector's 73399
vehicle" means a collector's vehicle, other than an agricultural 73400
tractor or traction engine, that displays current, valid license 73401
tags issued under section 4503.45 of the Revised Code, or a 73402
similar type of motor vehicle that displays current, valid license 73403
tags issued under substantially equivalent provisions in the laws 73404
of other states. 73405

(G) "Historical motor vehicle" means any motor vehicle that 73406
is over twenty-five years old and is owned solely as a collector's 73407
item and for participation in club activities, exhibitions, tours, 73408
parades, and similar uses, but that in no event is used for 73409
general transportation. 73410

(H) "Noncommercial motor vehicle" means any motor vehicle, 73411
including a farm truck as defined in section 4503.04 of the 73412
Revised Code, that is designed by the manufacturer to carry a load 73413
of no more than one ton and is used exclusively for purposes other 73414
than engaging in business for profit. 73415

(I) "Bus" means any motor vehicle that has motor power and is 73416
designed and used for carrying more than nine passengers, except 73417
any motor vehicle that is designed and used for carrying not more 73418
than fifteen passengers in a ridesharing arrangement. 73419

(J) "Commercial car" or "truck" means any motor vehicle that 73420
has motor power and is designed and used for carrying merchandise 73421
or freight, or that is used as a commercial tractor. 73422

(K) "Bicycle" means every device, other than a device that is 73423
designed solely for use as a play vehicle by a child, that is 73424

propelled solely by human power upon which a person may ride, and 73425
that has two or more wheels, any of which is more than fourteen 73426
inches in diameter. 73427

(L) "Motorized bicycle" means any vehicle that either has two 73428
tandem wheels or one wheel in the front and two wheels in the 73429
rear, that is capable of being pedaled, and that is equipped with 73430
a helper motor of not more than fifty cubic centimeters piston 73431
displacement that produces no more than one brake horsepower and 73432
is capable of propelling the vehicle at a speed of no greater than 73433
twenty miles per hour on a level surface. 73434

(M) "Trailer" means any vehicle without motive power that is 73435
designed or used for carrying property or persons wholly on its 73436
own structure and for being drawn by a motor vehicle, and includes 73437
any such vehicle that is formed by or operated as a combination of 73438
a semitrailer and a vehicle of the dolly type such as that 73439
commonly known as a trailer dolly, a vehicle used to transport 73440
agricultural produce or agricultural production materials between 73441
a local place of storage or supply and the farm when drawn or 73442
towed on a public road or highway at a speed greater than 73443
twenty-five miles per hour, and a vehicle that is designed and 73444
used exclusively to transport a boat between a place of storage 73445
and a marina, or in and around a marina, when drawn or towed on a 73446
public road or highway for a distance of more than ten miles or at 73447
a speed of more than twenty-five miles per hour. "Trailer" does 73448
not include a manufactured home or travel trailer. 73449

(N) "Noncommercial trailer" means any trailer, except a 73450
travel trailer or trailer that is used to transport a boat as 73451
described in division (B) of this section, but, where applicable, 73452
includes a vehicle that is used to transport a boat as described 73453
in division (M) of this section, that has a gross weight of no 73454
more than ten thousand pounds, and that is used exclusively for 73455
purposes other than engaging in business for a profit, such as the 73456

transportation of personal items for personal or recreational 73457
purposes. 73458

(O) "Mobile home" means a building unit or assembly of closed 73459
construction that is fabricated in an off-site facility, is more 73460
than thirty-five body feet in length or, when erected on site, is 73461
three hundred twenty or more square feet, is built on a permanent 73462
chassis, is transportable in one or more sections, and does not 73463
qualify as a manufactured home as defined in division (C)(4) of 73464
section 3781.06 of the Revised Code or as an industrialized unit 73465
as defined in division (C)(3) of section 3781.06 of the Revised 73466
Code. 73467

(P) "Semitrailer" means any vehicle of the trailer type that 73468
does not have motive power and is so designed or used with another 73469
and separate motor vehicle that in operation a part of its own 73470
weight or that of its load, or both, rests upon and is carried by 73471
the other vehicle furnishing the motive power for propelling 73472
itself and the vehicle referred to in this division, and includes, 73473
for the purpose only of registration and taxation under those 73474
chapters, any vehicle of the dolly type, such as a trailer dolly, 73475
that is designed or used for the conversion of a semitrailer into 73476
a trailer. 73477

(Q) "Recreational vehicle" means a vehicular portable 73478
structure that meets all of the following conditions: 73479

(1) It is designed for the sole purpose of recreational 73480
travel. 73481

(2) It is not used for the purpose of engaging in business 73482
for profit. 73483

(3) It is not used for the purpose of engaging in intrastate 73484
commerce. 73485

(4) It is not used for the purpose of commerce as defined in 73486
49 C.F.R. 383.5, as amended. 73487

(5) It is not regulated by the public utilities commission 73488
pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 73489

(6) It is classed as one of the following: 73490

(a) "Travel trailer" means a nonself-propelled recreational 73491
vehicle that does not exceed an overall length of thirty-five 73492
feet, exclusive of bumper and tongue or coupling, and contains 73493
less than three hundred twenty square feet of space when erected 73494
on site. "Travel trailer" includes a tent-type fold-out camping 73495
trailer as defined in section 4517.01 of the Revised Code. 73496

(b) "Motor home" means a self-propelled recreational vehicle 73497
that has no fifth wheel and is constructed with permanently 73498
installed facilities for cold storage, cooking and consuming of 73499
food, and for sleeping. 73500

(c) "Truck camper" means a nonself-propelled recreational 73501
vehicle that does not have wheels for road use and is designed to 73502
be placed upon and attached to a motor vehicle. "Truck camper" 73503
does not include truck covers that consist of walls and a roof, 73504
but do not have floors and facilities enabling them to be used as 73505
a dwelling. 73506

(d) "Fifth wheel trailer" means a vehicle that is of such 73507
size and weight as to be movable without a special highway permit, 73508
that has a gross trailer area of four hundred square feet or less, 73509
that is constructed with a raised forward section that allows a 73510
bi-level floor plan, and that is designed to be towed by a vehicle 73511
equipped with a fifth-wheel hitch ordinarily installed in the bed 73512
of a truck. 73513

(e) "Park trailer" means a vehicle that is commonly known as 73514
a park model recreational vehicle, meets the American national 73515
standard institute standard A119.5 (1988) for park trailers, is 73516
built on a single chassis, has a gross trailer area of four 73517
hundred square feet or less when set up, is designed for seasonal 73518

or temporary living quarters, and may be connected to utilities 73519
necessary for the operation of installed features and appliances. 73520

(R) "Pneumatic tires" means tires of rubber and fabric or 73521
tires of similar material, that are inflated with air. 73522

(S) "Solid tires" means tires of rubber or similar elastic 73523
material that are not dependent upon confined air for support of 73524
the load. 73525

(T) "Solid tire vehicle" means any vehicle that is equipped 73526
with two or more solid tires. 73527

(U) "Farm machinery" means all machines and tools that are 73528
used in the production, harvesting, and care of farm products, and 73529
includes trailers that are used to transport agricultural produce 73530
or agricultural production materials between a local place of 73531
storage or supply and the farm, agricultural tractors, threshing 73532
machinery, hay-baling machinery, corn shellers, hammermills, and 73533
machinery used in the production of horticultural, agricultural, 73534
and vegetable products. 73535

(V) "Owner" includes any person or firm, other than a 73536
manufacturer or dealer, that has title to a motor vehicle, except 73537
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 73538
includes in addition manufacturers and dealers. 73539

(W) "Manufacturer" and "dealer" include all persons and firms 73540
that are regularly engaged in the business of manufacturing, 73541
selling, displaying, offering for sale, or dealing in motor 73542
vehicles, at an established place of business that is used 73543
exclusively for the purpose of manufacturing, selling, displaying, 73544
offering for sale, or dealing in motor vehicles. A place of 73545
business that is used for manufacturing, selling, displaying, 73546
offering for sale, or dealing in motor vehicles shall be deemed to 73547
be used exclusively for those purposes even though snowmobiles or 73548
all-purpose vehicles are sold or displayed for sale thereat, even 73549

though farm machinery is sold or displayed for sale thereat, or 73550
even though repair, accessory, gasoline and oil, storage, parts, 73551
service, or paint departments are maintained thereat, or, in any 73552
county having a population of less than seventy-five thousand at 73553
the last federal census, even though a department in a place of 73554
business is used to dismantle, salvage, or rebuild motor vehicles 73555
by means of used parts, if such departments are operated for the 73556
purpose of furthering and assisting in the business of 73557
manufacturing, selling, displaying, offering for sale, or dealing 73558
in motor vehicles. Places of business or departments in a place of 73559
business used to dismantle, salvage, or rebuild motor vehicles by 73560
means of using used parts are not considered as being maintained 73561
for the purpose of assisting or furthering the manufacturing, 73562
selling, displaying, and offering for sale or dealing in motor 73563
vehicles. 73564

(X) "Operator" includes any person who drives or operates a 73565
motor vehicle upon the public highways. 73566

(Y) "Chauffeur" means any operator who operates a motor 73567
vehicle, other than a taxicab, as an employee for hire; or any 73568
operator whether or not the owner of a motor vehicle, other than a 73569
taxicab, who operates such vehicle for transporting, for gain, 73570
compensation, or profit, either persons or property owned by 73571
another. Any operator of a motor vehicle who is voluntarily 73572
involved in a ridesharing arrangement is not considered an 73573
employee for hire or operating such vehicle for gain, 73574
compensation, or profit. 73575

(Z) "State" includes the territories and federal districts of 73576
the United States, and the provinces of Canada. 73577

(AA) "Public roads and highways" for vehicles includes all 73578
public thoroughfares, bridges, and culverts. 73579

(BB) "Manufacturer's number" means the manufacturer's 73580

original serial number that is affixed to or imprinted upon the 73581
chassis or other part of the motor vehicle. 73582

(CC) "Motor number" means the manufacturer's original number 73583
that is affixed to or imprinted upon the engine or motor of the 73584
vehicle. 73585

(DD) "Distributor" means any person who is authorized by a 73586
motor vehicle manufacturer to distribute new motor vehicles to 73587
licensed motor vehicle dealers at an established place of business 73588
that is used exclusively for the purpose of distributing new motor 73589
vehicles to licensed motor vehicle dealers, except when the 73590
distributor also is a new motor vehicle dealer, in which case the 73591
distributor may distribute at the location of the distributor's 73592
licensed dealership. 73593

(EE) "Ridesharing arrangement" means the transportation of 73594
persons in a motor vehicle where the transportation is incidental 73595
to another purpose of a volunteer driver and includes ridesharing 73596
arrangements known as carpools, vanpools, and buspools. 73597

(FF) "Apportionable vehicle" means any vehicle that is used 73598
or intended for use in two or more international registration plan 73599
member jurisdictions that allocate or proportionally register 73600
vehicles, that is used for the transportation of persons for hire 73601
or designed, used, or maintained primarily for the transportation 73602
of property, and that meets any of the following qualifications: 73603

(1) Is a power unit having a gross vehicle weight in excess 73604
of twenty-six thousand pounds; 73605

(2) Is a power unit having three or more axles, regardless of 73606
the gross vehicle weight; 73607

(3) Is a combination vehicle with a gross vehicle weight in 73608
excess of twenty-six thousand pounds. 73609

"Apportionable vehicle" does not include recreational 73610

vehicles, vehicles displaying restricted plates, city pick-up and 73611
delivery vehicles, ~~buses used for the transportation of chartered~~ 73612
~~parties~~, or vehicles owned and operated by the United States, this 73613
state, or any political subdivisions thereof. 73614

(GG) "Chartered party" means a group of persons who contract 73615
as a group to acquire the exclusive use of a passenger-carrying 73616
motor vehicle at a fixed charge for the vehicle in accordance with 73617
the carrier's tariff, lawfully on file with the United States 73618
department of transportation, for the purpose of group travel to a 73619
specified destination or for a particular itinerary, either agreed 73620
upon in advance or modified by the chartered group after having 73621
left the place of origin. 73622

(HH) "International registration plan" means a reciprocal 73623
agreement of member jurisdictions that is endorsed by the American 73624
association of motor vehicle administrators, and that promotes and 73625
encourages the fullest possible use of the highway system by 73626
authorizing apportioned registration of fleets of vehicles and 73627
recognizing registration of vehicles apportioned in member 73628
jurisdictions. 73629

(II) "Restricted plate" means a license plate that has a 73630
restriction of time, geographic area, mileage, or commodity, and 73631
includes license plates issued to farm trucks under division (J) 73632
of section 4503.04 of the Revised Code. 73633

(JJ) "Gross vehicle weight," with regard to any commercial 73634
car, trailer, semitrailer, or bus that is taxed at the rates 73635
established under section 4503.042 or 4503.65 of the Revised Code, 73636
means the unladen weight of the vehicle fully equipped plus the 73637
maximum weight of the load to be carried on the vehicle. 73638

(KK) "Combined gross vehicle weight" with regard to any 73639
combination of a commercial car, trailer, and semitrailer, that is 73640
taxed at the rates established under section 4503.042 or 4503.65 73641

of the Revised Code, means the total unladen weight of the 73642
combination of vehicles fully equipped plus the maximum weight of 73643
the load to be carried on that combination of vehicles. 73644

(LL) "Chauffeured limousine" means a motor vehicle that is 73645
designed to carry nine or fewer passengers and is operated for 73646
hire pursuant to a prearranged contract for the transportation of 73647
passengers on public roads and highways along a route under the 73648
control of the person hiring the vehicle and not over a defined 73649
and regular route. "Prearranged contract" means an agreement, made 73650
in advance of boarding, to provide transportation from a specific 73651
location in a chauffeured limousine. "Chauffeured limousine" does 73652
not include any vehicle that is used exclusively in the business 73653
of funeral directing. 73654

(MM) "Manufactured home" has the same meaning as in division 73655
(C)(4) of section 3781.06 of the Revised Code. 73656

(NN) "Acquired situs," with respect to a manufactured home or 73657
a mobile home, means to become located in this state by the 73658
placement of the home on real property, but does not include the 73659
placement of a manufactured home or a mobile home in the inventory 73660
of a new motor vehicle dealer or the inventory of a manufacturer, 73661
remanufacturer, or distributor of manufactured or mobile homes. 73662

(OO) "Electronic" includes electrical, digital, magnetic, 73663
optical, electromagnetic, or any other form of technology that 73664
entails capabilities similar to these technologies. 73665

(PP) "Electronic record" means a record generated, 73666
communicated, received, or stored by electronic means for use in 73667
an information system or for transmission from one information 73668
system to another. 73669

(QQ) "Electronic signature" means a signature in electronic 73670
form attached to or logically associated with an electronic 73671
record. 73672

(RR) "Financial transaction device" has the same meaning as 73673
in division (A) of section 113.40 of the Revised Code. 73674

(SS) "Electronic motor vehicle dealer" means a motor vehicle 73675
dealer licensed under Chapter 4517. of the Revised Code whom the 73676
registrar of motor vehicles determines meets the criteria 73677
designated in section 4503.035 of the Revised Code for electronic 73678
motor vehicle dealers and designates as an electronic motor 73679
vehicle dealer under that section. 73680

(TT) "Electric personal assistive mobility device" means a 73681
self-balancing two non-tandem wheeled device that is designed to 73682
transport only one person, has an electric propulsion system of an 73683
average of seven hundred fifty watts, and when ridden on a paved 73684
level surface by an operator who weighs one hundred seventy pounds 73685
has a maximum speed of less than twenty miles per hour. 73686

(UU) "Limited driving privileges" means the privilege to 73687
operate a motor vehicle that a court grants under section 4510.021 73688
of the Revised Code to a person whose driver's or commercial 73689
driver's license or permit or nonresident operating privilege has 73690
been suspended. 73691

(VV) "Utility vehicle" means a self-propelled vehicle 73692
designed with a bed, principally for the purpose of transporting 73693
material or cargo in connection with construction, agricultural, 73694
forestry, grounds maintenance, lawn and garden, materials 73695
handling, or similar activities. "Utility vehicle" includes a 73696
vehicle with a maximum attainable speed of twenty miles per hour 73697
or less that is used exclusively within the boundaries of state 73698
parks by state park employees or volunteers for the operation or 73699
maintenance of state park facilities. 73700

Sec. 4501.21. (A) There is hereby created in the state 73701
treasury the license plate contribution fund. The fund shall 73702
consist of all contributions paid by motor vehicle registrants and 73703

collected by the registrar of motor vehicles pursuant to sections 73704
4503.491, 4503.492, 4503.493, 4503.494, 4503.496, 4503.498, 73705
4503.499, 4503.50, 4503.501, 4503.502, 4503.505, 4503.51, 73706
4503.522, 4503.523, 4503.524, 4503.525, 4503.526, 4503.531, 73707
4503.534, 4503.545, 4503.55, 4503.551, 4503.552, 4503.553, 73708
4503.554, 4503.561, 4503.562, 4503.564, 4503.576, 4503.591, 73709
4503.67, 4503.68, 4503.69, 4503.701, 4503.71, 4503.711, 4503.712, 73710
4503.713, 4503.72, 4503.73, 4503.732, 4503.74, 4503.75, 4503.751, 73711
4503.85, 4503.86, 4503.89, 4503.90, 4503.92, and 4503.94 of the 73712
Revised Code. 73713

(B) The registrar shall pay the contributions the registrar 73714
collects in the fund as follows: 73715

The registrar shall pay the contributions received pursuant 73716
to section 4503.491 of the Revised Code to the breast cancer fund 73717
of Ohio, which shall use that money only to pay for programs that 73718
provide assistance and education to Ohio breast cancer patients 73719
and that improve access for such patients to quality health care 73720
and clinical trials and shall not use any of the money for 73721
abortion information, counseling, services, or other 73722
abortion-related activities. 73723

The registrar shall pay the contributions the registrar 73724
receives pursuant to section 4503.492 of the Revised Code to the 73725
organization cancer support community central Ohio, which shall 73726
deposit the money into the Sheryl L. Kraner Fund of that 73727
organization. Cancer support community central Ohio shall expend 73728
the money it receives pursuant to this division only in the same 73729
manner and for the same purposes as that organization expends 73730
other money in that fund. 73731

The registrar shall pay the contributions received pursuant 73732
to section 4503.493 of the Revised Code to the autism society of 73733
Ohio, which shall use the contributions for programs and autism 73734

awareness efforts throughout the state. 73735

The registrar shall pay the contributions the registrar 73736
receives pursuant to section 4503.494 of the Revised Code to the 73737
national multiple sclerosis society for distribution in equal 73738
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 73739
chapters of the national multiple sclerosis society. These 73740
chapters shall use the money they receive under this section to 73741
assist in paying the expenses they incur in providing services 73742
directly to their clients. 73743

The registrar shall pay the contributions the registrar 73744
receives pursuant to section 4503.496 of the Revised Code to the 73745
Ohio sickle cell and health association, which shall use the 73746
contributions to help support educational, clinical, and social 73747
support services for adults who have sickle cell disease. 73748

The registrar shall pay the contributions the registrar 73749
receives pursuant to section 4503.498 of the Revised Code to 73750
special olympics Ohio, inc., which shall use the contributions for 73751
its programs, charitable efforts, and other activities. 73752

The registrar shall pay the contributions the registrar 73753
receives pursuant to section 4503.499 of the Revised Code to the 73754
children's glioma cancer foundation, which shall use the 73755
contributions for its research and other programs. 73756

The registrar shall pay the contributions the registrar 73757
receives pursuant to section 4503.50 of the Revised Code to the 73758
future farmers of America foundation, which shall deposit the 73759
contributions into its general account to be used for educational 73760
and scholarship purposes of the future farmers of America 73761
foundation. 73762

The registrar shall pay the contributions the registrar 73763
receives pursuant to section 4503.501 of the Revised Code to the 73764
4-H youth development program of the Ohio state university 73765

extension program, which shall use those contributions to pay the 73766
expenses it incurs in conducting its educational activities. 73767

The registrar shall pay the contributions received pursuant 73768
to section 4503.502 of the Revised Code to the Ohio cattlemen's 73769
foundation, which shall use those contributions for scholarships 73770
and other educational activities. 73771

The registrar shall pay the contributions received pursuant 73772
to section 4503.505 of the Revised Code to the organization Ohio 73773
region phi theta kappa, which shall use those contributions for 73774
scholarships for students who are members of that organization. 73775

The registrar shall pay each contribution the registrar 73776
receives pursuant to section 4503.51 of the Revised Code to the 73777
university or college whose name or marking or design appears on 73778
collegiate license plates that are issued to a person under that 73779
section. A university or college that receives contributions from 73780
the fund shall deposit the contributions into its general 73781
scholarship fund. 73782

The registrar shall pay the contributions the registrar 73783
receives pursuant to section 4503.522 of the Revised Code to the 73784
"friends of Perry's victory and international peace memorial, 73785
incorporated," a nonprofit corporation organized under the laws of 73786
this state, to assist that organization in paying the expenses it 73787
incurs in sponsoring or holding charitable, educational, and 73788
cultural events at the monument. 73789

The registrar shall pay the contributions the registrar 73790
receives pursuant to section 4503.523 of the Revised Code to the 73791
fairport lights foundation, which shall use the money to pay for 73792
the restoration, maintenance, and preservation of the lighthouses 73793
of fairport harbor. 73794

The registrar shall pay the contributions the registrar 73795
receives pursuant to section 4503.524 of the Revised Code to the 73796

Massillon tiger football booster club, which shall use the 73797
contributions only to promote and support the football team of 73798
Washington high school of the Massillon city school district. 73799

The registrar shall pay the contributions the registrar 73800
receives pursuant to section 4503.525 of the Revised Code to the 73801
United States power squadron districts seven, eleven, twenty-four, 73802
and twenty-nine in equal amounts. Each power squadron district 73803
shall use the money it receives under this section to pay for the 73804
educational boating programs each district holds or sponsors 73805
within this state. 73806

The registrar shall pay the contributions the registrar 73807
receives pursuant to section 4503.526 of the Revised Code to the 73808
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 73809
international, which shall use the money it receives under this 73810
section to pay the costs of its educational and humanitarian 73811
activities. 73812

The registrar shall pay the contributions the registrar 73813
receives pursuant to section 4503.531 of the Revised Code to the 73814
thank you foundation, incorporated, a nonprofit corporation 73815
organized under the laws of this state, to assist that 73816
organization in paying for the charitable activities and programs 73817
it sponsors in support of United States military personnel, 73818
veterans, and their families. 73819

The registrar shall pay the contributions the registrar 73820
receives pursuant to section 4503.534 of the Revised Code to the 73821
disabled American veterans department of Ohio, to be used for 73822
programs that serve disabled American veterans and their families. 73823

The registrar shall pay the contributions the registrar 73824
receives pursuant to section 4503.55 of the Revised Code to the 73825
pro football hall of fame, which shall deposit the contributions 73826
into a special bank account that it establishes and which shall be 73827

separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs the foundation holds or sponsors in this state.

The registrar shall pay to the Ohio pet fund the contributions the registrar receives pursuant to section 4503.551 of the Revised Code and any other money from any other source, including donations, gifts, and grants, that is designated by the source to be paid to the Ohio pet fund. The Ohio pet fund shall use the moneys it receives under this section to support programs for the sterilization of dogs and cats and for educational programs concerning the proper veterinary care of those animals, and for expenses of the Ohio pet fund that are reasonably necessary for it to obtain and maintain its tax-exempt status and to perform its duties.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.552 of the Revised Code to the rock and roll hall of fame and museum, incorporated.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.553 of the Revised Code to the Ohio coalition for animals, incorporated, a nonprofit corporation. Except as provided in division (B) of this section, the coalition shall distribute the money to its members, and the members shall use the money only to pay for educational, charitable, and other programs of each coalition member that provide care for unwanted, abused, and neglected horses. The Ohio coalition for animals may use a portion of the money to pay for reasonable marketing costs incurred in the design and promotion of the license plate and for

administrative costs incurred in the disbursement and management 73860
of funds received under this section. 73861

The registrar shall pay the contributions the registrar 73862
receives pursuant to section 4503.554 of the Revised Code to the 73863
Ohio state council of the knights of Columbus, which shall use the 73864
contributions to pay for its charitable activities and programs. 73865

The registrar shall pay the contributions the registrar 73866
receives pursuant to section 4503.561 of the Revised Code to the 73867
state of Ohio chapter of ducks unlimited, inc., which shall 73868
deposit the contributions into a special bank account that it 73869
establishes. The special bank account shall be separate and 73870
distinct from any other account the state of Ohio chapter of ducks 73871
unlimited, inc., maintains and shall be used exclusively for the 73872
purpose of protecting, enhancing, restoring, and managing wetlands 73873
and conserving wildlife habitat. The state of Ohio chapter of 73874
ducks unlimited, inc., annually shall notify the registrar in 73875
writing of the name, address, and account to which such payments 73876
are to be made. 73877

The registrar shall pay the contributions the registrar 73878
receives pursuant to section 4503.562 of the Revised Code to the 73879
Mahoning river consortium, which shall use the money to pay the 73880
expenses it incurs in restoring and maintaining the Mahoning river 73881
watershed. 73882

The registrar shall pay the contributions the registrar 73883
receives pursuant to section 4503.564 of the Revised Code to 73884
Antioch college for the use of the Glen Helen ecology institute to 73885
pay expenses related to the Glen Helen nature preserve. 73886

The registrar shall pay the contributions the registrar 73887
receives pursuant to section 4503.576 of the Revised Code to the 73888
Ohio state beekeepers association, which shall use those 73889
contributions to promote beekeeping, provide educational 73890

information about beekeeping, and to support other state and local 73891
beekeeping programs. 73892

The registrar shall pay to a sports commission created 73893
pursuant to section 4503.591 of the Revised Code each contribution 73894
the registrar receives under that section that an applicant pays 73895
to obtain license plates that bear the logo of a professional 73896
sports team located in the county of that sports commission and 73897
that is participating in the license plate program pursuant to 73898
division (E) of that section, irrespective of the county of 73899
residence of an applicant. 73900

The registrar shall pay to a community charity each 73901
contribution the registrar receives under section 4503.591 of the 73902
Revised Code that an applicant pays to obtain license plates that 73903
bear the logo of a professional sports team that is participating 73904
in the license plate program pursuant to division (G) of that 73905
section. 73906

The registrar shall pay the contributions the registrar 73907
receives pursuant to section 4503.67 of the Revised Code to the 73908
Dan Beard council of the boy scouts of America. The council shall 73909
distribute all contributions in an equitable manner throughout the 73910
state to regional councils of the boy scouts. 73911

The registrar shall pay the contributions the registrar 73912
receives pursuant to section 4503.68 of the Revised Code to the 73913
great river council of the girl scouts of the United States of 73914
America. The council shall distribute all contributions in an 73915
equitable manner throughout the state to regional councils of the 73916
girl scouts. 73917

The registrar shall pay the contributions the registrar 73918
receives pursuant to section 4503.69 of the Revised Code to the 73919
Dan Beard council of the boy scouts of America. The council shall 73920
distribute all contributions in an equitable manner throughout the 73921

state to regional councils of the boy scouts. 73922

The registrar shall pay the contributions the registrar 73923
receives pursuant to section 4503.701 of the Revised Code to the 73924
Prince Hall grand lodge of free and accepted masons of Ohio, which 73925
shall use the contributions for scholarship purposes. 73926

The registrar shall pay the contributions the registrar 73927
receives pursuant to section 4503.71 of the Revised Code to the 73928
fraternal order of police of Ohio, incorporated, which shall 73929
deposit the fees into its general account to be used for purposes 73930
of the fraternal order of police of Ohio, incorporated. 73931

The registrar shall pay the contributions the registrar 73932
receives pursuant to section 4503.711 of the Revised Code to the 73933
fraternal order of police of Ohio, incorporated, which shall 73934
deposit the contributions into an account that it creates to be 73935
used for the purpose of advancing and protecting the law 73936
enforcement profession, promoting improved law enforcement 73937
methods, and teaching respect for law and order. 73938

The registrar shall pay the contributions received pursuant 73939
to section 4503.712 of the Revised Code to Ohio concerns of police 73940
survivors, which shall use those contributions to provide whatever 73941
assistance may be appropriate to the families of Ohio law 73942
enforcement officers who are killed in the line of duty. 73943

The registrar shall pay the contributions received pursuant 73944
to section 4503.713 of the Revised Code to the greater Cleveland 73945
peace officers memorial society, which shall use those 73946
contributions to honor law enforcement officers who have died in 73947
the line of duty and support its charitable purposes. 73948

The registrar shall pay the contributions the registrar 73949
receives pursuant to section 4503.72 of the Revised Code to the 73950
organization known on March 31, 2003, as the Ohio CASA/GAL 73951
association, a private, nonprofit corporation organized under 73952

Chapter 1702. of the Revised Code. The Ohio CASA/GAL association 73953
shall use these contributions to pay the expenses it incurs in 73954
administering a program to secure the proper representation in the 73955
courts of this state of abused, neglected, and dependent children, 73956
and for the training and supervision of persons participating in 73957
that program. 73958

The registrar shall pay the contributions the registrar 73959
receives pursuant to section 4503.73 of the Revised Code to Wright 73960
B. Flyer, incorporated, which shall deposit the contributions into 73961
its general account to be used for purposes of Wright B. Flyer, 73962
incorporated. 73963

The registrar shall pay the contributions the registrar 73964
receives pursuant to section 4503.732 of the Revised Code to the 73965
Siegel & Shuster society, a nonprofit organization dedicated to 73966
commemorating and celebrating the creation of Superman in 73967
Cleveland, Ohio. 73968

The registrar shall pay the contributions the registrar 73969
receives pursuant to section 4503.74 of the Revised Code to the 73970
Columbus zoological park association, which shall disburse the 73971
moneys to Ohio's major metropolitan zoos, as defined in section 73972
4503.74 of the Revised Code, in accordance with a written 73973
agreement entered into by the major metropolitan zoos. 73974

The registrar shall pay the contributions the registrar 73975
receives pursuant to section 4503.75 of the Revised Code to the 73976
rotary foundation, located on March 31, 2003, in Evanston, 73977
Illinois, to be placed in a fund known as the permanent fund and 73978
used to endow educational and humanitarian programs of the rotary 73979
foundation. 73980

The registrar shall pay the contributions the registrar 73981
receives pursuant to section 4503.751 of the Revised Code to the 73982
Ohio association of realtors, which shall deposit the 73983

contributions into a property disaster relief fund maintained 73984
under the Ohio realtors charitable and education foundation. 73985

The registrar shall pay the contributions the registrar 73986
receives pursuant to section 4503.85 of the Revised Code to the 73987
Ohio sea grant college program to be used for Lake Erie area 73988
research projects. 73989

The registrar shall pay the contributions the registrar 73990
receives pursuant to section 4503.86 of the Revised Code to the 73991
Ohio Lincoln highway historic byway, which shall use those 73992
contributions solely to promote and support the historical 73993
preservation and advertisement of the Lincoln highway in this 73994
state. 73995

The registrar shall pay the contributions the registrar 73996
receives pursuant to section 4503.89 of the Revised Code to the 73997
American red cross of greater Columbus on behalf of the Ohio 73998
chapters of the American red cross, which shall use the 73999
contributions for disaster readiness, preparedness, and response 74000
programs on a statewide basis. 74001

The registrar shall pay the contributions the registrar 74002
receives pursuant to section 4503.90 of the Revised Code to the 74003
nationwide children's hospital foundation. 74004

The registrar shall pay the contributions received pursuant 74005
to section 4503.92 of the Revised Code to support our troops, 74006
incorporated, a national nonprofit corporation, which shall use 74007
those contributions in accordance with its articles of 74008
incorporation and for the benefit of servicemembers of the armed 74009
forces of the United States and their families when they are in 74010
financial need. 74011

The registrar shall pay the contributions the registrar 74012
receives pursuant to section 4503.94 of the Revised Code to the 74013
Michelle's leading star foundation, which shall use the money 74014

solely to fund the rental, lease, or purchase of the simulated 74015
driving curriculum of the Michelle's leading star foundation by 74016
boards of education of city, exempted village, local, and joint 74017
vocational school districts. 74018

(C) All investment earnings of the license plate contribution 74019
fund shall be credited to the fund. Not later than the first day 74020
of May of every year, the registrar shall distribute to each 74021
entity described in division (B) of this section the investment 74022
income the fund earned the previous calendar year. The amount of 74023
such a distribution paid to an entity shall be proportionate to 74024
the amount of money the entity received from the fund during the 74025
previous calendar year. 74026

Sec. 4503.535. (A) The owner or lessee of any passenger car, 74027
noncommercial motor vehicle, recreational vehicle, motorcycle, 74028
motorized bicycle or moped, trailer, or other vehicle of a class 74029
approved by the registrar of motor vehicles, and, effective 74030
January 1, 2017, the owner or lessee of any motor-driven cycle or 74031
motor scooter or cab-enclosed motorcycle, may apply to the 74032
registrar for the registration of the vehicle and issuance of 74033
POW/MIA awareness license plates. The application for POW/MIA 74034
awareness license plates may be combined with a request for a 74035
special reserved license plate under section 4503.40 or 4503.42 of 74036
the Revised Code. Upon receipt of the completed application and 74037
compliance with division (B) of this section, the registrar shall 74038
issue to the applicant the appropriate vehicle registration and a 74039
set of POW/MIA awareness license plates with a validation sticker, 74040
or a validation sticker alone when required by section 4503.191 of 74041
the Revised Code. 74042

In addition to the letters and numbers ordinarily inscribed 74043
thereon, POW/MIA awareness license plates shall bear the markings 74044
designed by rolling thunder, inc., chapter 1 Ohio. POW/MIA 74045

awareness license plates, except for motorcycle, motorized 74046
bicycle, or moped license plates, also shall bear the words "not 74047
forgotten." The registrar shall approve the final design. POW/MIA 74048
awareness license plates shall bear county identification stickers 74049
that identify the county of registration by name or number. 74050

(B) POW/MIA awareness license plates and validation stickers 74051
shall be issued upon payment of the regular license tax as 74052
prescribed under section 4503.04 of the Revised Code, any 74053
applicable motor vehicle tax levied under Chapter 4504. of the 74054
Revised Code, a bureau of motor vehicles administrative fee of ten 74055
dollars, the contribution specified in division (C) of this 74056
section, and compliance with all other applicable laws relating to 74057
the registration of motor vehicles. If the application for POW/MIA 74058
awareness license plates is combined with a request for a special 74059
reserved license plate under section 4503.40 or 4503.42 of the 74060
Revised Code, the license plates and validation sticker shall be 74061
issued upon payment of the contribution, fees, and taxes contained 74062
in this division and the additional fee prescribed under section 74063
4503.40 or 4503.42 of the Revised Code. 74064

(C) For each application for registration and registration 74065
renewal submitted under this section, the registrar shall collect 74066
a contribution of twenty-five dollars. The registrar shall pay 74067
this contribution into the state treasury to the credit of the 74068
military injury relief fund created in section ~~5101.98~~ 5902.05 of 74069
the Revised Code. 74070

The registrar shall pay the ten-dollar bureau administrative 74071
fee, the purpose of which is to compensate the bureau for 74072
additional services required in issuing POW/MIA awareness license 74073
plates, into the state treasury to the credit of the state bureau 74074
of motor vehicles fund created in section 4501.25 of the Revised 74075
Code. 74076

Sec. 4503.581. (A) As used in this section, "vehicle" includes a passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles. 74077
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(B) Any woman who is a retired or honorably discharged veteran of any branch of the armed forces of the United States may apply to the registrar for the registration of any vehicle the woman owns or leases and the issuance of "Women Veterans" license plates. An applicant shall include with an application such written evidence that the registrar shall require by rule documenting that the applicant is a retired or honorably discharged veteran of any branch of the armed forces of the United States. The application may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. 74081
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(C) The registrar shall issue to an applicant the appropriate motor vehicle registration and a set of "Women Veterans" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code, upon the occurrence of all of the following: 74092
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(1) Receipt by the registrar of an application for registration of a motor vehicle under this section; 74097
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(2) Presentation to the registrar of satisfactory evidence documenting that the applicant is a retired or honorably discharged veteran of a branch of the armed forces of the United States; 74099
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74101
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(3) Payment of the regular license fee as prescribed in section 4503.04 of the Revised Code, any local motor vehicle license tax levied under Chapter 4504. of the Revised Code, and any applicable additional fee prescribed by section 4503.40 or 4503.42 of the Revised Code; and 74103
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(4) Compliance with all other applicable laws relating to the registration of motor vehicles. 74108
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(D) In addition to the letters and numbers ordinarily inscribed thereon, "Women Veterans" license plates shall contain the words "Women Veterans." The license plates also shall contain one of the following inscriptions, as appropriate: "U.S. ARMED FORCES RETIRED--(BRANCH OF SERVICE)" or "U.S. ARMED FORCES VETERAN--(BRANCH OF SERVICE)." Depending upon the format of the inscription, the registrar shall determine whether or not the inscription contains the dash. The license plates shall bear county identification stickers that identify the county of registration by name or number. 74110
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(E) Sections 4503.77 and 4503.78 of the Revised Code do not apply to license plates issued under this section. 74120
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(F)(1) No person who is not a woman and is not a retired or honorably discharged veteran of any branch of the armed forces of the United States shall willfully and falsely represent that the person is such a veteran for the purpose of obtaining license plates under this section. No person shall permit a motor vehicle owned or leased by the person to bear license plates issued under this section unless the person is eligible to be issued such license plates. 74122
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(2) Whoever violates division (F)(1) of this section is guilty of falsification. 74130
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Sec. 4503.77. (A) As used in this section: 74132

(1) "Nonstandard license plate" means all of the following: 74133

(a) A license plate issued under sections 4503.52, 4503.55, 4503.56, 4503.57, 4503.70, 4503.71, 4503.72, and 4503.75 of the Revised Code; 74134
74135
74136

(b) A license plate issued under a program that is 74137

reestablished under division (D) of this section and that meets 74138
the requirements contained in division (B) of section 4503.78 of 74139
the Revised Code; 74140

(c) Except as may otherwise be specifically provided by law, 74141
any license plate created after August 21, 1997. 74142

(2) For purposes of license plates issued under sections 74143
4503.503 and 4503.504 of the Revised Code, "sponsor" includes the 74144
Ohio agriculture license plate scholarship fund board created in 74145
section 901.90 of the Revised Code and the director of 74146
agriculture. 74147

(B)(1) If, during any calendar year ~~commencing with 1998~~, the 74148
total number of motor vehicle registrations involving a particular 74149
type of nonstandard license plate is less than ~~five hundred~~ 74150
twenty-five, including both new registrations and registration 74151
renewals, the registrar of motor vehicles, on or after the first 74152
day of January, but not later than the fifteenth day of January of 74153
the following year, shall send a written notice to the sponsor of 74154
that type of nonstandard license plate, if a sponsor exists, 74155
informing the sponsor of this fact. The registrar also shall 74156
inform the sponsor that if, during the calendar year in which the 74157
written notice is sent, the total number of motor vehicle 74158
registrations involving the sponsor's nonstandard license plate 74159
again is less than ~~five hundred~~ twenty-five, the program involving 74160
that type of nonstandard license plate will be terminated on the 74161
thirty-first day of December of the calendar year in which the 74162
written notice is sent and, except as provided in division (C) of 74163
this section, no motor vehicle registration application involving 74164
either the actual issuance of that type of nonstandard license 74165
plate or the registration renewal of a motor vehicle displaying 74166
that type of nonstandard license plate will be accepted by the 74167
registrar or a deputy registrar beginning the first day of January 74168
of the next calendar year. The registrar also shall inform the 74169

sponsor that if the program involving the sponsor's nonstandard 74170
license plate is terminated under this section, it may be 74171
reestablished pursuant to division (D) of this section. 74172

(2) If, during any calendar year ~~commencing with 1998~~, the 74173
total number of motor vehicle registrations involving a particular 74174
type of nonstandard license plate is less than ~~five hundred~~ 74175
twenty-five, including both new registrations and registration 74176
renewals, and no sponsor exists for that license plate, the 74177
registrar shall issue a public notice on or after the first day of 74178
January, but not later than the fifteenth day of January of the 74179
following year, stating that fact. The notice also shall inform 74180
the public that if, during the calendar year in which the 74181
registrar issues the public notice, the total number of motor 74182
vehicle registrations for that type of nonstandard license plate, 74183
including both new registrations and registration renewals, again 74184
is less than ~~five hundred~~ twenty-five, the program involving that 74185
type of nonstandard license plate will be terminated on the 74186
thirty-first day of December of the calendar year in which the 74187
registrar issues the public notice and, except as provided in 74188
division (C) of this section, no motor vehicle registration 74189
application involving either the actual issuance of that type of 74190
nonstandard license plate or the registration renewal of a motor 74191
vehicle displaying that type of nonstandard license plate will be 74192
accepted by the registrar or a deputy registrar beginning on the 74193
first day of January of the next calendar year. 74194

(C) If the program involving a type of nonstandard license 74195
plate is terminated under division (B) of this section, the 74196
registration of any motor vehicle displaying that type of 74197
nonstandard license plate at the time of termination may be 74198
renewed so long as the nonstandard license plates remain 74199
serviceable. If the nonstandard license plates of such a motor 74200
vehicle become unfit for service, the owner of the motor vehicle 74201

may apply for the issuance of nonstandard license plates of that 74202
same type, but the registrar or deputy registrar shall issue such 74203
nonstandard license plates only if at the time of application the 74204
stock of the bureau contains license plates of that type of 74205
nonstandard license plate. If, at the time of such application, 74206
the stock of the bureau does not contain license plates of that 74207
type of nonstandard license plate, the registrar or deputy 74208
registrar shall inform the owner of that fact, and the application 74209
shall be refused. 74210

If the program involving a type of nonstandard license plate 74211
is terminated under division (B) of this section and the 74212
registration of motor vehicles displaying such license plates 74213
continues as permitted by this division, the registrar, for as 74214
long as such registrations continue to be issued, shall continue 74215
to collect and distribute any contribution that was required to be 74216
collected and distributed prior to the termination of that 74217
program. 74218

(D) If the program involving a nonstandard license plate is 74219
terminated under division (B)(1) of this section, the sponsor of 74220
that license plate may apply to the registrar for the 74221
reestablishment of the program. If the program involving that 74222
nonstandard license plate is reestablished, the reestablishment is 74223
subject to division (B) of section 4503.78 of the Revised Code. 74224

Sec. 4503.771. (A) The sponsor of a nonstandard license 74225
plate, as defined in section 4503.77 of the Revised Code, shall 74226
verify the contact information for that sponsor by the first day 74227
of December of each year on a form established by the registrar of 74228
motor vehicles. If the sponsor fails to verify such contact 74229
information by the thirty-first day of December of any year, the 74230
registrar, beginning the first day of January of the following 74231
year, shall transmit the contribution for each registration 74232

involving that nonstandard license plate to the treasurer of state 74233
for deposit into the general revenue fund, instead of for deposit 74234
in the license plate contribution fund created in section 4501.21 74235
of the Revised Code. The registrar also immediately shall send a 74236
notice to the sponsor that no additional funds will be deposited 74237
into the license plate contribution fund until the contact 74238
information form is received by the registrar. Upon receiving the 74239
contact information form, the registrar shall resume transmitting 74240
the contributions received for that license plate to the treasurer 74241
of state for deposit into the license plate contribution fund and 74242
later distribution to the sponsor. 74243

(B) If the sponsor of a nonstandard license plate ceases to 74244
exist, the registrar shall deposit the contributions for the 74245
associated license plate into the general revenue fund. If that 74246
sponsor is later reestablished, the sponsor shall submit to the 74247
registrar written confirmation of the sponsor's reestablishment 74248
along with the contact information form. Upon receipt of the 74249
confirmation and form, the registrar shall resume transmitting all 74250
contributions received for the associated license plate into the 74251
license plate contribution fund for later distribution to the 74252
sponsor. 74253

Sec. 4503.78. (A) Except as may otherwise be specifically 74254
provided by law, ~~after the effective date of this section,~~ the 74255
registrar of motor vehicles ~~shall~~ is not be required to implement 74256
any legislation that creates a license plate and provides for its 74257
issuance until the registrar receives written statements from not 74258
less than ~~five~~ one hundred fifty persons, indicating that they 74259
intend to apply for and obtain such license plates for their motor 74260
vehicles. The registrar may require such statements to be made on 74261
a form the registrar provides. 74262

(B) If a program involving a nonstandard license plate is 74263

terminated under division (B)(1) of section 4503.77 of the Revised Code, the sponsor of that license plate may apply to the registrar for the reestablishment of that program, as permitted by division (D) of that section. The registrar shall not reestablish the program involving that nonstandard license plate until the registrar receives written statements from not less than ~~five hundred~~ twenty-five persons, indicating that they intend to apply for and obtain such license plates for their motor vehicles. The registrar may require such statements to be made on a form approved by the registrar.

In determining whether ~~five hundred~~ twenty-five persons have so indicated their intentions, the registrar shall include in the total the number of motor vehicles that continue to display the nonstandard license plate of the terminated program, as permitted by division (C) of section 4503.77 of the Revised Code.

Sec. 4503.86. (A) The owner or lessee of any passenger car, noncommercial motor vehicle, recreational vehicle, or other vehicle of a class approved by the registrar of motor vehicles may apply to the registrar for the registration of the vehicle and the issuance of "Lincoln highway" license plates. An application made under this section may be combined with a request for a special reserved license plate under section 4503.40 or 4503.42 of the Revised Code. Upon receipt of the completed application and compliance by the applicant with divisions (B) and (C) of this section, the registrar shall issue to the applicant the appropriate vehicle registration and a set of "Lincoln highway" license plates and a validation sticker, or a validation sticker alone when required by section 4503.191 of the Revised Code.

In addition to the letters and numbers ordinarily inscribed on the license plates, "Lincoln highway" license plates shall be inscribed with identifying words or markings that are designed by

the Ohio Lincoln highway historic byway, and approved by the 74295
registrar. "Lincoln highway" license plates shall display county 74296
identification stickers that identify the county of registration 74297
by name or number. 74298

(B) "Lincoln highway" license plates and a validation 74299
sticker, or validation sticker alone, shall be issued upon receipt 74300
of a contribution as provided in division (C)(1) of this section 74301
and upon payment of the regular license tax as prescribed under 74302
section 4503.04 of the Revised Code, any applicable motor vehicle 74303
license tax levied under Chapter 4504. of the Revised Code, any 74304
applicable additional fee prescribed by section 4503.40 or 4503.42 74305
of the Revised Code, a bureau of motor vehicles administrative fee 74306
of ten dollars, and compliance with all other applicable laws 74307
relating to the registration of motor vehicles. 74308

(C)(1) For each application for registration and registration 74309
renewal notice the registrar receives under this section, the 74310
registrar shall collect a contribution of twenty dollars. The 74311
registrar shall deposit this contribution into the state treasury 74312
to the credit of the license plate contribution fund created in 74313
section 4501.21 of the Revised Code. 74314

(2) The registrar shall deposit the bureau administrative fee 74315
of ten dollars, the purpose of which is to compensate the bureau 74316
for additional services required in the issuing of "Lincoln 74317
highway" license plates, into the state treasury to the credit of 74318
the state bureau of motor vehicles fund created in section 4501.25 74319
of the Revised Code. 74320

Sec. 4505.06. (A)(1) Application for a certificate of title 74321
shall be made in a form prescribed by the registrar of motor 74322
vehicles and shall be sworn to before a notary public or other 74323
officer empowered to administer oaths. The application shall be 74324
filed with the clerk of any court of common pleas. An application 74325

for a certificate of title may be filed electronically by any 74326
electronic means approved by the registrar in any county with the 74327
clerk of the court of common pleas of that county. Any payments 74328
required by this chapter shall be considered as accompanying any 74329
electronically transmitted application when payment actually is 74330
received by the clerk. Payment of any fee or taxes may be made by 74331
electronic transfer of funds. 74332

(2) The application for a certificate of title shall be 74333
accompanied by the fee prescribed in section 4505.09 of the 74334
Revised Code. The fee shall be retained by the clerk who issues 74335
the certificate of title and shall be distributed in accordance 74336
with that section. If a clerk of a court of common pleas, other 74337
than the clerk of the court of common pleas of an applicant's 74338
county of residence, issues a certificate of title to the 74339
applicant, the clerk shall transmit data related to the 74340
transaction to the automated title processing system. 74341

(3) If a certificate of title previously has been issued for 74342
a motor vehicle in this state, the application for a certificate 74343
of title also shall be accompanied by that certificate of title 74344
duly assigned, unless otherwise provided in this chapter. If a 74345
certificate of title previously has not been issued for the motor 74346
vehicle in this state, the application, unless otherwise provided 74347
in this chapter, shall be accompanied by a manufacturer's or 74348
importer's certificate or by a certificate of title of another 74349
state from which the motor vehicle was brought into this state. If 74350
the application refers to a motor vehicle last previously 74351
registered in another state, the application also shall be 74352
accompanied by the physical inspection certificate required by 74353
section 4505.061 of the Revised Code. If the application is made 74354
by two persons regarding a motor vehicle in which they wish to 74355
establish joint ownership with right of survivorship, they may do 74356
so as provided in section 2131.12 of the Revised Code. If the 74357

applicant requests a designation of the motor vehicle in 74358
beneficiary form so that upon the death of the owner of the motor 74359
vehicle, ownership of the motor vehicle will pass to a designated 74360
transfer-on-death beneficiary or beneficiaries, the applicant may 74361
do so as provided in section 2131.13 of the Revised Code. A person 74362
who establishes ownership of a motor vehicle that is transferable 74363
on death in accordance with section 2131.13 of the Revised Code 74364
may terminate that type of ownership or change the designation of 74365
the transfer-on-death beneficiary or beneficiaries by applying for 74366
a certificate of title pursuant to this section. The clerk shall 74367
retain the evidence of title presented by the applicant and on 74368
which the certificate of title is issued, except that, if an 74369
application for a certificate of title is filed electronically by 74370
an electronic motor vehicle dealer on behalf of the purchaser of a 74371
motor vehicle, the clerk shall retain the completed electronic 74372
record to which the dealer converted the certificate of title 74373
application and other required documents. The registrar, after 74374
consultation with the attorney general, shall adopt rules that 74375
govern the location at which, and the manner in which, are stored 74376
the actual application and all other documents relating to the 74377
sale of a motor vehicle when an electronic motor vehicle dealer 74378
files the application for a certificate of title electronically on 74379
behalf of the purchaser. Not later than December 31, 2011, the 74380
registrar shall enable all electronic motor vehicle dealers to 74381
file applications for certificates of title on behalf of 74382
purchasers of motor vehicles electronically directly with the 74383
registrar and not through a third party. 74384

The clerk shall use reasonable diligence in ascertaining 74385
whether or not the facts in the application for a certificate of 74386
title are true by checking the application and documents 74387
accompanying it or the electronic record to which a dealer 74388
converted the application and accompanying documents with the 74389
records of motor vehicles in the clerk's office. If the clerk is 74390

satisfied that the applicant is the owner of the motor vehicle and 74391
that the application is in the proper form, the clerk, within five 74392
business days after the application is filed and except as 74393
provided in section 4505.021 of the Revised Code, shall issue a 74394
physical certificate of title over the clerk's signature and 74395
sealed with the clerk's seal, unless the applicant specifically 74396
requests the clerk not to issue a physical certificate of title 74397
and instead to issue an electronic certificate of title. For 74398
purposes of the transfer of a certificate of title, if the clerk 74399
is satisfied that the secured party has duly discharged a lien 74400
notation but has not canceled the lien notation with a clerk, the 74401
clerk may cancel the lien notation on the automated title 74402
processing system and notify the clerk of the county of origin. 74403

(4) In the case of the sale of a motor vehicle to a general 74404
buyer or user by a dealer, by a motor vehicle leasing dealer 74405
selling the motor vehicle to the lessee or, in a case in which the 74406
leasing dealer subleased the motor vehicle, the sublessee, at the 74407
end of the lease agreement or sublease agreement, or by a 74408
manufactured housing broker, the certificate of title shall be 74409
obtained in the name of the buyer by the dealer, leasing dealer, 74410
or manufactured housing broker, as the case may be, upon 74411
application signed by the buyer. The certificate of title shall be 74412
issued, or the process of entering the certificate of title 74413
application information into the automated title processing system 74414
if a physical certificate of title is not to be issued shall be 74415
completed, within five business days after the application for 74416
title is filed with the clerk. If the buyer of the motor vehicle 74417
previously leased the motor vehicle and is buying the motor 74418
vehicle at the end of the lease pursuant to that lease, the 74419
certificate of title shall be obtained in the name of the buyer by 74420
the motor vehicle leasing dealer who previously leased the motor 74421
vehicle to the buyer or by the motor vehicle leasing dealer who 74422
subleased the motor vehicle to the buyer under a sublease 74423

agreement. 74424

In all other cases, except as provided in section 4505.032 74425
and division (D)(2) of section 4505.11 of the Revised Code, such 74426
certificates shall be obtained by the buyer. 74427

(5)(a)(i) If the certificate of title is being obtained in 74428
the name of the buyer by a motor vehicle dealer or motor vehicle 74429
leasing dealer and there is a security interest to be noted on the 74430
certificate of title, the dealer or leasing dealer shall submit 74431
the application for the certificate of title and, if required by 74432
division (B)(5) of this section, payment of the applicable tax, to 74433
a clerk within seven business days after the later of the delivery 74434
of the motor vehicle to the buyer or the date the dealer or 74435
leasing dealer obtains the manufacturer's or importer's 74436
certificate, or certificate of title issued in the name of the 74437
dealer or leasing dealer, for the motor vehicle. Submission of the 74438
application for the certificate of title and payment, if required, 74439
of the applicable tax within the required seven business days may 74440
be indicated by postmark or receipt by a clerk within that period. 74441

(ii) Upon receipt of the certificate of title with the 74442
security interest noted on its face, the dealer or leasing dealer 74443
shall forward the certificate of title to the secured party at the 74444
location noted in the financing documents or otherwise specified 74445
by the secured party. 74446

(iii) A motor vehicle dealer or motor vehicle leasing dealer 74447
is liable to a secured party for a late fee of ten dollars per day 74448
for each certificate of title application and, if required by 74449
division (B)(5) of this section, payment of the applicable tax 74450
~~that is,~~ submitted to a clerk more than seven business days but 74451
less than twenty-one days after the later of the delivery of the 74452
motor vehicle to the buyer or the date the dealer or leasing 74453
dealer obtains the manufacturer's or importer's certificate, or 74454
certificate of title issued in the name of the dealer or leasing 74455

dealer, for the motor vehicle and, from then on, twenty-five 74456
dollars per day until the application and any applicable tax are 74457
submitted to a clerk. 74458

(b) In all cases of transfer of a motor vehicle except the 74459
transfer of a manufactured home or mobile home, the application 74460
for certificate of title shall be filed within thirty days after 74461
the assignment or delivery of the motor vehicle. 74462

(c) An application for a certificate of title for a new 74463
manufactured home shall be filed within thirty days after the 74464
delivery of the new manufactured home to the purchaser. The date 74465
of the delivery shall be the date on which an occupancy permit for 74466
the manufactured home is delivered to the purchaser of the home by 74467
the appropriate legal authority. 74468

(d) An application for a certificate of title for a used 74469
manufactured home or a used mobile home shall be filed as follows: 74470

(i) If a certificate of title for the used manufactured home 74471
or used mobile home was issued to the motor vehicle dealer prior 74472
to the sale of the manufactured or mobile home to the purchaser, 74473
the application for certificate of title shall be filed within 74474
thirty days after the date on which an occupancy permit for the 74475
manufactured or mobile home is delivered to the purchaser by the 74476
appropriate legal authority. 74477

(ii) If the motor vehicle dealer has been designated by a 74478
secured party to display the manufactured or mobile home for sale, 74479
or to sell the manufactured or mobile home under section 4505.20 74480
of the Revised Code, but the certificate of title has not been 74481
transferred by the secured party to the motor vehicle dealer, and 74482
the dealer has complied with the requirements of division (A) of 74483
section 4505.181 of the Revised Code, the application for 74484
certificate of title shall be filed within thirty days after the 74485
date on which the motor vehicle dealer obtains the certificate of 74486

title for the home from the secured party or the date on which an 74487
occupancy permit for the manufactured or mobile home is delivered 74488
to the purchaser by the appropriate legal authority, whichever 74489
occurs later. 74490

(6) If an application for a certificate of title is not filed 74491
within the period specified in division (A)(5)(b), (c), or (d) of 74492
this section, the clerk shall collect a fee of five dollars for 74493
the issuance of the certificate, except that no such fee shall be 74494
required from a motor vehicle salvage dealer, as defined in 74495
division (A) of section 4738.01 of the Revised Code, who 74496
immediately surrenders the certificate of title for cancellation. 74497
The fee shall be in addition to all other fees established by this 74498
chapter, and shall be retained by the clerk. The registrar shall 74499
provide, on the certificate of title form prescribed by section 74500
4505.07 of the Revised Code, language necessary to give evidence 74501
of the date on which the assignment or delivery of the motor 74502
vehicle was made. 74503

(7) As used in division (A) of this section, "lease 74504
agreement," "lessee," and "sublease agreement" have the same 74505
meanings as in section 4505.04 of the Revised Code and "new 74506
manufactured home," "used manufactured home," and "used mobile 74507
home" have the same meanings as in section 5739.0210 of the 74508
Revised Code. 74509

(B)(1) The clerk, except as otherwise provided in this 74510
section, shall refuse to accept for filing any application for a 74511
certificate of title and shall refuse to issue a certificate of 74512
title unless the dealer or the applicant, in cases in which the 74513
certificate shall be obtained by the buyer, submits with the 74514
application payment of the tax levied by or pursuant to Chapters 74515
5739. and 5741. of the Revised Code based on the purchaser's 74516
county of residence. Upon payment of the tax in accordance with 74517
division (E) of this section, the clerk shall issue a receipt 74518

prescribed by the registrar and agreed upon by the tax 74519
commissioner showing payment of the tax or a receipt issued by the 74520
commissioner showing the payment of the tax. When submitting 74521
payment of the tax to the clerk, a dealer shall retain any 74522
discount to which the dealer is entitled under section 5739.12 of 74523
the Revised Code. 74524

(2) For receiving and disbursing such taxes paid to the clerk 74525
by a resident of the clerk's county, the clerk may retain a 74526
poundage fee of one and one one-hundredth per cent, and the clerk 74527
shall pay the poundage fee into the certificate of title 74528
administration fund created by section 325.33 of the Revised Code. 74529
The clerk shall not retain a poundage fee from payments of taxes 74530
by persons who do not reside in the clerk's county. 74531

A clerk, however, may retain from the taxes paid to the clerk 74532
an amount equal to the poundage fees associated with certificates 74533
of title issued by other clerks of courts of common pleas to 74534
applicants who reside in the first clerk's county. The registrar, 74535
in consultation with the tax commissioner and the clerks of the 74536
courts of common pleas, shall develop a report from the automated 74537
title processing system that informs each clerk of the amount of 74538
the poundage fees that the clerk is permitted to retain from those 74539
taxes because of certificates of title issued by the clerks of 74540
other counties to applicants who reside in the first clerk's 74541
county. 74542

(3) In the case of casual sales of motor vehicles, as defined 74543
in section 4517.01 of the Revised Code, the price for the purpose 74544
of determining the tax shall be the purchase price on the assigned 74545
certificate of title executed by the seller and filed with the 74546
clerk by the buyer on a form to be prescribed by the registrar, 74547
which shall be prima-facie evidence of the amount for the 74548
determination of the tax. 74549

(4) Each county clerk shall forward to the treasurer of state 74550

all sales and use tax collections resulting from sales of motor 74551
vehicles, off-highway motorcycles, and all-purpose vehicles during 74552
a calendar week on or before the Friday following the close of 74553
that week. If, on any Friday, the offices of the clerk of courts 74554
or the state are not open for business, the tax shall be forwarded 74555
to the treasurer of state on or before the next day on which the 74556
offices are open. Every remittance of tax under division (B)(4) of 74557
this section shall be accompanied by a remittance report in such 74558
form as the tax commissioner prescribes. Upon receipt of a tax 74559
remittance and remittance report, the treasurer of state shall 74560
date stamp the report and forward it to the tax commissioner. If 74561
the tax due for any week is not remitted by a clerk of courts as 74562
required under division (B)(4) of this section, the commissioner 74563
may require the clerk to forfeit the poundage fees for the sales 74564
made during that week. The treasurer of state may require the 74565
clerks of courts to transmit tax collections and remittance 74566
reports electronically. 74567

(5) A new or used motor vehicle dealer licensed in this 74568
state, in lieu of remitting the tax levied by or pursuant to 74569
Chapters 5739. and 5741. of the Revised Code to the clerk under 74570
this section, may elect to submit to the clerk a certificate 74571
acknowledging the sale or lease of the motor vehicle, stating the 74572
purchaser's county of residence, and pledging that the dealer will 74573
report and remit the tax due as required by section 5739.12 or 74574
5741.12 of the Revised Code, whichever is applicable. For each 74575
dealer that makes an election under this section, the tax 74576
commissioner shall deposit into the certificate of title 74577
administration fund created under section 325.33 of the Revised 74578
Code an amount equal to the poundage fees that the clerk would be 74579
entitled to retain if the dealer had remitted the tax due to the 74580
clerk under division (A)(5)(a) of this section. The registrar, in 74581
consultation with the commissioner and the clerks of courts of 74582
common pleas, shall develop a report from the automated title 74583

processing system that informs each clerk and the commissioner of 74584
the amount of the poundage fees that each clerk is permitted to 74585
receive from taxes collected by the commissioner because of the 74586
certificates of title issued by the clerks. A motor vehicle dealer 74587
that does not report and remit the tax due pursuant to an election 74588
under division (B)(5) of this section shall pay the tax to the 74589
clerk of courts as provided in division (A)(5)(a) of this section. 74590

(C)(1) If the transferor indicates on the certificate of 74591
title that the odometer reflects mileage in excess of the designed 74592
mechanical limit of the odometer, the clerk shall enter the phrase 74593
"exceeds mechanical limits" following the mileage designation. If 74594
the transferor indicates on the certificate of title that the 74595
odometer reading is not the actual mileage, the clerk shall enter 74596
the phrase "nonactual: warning - odometer discrepancy" following 74597
the mileage designation. The clerk shall use reasonable care in 74598
transferring the information supplied by the transferor, but is 74599
not liable for any errors or omissions of the clerk or those of 74600
the clerk's deputies in the performance of the clerk's duties 74601
created by this chapter. 74602

The registrar shall prescribe an affidavit in which the 74603
transferor shall swear to the true selling price and, except as 74604
provided in this division, the true odometer reading of the motor 74605
vehicle. The registrar may prescribe an affidavit in which the 74606
seller and buyer provide information pertaining to the odometer 74607
reading of the motor vehicle in addition to that required by this 74608
section, as such information may be required by the United States 74609
secretary of transportation by rule prescribed under authority of 74610
subchapter IV of the "Motor Vehicle Information and Cost Savings 74611
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 74612

(2) Division (C)(1) of this section does not require the 74613
giving of information concerning the odometer and odometer reading 74614
of a motor vehicle when ownership of a motor vehicle is being 74615

transferred as a result of a bequest, under the laws of intestate 74616
succession, to a survivor pursuant to section 2106.18, 2131.12, or 74617
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 74618
beneficiaries pursuant to section 2131.13 of the Revised Code, in 74619
connection with the creation of a security interest or for a 74620
vehicle with a gross vehicle weight rating of more than sixteen 74621
thousand pounds. 74622

(D) When the transfer to the applicant was made in some other 74623
state or in interstate commerce, the clerk, except as provided in 74624
this section, shall refuse to issue any certificate of title 74625
unless the tax imposed by or pursuant to Chapter 5741. of the 74626
Revised Code based on the purchaser's county of residence has been 74627
paid as evidenced by a receipt issued by the tax commissioner, or 74628
unless the applicant submits with the application payment of the 74629
tax. Upon payment of the tax in accordance with division (E) of 74630
this section, the clerk shall issue a receipt prescribed by the 74631
registrar and agreed upon by the tax commissioner, showing payment 74632
of the tax. 74633

For receiving and disbursing such taxes paid to the clerk by 74634
a resident of the clerk's county, the clerk may retain a poundage 74635
fee of one and one one-hundredth per cent. The clerk shall not 74636
retain a poundage fee from payments of taxes by persons who do not 74637
reside in the clerk's county. 74638

A clerk, however, may retain from the taxes paid to the clerk 74639
an amount equal to the poundage fees associated with certificates 74640
of title issued by other clerks of courts of common pleas to 74641
applicants who reside in the first clerk's county. The registrar, 74642
in consultation with the tax commissioner and the clerks of the 74643
courts of common pleas, shall develop a report from the automated 74644
title processing system that informs each clerk of the amount of 74645
the poundage fees that the clerk is permitted to retain from those 74646
taxes because of certificates of title issued by the clerks of 74647

other counties to applicants who reside in the first clerk's 74648
county. 74649

When the vendor is not regularly engaged in the business of 74650
selling motor vehicles, the vendor shall not be required to 74651
purchase a vendor's license or make reports concerning those 74652
sales. 74653

(E) The clerk shall accept any payment of a tax in cash, or 74654
by cashier's check, certified check, draft, money order, or teller 74655
check issued by any insured financial institution payable to the 74656
clerk and submitted with an application for a certificate of title 74657
under division (B) or (D) of this section. The clerk also may 74658
accept payment of the tax by corporate, business, or personal 74659
check, credit card, electronic transfer or wire transfer, debit 74660
card, or any other accepted form of payment made payable to the 74661
clerk. The clerk may require bonds, guarantees, or letters of 74662
credit to ensure the collection of corporate, business, or 74663
personal checks. Any service fee charged by a third party to a 74664
clerk for the use of any form of payment may be paid by the clerk 74665
from the certificate of title administration fund created in 74666
section 325.33 of the Revised Code, or may be assessed by the 74667
clerk upon the applicant as an additional fee. Upon collection, 74668
the additional fees shall be paid by the clerk into that 74669
certificate of title administration fund. 74670

The clerk shall make a good faith effort to collect any 74671
payment of taxes due but not made because the payment was returned 74672
or dishonored, but the clerk is not personally liable for the 74673
payment of uncollected taxes or uncollected fees. The clerk shall 74674
notify the tax commissioner of any such payment of taxes that is 74675
due but not made and shall furnish the information to the 74676
commissioner that the commissioner requires. The clerk shall 74677
deduct the amount of taxes due but not paid from the clerk's 74678
periodic remittance of tax payments, in accordance with procedures 74679

agreed upon by the tax commissioner. The commissioner may collect 74680
taxes due by assessment in the manner provided in section 5739.13 74681
of the Revised Code. 74682

Any person who presents payment that is returned or 74683
dishonored for any reason is liable to the clerk for payment of a 74684
penalty over and above the amount of the taxes due. The clerk 74685
shall determine the amount of the penalty, and the penalty shall 74686
be no greater than that amount necessary to compensate the clerk 74687
for banking charges, legal fees, or other expenses incurred by the 74688
clerk in collecting the returned or dishonored payment. The 74689
remedies and procedures provided in this section are in addition 74690
to any other available civil or criminal remedies. Subsequently 74691
collected penalties, poundage fees, and title fees, less any title 74692
fee due the state, from returned or dishonored payments collected 74693
by the clerk shall be paid into the certificate of title 74694
administration fund. Subsequently collected taxes, less poundage 74695
fees, shall be sent by the clerk to the treasurer of state at the 74696
next scheduled periodic remittance of tax payments, with 74697
information as the commissioner may require. The clerk may abate 74698
all or any part of any penalty assessed under this division. 74699

(F) In the following cases, the clerk shall accept for filing 74700
an application and shall issue a certificate of title without 74701
requiring payment or evidence of payment of the tax: 74702

(1) When the purchaser is this state or any of its political 74703
subdivisions, a church, or an organization whose purchases are 74704
exempted by section 5739.02 of the Revised Code; 74705

(2) When the transaction in this state is not a retail sale 74706
as defined by section 5739.01 of the Revised Code; 74707

(3) When the purchase is outside this state or in interstate 74708
commerce and the purpose of the purchaser is not to use, store, or 74709
consume within the meaning of section 5741.01 of the Revised Code; 74710

(4) When the purchaser is the federal government; 74711

(5) When the motor vehicle was purchased outside this state 74712
for use outside this state; 74713

(6) When the motor vehicle is purchased by a nonresident 74714
under the circumstances described in division (B)(1) of section 74715
5739.029 of the Revised Code, and upon presentation of a copy of 74716
the affidavit provided by that section, and a copy of the 74717
exemption certificate provided by section 5739.03 of the Revised 74718
Code; 74719

(7) When the applicant is a new or used motor vehicle dealer 74720
that makes an election and submits a certificate under division 74721
(B)(5) of this section. 74722

(G) An application, as prescribed by the registrar and agreed 74723
to by the tax commissioner, shall be filled out and sworn to by 74724
the buyer of a motor vehicle in a casual sale. The application 74725
shall contain the following notice in bold lettering: "WARNING TO 74726
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 74727
law to state the true selling price. A false statement is in 74728
violation of section 2921.13 of the Revised Code and is punishable 74729
by six months' imprisonment or a fine of up to one thousand 74730
dollars, or both. All transfers are audited by the department of 74731
taxation. The seller and buyer must provide any information 74732
requested by the department of taxation. The buyer may be assessed 74733
any additional tax found to be due." 74734

(H) For sales of manufactured homes or mobile homes occurring 74735
on or after January 1, 2000, the clerk shall accept for filing, 74736
pursuant to Chapter 5739. of the Revised Code, an application for 74737
a certificate of title for a manufactured home or mobile home 74738
without requiring payment of any tax pursuant to section 5739.02, 74739
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 74740
issued by the tax commissioner showing payment of the tax. For 74741

sales of manufactured homes or mobile homes occurring on or after 74742
January 1, 2000, the applicant shall pay to the clerk an 74743
additional fee of five dollars for each certificate of title 74744
issued by the clerk for a manufactured or mobile home pursuant to 74745
division (H) of section 4505.11 of the Revised Code and for each 74746
certificate of title issued upon transfer of ownership of the 74747
home. The clerk shall credit the fee to the county certificate of 74748
title administration fund, and the fee shall be used to pay the 74749
expenses of archiving those certificates pursuant to division (A) 74750
of section 4505.08 and division (H)(3) of section 4505.11 of the 74751
Revised Code. The tax commissioner shall administer any tax on a 74752
manufactured or mobile home pursuant to Chapters 5739. and 5741. 74753
of the Revised Code. 74754

(I) Every clerk shall have the capability to transact by 74755
electronic means all procedures and transactions relating to the 74756
issuance of motor vehicle certificates of title that are described 74757
in the Revised Code as being accomplished by electronic means. 74758

Sec. 4505.101. (A)(1) The owner of any repair garage or place 74759
of storage in which a motor vehicle with a value of less than 74760
three thousand five hundred dollars has been left unclaimed for 74761
fifteen days or more following completion of the requested repair 74762
or the agreed term of storage shall send by certified mail, return 74763
receipt requested, to the last known address of any owner and any 74764
lienholder of the motor vehicle a notice to remove the motor 74765
vehicle. In order to identify any owner or lienholder, prior to 74766
sending a notice, the repair garage or place of storage shall 74767
cause a search to be made of the records of the bureau of motor 74768
vehicles. Any notice to a lienholder shall state where the motor 74769
vehicle is located and the value of the vehicle. 74770

If the motor vehicle remains unclaimed by any owner or 74771
lienholder for fifteen days after the mailing of all required 74772

notices, and for each notice the person on whose property the vehicle has been abandoned either has received the signed receipt from the certified mail or has been notified that the delivery was not possible, the person may obtain a certificate of title to the motor vehicle in the person's name in the manner provided in this section. Unless the lienholder claims the motor vehicle within fifteen days from the mailing of the notice, the lienholder's lien is invalid.

(2) The owner of the repair garage or place of storage that mailed the notice shall execute an affidavit, in a form established by the registrar of motor vehicles by rule, affirming that all of the requirements of this section necessary to authorize the issuance of a certificate of title for the motor vehicle have been met. The affidavit shall set forth an itemized statement of the value of the motor vehicle; the length of time that the motor vehicle has remained unclaimed; that a notice to remove the vehicle has been mailed to any titled owner or lienholder by certified mail, return receipt requested; and that a search of the records of the bureau of motor vehicles has been made in accordance with division (A)(1) of this section.

(B) The owner of a towing service or storage facility that is in possession of a vehicle may obtain a certificate of title to the vehicle as provided in division (C) of this section if all of the following apply:

(1) The vehicle was towed under division (B) of section 4513.601 of the Revised Code.

(2) The vehicle has a value of less than three thousand five hundred dollars.

(3) The vehicle has been left unclaimed for sixty days after the date the earliest notice required by division (F)(1) of section 4513.601 of the Revised Code is received, as evidenced by

a receipt signed by any person, or the towing service or storage facility has been notified that the delivery was not possible. 74804
74805

(4) The owner of the towing service or storage facility 74806
executes an affidavit, in a form established by the registrar of 74807
motor vehicles by rule, affirming that all of the requirements of 74808
this section necessary to authorize the issuance of a certificate 74809
of title for the motor vehicle have been met. The affidavit shall 74810
set forth an itemized statement of the value of the motor vehicle; 74811
that notices to remove the vehicle have been mailed to the owner 74812
and any lienholder as required under division (F) of section 74813
4513.601 of the Revised Code; the length of time that the motor 74814
vehicle has remained unclaimed after the date the earliest notice 74815
required under division (F) of section 4513.601 of the Revised 74816
Code was received or the towing service or storage facility was 74817
notified that delivery was not possible; and that a search of the 74818
records of the bureau of motor vehicles has been made for 74819
outstanding liens on the motor vehicle. 74820

(C) The clerk of courts shall issue a certificate of title, 74821
free and clear of all liens and encumbrances as follows: 74822

(1) To a repair garage or place of storage that presents an 74823
affidavit that complies with all of the requirements of division 74824
(A) of this section; 74825

(2) To a towing service or storage facility that presents an 74826
affidavit in compliance with division (B) of this section. 74827

Upon receipt of the certificate of title, a repair garage or 74828
place of storage, or a towing service or storage facility, shall 74829
pay to the clerk of courts the value of the motor vehicle for 74830
deposit into the county general fund. 74831

(D) Whoever violates this section shall be fined not more 74832
than two hundred dollars, imprisoned not more than ninety days, or 74833
both. 74834

(E) As used in this section: 74835

(1) "Repair garage or place of storage" means any business 74836
with which a person entered into an agreement for the repair of a 74837
motor vehicle or any business with which a person entered into an 74838
agreement for the storage of a motor vehicle. 74839

(2) "Towing service or storage facility" means any for-hire 74840
motor carrier that removes a motor vehicle under the authority of 74841
section 4513.601 of the Revised Code and any place to which such a 74842
for-hire motor carrier delivers a motor vehicle towed under that 74843
section. 74844

(3) "Value" means the wholesale value for that make and model 74845
of motor vehicle at the time an affidavit is submitted under 74846
division (C) of this section, as provided in a vehicle valuation 74847
guide that is generally available and recognized by the motor 74848
vehicle industry, minus ~~both~~ all of the following: 74849

(a) The estimated cost of repairs to restore the motor 74850
vehicle to the wholesale value for that make and model of motor 74851
vehicle; 74852

(b) The cost of any agreed-upon repairs; 74853

(c) A towing fee, if applicable. 74854

Sec. 4507.21. (A) Each applicant for a driver's license shall 74855
file an application in the office of the registrar of motor 74856
vehicles or of a deputy registrar. 74857

(B)(1) Each person under eighteen years of age applying for a 74858
driver's license issued in this state shall present satisfactory 74859
evidence of having successfully completed any one of the 74860
following: 74861

(a) A driver education course approved by the state 74862
department of education prior to December 31, 2003. 74863

(b) A driver training course approved by the director of public safety. 74864
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(c) A driver training course comparable to a driver education or driver training course described in division (B)(1)(a) or (b) of this section and administered by a branch of the armed forces of the United States and completed by the applicant while residing outside this state for the purpose of being with or near any person serving in the armed forces of the United States. 74866
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(2) Each person under eighteen years of age applying for a driver's license also shall present, on a form prescribed by the registrar, an affidavit signed by an eligible adult attesting that the person has acquired at least fifty hours of actual driving experience, with at least ten of those hours being at night. 74872
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(C) ~~Each~~ Commencing one year after the effective date of the rules adopted pursuant to division (F) of section 4508.02 of the Revised Code that govern the abbreviated driver training course, each applicant for an initial driver's license who is eighteen years of age or older and who failed the road or maneuverability test required under division (A)(2) of section 4507.11 of the Revised Code shall present satisfactory evidence of having successfully completed ~~an~~ the abbreviated driver training course for adults, approved by the director of public safety, prior to attempting the test a second or subsequent time. 74877
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(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted. 74887
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(E) An applicant shall file an application in duplicate, and the deputy registrar issuing the license shall immediately forward 74893
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to the office of the registrar the original copy of the 74895
application, together with the duplicate copy of any certificate 74896
of completion if issued for purposes of division (B) of this 74897
section. The registrar shall prescribe rules as to the manner in 74898
which the deputy registrar files and maintains the applications 74899
and other records. The registrar shall file every application for 74900
a driver's or commercial driver's license and index them by name 74901
and number, and shall maintain a suitable record of all licenses 74902
issued, all convictions and bond forfeitures, all applications for 74903
licenses denied, and all licenses that have been suspended or 74904
canceled. 74905

(F) For purposes of section 2313.06 of the Revised Code, the 74906
registrar shall maintain accurate and current lists of the 74907
residents of each county who are eighteen years of age or older, 74908
have been issued, on and after January 1, 1984, driver's or 74909
commercial driver's licenses that are valid and current, and would 74910
be electors if they were registered to vote, regardless of whether 74911
they actually are registered to vote. The lists shall contain the 74912
names, addresses, dates of birth, duration of residence in this 74913
state, citizenship status, and social security numbers, if the 74914
numbers are available, of the licensees, and may contain any other 74915
information that the registrar considers suitable. 74916

(G) Each person under eighteen years of age applying for a 74917
motorcycle operator's endorsement or a restricted license enabling 74918
the applicant to operate a motorcycle shall present satisfactory 74919
evidence of having completed the courses of instruction in the 74920
motorcycle safety and education program described in section 74921
4508.08 of the Revised Code or a comparable course of instruction 74922
administered by a branch of the armed forces of the United States 74923
and completed by the applicant while residing outside this state 74924
for the purpose of being with or near any person serving in the 74925
armed forces of the United States. If the registrar or deputy 74926

registrar then determines that the applicant is entitled to the 74927
endorsement or restricted license, it shall be issued. 74928

(H) No person shall knowingly make a false statement in an 74929
affidavit presented in accordance with division (B)(2) of this 74930
section. 74931

(I) As used in this section, "eligible adult" means any of 74932
the following persons: 74933

(1) A parent, guardian, or custodian of the applicant; 74934

(2) A person over the age of twenty-one who acts in loco 74935
parentis of the applicant and who maintains proof of financial 74936
responsibility with respect to the operation of a motor vehicle 74937
owned by the applicant or with respect to the applicant's 74938
operation of any motor vehicle. 74939

(J) Whoever violates division (H) of this section is guilty 74940
of a minor misdemeanor and shall be fined one hundred dollars. 74941

Sec. 4511.0915. (A) On or before July 31, 2015, any local 74942
authority that has operated a traffic law photo-monitoring device 74943
between March 23, 2015, and June 30, 2015, shall file either a 74944
report or statement of compliance with the auditor of state as 74945
follows: 74946

(1) If the local authority operated any traffic law 74947
photo-monitoring device without fully complying with sections 74948
4511.092 to 4511.0914 of the Revised Code, the local authority 74949
shall file a report that includes a detailed statement of the 74950
civil fines the local authority has billed to drivers for any 74951
violation of any municipal ordinance that is based upon evidence 74952
recorded by a traffic law photo-monitoring device, including the 74953
gross amount of fines that have been billed. 74954

(2) If the local authority has fully complied with sections 74955
4511.092 to 4511.0914 of the Revised Code, in lieu of a report, 74956

the local authority shall submit a signed statement affirming 74957
compliance with all requirements of those sections. 74958

(B) Beginning with the three-month period that commences July 74959
1, 2015, and ends September 30, 2015, and for each three-month 74960
period thereafter, during which a local authority has operated a 74961
traffic law photo-monitoring device, the local authority shall 74962
file either a report or a signed statement of compliance with the 74963
auditor of state in the same manner as described in division (A) 74964
of this section. The local authority shall file the report or 74965
statement not later than thirty days after the end of the 74966
applicable three-month period. 74967

(C) The auditor of state shall do all of the following: 74968

(1) Immediately forward a copy of each report or signed 74969
statement of compliance received under this section to the tax 74970
commissioner for purposes of calculating payments under section 74971
5747.50 of the Revised Code; 74972

(2) Notify the commissioner of each subdivision required to 74973
file a report or signed statement that did not do so; 74974

(3) Notify the commissioner when a subdivision that is the 74975
subject of a notification under division (C)(2) of this section 74976
files all reports or signed statements the subdivision is required 74977
to file. 74978

Sec. 4511.191. (A)(1) As used in this section: 74979

(a) "Physical control" has the same meaning as in section 74980
4511.194 of the Revised Code. 74981

(b) "Alcohol monitoring device" means any device that 74982
provides for continuous alcohol monitoring, any ignition interlock 74983
device, any immobilizing or disabling device other than an 74984
ignition interlock device that is constantly available to monitor 74985
the concentration of alcohol in a person's system, or any other 74986

device that provides for the automatic testing and periodic 74987
reporting of alcohol consumption by a person and that a court 74988
orders a person to use as a sanction imposed as a result of the 74989
person's conviction of or plea of guilty to an offense. 74990

(c) "Community addiction services provider" has the same 74991
meaning as in section 5119.01 of the Revised Code. 74992

(2) Any person who operates a vehicle, streetcar, or 74993
trackless trolley upon a highway or any public or private property 74994
used by the public for vehicular travel or parking within this 74995
state or who is in physical control of a vehicle, streetcar, or 74996
trackless trolley shall be deemed to have given consent to a 74997
chemical test or tests of the person's whole blood, blood serum or 74998
plasma, breath, or urine to determine the alcohol, drug of abuse, 74999
controlled substance, metabolite of a controlled substance, or 75000
combination content of the person's whole blood, blood serum or 75001
plasma, breath, or urine if arrested for a violation of division 75002
(A) or (B) of section 4511.19 of the Revised Code, section 75003
4511.194 of the Revised Code or a substantially equivalent 75004
municipal ordinance, or a municipal OVI ordinance. 75005

(3) The chemical test or tests under division (A)(2) of this 75006
section shall be administered at the request of a law enforcement 75007
officer having reasonable grounds to believe the person was 75008
operating or in physical control of a vehicle, streetcar, or 75009
trackless trolley in violation of a division, section, or 75010
ordinance identified in division (A)(2) of this section. The law 75011
enforcement agency by which the officer is employed shall 75012
designate which of the tests shall be administered. 75013

(4) Any person who is dead or unconscious, or who otherwise 75014
is in a condition rendering the person incapable of refusal, shall 75015
be deemed to have consented as provided in division (A)(2) of this 75016
section, and the test or tests may be administered, subject to 75017
sections 313.12 to 313.16 of the Revised Code. 75018

(5)(a) If a law enforcement officer arrests a person for a violation of division (A) or (B) of section 4511.19 of the Revised Code, section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, or a municipal OVI ordinance and if the person if convicted would be required to be sentenced under division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised Code, the law enforcement officer shall request the person to submit, and the person shall submit, to a chemical test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the alcohol, drug of abuse, controlled substance, metabolite of a controlled substance, or combination content of the person's whole blood, blood serum or plasma, breath, or urine. A law enforcement officer who makes a request pursuant to this division that a person submit to a chemical test or tests is not required to advise the person of the consequences of submitting to, or refusing to submit to, the test or tests and is not required to give the person the form described in division (B) of section 4511.192 of the Revised Code, but the officer shall advise the person at the time of the arrest that if the person refuses to take a chemical test the officer may employ whatever reasonable means are necessary to ensure that the person submits to a chemical test of the person's whole blood or blood serum or plasma. The officer shall also advise the person at the time of the arrest that the person may have an independent chemical test taken at the person's own expense. Divisions (A)(3) and (4) of this section apply to the administration of a chemical test or tests pursuant to this division.

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

division to ensure that a person submits to a chemical test of the 75052
person's whole blood or blood serum or plasma is immune from 75053
criminal and civil liability based upon a claim for assault and 75054
battery or any other claim for the acts, unless the officer so 75055
acted with malicious purpose, in bad faith, or in a wanton or 75056
reckless manner. 75057

(B)(1) Upon receipt of the sworn report of a law enforcement 75058
officer who arrested a person for a violation of division (A) or 75059
(B) of section 4511.19 of the Revised Code, section 4511.194 of 75060
the Revised Code or a substantially equivalent municipal 75061
ordinance, or a municipal OVI ordinance that was completed and 75062
sent to the registrar of motor vehicles and a court pursuant to 75063
section 4511.192 of the Revised Code in regard to a person who 75064
refused to take the designated chemical test, the registrar shall 75065
enter into the registrar's records the fact that the person's 75066
driver's or commercial driver's license or permit or nonresident 75067
operating privilege was suspended by the arresting officer under 75068
this division and that section and the period of the suspension, 75069
as determined under this section. The suspension shall be subject 75070
to appeal as provided in section 4511.197 of the Revised Code. The 75071
suspension shall be for whichever of the following periods 75072
applies: 75073

(a) Except when division (B)(1)(b), (c), or (d) of this 75074
section applies and specifies a different class or length of 75075
suspension, the suspension shall be a class C suspension for the 75076
period of time specified in division (B)(3) of section 4510.02 of 75077
the Revised Code. 75078

(b) If the arrested person, within six years of the date on 75079
which the person refused the request to consent to the chemical 75080
test, had refused one previous request to consent to a chemical 75081
test or had been convicted of or pleaded guilty to one violation 75082
of division (A) or (B) of section 4511.19 of the Revised Code or 75083

one other equivalent offense, the suspension shall be a class B 75084
suspension imposed for the period of time specified in division 75085
(B)(2) of section 4510.02 of the Revised Code. 75086

(c) If the arrested person, within six years of the date on 75087
which the person refused the request to consent to the chemical 75088
test, had refused two previous requests to consent to a chemical 75089
test, had been convicted of or pleaded guilty to two violations of 75090
division (A) or (B) of section 4511.19 of the Revised Code or 75091
other equivalent offenses, or had refused one previous request to 75092
consent to a chemical test and also had been convicted of or 75093
pleaded guilty to one violation of division (A) or (B) of section 75094
4511.19 of the Revised Code or other equivalent offenses, which 75095
violation or offense arose from an incident other than the 75096
incident that led to the refusal, the suspension shall be a class 75097
A suspension imposed for the period of time specified in division 75098
(B)(1) of section 4510.02 of the Revised Code. 75099

(d) If the arrested person, within six years of the date on 75100
which the person refused the request to consent to the chemical 75101
test, had refused three or more previous requests to consent to a 75102
chemical test, had been convicted of or pleaded guilty to three or 75103
more violations of division (A) or (B) of section 4511.19 of the 75104
Revised Code or other equivalent offenses, or had refused a number 75105
of previous requests to consent to a chemical test and also had 75106
been convicted of or pleaded guilty to a number of violations of 75107
division (A) or (B) of section 4511.19 of the Revised Code or 75108
other equivalent offenses that cumulatively total three or more 75109
such refusals, convictions, and guilty pleas, the suspension shall 75110
be for five years. 75111

(2) The registrar shall terminate a suspension of the 75112
driver's or commercial driver's license or permit of a resident or 75113
of the operating privilege of a nonresident, or a denial of a 75114
driver's or commercial driver's license or permit, imposed 75115

pursuant to division (B)(1) of this section upon receipt of notice 75116
that the person has entered a plea of guilty to, or that the 75117
person has been convicted after entering a plea of no contest to, 75118
operating a vehicle in violation of section 4511.19 of the Revised 75119
Code or in violation of a municipal OVI ordinance, if the offense 75120
for which the conviction is had or the plea is entered arose from 75121
the same incident that led to the suspension or denial. 75122

The registrar shall credit against any judicial suspension of 75123
a person's driver's or commercial driver's license or permit or 75124
nonresident operating privilege imposed pursuant to section 75125
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 75126
Revised Code for a violation of a municipal OVI ordinance, any 75127
time during which the person serves a related suspension imposed 75128
pursuant to division (B)(1) of this section. 75129

(C)(1) Upon receipt of the sworn report of the law 75130
enforcement officer who arrested a person for a violation of 75131
division (A) or (B) of section 4511.19 of the Revised Code or a 75132
municipal OVI ordinance that was completed and sent to the 75133
registrar and a court pursuant to section 4511.192 of the Revised 75134
Code in regard to a person whose test results indicate that the 75135
person's whole blood, blood serum or plasma, breath, or urine 75136
contained at least the concentration of alcohol specified in 75137
division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the 75138
Revised Code or at least the concentration of a listed controlled 75139
substance or a listed metabolite of a controlled substance 75140
specified in division (A)(1)(j) of section 4511.19 of the Revised 75141
Code, the registrar shall enter into the registrar's records the 75142
fact that the person's driver's or commercial driver's license or 75143
permit or nonresident operating privilege was suspended by the 75144
arresting officer under this division and section 4511.192 of the 75145
Revised Code and the period of the suspension, as determined under 75146
divisions (C)(1)(a) to (d) of this section. The suspension shall 75147

be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within six years of the date the test was conducted, one violation of division (A) or (B) of section 4511.19 of the Revised Code or one other equivalent offense.

(c) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class B suspension imposed for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code.

(d) If, within six years of the date the test was conducted, the person has been convicted of or pleaded guilty to more than two violations of a statute or ordinance described in division (C)(1)(b) of this section, the suspension shall be a class A suspension imposed for the period of time specified in division (B)(1) of section 4510.02 of the Revised Code.

(2) The registrar shall terminate a suspension of the

driver's or commercial driver's license or permit of a resident or 75179
of the operating privilege of a nonresident, or a denial of a 75180
driver's or commercial driver's license or permit, imposed 75181
pursuant to division (C)(1) of this section upon receipt of notice 75182
that the person has entered a plea of guilty to, or that the 75183
person has been convicted after entering a plea of no contest to, 75184
operating a vehicle in violation of section 4511.19 of the Revised 75185
Code or in violation of a municipal OVI ordinance, if the offense 75186
for which the conviction is had or the plea is entered arose from 75187
the same incident that led to the suspension or denial. 75188

The registrar shall credit against any judicial suspension of 75189
a person's driver's or commercial driver's license or permit or 75190
nonresident operating privilege imposed pursuant to section 75191
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 75192
Revised Code for a violation of a municipal OVI ordinance, any 75193
time during which the person serves a related suspension imposed 75194
pursuant to division (C)(1) of this section. 75195

(D)(1) A suspension of a person's driver's or commercial 75196
driver's license or permit or nonresident operating privilege 75197
under this section for the time described in division (B) or (C) 75198
of this section is effective immediately from the time at which 75199
the arresting officer serves the notice of suspension upon the 75200
arrested person. Any subsequent finding that the person is not 75201
guilty of the charge that resulted in the person being requested 75202
to take the chemical test or tests under division (A) of this 75203
section does not affect the suspension. 75204

(2) If a person is arrested for operating a vehicle, 75205
streetcar, or trackless trolley in violation of division (A) or 75206
(B) of section 4511.19 of the Revised Code or a municipal OVI 75207
ordinance, or for being in physical control of a vehicle, 75208
streetcar, or trackless trolley in violation of section 4511.194 75209
of the Revised Code or a substantially equivalent municipal 75210

ordinance, regardless of whether the person's driver's or 75211
commercial driver's license or permit or nonresident operating 75212
privilege is or is not suspended under division (B) or (C) of this 75213
section or Chapter 4510. of the Revised Code, the person's initial 75214
appearance on the charge resulting from the arrest shall be held 75215
within five days of the person's arrest or the issuance of the 75216
citation to the person, subject to any continuance granted by the 75217
court pursuant to section 4511.197 of the Revised Code regarding 75218
the issues specified in that division. 75219

(E) When it finally has been determined under the procedures 75220
of this section and sections 4511.192 to 4511.197 of the Revised 75221
Code that a nonresident's privilege to operate a vehicle within 75222
this state has been suspended, the registrar shall give 75223
information in writing of the action taken to the motor vehicle 75224
administrator of the state of the person's residence and of any 75225
state in which the person has a license. 75226

(F) At the end of a suspension period under this section, 75227
under section 4511.194, section 4511.196, or division (G) of 75228
section 4511.19 of the Revised Code, or under section 4510.07 of 75229
the Revised Code for a violation of a municipal OVI ordinance and 75230
upon the request of the person whose driver's or commercial 75231
driver's license or permit was suspended and who is not otherwise 75232
subject to suspension, cancellation, or disqualification, the 75233
registrar shall return the driver's or commercial driver's license 75234
or permit to the person upon the occurrence of all of the 75235
conditions specified in divisions (F)(1) and (2) of this section: 75236

(1) A showing that the person has proof of financial 75237
responsibility, a policy of liability insurance in effect that 75238
meets the minimum standards set forth in section 4509.51 of the 75239
Revised Code, or proof, to the satisfaction of the registrar, that 75240
the person is able to respond in damages in an amount at least 75241
equal to the minimum amounts specified in section 4509.51 of the 75242

Revised Code. 75243

(2) Subject to the limitation contained in division (F)(3) of 75244
this section, payment by the person to the registrar or an 75245
eligible deputy registrar of a license reinstatement fee of four 75246
hundred seventy-five dollars, which fee shall be deposited in the 75247
state treasury and credited as follows: 75248

(a) One hundred twelve dollars and fifty cents shall be 75249
credited to the statewide treatment and prevention fund created by 75250
section 4301.30 of the Revised Code. Money credited to the fund 75251
under this section shall be used for purposes identified under 75252
section 5119.22 of the Revised Code. 75253

(b) Seventy-five dollars shall be credited to the reparations 75254
fund created by section 2743.191 of the Revised Code. 75255

(c) Thirty-seven dollars and fifty cents shall be credited to 75256
the indigent drivers alcohol treatment fund, which is hereby 75257
established in the state treasury. The department of mental health 75258
and addiction services shall distribute the moneys in that fund to 75259
the county indigent drivers alcohol treatment funds, the county 75260
juvenile indigent drivers alcohol treatment funds, and the 75261
municipal indigent drivers alcohol treatment funds that are 75262
required to be established by counties and municipal corporations 75263
pursuant to division (H) of this section to be used only as 75264
provided in division (H)(3) of this section. Moneys in the fund 75265
that are not distributed to a county indigent drivers alcohol 75266
treatment fund, a county juvenile indigent drivers alcohol 75267
treatment fund, or a municipal indigent drivers alcohol treatment 75268
fund under division (H) of this section because the director of 75269
mental health and addiction services does not have the information 75270
necessary to identify the county or municipal corporation where 75271
the offender or juvenile offender was arrested may be transferred 75272
by the director of budget and management to the statewide 75273
treatment and prevention fund created by section 4301.30 of the 75274

Revised Code, upon certification of the amount by the director of 75275
mental health and addiction services. 75276

(d) Seventy-five dollars shall be credited to the 75277
opportunities for Ohioans with disabilities agency established by 75278
section 3304.15 of the Revised Code, to the services for 75279
rehabilitation fund, which is hereby established. The fund shall 75280
be used to match available federal matching funds where 75281
appropriate, and for any other purpose or program of the agency to 75282
rehabilitate persons with disabilities to help them become 75283
employed and independent. 75284

(e) Seventy-five dollars shall be deposited into the state 75285
treasury and credited to the drug abuse resistance education 75286
programs fund, which is hereby established, to be used by the 75287
attorney general for the purposes specified in division (F)(4) of 75288
this section. 75289

(f) Thirty dollars shall be credited to the state bureau of 75290
motor vehicles fund created by section 4501.25 of the Revised 75291
Code. 75292

(g) Twenty dollars shall be credited to the trauma and 75293
emergency medical services fund created by section 4513.263 of the 75294
Revised Code. 75295

(h) Fifty dollars shall be credited to the indigent drivers 75296
interlock and alcohol monitoring fund, which is hereby established 75297
in the state treasury. Moneys in the fund shall be distributed by 75298
the department of public safety to the county indigent drivers 75299
interlock and alcohol monitoring funds, the county juvenile 75300
indigent drivers interlock and alcohol monitoring funds, and the 75301
municipal indigent drivers interlock and alcohol monitoring funds 75302
that are required to be established by counties and municipal 75303
corporations pursuant to this section, and shall be used only to 75304
pay the cost of an immobilizing or disabling device, including a 75305

certified ignition interlock device, or an alcohol monitoring 75306
device used by an offender or juvenile offender who is ordered to 75307
use the device by a county, juvenile, or municipal court judge and 75308
who is determined by the county, juvenile, or municipal court 75309
judge not to have the means to pay for the person's use of the 75310
device. 75311

(3) If a person's driver's or commercial driver's license or 75312
permit is suspended under this section, under section 4511.196 or 75313
division (G) of section 4511.19 of the Revised Code, under section 75314
4510.07 of the Revised Code for a violation of a municipal OVI 75315
ordinance or under any combination of the suspensions described in 75316
division (F)(3) of this section, and if the suspensions arise from 75317
a single incident or a single set of facts and circumstances, the 75318
person is liable for payment of, and shall be required to pay to 75319
the registrar or an eligible deputy registrar, only one 75320
reinstatement fee of four hundred seventy-five dollars. The 75321
reinstatement fee shall be distributed by the bureau in accordance 75322
with division (F)(2) of this section. 75323

(4) The attorney general shall use amounts in the drug abuse 75324
resistance education programs fund to award grants to law 75325
enforcement agencies to establish and implement drug abuse 75326
resistance education programs in public schools. Grants awarded to 75327
a law enforcement agency under this section shall be used by the 75328
agency to pay for not more than fifty per cent of the amount of 75329
the salaries of law enforcement officers who conduct drug abuse 75330
resistance education programs in public schools. The attorney 75331
general shall not use more than six per cent of the amounts the 75332
attorney general's office receives under division (F)(2)(e) of 75333
this section to pay the costs it incurs in administering the grant 75334
program established by division (F)(2)(e) of this section and in 75335
providing training and materials relating to drug abuse resistance 75336
education programs. 75337

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

(5) In addition to the reinstatement fee under this section, if the person pays the reinstatement fee to a deputy registrar, the deputy registrar shall collect a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, plus two dollars of the service fee, to the registrar in the manner the registrar shall determine.

(G) Suspension of a commercial driver's license under division (B) or (C) of this section shall be concurrent with any period of disqualification under section 3123.611 or 4506.16 of the Revised Code or any period of suspension under section 3123.58 of the Revised Code. No person who is disqualified for life from holding a commercial driver's license under section 4506.16 of the Revised Code shall be issued a driver's license under Chapter 4507. of the Revised Code during the period for which the commercial driver's license was suspended under division (B) or (C) of this section. No person whose commercial driver's license is suspended under division (B) or (C) of this section shall be issued a driver's license under Chapter 4507. of the Revised Code during the period of the suspension.

(H)(1) Each county shall establish an indigent drivers alcohol treatment fund and a juvenile indigent drivers alcohol treatment fund. Each municipal corporation in which there is a municipal court shall establish an indigent drivers alcohol treatment fund. All revenue that the general assembly appropriates to the indigent drivers alcohol treatment fund for transfer to a

county indigent drivers alcohol treatment fund, a county juvenile 75370
indigent drivers alcohol treatment fund, or a municipal indigent 75371
drivers alcohol treatment fund, all portions of fees that are paid 75372
under division (F) of this section and that are credited under 75373
that division to the indigent drivers alcohol treatment fund in 75374
the state treasury for a county indigent drivers alcohol treatment 75375
fund, a county juvenile indigent drivers alcohol treatment fund, 75376
or a municipal indigent drivers alcohol treatment fund, all 75377
portions of additional costs imposed under section 2949.094 of the 75378
Revised Code that are specified for deposit into a county, county 75379
juvenile, or municipal indigent drivers alcohol treatment fund by 75380
that section, and all portions of fines that are specified for 75381
deposit into a county or municipal indigent drivers alcohol 75382
treatment fund by section 4511.193 of the Revised Code shall be 75383
deposited into that county indigent drivers alcohol treatment 75384
fund, county juvenile indigent drivers alcohol treatment fund, or 75385
municipal indigent drivers alcohol treatment fund. The portions of 75386
the fees paid under division (F) of this section that are to be so 75387
deposited shall be determined in accordance with division (H)(2) 75388
of this section. Additionally, all portions of fines that are paid 75389
for a violation of section 4511.19 of the Revised Code or of any 75390
prohibition contained in Chapter 4510. of the Revised Code, and 75391
that are required under section 4511.19 or any provision of 75392
Chapter 4510. of the Revised Code to be deposited into a county 75393
indigent drivers alcohol treatment fund or municipal indigent 75394
drivers alcohol treatment fund shall be deposited into the 75395
appropriate fund in accordance with the applicable division of the 75396
section or provision. 75397

(2) That portion of the license reinstatement fee that is 75398
paid under division (F) of this section and that is credited under 75399
that division to the indigent drivers alcohol treatment fund shall 75400
be deposited into a county indigent drivers alcohol treatment 75401
fund, a county juvenile indigent drivers alcohol treatment fund, 75402

or a municipal indigent drivers alcohol treatment fund as follows: 75403

(a) Regarding a suspension imposed under this section, that 75404
portion of the fee shall be deposited as follows: 75405

(i) If the fee is paid by a person who was charged in a 75406
county court with the violation that resulted in the suspension or 75407
in the imposition of the court costs, the portion shall be 75408
deposited into the county indigent drivers alcohol treatment fund 75409
under the control of that court; 75410

(ii) If the fee is paid by a person who was charged in a 75411
juvenile court with the violation that resulted in the suspension 75412
or in the imposition of the court costs, the portion shall be 75413
deposited into the county juvenile indigent drivers alcohol 75414
treatment fund established in the county served by the court; 75415

(iii) If the fee is paid by a person who was charged in a 75416
municipal court with the violation that resulted in the suspension 75417
or in the imposition of the court costs, the portion shall be 75418
deposited into the municipal indigent drivers alcohol treatment 75419
fund under the control of that court. 75420

(b) Regarding a suspension imposed under section 4511.19 of 75421
the Revised Code or under section 4510.07 of the Revised Code for 75422
a violation of a municipal OVI ordinance, that portion of the fee 75423
shall be deposited as follows: 75424

(i) If the fee is paid by a person whose license or permit 75425
was suspended by a county court, the portion shall be deposited 75426
into the county indigent drivers alcohol treatment fund under the 75427
control of that court; 75428

(ii) If the fee is paid by a person whose license or permit 75429
was suspended by a municipal court, the portion shall be deposited 75430
into the municipal indigent drivers alcohol treatment fund under 75431
the control of that court. 75432

(3)(a) As used in division (H)(3) of this section, "indigent person" means a person who is convicted of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or found to be a juvenile traffic offender by reason of a violation of division (A) or (B) of section 4511.19 of the Revised Code or a substantially similar municipal ordinance, who is ordered by the court to attend an alcohol and drug addiction treatment program, and who is determined by the court under division (H)(5) of this section to be unable to pay the cost of the assessment or the cost of attendance at the treatment program.

(b) A county, juvenile, or municipal court judge, by order, may make expenditures from a county indigent drivers alcohol treatment fund, a county juvenile indigent drivers alcohol treatment fund, or a municipal indigent drivers alcohol treatment fund with respect to an indigent person for any of the following:

(i) To pay the cost of an assessment that is conducted by an appropriately licensed clinician at either a driver intervention program that is certified under section 5119.38 of the Revised Code or at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(ii) To pay the cost of alcohol addiction services, drug addiction services, or integrated alcohol and drug addiction services at a community addiction services provider that is certified under section 5119.36 of the Revised Code;

(iii) To pay the cost of transportation to attend an assessment as provided under division (H)(3)(b)(i) of this section or addiction services as provided under division (H)(3)(b)(ii) of this section.

The alcohol and drug addiction services board or the board of alcohol, drug addiction, and mental health services established

pursuant to section 340.02 or 340.021 of the Revised Code and 75464
serving the alcohol, drug addiction, and mental health service 75465
district in which the court is located shall administer the 75466
indigent drivers alcohol treatment program of the court. When a 75467
court orders an offender or juvenile traffic offender to obtain an 75468
assessment or attend an alcohol and drug addiction treatment 75469
program, the board shall determine which program is suitable to 75470
meet the needs of the offender or juvenile traffic offender, and 75471
when a suitable program is located and space is available at the 75472
program, the offender or juvenile traffic offender shall attend 75473
the program designated by the board. A reasonable amount not to 75474
exceed five per cent of the amounts credited to and deposited into 75475
the county indigent drivers alcohol treatment fund, the county 75476
juvenile indigent drivers alcohol treatment fund, or the municipal 75477
indigent drivers alcohol treatment fund serving every court whose 75478
program is administered by that board shall be paid to the board 75479
to cover the costs it incurs in administering those indigent 75480
drivers alcohol treatment programs. 75481

(c) Upon exhaustion of moneys in the indigent drivers 75482
interlock and alcohol monitoring fund for the use of an alcohol 75483
monitoring device, a county, juvenile, or municipal court judge 75484
may use moneys in the county indigent drivers alcohol treatment 75485
fund, county juvenile indigent drivers alcohol treatment fund, or 75486
municipal indigent drivers alcohol treatment fund in either of the 75487
following manners: 75488

(i) If the source of the moneys was an appropriation of the 75489
general assembly, a portion of a fee that was paid under division 75490
(F) of this section, a portion of a fine that was specified for 75491
deposit into the fund by section 4511.193 of the Revised Code, or 75492
a portion of a fine that was paid for a violation of section 75493
4511.19 of the Revised Code or of a provision contained in Chapter 75494
4510. of the Revised Code that was required to be deposited into 75495

the fund, to pay for the continued use of an alcohol monitoring 75496
device by an offender or juvenile traffic offender, in conjunction 75497
with a treatment program approved by the department of mental 75498
health and addiction services, when such use is determined 75499
clinically necessary by the treatment program and when the court 75500
determines that the offender or juvenile traffic offender is 75501
unable to pay all or part of the daily monitoring or cost of the 75502
device; 75503

(ii) If the source of the moneys was a portion of an 75504
additional court cost imposed under section 2949.094 of the 75505
Revised Code, to pay for the continued use of an alcohol 75506
monitoring device by an offender or juvenile traffic offender when 75507
the court determines that the offender or juvenile traffic 75508
offender is unable to pay all or part of the daily monitoring or 75509
cost of the device. The moneys may be used for a device as 75510
described in this division if the use of the device is in 75511
conjunction with a treatment program approved by the department of 75512
mental health and addiction services, when the use of the device 75513
is determined clinically necessary by the treatment program, but 75514
the use of a device is not required to be in conjunction with a 75515
treatment program approved by the department in order for the 75516
moneys to be used for the device as described in this division. 75517

(4) If a county, juvenile, or municipal court determines, in 75518
consultation with the alcohol and drug addiction services board or 75519
the board of alcohol, drug addiction, and mental health services 75520
established pursuant to section 340.02 or 340.021 of the Revised 75521
Code and serving the alcohol, drug addiction, and mental health 75522
district in which the court is located, that the funds in the 75523
county indigent drivers alcohol treatment fund, the county 75524
juvenile indigent drivers alcohol treatment fund, or the municipal 75525
indigent drivers alcohol treatment fund under the control of the 75526
court are more than sufficient to satisfy the purpose for which 75527

the fund was established, as specified in divisions (H)(1) to (3) 75528
of this section, the court may declare a surplus in the fund. If 75529
the court declares a surplus in the fund, the court may take any 75530
of the following actions with regard to the amount of the surplus 75531
in the fund: 75532

(a) Expend any of the surplus amount for alcohol and drug 75533
abuse assessment and treatment, and for the cost of transportation 75534
related to assessment and treatment, of persons who are charged in 75535
the court with committing a criminal offense or with being a 75536
delinquent child or juvenile traffic offender and in relation to 75537
whom both of the following apply: 75538

(i) The court determines that substance abuse was a 75539
contributing factor leading to the criminal or delinquent activity 75540
or the juvenile traffic offense with which the person is charged. 75541

(ii) The court determines that the person is unable to pay 75542
the cost of the alcohol and drug abuse assessment and treatment 75543
for which the surplus money will be used. 75544

(b) Expend any of the surplus amount to pay all or part of 75545
the cost of purchasing alcohol monitoring devices to be used in 75546
conjunction with division (H)(3)(c) of this section, upon 75547
exhaustion of moneys in the indigent drivers interlock and alcohol 75548
monitoring fund for the use of an alcohol monitoring device. 75549

(c) Transfer to another court in the same county any of the 75550
surplus amount to be utilized in a manner consistent with division 75551
(H)(3) of this section. If surplus funds are transferred to 75552
another court, the court that transfers the funds shall notify the 75553
alcohol and drug addiction services board or the board of alcohol, 75554
drug addiction, and mental health services that serves the 75555
alcohol, drug addiction, and mental health service district in 75556
which that court is located. 75557

(d) Transfer to the alcohol and drug addiction services board 75558

or the board of alcohol, drug addiction, and mental health 75559
services that serves the alcohol, drug addiction, and mental 75560
health service district in which the court is located any of the 75561
surplus amount to be utilized in a manner consistent with division 75562
(H)(3) of this section or for board contracted recovery support 75563
services. 75564

(5) In order to determine if an offender does not have the 75565
means to pay for the offender's attendance at an alcohol and drug 75566
addiction treatment program for purposes of division (H)(3) of 75567
this section or if an alleged offender or delinquent child is 75568
unable to pay the costs specified in division (H)(4) of this 75569
section, the court shall use the indigent client eligibility 75570
guidelines and the standards of indigency established by the state 75571
public defender to make the determination. 75572

(6) The court shall identify and refer any community 75573
addiction services provider that ~~is~~ intends to provide addiction 75574
services and has not had its addiction services certified under 75575
section 5119.36 of the Revised Code and that is interested in 75576
receiving amounts from the surplus in the fund declared under 75577
division (H)(4) of this section to the department of mental health 75578
and addiction services in order for the community addiction 75579
services provider to ~~become a certified community addiction~~ 75580
~~services provider~~ have its addiction services certified by the 75581
department. The department shall keep a record of applicant 75582
referrals received pursuant to this division and shall submit a 75583
report on the referrals each year to the general assembly. If a 75584
community addiction services provider interested in ~~becoming~~ 75585
having its addiction services certified makes an application ~~to~~ 75586
~~become certified~~ pursuant to section 5119.36 of the Revised Code, 75587
the community addiction services provider is eligible to receive 75588
surplus funds as long as the application is pending with the 75589
department. The department of mental health and addiction services 75590

must offer technical assistance to the applicant. If the 75591
interested community addiction services provider withdraws the 75592
certification application, the department must notify the court, 75593
and the court shall not provide the interested community addiction 75594
services provider with any further surplus funds. 75595

(7)(a) Each alcohol and drug addiction services board and 75596
board of alcohol, drug addiction, and mental health services 75597
established pursuant to section 340.02 or 340.021 of the Revised 75598
Code shall submit to the department of mental health and addiction 75599
services an annual report for each indigent drivers alcohol 75600
treatment fund in that board's area. 75601

(b) The report, which shall be submitted not later than sixty 75602
days after the end of the state fiscal year, shall provide the 75603
total payment that was made from the fund, including the number of 75604
indigent consumers that received treatment services and the number 75605
of indigent consumers that received an alcohol monitoring device. 75606
The report shall identify the treatment program and expenditure 75607
for an alcohol monitoring device for which that payment was made. 75608
The report shall include the fiscal year balance of each indigent 75609
drivers alcohol treatment fund located in that board's area. In 75610
the event that a surplus is declared in the fund pursuant to 75611
division (H)(4) of this section, the report also shall provide the 75612
total payment that was made from the surplus moneys and identify 75613
the authorized purpose for which that payment was made. 75614

(c) If a board is unable to obtain adequate information to 75615
develop the report to submit to the department for a particular 75616
indigent drivers alcohol treatment fund, the board shall submit a 75617
report detailing the effort made in obtaining the information. 75618

(I)(1) Each county shall establish an indigent drivers 75619
interlock and alcohol monitoring fund and a juvenile indigent 75620
drivers interlock and alcohol treatment fund. Each municipal 75621
corporation in which there is a municipal court shall establish an 75622

indigent drivers interlock and alcohol monitoring fund. All 75623
revenue that the general assembly appropriates to the indigent 75624
drivers interlock and alcohol monitoring fund for transfer to a 75625
county indigent drivers interlock and alcohol monitoring fund, a 75626
county juvenile indigent drivers interlock and alcohol monitoring 75627
fund, or a municipal indigent drivers interlock and alcohol 75628
monitoring fund, all portions of license reinstatement fees that 75629
are paid under division (F)(2) of this section and that are 75630
credited under that division to the indigent drivers interlock and 75631
alcohol monitoring fund in the state treasury, and all portions of 75632
fines that are paid under division (G) of section 4511.19 of the 75633
Revised Code and that are credited by division (G)(5)(e) of that 75634
section to the indigent drivers interlock and alcohol monitoring 75635
fund in the state treasury shall be deposited in the appropriate 75636
fund in accordance with division (I)(2) of this section. 75637

(2) That portion of the license reinstatement fee that is 75638
paid under division (F) of this section and that portion of the 75639
fine paid under division (G) of section 4511.19 of the Revised 75640
Code and that is credited under either division to the indigent 75641
drivers interlock and alcohol monitoring fund shall be deposited 75642
into a county indigent drivers interlock and alcohol monitoring 75643
fund, a county juvenile indigent drivers interlock and alcohol 75644
monitoring fund, or a municipal indigent drivers interlock and 75645
alcohol monitoring fund as follows: 75646

(a) If the fee or fine is paid by a person who was charged in 75647
a county court with the violation that resulted in the suspension 75648
or fine, the portion shall be deposited into the county indigent 75649
drivers interlock and alcohol monitoring fund under the control of 75650
that court. 75651

(b) If the fee or fine is paid by a person who was charged in 75652
a juvenile court with the violation that resulted in the 75653
suspension or fine, the portion shall be deposited into the county 75654

juvenile indigent drivers interlock and alcohol monitoring fund 75655
established in the county served by the court. 75656

(c) If the fee or fine is paid by a person who was charged in 75657
a municipal court with the violation that resulted in the 75658
suspension, the portion shall be deposited into the municipal 75659
indigent drivers interlock and alcohol monitoring fund under the 75660
control of that court. 75661

(3) If a county, juvenile, or municipal court determines that 75662
the funds in the county indigent drivers interlock and alcohol 75663
monitoring fund, the county juvenile indigent drivers interlock 75664
and alcohol monitoring fund, or the municipal indigent drivers 75665
interlock and alcohol monitoring fund under the control of that 75666
court are more than sufficient to satisfy the purpose for which 75667
the fund was established as specified in division (F)(2)(h) of 75668
this section, the court may declare a surplus in the fund. The 75669
court then may order the transfer of a specified amount into the 75670
county indigent drivers alcohol treatment fund, the county 75671
juvenile indigent drivers alcohol treatment fund, or the municipal 75672
indigent drivers alcohol treatment fund under the control of that 75673
court to be utilized in accordance with division (H) of this 75674
section. 75675

Sec. 4513.611. (A) A vehicle owner may bring a civil action 75676
against a towing service or storage facility that violates section 75677
4513.60, 4513.601, or 4513.68 of the Revised Code. If a court 75678
determines that the towing service or storage facility committed 75679
the violation, the court shall award the vehicle owner the 75680
following: 75681

(1) ~~If it is a first violation~~ If the towing service or 75682
storage facility has not committed any prior violations within one 75683
year of the violation, one thousand dollars; 75684

(2) ~~If it is a second violation~~ If the towing service or 75685

storage facility has committed one prior violation within one year 75686
of the violation, two thousand five hundred dollars; 75687

~~(3) If it is a third or subsequent violation~~ If the towing 75688
service or storage facility has committed two prior violations 75689
within one year of the violation, two thousand five hundred 75690
dollars. In addition, the court shall order the public utilities 75691
commission to revoke the towing service's or storage facility's 75692
certificate of public convenience and necessity for six months. 75693
The commission shall comply with the order. 75694

(B) Upon expiration of the six-month revocation under 75695
division (A)(3) of this section, a court shall not consider any 75696
violation committed by the towing service or storage facility 75697
prior to the revocation for purposes of a civil action initiated 75698
after the expiration of the six-month revocation. 75699

(C) In addition to an award made under division (A) of this 75700
section, if a court determines that a towing service or storage 75701
facility committed a violation that caused actual damages, the 75702
court shall award the vehicle owner three times the actual damages 75703
and reasonable attorney's fees. 75704

Sec. 4513.67. (A) As used in this section, "towing service" 75705
means any for-hire motor carrier that is engaged on an intrastate 75706
basis anywhere in this state in the business of towing a motor 75707
vehicle over any public highway in this state. 75708

(B) No person shall operate a towing vehicle for a towing 75709
service and no person who owns a towing vehicle used by a towing 75710
service or has supervisory responsibility over a towing vehicle 75711
used by a towing service, shall permit the operation of a towing 75712
vehicle used by a towing service, unless both of the following 75713
apply: 75714

(1) The towing service holds a valid certificate of public 75715

convenience and necessity as required by Chapter 4921. of the 75716
Revised Code; and 75717

(2) The certificate number and business telephone number is 75718
visibly displayed on both the left and right ~~front doors~~ sides of 75719
the towing vehicle. 75720

(C)(1) No towing service shall do either of the following: 75721

~~(1)(a)~~ Fail to make its current certificate of public 75722
convenience and necessity available for public inspection during 75723
normal business hours; 75724

~~(2)(b)~~ Fail to include its certificate number on all 75725
~~advertising,~~ written estimates, contracts, ~~and invoices, and,~~ 75726
subject to division (C)(2) of this section, advertising. 75727

(2) The public utilities commission, by rule, may exempt from 75728
the requirements of division (C)(1) of this section any type of 75729
advertising where the size or nature of the advertisement makes it 75730
unreasonable to add a certificate number. 75731

Sec. 4519.10. (A) The purchaser of an off-highway motorcycle 75732
or all-purpose vehicle, upon application and proof of purchase, 75733
may obtain a temporary license placard for it. The application for 75734
such a placard shall be signed by the purchaser of the off-highway 75735
motorcycle or all-purpose vehicle. The temporary license placard 75736
shall be issued only for the applicant's use of the off-highway 75737
motorcycle or all-purpose vehicle to enable the applicant to 75738
operate it legally while proper title and a registration sticker 75739
or license plate and validation sticker are being obtained and 75740
shall be displayed on no other off-highway motorcycle or 75741
all-purpose vehicle. A temporary license placard issued under this 75742
section shall be in a form prescribed by the registrar of motor 75743
vehicles, shall differ in some distinctive manner from a placard 75744
issued under section 4503.182 of the Revised Code, shall be valid 75745

for a period of ~~thirty~~ forty-five days from the date of issuance, 75746
and shall not be transferable or renewable. The placard either 75747
shall consist of or be coated with such material as will enable it 75748
to remain legible and relatively intact despite the environmental 75749
conditions to which the placard is likely to be exposed during the 75750
~~thirty-day~~ forty-five-day period for which it is valid. The 75751
purchaser of an off-highway motorcycle or all-purpose vehicle 75752
shall attach the temporary license placard to it, in a manner 75753
prescribed by rules the registrar shall adopt, so that the placard 75754
numerals or letters are clearly visible. 75755

The fee for a temporary license placard issued under this 75756
section shall be two dollars. If the placard is issued by a deputy 75757
registrar, the deputy registrar shall charge an additional fee of 75758
three dollars and fifty cents, which the deputy registrar shall 75759
retain. The deputy registrar shall transmit each two-dollar fee 75760
received by the deputy registrar under this section to the 75761
registrar, who shall pay the two dollars to the treasurer of state 75762
for deposit into the state bureau of motor vehicles fund 75763
established by section 4501.25 of the Revised Code. 75764

(B) The registrar may issue temporary license placards to a 75765
dealer to be issued to purchasers for use on vehicles sold by the 75766
dealer, in accordance with rules prescribed by the registrar. The 75767
dealer shall notify the registrar within forty-eight hours of 75768
proof of issuance on a form prescribed by the registrar. 75769

The fee for each such placard issued by the registrar to a 75770
dealer shall be two dollars plus a fee of three dollars and fifty 75771
cents. 75772

Sec. 4582.56. (A) As used in this section: 75773

(1) "Eligible county" means a county whose territory includes 75774
a part of Lake Erie the shoreline of which represents at least 75775
fifty per cent of the linear length of the county's border with 75776

other counties of this state. 75777

(2) "Lakeshore improvement project" means construction of a 75778
port authority facility within one mile of the Lake Erie shoreline 75779
in an eligible county. 75780

(B) The board of directors of a port authority may enter into 75781
an agreement with the board of county commissioners of an eligible 75782
county that created the port authority providing for all of the 75783
following, and any other terms mutually agreeable to the boards: 75784

(1) The board of county commissioners levies an excise tax 75785
under division (M) of section 5739.09 of the Revised Code and 75786
pledges all the revenue from the tax to the port authority for the 75787
purpose of financing lakeshore improvement projects including the 75788
payment of debt charges on any securities issued under division 75789
(C) of this section. 75790

(2) The port authority constructs or finances the 75791
construction of lakeshore improvements and pays the costs of such 75792
projects with revenue from the tax pledged under the agreement. 75793
Such construction or financing is an authorized purpose for the 75794
purposes of division (B) of section 4582.21 of this section. 75795

(3) The port authority may not enter into any contract or 75796
other obligation regarding a lakeshore improvement project before 75797
obtaining the approval for the project by the board of county 75798
commissioners by a resolution of the board. 75799

(C) The board of directors of a port authority that enters 75800
into an agreement under this section may issue port authority 75801
special obligation bonds, and notes anticipating the proceeds of 75802
the bonds, in the principal amount that, in the opinion of the 75803
board, are necessary for the purpose of paying the costs of one or 75804
more lakeshore improvement projects or parts of one or more 75805
projects and interest on the bonds payable over the term of the 75806
issue. The board may refund any special obligation bonds by the 75807

issuance of special obligation refunding bonds regardless of 75808
whether the bonds to be refunded have or have not matured. The 75809
refunding bonds shall be sold, and the proceeds needed for such 75810
purpose applied, in the manner provided in the bond proceedings. 75811

Every issue of special obligation bonds issued under this 75812
section shall be payable from the revenue from the tax levied 75813
under division (M) of section 5739.09 of the Revised Code and 75814
pledged for such payment under the agreement. The pledge shall be 75815
valid and binding from the time the pledge is made, and the 75816
revenue so pledged and received by the port authority shall be 75817
subject to the lien of the pledge without any physical delivery of 75818
the revenue or any further act. The lien of any pledge is valid 75819
and binding as against all parties having claims of any kind in 75820
tort, contract, or otherwise against the port authority, whether 75821
or not such parties have notice of the lien. Neither the 75822
resolution nor any trust agreement by which a pledge is created 75823
need be filed or recorded except in the port authority's records. 75824

Whether or not the bonds are of such form and character as to 75825
be negotiable instruments under Title XIII of the Revised Code, 75826
the bonds shall have all the qualities and incidents of negotiable 75827
instruments, subject only to their provisions for registration, if 75828
any. 75829

Bonds issued under this section shall bear such date or 75830
dates, and shall mature at such time or times not exceeding thirty 75831
years from the date of issue of the original bonds and shall be 75832
executed in the manner that the resolution authorizing the bonds 75833
may provide. The bonds shall bear interest at such rates, or at 75834
variable rate or rates changing from time to time, in accordance 75835
with provisions provided in the authorizing resolution, shall be 75836
in such denominations and form, either coupon or registered, shall 75837
carry such registration privileges, shall be payable in such 75838
medium of payment and at such place or places, and be subject to 75839

such terms of redemption, as the board of directors of the port 75840
authority may authorize or provide. The bonds may be sold at 75841
public or private sale, and at, or at not less than, the price or 75842
prices as the board determines. If any officer whose signature or 75843
a facsimile of whose signature appears on any bonds or coupons 75844
ceases to be such officer before delivery of the bonds, the 75845
signature or facsimile shall nevertheless be sufficient for all 75846
purposes as if the officer had remained in office until delivery 75847
of the bonds, and in case the seal of the authority has been 75848
changed after a facsimile has been imprinted on the bonds, the 75849
facsimile seal will continue to be sufficient for all purposes. 75850

Any resolution authorizing bonds under this section may 75851
contain provisions governing the use and disposition of revenue 75852
pledged under the agreement under division (B) of this section; 75853
the crediting of the proceeds of the sale of the bonds to and 75854
among the funds referred to or provided for in the resolution; 75855
limitations on the purpose to which the proceeds of sale of the 75856
bonds may be applied and the pledging of portions of such proceeds 75857
to secure payment of the bonds; the issuance of notes in 75858
anticipation of the issuance of bonds; the terms upon which 75859
additional bonds may be issued and secured; the refunding of 75860
outstanding bonds; the procedure, if any, by which the terms of 75861
any contract with bondholders may be amended, the amount of bonds 75862
the holders of which must consent thereto, and the manner in which 75863
such consent may be given; securing any bonds by a trust agreement 75864
in accordance with division (D) of this section; and any other 75865
matters that may affect the security or protection of the bonds. 75866
The taxes anticipated by the bonds are not subject to diminution 75867
by initiative or referendum or by law while the bonds or notes 75868
remain outstanding in accordance with their terms, unless 75869
provision is made by law or by the board of county commissioners 75870
and board of directors of the port authority for an adequate 75871
substitute therefor reasonably satisfactory to the trustee, if a 75872

trust agreement secures the bonds. 75873

Neither the members of the board of directors of the port 75874
authority nor any person executing the bonds shall be liable 75875
personally on the bonds or be subject to any personal liability or 75876
accountability by reason of the issuance. 75877

(D) In the discretion of the board of directors, the bonds 75878
issued under this section may be secured by a trust agreement 75879
between the board of directors on behalf of the port authority and 75880
a corporate trustee, which may be any trust company or bank having 75881
powers of a trust company, within or outside the state. 75882

The trust agreement may provide for the pledge or assignment 75883
of the tax revenue to be received under the agreement entered into 75884
under division (B) of this section, but shall not pledge the 75885
general credit or other taxing power of the county or the general 75886
credit or taxing power of the port authority. The trust agreement 75887
or the resolution providing for the issuance of the bonds may set 75888
forth the rights and remedies of the bondholders and trustee, and 75889
may contain other provisions for protecting and enforcing their 75890
rights and remedies that are determined in the discretion of the 75891
board of directors to be reasonable and proper. 75892

Sec. 4707.02. (A) No person shall act as an auction firm, 75893
auctioneer, apprentice auctioneer, or special auctioneer within 75894
this state without a license issued by the department of 75895
agriculture. No auction shall be conducted in this state except by 75896
an auctioneer licensed by the department. 75897

The department shall not issue or renew a license if the 75898
applicant or licensee has been convicted of a felony or crime 75899
involving fraud or theft in this or another state at any time 75900
during the ten years immediately preceding application or renewal. 75901

(B) Division (A) of this section does not apply to any of the 75902

following: 75903

(1) Sales at auction that either are required by law to be at auction, other than sales pursuant to a judicial order or decree, or are conducted by or under the direction of a public authority; 75904
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(2) The owner of any real or personal property desiring to sell the property at auction, provided that the property was not acquired for the purpose of resale; 75907
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(3) An auction mediation company; 75910

(4) An auction that is conducted in a course of study for auctioneers that is approved by the state auctioneers commission created under section 4707.03 of the Revised Code for purposes of student training and is supervised by a licensed auctioneer; 75911
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(5)(a) An auction that is sponsored by a nonprofit or charitable organization that is registered in this state under Chapter 1702. or Chapter 1716. of the Revised Code, respectively, if the auction only involves the property of the members of the organization and the auction is part of a fair that is organized by an agricultural society under Chapter 1711. of the Revised Code or by the Ohio expositions commission under Chapter 991. of the Revised Code at which an auctioneer who is licensed under this chapter physically conducts the auction; ~~or~~ 75915
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(b) Sales at an auction sponsored by a charitable, religious, or civic organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code, or by a public school, chartered nonpublic school, or community school, if no person in the business of organizing, arranging, or conducting an auction for compensation and no consignor of consigned items sold at the auction, except such organization or school, receives compensation from the proceeds of the auction. As used in division (B)(5)(b) of this section, "compensation" means money, a thing of value other than participation in a charitable event, or a financial benefit. 75924
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(c) Sales at an auction sponsored by an organization that is tax exempt under subsection 501(c)(6) of the Internal Revenue Code and that is a part of a national, regional, or state convention or conference that advances or promotes the auction profession in this state when the property to be sold is donated to or is the property of the organization and the proceeds remain within the organization or are donated to a charitable organization that is tax exempt under subsection 501(c)(3) of the Internal Revenue Code.

(6) A person licensed as a livestock dealer under Chapter 943. of the Revised Code who exclusively sells livestock and uses an auctioneer who is licensed under this chapter to conduct the auction;

(7) A person licensed as a motor vehicle auction owner under Chapter 4517. of the Revised Code who exclusively sells motor vehicles to a person licensed under Chapter 4517. of the Revised Code and who uses an auctioneer who is licensed under this chapter to conduct the auction;

(8) A person who sells real or personal property by means of the internet;

(9) A bid calling contest that is approved by the commission and that is conducted for the purposes of the advancement or promotion of the auction profession in this state, ~~provided that no compensation is paid to the sponsor of or participants in the contest other than a prize or award for winning the contest;~~

(10) An auction at which the champion of a national or international bid calling contest appears, provided that both of the following apply:

(a) The champion is not paid a commission.

(b) The auction is conducted under the direct supervision of an auctioneer licensed under this chapter in order to ensure that

the champion complies with this chapter and rules adopted under 75965
it. 75966

(C)(1) No person shall advertise or hold oneself out as an 75967
auction firm, auctioneer, apprentice auctioneer, or special 75968
auctioneer without a license issued by the department of 75969
agriculture. 75970

(2) Division (C)(1) of this section does not apply to an 75971
individual who is the subject of an advertisement regarding an 75972
auction conducted under division (B)(5)(b) of this section. 75973

Sec. 4709.02. Except as provided in this chapter, no person 75974
shall do any of the following: 75975

(A) Engage in or attempt to engage in the practice of 75976
barbering, hold themselves out as a practicing barber, or 75977
advertise in a manner that indicates they are a barber, without a 75978
barber license issued pursuant to this chapter; 75979

(B) Operate or attempt to operate a barber shop without a 75980
barber shop license issued pursuant to this chapter; 75981

(C) Engage in or attempt to engage in the teaching of or 75982
assist in the teaching of the practice of barbering without a 75983
barber teacher or assistant barber teacher license issued pursuant 75984
to this chapter; 75985

(D) Advertise barbering services unless the establishment and 75986
personnel employed therein are licensed pursuant to this chapter; 75987

(E) Use or display a barber pole for the purpose of offering 75988
barber services to the consuming public without a barber shop 75989
license issued pursuant to this chapter; 75990

(F) Operate or attempt to operate a barber school without a 75991
barber school license issued pursuant to this chapter; 75992

(G) Teach or attempt to teach any phase of barbering for pay, 75993

free, or otherwise without approval from the ~~barber~~ state board of 75994
barbers and cosmetology; 75995

(H) Being a barber, knowingly continue the practice of 75996
barbering, or being a student, knowingly continue as a student in 75997
any barber school, while such person has an infectious, 75998
contagious, or communicable disease; 75999

(I) Obtain or attempt to obtain a license by fraudulent 76000
misrepresentation for money, other than the required fee, or any 76001
other thing of value; 76002

(J) Practice or attempt to practice barbering by fraudulent 76003
misrepresentation; 76004

(K) Employ another person to perform or himself perform the 76005
practice of barbering in a licensed barber shop unless that person 76006
is licensed as a barber under this chapter; 76007

(L) Use any room or place for barbering which is also used 76008
for residential or other business purposes, unless it is separated 76009
by a substantial ceiling-high partition. This does not exclude 76010
hair care products used and sold in barber shops or the sale of 76011
clothing and related accessories as authorized by division (F) of 76012
section 4709.09 of the Revised Code. 76013

(M) Violate any rule adopted by the board or department of 76014
health for barber shops or barber schools. 76015

Sec. 4709.05. In addition to any other duty imposed on the 76016
~~barber~~ state board of barbers and cosmetology under this or any 76017
other chapter, the board shall do all of the following: 76018

~~(A) Organize by electing a chairperson from its members to~~ 76019
~~serve a one year term;~~ 76020

~~(B) Hold regular meetings, at the times and places as it~~ 76021
~~determines for the purpose of conducting the examinations required~~ 76022
~~under this chapter, and hold additional meetings for the~~ 76023

~~transaction of necessary business;~~ 76024

~~(C) Provide for suitable quarters, in the city of Columbus,~~ 76025
~~for the conduct of its business and the maintenance of its~~ 76026
~~records;~~ 76027

~~(D) Adopt a common seal for the authentication of its orders,~~ 76028
~~communications, and records;~~ 76029

~~(E)~~ Maintain a record of its proceedings under this chapter 76030
and a register of persons licensed as barbers. The register shall 76031
include each licensee's name, place of business, residence, and 76032
licensure date and number, and a record of all licenses issued, 76033
refused, renewed, suspended, or revoked. The records are open to 76034
public inspection at all reasonable times. 76035

~~(F)~~(B) Annually, on or before the first day of January, make 76036
a report to the governor of all its official acts during the 76037
preceding year, its receipts and disbursements, recommendations it 76038
determines appropriate, and an evaluation of board activities 76039
intended to aid or protect consumers of barber services; 76040

~~(G) Employ an executive director who shall do all things~~ 76041
~~requested by the board for the administration and enforcement of~~ 76042
~~this chapter. The executive director shall employ inspectors,~~ 76043
~~clerks, and other assistants as the executive director determines~~ 76044
~~necessary.~~ 76045

~~(H)~~(C) Ensure that the practice of barbering is conducted 76046
only in a licensed barber shop, except when the practice of 76047
barbering is performed on a person whose physical or mental 76048
disability prevents that person from going to a licensed barber 76049
shop; 76050

~~(I)~~(D) Conduct or have conducted the examination for 76051
applicants to practice as licensed barbers at least four times per 76052
year at the times and places the board determines; 76053

~~(J)~~(E) Adopt rules, in accordance with Chapter 119. of the Revised Code, to administer and enforce this chapter and which cover all of the following:

(1) Sanitary standards for the operation of barber shops and barber schools that conform to guidelines established by the department of health;

(2) The content of the examination required of an applicant for a barber license. The examination shall include a practical demonstration and a written test, shall relate only to the practice of barbering, and shall require the applicant to demonstrate that the applicant has a thorough knowledge of and competence in the proper techniques in the safe use of chemicals used in the practice of barbering.

(3) Continuing education requirements for persons licensed pursuant to this chapter. The board may impose continuing education requirements upon a licensee for a violation of this chapter or the rules adopted pursuant thereto or if the board determines that the requirements are necessary to preserve the health, safety, or welfare of the public.

(4) Requirements for the licensure of barber schools, barber teachers, and assistant barber teachers;

(5) Requirements for students of barber schools;

(6) Any other area the board determines appropriate to administer or enforce this chapter.

~~(K) Annually review the rules adopted pursuant to division (J) of this section in order to compare those rules with the rules adopted by the state board of cosmetology pursuant to section 4713.08 of the Revised Code. If the barber board determines that the rules adopted by the state board of cosmetology, including, but not limited to, rules concerning using career technical schools, would be beneficial to the barbering profession, the~~

~~barber board shall adopt rules similar to those it determines~~ 76085
~~would be beneficial for barbers.~~ 76086

~~(L)~~(F) Prior to adopting any rule under this chapter, 76087
indicate at a formal hearing the reasons why the rule is necessary 76088
as a protection of the persons who use barber services or as an 76089
improvement of the professional standing of barbers in this state; 76090

~~(M)~~(G) Furnish each owner or manager of a barber shop and 76091
barber school with a copy of all sanitary rules adopted pursuant 76092
to division ~~(J)~~(E) of this section; 76093

~~(N)~~(H) Conduct such investigations and inspections of persons 76094
and establishments licensed or unlicensed pursuant to this chapter 76095
and for that purpose, any member of the board or any of its 76096
authorized agents may enter and inspect any place of business of a 76097
licensee or a person suspected of violating this chapter or the 76098
rules adopted pursuant thereto, during normal business hours; 76099

~~(O)~~(I) Upon the written request of an applicant and the 76100
payment of the appropriate fee, provide to the applicant licensure 76101
information concerning the applicant; 76102

~~(P)~~(J) Do all things necessary for the proper administration 76103
and enforcement of this chapter. 76104

Sec. 4709.07. (A) Each person who desires to obtain an 76105
initial license to practice barbering shall apply to the ~~barber~~ 76106
state board of barbers and cosmetology, on forms provided by the 76107
board. The application form shall include the name of the person 76108
applying for the license and evidence that the applicant meets all 76109
of the requirements of division (B) of this section. The 76110
application shall be accompanied by two signed current photographs 76111
of the applicant, in the size determined by the board, that show 76112
only the head and shoulders of the applicant, and the examination 76113
application fee. 76114

(B) In order to take the required barber examination and to 76115
qualify for licensure as a barber, an applicant must demonstrate 76116
that the applicant meets all of the following: 76117

(1) Is of good moral character; 76118

(2) Is at least eighteen years of age; 76119

(3) Has an eighth grade education or an equivalent education 76120
as determined by the state board of education in the state where 76121
the applicant resides; 76122

(4) Has graduated with at least eighteen hundred hours of 76123
training from a board-approved barber school or has graduated with 76124
at least one thousand hours of training from a board-approved 76125
barber school in this state and has a current cosmetology or hair 76126
designer license issued pursuant to Chapter 4713. of the Revised 76127
Code. No hours of instruction earned by an applicant five or more 76128
years prior to the examination apply to the hours of study 76129
required by this division. 76130

(C) Any applicant who meets all of the requirements of 76131
divisions (A) and (B) of this section may take the barber 76132
examination at the time and place specified by the board. If the 76133
applicant fails to attain at least a seventy-five per cent pass 76134
rate on each part of the examination, the applicant is ineligible 76135
for licensure; however, the applicant may reapply for examination 76136
within ninety days after the date of the release of the 76137
examination scores by paying the required reexamination fee. An 76138
applicant is only required to take that part or parts of the 76139
examination on which the applicant did not receive a score of 76140
seventy-five per cent or higher. If the applicant fails to reapply 76141
for examination within ninety days or fails the second 76142
examination, in order to reapply for examination for licensure the 76143
applicant shall complete an additional course of study of not less 76144
than two hundred hours, in a board-approved barber school. The 76145

board shall provide to an applicant, upon request, a report which 76146
explains the reasons for the applicant's failure to pass the 76147
examination. 76148

(D) The board shall issue a license to practice barbering to 76149
any applicant who, to the satisfaction of the board, meets the 76150
requirements of divisions (A) and (B) of this section, who passes 76151
the required examination, and pays the initial licensure fee. 76152
Every licensed barber shall display the certificate of licensure 76153
in a conspicuous place adjacent to or near the licensed barber's 76154
work chair, along with a signed current photograph, in the size 76155
determined by the board, showing head and shoulders only. 76156

Sec. 4709.08. Any person who holds a current license or 76157
registration to practice as a barber in any other state or 76158
district of the United States or country whose requirements for 76159
licensure or registration of barbers are substantially equivalent 76160
to the requirements of this chapter and rules adopted under it and 76161
that extends similar reciprocity to persons licensed as barbers in 76162
this state may apply to the barber state board of barbers and 76163
cosmetology for a barber license. The board shall, without 76164
examination, unless the board determines to require an 76165
examination, issue a license to practice as a licensed barber in 76166
this state if the person meets the requirements of this section, 76167
is at least eighteen years of age and of good moral character, and 76168
pays the required fees. The board may waive any of the 76169
requirements of this section. 76170

Sec. 4709.09. (A) Each person who desires to obtain a barber 76171
shop license shall apply to the barber state board of barbers and 76172
cosmetology, on forms provided by the board. The board shall issue 76173
a barber shop license to a person if the board determines that the 76174
person meets all of the requirements of division (B) of this 76175
section and pays the required license and inspection fees. 76176

(B) In order for a person to qualify for a license to operate a barber shop, the barber shop shall meet all of the following requirements:

(1) Be in the charge and under the immediate supervision of a licensed barber;

(2) Be equipped to provide running hot and cold water and proper drainage;

(3) Sanitize and maintain in a sanitary condition, all instruments and supplies;

(4) Keep towels and linens clean and sanitary and in a dry, dust-proof container;

(5) Display the shop license and a copy of the board's sanitary rules in a conspicuous place in the working area.

(C) Any licensed barber who leases space in a licensed barber shop and engages in the practice of barbering independent and free from supervision of the owner or manager of the barber shop is considered to be engaged in the operation of a separate and distinct barber shop and shall obtain a license to operate a barber shop pursuant to this section.

(D) A shop license is not transferable from one owner to another and if an owner or operator of a barber shop permanently ceases offering barber services at the shop, the owner or operator shall return the barber shop license to the board within ten days of the cessation of services.

(E)(1) Manicurists licensed under Chapter 4713. of the Revised Code may practice manicuring in a barber shop.

(2) Tanning facilities issued a permit under section 4713.48 of the Revised Code may be operated in a barber shop.

(F) Clothing and related accessories may be sold at retail in a barber shop so long as these sales maintain the integrity of the

facility as a barber shop. 76207

Sec. 4709.10. (A) Each person who desires to obtain a license 76208
to operate a barber school shall apply to the ~~barber state~~ board 76209
of barbers and cosmetology, on forms provided by the board. The 76210
board shall issue a barber school license to a person if the board 76211
determines that the person meets and will comply with all of the 76212
requirements of division (B) of this section and pays the required 76213
licensure and inspection fees. 76214

(B) In order for a person to qualify for a license to operate 76215
a barber school, the barber school to be operated by the person 76216
must meet all of the following requirements: 76217

(1) Have a training facility sufficient to meet the required 76218
educational curriculum established by the board, including enough 76219
space to accommodate all the facilities and equipment required by 76220
rule by the board; 76221

(2) Provide sufficient licensed teaching personnel to meet 76222
the minimum pupil-teacher ratio established by rule of the board; 76223

(3) Have established and provide to the board proof that it 76224
has met all of the board requirements to operate a barber school, 76225
as adopted by rule of the board; 76226

(4) File with the board a program of its curriculum, 76227
accounting for not less than eighteen hundred hours of instruction 76228
in the courses of theory and practical demonstration required by 76229
rule of the board; 76230

(5) File with the board a surety bond in the amount of ten 76231
thousand dollars issued by a bonding company licensed to do 76232
business in this state. The bond shall be in the form prescribed 76233
by the board and conditioned upon the barber school's continued 76234
instruction in the theory and practice of barbering. The bond 76235
shall continue in effect until notice of its termination is 76236

provided to the board. In no event, however, shall the bond be 76237
terminated while the barber school is in operation. Any student 76238
who is injured or damaged by reason of a barber school's failure 76239
to continue instruction in the theory and practice of barbering 76240
may maintain an action on the bond against the barber school or 76241
the surety, or both, for the recovery of any money or tuition paid 76242
in advance for instruction in the theory and practice of barbering 76243
which was not received. The aggregate liability of the surety to 76244
all students shall not exceed the sum of the bond. 76245

(6) Maintain adequate record keeping to ensure that it has 76246
met the requirements for records of student progress as required 76247
by board rule; 76248

(7) Establish minimum standards for acceptance of student 76249
applicants for admission to the barber school. The barber school 76250
may establish entrance requirements which are more stringent than 76251
those prescribed by the board, but the requirements must at a 76252
minimum require the applicant to meet all of the following: 76253

(a) Be at least seventeen years of age; 76254

(b) Be of good moral character; 76255

(c) Have an eighth grade education, or an equivalent 76256
education as determined by the state board of education; 76257

(d) Submit two signed current photographs of ~~himself~~ the 76258
applicant, in the size determined by the board. 76259

(8) Have a procedure to submit every student applicant's 76260
admission application to the board for the board's review and 76261
approval prior to the applicant's admission to the barber school; 76262

(9) Operate in a manner which reflects credit upon the 76263
barbering profession; 76264

(10) Offer a curriculum of study which covers all aspects of 76265
the scientific fundamentals of barbering as specified by rule of 76266

the board; 76267

(11) Employ no more than two licensed assistant barber 76268
teachers for each licensed barber teacher employed or fewer than 76269
two licensed teachers or one licensed teacher and one licensed 76270
assistant teacher at each facility. 76271

(C) Each person who desires to obtain a barber teacher or 76272
assistant barber teacher license shall apply to the ~~barber state~~ 76273
board of barbers and cosmetology, on forms provided by the ~~barber~~ 76274
board. The board shall only issue a barber teacher license to a 76275
person who meets all of the following requirements: 76276

(1) Holds a current barber license issued pursuant to this 76277
chapter and has at least eighteen months of work experience in a 76278
licensed barber shop or has been employed as an assistant barber 76279
teacher under the supervision of a licensed barber teacher for at 76280
least one year, unless, for good cause, the board waives this 76281
requirement; 76282

(2) Meets such other requirements as adopted by rule by the 76283
board; 76284

(3) Passes the required examination; and 76285

(4) Pays the required fees. If an applicant fails to pass the 76286
examination, ~~he~~ the applicant may reapply for the examination and 76287
licensure no earlier than one year after the failure to pass and 76288
provided that during that period, ~~he~~ the applicant remains 76289
employed as an assistant barber teacher. 76290

The board shall only issue an assistant barber teacher 76291
license to a person who holds a current barber license issued 76292
pursuant to this chapter and pays the required fees. 76293

(D) Any person who meets the qualifications of an assistant 76294
teacher pursuant to division (C) of this section, may be employed 76295
as an assistant teacher, provided that within five days after the 76296

commencement of the employment the barber school submits to the 76297
board, on forms provided by the board, the applicant's 76298
qualifications. 76299

Sec. 4709.12. (A) The ~~barber~~ state board of barbers and 76300
cosmetology shall charge and collect the following fees: 76301

(1) For the application to take the barber examination, 76302
ninety dollars; 76303

(2) For an application to retake any part of the barber 76304
examination, forty-five dollars; 76305

(3) For the initial issuance of a license to practice as a 76306
barber, thirty dollars; 76307

(4) For the biennial renewal of the license to practice as a 76308
barber, one hundred ten dollars; 76309

(5) For the restoration of an expired barber license, one 76310
hundred dollars, and seventy-five dollars for each lapsed year, 76311
provided that the total fee shall not exceed six hundred ninety 76312
dollars; 76313

(6) For the issuance of a duplicate barber or shop license, 76314
forty-five dollars; 76315

(7) For the inspection of a new barber shop, change of 76316
ownership, or reopening of premises or facilities formerly 76317
operated as a barber shop, and issuance of a shop license, one 76318
hundred ten dollars; 76319

(8) For the biennial renewal of a barber shop license, 76320
seventy-five dollars; 76321

(9) For the restoration of a barber shop license, one hundred 76322
ten dollars; 76323

(10) For each inspection of premises for location of a new 76324
barber school, or each inspection of premises for relocation of a 76325

currently licensed barber school, seven hundred fifty dollars; 76326

(11) For the initial barber school license, one thousand 76327
dollars, and one thousand dollars for the renewal of the license; 76328

(12) For the restoration of a barber school license, one 76329
thousand dollars; 76330

(13) For the issuance of a student registration, forty 76331
dollars; 76332

(14) For the examination and issuance of a biennial teacher 76333
license, one hundred eighty-five dollars; 76334

(15) For the renewal of a biennial teacher license, one 76335
hundred fifty dollars; 76336

(16) For the restoration of an expired teacher license, two 76337
hundred twenty-five dollars, and sixty dollars for each lapsed 76338
year, provided that the total fee shall not exceed four hundred 76339
fifty dollars; 76340

(17) For the issuance of a barber license by reciprocity 76341
pursuant to section 4709.08 of the Revised Code, three hundred 76342
dollars; 76343

(18) For providing licensure information concerning an 76344
applicant, upon written request of the applicant, forty dollars. 76345

(B) The board, subject to the approval of the controlling 76346
board, may establish fees in excess of the amounts provided in 76347
this section, provided that the fees do not exceed the amounts 76348
permitted by this section by more than fifty per cent. 76349

(C) In addition to any other fee charged and collected under 76350
this section, the ~~barber~~ state board of barbers and cosmetology 76351
shall ask each person renewing a license to practice as a barber 76352
whether the person wishes to make a two-dollar voluntary 76353
contribution to the Ed Jeffers barber museum. The board shall 76354
transmit any contributions to the treasurer of state for deposit 76355

into the occupational licensing fund. 76356

Sec. 4709.13. (A) The ~~barber~~ state board of barbers and 76357
cosmetology may refuse to issue or renew or may suspend or revoke 76358
or impose conditions upon any license issued pursuant to this 76359
chapter for any one or more of the following causes: 76360

(1) Advertising by means of knowingly false or deceptive 76361
statements; 76362

(2) Habitual drunkenness or possession of or addiction to the 76363
use of any controlled drug prohibited by state or federal law; 76364

(3) Immoral or unprofessional conduct; 76365

(4) Continuing to be employed in a barber shop wherein rules 76366
of the board or department of health are violated; 76367

(5) Employing any person who does not have a current Ohio 76368
license to perform the practice of barbering; 76369

(6) Owning, managing, operating, or controlling any barber 76370
school or portion thereof, wherein the practice of barbering is 76371
carried on, whether in the same building or not, without 76372
displaying a sign at all entrances to the places where the 76373
barbering is carried on, indicating that the work therein is done 76374
by students exclusively; 76375

(7) Owning, managing, operating, or controlling any barber 76376
shop, unless it displays a recognizable sign or barber pole 76377
indicating that it is a barber shop, and the sign or pole is 76378
clearly visible at the main entrance to the shop; 76379

(8) Violating any sanitary rules approved by the department 76380
of health or the board; 76381

(9) Employing another person to perform or personally perform 76382
the practice of barbering in a licensed barber shop unless that 76383
person is licensed as a barber under this chapter; 76384

(10) Gross incompetence. 76385

(B)(1) The board may refuse to renew or may suspend or revoke 76386
or impose conditions upon any license issued pursuant to this 76387
chapter for conviction of or plea of guilty to a felony committed 76388
after the person has been issued a license under this chapter, 76389
shown by a certified copy of the record of the court in which the 76390
person was convicted or pleaded guilty. 76391

(2) A conviction or plea of guilty to a felony committed 76392
prior to being issued a license under this chapter shall not 76393
disqualify a person from being issued an initial license under 76394
this chapter. 76395

(C) Prior to taking any action under division (A) or (B) of 76396
this section, the board shall provide the person with a statement 76397
of the charges against the person and notice of the time and place 76398
of a hearing on the charges. The board shall conduct the hearing 76399
according to Chapter 119. of the Revised Code. Any person 76400
dissatisfied with a decision of the board may appeal the board's 76401
decision to the court of common pleas in Franklin county. 76402

(D) The board may adopt rules in accordance with Chapter 119. 76403
of the Revised Code, specifying additional grounds upon which the 76404
board may take action under division (A) of this section. 76405

Sec. 4709.14. (A) If the ~~barber~~ state board of barbers and 76406
cosmetology determines that any person is violating or threatening 76407
to violate any provision of this chapter or the rules adopted 76408
pursuant thereto and such violation or threatened violation is a 76409
threat to the health or safety of persons who use barber services, 76410
the board may apply to a court of competent jurisdiction in the 76411
county in which the violation or threatened violation occurred or 76412
will occur for injunctive relief and such other relief to prevent 76413
further violations. The attorney general shall, at the board's 76414
request, represent the board in any such action. 76415

(B) If the board determines, after a hearing conducted in accordance with Chapter 119. of the Revised Code, that any person has violated any provision of this chapter or the rules adopted pursuant thereto, the board may, in addition to any other action it may take or any other penalty imposed pursuant to this chapter, impose one or more fines upon the person. In no event, however, shall the fines imposed under this division exceed five hundred dollars for a first offense or one thousand dollars for each subsequent offense.

(C) A person who allegedly has violated a provision of this chapter for which the board proposes to impose a fine may pay the board the amount of the fine and waive the right to an adjudicatory hearing conducted under Chapter 119. of the Revised Code and described in division (B) of this section.

Sec. 4709.23. No phase of barbering shall be taught for pay, free, or otherwise, without approval from the ~~barber~~ state board of barbers and cosmetology.

Sec. 4709.26. On receipt of a notice pursuant to section 3123.43 of the Revised Code, the ~~barber~~ state board of barbers and cosmetology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter.

Sec. 4713.01. As used in this chapter:

"Apprentice instructor" means a person holding a practicing license issued by the state board of barbers and cosmetology who is engaged in learning or acquiring knowledge of the occupation of an instructor of a branch of cosmetology at a school of cosmetology.

"Beauty salon" means any premises, building, or part of a building in which a person is authorized to engage in all branches of cosmetology. "Beauty salon" does not include a barber shop licensed under Chapter 4709. of the Revised Code in which a person engages in the practice of manicuring.

"Biennial licensing period" means the two-year period beginning on the first day of February of an odd-numbered year and ending on the last day of January of the next odd-numbered year.

"Braiding" means intertwinning the hair in a systematic motion to create patterns in a three-dimensional form, inverting the hair against the scalp along part of a straight or curved row of intertwined hair, or twisting the hair in a systematic motion, and includes extending the hair with natural or synthetic hair fibers.

"Branch of cosmetology" means the practice of cosmetology, practice of esthetics, practice of hair design, practice of manicuring, or practice of natural hair styling.

"Cosmetic therapy" has the same meaning as in section 4731.15 of the Revised Code.

"Cosmetologist" means a person authorized to engage in all branches of cosmetology.

"Cosmetology instructor" means a person authorized to teach the theory and practice of all branches of cosmetology at a school of cosmetology.

"Esthetician" means a person who engages in the practice of esthetics but no other branch of cosmetology.

"Esthetics instructor" means a person who teaches the theory and practice of esthetics, but no other branch of cosmetology, at a school of cosmetology.

"Esthetics salon" means any premises, building, or part of a building in which a person engages in the practice of esthetics

but no other branch of cosmetology. 76475

"Hair designer" means a person who engages in the practice of hair design but no other branch of cosmetology. 76476
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"Hair design instructor" means a person who teaches the theory and practice of hair design, but no other branch of cosmetology, at a school of cosmetology. 76478
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"Hair design salon" means any premises, building, or part of a building in which a person engages in the practice of hair design but no other branch of cosmetology. 76481
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"Independent contractor license" means a license to practice a branch of cosmetology at a salon in which the license holder rents booth space. 76484
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"Instructor license" means a license to teach the theory and practice of a branch of cosmetology at a school of cosmetology. 76487
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"Managing cosmetologist" means a person authorized to manage a beauty salon and engage in all branches of cosmetology. 76489
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"Managing esthetician" means a person authorized to manage an esthetics salon, but no other type of salon, and engage in the practice of esthetics, but no other branch of cosmetology. 76491
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"Managing hair designer" means a person authorized to manage a hair design salon, but no other type of salon, and engage in the practice of hair design, but no other branch of cosmetology. 76494
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"Managing license" means a license to manage a salon and practice the branch of cosmetology practiced at the salon. 76497
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"Managing manicurist" means a person authorized to manage a nail salon, but no other type of salon, and engage in the practice of manicuring, but no other branch of cosmetology. 76499
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"Managing natural hair stylist" means a person authorized to manage a natural hair style salon, but no other type of salon, and engage in the practice of natural hair styling, but no other 76502
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branch of cosmetology. 76505

"Manicurist" means a person who engages in the practice of 76506
manicuring but no other branch of cosmetology. 76507

"Manicurist instructor" means a person who teaches the theory 76508
and practice of manicuring, but no other branch of cosmetology, at 76509
a school of cosmetology. 76510

"Nail salon" means any premises, building, or part of a 76511
building in which a person engages in the practice of manicuring 76512
but no other branch of cosmetology. "Nail salon" does not include 76513
a barber shop licensed under Chapter 4709. of the Revised Code in 76514
which a person engages in the practice of manicuring. 76515

"Natural hair stylist" means a person who engages in the 76516
practice of natural hair styling but no other branch of 76517
cosmetology. 76518

"Natural hair style instructor" means a person who teaches 76519
the theory and practice of natural hair styling, but no other 76520
branch of cosmetology, at a school of cosmetology. 76521

"Natural hair style salon" means any premises, building, or 76522
part of a building in which a person engages in the practice of 76523
natural hair styling but no other branch of cosmetology. 76524

"Practice of cosmetology" means the practice of all branches 76525
of cosmetology. 76526

"Practice of esthetics" means the application of cosmetics, 76527
tonics, antiseptics, creams, lotions, or other preparations for 76528
the purpose of skin beautification and includes preparation of the 76529
skin by manual massage techniques or by use of electrical, 76530
mechanical, or other apparatus. 76531

"Practice of hair design" means embellishing or beautifying 76532
hair, wigs, or hairpieces by arranging, dressing, pressing, 76533
curling, waving, permanent waving, cleansing, cutting, singeing, 76534

bleaching, coloring, braiding, weaving, or similar work. "Practice of hair design" includes utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair.

"Practice of manicuring" means manicuring the nails of any person, applying artificial or sculptured nails to any person, massaging the hands and lower arms up to the elbow of any person, massaging the feet and lower legs up to the knee of any person, or any combination of these four types of services.

"Practice of natural hair styling" means utilizing techniques performed by hand that result in tension on hair roots such as twisting, wrapping, weaving, extending, locking, or braiding of the hair. "Practice of natural hair styling" does not include the application of dyes, reactive chemicals, or other preparations to alter the color or to straighten, curl, or alter the structure of the hair. "Practice of natural hair styling" also does not include embellishing or beautifying hair by cutting or singeing, except as needed to finish off the end of a braid, or by dressing, pressing, curling, waving, permanent waving, or similar work.

"Practicing license" means a license to practice a branch of cosmetology.

"Salon" means a beauty salon, esthetics salon, hair design salon, nail salon, or natural hair style salon.

"School of cosmetology" means any premises, building, or part of a building in which students are instructed in the theories and practices of one or more branches of cosmetology.

"Student" means a person, other than an apprentice instructor, who is engaged in learning or acquiring knowledge of the practice of a branch of cosmetology at a school of cosmetology.

"Tanning facility" means any premises, building, or part of a

building that contains one or more rooms or booths with any of the following: 76566
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(A) Equipment or beds used for tanning human skin by the use of fluorescent sun lamps using ultraviolet or other artificial radiation; 76568
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(B) Equipment that applies chemicals to human skin to create the appearance of being suntanned, including chemical applications commonly referred to as spray-on, mist-on, or sunless tans; 76571
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(C) Equipment or beds that use visible light for cosmetic purposes. 76574
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Sec. 4713.02. (A) There is hereby created the state board of barbers and cosmetology, consisting of all of the following members appointed by the governor, with the advice and consent of the senate: 76576
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(1) One person holding a current, valid cosmetologist, managing cosmetologist, or cosmetology instructor license at the time of appointment; 76580
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(2) Two persons holding current, valid managing cosmetologist licenses and actively engaged in managing beauty salons at the time of appointment; 76583
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(3) One person who holds a current, valid independent contractor license at the time of appointment or the owner or manager of a licensed salon in which at least one person holding a current, valid independent contractor license practices a branch of cosmetology; 76586
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(4) One person who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational school; 76591
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(5) One owner of a licensed school of cosmetology; 76594

(6) One owner of at least five licensed salons; 76595

(7) Two persons holding current, valid barber licenses; 76596

(8) One person who represents individuals who operate tanning facilities; 76597
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(9) One person who is either a certified nurse practitioner 76599
or clinical nurse specialist holding a certificate of authority 76600
issued under Chapter 4723. of the Revised Code, or a physician 76601
authorized under Chapter 4731. of the Revised Code to practice 76602
medicine and surgery or osteopathic medicine and surgery; 76603

~~(8)~~(10) One person representing the general public. 76604

(B) The superintendent of public instruction shall nominate 76605
three persons for the governor to choose from when making an 76606
appointment under division (A)(4) of this section. 76607

(C) All members shall be at least twenty-five years of age, 76608
residents of the state, and citizens of the United States. No more 76609
than two members, at any time, shall be graduates of the same 76610
school of cosmetology. 76611

Except for the initial members appointed under divisions 76612
(A)(3) and (4) of this section, terms of office are for five 76613
years. The term of the initial member appointed under division 76614
(A)(3) of this section shall be three years. The term of the 76615
initial member appointed under division (A)(4) of this section 76616
shall be four years. Terms shall commence on the first day of 76617
November and end on the thirty-first day of October. Each member 76618
shall hold office from the date of appointment until the end of 76619
the term for which appointed. In case of a vacancy occurring on 76620
the board, the governor shall, in the same manner prescribed for 76621
the regular appointment to the board, fill the vacancy by 76622
appointing a member. Any member appointed to fill a vacancy 76623
occurring prior to the expiration of the term for which the 76624
member's predecessor was appointed shall hold office for the 76625

remainder of such term. Any member shall continue in office 76626
subsequent to the expiration date of the member's term until the 76627
member's successor takes office, or until a period of sixty days 76628
has elapsed, whichever occurs first. Before entering upon the 76629
discharge of the duties of the office of member, each member shall 76630
take, and file with the secretary of state, the oath of office 76631
required by Section 7 of Article XV, Ohio Constitution. 76632

The members of the board shall receive an amount fixed 76633
pursuant to Chapter 124. of the Revised Code per diem for every 76634
meeting of the board which they attend, together with their 76635
necessary expenses, and mileage for each mile necessarily 76636
traveled. 76637

The members of the board shall annually elect, from among 76638
their number, a chairperson. 76639

The board shall prescribe the duties of its officers and 76640
establish an office within Franklin ~~County~~ county. The board shall 76641
keep all records and files at the office and have the records and 76642
files at all reasonable hours open to public inspection. The board 76643
also shall adopt a seal. 76644

Sec. 4713.03. The state board of barbers and cosmetology 76645
shall hold ~~a meeting~~ regular meetings to transact its business 76646
four times a year. The board may hold additional meetings as, in 76647
its judgment, are necessary. The board shall meet at the times and 76648
places it selects. 76649

Sec. 4713.04. The state board of barbers and cosmetology may 76650
authorize any of its members, in writing, to undertake any 76651
proceedings authorized by this chapter, and the finding or order 76652
of such members is the finding of the board when confirmed by it. 76653

Sec. 4713.05. All receipts of the state board of barbers and 76654

cosmetology under this chapter and Chapter 4709. of the Revised 76655
Code shall be deposited into the state treasury to the credit of 76656
the occupational licensing and regulatory fund. All vouchers of 76657
the board shall be approved by the board chairperson or executive 76658
director, or both, as authorized by the board. 76659

Sec. 4713.06. The state board of barbers and cosmetology 76660
shall annually appoint an executive director. The executive 76661
director may not be a member of the board. The executive director, 76662
before entering upon the discharge of the executive director's 76663
duties, shall file with the secretary of state a good and 76664
sufficient bond payable to the state, to ensure the faithful 76665
performance of duties of the office of executive director. The 76666
bond shall be in an amount the board requires. The premium of the 76667
bond shall be paid from appropriations made to the board for 76668
operating purposes. 76669

The department of administrative services shall include the 76670
executive director, if the executive director so requests, in the 76671
public employees blanket fidelity bond. 76672

The board may employ inspectors, examiners, consultants on 76673
contents of examinations, and clerks as necessary for the 76674
administration of this chapter and Chapter 4709. of the Revised 76675
Code. All inspectors and examiners shall be licensed barbers or 76676
cosmetologists, as appropriate. 76677

The board may appoint inspectors of tanning facilities as 76678
needed to make periodic inspections as the board specifies. 76679

Sec. 4713.07. The state board of barbers and cosmetology 76680
shall do all of the following: 76681

(A) Prescribe and make available application forms to be used 76682
by persons seeking admission to an examination conducted under 76683
section 4713.24 of the Revised Code or a license issued under this 76684

chapter;	76685
(B) Prescribe and make available application forms to be used by persons seeking renewal of a license issued under this chapter;	76686 76687
(C) Report to the proper prosecuting officer all violations of section 4713.14 of the Revised Code of which the board is aware;	76688 76689 76690
(D) Submit a written report annually to the governor that provides all of the following:	76691 76692
(1) A discussion of the conditions in this state of the branches of cosmetology;	76693 76694
(2) A brief summary of the board's proceedings during the year the report covers;	76695 76696
(3) A statement of all money that the board received and expended during the year the report covers.	76697 76698
(E) Keep a record of all of the following:	76699
(1) The board's proceedings;	76700
(2) The name and last known address of each person issued a license under section 4713.28, 4713.30, 4713.31, 4713.34, or 4713.39 of the Revised Code;	76701 76702 76703
(3) The name and address of each salon issued a license under section 4713.41 of the Revised Code and each school of cosmetology issued a license under section 4713.44 of the Revised Code;	76704 76705 76706
(4) The name and address of each tanning facility issued a permit under section 4713.48 of the Revised Code;	76707 76708
(5) The date and number of each license and permit that the board issues+.	76709 76710
(F) Assist ex-offenders and military veterans who hold licenses issued by the board to find employment within salons or other facilities within this state;	76711 76712 76713

- (G) All other duties that this chapter imposes on the board. 76714
- Sec. 4713.08.** (A) The state board of barbers and cosmetology 76715
shall adopt rules in accordance with Chapter 119. of the Revised 76716
Code as necessary to implement this chapter. The rules shall do 76717
all of the following: 76718
- (1) Govern the practice of the branches of cosmetology and 76719
management of salons; 76720
- (2) Specify conditions a person must satisfy to qualify for a 76721
temporary pre-examination work permit under section 4713.22 of the 76722
Revised Code and the conditions and method of renewing a temporary 76723
pre-examination work permit under that section; 76724
- (3) Provide for the conduct of examinations under section 76725
4713.24 of the Revised Code; 76726
- (4) Specify conditions under which the board will take into 76727
account, under section 4713.32 of the Revised Code, instruction an 76728
applicant for a license under section 4713.28, 4713.30, or 4713.31 76729
of the Revised Code received more than five years before the date 76730
of application for the license; 76731
- (5) Provide for the granting of waivers under section 4713.29 76732
of the Revised Code; 76733
- (6) Specify conditions an applicant must satisfy for the 76734
board to issue the applicant a license under section 4713.34 of 76735
the Revised Code without the applicant taking an examination 76736
conducted under section 4713.24 of the Revised Code; 76737
- (7) Specify locations in which glamour photography services 76738
in which a branch of cosmetology is practiced may be provided; 76739
- (8) Establish conditions and the fee for a temporary special 76740
occasion work permit under section 4713.37 of the Revised Code and 76741
specify the amount of time such a permit is valid; 76742

- (9) Specify conditions an applicant must satisfy for the board to issue the applicant an independent contractor license under section 4713.39 of the Revised Code and the fee for issuance and renewal of the license; 76743
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- (10) Establish conditions under which food may be sold at a salon; 76747
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- (11) Specify which professions regulated by a professional regulatory board of this state may be practiced in a salon under section 4713.42 of the Revised Code; 76749
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- (12) Establish standards for the provision of cosmetic therapy, massage therapy, or other professional service in a salon pursuant to section 4713.42 of the Revised Code; 76752
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- (13) Establish standards for board approval of, and the granting of credits for, training in branches of cosmetology at schools of cosmetology licensed in this state; 76755
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- (14) Establish the manner in which a school of cosmetology licensed under section 4713.44 of the Revised Code may offer post-secondary and advanced practice programs; 76758
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- (15) Establish sanitary standards for the practice of the branches of cosmetology, salons, and schools of cosmetology; 76761
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- (16) Establish the application process for obtaining a tanning facility permit under section 4713.48 of the Revised Code, including the amount of the fee for an initial or renewed permit; 76763
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- (17) Establish standards for installing and operating a tanning facility in a manner that ensures the health and safety of consumers, including standards that do all of the following: 76766
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- (a) Establish a maximum safe time of exposure to radiation and a maximum safe temperature at which sun lamps may be operated; 76769
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- (b) Require consumers to wear protective eyeglasses; 76771
- (c) Require consumers to be supervised as to the length of 76772

time consumers use the facility's sun lamps; 76773

(d) Require the operator to prohibit consumers from standing 76774
too close to sun lamps and to post signs warning consumers of the 76775
potential effects of radiation on persons taking certain 76776
medications and of the possible relationship of the radiation to 76777
skin cancer; 76778

(e) Require the installation of protective shielding for sun 76779
lamps and handrails for consumers; 76780

(f) Require floors to be dry during operation of lamps; 76781

(g) Establish procedures an operator must follow in making 76782
reasonable efforts in compliance with section 4713.50 of the 76783
Revised Code to determine the age of an individual seeking to use 76784
sun lamp tanning services. 76785

(18)(a) If the board, under section 4713.61 of the Revised 76786
Code, develops a procedure for classifying licenses inactive, do 76787
both of the following: 76788

(i) Establish a fee for having a license classified inactive 76789
that reflects the cost to the board of providing the inactive 76790
license service; 76791

(ii) Specify the continuing education that a person whose 76792
license has been classified inactive must complete to have the 76793
license restored. The continuing education shall be sufficient to 76794
ensure the minimum competency in the use or administration of a 76795
new procedure or product required by a licensee necessary to 76796
protect public health and safety. The requirement shall not exceed 76797
the cumulative number of hours of continuing education that the 76798
person would have been required to complete had the person 76799
retained an active license. 76800

(b) In addition, the board may specify the conditions and 76801
method for granting a temporary work permit to practice a branch 76802

of cosmetology to a person whose license has been classified 76803
inactive. 76804

(19) Establish a fee for approval of a continuing education 76805
program under section 4713.62 of the Revised Code that is adequate 76806
to cover any expense the board incurs in the approval process; 76807

(20) Anything else necessary to implement this chapter. 76808

(B)(1) The rules adopted under division (A)(2) of this 76809
section may establish additional conditions for a temporary 76810
pre-examination work permit under section 4713.22 of the Revised 76811
Code that are applicable to persons who practice a branch of 76812
cosmetology in another state or country. 76813

(2) The rules adopted under division (A)(18)(b) of this 76814
section may establish additional conditions for a temporary work 76815
permit that are applicable to persons who practice a branch of 76816
cosmetology in another state. 76817

(C) The conditions specified in rules adopted under division 76818
(A)(6) of this section may include that an applicant is applying 76819
for a license to practice a branch of cosmetology for which the 76820
board determines an examination is unnecessary. 76821

(D) The rules adopted under division (A)(11) of this section 76822
shall not include a profession if practice of the profession in a 76823
salon is a violation of a statute or rule governing the 76824
profession. 76825

(E) The sanitary standards established under division (A)(15) 76826
of this section shall focus in particular on precautions to be 76827
employed to prevent infectious or contagious diseases being 76828
created or spread. The board shall consult with the Ohio 76829
department of health when establishing the sanitary standards. 76830

(F) The fee established by rules adopted under division 76831
(A)(16) of this section shall cover the cost the board incurs in 76832

inspecting tanning facilities and enforcing the board's rules but 76833
may not exceed one hundred dollars per location of such 76834
facilities. 76835

Sec. 4713.081. The state board of barbers and cosmetology 76836
shall furnish a copy of the sanitary standards established by 76837
rules adopted under section 4713.08 of the Revised Code to each 76838
person to whom the board issues a practicing license, managing 76839
license, or license to operate a salon or school of cosmetology. 76840
The board also shall furnish a copy of the sanitary standards to 76841
each person providing cosmetic therapy, massage therapy, or other 76842
professional service in a salon under section 4713.42 of the 76843
Revised Code. A salon or school of cosmetology provided a copy of 76844
the sanitary standards shall post the standards in a public and 76845
conspicuous place in the salon or school. 76846

Sec. 4713.082. The state board of barbers and cosmetology 76847
shall furnish a copy of the standards established by rules adopted 76848
under section 4713.08 of the Revised Code for installing and 76849
operating a tanning facility to each person to whom the board 76850
issues a permit to operate a tanning facility. A person provided a 76851
copy of the standards shall post the standards in a public and 76852
conspicuous place in the tanning facility. 76853

Sec. 4713.09. The state board of barbers and cosmetology may 76854
adopt rules in accordance with Chapter 119. of the Revised Code to 76855
establish a continuing education requirement, not to exceed eight 76856
hours in a biennial licensing period, as a condition of renewal 76857
for a practicing license, managing license, or instructor license 76858
issued under this chapter. 76859

Sec. 4713.10. The state board of barbers and cosmetology 76860
shall charge and collect the following fees: 76861

(A) For a temporary pre-examination work permit under section 4713.22 of the Revised Code, five dollars;	76862 76863
(B) For initial application to take an examination under section 4713.24 of the Revised Code, twenty-one dollars;	76864 76865
(C) For application to take an examination under section 4713.24 of the Revised Code by an applicant who has previously applied to take, but failed to appear for, the examination, forty dollars;	76866 76867 76868 76869
(D) For application to re-take an examination under section 4713.24 of the Revised Code by an applicant who has previously appeared for, but failed to pass, the examination, twenty-one dollars;	76870 76871 76872 76873
(E) For the issuance of a license under section 4713.28, 4713.30, or 4713.31 of the Revised Code, thirty dollars;	76874 76875
(F) For the issuance of a license under section 4713.34 of the Revised Code, sixty dollars;	76876 76877
(G) For renewal of a license issued under section 4713.28, 4713.30, 4713.31, or 4713.34 of the Revised Code, thirty dollars;	76878 76879
(H) For the issuance or renewal of a cosmetology school license, two hundred fifty dollars;	76880 76881
(I) For the inspection and issuance of a new salon license or the change of name or ownership of a salon license, sixty dollars;	76882 76883
(J) For the renewal of a salon license, fifty dollars;	76884
(K) For the restoration of an expired license that may be restored pursuant to section 4713.63 of the Revised Code, and in addition to the payments for all lapsed renewal fees, thirty dollars;	76885 76886 76887 76888
(L) For the issuance of a duplicate of any license, fifteen dollars;	76889 76890

(M) For the preparation and mailing of a licensee's records 76891
to another state for a reciprocity license, fifty dollars; 76892

(N) For the processing of any fees related to a check from a 76893
licensee returned to the board for insufficient funds, an 76894
additional twenty dollars. 76895

Sec. 4713.11. The state board of barbers and cosmetology, 76896
subject to the approval of the controlling board, may establish 76897
fees in excess of the amounts provided by section 4713.10 of the 76898
Revised Code, provided that any fee increase does not exceed the 76899
amount permitted by more than fifty per cent. 76900

Sec. 4713.13. Whenever in the judgment of the state board of 76901
barbers and cosmetology any person has engaged in or is about to 76902
engage in any acts or practices that constitute a violation of 76903
this chapter, or any rule adopted under this chapter, the board 76904
may apply to the appropriate court for an order enjoining the acts 76905
or practices, and upon a showing by the board that the person has 76906
engaged in the acts or practices, the court shall grant an 76907
injunction, restraining order, or other order as may be 76908
appropriate. 76909

Sec. 4713.141. An inspector employed by the state board of 76910
barbers and cosmetology may take a sample of a product used or 76911
sold in a salon or school of cosmetology for the purpose of 76912
examining the sample, or causing an examination of the sample to 76913
be made, to determine whether division (N) of section 4713.14 of 76914
the Revised Code has been violated. 76915

Sec. 4713.20. (A) Each person who seeks admission to an 76916
examination conducted under section 4713.24 of the Revised Code 76917
and each person who seeks a license under this chapter shall do 76918
all of the following: 76919

(1) Submit to the state board of barbers and cosmetology a written application containing proof of the following:

(a) If the person seeks admission to an examination, that the person satisfies all conditions to obtain the license for which the examination is conducted, other than the requirement to have passed the examination;

(b) If the person seeks a license, that the person satisfies all conditions for obtaining the license.

(2) Pay to the board the applicable fee;

(3) Verify by oath that the application is true.

(B) An application to operate a salon or school of cosmetology may be submitted by the owner, manager, or person in charge of the salon or school.

Sec. 4713.22. (A) The state board of barbers and cosmetology shall issue a temporary pre-examination work permit to a person who applies under section 4713.20 of the Revised Code for admission to an examination conducted under section 4713.24 of the Revised Code, if the person satisfies all of the following conditions:

(1) Is seeking a practicing license;

(2) Has not previously failed an examination conducted under section 4713.24 of the Revised Code to determine the applicant's fitness to practice the branch of cosmetology for which the person seeks a license;

(3) Pays to the board the applicable fee;

(4) Satisfies all other conditions established by rules adopted under section 4713.08 of the Revised Code.

(B) A person issued a temporary pre-examination work permit may practice the branch of cosmetology for which the person seeks

a license until the date the person is scheduled to take an 76949
examination under section 4713.24 of the Revised Code. The person 76950
shall practice under the supervision of a person holding a 76951
current, valid managing license appropriate for the type of salon 76952
in which the permit holder practices. A temporary pre-examination 76953
work permit is renewable in accordance with rules adopted under 76954
section 4713.08 of the Revised Code. 76955

Sec. 4713.24. The state board of barbers and cosmetology 76956
shall conduct an examination for each person who satisfies the 76957
requirements established by section 4713.20 of the Revised Code 76958
for admission to the examination. The examination shall be 76959
specific to the type of license the person seeks and satisfy all 76960
of the following conditions: 76961

(A) Include both practical demonstrations and written or oral 76962
tests related to the type of license the person seeks; 76963

(B) Relate only to a branch of cosmetology, managing license, 76964
or both, but not be confined to any special system or method; 76965

(C) Be consistent in both practical and technical 76966
requirements for the type of license the person seeks; 76967

(D) Be of sufficient thoroughness to satisfy the board as to 76968
the person's skill in and knowledge of the branch of cosmetology, 76969
managing license, or both, for which the examination is conducted. 76970

Sec. 4713.25. The state board of barbers and cosmetology may 76971
administer a separate managing cosmetologist examination for 76972
persons who complete a managing cosmetologist training course 76973
separate from a cosmetologist training course. The board may 76974
combine the managing cosmetologist examination with the 76975
cosmetologist examination for persons who complete a combined 76976
eighteen hundred-hour cosmetologist and managing cosmetologist 76977
training course. 76978

The board may administer a separate managing esthetician examination for persons who complete a managing esthetician training course separate from an esthetician training course. The board may combine the managing esthetician examination with the esthetician examination for persons who complete a combined seven hundred fifty-hour esthetician and managing esthetician training course.

The board may administer a separate managing hair designer examination for persons who complete a managing hair designer training course separate from a hair designer training course. The board may combine the managing hair designer examination with the hair designer examination for persons who complete a combined one thousand four hundred forty-hour hair designer and managing hair designer training course.

The board may administer a separate managing manicurist examination for persons who complete a managing manicurist training course separate from a manicurist training course. The board may combine the managing manicurist examination with the manicurist examination for persons who complete a combined three hundred-hour manicurist and managing manicurist training course.

The board may administer a separate managing natural hair stylist examination for persons who complete a managing natural hair stylist training course separate from a natural hair stylist training course. The board may combine the managing natural hair stylist examination with the natural hair stylist examination for persons who complete a combined six hundred-hour natural hair stylist and managing natural hair stylist training course.

Sec. 4713.28. The state board of barbers and cosmetology shall issue a practicing license to an applicant who, except as provided in section 4713.30 of the Revised Code, satisfies all of the following applicable conditions:

(A) Is at least sixteen years of age;	77010
(B) Is of good moral character;	77011
(C) Has the equivalent of an Ohio public school tenth grade education;	77012 77013
(D) Passes an examination conducted under section 4713.24 of the Revised Code for the branch of cosmetology the applicant seeks to practice;	77014 77015 77016
(E) Pays to the board the applicable fee;	77017
(F) In the case of an applicant for an initial cosmetologist license, has successfully completed at least fifteen hundred hours of board-approved cosmetology training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved cosmetology training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	77018 77019 77020 77021 77022 77023 77024
(G) In the case of an applicant for an initial esthetician license, has successfully completed at least six hundred hours of board-approved esthetics training in a school of cosmetology licensed in this state;	77025 77026 77027 77028
(H) In the case of an applicant for an initial hair designer license, has successfully completed at least one thousand two hundred hours of board-approved hair designer training in a school of cosmetology licensed in this state, except that only one thousand hours of board-approved hair designer training in a school of cosmetology licensed in this state is required of a person licensed as a barber under Chapter 4709. of the Revised Code;	77029 77030 77031 77032 77033 77034 77035 77036
(I) In the case of an applicant for an initial manicurist license, has successfully completed at least two hundred hours of board-approved manicurist training in a school of cosmetology	77037 77038 77039

licensed in this state; 77040

(J) In the case of an applicant for an initial natural hair 77041
stylist license, has successfully completed at least four hundred 77042
fifty hours of instruction in subjects relating to sanitation, 77043
scalp care, anatomy, hair styling, communication skills, and laws 77044
and rules governing the practice of cosmetology; 77045

(K) The board shall not deny a license to any applicant based 77046
on prior incarceration or conviction for any crime. If the board 77047
denies an individual a license or license renewal, the reasons for 77048
such denial shall be put in writing. 77049

Sec. 4713.29. In accordance with rules adopted under section 77050
4713.08 of the Revised Code, the state board of barbers and 77051
cosmetology may waive a condition established by section 4713.28 77052
of the Revised Code for a license to practice a branch of 77053
cosmetology for an applicant who practices that branch of 77054
cosmetology in a state or country that does not license or 77055
register branches of cosmetology. 77056

Sec. 4713.30. The state board of barbers and cosmetology 77057
shall issue a managing license to an applicant who satisfies all 77058
of the following applicable conditions: 77059

(A) Is at least sixteen years of age; 77060

(B) Is of good moral character; 77061

(C) Has the equivalent of an Ohio public school tenth grade 77062
education; 77063

(D) Pays to the board the applicable fee; 77064

(E) Passes the appropriate managing license examination; 77065

(F) In the case of an applicant for an initial managing 77066
cosmetologist license, does either of the following: 77067

(1) Has a licensed managing cosmetologist or owner of a licensed beauty salon located in this or another state certify to the board that the applicant has practiced as a cosmetologist for at least two thousand hours in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as a cosmetologist, at least three hundred hours of board-approved managing cosmetologist training.

(G) In the case of an applicant for an initial managing esthetician license, does either of the following:

(1) Has the licensed managing esthetician, licensed managing cosmetologist, or owner of a licensed esthetics salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced esthetics for at least two thousand hours as an esthetician in a licensed esthetics salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state certify to the board that the applicant has successfully completed, in addition to the hours required for licensure as an esthetician or cosmetologist, at least one hundred fifty hours of board-approved managing esthetician training.

(H) In the case of an applicant for an initial managing hair designer license, does either of the following:

(1) Has the licensed managing hair designer, licensed managing cosmetologist, or owner of a licensed hair design salon or licensed beauty salon located in this or another state certify to the board that the applicant has practiced hair design for at least two thousand hours as a hair designer in a licensed hair design salon or as a cosmetologist in a licensed beauty salon;

(2) Has a school of cosmetology licensed in this state

certify to the board that the applicant has successfully 77099
completed, in addition to the hours required for licensure as a 77100
hair designer or cosmetologist, at least two hundred forty hours 77101
of board-approved managing hair designer training. 77102

(I) In the case of an applicant for an initial managing 77103
manicurist license, does either of the following: 77104

(1) Has the licensed managing manicurist, licensed managing 77105
cosmetologist, or owner of a licensed nail salon, licensed beauty 77106
salon, or licensed barber shop located in this or another state 77107
certify to the board that the applicant has practiced manicuring 77108
for at least two thousand hours as a manicurist in a licensed nail 77109
salon or licensed barber shop or as a cosmetologist in a licensed 77110
beauty salon or licensed barber shop; 77111

(2) Has a school of cosmetology licensed in this state 77112
certify to the board that the applicant has successfully 77113
completed, in addition to the hours required for licensure as a 77114
manicurist or cosmetologist, at least one hundred hours of 77115
board-approved managing manicurist training. 77116

(J) In the case of an applicant for an initial managing 77117
natural hair stylist license, does either of the following: 77118

(1) Has the licensed managing natural hair stylist, licensed 77119
managing cosmetologist, or owner of a licensed natural hair style 77120
salon or licensed beauty salon located in this or another state 77121
certify to the board that the applicant has practiced natural hair 77122
styling for at least two thousand hours as a natural hair stylist 77123
in a licensed natural hair style salon or as a cosmetologist in a 77124
licensed beauty salon; 77125

(2) Has a school of cosmetology licensed in this state 77126
certify to the board that the applicant has successfully 77127
completed, in addition to the hours required for licensure as 77128
natural hair stylist or cosmetologist, at least one hundred fifty 77129

hours of board-approved managing natural hair stylist training. 77130

Sec. 4713.31. The state board of barbers and cosmetology 77131
shall issue an instructor license to an applicant who satisfies 77132
all of the following applicable conditions: 77133

(A) Is at least eighteen years of age; 77134

(B) Is of good moral character; 77135

(C) Has the equivalent of an Ohio public school twelfth grade 77136
education; 77137

(D) Pays to the board the applicable fee; 77138

(E) In the case of an applicant for an initial cosmetology 77139
instructor license, holds a current, valid managing cosmetologist 77140
license issued in this state and does either of the following: 77141

(1) Has the licensed managing cosmetologist or owner of the 77142
licensed beauty salon in which the applicant has been employed 77143
certify to the board that the applicant has engaged in the 77144
practice of cosmetology in a licensed beauty salon for at least 77145
two thousand hours; 77146

(2) Has a school of cosmetology licensed in this state 77147
certify to the board that the applicant has successfully completed 77148
one thousand hours of board-approved cosmetology instructor 77149
training as an apprentice instructor. 77150

(F) In the case of an applicant for an initial esthetics 77151
instructor license, holds a current, valid managing esthetician or 77152
managing cosmetologist license issued in this state and does 77153
either of the following: 77154

(1) Has the licensed managing esthetician, licensed managing 77155
cosmetologist, or owner of the licensed esthetics salon or 77156
licensed beauty salon in which the applicant has been employed 77157
certify to the board that the applicant has engaged in the 77158

practice of esthetics in a licensed esthetics salon or practice of 77159
cosmetology in a licensed beauty salon for at least two thousand 77160
hours; 77161

(2) Has a school of cosmetology licensed in this state 77162
certify to the board that the applicant has successfully completed 77163
at least five hundred hours of board-approved esthetics instructor 77164
training as an apprentice instructor. 77165

(G) In the case of an applicant for an initial hair design 77166
instructor license, holds a current, valid managing hair designer 77167
or managing cosmetologist license and does either of the 77168
following: 77169

(1) Has the licensed managing hair designer, licensed 77170
managing cosmetologist, or owner of the licensed hair design salon 77171
or licensed beauty salon in which the applicant has been employed 77172
certify to the board that the applicant has engaged in the 77173
practice of hair design in a licensed hair design salon or 77174
practice of cosmetology in a licensed beauty salon for at least 77175
two thousand hours; 77176

(2) Has a school of cosmetology licensed in this state 77177
certify to the board that the applicant has successfully completed 77178
at least eight hundred hours of board-approved hair design 77179
instructor's training as an apprentice instructor. 77180

(H) In the case of an applicant for an initial manicurist 77181
instructor license, holds a current, valid managing manicurist or 77182
managing cosmetologist license and does either of the following: 77183

(1) Has the licensed managing manicurist, licensed managing 77184
cosmetologist, or owner of the licensed nail salon or licensed 77185
beauty salon in which the applicant has been employed certify to 77186
the board that the applicant has engaged in the practice of 77187
manicuring in a licensed nail salon or practice of cosmetology in 77188
a licensed beauty salon for at least two thousand hours; 77189

(2) Has a school of cosmetology licensed in this state 77190
certify to the board that the applicant has successfully completed 77191
at least three hundred hours of board-approved manicurist 77192
instructor training as an apprentice instructor. 77193

(I) In the case of an applicant for an initial natural hair 77194
style instructor license, holds a current, valid managing natural 77195
hair stylist or managing cosmetologist license and does either of 77196
the following: 77197

(1) Has the licensed managing natural hair stylist, licensed 77198
managing cosmetologist, or owner of the licensed natural hair 77199
style salon or licensed beauty salon in which the applicant has 77200
been employed certify to the board that the applicant has engaged 77201
in the practice of natural hair styling in a licensed natural hair 77202
style salon or practice of cosmetology in a licensed beauty salon 77203
for at least two thousand hours; 77204

(2) Has a school of cosmetology licensed in this state 77205
certify to the board that the applicant has successfully completed 77206
at least four hundred hours of board-approved natural hair style 77207
instructor training as an apprentice instructor. 77208

Sec. 4713.32. When determining the total hours of instruction 77209
received by an applicant for a license under section 4713.28, 77210
4713.30, or 4713.31 of the Revised Code, the state board of 77211
barbers and cosmetology shall not take into account more than ten 77212
hours of instruction per day. The board shall take into account 77213
instruction received more than five years prior to the date of 77214
application for the license in accordance with rules adopted under 77215
section 4713.08 of the Revised Code. 77216

Sec. 4713.34. The state board of barbers and cosmetology 77217
shall issue a license to practice a branch of cosmetology, 77218
managing license, or instructor license to an applicant who is 77219

licensed or registered in another state or country to practice 77220
that branch of cosmetology, manage that type of salon, or teach 77221
the theory and practice of that branch of cosmetology, as 77222
appropriate, if all of the following conditions are satisfied: 77223

(A) The applicant satisfies all of the following conditions: 77224

(1) Is not less than eighteen years of age; 77225

(2) Is of good moral character; 77226

(3) In the case of an applicant for a practicing license or 77227
managing license, passes an examination conducted under section 77228
4713.24 of the Revised Code for the license the applicant seeks, 77229
unless the applicant satisfies conditions specified in rules 77230
adopted under section 4713.08 of the Revised Code for the board to 77231
issue the applicant a license without taking the examination; 77232

(4) Pays the applicable fee. 77233

(B) At the time the applicant obtained the license or 77234
registration in the other state or country, the requirements in 77235
this state for obtaining the license the applicant seeks were 77236
substantially equal to the other state or country's requirements. 77237

(C) The jurisdiction that issued the applicant's license or 77238
registration extends similar reciprocity to persons holding a 77239
license issued by the board. 77240

Sec. 4713.35. A person who holds a current, valid 77241
cosmetologist license issued by the state board of barbers and 77242
cosmetology may engage in the practice of one or more branches of 77243
cosmetology as the person chooses. 77244

A person who holds a current, valid esthetician license 77245
issued by the board may engage in the practice of esthetics but no 77246
other branch of cosmetology. 77247

A person who holds a current, valid hair designer license 77248

issued by the board may engage in the practice of hair design but 77249
no other branch of cosmetology. 77250

A person who holds a current, valid manicurist license issued 77251
by the board may engage in the practice of manicuring but no other 77252
branch of cosmetology. 77253

A person who holds a current, valid natural hair stylist 77254
license issued by the board may engage in the practice of natural 77255
hair styling but no other branch of cosmetology. 77256

A person who holds a current, valid managing cosmetologist 77257
license issued by the board may manage all types of salons and 77258
engage in the practice of one or more branches of cosmetology as 77259
the person chooses. 77260

A person who holds a current, valid managing esthetician 77261
license issued by the board may manage an esthetics salon, but no 77262
other type of salon, and engage in the practice of esthetics, but 77263
no other branch of cosmetology. 77264

A person who holds a current, valid managing hair designer 77265
license issued by the board may manage a hair design salon, but no 77266
other type of salon, and engage in the practice of hair design, 77267
but no other branch of cosmetology. 77268

A person who holds a current, valid managing manicurist 77269
license issued by the board may manage a nail salon, but no other 77270
type of salon, and engage in the practice of manicuring, but no 77271
other branch of cosmetology. 77272

A person who holds a current, valid managing natural hair 77273
stylist license issued by the board may manage a natural hair 77274
style salon, but no other type of salon, and engage in the 77275
practice of natural hair styling, but no other branch of 77276
cosmetology. 77277

A person who holds a current, valid cosmetology instructor 77278

license issued by the board may teach the theory and practice of 77279
one or more branches of cosmetology at a school of cosmetology as 77280
the person chooses. 77281

A person who holds a current, valid esthetics instructor 77282
license issued by the board may teach the theory and practice of 77283
esthetics, but no other branch of cosmetology, at a school of 77284
cosmetology. 77285

A person who holds a current, valid hair design instructor 77286
license issued by the board may teach the theory and practice of 77287
hair design, but no other branch of cosmetology, at a school of 77288
cosmetology. 77289

A person who holds a current, valid manicurist instructor 77290
license issued by the board may teach the theory and practice of 77291
manicuring, but no other branch of cosmetology, at a school of 77292
cosmetology. 77293

A person who holds a current, valid natural hair style 77294
instructor license issued by the board may teach the theory and 77295
practice of natural hair styling, but no other branch of 77296
cosmetology, at a school of cosmetology. 77297

Sec. 4713.37. (A) The state board of barbers and cosmetology 77298
may issue a temporary special occasion work permit to a person who 77299
satisfies all of the following conditions: 77300

(1) Has been licensed or registered in another state or 77301
country to practice a branch of cosmetology or teach the theory 77302
and practice of a branch of cosmetology for at least five years; 77303

(2) Is a recognized expert in the practice or teaching of the 77304
branch of cosmetology the person practices or teaches; 77305

(3) Is to practice that branch of cosmetology or teach the 77306
theory and practice of that branch of cosmetology in this state as 77307
part of a promotional or instructional program for not more than 77308

the amount of time a temporary special occasion work permit is 77309
effective; 77310

(4) Satisfies all other conditions for a temporary special 77311
occasion work permit established by rules adopted under section 77312
4713.08 of the Revised Code; 77313

(5) Pays the fee established by rules adopted under section 77314
4713.08 of the Revised Code. 77315

(B) A person issued a temporary special occasion work permit 77316
may practice the branch of cosmetology the person practices in 77317
another state or country, or teach the theory and practice of the 77318
branch of cosmetology the person teaches in another state or 77319
country, until the expiration date of the permit. A temporary 77320
special occasion work permit is valid for the period of time 77321
specified in rules adopted under section 4713.08 of the Revised 77322
Code. 77323

Sec. 4713.39. The state board of barbers and cosmetology 77324
shall issue a license to engage in the practice of a branch of 77325
cosmetology as an independent contractor to an applicant who pays 77326
the applicable fee; holds a current, valid license to manage the 77327
type of salon in which the applicant will practice that branch of 77328
cosmetology; and satisfies the conditions for the license 77329
established by rules adopted under section 4713.08 of the Revised 77330
Code. 77331

Sec. 4713.41. The state board of barbers and cosmetology 77332
shall issue a license to operate a salon to an applicant who pays 77333
the applicable fee and affirms that all of the following 77334
conditions will be met: 77335

(A)(1) A person holding a current, valid managing 77336
cosmetologist license or license to manage that type of salon has 77337
charge of and immediate supervision over the salon at all times 77338

when the salon is open for business except as permitted under 77339
division (A)(2) of this section. 77340

(2) A business establishment that is engaged primarily in 77341
retail sales but is also licensed as a salon shall have a person 77342
holding a current, valid managing license for that type of salon 77343
in charge of and in immediate supervision of the salon during 77344
posted or advertised service hours, if the practice of cosmetology 77345
is restricted to those posted or advertised service hours. 77346

(B) The salon is equipped to do all of the following: 77347

(1) Provide potable running hot and cold water and proper 77348
drainage; 77349

(2) Sanitize all instruments and supplies used in the branch 77350
of cosmetology provided at the salon; 77351

(3) If cosmetic therapy, massage therapy, or other 77352
professional service is provided at the salon under section 77353
4713.42 of the Revised Code, sanitize all instruments and supplies 77354
used in the cosmetic therapy, massage therapy, or other 77355
professional service. 77356

(C) Except as provided in sections 4713.42 and 4713.49 of the 77357
Revised Code, only the branch of cosmetology that the salon is 77358
licensed to provide is practiced at the salon. 77359

(D) The salon is kept in a clean and sanitary condition and 77360
properly ventilated. 77361

(E) No food is sold at the salon in a manner inconsistent 77362
with rules adopted under section 4713.08 of the Revised Code. 77363

Sec. 4713.44. (A) The state board of barbers and cosmetology 77364
shall issue a license to operate a school of cosmetology to an 77365
applicant who pays the applicable fee and satisfies all of the 77366
following requirements: 77367

- (1) Maintains a course of practical training and technical instruction for the branch or branches of cosmetology to be taught at the school equal to the requirements for admission to an examination under section 4713.24 of the Revised Code that a person must pass to obtain a license to practice that branch or those branches of cosmetology; 77368
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- (2) Possesses or makes available apparatus and equipment sufficient for the ready and full teaching of all subjects of the curriculum; 77374
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- (3) Maintains persons licensed under section 4713.31 or 4713.34 of the Revised Code to teach the theory and practice of the branches of cosmetology; 77377
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- (4) Notifies the board of the enrollment of each new student, keeps a record devoted to the different practices, establishes grades, and holds examinations in order to certify the students' completion of the prescribed course of study before the issuance of certificates of completion; 77380
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- (5) In the case of a school of cosmetology that offers clock hours for the purpose of satisfying minimum hours of training and instruction, keeps a daily record of the attendance of each student; 77385
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- (6) On the date that an apprentice cosmetology instructor begins cosmetology instructor training at the school, certifies the name of the apprentice cosmetology instructor to the board along with the date on which the apprentice's instructor training began; 77389
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- (7) Instructs not more than six apprentice cosmetology instructors at any one time; 77394
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- (8) Files with the board a good and sufficient surety bond executed by the person, firm, or corporation operating the school of cosmetology as principal and by a surety company as surety in 77396
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the amount of ten thousand dollars; provided, that this 77399
requirement does not apply to a vocational program conducted by a 77400
city, exempted village, local, or joint vocational school 77401
district. The bond shall be in the form prescribed by the board 77402
and be conditioned upon the school's continued instruction in the 77403
theory and practice of the branches of cosmetology. Every bond 77404
shall continue in effect until notice of its termination is given 77405
to the board by registered mail and every bond shall so provide. 77406

(9) Establishes and maintains an internal procedure for 77407
processing complaints filed against the school and for providing 77408
students with instructions on how to file a complaint directly 77409
with the board pursuant to section 4713.641 of the Revised Code. 77410

(B) A school of cosmetology holding a license issued under 77411
division (A) of this section is an educational institution and is 77412
authorized to offer educational programs beyond secondary 77413
education, advanced practice programs, or both in accordance with 77414
rules adopted by the board pursuant to section 4713.08 of the 77415
Revised Code. 77416

(C) A school of cosmetology holding a license to operate a 77417
school of cosmetology on ~~the effective date of this amendment~~ 77418
September 29, 2013, shall establish and maintain an internal 77419
procedure for processing complaints filed against the school and 77420
shall provide each of the school's students with instructions on 77421
how to file a complaint directly with the board pursuant to 77422
section 4713.641 of the Revised Code. 77423

Sec. 4713.45. (A) A school of cosmetology may do the 77424
following: 77425

(1) In accordance with rules adopted under section 4713.08 of 77426
the Revised Code, a school of cosmetology operated by a public 77427
entity may offer clock hours, credit hours, or competency-based 77428
credits, and a school of cosmetology that is operated by a private 77429

person may offer clock or credit hours, for the purpose of 77430
satisfying minimum hours of training and instruction; 77431

(2) Allow an apprentice cosmetology instructor the regular 77432
quota of students prescribed by the state board of barbers and 77433
cosmetology if a cosmetology instructor is present; 77434

(3) Compensate an apprentice cosmetology instructor; 77435

(4) Subject to division (B) of this section, employ a person 77436
who does not hold a current, valid instructor license to teach 77437
subjects related to a branch of cosmetology. 77438

(B) A school of cosmetology shall have a licensed cosmetology 77439
instructor present when a person employed pursuant to division 77440
(A)(4) of this section teaches at the school, unless the person is 77441
one of the following: 77442

(1) A person with a current, valid teacher's certificate or 77443
educator license issued by the state board of education; 77444

(2) A person with a bachelor's degree in the subject the 77445
person teaches at the school; 77446

(3) A person also employed by a university or college to 77447
teach the subject the person teaches at the school. 77448

Sec. 4713.48. (A) The state board of barbers and cosmetology 77449
shall issue a permit to operate a tanning facility to an applicant 77450
if all of the following conditions are satisfied: 77451

(1) The applicant applies in accordance with the application 77452
process adopted by rules adopted under section 4713.08 of the 77453
Revised Code. 77454

(2) The applicant pays to the treasurer of state the fee 77455
established by those rules. 77456

(3) An initial inspection of the premises indicates that the 77457
tanning facility has been installed and will be operated in 77458

accordance with those rules. 77459

(B) A permit holder shall post the permit in a public and 77460
conspicuous place on any premises where the tanning facility is 77461
located. A person shall obtain a separate permit for each of the 77462
premises owned or operated by that person at which the person 77463
seeks to operate a tanning facility. 77464

(C) A permit holder may biennially renew a permit by the last 77465
day of January of each odd-numbered year upon payment to the 77466
treasurer of state of the biennial renewal fee. 77467

Sec. 4713.50. (A) A tanning facility operator or employee 77468
shall make reasonable efforts, in accordance with procedures 77469
established under section 4713.08 of the Revised Code, to 77470
determine whether an individual seeking to use the facility's sun 77471
lamp tanning services is less than sixteen years of age, at least 77472
sixteen but less than eighteen years of age, or eighteen years of 77473
age or older. 77474

(B)(1) A tanning facility operator or employee shall not 77475
allow an individual who is eighteen years of age or older to use 77476
the facility's sun lamp tanning services without first obtaining 77477
the consent of the individual. The consent shall be evidenced by 77478
the individual's signature on the form developed by the state 77479
board of barbers and cosmetology under section 4713.51 of the 77480
Revised Code. The consent is valid indefinitely. 77481

(2) A tanning facility operator or employee shall not allow 77482
an individual who is at least sixteen but less than eighteen years 77483
of age to use the facility's sun lamp tanning services without 77484
first obtaining the consent of a parent or legal guardian of the 77485
individual. The consent shall be evidenced by the signature of the 77486
parent or legal guardian on the form developed by the board under 77487
section 4713.51 of the Revised Code. The form must be signed in 77488
the presence of the operator or an employee of the tanning 77489

facility. The consent is valid for ninety days from the date the 77490
form is signed. A tanning facility operator or employee shall not 77491
allow an individual who is at least sixteen but less than eighteen 77492
years of age to use the facility's sun lamp tanning services for 77493
more than forty-five sessions during the ninety-day period covered 77494
by the consent. No such session may be longer than the maximum 77495
safe time of exposure specified in rules adopted under division 77496
(A)(17) of section 4713.08 of the Revised Code. 77497

(3) A tanning facility operator or employee shall not allow 77498
an individual who is less than sixteen years of age to use the 77499
facility's sun lamp tanning services unless both of the following 77500
apply: 77501

(a) The tanning facility operator or employee obtains the 77502
consent of a parent or legal guardian of the individual prior to 77503
each session of the use of the facility's sun lamp tanning 77504
services. The consent shall be evidenced by the signature of the 77505
parent or legal guardian on the form developed by the board under 77506
section 4713.51 of the Revised Code. The form must be signed in 77507
the presence of the operator or an employee of the tanning 77508
facility. 77509

(b) A parent or legal guardian of the individual is present 77510
at the tanning facility for the duration of each session of the 77511
use of the facility's sun lamp tanning services. 77512

(C) For purposes of division (B) of this section, an 77513
electronic signature may be used to provide and may be accepted as 77514
a signature evidencing consent. 77515

Sec. 4713.51. The state board of barbers and cosmetology 77516
shall develop a form for use by tanning facility operators and 77517
employees in complying with the consent requirements of division 77518
(B) of section 4713.50 of the Revised Code. The form must describe 77519
the potential health effects of radiation from sun lamps, 77520

including a description of the possible relationship of the 77521
radiation to skin cancer. In developing the form, the board shall 77522
consult with the department of health, dermatologists, and tanning 77523
facility operators. The board shall make the form available on the 77524
internet web site maintained by the board. 77525

Sec. 4713.55. Every license issued by the state board of 77526
barbers and cosmetology shall be signed by the chairperson and 77527
attested by the executive director thereof, with the seal of the 77528
board attached. 77529

The board shall specify on each practicing license that the 77530
board issues the branch of cosmetology that the license entitles 77531
the holder to practice. The board shall specify on each managing 77532
license that the board issues the type of salon that the license 77533
entitles the holder to manage and the branch of cosmetology that 77534
the license entitles the holder to practice. The board shall 77535
specify on each instructor license that the board issues the 77536
branch of cosmetology that the license entitles the holder to 77537
teach. Such licenses are prima-facie evidence of the right of the 77538
holder to practice or teach the branch of cosmetology, or manage 77539
the type of salon, that the license specifies. 77540

Sec. 4713.56. Every holder of a practicing license, managing 77541
license, instructor license, or independent contractor license 77542
issued by the state board of barbers and cosmetology shall display 77543
the license in a public and conspicuous place in the place of 77544
employment of the holder. 77545

Every holder of a license to operate a salon issued by the 77546
board shall display the license in a public and conspicuous place 77547
in the salon. 77548

Every holder of a license to operate a school of cosmetology 77549
issued by the board shall display the license in a public and 77550

conspicuous place in the school. 77551

Every person who provides cosmetic therapy, massage therapy, 77552
or other professional service in a salon under section 4713.42 of 77553
the Revised Code shall display the person's professional license 77554
or certificate in a public and conspicuous place in the room used 77555
for the therapy or other service. 77556

Sec. 4713.57. A license issued by the state board of barbers 77557
and cosmetology issued under this chapter is valid until the last 77558
day of January of the odd-numbered year following its original 77559
issuance or renewal, unless the license is revoked or suspended 77560
prior to that date. Renewal shall be done in accordance with the 77561
standard renewal procedure of Chapter 4745. of the Revised Code. 77562
The board may refuse to renew a license if the person holding the 77563
license has an outstanding unpaid fine levied under section 77564
4713.64 of the Revised Code. 77565

Sec. 4713.58. (A) Except as provided in division (B) of this 77566
section, on payment of the renewal fee and submission of proof 77567
satisfactory to the state board of barbers and cosmetology that 77568
any applicable continuing education requirements have been 77569
completed, a person currently licensed as: 77570

(1) A cosmetology instructor who has previously been licensed 77571
as a cosmetologist or a managing cosmetologist, is entitled to the 77572
reissuance of a cosmetologist or managing cosmetologist license; 77573

(2) An esthetics instructor who has previously been licensed 77574
as an esthetician or a managing esthetician, is entitled to the 77575
reissuance of an esthetician or managing esthetician license; 77576

(3) A hair design instructor who has previously been licensed 77577
as a hair designer or a managing hair designer, is entitled to the 77578
reissuance of a hair designer or managing hair designer license; 77579

(4) A manicurist instructor who has previously been licensed 77580

as a manicurist or a managing manicurist, is entitled to the 77581
reissuance of a manicurist or managing manicurist license; 77582

(5) A natural hair style instructor who has previously been 77583
licensed as a natural hair stylist or a managing natural hair 77584
stylist, is entitled to the reissuance of a natural hair stylist 77585
or managing natural hair stylist license. 77586

(B) No person is entitled to the reissuance of a license 77587
under division (A) of this section if the license was revoked or 77588
suspended or the person has an outstanding unpaid fine levied 77589
under section 4713.64 of the Revised Code. 77590

Sec. 4713.59. If the state board of barbers and cosmetology 77591
adopts rules under section 4713.09 of the Revised Code to 77592
establish a continuing education requirement as a condition of 77593
renewal for a practicing license, managing license, or instructor 77594
license, the board shall inform each affected licensee of the 77595
continuing education requirement that applies to the next biennial 77596
licensing period by including a notification in the license 77597
renewal application form it sends the licensee. The notification 77598
shall state that the licensee must complete the continuing 77599
education requirement by the last day of January of the next 77600
odd-numbered year. 77601

Hours completed in excess of the continuing education 77602
requirement may not be applied to the next biennial licensing 77603
period. 77604

Sec. 4713.61. (A) If the state board of barbers and 77605
cosmetology adopts a continuing education requirement under 77606
section 4713.09 of the Revised Code, it may develop a procedure by 77607
which a person who holds a license to practice a branch of 77608
cosmetology, managing license, or instructor license and who is 77609
not currently engaged in the practice of the branch of 77610

cosmetology, managing a salon, or teaching the theory and practice 77611
of the branch of cosmetology, but who desires to be so engaged in 77612
the future, may apply to the board to have the person's license 77613
classified inactive. If the board develops such a procedure, a 77614
person seeking to have the person's license classified inactive 77615
shall apply to the board on a form provided by the board and pay 77616
the fee established by rules adopted under section 4713.08 of the 77617
Revised Code. 77618

(B) The board shall not restore an inactive license until the 77619
later of the following: 77620

(1) The date that the person holding the license submits 77621
proof satisfactory to the board that the person has completed the 77622
continuing education that a rule adopted under section 4713.08 of 77623
the Revised Code requires; 77624

(2) The last day of January of the next odd-numbered year 77625
following the year the license is classified inactive. 77626

(C) A person who holds an inactive license may engage in the 77627
practice of a branch of cosmetology if the person holds a 77628
temporary work permit as specified in rules adopted by the board 77629
under section 4713.08 of the Revised Code. 77630

Sec. 4713.62. (A) A person holding a practicing license, 77631
managing license, or instructor license may satisfy a continuing 77632
education requirement established by rules adopted under section 77633
4713.09 of the Revised Code only by completing continuing 77634
education programs approved under division (B) of this section or 77635
developed under division (C) of this section. 77636

(B) The state board of barbers and cosmetology shall approve 77637
a continuing education program if all of the following conditions 77638
are satisfied: 77639

(1) The person operating the program submits to the board a 77640

written application for approval. 77641

(2) The person operating the program pays to the board a fee 77642
established by rules adopted under section 4713.08 of the Revised 77643
Code. 77644

(3) The program is operated by an employee, officer, or 77645
director of a nonprofit professional association, college or 77646
university, proprietary continuing education institutions 77647
providing programs approved by the board, vocational school, 77648
postsecondary proprietary school of cosmetology licensed by the 77649
board, salon licensed by the board, or manufacturer of supplies or 77650
equipment used in the practice of a branch of cosmetology. 77651

(4) The program will do at least one of the following: 77652

(a) Enhance the professional competency of the affected 77653
licensees; 77654

(b) Protect the public; 77655

(c) Educate the affected licensees in the application of the 77656
laws and rules regulating the practice of a branch of cosmetology. 77657

(5) The person operating the program provides the board a 77658
tentative schedule of when the program will be available so that 77659
the board can make the schedule readily available to all licensees 77660
throughout the state. 77661

Sec. 4713.63. A practicing license, managing license, or 77662
instructor license that has not been renewed for any reason other 77663
than because it has been revoked, suspended, or classified 77664
inactive, or because the license holder has been given a waiver or 77665
extension under section 4713.60 of the Revised Code, is expired. 77666
An expired license may be restored if the person who held the 77667
license meets all of the following applicable conditions: 77668

(A) Pays to the state board of barbers and cosmetology the 77669
restoration fee, the current renewal fee, and any applicable late 77670

fees; 77671

(B) Pays a lapsed renewal fee of forty-five dollars per 77672
license renewal period that has elapsed since the license was last 77673
issued or renewed; 77674

(C) In the case of a practicing license or managing license 77675
that has been expired for more than two consecutive license 77676
renewal periods, completes eight hours of continuing education for 77677
each license renewal period that has elapsed since the license was 77678
last issued or renewed, up to a maximum of twenty-four hours. At 77679
least four of those hours shall include a course pertaining to 77680
sanitation and safety methods. 77681

The board shall deposit all fees it receives under division 77682
(B) of this section into the general revenue fund. 77683

Sec. 4713.64. (A) The state board of barbers and cosmetology 77684
may take disciplinary action against an individual or entity 77685
holding a license issued under this chapter for any of the 77686
following: 77687

(1) Failure to comply with the requirements of this chapter 77688
or rules adopted under it; 77689

(2) Continued practice by a person knowingly having an 77690
infectious or contagious disease; 77691

(3) Habitual drunkenness or addiction to any habit-forming 77692
drug; 77693

(4) Willful false and fraudulent or deceptive advertising; 77694

(5) Falsification of any record or application required to be 77695
filed with the board; 77696

(6) Failure to pay a fine or abide by a suspension order 77697
issued by the board. 77698

(B) On determining that there is cause for disciplinary 77699

action, the board may do one or more of the following: 77700

(1) Deny, revoke, or suspend a license or permit issued by 77701
the board; 77702

(2) Impose a fine; 77703

(3) Require the holder of a license or permit to take 77704
corrective action courses. 77705

(C) The amount and content of corrective action courses and 77706
other relevant criteria shall be established by the board in rules 77707
adopted under section 4713.08 of the Revised Code. 77708

(D) The board may impose a separate fine for each offense 77709
listed in division (A) of this section. The amount of a fine shall 77710
be not more than five hundred dollars if the violator has not 77711
previously been fined for that offense. The fine shall be not more 77712
than one thousand dollars if the violator has been fined for the 77713
same offense once before. The fine shall be not more than one 77714
thousand five hundred dollars if the violator has been fined for 77715
the same offense two or more times before. 77716

In the case of an offense of failure to comply with division 77717
(A) or (B)(2) or (3) of section 4713.50 of the Revised Code, the 77718
board shall impose a fine of five hundred dollars if the violator 77719
has not previously been fined for that offense. If the violator 77720
has previously been fined for the offense, the board may impose a 77721
fine in accordance with this division or take another action in 77722
accordance with division (B) of this section. 77723

(E) If a person fails to request a hearing within thirty days 77724
of the date the board, in accordance with section 119.07 of the 77725
Revised Code, notifies the person of the board's intent to act 77726
against the person under division (A) of this section, the board 77727
by a majority vote of a quorum of the board members may take the 77728
action against the person without holding an adjudication hearing. 77729

(F) The board, after a hearing in accordance with Chapter 77730
119. of the Revised Code, may suspend a tanning facility permit if 77731
the owner or operator fails to correct an unsafe condition that 77732
exists in violation of the board's rules or fails to cooperate in 77733
an inspection of the tanning facility. If a violation has resulted 77734
in a condition reasonably believed by an inspector to create an 77735
immediate danger to the health and safety of any person using the 77736
tanning facility, the inspector may suspend the permit without a 77737
prior hearing until the condition is corrected or until a hearing 77738
in accordance with Chapter 119. of the Revised Code is held and 77739
the board either upholds the suspension or reinstates the permit. 77740

Sec. 4713.641. Any student or former student of a school of 77741
cosmetology licensed under division (A) of section 4713.44 of the 77742
Revised Code may file a complaint with the state board of barbers 77743
and cosmetology alleging that the school has violated division (A) 77744
of section 4713.64 of the Revised Code. The complaint shall be in 77745
writing and signed by the person bringing the complaint. Upon 77746
receiving a complaint, the board shall initiate a preliminary 77747
investigation to determine whether it is probable that a violation 77748
was committed. If the board determines after preliminary 77749
investigation that it is not probable that a violation was 77750
committed, the board shall notify the person who filed the 77751
complaint of the board's findings and that the board will not 77752
issue a formal complaint in the matter. If the board determines 77753
after a preliminary investigation that it is probable that a 77754
violation was committed, the board shall proceed against the 77755
school pursuant to the board's authority under section 4713.64 of 77756
the Revised Code and in accordance with the hearing and notice 77757
requirements prescribed in Chapter 119. of the Revised Code. 77758

Sec. 4713.65. On receipt of a notice pursuant to section 77759
3123.43 of the Revised Code, the state board of barbers and 77760

cosmetology shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license issued pursuant to this chapter.

Sec. 4713.68. The state board of barbers and cosmetology shall comply with section 4776.20 of the Revised Code.

Sec. 4715.18. (A) No person shall practice or offer to practice dentistry or dental surgery under the name of any company, association, ~~or~~ corporation ~~except a,~~ or other entity other than one of the following:

(1) A corporation-for-profit formed under Chapter 1701. of the Revised Code ~~or a;~~

(2) A professional association established under Chapter 1785. of the Revised Code, ~~or under the name of any other entity except a;~~

(3) A limited liability company formed under Chapter 1705. of the Revised Code, ~~and any;~~

(4) A federally qualified health center, federally qualified health center look-alike, free clinic, nonprofit shelter or health care facility, or nonprofit clinic that provides health care services or dental services to indigent and uninsured persons.

(B) Any person practicing or offering to practice dentistry or dental surgery shall do so under his the person's name ~~or,~~ the name of a professional association, professional partnership, corporation-for-profit, or limited liability company that includes his the person's name, or the name of an organization specified in division (A)(4) of this section.

(C) As used in this section:

(1) "Federally qualified health center" and "federally

qualified health center look-alike" have the same meanings as in 77790
section 3701.047 of the Revised Code. 77791

(2) "Free clinic" and "nonprofit shelter or health care 77792
facility" have the same meanings as in section 3701.071 of the 77793
Revised Code. 77794

(3) "Nonprofit clinic" has the same meaning as in section 77795
3715.87 of the Revised Code. 77796

(4) "Indigent and uninsured person" has the same meaning as 77797
in section 2305.234 of the Revised Code. 77798

Sec. 4723.06. (A) The board of nursing shall: 77799

(1) Administer and enforce the provisions of this chapter, 77800
including the taking of disciplinary action for violations of 77801
section 4723.28 of the Revised Code, any other provisions of this 77802
chapter, or rules adopted under this chapter; 77803

(2) Develop criteria that an applicant must meet to be 77804
eligible to sit for the examination for licensure to practice as a 77805
registered nurse or as a licensed practical nurse; 77806

(3) Issue and renew nursing licenses, dialysis technician 77807
certificates, and community health worker certificates, as 77808
provided in this chapter; 77809

(4) Define the minimum standards for educational programs of 77810
the schools of registered nursing and schools of practical nursing 77811
in this state; 77812

(5) Survey, inspect, and grant full approval to prelicensure 77813
nursing education programs in this state that meet the standards 77814
established by rules adopted under section 4723.07 of the Revised 77815
Code. Prelicensure nursing education programs include, but are not 77816
limited to, diploma, associate degree, baccalaureate degree, 77817
master's degree, and doctor of nursing programs leading to initial 77818
licensure to practice nursing as a registered nurse and practical 77819

nurse programs leading to initial licensure to practice nursing as 77820
a licensed practical nurse. 77821

(6) Grant conditional approval, by a vote of a quorum of the 77822
board, to a new prelicensure nursing education program or a 77823
program that is being reestablished after having ceased to 77824
operate, if the program meets and maintains the minimum standards 77825
of the board established by rules adopted under section 4723.07 of 77826
the Revised Code. If the board does not grant conditional 77827
approval, it shall hold an adjudication under Chapter 119. of the 77828
Revised Code to consider conditional approval of the program. If 77829
the board grants conditional approval, at the first meeting 77830
following completion of the survey process required by division 77831
(A)(5) of this section, the board shall determine whether to grant 77832
full approval to the program. If the board does not grant full 77833
approval or if it appears that the program has failed to meet and 77834
maintain standards established by rules adopted under section 77835
4723.07 of the Revised Code, the board shall hold an adjudication 77836
under Chapter 119. of the Revised Code to consider the program. 77837
Based on results of the adjudication, the board may continue or 77838
withdraw conditional approval, or grant full approval. 77839

(7) Place on provisional approval, for a period of time 77840
specified by the board, a program that has ceased to meet and 77841
maintain the minimum standards of the board established by rules 77842
adopted under section 4723.07 of the Revised Code. Prior to or at 77843
the end of the period, the board shall reconsider whether the 77844
program meets the standards and shall grant full approval if it 77845
does. If it does not, the board may withdraw approval, pursuant to 77846
an adjudication under Chapter 119. of the Revised Code. 77847

(8) Approve continuing education programs and courses under 77848
standards established in rules adopted under sections 4723.07, 77849
4723.69, 4723.79, and 4723.88 of the Revised Code; 77850

(9) Establish a program for monitoring chemical dependency in 77851

accordance with section 4723.35 of the Revised Code; 77852

(10) Establish the practice intervention and improvement 77853
program in accordance with section 4723.282 of the Revised Code; 77854

(11) Issue and renew certificates of authority to practice 77855
nursing as a certified registered nurse anesthetist, clinical 77856
nurse specialist, certified nurse-midwife, or certified nurse 77857
practitioner; 77858

(12) Approve under section 4723.46 of the Revised Code 77859
national certifying organizations for examination and 77860
certification of certified registered nurse anesthetists, clinical 77861
nurse specialists, certified nurse-midwives, or certified nurse 77862
practitioners; 77863

(13) Issue and renew certificates to prescribe in accordance 77864
with sections 4723.48 and 4723.486 of the Revised Code; 77865

(14) Grant approval to the ~~planned classroom and clinical~~ 77866
course of study in advanced pharmacology and related topics 77867
required by section 4723.482 of the Revised Code to be eligible 77868
for a certificate to prescribe; 77869

(15) Make an annual edition of the formulary established in 77870
rules adopted under section 4723.50 of the Revised Code available 77871
to the public either in printed form or by electronic means and, 77872
as soon as possible after any revision of the formulary becomes 77873
effective, make the revision available to the public in printed 77874
form or by electronic means; 77875

(16) Provide guidance and make recommendations to the general 77876
assembly, the governor, state agencies, and the federal government 77877
with respect to the regulation of the practice of nursing and the 77878
enforcement of this chapter; 77879

(17) Make an annual report to the governor, which shall be 77880
open for public inspection; 77881

(18) Maintain and have open for public inspection the	77882
following records:	77883
(a) A record of all its meetings and proceedings;	77884
(b) A record of all applicants for, and holders of, licenses	77885
and certificates issued by the board under this chapter or in	77886
accordance with rules adopted under this chapter. The record shall	77887
be maintained in a format determined by the board.	77888
(c) A list of education and training programs approved by the	77889
board.	77890
(19) Deny approval to a person who submits or causes to be	77891
submitted false, misleading, or deceptive statements, information,	77892
or documentation to the board in the process of applying for	77893
approval of a new education or training program. If the board	77894
proposes to deny approval of a new education or training program,	77895
it shall do so pursuant to an adjudication conducted under Chapter	77896
119. of the Revised Code.	77897
(B) The board may fulfill the requirement of division (A)(8)	77898
of this section by authorizing persons who meet the standards	77899
established in rules adopted under section 4723.07 of the Revised	77900
Code to approve continuing education programs and courses. Persons	77901
so authorized shall approve continuing education programs and	77902
courses in accordance with standards established in rules adopted	77903
under section 4723.07 of the Revised Code.	77904
Persons seeking authorization to approve continuing education	77905
programs and courses shall apply to the board and pay the	77906
appropriate fee established under section 4723.08 of the Revised	77907
Code. Authorizations to approve continuing education programs and	77908
courses shall expire, and may be renewed according to the schedule	77909
established in rules adopted under section 4723.07 of the Revised	77910
Code.	77911
In addition to approving continuing education programs under	77912

division (A)(8) of this section, the board may sponsor continuing 77913
education activities that are directly related to the statutes and 77914
rules the board enforces. 77915

Sec. 4723.08. (A) The board of nursing may impose fees not to 77916
exceed the following limits: 77917

(1) For application for licensure by examination to practice 77918
nursing as a registered nurse or as a licensed practical nurse, 77919
seventy-five dollars; 77920

(2) For application for licensure by endorsement to practice 77921
nursing as a registered nurse or as a licensed practical nurse, 77922
seventy-five dollars; 77923

(3) For application for a certificate of authority to 77924
practice nursing as a certified registered nurse anesthetist, 77925
clinical nurse specialist, certified nurse-midwife, or certified 77926
nurse practitioner, one hundred dollars; 77927

(4) For application for a temporary dialysis technician 77928
certificate, the amount specified in rules adopted under section 77929
4723.79 of the Revised Code; 77930

(5) For application for a dialysis technician certificate, 77931
the amount specified in rules adopted under section 4723.79 of the 77932
Revised Code; 77933

(6) For application for a certificate to prescribe, fifty 77934
dollars; 77935

(7) For providing, pursuant to division (B) of section 77936
4723.271 of the Revised Code, written verification of a nursing 77937
license, certificate of authority, certificate to prescribe, 77938
dialysis technician certificate, medication aide certificate, or 77939
community health worker certificate to another jurisdiction, 77940
fifteen dollars; 77941

(8) For providing, pursuant to division (A) of section 77942

4723.271 of the Revised Code, a replacement copy of a wall	77943
certificate suitable for framing as described in that division,	77944
twenty-five dollars;	77945
(9) For biennial renewal of a nursing license, sixty-five	77946
dollars;	77947
(10) For biennial renewal of a certificate of authority to	77948
practice nursing as a certified registered nurse anesthetist,	77949
clinical nurse specialist, certified nurse-midwife, or certified	77950
nurse practitioner, eighty-five dollars;	77951
(11) For renewal of a certificate to prescribe, fifty	77952
dollars;	77953
(12) For biennial renewal of a dialysis technician	77954
certificate, the amount specified in rules adopted under section	77955
4723.79 of the Revised Code;	77956
(13) For processing a late application for renewal of a	77957
nursing license, certificate of authority, or dialysis technician	77958
certificate, fifty dollars;	77959
(14) For application for authorization to approve continuing	77960
education programs and courses from an applicant accredited by a	77961
national accreditation system for nursing, five hundred dollars;	77962
(15) For application for authorization to approve continuing	77963
education programs and courses from an applicant not accredited by	77964
a national accreditation system for nursing, one thousand dollars;	77965
(16) For each year for which authorization to approve	77966
continuing education programs and courses is renewed, one hundred	77967
fifty dollars;	77968
(17) For application for approval to operate a dialysis	77969
training program, the amount specified in rules adopted under	77970
section 4723.79 of the Revised Code;	77971
(18) For reinstatement of a lapsed license or certificate	77972

issued under this chapter, one hundred dollars except as provided 77973
in section 5903.10 of the Revised Code; 77974

~~(19) For written verification of a license or certificate 77975
when the verification is performed for purposes other than 77976
providing verification to another jurisdiction, five dollars; 77977~~

~~(20)~~ For processing a check returned to the board by a 77978
financial institution, twenty-five dollars; 77979

~~(21)~~(20) The amounts specified in rules adopted under section 77980
4723.88 of the Revised Code pertaining to the issuance of 77981
certificates to community health workers, including fees for 77982
application for a certificate, biennial renewal of a certificate, 77983
processing a late application for renewal of a certificate, 77984
reinstatement of a lapsed certificate, application for approval of 77985
a community health worker training program for community health 77986
workers, and biennial renewal of the approval of a training 77987
program for community health workers. 77988

(B) Each quarter, for purposes of transferring funds under 77989
section 4743.05 of the Revised Code to the nurse education 77990
assistance fund created in section 3333.28 of the Revised Code, 77991
the board of nursing shall certify to the director of budget and 77992
management the number of biennial licenses renewed under this 77993
chapter during the preceding quarter and the amount equal to that 77994
number times five dollars. 77995

(C) The board may charge a participant in a board-sponsored 77996
continuing education activity an amount not exceeding fifteen 77997
dollars for each activity. 77998

(D) The board may contract for services pertaining to the 77999
process of providing written verification of a license or 78000
certificate when the verification is performed for purposes other 78001
than providing verification to another jurisdiction. The contract 78002
may include provisions pertaining to the collection of the fee 78003

charged for providing the written verification. As part of these 78004
provisions, the board may permit the contractor to retain a 78005
portion of the fees as compensation, before any amounts are 78006
deposited into the state treasury. 78007

Sec. 4723.482. (A) Except as provided in divisions (C) and 78008
(D) of this section, an applicant shall include with the 78009
application submitted under section 4723.48 of the Revised Code 78010
all of the following: 78011

(1) Evidence of holding a current, valid certificate of 78012
authority to practice as a clinical nurse specialist, certified 78013
nurse-midwife, or certified nurse practitioner that was issued by 78014
meeting the requirements of division (A) of section 4723.41 of the 78015
Revised Code; 78016

(2) Evidence of successfully completing the course of study 78017
in advanced pharmacology and related topics in accordance with the 78018
requirements specified in division (B) of this section; 78019

(3) The fee required by section 4723.08 of the Revised Code 78020
for a certificate to prescribe; 78021

(4) Any additional information the board of nursing requires 78022
pursuant to rules adopted under section 4723.50 of the Revised 78023
Code. 78024

(B) With respect to the course of study in advanced 78025
pharmacology and related topics that must be successfully 78026
completed to obtain a certificate to prescribe, all of the 78027
following requirements apply: 78028

(1) The course of study shall be completed not longer than 78029
three years before the application for the certificate to 78030
prescribe is filed. 78031

~~(2) Except as provided in division (E) of this section, the 78032
course of study shall consist of planned classroom and clinical 78033~~

~~instruction.~~ The ~~total length of the~~ course of study shall be not 78034
less than forty-five contact hours. 78035

(3) The course of study shall meet the requirements to be 78036
approved by the board in accordance with standards established in 78037
rules adopted under section 4723.50 of the Revised Code. 78038

(4) The content of the course of study shall be specific to 78039
the applicant's nursing specialty. 78040

(5) The instruction provided in the course of study shall 78041
include all of the following: 78042

(a) A minimum of thirty-six contact hours of instruction in 78043
advanced pharmacology that includes pharmacokinetic principles and 78044
clinical application and the use of drugs and therapeutic devices 78045
in the prevention of illness and maintenance of health; 78046

(b) Instruction in the fiscal and ethical implications of 78047
prescribing drugs and therapeutic devices; 78048

(c) Instruction in the state and federal laws that apply to 78049
the authority to prescribe; 78050

(d) Instruction that is specific to schedule II controlled 78051
substances, including instruction in all of the following: 78052

(i) Indications for the use of schedule II controlled 78053
substances in drug therapies; 78054

(ii) The most recent guidelines for pain management 78055
therapies, as established by state and national organizations such 78056
as the Ohio pain initiative and the American pain society; 78057

(iii) Fiscal and ethical implications of prescribing schedule 78058
II controlled substances; 78059

(iv) State and federal laws that apply to the authority to 78060
prescribe schedule II controlled substances; 78061

(v) Prevention of abuse and diversion of schedule II 78062

controlled substances, including identification of the risk of 78063
abuse and diversion, recognition of abuse and diversion, types of 78064
assistance available for prevention of abuse and diversion, and 78065
methods of establishing safeguards against abuse and diversion. 78066

(e) Any additional instruction required pursuant to rules 78067
adopted under section 4723.50 of the Revised Code. 78068

(C) An applicant who practiced or is practicing as a clinical 78069
nurse specialist, certified nurse-midwife, or certified nurse 78070
practitioner in another jurisdiction or as an employee of the 78071
United States government, and is not seeking authority to 78072
prescribe drugs and therapeutic devices by meeting the 78073
requirements of division (A) or (D) of this section, shall include 78074
with the application submitted under section 4723.48 of the 78075
Revised Code all of the following: 78076

(1) Evidence of holding a current, valid certificate of 78077
authority issued under this chapter to practice as a clinical 78078
nurse specialist, certified nurse-midwife, or certified nurse 78079
practitioner; 78080

(2) The fee required by section 4723.08 of the Revised Code 78081
for a certificate to prescribe; 78082

(3) Either of the following: 78083

(a) Evidence of having held, for a continuous period of at 78084
least one year during the three years immediately preceding the 78085
date of application, valid authority issued by another 78086
jurisdiction to prescribe therapeutic devices and drugs, including 78087
at least some controlled substances; 78088

(b) Evidence of having been employed by the United States 78089
government and authorized, for a continuous period of at least one 78090
year during the three years immediately preceding the date of 78091
application, to prescribe therapeutic devices and drugs, including 78092
at least some controlled substances, in conjunction with that 78093

employment. 78094

(4) Evidence of having completed a two-hour course of 78095
instruction approved by the board in the laws of this state that 78096
govern drugs and prescriptive authority; 78097

(5) Any additional information the board requires pursuant to 78098
rules adopted under section 4723.50 of the Revised Code. 78099

(D) An applicant who practiced or is practicing as a clinical 78100
nurse specialist, certified nurse-midwife, or certified nurse 78101
practitioner in another jurisdiction or as an employee of the 78102
United States government, and is not seeking authority to 78103
prescribe drugs and therapeutic devices by meeting the 78104
requirements of division (A) or (C) of this section, shall include 78105
with the application submitted under section 4723.48 of the 78106
Revised Code all of the following: 78107

(1) Evidence of holding a current, valid certificate of 78108
authority issued under this chapter to practice as a clinical 78109
nurse specialist, certified nurse-midwife, or certified nurse 78110
practitioner; 78111

(2) The fee required by section 4723.08 of the Revised Code 78112
for a certificate to prescribe; 78113

(3) Either of the following: 78114

(a) Evidence of having held, for a continuous period of at 78115
least one year during the three years immediately preceding the 78116
date of application, valid authority issued by another 78117
jurisdiction to prescribe therapeutic devices and drugs, excluding 78118
controlled substances; 78119

(b) Evidence of having been employed by the United States 78120
government and authorized, for a continuous period of at least one 78121
year during the three years immediately preceding the date of 78122
application, to prescribe therapeutic devices and drugs, excluding 78123

controlled substances, in conjunction with that employment. 78124

(4) Any additional information the board requires pursuant to 78125
rules adopted under section 4723.50 of the Revised Code. 78126

~~(E) In the case of an applicant who meets the requirements of 78127
division (C) or (D) of this section other than the requirements of 78128
division (C)(3) or (D)(3) of this section and is seeking authority 78129
to prescribe drugs and therapeutic devices by meeting the 78130
requirements of division (A) of this section, the applicant may 78131
complete the instruction that is specific to schedule II 78132
controlled substances, as required by division (B)(5)(d) of this 78133
section, through an internet based course of study in lieu of 78134
completing the instruction through a course of study consisting of 78135
planned classroom and clinical instruction. 78136~~

Sec. 4723.50. (A) In accordance with Chapter 119. of the 78137
Revised Code, the board of nursing shall adopt rules as necessary 78138
to implement the provisions of this chapter pertaining to the 78139
authority of clinical nurse specialists, certified nurse-midwives, 78140
and certified nurse practitioners to prescribe drugs and 78141
therapeutic devices and the issuance and renewal of certificates 78142
to prescribe. 78143

The board shall adopt rules that are consistent with the 78144
recommendations the board receives from the committee on 78145
prescriptive governance pursuant to section 4723.492 of the 78146
Revised Code. After reviewing a recommendation submitted by the 78147
committee, the board may either adopt the recommendation as a rule 78148
or ask the committee to reconsider and resubmit the 78149
recommendation. The board shall not adopt any rule that does not 78150
conform to a recommendation made by the committee. 78151

(B) The board shall adopt rules under this section that do 78152
all of the following: 78153

(1) Establish a formulary listing the types of drugs and 78154
therapeutic devices that may be prescribed by a clinical nurse 78155
specialist, certified nurse-midwife, or certified nurse 78156
practitioner. The formulary may include controlled substances, as 78157
defined in section 3719.01 of the Revised Code. The formulary 78158
shall not permit the prescribing of any drug or device to perform 78159
or induce an abortion. 78160

(2) Establish safety standards to be followed by a clinical 78161
nurse specialist, certified nurse-midwife, or certified nurse 78162
practitioner when personally furnishing to patients complete or 78163
partial supplies of antibiotics, antifungals, scabicides, 78164
contraceptives, prenatal vitamins, antihypertensives, drugs and 78165
devices used in the treatment of diabetes, drugs and devices used 78166
in the treatment of asthma, and drugs used in the treatment of 78167
dyslipidemia; 78168

(3) Establish criteria for the components of the standard 78169
care arrangements described in section 4723.431 of the Revised 78170
Code that apply to the authority to prescribe, including the 78171
components that apply to the authority to prescribe schedule II 78172
controlled substances. The rules shall be consistent with that 78173
section and include all of the following: 78174

(a) Quality assurance standards; 78175

(b) Standards for periodic review by a collaborating 78176
physician or podiatrist of the records of patients treated by the 78177
clinical nurse specialist, certified nurse-midwife, or certified 78178
nurse practitioner; 78179

(c) Acceptable travel time between the location at which the 78180
clinical nurse specialist, certified nurse-midwife, or certified 78181
nurse practitioner is engaging in the prescribing components of 78182
the nurse's practice and the location of the nurse's collaborating 78183
physician or podiatrist; 78184

(d) Any other criteria recommended by the committee on prescriptive governance.	78185 78186
(4) Establish standards and procedures for issuance and renewal of a certificate to prescribe, including specification of any additional information the board may require under division (A)(4), (C)(5), or (D) (5) (4) of section 4723.482 or division (B)(3) of section 4723.485, <u>or division (B)(3) of section 4723.486</u> of the Revised Code;	78187 78188 78189 78190 78191 78192
(5) Establish standards for board approval of the course of study in advanced pharmacology and related topics required by section 4723.482 of the Revised Code;	78193 78194 78195
(6) Establish requirements for board approval of the two-hour course of instruction in the laws of this state as required under division (C)(4) of section 4723.482 of the Revised Code and division (B)(2) of section 4723.484 of the Revised Code;	78196 78197 78198 78199
(7) Establish standards and procedures for the appropriate conduct of an externship as described in section 4723.484 of the Revised Code, including the following:	78200 78201 78202
(a) Standards and procedures to be used in evaluating an individual's participation in an externship;	78203 78204
(b) Standards and procedures for the supervision that a physician must provide during an externship, including supervision provided by working with the participant and supervision provided by making timely reviews of the records of patients treated by the participant. The manner in which supervision must be provided may vary according to the location where the participant is practicing and with the participant's level of experience.	78205 78206 78207 78208 78209 78210 78211
Sec. 4723.88. The board of nursing, in accordance with Chapter 119. of the Revised Code, shall adopt rules to administer and enforce sections 4723.81 to 4723.87 of the Revised Code. The	78212 78213 78214

rules shall establish all of the following: 78215

(A) Standards and procedures for issuance of community health 78216
worker certificates; 78217

(B) Standards for evaluating the competency of an individual 78218
who applies to receive a certificate on the basis of having been 78219
employed in a capacity substantially the same as a community 78220
health worker before the board implemented the certification 78221
program; 78222

(C) Standards and procedures for renewal of community health 78223
worker certificates, including the continuing education 78224
requirements that must be met for renewal; 78225

(D) Standards governing the performance of activities related 78226
to nursing care that are delegated by a registered nurse to 78227
certified community health workers. In establishing the standards, 78228
the board shall specify limits on the number of certified 78229
community health workers a registered nurse may supervise at any 78230
one time. 78231

(E) Standards and procedures for assessing the quality of the 78232
services that are provided by certified community health workers; 78233

(F) Standards and procedures for denying, suspending, and 78234
revoking a community health worker certificate, including reasons 78235
for imposing the sanctions that are substantially similar to the 78236
reasons that sanctions are imposed under section 4723.28 of the 78237
Revised Code; 78238

(G) Standards and procedures for approving and renewing the 78239
board's approval of training programs that prepare individuals to 78240
become certified community health workers. In establishing the 78241
standards, the board shall specify the minimum components that 78242
must be included in a training program, shall require that all 78243
approved training programs offer the standardized curriculum, and 78244

shall ensure that the curriculum enables individuals to use the training as a basis for entering programs leading to other careers, including nursing education programs.

(H) Standards for approval of continuing education programs and courses for certified community health workers;

(I) Standards and procedures for withdrawing the board's approval of a training program, refusing to renew the approval of a training program, and placing a training program on provisional approval;

(J) Amounts for each fee that may be imposed under division (A)~~(21)~~(20) of section 4723.08 of the Revised Code;

(K) Any other standards or procedures the board considers necessary and appropriate for the administration and enforcement of sections 4723.81 to 4723.87 of the Revised Code.

Sec. 4725.40. As used in sections 4725.40 to 4725.59 of the Revised Code:

(A) "Optical aid" means both of the following:

(1) Spectacles or other instruments or devices that are not contact lenses, if the spectacles or other instruments or devices may aid or correct human vision and have been prescribed by a physician or optometrist licensed by any state;

(2) Contact lenses, regardless of whether they address visual function, if they are designed to fit over the cornea of the eye or are otherwise designed for use in or on the eye or orbit.

All contact lenses shall be dispensed only in accordance with a valid written prescription designated for contact lenses, including the following:

(a) Zero-powered plano contact lenses;

(b) Cosmetic contact lenses;

(c) Performance-enhancing contact lenses;	78274
(d) Any other contact devices determined by the Ohio optical dispensers board to be contact lenses.	78275 78276
(B) "Optical dispensing" means interpreting but not altering a prescription of a licensed physician or optometrist and designing, adapting, fitting, or replacing the prescribed optical aids, pursuant to such prescription, to or for the intended wearer; duplicating lenses, other than contact lenses, accurately as to power without a prescription; and duplicating nonprescription eyewear and parts of eyewear. "Optical dispensing" does not include selecting frames, <u>placing an order for the delivery of an optical aid</u> , transacting a sale, transferring an optical aid to the wearer after an optician has completed fitting it, or providing instruction in the general care and use of an optical aid, including placement, removal, hygiene, or cleaning.	78277 78278 78279 78280 78281 78282 78283 78284 78285 78286 78287 78288
(C) "Licensed dispensing optician" means a person holding a current, valid license issued under sections 4725.47 to 4725.51 of the Revised Code that authorizes the person to engage in optical dispensing. Nothing in this chapter shall be construed to permit a licensed dispensing optician to alter the specifications of a prescription.	78289 78290 78291 78292 78293 78294
(D) "Licensed spectacle dispensing optician" means a licensed dispensing optician authorized to engage in both of the following:	78295 78296
(1) The dispensing of optical aids other than contact lenses;	78297
(2) The dispensing of prepackaged soft contact lenses in accordance with section 4725.411 of the Revised Code.	78298 78299
(E) "Licensed contact lens dispensing optician" means a licensed dispensing optician authorized to engage only in the dispensing of contact lenses.	78300 78301 78302
(F) "Licensed spectacle-contact lens dispensing optician"	78303

means a licensed dispensing optician authorized to engage in the 78304
dispensing of any optical aid. 78305

(G) "Apprentice" means any person dispensing optical aids 78306
under the direct supervision of a licensed dispensing optician. 78307

(H) "Prescription" means the written or verbal directions or 78308
instructions as specified by a physician or optometrist licensed 78309
by any state for preparing an optical aid for a patient. 78310

(I) "Supervision" means the provision of direction and 78311
control through personal inspection and evaluation of work. 78312

(J) "Licensed ocularist" means a person holding a current, 78313
valid license issued under sections 4725.48 to 4725.51 of the 78314
Revised Code to engage in the practice of designing, fabricating, 78315
and fitting artificial eyes or prostheses associated with the 78316
appearance or function of the human eye. 78317

Sec. 4725.411. (A) Each licensed spectacle dispensing 78318
optician shall complete two hours of study in prepackaged soft 78319
contact lens dispensing approved by the Ohio optical dispensers 78320
board under section 4725.51 of the Revised Code. The two hours of 78321
study shall be completed as follows: 78322

(1) Each licensed spectacle dispensing optician who holds the 78323
license on the effective date of this amendment shall complete the 78324
two hours of study not later than December 31, 2015. 78325

(2) Each licensed spectacle dispensing optician who receives 78326
the license after the effective date of this amendment shall 78327
complete the two hours of study not later than the thirty-first 78328
day of December of the year the license is issued. 78329

(B) Beginning January 1, 2016, a licensed spectacle 78330
dispensing optician may dispense prepackaged soft contact lenses 78331
if ~~the~~ both of the following are the case: 78332

(1) The licensed spectacle dispensing optician has completed 78333

two hours of study in prepackaged soft contact lens dispensing in accordance with division (A) of this section. 78334
78335

(2) The only action necessary is to match the description of 78336
the contact lenses that is on the packaging to a written 78337
prescription. 78338

Sec. 4725.51. (A)(1) Each license issued under sections 78339
4725.40 to 4725.59 of the Revised Code shall expire on the first 78340
day of January in the year after it was issued. Each person 78341
holding a valid, current license may apply to the Ohio optical 78342
dispensers board for the extension of the license under the 78343
standard renewal procedures of Chapter 4745. of the Revised Code. 78344
Each application for renewal shall be accompanied by a renewal fee 78345
the board shall establish by rule. In addition, except as provided 78346
in division (A)(2) of this section, the application shall contain 78347
evidence that the applicant has completed continuing education 78348
within the immediately preceding one-year period as follows: 78349

~~(1)(a)~~ Licensed spectacle dispensing opticians shall have 78350
pursued both of the following, approved by the board: 78351

~~(a)(i)~~ Four hours of study in spectacle dispensing; 78352

~~(b)(ii)~~ Two hours of study in ~~the form of~~ contact lens 78353
dispensing ~~described in section 4725.411 of the Revised Code.~~ 78354

~~(2)(b)~~ Licensed contact lens dispensing opticians shall have 78355
pursued eight hours of study in contact lens dispensing, approved 78356
by the board. 78357

~~(3)(c)~~ Licensed spectacle-contact lens dispensing opticians 78358
shall have pursued both of the following, approved by the board: 78359

~~(a)(i)~~ Four hours of study in spectacle dispensing; 78360

~~(b)(ii)~~ Eight hours of study in contact lens dispensing. 78361

~~(4)(d)~~ Licensed ocularists shall have pursued courses of 78362

study as prescribed by rule of the board. 78363

(2) An application for the initial renewal of a license 78364
issued under sections 4725.40 to 4725.55 of the Revised Code is 78365
not required to contain evidence that the applicant has completed 78366
the continuing education requirements of division (A)(1) of this 78367
section. 78368

(B) No person who fails to renew the person's license under 78369
division (A) of this section shall be required to take a 78370
qualifying examination under section 4725.48 of the Revised Code 78371
as a condition of renewal, provided that the application for 78372
renewal and proof of the requisite continuing education hours are 78373
submitted within ninety days from the date the license expired and 78374
the applicant pays the annual renewal fee and a penalty of 78375
seventy-five dollars. The board may provide, by rule, for an 78376
extension of the grace period for licensed dispensing opticians 78377
who are serving in the armed forces of the United States or a 78378
reserve component of the armed forces of the United States, 78379
including the Ohio national guard or the national guard of any 78380
other state and for waiver of the continuing education 78381
requirements or the penalty in cases of hardship or illness. 78382

(C) The board shall approve continuing education programs and 78383
shall adopt rules as necessary for approving the programs. The 78384
rules shall permit programs to be conducted either in person or 78385
through electronic or other self-study means. Approved programs 78386
shall be scheduled, sponsored, and conducted in accordance with 78387
the board's rules. 78388

Sec. 4729.51. (A)(1) Except as provided in division (A)(2) of 78389
this section, no person other than a registered wholesale 78390
distributor of dangerous drugs shall possess for sale, sell, 78391
distribute, or deliver, at wholesale, dangerous drugs, except as 78392
follows: 78393

(a) A pharmacist who is a licensed terminal distributor of dangerous drugs or who is employed by a licensed terminal distributor of dangerous drugs may make occasional sales of dangerous drugs at wholesale;	78394 78395 78396 78397
(b) A licensed terminal distributor of dangerous drugs having more than one establishment or place may transfer or deliver dangerous drugs from one establishment or place for which a license has been issued to the terminal distributor to another establishment or place for which a license has been issued to the terminal distributor if the license issued for each establishment or place is in effect at the time of the transfer or delivery.	78398 78399 78400 78401 78402 78403 78404
(2) A manufacturer of dangerous drugs may donate epinephrine autoinjectors to any of the following:	78405 78406
(a) The board of education of a city, local, exempted village, or joint vocational school district;	78407 78408
(b) A community school established under Chapter 3314. of the Revised Code;	78409 78410
(c) A STEM school established under Chapter 3326. of the Revised Code;	78411 78412
(d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;	78413 78414
(e) A chartered or nonchartered nonpublic school.	78415
(B)(1) No registered wholesale distributor of dangerous drugs shall possess for sale, or sell, at wholesale, dangerous drugs to any person other than the following:	78416 78417 78418
(a) Except as provided in division (B)(2)(a) of this section <u>and division (B) of section 4729.541 of the Revised Code</u> , a licensed health professional authorized to prescribe drugs;	78419 78420 78421
(b) An optometrist licensed under Chapter 4725. of the Revised Code who holds a topical ocular pharmaceutical agents	78422 78423

certificate;	78424
(c) A registered wholesale distributor of dangerous drugs;	78425
(d) A manufacturer of dangerous drugs;	78426
(e) Subject to division (B)(3) of this section, a licensed terminal distributor of dangerous drugs;	78427 78428
(f) Carriers or warehouses for the purpose of carriage or storage;	78429 78430
(g) Terminal or wholesale distributors of dangerous drugs who are not engaged in the sale of dangerous drugs within this state;	78431 78432
(h) An individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only with respect to insulin that will be used for the purpose of diabetes education and only if diabetes education is within the individual's scope of practice under statutes and rules regulating the individual's profession;	78433 78434 78435 78436 78437 78438 78439 78440 78441
(i) An individual who holds a valid certificate issued by a nationally recognized S.C.U.B.A. diving certifying organization approved by the state board of pharmacy in rule, but only with respect to medical oxygen that will be used for the purpose of emergency care or treatment at the scene of a diving emergency;	78442 78443 78444 78445 78446
(j) Except as provided in division (B)(2)(b) of this section <u>and division (A) of section 4729.541 of the Revised Code</u> , a business entity that is a corporation formed under division (B) of section 1701.03 of the Revised Code, a limited liability company formed under Chapter 1705. of the Revised Code, or a professional association formed under Chapter 1785. of the Revised Code if the entity has a sole shareholder who is a licensed health	78447 78448 78449 78450 78451 78452 78453

professional authorized to prescribe drugs and is authorized to 78454
provide the professional services being offered by the entity; 78455

(k) Except as provided in division (B)(2)(c) of this section 78456
and division (A) of section 4729.541 of the Revised Code, a 78457
business entity that is a corporation formed under division (B) of 78458
section 1701.03 of the Revised Code, a limited liability company 78459
formed under Chapter 1705. of the Revised Code, a partnership or a 78460
limited liability partnership formed under Chapter 1775. of the 78461
Revised Code, or a professional association formed under Chapter 78462
1785. of the Revised Code, if, to be a shareholder, member, or 78463
partner, an individual is required to be licensed, certified, or 78464
otherwise legally authorized under Title XLVII of the Revised Code 78465
to perform the professional service provided by the entity and 78466
each such individual is a licensed health professional authorized 78467
to prescribe drugs; 78468

(l) With respect to epinephrine autoinjectors that may be 78469
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 78470
or 3328.29 of the Revised Code, any of the following: the board of 78471
education of a city, local, exempted village, or joint vocational 78472
school district; a chartered or nonchartered nonpublic school; a 78473
community school established under Chapter 3314. of the Revised 78474
Code; a STEM school established under Chapter 3326. of the Revised 78475
Code; or a college-preparatory boarding school established under 78476
Chapter 3328. of the Revised Code; 78477

(m) With respect to epinephrine autoinjectors that may be 78478
possessed under section 5101.76 of the Revised Code, any of the 78479
following: a residential camp, as defined in section 2151.011 of 78480
the Revised Code; a child day camp, as defined in section 5104.01 78481
of the Revised Code; or a child day camp operated by any county, 78482
township, municipal corporation, township park district created 78483
under section 511.18 of the Revised Code, park district created 78484
under section 1545.04 of the Revised Code, or joint recreation 78485

district established under section 755.14 of the Revised Code; 78486

(n) With respect to naloxone that may be possessed under 78487
section 2925.61 of the Revised Code, a law enforcement agency and 78488
its peace officers. 78489

(2) No registered wholesale distributor of dangerous drugs 78490
shall possess for sale, or sell, at wholesale, dangerous drugs to 78491
any of the following: 78492

(a) A prescriber who is employed by a pain management clinic 78493
that is not licensed as a terminal distributor of dangerous drugs 78494
with a pain management clinic classification issued under section 78495
4729.552 of the Revised Code; 78496

(b) A business entity described in division (B)(1)(j) of this 78497
section that is, or is operating, a pain management clinic without 78498
a license as a terminal distributor of dangerous drugs with a pain 78499
management clinic classification issued under section 4729.552 of 78500
the Revised Code; 78501

(c) A business entity described in division (B)(1)(k) of this 78502
section that is, or is operating, a pain management clinic without 78503
a license as a terminal distributor of dangerous drugs with a pain 78504
management clinic classification issued under section 4729.552 of 78505
the Revised Code. 78506

(3) No registered wholesale distributor of dangerous drugs 78507
shall possess dangerous drugs for sale at wholesale, or sell such 78508
drugs at wholesale, to a licensed terminal distributor of 78509
dangerous drugs, except as follows: 78510

(a) In the case of a terminal distributor with a category I 78511
license, only dangerous drugs described in category I, as defined 78512
in division (A)(1) of section 4729.54 of the Revised Code; 78513

(b) In the case of a terminal distributor with a category II 78514
license, only dangerous drugs described in category I and category 78515

II, as defined in divisions (A)(1) and (2) of section 4729.54 of the Revised Code; 78516
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(c) In the case of a terminal distributor with a category III license, dangerous drugs described in category I, category II, and category III, as defined in divisions (A)(1), (2), and (3) of section 4729.54 of the Revised Code; 78518
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(d) In the case of a terminal distributor with a limited category I, II, or III license, only the dangerous drugs specified in the certificate furnished by the terminal distributor in accordance with section 4729.60 of the Revised Code. 78522
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(C)(1) Except as provided in division (C)(4) of this section, no person shall sell, at retail, dangerous drugs. 78526
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(2) Except as provided in division (C)(4) of this section, no person shall possess for sale, at retail, dangerous drugs. 78528
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(3) Except as provided in division (C)(4) of this section, no person shall possess dangerous drugs. 78530
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(4) Divisions (C)(1), (2), and (3) of this section do not apply to a registered wholesale distributor of dangerous drugs, or a licensed terminal distributor of dangerous drugs, ~~or~~. 78532
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Divisions (C)(1), (2), and (3) of this section do not apply to a person who possesses, or possesses for sale or sells, at retail, a dangerous drug in accordance with Chapters 3719., 4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised Code. 78535
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Divisions (C)(1), (2), and (3) of this section do not apply to an individual who holds a current license, certificate, or registration issued under Title XLVII of the Revised Code and has been certified to conduct diabetes education by a national certifying body specified in rules adopted by the state board of pharmacy under section 4729.68 of the Revised Code, but only to the extent that the individual possesses insulin or personally 78539
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supplies insulin solely for the purpose of diabetes education and 78546
only if diabetes education is within the individual's scope of 78547
practice under statutes and rules regulating the individual's 78548
profession. 78549

Divisions (C)(1), (2), and (3) of this section do not apply 78550
to an individual who holds a valid certificate issued by a 78551
nationally recognized S.C.U.B.A. diving certifying organization 78552
approved by the state board of pharmacy in rule, but only to the 78553
extent that the individual possesses medical oxygen or personally 78554
supplies medical oxygen for the purpose of emergency care or 78555
treatment at the scene of a diving emergency. 78556

Division (C)(3) of this section does not apply to the board 78557
of education of a city, local, exempted village, or joint 78558
vocational school district, a school building operated by a school 78559
district board of education, a chartered or nonchartered nonpublic 78560
school, a community school, a STEM school, or a 78561
college-preparatory boarding school for the purpose of possessing 78562
epinephrine autoinjectors under section 3313.7110, 3313.7111, 78563
3314.143, 3326.28, or 3328.29 of the Revised Code. 78564

Division (C)(3) of this section does not apply to a 78565
residential camp, as defined in section 2151.011 of the Revised 78566
Code, a child day camp, as defined in section 5104.01 of the 78567
Revised Code, or a child day camp operated by any county, 78568
township, municipal corporation, township park district created 78569
under section 511.18 of the Revised Code, park district created 78570
under section 1545.04 of the Revised Code, or joint recreation 78571
district established under section 755.14 of the Revised Code for 78572
the purpose of possessing epinephrine autoinjectors under section 78573
5101.76 of the Revised Code. 78574

Division (C)(3) of this section does not apply to a law 78575
enforcement agency or the agency's peace officers if the agency or 78576
officers possess naloxone for administration to individuals who 78577

are apparently experiencing opioid-related overdoses. 78578

(D) No licensed terminal distributor of dangerous drugs shall 78579
purchase for the purpose of resale dangerous drugs from any person 78580
other than a registered wholesale distributor of dangerous drugs, 78581
except as follows: 78582

(1) A licensed terminal distributor of dangerous drugs may 78583
make occasional purchases of dangerous drugs for resale from a 78584
pharmacist who is a licensed terminal distributor of dangerous 78585
drugs or who is employed by a licensed terminal distributor of 78586
dangerous drugs; 78587

(2) A licensed terminal distributor of dangerous drugs having 78588
more than one establishment or place may transfer or receive 78589
dangerous drugs from one establishment or place for which a 78590
license has been issued to the terminal distributor to another 78591
establishment or place for which a license has been issued to the 78592
terminal distributor if the license issued for each establishment 78593
or place is in effect at the time of the transfer or receipt. 78594

(E) No licensed terminal distributor of dangerous drugs shall 78595
engage in the sale or other distribution of dangerous drugs at 78596
retail or maintain possession, custody, or control of dangerous 78597
drugs for any purpose other than the distributor's personal use or 78598
consumption, at any establishment or place other than that or 78599
those described in the license issued by the state board of 78600
pharmacy to such terminal distributor. 78601

(F) Nothing in this section shall be construed to interfere 78602
with the performance of official duties by any law enforcement 78603
official authorized by municipal, county, state, or federal law to 78604
collect samples of any drug, regardless of its nature or in whose 78605
possession it may be. 78606

(G) Notwithstanding anything to the contrary in this section, 78607
the board of education of a city, local, exempted village, or 78608

joint vocational school district may deliver epinephrine 78609
autoinjectors to a school under its control for the purpose of 78610
possessing epinephrine autoinjectors under section 3313.7110 of 78611
the Revised Code. 78612

Sec. 4729.53. (A) The state board of pharmacy shall not 78613
register any person as a wholesale distributor of dangerous drugs 78614
unless the applicant for registration furnishes satisfactory proof 78615
to the board ~~of pharmacy~~ that ~~he~~ the applicant meets all of the 78616
following: 78617

(1) ~~That if~~ If the applicant has been convicted of a 78618
violation of any federal, state, or local law relating to drug 78619
samples, wholesale or retail drug distribution, or distribution of 78620
controlled substances or of a felony, or if a federal, state, or 78621
local governmental entity has suspended or revoked any current or 78622
prior license or registration of the applicant for the manufacture 78623
or sale of any dangerous drugs, including controlled substances, 78624
the applicant, to the satisfaction of the board, assures that ~~he~~ 78625
the applicant has in place adequate safeguards to prevent the 78626
recurrence of any such violations~~+~~. 78627

(2) The applicant's past experience in the manufacture or 78628
distribution of dangerous drugs, including controlled substances, 78629
is acceptable to the board. 78630

(3) The applicant is equipped as to land, buildings, 78631
equipment, and personnel to properly carry on the business of a 78632
wholesale distributor of dangerous drugs, including providing 78633
adequate security for and proper storage conditions and handling 78634
for dangerous drugs, and is complying with the requirements under 78635
this chapter and the rules adopted pursuant thereto for 78636
maintaining and making available records to properly identified 78637
board officials and federal, state, and local law enforcement 78638
agencies. 78639

(4) Personnel employed by the applicant have the appropriate 78640
education or experience, as determined by the board, to assume 78641
responsibility for positions related to compliance with this 78642
chapter and the rules adopted pursuant thereto. 78643

(5) The applicant has designated the name and address of a 78644
person to whom communications from the board may be directed and 78645
upon whom the notices and citations provided for in section 78646
4729.56 of the Revised Code may be served. 78647

(6) Adequate safeguards are assured to prevent the sale of 78648
dangerous drugs to any person other than those named in division 78649
(B) of section 4729.51 of the Revised Code. 78650

(7) Any other requirement or qualification the board, by rule 78651
adopted in accordance with Chapter 119. of the Revised Code, 78652
considers relevant to and consistent with the public safety and 78653
health. 78654

(B) The In addition to the causes described in section 78655
4729.56 of the Revised Code for refusing to grant or renew a 78656
registration certificate, the board may refuse to register or 78657
renew the registration certificate of any person if the board 78658
determines that the granting of the registration certificate or 78659
its renewal is not in the public interest. 78660

Sec. 4729.541. (A)(1) Except as provided in divisions 78661
~~(B)~~(A)(2) and ~~(C)~~(3) of this section, a business entity described 78662
in division (B)(1)(j) or (k) of section 4729.51 of the Revised 78663
Code may possess, have custody or control of, and distribute the 78664
dangerous drugs in category I, category II, and category III, as 78665
defined in section 4729.54 of the Revised Code, without holding a 78666
terminal distributor of dangerous drugs license issued under that 78667
section. 78668

~~(B)~~(2) If a business entity described in division (B)(1)(j) 78669

or (k) of section 4729.51 of the Revised Code is a pain management 78670
clinic or is operating a pain management clinic, the entity shall 78671
hold a license as a terminal distributor of dangerous drugs with a 78672
pain management clinic classification issued under section 78673
4729.552 of the Revised Code. 78674

~~(C) Beginning April 1, 2015, a (3) A~~ business entity 78675
described in division (B)(1)(j) or (k) of section 4729.51 of the 78676
Revised Code shall hold a license as a terminal distributor of 78677
dangerous drugs in order to possess, have custody or control of, 78678
and distribute either of the following: 78679

~~(1)(a)~~ Dangerous drugs that are compounded or used for the 78680
purpose of compounding; 78681

~~(2)(b)~~ Controlled substances containing buprenorphine that 78682
are used for the purpose of treating drug dependence or addiction. 78683

(B) A licensed health professional authorized to prescribe 78684
drugs who does not practice in the form of a business entity 78685
described in division (B)(1)(j) or (k) of section 4729.51 of the 78686
Revised Code shall hold a license as a terminal distributor of 78687
dangerous drugs in order to possess, have custody or control of, 78688
and distribute, including personally furnish, either of the 78689
following: 78690

(1) Dangerous drugs that are compounded or used for the 78691
purpose of compounding; 78692

(2) Controlled substances containing buprenorphine that are 78693
used for the purpose of treating drug dependence or addiction. 78694

Sec. 4729.56. (A) In accordance with Chapter 119. of the 78695
Revised Code, the board of pharmacy may suspend, revoke, or refuse 78696
to grant or renew any registration certificate issued to a 78697
wholesale distributor of dangerous drugs pursuant to section 78698
4729.52 of the Revised Code or may impose a monetary penalty or 78699

forfeiture not to exceed in severity any fine designated under the 78700
Revised Code for a similar offense or one thousand dollars if the 78701
acts committed are not classified as an offense by the Revised 78702
Code for any of the following causes: 78703

(1) Making any false material statements in an application 78704
for registration as a wholesale distributor of dangerous drugs; 78705

(2) Violating any federal, state, or local drug law; any 78706
provision of this chapter or Chapter 2925., 3715., or 3719. of the 78707
Revised Code; or any rule of the board; 78708

(3) A conviction of a felony; 78709

(4) ~~Ceasing~~ Failing to satisfy the qualifications for 78710
registration under section 4729.53 of the Revised Code or the 78711
rules of the board or ceasing to satisfy the qualifications after 78712
the registration is granted or renewed. 78713

(B) Upon the suspension or revocation of the registration 78714
certificate of any wholesale distributor of dangerous drugs, the 78715
distributor shall immediately surrender ~~his~~ the distributor's 78716
registration certificate to the board. 78717

(C) If the board suspends, revokes, or refuses to renew any 78718
registration certificate issued to a wholesale distributor of 78719
dangerous drugs and determines that there is clear and convincing 78720
evidence of a danger of immediate and serious harm to any person, 78721
the board may place under seal all dangerous drugs owned by or in 78722
the possession, custody, or control of the affected wholesale 78723
distributor of dangerous drugs. Except as provided in this 78724
division, the board shall not dispose of the dangerous drugs 78725
sealed under this division until the wholesale distributor of 78726
dangerous drugs exhausts all of ~~his~~ the distributor's appeal 78727
rights under Chapter 119. of the Revised Code. The court involved 78728
in such an appeal may order the board, during the pendency of the 78729
appeal, to sell sealed dangerous drugs that are perishable. The 78730

board shall deposit the proceeds of the sale with the court. 78731

Sec. 4729.80. (A) If the state board of pharmacy establishes 78732
and maintains a drug database pursuant to section 4729.75 of the 78733
Revised Code, the board is authorized or required to provide 78734
information from the database in accordance with the following: 78735

(1) On receipt of a request from a designated representative 78736
of a government entity responsible for the licensure, regulation, 78737
or discipline of health care professionals with authority to 78738
prescribe, administer, or dispense drugs, the board may provide to 78739
the representative information from the database relating to the 78740
professional who is the subject of an active investigation being 78741
conducted by the government entity. 78742

(2) On receipt of a request from a federal officer, or a 78743
state or local officer of this or any other state, whose duties 78744
include enforcing laws relating to drugs, the board shall provide 78745
to the officer information from the database relating to the 78746
person who is the subject of an active investigation of a drug 78747
abuse offense, as defined in section 2925.01 of the Revised Code, 78748
being conducted by the officer's employing government entity. 78749

(3) Pursuant to a subpoena issued by a grand jury, the board 78750
shall provide to the grand jury information from the database 78751
relating to the person who is the subject of an investigation 78752
being conducted by the grand jury. 78753

(4) Pursuant to a subpoena, search warrant, or court order in 78754
connection with the investigation or prosecution of a possible or 78755
alleged criminal offense, the board shall provide information from 78756
the database as necessary to comply with the subpoena, search 78757
warrant, or court order. 78758

(5) On receipt of a request from a prescriber or the 78759
prescriber's delegate approved by the board, the board shall 78760

provide to the prescriber a report of information from the 78761
database relating to a patient who is either a current patient of 78762
the prescriber or a potential patient of the prescriber based on a 78763
referral of the patient to the prescriber, if all of the following 78764
conditions are met: 78765

(a) The prescriber certifies in a form specified by the board 78766
that it is for the purpose of providing medical treatment to the 78767
patient who is the subject of the request; 78768

(b) The prescriber has not been denied access to the database 78769
by the board. 78770

(6) On receipt of a request from a pharmacist or the 78771
pharmacist's delegate approved by the board, the board shall 78772
provide to the pharmacist information from the database relating 78773
to a current patient of the pharmacist, if the pharmacist 78774
certifies in a form specified by the board that it is for the 78775
purpose of the pharmacist's practice of pharmacy involving the 78776
patient who is the subject of the request and the pharmacist has 78777
not been denied access to the database by the board. 78778

(7) On receipt of a request from an individual seeking the 78779
individual's own database information in accordance with the 78780
procedure established in rules adopted under section 4729.84 of 78781
the Revised Code, the board may provide to the individual the 78782
individual's own database information. 78783

(8) On receipt of a request from ~~the~~ a medical director or a 78784
pharmacy director of a managed care organization that has entered 78785
into a contract with the department of medicaid under section 78786
5167.10 of the Revised Code and a data security agreement with the 78787
board required by section 5167.14 of the Revised Code, the board 78788
shall provide to the medical director or the pharmacy director 78789
information from the database relating to a medicaid recipient 78790
enrolled in the managed care organization, including information 78791

in the database related to prescriptions for the recipient that 78792
were not covered or reimbursed under a program administered by the 78793
department of medicaid. 78794

(9) On receipt of a request from the medicaid director, the 78795
board shall provide to the director information from the database 78796
relating to a recipient of a program administered by the 78797
department of medicaid, including information in the database 78798
related to prescriptions for the recipient that were not covered 78799
or paid by a program administered by the department. 78800

(10) On receipt of a request from ~~the~~ a medical director of a 78801
managed care organization that has entered into a contract with 78802
the administrator of workers' compensation under division (B)(4) 78803
of section 4121.44 of the Revised Code and a data security 78804
agreement with the board required by section 4121.447 of the 78805
Revised Code, the board shall provide to the medical director 78806
information from the database relating to a claimant under Chapter 78807
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 78808
managed care organization, including information in the database 78809
related to prescriptions for the claimant that were not covered or 78810
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 78811
Revised Code, if the administrator of workers' compensation 78812
confirms, upon request from the board, that the claimant is 78813
assigned to the managed care organization. 78814

(11) On receipt of a request from the administrator of 78815
workers' compensation, the board shall provide to the 78816
administrator information from the database relating to a claimant 78817
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 78818
including information in the database related to prescriptions for 78819
the claimant that were not covered or reimbursed under Chapter 78820
4121., 4123., 4127., or 4131. of the Revised Code. 78821

(12) On receipt of a request from a prescriber or the 78822
prescriber's delegate approved by the board, the board shall 78823

provide to the prescriber information from the database relating 78824
to a patient's mother, if the prescriber certifies in a form 78825
specified by the board that it is for the purpose of providing 78826
medical treatment to a newborn or infant patient diagnosed as 78827
opioid dependent and the prescriber has not been denied access to 78828
the database by the board. 78829

(13) On receipt of a request from the director of health, the 78830
board shall provide to the director information from the database 78831
relating to the duties of the director or the department of health 78832
in implementing the Ohio violent death reporting system 78833
established under section 3701.93 of the Revised Code. 78834

(14) On receipt of a request from a requestor described in 78835
division (A)(1), (2), (5), or (6) of this section who is from or 78836
participating with another state's prescription monitoring 78837
program, the board may provide to the requestor information from 78838
the database, but only if there is a written agreement under which 78839
the information is to be used and disseminated according to the 78840
laws of this state. 78841

(B) The state board of pharmacy shall maintain a record of 78842
each individual or entity that requests information from the 78843
database pursuant to this section. In accordance with rules 78844
adopted under section 4729.84 of the Revised Code, the board may 78845
use the records to document and report statistics and law 78846
enforcement outcomes. 78847

The board may provide records of an individual's requests for 78848
database information to the following: 78849

(1) A designated representative of a government entity that 78850
is responsible for the licensure, regulation, or discipline of 78851
health care professionals with authority to prescribe, administer, 78852
or dispense drugs who is involved in an active investigation being 78853
conducted by the government entity of the individual who submitted 78854

the requests for database information; 78855

(2) A federal officer, or a state or local officer of this or 78856
any other state, whose duties include enforcing laws relating to 78857
drugs and who is involved in an active investigation being 78858
conducted by the officer's employing government entity of the 78859
individual who submitted the requests for database information. 78860

(C) Information contained in the database and any information 78861
obtained from it is not a public record. Information contained in 78862
the records of requests for information from the database is not a 78863
public record. Information that does not identify a person may be 78864
released in summary, statistical, or aggregate form. 78865

(D) A pharmacist or prescriber shall not be held liable in 78866
damages to any person in any civil action for injury, death, or 78867
loss to person or property on the basis that the pharmacist or 78868
prescriber did or did not seek or obtain information from the 78869
database. 78870

Sec. 4729.82. If the state board of pharmacy establishes a 78871
drug database pursuant to section 4729.75 of the Revised Code, the 78872
information collected for the database shall be retained in the 78873
database for at least ~~two~~ three years. Any information that 78874
identifies a patient shall be destroyed after it has been retained 78875
for ~~two~~ three years unless a law enforcement agency or a 78876
government entity responsible for the licensure, regulation, or 78877
discipline of licensed health professionals authorized to 78878
prescribe drugs has submitted a written request to the board for 78879
retention of the information in accordance with rules adopted by 78880
the board under section 4729.84 of the Revised Code. 78881

Sec. 4729.84. For purposes of establishing and maintaining a 78882
drug database pursuant to section 4729.75 of the Revised Code, the 78883
state board of pharmacy shall adopt rules in accordance with 78884

Chapter 119. of the Revised Code to carry out and enforce sections 78885
4729.75 to 4729.83 of the Revised Code. The rules shall specify 78886
all of the following: 78887

(A) A means of identifying each patient, each terminal 78888
distributor of dangerous drugs, and each purchase at wholesale of 78889
dangerous drugs about which information is entered into the drug 78890
database; 78891

(B) Requirements for the transmission of information from 78892
terminal distributors of dangerous drugs, wholesale distributors 78893
of dangerous drugs, and prescribers; 78894

(C) An electronic format for the submission of information 78895
from terminal distributors, wholesale distributors, and 78896
prescribers; 78897

(D) A procedure whereby a terminal distributor-, wholesale 78898
distributor, or prescriber unable to submit information 78899
electronically may obtain a waiver to submit information in 78900
another format; 78901

(E) A procedure whereby the board may grant a request from a 78902
law enforcement agency or a government entity responsible for the 78903
licensure, regulation, or discipline of licensed health 78904
professionals authorized to prescribe drugs that information that 78905
has been stored for ~~two~~ three years be retained when the 78906
information pertains to an open investigation being conducted by 78907
the agency or entity; 78908

(F) A procedure whereby a terminal distributor, wholesale 78909
distributor, or prescriber may apply for an extension to the time 78910
by which information must be transmitted to the board; 78911

(G) A procedure whereby a person or government entity to 78912
which the board is authorized to provide information may submit a 78913
request to the board for the information and the board may verify 78914
the identity of the requestor; 78915

(H) A procedure whereby the board can use the database 78916
request records required by division (B) of section 4729.80 of the 78917
Revised Code to document and report statistics and law enforcement 78918
outcomes; 78919

(I) A procedure whereby an individual may request the 78920
individual's own database information and the board may verify the 78921
identity of the requestor; 78922

(J) A reasonable fee that the board may charge under section 78923
4729.83 of the Revised Code for providing an individual with the 78924
individual's own database information pursuant to section 4729.80 78925
of the Revised Code; 78926

(K) The other specific dangerous drugs that, in addition to 78927
controlled substances, must be included in the database; 78928

(L) The types of pharmacies licensed as terminal distributors 78929
of dangerous drugs that are required to submit prescription 78930
information to the board pursuant to section 4729.77 of the 78931
Revised Code. 78932

Sec. 4729.86. If the state board of pharmacy establishes and 78933
maintains a drug database pursuant to section 4729.75 of the 78934
Revised Code, all of the following apply: 78935

(A)(1) No person identified in divisions (A)(1) to ~~(12)~~(13) 78936
or (B) of section 4729.80 of the Revised Code shall disseminate 78937
any written or electronic information the person receives from the 78938
drug database or otherwise provide another person access to the 78939
information that the person receives from the database, except as 78940
follows: 78941

(a) When necessary in the investigation or prosecution of a 78942
possible or alleged criminal offense; 78943

(b) When a person provides the information to the prescriber 78944
or pharmacist for whom the person is approved by the board to 78945

serve as a delegate of the prescriber or pharmacist for purposes 78946
of requesting and receiving information from the drug database 78947
under division (A)(5) or (6) of section 4729.80 of the Revised 78948
Code; 78949

(c) When a prescriber or pharmacist provides the information 78950
to a person who is approved by the board to serve as such a 78951
delegate of the prescriber or pharmacist; 78952

~~(d) When a prescriber or pharmacist provides the information 78953
to a patient or patient's personal representative; 78954~~

~~(e) When a prescriber or pharmacist includes the information 78955
in a medical record, as defined in section 3701.74 of the Revised 78956
Code. 78957~~

(2) No person shall provide false information to the state 78958
board of pharmacy with the intent to obtain or alter information 78959
contained in the drug database. 78960

(3) No person shall obtain drug database information by any 78961
means except as provided under section 4729.80 or 4729.81 of the 78962
Revised Code. 78963

(B) A person shall not use information obtained pursuant to 78964
division (A) of section 4729.80 of the Revised Code as evidence in 78965
any civil or administrative proceeding. 78966

(C)(1) Except as provided in division (C)(2) of this section, 78967
after providing notice and affording an opportunity for a hearing 78968
in accordance with Chapter 119. of the Revised Code, the board may 78969
restrict a person from obtaining further information from the drug 78970
database if any of the following is the case: 78971

(a) The person violates division (A)(1), (2), or (3) of this 78972
section; 78973

(b) The person is a requestor identified in division 78974
(A)~~(13)~~(14) of section 4729.80 of the Revised Code and the board 78975

determines that the person's actions in another state would have 78976
constituted a violation of division (A)(1), (2), or (3) of this 78977
section; 78978

(c) The person fails to comply with division (B) of this 78979
section, regardless of the jurisdiction in which the failure to 78980
comply occurred; 78981

(d) The person creates, by clear and convincing evidence, a 78982
threat to the security of information contained in the database. 78983

(2) If the board determines that allegations regarding a 78984
person's actions warrant restricting the person from obtaining 78985
further information from the drug database without a prior 78986
hearing, the board may summarily impose the restriction. A 78987
telephone conference call may be used for reviewing the 78988
allegations and taking a vote on the summary restriction. The 78989
summary restriction shall remain in effect, unless removed by the 78990
board, until the board's final adjudication order becomes 78991
effective. 78992

(3) The board shall determine the extent to which the person 78993
is restricted from obtaining further information from the 78994
database. 78995

Sec. 4730.14. (A) A certificate to practice as a physician 78996
assistant shall expire biennially and may be renewed in accordance 78997
with this section. A person seeking to renew a certificate to 78998
practice as a physician assistant shall, on or before the 78999
thirty-first day of January of each even-numbered year, apply for 79000
renewal of the certificate. The state medical board shall ~~send~~ 79001
provide renewal notices at least one month prior to the expiration 79002
date. 79003

Applications shall be submitted to the board ~~on forms in a~~ 79004
manner prescribed by the board ~~shall prescribe and furnish.~~ Each 79005

application shall be accompanied by a biennial renewal fee of one 79006
hundred dollars. The board shall deposit the fees in accordance 79007
with section 4731.24 of the Revised Code. 79008

The applicant shall report any criminal offense that 79009
constitutes grounds for refusing to issue a certificate to 79010
practice under section 4730.25 of the Revised Code to which the 79011
applicant has pleaded guilty, of which the applicant has been 79012
found guilty, or for which the applicant has been found eligible 79013
for intervention in lieu of conviction, since last signing an 79014
application for a certificate to practice as a physician 79015
assistant. 79016

(B) To be eligible for renewal, a physician assistant shall 79017
certify to the board both of the following: 79018

(1) That the physician assistant has maintained certification 79019
by the national commission on certification of physician 79020
assistants or a successor organization that is recognized by the 79021
board by meeting the standards to hold current certification from 79022
the commission or its successor, including completion of 79023
continuing medical education requirements and passing periodic 79024
recertification examinations; 79025

(2) Except as provided in division (F) of this section and 79026
section 5903.12 of the Revised Code, that the physician assistant 79027
has completed during the current certification period not less 79028
than one hundred hours of continuing medical education acceptable 79029
to the board. 79030

(C) The board shall adopt rules in accordance with Chapter 79031
119. of the Revised Code specifying the types of continuing 79032
medical education that must be completed to fulfill the board's 79033
requirements under division (B)(2) of this section. Except when 79034
additional continuing medical education is required to renew a 79035
certificate to prescribe, as specified in section 4730.49 of the 79036

Revised Code, the board shall not adopt rules that require a 79037
physician assistant to complete in any certification period more 79038
than one hundred hours of continuing medical education acceptable 79039
to the board. In fulfilling the board's requirements, a physician 79040
assistant may use continuing medical education courses or programs 79041
completed to maintain certification by the national commission on 79042
certification of physician assistants or a successor organization 79043
that is recognized by the board if the standards for acceptable 79044
courses and programs of the commission or its successor are at 79045
least equivalent to the standards established by the board. 79046

(D) If an applicant submits a complete renewal application 79047
and qualifies for renewal pursuant to division (B) of this 79048
section, the board shall issue to the applicant a renewed 79049
certificate to practice as a physician assistant. 79050

(E) The board may require a random sample of physician 79051
assistants to submit materials documenting certification by the 79052
national commission on certification of physician assistants or a 79053
successor organization that is recognized by the board and 79054
completion of the required number of hours of continuing medical 79055
education. 79056

(F) The board shall provide for pro rata reductions by month 79057
of the number of hours of continuing education that must be 79058
completed for individuals who are in their first certification 79059
period, who have been disabled due to illness or accident, or who 79060
have been absent from the country. The board shall adopt rules, in 79061
accordance with Chapter 119. of the Revised Code, as necessary to 79062
implement this division. 79063

(G)(1) A certificate to practice that is not renewed on or 79064
before its expiration date is automatically suspended on its 79065
expiration date. Continued practice after suspension of the 79066
certificate shall be considered as practicing in violation of 79067
division (A) of section 4730.02 of the Revised Code. 79068

(2) If a certificate has been suspended pursuant to division 79069
(G)(1) of this section for two years or less, it may be 79070
reinstated. The board shall reinstate a certificate suspended for 79071
failure to renew upon an applicant's submission of a renewal 79072
application, the biennial renewal fee, and any applicable monetary 79073
penalty. 79074

If a certificate has been suspended pursuant to division 79075
(G)(1) of this division for more than two years, it may be 79076
restored. In accordance with section 4730.28 of the Revised Code, 79077
the board may restore a certificate suspended for failure to renew 79078
upon an applicant's submission of a restoration application, the 79079
biennial renewal fee, and any applicable monetary penalty and 79080
compliance with sections 4776.01 to 4776.04 of the Revised Code. 79081
The board shall not restore to an applicant a certificate to 79082
practice as a physician assistant unless the board, in its 79083
discretion, decides that the results of the criminal records check 79084
do not make the applicant ineligible for a certificate issued 79085
pursuant to section 4730.12 of the Revised Code. 79086

The penalty for reinstatement shall be fifty dollars and the 79087
penalty for restoration shall be one hundred dollars. The board 79088
shall deposit penalties in accordance with section 4731.24 of the 79089
Revised Code. 79090

(H) If an individual certifies that the individual has 79091
completed the number of hours and type of continuing medical 79092
education required for renewal or reinstatement of a certificate 79093
to practice as a physician assistant, and the board finds through 79094
a random sample conducted under division (E) of this section or 79095
through any other means that the individual did not complete the 79096
requisite continuing medical education, the board may impose a 79097
civil penalty of not more than five thousand dollars. ~~The board's 79098
finding shall be made pursuant to an adjudication under Chapter 79099
119. of the Revised Code and by an affirmative vote of not fewer 79100~~

~~than six members.~~ 79101

A civil penalty imposed under this division may be in 79102
addition to or in lieu of any other action the board may take 79103
under section 4730.25 of the Revised Code. The board shall deposit 79104
civil penalties in accordance with section 4731.24 of the Revised 79105
Code. The board shall not conduct an adjudication under Chapter 79106
119. of the Revised Code if the board imposes only a civil 79107
penalty. 79108

Sec. 4730.25. (A) The state medical board, by an affirmative 79109
vote of not fewer than six members, may revoke or may refuse to 79110
grant a certificate to practice as a physician assistant or a 79111
certificate to prescribe to a person found by the board to have 79112
committed fraud, misrepresentation, or deception in applying for 79113
or securing the certificate. 79114

(B) The board, by an affirmative vote of not fewer than six 79115
members, shall, to the extent permitted by law, limit, revoke, or 79116
suspend an individual's certificate to practice as a physician 79117
assistant or certificate to prescribe, refuse to issue a 79118
certificate to an applicant, refuse to renew a certificate, refuse 79119
to reinstate a certificate, or reprimand or place on probation the 79120
holder of a certificate for any of the following reasons: 79121

(1) Failure to practice in accordance with the conditions 79122
under which the supervising physician's supervision agreement with 79123
the physician assistant was approved, including the requirement 79124
that when practicing under a particular supervising physician, the 79125
physician assistant must practice only according to the physician 79126
supervisory plan the board approved for that physician or the 79127
policies of the health care facility in which the supervising 79128
physician and physician assistant are practicing; 79129

(2) Failure to comply with the requirements of this chapter, 79130
Chapter 4731. of the Revised Code, or any rules adopted by the 79131

board;	79132
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	79133 79134 79135 79136
(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	79137 79138 79139 79140
(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	79141 79142 79143 79144
(6) Administering drugs for purposes other than those authorized under this chapter;	79145 79146
(7) Willfully betraying a professional confidence;	79147
(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a certificate to practice as a physician assistant, a certificate to prescribe, or approval of a supervision agreement.	79148 79149 79150 79151 79152 79153 79154 79155
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to	79156 79157 79158 79159 79160 79161 79162

misunderstand or be deceived. 79163

(9) Representing, with the purpose of obtaining compensation 79164
or other advantage personally or for any other person, that an 79165
incurable disease or injury, or other incurable condition, can be 79166
permanently cured; 79167

(10) The obtaining of, or attempting to obtain, money or 79168
anything of value by fraudulent misrepresentations in the course 79169
of practice; 79170

(11) A plea of guilty to, a judicial finding of guilt of, or 79171
a judicial finding of eligibility for intervention in lieu of 79172
conviction for, a felony; 79173

(12) Commission of an act that constitutes a felony in this 79174
state, regardless of the jurisdiction in which the act was 79175
committed; 79176

(13) A plea of guilty to, a judicial finding of guilt of, or 79177
a judicial finding of eligibility for intervention in lieu of 79178
conviction for, a misdemeanor committed in the course of practice; 79179

(14) A plea of guilty to, a judicial finding of guilt of, or 79180
a judicial finding of eligibility for intervention in lieu of 79181
conviction for, a misdemeanor involving moral turpitude; 79182

(15) Commission of an act in the course of practice that 79183
constitutes a misdemeanor in this state, regardless of the 79184
jurisdiction in which the act was committed; 79185

(16) Commission of an act involving moral turpitude that 79186
constitutes a misdemeanor in this state, regardless of the 79187
jurisdiction in which the act was committed; 79188

(17) A plea of guilty to, a judicial finding of guilt of, or 79189
a judicial finding of eligibility for intervention in lieu of 79190
conviction for violating any state or federal law regulating the 79191
possession, distribution, or use of any drug, including 79192

trafficking in drugs;	79193
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	79194 79195 79196 79197 79198 79199 79200 79201
(19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;	79202 79203 79204 79205
(20) Violation of the conditions placed by the board on a certificate to practice as a physician assistant, a certificate to prescribe, a physician supervisory plan, or supervision agreement;	79206 79207 79208
(21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	79209 79210 79211
(22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;	79212 79213 79214 79215 79216 79217 79218 79219 79220
(23) Assisting suicide, as defined in section 3795.01 of the Revised Code;	79221 79222
(24) Prescribing any drug or device to perform or induce an	79223

abortion, or otherwise performing or inducing an abortion; 79224

(25) Failure to comply with section 4730.53 of the Revised 79225
Code, unless the board no longer maintains a drug database 79226
pursuant to section 4729.75 of the Revised Code; 79227

(26) Failure to comply with the requirements in section 79228
3719.061 of the Revised Code before issuing for a minor a 79229
prescription for an opioid analgesic, as defined in section 79230
3719.01 of the Revised Code. 79231

(C) Disciplinary actions taken by the board under divisions 79232
(A) and (B) of this section shall be taken pursuant to an 79233
adjudication under Chapter 119. of the Revised Code, except that 79234
in lieu of an adjudication, the board may enter into a consent 79235
agreement with a physician assistant or applicant to resolve an 79236
allegation of a violation of this chapter or any rule adopted 79237
under it. A consent agreement, when ratified by an affirmative 79238
vote of not fewer than six members of the board, shall constitute 79239
the findings and order of the board with respect to the matter 79240
addressed in the agreement. If the board refuses to ratify a 79241
consent agreement, the admissions and findings contained in the 79242
consent agreement shall be of no force or effect. 79243

(D) For purposes of divisions (B)(12), (15), and (16) of this 79244
section, the commission of the act may be established by a finding 79245
by the board, pursuant to an adjudication under Chapter 119. of 79246
the Revised Code, that the applicant or certificate holder 79247
committed the act in question. The board shall have no 79248
jurisdiction under these divisions in cases where the trial court 79249
renders a final judgment in the certificate holder's favor and 79250
that judgment is based upon an adjudication on the merits. The 79251
board shall have jurisdiction under these divisions in cases where 79252
the trial court issues an order of dismissal upon technical or 79253
procedural grounds. 79254

(E) The sealing of conviction records by any court shall have 79255
no effect upon a prior board order entered under the provisions of 79256
this section or upon the board's jurisdiction to take action under 79257
the provisions of this section if, based upon a plea of guilty, a 79258
judicial finding of guilt, or a judicial finding of eligibility 79259
for intervention in lieu of conviction, the board issued a notice 79260
of opportunity for a hearing prior to the court's order to seal 79261
the records. The board shall not be required to seal, destroy, 79262
redact, or otherwise modify its records to reflect the court's 79263
sealing of conviction records. 79264

(F) For purposes of this division, any individual who holds a 79265
certificate issued under this chapter, or applies for a 79266
certificate issued under this chapter, shall be deemed to have 79267
given consent to submit to a mental or physical examination when 79268
directed to do so in writing by the board and to have waived all 79269
objections to the admissibility of testimony or examination 79270
reports that constitute a privileged communication. 79271

(1) In enforcing division (B)(4) of this section, the board, 79272
upon a showing of a possible violation, may compel any individual 79273
who holds a certificate issued under this chapter or who has 79274
applied for a certificate pursuant to this chapter to submit to a 79275
mental examination, physical examination, including an HIV test, 79276
or both a mental and physical examination. The expense of the 79277
examination is the responsibility of the individual compelled to 79278
be examined. Failure to submit to a mental or physical examination 79279
or consent to an HIV test ordered by the board constitutes an 79280
admission of the allegations against the individual unless the 79281
failure is due to circumstances beyond the individual's control, 79282
and a default and final order may be entered without the taking of 79283
testimony or presentation of evidence. If the board finds a 79284
physician assistant unable to practice because of the reasons set 79285
forth in division (B)(4) of this section, the board shall require 79286

the physician assistant to submit to care, counseling, or 79287
treatment by physicians approved or designated by the board, as a 79288
condition for an initial, continued, reinstated, or renewed 79289
certificate. An individual affected under this division shall be 79290
afforded an opportunity to demonstrate to the board the ability to 79291
resume practicing in compliance with acceptable and prevailing 79292
standards of care. 79293

(2) For purposes of division (B)(5) of this section, if the 79294
board has reason to believe that any individual who holds a 79295
certificate issued under this chapter or any applicant for a 79296
certificate suffers such impairment, the board may compel the 79297
individual to submit to a mental or physical examination, or both. 79298
The expense of the examination is the responsibility of the 79299
individual compelled to be examined. Any mental or physical 79300
examination required under this division shall be undertaken by a 79301
treatment provider or physician qualified to conduct such 79302
examination and chosen by the board. 79303

Failure to submit to a mental or physical examination ordered 79304
by the board constitutes an admission of the allegations against 79305
the individual unless the failure is due to circumstances beyond 79306
the individual's control, and a default and final order may be 79307
entered without the taking of testimony or presentation of 79308
evidence. If the board determines that the individual's ability to 79309
practice is impaired, the board shall suspend the individual's 79310
certificate or deny the individual's application and shall require 79311
the individual, as a condition for initial, continued, reinstated, 79312
or renewed certification to practice or prescribe, to submit to 79313
treatment. 79314

Before being eligible to apply for reinstatement of a 79315
certificate suspended under this division, the physician assistant 79316
shall demonstrate to the board the ability to resume practice or 79317
prescribing in compliance with acceptable and prevailing standards 79318

of care. The demonstration shall include the following: 79319

(a) Certification from a treatment provider approved under 79320
section 4731.25 of the Revised Code that the individual has 79321
successfully completed any required inpatient treatment; 79322

(b) Evidence of continuing full compliance with an aftercare 79323
contract or consent agreement; 79324

(c) Two written reports indicating that the individual's 79325
ability to practice has been assessed and that the individual has 79326
been found capable of practicing according to acceptable and 79327
prevailing standards of care. The reports shall be made by 79328
individuals or providers approved by the board for making such 79329
assessments and shall describe the basis for their determination. 79330

The board may reinstate a certificate suspended under this 79331
division after such demonstration and after the individual has 79332
entered into a written consent agreement. 79333

When the impaired physician assistant resumes practice or 79334
prescribing, the board shall require continued monitoring of the 79335
physician assistant. The monitoring shall include compliance with 79336
the written consent agreement entered into before reinstatement or 79337
with conditions imposed by board order after a hearing, and, upon 79338
termination of the consent agreement, submission to the board for 79339
at least two years of annual written progress reports made under 79340
penalty of falsification stating whether the physician assistant 79341
has maintained sobriety. 79342

(G) If the secretary and supervising member determine that 79343
there is clear and convincing evidence that a physician assistant 79344
has violated division (B) of this section and that the 79345
individual's continued practice or prescribing presents a danger 79346
of immediate and serious harm to the public, they may recommend 79347
that the board suspend the individual's certificate to practice or 79348
prescribe without a prior hearing. Written allegations shall be 79349

prepared for consideration by the board. 79350

The board, upon review of those allegations and by an 79351
affirmative vote of not fewer than six of its members, excluding 79352
the secretary and supervising member, may suspend a certificate 79353
without a prior hearing. A telephone conference call may be 79354
utilized for reviewing the allegations and taking the vote on the 79355
summary suspension. 79356

The board shall issue a written order of suspension by 79357
certified mail or in person in accordance with section 119.07 of 79358
the Revised Code. The order shall not be subject to suspension by 79359
the court during pendency of any appeal filed under section 119.12 79360
of the Revised Code. If the physician assistant requests an 79361
adjudicatory hearing by the board, the date set for the hearing 79362
shall be within fifteen days, but not earlier than seven days, 79363
after the physician assistant requests the hearing, unless 79364
otherwise agreed to by both the board and the certificate holder. 79365

A summary suspension imposed under this division shall remain 79366
in effect, unless reversed on appeal, until a final adjudicative 79367
order issued by the board pursuant to this section and Chapter 79368
119. of the Revised Code becomes effective. The board shall issue 79369
its final adjudicative order within sixty days after completion of 79370
its hearing. Failure to issue the order within sixty days shall 79371
result in dissolution of the summary suspension order, but shall 79372
not invalidate any subsequent, final adjudicative order. 79373

(H) If the board takes action under division (B)(11), (13), 79374
or (14) of this section, and the judicial finding of guilt, guilty 79375
plea, or judicial finding of eligibility for intervention in lieu 79376
of conviction is overturned on appeal, upon exhaustion of the 79377
criminal appeal, a petition for reconsideration of the order may 79378
be filed with the board along with appropriate court documents. 79379
Upon receipt of a petition and supporting court documents, the 79380
board shall reinstate the certificate to practice or prescribe. 79381

The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of opportunity for hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act, or if no hearing is requested, it may order any of the sanctions identified under division (B) of this section.

(I) The certificate to practice issued to a physician assistant and the physician assistant's practice in this state are automatically suspended as of the date the physician assistant pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another state for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. Continued practice after the suspension shall be considered practicing without a certificate.

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a

hearing in accordance with section 119.07 of the Revised Code, the 79414
board is not required to hold a hearing, but may adopt, by an 79415
affirmative vote of not fewer than six of its members, a final 79416
order that contains the board's findings. In that final order, the 79417
board may order any of the sanctions identified under division (A) 79418
or (B) of this section. 79419

(K) Any action taken by the board under division (B) of this 79420
section resulting in a suspension shall be accompanied by a 79421
written statement of the conditions under which the physician 79422
assistant's certificate may be reinstated. The board shall adopt 79423
rules in accordance with Chapter 119. of the Revised Code 79424
governing conditions to be imposed for reinstatement. 79425
Reinstatement of a certificate suspended pursuant to division (B) 79426
of this section requires an affirmative vote of not fewer than six 79427
members of the board. 79428

(L) When the board refuses to grant or issue to an applicant 79429
a certificate to practice as a physician assistant or a 79430
certificate to prescribe, revokes an individual's certificate, 79431
refuses to ~~issue a~~ renew an individual's certificate, or refuses 79432
to reinstate an individual's certificate, the board may specify 79433
that its action is permanent. An individual subject to a permanent 79434
action taken by the board is forever thereafter ineligible to hold 79435
the certificate and the board shall not accept an application for 79436
reinstatement of the certificate or for issuance of a new 79437
certificate. 79438

(M) Notwithstanding any other provision of the Revised Code, 79439
all of the following apply: 79440

(1) The surrender of a certificate issued under this chapter 79441
is not effective unless or until accepted by the board. 79442
Reinstatement of a certificate surrendered to the board requires 79443
an affirmative vote of not fewer than six members of the board. 79444

(2) An application made under this chapter for a certificate, approval of a physician supervisory plan, or approval of a supervision agreement may not be withdrawn without approval of the board.

(3) Failure by an individual to renew a certificate in accordance with section 4730.14 or section 4730.48 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4730.252. (A)(1) If a physician assistant violates any section of this chapter other than section 4730.14 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with the guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4730.25 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(5) of section 4730.25 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

Sec. 4731.07. (A) The state medical board shall keep a record 79476
of its proceedings. The minutes of a meeting of the board shall, 79477
on approval by the board, constitute an official record of its 79478
proceedings. 79479

(B) The board shall keep a register of applicants for 79480
~~certificates of registration and~~ certificates to practice issued 79481
under this chapter and Chapters 4730., 4760., 4762., and 4774. of 79482
the Revised Code and licenses issued under Chapter 4778. of the 79483
Revised Code. The register shall show the name of the applicant 79484
and whether the applicant was granted or refused a certificate or 79485
license. With respect to applicants to practice medicine and 79486
surgery or osteopathic medicine and surgery, the register shall 79487
show the name of the institution that granted the applicant the 79488
degree of doctor of medicine or osteopathic medicine. The books 79489
and records of the board shall be prima-facie evidence of matters 79490
therein contained. 79491

Sec. 4731.071. The state medical board shall develop and 79492
publish on its internet web site a directory containing the names 79493
of, and contact information for, all persons who hold current, 79494
valid certificates or licenses issued by the board under this 79495
chapter or Chapter 4730., 4760., 4762., 4774., or 4778. of the 79496
Revised Code. Except as provided in section 4731.10 of the Revised 79497
Code, the directory shall be the sole source for verifying that a 79498
person holds a current, valid certificate or license issued by the 79499
board. 79500

Sec. 4731.141. Any person who was authorized in practice 79501
limited osteopathic medicine and surgery on January 1, 1980, may 79502
continue to practice in accordance with the statutory limitations 79503
in effect on that date. The board shall regulate such 79504
practitioners and shall require them to ~~register on or before the~~ 79505

~~first day of June, 1983, and on or before the first day of June every second year thereafter, on a form prescribed by the board and pay at such time a biennial registration fee of twenty five dollars. At least one month in advance of the date of registration, a written notice shall be sent to such practitioners, whether a resident of the state or not, at the last known address, that the biennial registration fee is due on or before the first day of June. All such practitioners shall provide the board written notice of any change of address. A holder of a certificate to practice under this section shall have the certificate automatically suspended if the registration fee is not paid by the first day of September of the same year, and continued practice after the suspension shall be considered as practicing without a license in violation of section 4731.43 of the Revised Code. An applicant for reinstatement of a certificate to practice suspended for failure to register shall submit the applicant's current and delinquent registration fees and a penalty in the sum of twenty five dollars renew their certificates to practice in a manner that is substantially similar to the system the board uses under section 4731.281 of the Revised Code.~~

Any certificate to practice issued pursuant to this section may be ~~refused~~, limited, revoked, or suspended, an applicant may be denied certification or refused renewal or reinstatement, or the holder of a certificate may be reprimanded, or placed on probation as provided in section 4731.22 of the Revised Code.

Sec. 4731.15. (A)(1) The state medical board also shall regulate the following limited branches of medicine: massage therapy and cosmetic therapy, and to the extent specified in section 4731.151 of the Revised Code, naprapathy and mechanotherapy. The board shall adopt rules governing the limited branches of medicine under its jurisdiction. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

(2) As used in this chapter: 79538

(a) "Cosmetic therapy" means the permanent removal of hair 79539
from the human body through the use of electric modalities 79540
approved by the board for use in cosmetic therapy, and 79541
additionally may include the systematic friction, stroking, 79542
slapping, and kneading or tapping of the face, neck, scalp, or 79543
shoulders. 79544

(b) "Massage therapy" means the treatment of disorders of the 79545
human body by the manipulation of soft tissue through the 79546
systematic external application of massage techniques including 79547
touch, stroking, friction, vibration, percussion, kneading, 79548
stretching, compression, and joint movements within the normal 79549
physiologic range of motion; and adjunctive thereto, the external 79550
application of water, heat, cold, topical preparations, and 79551
mechanical devices. 79552

(B) A certificate to practice a limited branch of medicine 79553
issued by the state medical board is valid for a two-year period, 79554
except when an initial certificate is issued for a shorter period 79555
or when division (C)(2) of this section is applicable. The 79556
certificate may be renewed in accordance with division (C) of this 79557
section. 79558

(C)(1) Except as provided in division (C)(2) of this section, 79559
all of the following apply with respect to the renewal of 79560
certificates to practice a limited branch of medicine: 79561

(a) Each person seeking to renew a certificate to practice a 79562
limited branch of medicine shall apply for biennial ~~registration~~ 79563
renewal with the state medical board ~~on a renewal application form~~ 79564
in a manner prescribed by the board. An applicant for renewal 79565
shall pay a biennial ~~registration~~ renewal fee of one hundred 79566
dollars. 79567

(b) At least six months before a certificate expires, the 79568

board shall ~~mail or cause to be mailed~~ provide a renewal notice to 79569
the certificate holder's ~~last known address~~ holder. 79570

(c) At least three months before a certificate expires, the 79571
certificate holder shall submit the renewal application and 79572
biennial ~~registration~~ renewal fee to the board. 79573

(2) ~~Beginning with the 2009 registration period, the~~ The 79574
board shall implement a staggered renewal system that is 79575
substantially similar to the staggered renewal system the board 79576
uses under division ~~(B)~~(A) of section 4731.281 of the Revised 79577
Code. 79578

(D) All persons who hold a certificate to practice a limited 79579
branch of medicine issued by the state medical board shall provide 79580
the board ~~written~~ notice of any change of address. The notice 79581
shall be submitted to the board not later than thirty days after 79582
the change of address. 79583

(E) A certificate to practice a limited branch of medicine 79584
shall be automatically suspended if the certificate holder fails 79585
to renew the certificate in accordance with division (C) of this 79586
section. Continued practice after the suspension of the 79587
certificate to practice shall be considered as practicing in 79588
violation of sections 4731.34 and 4731.41 of the Revised Code. 79589

If a certificate to practice has been suspended pursuant to 79590
this division for two years or less, it may be reinstated. The 79591
board shall reinstate the certificate upon an applicant's 79592
submission of a renewal application and payment of the biennial 79593
~~registration~~ renewal fee and the applicable monetary penalty. With 79594
regard to reinstatement of a certificate to practice cosmetic 79595
therapy, the applicant also shall submit with the application a 79596
certification that the number of hours of continuing education 79597
necessary to have a suspended certificate reinstated have been 79598
completed, as specified in rules the board shall adopt in 79599

accordance with Chapter 119. of the Revised Code. The penalty for 79600
reinstatement shall be twenty-five dollars. 79601

If a certificate has been suspended pursuant to this division 79602
for more than two years, it may be restored. Subject to section 79603
4731.222 of the Revised Code, the board may restore the 79604
certificate upon an applicant's submission of a restoration 79605
application, the biennial ~~registration~~ renewal fee, and the 79606
applicable monetary penalty and compliance with sections 4776.01 79607
to 4776.04 of the Revised Code. The board shall not restore to an 79608
applicant a certificate to practice unless the board, in its 79609
discretion, decides that the results of the criminal records check 79610
do not make the applicant ineligible for a certificate issued 79611
pursuant to section 4731.17 of the Revised Code. The penalty for 79612
restoration is fifty dollars. 79613

Sec. 4731.22. (A) The state medical board, by an affirmative 79614
vote of not fewer than six of its members, may limit, revoke, or 79615
suspend an individual's certificate to practice, refuse to grant a 79616
certificate to an individual, refuse to ~~register an individual~~ 79617
renew a certificate, refuse to reinstate a certificate, or 79618
reprimand or place on probation the holder of a certificate if the 79619
individual or certificate holder is found by the board to have 79620
committed fraud during the administration of the examination for a 79621
certificate to practice or to have committed fraud, 79622
misrepresentation, or deception in applying for, renewing, or 79623
securing any certificate to practice ~~or certificate of~~ 79624
~~registration~~ issued by the board. 79625

(B) The board, by an affirmative vote of not fewer than six 79626
members, shall, to the extent permitted by law, limit, revoke, or 79627
suspend an individual's certificate to practice, refuse to 79628
~~register an individual~~ issue a certificate to an individual, 79629
refuse to renew a certificate, refuse to reinstate a certificate, 79630

or reprimand or place on probation the holder of a certificate for 79631
one or more of the following reasons: 79632

(1) Permitting one's name or one's certificate to practice ~~or~~ 79633
~~certificate of registration~~ to be used by a person, group, or 79634
corporation when the individual concerned is not actually 79635
directing the treatment given; 79636

(2) Failure to maintain minimal standards applicable to the 79637
selection or administration of drugs, or failure to employ 79638
acceptable scientific methods in the selection of drugs or other 79639
modalities for treatment of disease; 79640

(3) Selling, giving away, personally furnishing, prescribing, 79641
or administering drugs for other than legal and legitimate 79642
therapeutic purposes or a plea of guilty to, a judicial finding of 79643
guilt of, or a judicial finding of eligibility for intervention in 79644
lieu of conviction of, a violation of any federal or state law 79645
regulating the possession, distribution, or use of any drug; 79646

(4) Willfully betraying a professional confidence. 79647

For purposes of this division, "willfully betraying a 79648
professional confidence" does not include providing any 79649
information, documents, or reports ~~to a child fatality review~~ 79650
~~board~~ under sections 307.621 to 307.629 of the Revised Code to a 79651
child fatality review board; does not include providing any 79652
information, documents, or reports to the director of health 79653
pursuant to guidelines established under section 3701.70 of the 79654
Revised Code; does not include a report to a drug task force or 79655
law enforcement agency under section 4731.62 of the Revised Code; 79656
and does not include the making of a report of an employee's use 79657
of a drug of abuse, or a report of a condition of an employee 79658
other than one involving the use of a drug of abuse, to the 79659
employer of the employee as described in division (B) of section 79660
2305.33 of the Revised Code. Nothing in this division affects the 79661

immunity from civil liability conferred by ~~that~~ section 2305.33 or 79662
4731.62 of the Revised Code upon a physician who makes ~~either type~~ 79663
~~of a~~ report in accordance with ~~division (B) either~~ of ~~that section~~ 79664
those sections. As used in this division, "employee," "employer," 79665
and "physician" have the same meanings as in section 2305.33 of 79666
the Revised Code. 79667

(5) Making a false, fraudulent, deceptive, or misleading 79668
statement in the solicitation of or advertising for patients; in 79669
relation to the practice of medicine and surgery, osteopathic 79670
medicine and surgery, podiatric medicine and surgery, or a limited 79671
branch of medicine; or in securing or attempting to secure any 79672
certificate to practice ~~or certificate of registration~~ issued by 79673
the board. 79674

As used in this division, "false, fraudulent, deceptive, or 79675
misleading statement" means a statement that includes a 79676
misrepresentation of fact, is likely to mislead or deceive because 79677
of a failure to disclose material facts, is intended or is likely 79678
to create false or unjustified expectations of favorable results, 79679
or includes representations or implications that in reasonable 79680
probability will cause an ordinarily prudent person to 79681
misunderstand or be deceived. 79682

(6) A departure from, or the failure to conform to, minimal 79683
standards of care of similar practitioners under the same or 79684
similar circumstances, whether or not actual injury to a patient 79685
is established; 79686

(7) Representing, with the purpose of obtaining compensation 79687
or other advantage as personal gain or for any other person, that 79688
an incurable disease or injury, or other incurable condition, can 79689
be permanently cured; 79690

(8) The obtaining of, or attempting to obtain, money or 79691
anything of value by fraudulent misrepresentations in the course 79692

of practice;	79693
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	79694 79695 79696
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	79697 79698 79699
(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	79700 79701 79702
(12) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79703 79704 79705
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	79706 79707 79708
(14) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	79709 79710 79711
(15) Violation of the conditions of limitation placed by the board upon a certificate to practice;	79712 79713
(16) Failure to pay license renewal fees specified in this chapter;	79714 79715
(17) Except as authorized in section 4731.31 of the Revised Code, engaging in the division of fees for referral of patients, or the receiving of a thing of value in return for a specific referral of a patient to utilize a particular service or business;	79716 79717 79718 79719
(18) Subject to section 4731.226 of the Revised Code, violation of any provision of a code of ethics of the American medical association, the American osteopathic association, the	79720 79721 79722

American podiatric medical association, or any other national 79723
professional organizations that the board specifies by rule. The 79724
state medical board shall obtain and keep on file current copies 79725
of the codes of ethics of the various national professional 79726
organizations. The individual whose certificate is being suspended 79727
or revoked shall not be found to have violated any provision of a 79728
code of ethics of an organization not appropriate to the 79729
individual's profession. 79730

For purposes of this division, a "provision of a code of 79731
ethics of a national professional organization" does not include 79732
any provision that would preclude the making of a report by a 79733
physician of an employee's use of a drug of abuse, or of a 79734
condition of an employee other than one involving the use of a 79735
drug of abuse, to the employer of the employee as described in 79736
division (B) of section 2305.33 of the Revised Code. Nothing in 79737
this division affects the immunity from civil liability conferred 79738
by that section upon a physician who makes either type of report 79739
in accordance with division (B) of that section. As used in this 79740
division, "employee," "employer," and "physician" have the same 79741
meanings as in section 2305.33 of the Revised Code. 79742

(19) Inability to practice according to acceptable and 79743
prevailing standards of care by reason of mental illness or 79744
physical illness, including, but not limited to, physical 79745
deterioration that adversely affects cognitive, motor, or 79746
perceptive skills. 79747

In enforcing this division, the board, upon a showing of a 79748
possible violation, may compel any individual authorized to 79749
practice by this chapter or who has submitted an application 79750
pursuant to this chapter to submit to a mental examination, 79751
physical examination, including an HIV test, or both a mental and 79752
a physical examination. The expense of the examination is the 79753
responsibility of the individual compelled to be examined. Failure 79754

to submit to a mental or physical examination or consent to an HIV 79755
test ordered by the board constitutes an admission of the 79756
allegations against the individual unless the failure is due to 79757
circumstances beyond the individual's control, and a default and 79758
final order may be entered without the taking of testimony or 79759
presentation of evidence. If the board finds an individual unable 79760
to practice because of the reasons set forth in this division, the 79761
board shall require the individual to submit to care, counseling, 79762
or treatment by physicians approved or designated by the board, as 79763
a condition for initial, continued, reinstated, or renewed 79764
authority to practice. An individual affected under this division 79765
shall be afforded an opportunity to demonstrate to the board the 79766
ability to resume practice in compliance with acceptable and 79767
prevailing standards under the provisions of the individual's 79768
certificate. For the purpose of this division, any individual who 79769
applies for or receives a certificate to practice under this 79770
chapter accepts the privilege of practicing in this state and, by 79771
so doing, shall be deemed to have given consent to submit to a 79772
mental or physical examination when directed to do so in writing 79773
by the board, and to have waived all objections to the 79774
admissibility of testimony or examination reports that constitute 79775
a privileged communication. 79776

(20) Except when civil penalties are imposed under section 79777
4731.225 or ~~4731.281~~ 4731.282 of the Revised Code, and subject to 79778
section 4731.226 of the Revised Code, violating or attempting to 79779
violate, directly or indirectly, or assisting in or abetting the 79780
violation of, or conspiring to violate, any provisions of this 79781
chapter or any rule promulgated by the board. 79782

This division does not apply to a violation or attempted 79783
violation of, assisting in or abetting the violation of, or a 79784
conspiracy to violate, any provision of this chapter or any rule 79785
adopted by the board that would preclude the making of a report by 79786

a physician of an employee's use of a drug of abuse, or of a 79787
condition of an employee other than one involving the use of a 79788
drug of abuse, to the employer of the employee as described in 79789
division (B) of section 2305.33 of the Revised Code. Nothing in 79790
this division affects the immunity from civil liability conferred 79791
by that section upon a physician who makes either type of report 79792
in accordance with division (B) of that section. As used in this 79793
division, "employee," "employer," and "physician" have the same 79794
meanings as in section 2305.33 of the Revised Code. 79795

(21) The violation of section 3701.79 of the Revised Code or 79796
of any abortion rule adopted by the ~~public health council~~ director
of health pursuant to section 3701.341 of the Revised Code; 79797
79798

(22) Any of the following actions taken by an agency 79799
responsible for authorizing, certifying, or regulating an 79800
individual to practice a health care occupation or provide health 79801
care services in this state or another jurisdiction, for any 79802
reason other than the nonpayment of fees: the limitation, 79803
revocation, or suspension of an individual's license to practice; 79804
acceptance of an individual's license surrender; denial of a 79805
license; refusal to renew or reinstate a license; imposition of 79806
probation; or issuance of an order of censure or other reprimand; 79807

(23) The violation of section 2919.12 of the Revised Code or 79808
the performance or inducement of an abortion upon a pregnant woman 79809
with actual knowledge that the conditions specified in division 79810
(B) of section 2317.56 of the Revised Code have not been satisfied 79811
or with a heedless indifference as to whether those conditions 79812
have been satisfied, unless an affirmative defense as specified in 79813
division (H)(2) of that section would apply in a civil action 79814
authorized by division (H)(1) of that section; 79815

(24) The revocation, suspension, restriction, reduction, or 79816
termination of clinical privileges by the United States department 79817
of defense or department of veterans affairs or the termination or 79818

suspension of a certificate of registration to prescribe drugs by 79819
the drug enforcement administration of the United States 79820
department of justice; 79821

(25) Termination or suspension from participation in the 79822
medicare or medicaid programs by the department of health and 79823
human services or other responsible agency for any act or acts 79824
that also would constitute a violation of division (B)(2), (3), 79825
(6), (8), or (19) of this section; 79826

(26) Impairment of ability to practice according to 79827
acceptable and prevailing standards of care because of habitual or 79828
excessive use or abuse of drugs, alcohol, or other substances that 79829
impair ability to practice. 79830

For the purposes of this division, any individual authorized 79831
to practice by this chapter accepts the privilege of practicing in 79832
this state subject to supervision by the board. By filing an 79833
application for or holding a certificate to practice under this 79834
chapter, an individual shall be deemed to have given consent to 79835
submit to a mental or physical examination when ordered to do so 79836
by the board in writing, and to have waived all objections to the 79837
admissibility of testimony or examination reports that constitute 79838
privileged communications. 79839

If it has reason to believe that any individual authorized to 79840
practice by this chapter or any applicant for certification to 79841
practice suffers such impairment, the board may compel the 79842
individual to submit to a mental or physical examination, or both. 79843
The expense of the examination is the responsibility of the 79844
individual compelled to be examined. Any mental or physical 79845
examination required under this division shall be undertaken by a 79846
treatment provider or physician who is qualified to conduct the 79847
examination and who is chosen by the board. 79848

Failure to submit to a mental or physical examination ordered 79849

by the board constitutes an admission of the allegations against 79850
the individual unless the failure is due to circumstances beyond 79851
the individual's control, and a default and final order may be 79852
entered without the taking of testimony or presentation of 79853
evidence. If the board determines that the individual's ability to 79854
practice is impaired, the board shall suspend the individual's 79855
certificate or deny the individual's application and shall require 79856
the individual, as a condition for initial, continued, reinstated, 79857
or renewed certification to practice, to submit to treatment. 79858

Before being eligible to apply for reinstatement of a 79859
certificate suspended under this division, the impaired 79860
practitioner shall demonstrate to the board the ability to resume 79861
practice in compliance with acceptable and prevailing standards of 79862
care under the provisions of the practitioner's certificate. The 79863
demonstration shall include, but shall not be limited to, the 79864
following: 79865

(a) Certification from a treatment provider approved under 79866
section 4731.25 of the Revised Code that the individual has 79867
successfully completed any required inpatient treatment; 79868

(b) Evidence of continuing full compliance with an aftercare 79869
contract or consent agreement; 79870

(c) Two written reports indicating that the individual's 79871
ability to practice has been assessed and that the individual has 79872
been found capable of practicing according to acceptable and 79873
prevailing standards of care. The reports shall be made by 79874
individuals or providers approved by the board for making the 79875
assessments and shall describe the basis for their determination. 79876

The board may reinstate a certificate suspended under this 79877
division after that demonstration and after the individual has 79878
entered into a written consent agreement. 79879

When the impaired practitioner resumes practice, the board 79880

shall require continued monitoring of the individual. The 79881
monitoring shall include, but not be limited to, compliance with 79882
the written consent agreement entered into before reinstatement or 79883
with conditions imposed by board order after a hearing, and, upon 79884
termination of the consent agreement, submission to the board for 79885
at least two years of annual written progress reports made under 79886
penalty of perjury stating whether the individual has maintained 79887
sobriety. 79888

(27) A second or subsequent violation of section 4731.66 or 79889
4731.69 of the Revised Code; 79890

(28) Except as provided in division (N) of this section: 79891

(a) Waiving the payment of all or any part of a deductible or 79892
copayment that a patient, pursuant to a health insurance or health 79893
care policy, contract, or plan that covers the individual's 79894
services, otherwise would be required to pay if the waiver is used 79895
as an enticement to a patient or group of patients to receive 79896
health care services from that individual; 79897

(b) Advertising that the individual will waive the payment of 79898
all or any part of a deductible or copayment that a patient, 79899
pursuant to a health insurance or health care policy, contract, or 79900
plan that covers the individual's services, otherwise would be 79901
required to pay. 79902

(29) Failure to use universal blood and body fluid 79903
precautions established by rules adopted under section 4731.051 of 79904
the Revised Code; 79905

(30) Failure to provide notice to, and receive acknowledgment 79906
of the notice from, a patient when required by section 4731.143 of 79907
the Revised Code prior to providing nonemergency professional 79908
services, or failure to maintain that notice in the patient's 79909
file; 79910

(31) Failure of a physician supervising a physician assistant 79911

to maintain supervision in accordance with the requirements of 79912
Chapter 4730. of the Revised Code and the rules adopted under that 79913
chapter; 79914

(32) Failure of a physician or podiatrist to enter into a 79915
standard care arrangement with a clinical nurse specialist, 79916
certified nurse-midwife, or certified nurse practitioner with whom 79917
the physician or podiatrist is in collaboration pursuant to 79918
section 4731.27 of the Revised Code or failure to fulfill the 79919
responsibilities of collaboration after entering into a standard 79920
care arrangement; 79921

(33) Failure to comply with the terms of a consult agreement 79922
entered into with a pharmacist pursuant to section 4729.39 of the 79923
Revised Code; 79924

(34) Failure to cooperate in an investigation conducted by 79925
the board under division (F) of this section, including failure to 79926
comply with a subpoena or order issued by the board or failure to 79927
answer truthfully a question presented by the board in an 79928
investigative interview, an investigative office conference, at a 79929
deposition, or in written interrogatories, except that failure to 79930
cooperate with an investigation shall not constitute grounds for 79931
discipline under this section if a court of competent jurisdiction 79932
has issued an order that either quashes a subpoena or permits the 79933
individual to withhold the testimony or evidence in issue; 79934

(35) Failure to supervise an oriental medicine practitioner 79935
or acupuncturist in accordance with Chapter 4762. of the Revised 79936
Code and the board's rules for providing that supervision; 79937

(36) Failure to supervise an anesthesiologist assistant in 79938
accordance with Chapter 4760. of the Revised Code and the board's 79939
rules for supervision of an anesthesiologist assistant; 79940

(37) Assisting suicide, as defined in section 3795.01 of the 79941
Revised Code; 79942

(38) Failure to comply with the requirements of section 2317.561 of the Revised Code;	79943 79944
(39) Failure to supervise a radiologist assistant in accordance with Chapter 4774. of the Revised Code and the board's rules for supervision of radiologist assistants;	79945 79946 79947
(40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	79948 79949 79950
(41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	79951 79952 79953 79954
(42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	79955 79956 79957 79958
(43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	79959 79960 79961 79962
(44) Failure to comply with the requirements of section 2919.171 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 of the Revised Code;	79963 79964 79965 79966
(45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	79967 79968 79969 79970 79971
(46) Owning a facility that is subject to licensure as a	79972

category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;

(47) Failure to comply with the requirement regarding maintaining notes described in division (B) of section 2919.191 of the Revised Code or failure to satisfy the requirements of section 2919.191 of the Revised Code prior to performing or inducing an abortion upon a pregnant woman;

(48) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an individual to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's certificate to practice. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

If the board takes disciplinary action against an individual under division (B) of this section for a second or subsequent plea

of guilty to, or judicial finding of guilt of, a violation of 80004
section 2919.123 of the Revised Code, the disciplinary action 80005
shall consist of a suspension of the individual's certificate to 80006
practice for a period of at least one year or, if determined 80007
appropriate by the board, a more serious sanction involving the 80008
individual's certificate to practice. Any consent agreement 80009
entered into under this division with an individual that pertains 80010
to a second or subsequent plea of guilty to, or judicial finding 80011
of guilt of, a violation of that section shall provide for a 80012
suspension of the individual's certificate to practice for a 80013
period of at least one year or, if determined appropriate by the 80014
board, a more serious sanction involving the individual's 80015
certificate to practice. 80016

(D) For purposes of divisions (B)(10), (12), and (14) of this 80017
section, the commission of the act may be established by a finding 80018
by the board, pursuant to an adjudication under Chapter 119. of 80019
the Revised Code, that the individual committed the act. The board 80020
does not have jurisdiction under those divisions if the trial 80021
court renders a final judgment in the individual's favor and that 80022
judgment is based upon an adjudication on the merits. The board 80023
has jurisdiction under those divisions if the trial court issues 80024
an order of dismissal upon technical or procedural grounds. 80025

(E) The sealing of conviction records by any court shall have 80026
no effect upon a prior board order entered under this section or 80027
upon the board's jurisdiction to take action under this section 80028
if, based upon a plea of guilty, a judicial finding of guilt, or a 80029
judicial finding of eligibility for intervention in lieu of 80030
conviction, the board issued a notice of opportunity for a hearing 80031
prior to the court's order to seal the records. The board shall 80032
not be required to seal, destroy, redact, or otherwise modify its 80033
records to reflect the court's sealing of conviction records. 80034

(F)(1) The board shall investigate evidence that appears to 80035

show that a person has violated any provision of this chapter or 80036
any rule adopted under it. Any person may report to the board in a 80037
signed writing any information that the person may have that 80038
appears to show a violation of any provision of this chapter or 80039
any rule adopted under it. In the absence of bad faith, any person 80040
who reports information of that nature or who testifies before the 80041
board in any adjudication conducted under Chapter 119. of the 80042
Revised Code shall not be liable in damages in a civil action as a 80043
result of the report or testimony. Each complaint or allegation of 80044
a violation received by the board shall be assigned a case number 80045
and shall be recorded by the board. 80046

(2) Investigations of alleged violations of this chapter or 80047
any rule adopted under it shall be supervised by the supervising 80048
member elected by the board in accordance with section 4731.02 of 80049
the Revised Code and by the secretary as provided in section 80050
4731.39 of the Revised Code. The president may designate another 80051
member of the board to supervise the investigation in place of the 80052
supervising member. No member of the board who supervises the 80053
investigation of a case shall participate in further adjudication 80054
of the case. 80055

(3) In investigating a possible violation of this chapter or 80056
any rule adopted under this chapter, or in conducting an 80057
inspection under division (E) of section 4731.054 of the Revised 80058
Code, the board may question witnesses, conduct interviews, 80059
administer oaths, order the taking of depositions, inspect and 80060
copy any books, accounts, papers, records, or documents, issue 80061
subpoenas, and compel the attendance of witnesses and production 80062
of books, accounts, papers, records, documents, and testimony, 80063
except that a subpoena for patient record information shall not be 80064
issued without consultation with the attorney general's office and 80065
approval of the secretary and supervising member of the board. 80066

(a) Before issuance of a subpoena for patient record 80067

information, the secretary and supervising member shall determine 80068
whether there is probable cause to believe that the complaint 80069
filed alleges a violation of this chapter or any rule adopted 80070
under it and that the records sought are relevant to the alleged 80071
violation and material to the investigation. The subpoena may 80072
apply only to records that cover a reasonable period of time 80073
surrounding the alleged violation. 80074

(b) On failure to comply with any subpoena issued by the 80075
board and after reasonable notice to the person being subpoenaed, 80076
the board may move for an order compelling the production of 80077
persons or records pursuant to the Rules of Civil Procedure. 80078

(c) A subpoena issued by the board may be served by a 80079
sheriff, the sheriff's deputy, or a board employee designated by 80080
the board. Service of a subpoena issued by the board may be made 80081
by delivering a copy of the subpoena to the person named therein, 80082
reading it to the person, or leaving it at the person's usual 80083
place of residence, usual place of business, or address on file 80084
with the board. When serving a subpoena to an applicant for or the 80085
holder of a certificate issued under this chapter, service of the 80086
subpoena may be made by certified mail, return receipt requested, 80087
and the subpoena shall be deemed served on the date delivery is 80088
made or the date the person refuses to accept delivery. If the 80089
person being served refuses to accept the subpoena or is not 80090
located, service may be made to an attorney who notifies the board 80091
that the attorney is representing the person. 80092

(d) A sheriff's deputy who serves a subpoena shall receive 80093
the same fees as a sheriff. Each witness who appears before the 80094
board in obedience to a subpoena shall receive the fees and 80095
mileage provided for under section 119.094 of the Revised Code. 80096

(4) All hearings, investigations, and inspections of the 80097
board shall be considered civil actions for the purposes of 80098
section 2305.252 of the Revised Code. 80099

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given or, in the case of a patient, a waiver of the patient privilege exists under division (B) of section 2317.02 of the Revised Code, except that consent or a waiver of that nature is not required if the board possesses reliable and substantial evidence that no bona fide physician-patient relationship exists.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state

medical board when the information was in the board's possession. 80132
Measures to ensure confidentiality that may be taken by the court 80133
include sealing its records or deleting specific information from 80134
its records. 80135

(6) On a quarterly basis, the board shall prepare a report 80136
that documents the disposition of all cases during the preceding 80137
three months. The report shall contain the following information 80138
for each case with which the board has completed its activities: 80139

(a) The case number assigned to the complaint or alleged 80140
violation; 80141

(b) The type of certificate to practice, if any, held by the 80142
individual against whom the complaint is directed; 80143

(c) A description of the allegations contained in the 80144
complaint; 80145

(d) The disposition of the case. 80146

The report shall state how many cases are still pending and 80147
shall be prepared in a manner that protects the identity of each 80148
person involved in each case. The report shall be a public record 80149
under section 149.43 of the Revised Code. 80150

(G) If the secretary and supervising member determine both of 80151
the following, they may recommend that the board suspend an 80152
individual's certificate to practice without a prior hearing: 80153

(1) That there is clear and convincing evidence that an 80154
individual has violated division (B) of this section; 80155

(2) That the individual's continued practice presents a 80156
danger of immediate and serious harm to the public. 80157

Written allegations shall be prepared for consideration by 80158
the board. The board, upon review of those allegations and by an 80159
affirmative vote of not fewer than six of its members, excluding 80160
the secretary and supervising member, may suspend a certificate 80161

without a prior hearing. A telephone conference call may be 80162
utilized for reviewing the allegations and taking the vote on the 80163
summary suspension. 80164

The board shall issue a written order of suspension by 80165
certified mail or in person in accordance with section 119.07 of 80166
the Revised Code. The order shall not be subject to suspension by 80167
the court during pendency of any appeal filed under section 119.12 80168
of the Revised Code. If the individual subject to the summary 80169
suspension requests an adjudicatory hearing by the board, the date 80170
set for the hearing shall be within fifteen days, but not earlier 80171
than seven days, after the individual requests the hearing, unless 80172
otherwise agreed to by both the board and the individual. 80173

Any summary suspension imposed under this division shall 80174
remain in effect, unless reversed on appeal, until a final 80175
adjudicative order issued by the board pursuant to this section 80176
and Chapter 119. of the Revised Code becomes effective. The board 80177
shall issue its final adjudicative order within seventy-five days 80178
after completion of its hearing. A failure to issue the order 80179
within seventy-five days shall result in dissolution of the 80180
summary suspension order but shall not invalidate any subsequent, 80181
final adjudicative order. 80182

(H) If the board takes action under division (B)(9), (11), or 80183
(13) of this section and the judicial finding of guilt, guilty 80184
plea, or judicial finding of eligibility for intervention in lieu 80185
of conviction is overturned on appeal, upon exhaustion of the 80186
criminal appeal, a petition for reconsideration of the order may 80187
be filed with the board along with appropriate court documents. 80188
Upon receipt of a petition of that nature and supporting court 80189
documents, the board shall reinstate the individual's certificate 80190
to practice. The board may then hold an adjudication under Chapter 80191
119. of the Revised Code to determine whether the individual 80192
committed the act in question. Notice of an opportunity for a 80193

hearing shall be given in accordance with Chapter 119. of the 80194
Revised Code. If the board finds, pursuant to an adjudication held 80195
under this division, that the individual committed the act or if 80196
no hearing is requested, the board may order any of the sanctions 80197
identified under division (B) of this section. 80198

(I) The certificate to practice issued to an individual under 80199
this chapter and the individual's practice in this state are 80200
automatically suspended as of the date of the individual's second 80201
or subsequent plea of guilty to, or judicial finding of guilt of, 80202
a violation of section 2919.123 of the Revised Code, or the date 80203
the individual pleads guilty to, is found by a judge or jury to be 80204
guilty of, or is subject to a judicial finding of eligibility for 80205
intervention in lieu of conviction in this state or treatment or 80206
intervention in lieu of conviction in another jurisdiction for any 80207
of the following criminal offenses in this state or a 80208
substantially equivalent criminal offense in another jurisdiction: 80209
aggravated murder, murder, voluntary manslaughter, felonious 80210
assault, kidnapping, rape, sexual battery, gross sexual 80211
imposition, aggravated arson, aggravated robbery, or aggravated 80212
burglary. Continued practice after suspension shall be considered 80213
practicing without a certificate. 80214

The board shall notify the individual subject to the 80215
suspension by certified mail or in person in accordance with 80216
section 119.07 of the Revised Code. If an individual whose 80217
certificate is automatically suspended under this division fails 80218
to make a timely request for an adjudication under Chapter 119. of 80219
the Revised Code, the board shall do whichever of the following is 80220
applicable: 80221

(1) If the automatic suspension under this division is for a 80222
second or subsequent plea of guilty to, or judicial finding of 80223
guilt of, a violation of section 2919.123 of the Revised Code, the 80224
board shall enter an order suspending the individual's certificate 80225

to practice for a period of at least one year or, if determined 80226
appropriate by the board, imposing a more serious sanction 80227
involving the individual's certificate to practice. 80228

(2) In all circumstances in which division (I)(1) of this 80229
section does not apply, enter a final order permanently revoking 80230
the individual's certificate to practice. 80231

(J) If the board is required by Chapter 119. of the Revised 80232
Code to give notice of an opportunity for a hearing and if the 80233
individual subject to the notice does not timely request a hearing 80234
in accordance with section 119.07 of the Revised Code, the board 80235
is not required to hold a hearing, but may adopt, by an 80236
affirmative vote of not fewer than six of its members, a final 80237
order that contains the board's findings. In that final order, the 80238
board may order any of the sanctions identified under division (A) 80239
or (B) of this section. 80240

(K) Any action taken by the board under division (B) of this 80241
section resulting in a suspension from practice shall be 80242
accompanied by a written statement of the conditions under which 80243
the individual's certificate to practice may be reinstated. The 80244
board shall adopt rules governing conditions to be imposed for 80245
reinstatement. Reinstatement of a certificate suspended pursuant 80246
to division (B) of this section requires an affirmative vote of 80247
not fewer than six members of the board. 80248

(L) When the board refuses to grant or issue a certificate to 80249
practice to an applicant, revokes an individual's certificate to 80250
practice, refuses to ~~register an applicant~~ renew an individual's 80251
certificate to practice, or refuses to reinstate an individual's 80252
certificate to practice, the board may specify that its action is 80253
permanent. An individual subject to a permanent action taken by 80254
the board is forever thereafter ineligible to hold a certificate 80255
to practice and the board shall not accept an application for 80256
reinstatement of the certificate or for issuance of a new 80257

certificate. 80258

(M) Notwithstanding any other provision of the Revised Code, 80259
all of the following apply: 80260

(1) The surrender of a certificate issued under this chapter 80261
shall not be effective unless or until accepted by the board. A 80262
telephone conference call may be utilized for acceptance of the 80263
surrender of an individual's certificate to practice. The 80264
telephone conference call shall be considered a special meeting 80265
under division (F) of section 121.22 of the Revised Code. 80266
Reinstatement of a certificate surrendered to the board requires 80267
an affirmative vote of not fewer than six members of the board. 80268

(2) An application for a certificate made under the 80269
provisions of this chapter may not be withdrawn without approval 80270
of the board. 80271

(3) Failure by an individual to renew a certificate ~~of~~ 80272
registration to practice in accordance with this chapter shall not 80273
remove or limit the board's jurisdiction to take any disciplinary 80274
action under this section against the individual. 80275

(4) At the request of the board, a certificate holder shall 80276
immediately surrender to the board a certificate that the board 80277
has suspended, revoked, or permanently revoked. 80278

(N) Sanctions shall not be imposed under division (B)(28) of 80279
this section against any person who waives deductibles and 80280
copayments as follows: 80281

(1) In compliance with the health benefit plan that expressly 80282
allows such a practice. Waiver of the deductibles or copayments 80283
shall be made only with the full knowledge and consent of the plan 80284
purchaser, payer, and third-party administrator. Documentation of 80285
the consent shall be made available to the board upon request. 80286

(2) For professional services rendered to any other person 80287

authorized to practice pursuant to this chapter, to the extent 80288
allowed by this chapter and rules adopted by the board. 80289

(0) Under the board's investigative duties described in this 80290
section and subject to division (F) of this section, the board 80291
shall develop and implement a quality intervention program 80292
designed to improve through remedial education the clinical and 80293
communication skills of individuals authorized under this chapter 80294
to practice medicine and surgery, osteopathic medicine and 80295
surgery, and podiatric medicine and surgery. In developing and 80296
implementing the quality intervention program, the board may do 80297
all of the following: 80298

(1) Offer in appropriate cases as determined by the board an 80299
educational and assessment program pursuant to an investigation 80300
the board conducts under this section; 80301

(2) Select providers of educational and assessment services, 80302
including a quality intervention program panel of case reviewers; 80303

(3) Make referrals to educational and assessment service 80304
providers and approve individual educational programs recommended 80305
by those providers. The board shall monitor the progress of each 80306
individual undertaking a recommended individual educational 80307
program. 80308

(4) Determine what constitutes successful completion of an 80309
individual educational program and require further monitoring of 80310
the individual who completed the program or other action that the 80311
board determines to be appropriate; 80312

(5) Adopt rules in accordance with Chapter 119. of the 80313
Revised Code to further implement the quality intervention 80314
program. 80315

An individual who participates in an individual educational 80316
program pursuant to this division shall pay the financial 80317
obligations arising from that educational program. 80318

Sec. 4731.222. (A) This section applies to both of the 80319
following: 80320

(1) An applicant seeking restoration of a certificate issued 80321
under this chapter that has been in a suspended or inactive state 80322
for any cause for more than two years; 80323

(2) An applicant seeking issuance of a certificate pursuant 80324
to section 4731.17, 4731.29, 4731.295, 4731.57, or 4731.571 of the 80325
Revised Code who for more than two years has not been engaged in 80326
the practice of medicine and surgery, osteopathic medicine and 80327
surgery, podiatric medicine and surgery, or a limited branch of 80328
medicine as any of the following: 80329

(a) An active practitioner; 80330

(b) A participant in a program of graduate medical education, 80331
as defined in section 4731.091 of the Revised Code; 80332

(c) A student in a college of podiatry determined by the 80333
state medical board to be in good standing; 80334

(d) A student in a school, college, or institution giving 80335
instruction in a limited branch of medicine determined by the 80336
board to be in good standing under section 4731.16 of the Revised 80337
Code. 80338

(B) Before restoring a certificate to good standing for or 80339
issuing a certificate to an applicant subject to this section, the 80340
state medical board may impose terms and conditions including any 80341
one or more of the following: 80342

(1) Requiring the applicant to pass an oral or written 80343
examination, or both, to determine the applicant's present fitness 80344
to resume practice; 80345

(2) Requiring the applicant to obtain additional training and 80346
to pass an examination upon completion of such training; 80347

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care; 80348
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(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 80353
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(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 80355
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(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 80359
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The board shall consider the moral background and the activities of the applicant during the period of suspension or inactivity, in accordance with section 4731.08, 4731.19, or 4731.52 of the Revised Code. The board shall not restore a certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 80361
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Sec. 4731.225. (A) If the holder of a certificate issued under this chapter violates division (A), (B), or (C) of section 4731.66 or section 4731.69 of the Revised Code, or if any other person violates division (B) or (C) of section 4731.66 or section 4731.69 of the Revised Code, the state medical board, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, shall: 80367
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~~(A)~~(1) For a first violation, impose a civil penalty of not more than five thousand dollars; 80374
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~~(B)~~(2) For each subsequent violation, impose a civil penalty of not more than twenty thousand dollars and, if the violator is a 80376
80377

certificate holder, proceed under division (B)(27) of section 80378
4731.22 of the Revised Code. 80379

(B)(1) If the holder of a certificate issued under this 80380
chapter violates any section of this chapter other than section 80381
4731.281 of the Revised Code or the sections specified in division 80382
(A) of this section, or violates any rule adopted under this 80383
chapter, the board may, pursuant to an adjudication under Chapter 80384
119. of the Revised Code and an affirmative vote of not fewer than 80385
six of its members, impose a civil penalty. The amount of the 80386
civil penalty shall be determined by the board in accordance with 80387
the guidelines adopted under division (B)(2) of this section. The 80388
civil penalty may be in addition to any other action the board may 80389
take under section 4731.22 of the Revised Code. 80390

(2) The board shall adopt and may amend guidelines regarding 80391
the amounts of civil penalties to be imposed under this section. 80392
Adoption or amendment of the guidelines requires the approval of 80393
not fewer than six board members. 80394

Under the guidelines, no civil penalty amount shall exceed 80395
twenty thousand dollars. 80396

(C) Amounts received from payment of civil penalties imposed 80397
under this section shall be deposited by the board in accordance 80398
with section 4731.24 of the Revised Code. Amounts received from 80399
payment of civil penalties imposed for violations of division 80400
(B)(26) of section 4731.22 of the Revised Code shall be used by 80401
the board solely for investigations, enforcement, and compliance 80402
monitoring. 80403

Sec. 4731.24. Except as provided in sections 4731.281 and 80404
4731.40 of the Revised Code, all receipts of the state medical 80405
board, from any source, shall be deposited in the state treasury. 80406
~~Until July 1, 1998, the funds shall be deposited to the credit of 80407~~
~~the occupational licensing and regulatory fund. On and after July 80408~~

~~1, 1998, the~~ The funds shall be deposited to the credit of the 80409
state medical board operating fund, which is hereby created ~~on~~ 80410
~~July 1, 1998.~~ Except as provided in ~~section~~ sections 4730.252, 80411
4731.225, 4731.24, 4760.133, 4762.133, 4774.133, and 4778.141 of 80412
the Revised Code, all funds deposited into the state treasury 80413
under this section shall be used solely for the administration and 80414
enforcement of this chapter and Chapters 4730., 4760., 4762., 80415
4774., and 4778. of the Revised Code by the board. 80416

Sec. 4731.26. Upon application by the holder of a certificate 80417
to practice ~~or certificate of registration~~ issued under this 80418
chapter, the state medical board shall issue a duplicate 80419
certificate to replace one missing or damaged, to reflect a name 80420
change, or for any other reasonable cause. The fee for a duplicate 80421
certificate to practice ~~or duplicate certificate of registration~~ 80422
shall be thirty-five dollars. 80423

Sec. 4731.281. (A) ~~On or before the deadline established~~ 80424
~~under division (B) of this section for applying for renewal of a~~ 80425
~~certificate of registration, each person holding a certificate~~ 80426
~~under this chapter to practice medicine and surgery, osteopathic~~ 80427
~~medicine and surgery, or podiatric medicine and surgery shall~~ 80428
~~certify to the state medical board that in the preceding two years~~ 80429
~~the person has completed one hundred hours of continuing medical~~ 80430
~~education. The certification shall be made upon the application~~ 80431
~~for biennial registration submitted pursuant to division (B) of~~ 80432
~~this section. The board shall adopt rules providing for pro rata~~ 80433
~~reductions by month of the number of hours of continuing education~~ 80434
~~required for persons who are in their first registration period,~~ 80435
~~who have been disabled due to illness or accident, or who have~~ 80436
~~been absent from the country.~~ 80437

~~In determining whether a course, program, or activity~~ 80438
~~qualifies for credit as continuing medical education, the board~~ 80439

~~shall approve all continuing medical education taken by persons 80440
holding a certificate to practice medicine and surgery that is 80441
certified by the Ohio state medical association, all continuing 80442
medical education taken by persons holding a certificate to 80443
practice osteopathic medicine and surgery that is certified by the 80444
Ohio osteopathic association, and all continuing medical education 80445
taken by persons holding a certificate to practice podiatric 80446
medicine and surgery that is certified by the Ohio podiatric 80447
medical association. Each person holding a certificate to practice 80448
under this chapter shall be given sufficient choice of continuing 80449
education programs to ensure that the person has had a reasonable 80450
opportunity to participate in continuing education programs that 80451
are relevant to the person's medical practice in terms of subject 80452
matter and level. 80453~~

~~The board may require a random sample of persons holding a 80454
certificate to practice under this chapter to submit materials 80455
documenting completion of the continuing medical education 80456
requirement during the preceding registration period, but this 80457
provision shall not limit the board's authority to investigate 80458
pursuant to section 4731.22 of the Revised Code. 80459~~

~~(B)(1) Every Each person holding a certificate under this 80460
chapter to practice medicine and surgery, osteopathic medicine and 80461
surgery, or podiatric medicine and surgery wishing to renew that 80462
certificate shall apply to the board for a certificate of 80463
registration upon an application furnished by the board, and pay 80464
to the board at the time of application a renewal. Applications 80465
shall be submitted to the board in a manner prescribed by the 80466
board. Each application shall be accompanied by a biennial renewal 80467
fee of three hundred five dollars₇. Applications shall be 80468
submitted according to the following schedule: 80469~~

~~(a) Persons whose last name begins with the letters "A" 80470
through "B," on or before April 1, 2001, and the first day of 80471~~

April of every odd-numbered year thereafter;	80472
(b) Persons whose last name begins with the letters "C" through "D," on or before January 1, 2001, and the first day of January of every odd-numbered year thereafter;	80473 80474 80475
(c) Persons whose last name begins with the letters "E" through "G," on or before October 1, 2000, and the first day of October of every even-numbered year thereafter;	80476 80477 80478
(d) Persons whose last name begins with the letters "H" through "K," on or before July 1, 2000, and the first day of July of every even-numbered year thereafter;	80479 80480 80481
(e) Persons whose last name begins with the letters "L" through "M," on or before April 1, 2000, and the first day of April of every even-numbered year thereafter;	80482 80483 80484
(f) Persons whose last name begins with the letters "N" through "R," on or before January 1, 2000, and the first day of January of every even-numbered year thereafter;	80485 80486 80487
(g) Persons whose last name begins with the letter "S," on or before October 1, 1999, and the first day of October of every odd-numbered year thereafter;	80488 80489 80490
(h) Persons whose last name begins with the letters "T" through "Z," on or before July 1, 1999, and the first day of July of every odd-numbered year thereafter.	80491 80492 80493
The board shall deposit the fee in accordance with section 4731.24 of the Revised Code, except that the board shall deposit twenty dollars of the fee into the state treasury to the credit of the physician loan repayment fund created by section 3702.78 of the Revised Code.	80494 80495 80496 80497 80498
(2) The board shall mail or cause to be mailed <u>provide</u> to every person registered <u>holding a certificate</u> to practice medicine and surgery, osteopathic medicine and surgery, or podiatric	80499 80500 80501

medicine and surgery, a renewal notice of ~~registration renewal~~ 80502
~~addressed to the person's last known address~~ or may cause provide 80503
the notice ~~to be sent~~ to the person through the secretary of any 80504
recognized medical, osteopathic, or podiatric society, according 80505
to the following schedule: 80506

(a) To persons whose last name begins with the letters "A" 80507
through "B," on or before January 1, 2001, and the first day of 80508
January of every odd-numbered year thereafter; 80509

(b) To persons whose last name begins with the letters "C" 80510
through "D," on or before October 1, 2000, and the first day of 80511
October of every even-numbered year thereafter; 80512

(c) To persons whose last name begins with the letters "E" 80513
through "G," on or before July 1, 2000, and the first day of July 80514
of every even-numbered year thereafter; 80515

(d) To persons whose last name begins with the letters "H" 80516
through "K," on or before April 1, 2000, and the first day of 80517
April of every even-numbered year thereafter; 80518

(e) To persons whose last name begins with the letters "L" 80519
through "M," on or before January 1, 2000, and the first day of 80520
January of every even-numbered year thereafter; 80521

(f) To persons whose last name begins with the letters "N" 80522
through "R," on or before October 1, 1999, and the first day of 80523
October of every odd-numbered year thereafter; 80524

(g) To persons whose last name begins with the letter "S," on 80525
or before July 1, 1999, and the first day of July of every 80526
odd-numbered year thereafter; 80527

(h) To persons whose last name begins with the letters "T" 80528
through "Z," on or before April 1, 1999, and the first day of 80529
April of every odd-numbered year thereafter. 80530

(3) Failure of any person to receive a notice of renewal from 80531

the board shall not excuse the person from the requirements 80532
contained in this section. 80533

(4) The board's notice shall inform the applicant of the 80534
renewal procedure. The board shall provide the application for 80535
~~registration~~ renewal in a form determined by the board. 80536

(5) The applicant shall provide in the application the 80537
applicant's full name, ~~principal practice address and;~~ the 80538
applicant's residence address, business address, and electronic 80539
mail address; the number of the applicant's certificate to 80540
practice, ~~;~~ and any other information required by the board. 80541

(6)(a) Except as provided in division ~~(B)~~(A)(6)(b) of this 80542
section, in the case of an applicant who prescribes or personally 80543
furnishes opioid analgesics or benzodiazepines, as defined in 80544
section 3719.01 of the Revised Code, the applicant shall certify 80545
to the board whether the applicant has been granted access to the 80546
drug database established and maintained by the state board of 80547
pharmacy pursuant to section 4729.75 of the Revised Code. 80548

(b) The requirement in division ~~(B)~~(A)(6)(a) of this section 80549
does not apply if any of the following is the case: 80550

(i) The state board of pharmacy notifies the state medical 80551
board pursuant to section 4729.861 of the Revised Code that the 80552
applicant has been restricted from obtaining further information 80553
from the drug database. 80554

(ii) The state board of pharmacy no longer maintains the drug 80555
database. 80556

(iii) The applicant does not practice medicine and surgery, 80557
osteopathic medicine and surgery, or podiatric medicine and 80558
surgery in this state. 80559

(c) If an applicant certifies to the state medical board that 80560
the applicant has been granted access to the drug database and the 80561

board finds through an audit or other means that the applicant has 80562
not been granted access, the board may take action under section 80563
4731.22 of the Revised Code. 80564

(7) The applicant shall include with the application a list 80565
of the names and addresses of any clinical nurse specialists, 80566
certified nurse-midwives, or certified nurse practitioners with 80567
whom the applicant is currently collaborating, as defined in 80568
section 4723.01 of the Revised Code. ~~Every person registered under~~ 80569
~~this section shall give written notice to the state medical board~~ 80570
~~of any change of principal practice address or residence address~~ 80571
~~or in the list within thirty days of the change.~~ 80572

(8) The applicant shall report any criminal offense to which 80573
the applicant has pleaded guilty, of which the applicant has been 80574
found guilty, or for which the applicant has been found eligible 80575
for intervention in lieu of conviction, since last filing an 80576
application for a certificate of registration. 80577

(9) The applicant shall execute and deliver the application 80578
to the board in a manner prescribed by the board. 80579

~~(C)~~(B) The board shall ~~issue to any person holding~~ renew a 80580
certificate under this chapter to practice medicine and surgery, 80581
osteopathic medicine and surgery, or podiatric medicine and 80582
surgery, upon application and qualification therefor in accordance 80583
with this section, ~~a certificate of registration under the seal of~~ 80584
~~the board. A certificate of registration~~ renewal shall be valid 80585
for a two-year period. 80586

~~(D)~~(C) Failure of any certificate holder to register and 80587
comply with this section shall operate automatically to suspend 80588
the holder's certificate to practice. Continued practice after the 80589
suspension of the certificate to practice shall be considered as 80590
practicing in violation of section 4731.41, 4731.43, or 4731.60 of 80591
the Revised Code. If the certificate has been suspended pursuant 80592

to this division for two years or less, it may be reinstated. The 80593
board shall reinstate a certificate to practice suspended for 80594
failure to register upon an applicant's submission of a renewal 80595
application, the biennial registration fee, and the applicable 80596
monetary penalty. The penalty for reinstatement shall be ~~fifty~~ one 80597
hundred dollars. If the certificate has been suspended pursuant to 80598
this division for more than two years, it may be restored. Subject 80599
to section 4731.222 of the Revised Code, the board may restore a 80600
certificate to practice suspended for failure to register upon an 80601
applicant's submission of a restoration application, the biennial 80602
registration fee, and the applicable monetary penalty and 80603
compliance with sections 4776.01 to 4776.04 of the Revised Code. 80604
The board shall not restore to an applicant a certificate to 80605
practice unless the board, in its discretion, decides that the 80606
results of the criminal records check do not make the applicant 80607
ineligible for a certificate issued pursuant to section 4731.14, 80608
4731.56, or 4731.57 of the Revised Code. The penalty for 80609
restoration shall be ~~one~~ two hundred dollars. The board shall 80610
deposit the penalties in accordance with section 4731.24 of the 80611
Revised Code. 80612

~~(E)~~(D) If an individual certifies completion of the number of 80613
hours and type of continuing medical education required to receive 80614
a certificate of registration or reinstatement of a certificate to 80615
practice, and the board finds through the random samples it 80616
conducts under this section or through any other means that the 80617
individual did not complete the requisite continuing medical 80618
education, the board may impose a civil penalty of not more than 80619
five thousand dollars. The board's finding shall be made pursuant 80620
to an adjudication under Chapter 119. of the Revised Code and by 80621
an affirmative vote of not fewer than six members. 80622

A civil penalty imposed under this division may be in 80623
addition to or in lieu of any other action the board may take 80624

under section 4731.22 of the Revised Code. The board shall deposit 80625
civil penalties in accordance with section 4731.24 of the Revised 80626
Code. 80627

~~(F)~~(E) The state medical board may obtain information not 80628
protected by statutory or common law privilege from courts and 80629
other sources concerning malpractice claims against any person 80630
holding a certificate to practice under this chapter or practicing 80631
as provided in section 4731.36 of the Revised Code. 80632

~~(G)~~(F) Each mailing sent by the board under division 80633
~~(B)~~(A)(2) of this section to a person ~~registered~~ holding a 80634
certificate to practice medicine and surgery or osteopathic 80635
medicine and surgery shall inform the applicant of the reporting 80636
requirement established by division (H) of section 3701.79 of the 80637
Revised Code. At the discretion of the board, the information may 80638
be included on the application for ~~registration~~ renewal or on an 80639
accompanying page. 80640

(G) Each person holding a certificate to practice medicine 80641
and surgery, osteopathic medicine and surgery, or podiatric 80642
medicine and surgery shall give notice to the board of any of the 80643
following changes not later than thirty days after the change 80644
occurs: 80645

(1) A change in the certificate holder's residence address, 80646
business address, or electronic mail address; 80647

(2) A change in the list provided under division (B)(7) of 80648
this section of names and addresses of the nurses with whom the 80649
certificate holder is collaborating. 80650

~~Sec. 4731.282. Not later than ninety days after the effective~~ 80651
~~date of this section, the state medical board shall approve one or~~ 80652
~~more continuing medical education courses of study included within~~ 80653
~~the programs certified by the Ohio state medical association and~~ 80654

~~the Ohio osteopathic association pursuant to section 4731.281 of
the Revised Code that assist doctors of medicine and doctors of
osteopathic medicine in recognizing (A)(1) Except as provided in
division (D) of this section, each person holding a certificate to
practice medicine and surgery, osteopathic medicine and surgery,
or podiatric medicine and surgery issued by the state medical
board shall complete biennially not less than one hundred hours of
continuing medical education that has been approved by the board.~~

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(2) Each person holding a certificate to practice shall be
given sufficient choice of continuing education programs to ensure
that the person has had a reasonable opportunity to participate in
continuing education programs that are relevant to the person's
medical practice in terms of subject matter and level.

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(B) In determining whether a course, program, or activity
qualifies for credit as continuing medical education, the board
shall approve all of the following:

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(1) Continuing medical education completed by holders of
certificates to practice medicine and surgery that is certified by
the Ohio state medical association;

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(2) Continuing medical education completed by holders of
certificates to practice osteopathic medicine and surgery that is
certified by the Ohio osteopathic association;

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(3) Continuing medical education completed by holders of
certificates to practice podiatric medicine and surgery that is
certified by the Ohio podiatric medical association.

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(C) The board shall approve one or more continuing medical
education courses of study included within the programs certified
by the Ohio state medical association and the Ohio osteopathic
association under divisions (B)(1) and (2) of this section that
assist doctors of medicine and doctors of osteopathic medicine in

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both of the following: 80686

(1) Recognizing the signs of domestic violence and its relationship to child abuse. ~~Doctors are not required to take the courses;~~ 80687
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(2) Diagnosing and treating chronic pain, as defined in section 4731.052 of the Revised Code. 80690
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(D) The board shall adopt rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for certificate holders who are in their first renewal period, have been disabled by illness or accident, or have been absent from the country. The board shall adopt the rules in accordance with Chapter 119. of the Revised Code. 80692
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(E) The board may require a random sample of holders of certificates to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery to submit materials documenting completion of the required number of hours of continuing medical education. This division does not limit the board's authority to conduct investigations pursuant to section 4731.22 of the Revised Code. 80698
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(F) The board may impose a civil penalty of not more than five thousand dollars if, through a random sample conducted under division (E) of this section or any other means, it finds that an individual falsely certified that the individual completed the number of hours and type of continuing medical education required for renewal of a certificate to practice. If the civil penalty is imposed in addition to any other action the board takes under section 4731.22 of the Revised Code, the board's finding shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 80705
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A civil penalty imposed under this division may be in 80716

addition to or in lieu of any other action the board takes under 80717
section 4731.22 of the Revised Code. The board shall deposit civil 80718
penalties in accordance with section 4731.24 of the Revised Code. 80719

Sec. 4731.293. (A) The state medical board may issue, without 80720
examination, a clinical research faculty certificate to any person 80721
who applies for the certificate and provides to the board all of 80722
the following: 80723

(1) Evidence satisfactory to the board of all of the 80724
following: 80725

(a) That the applicant holds a current, unrestricted license 80726
to practice medicine and surgery or osteopathic medicine and 80727
surgery issued by another state or country; 80728

(b) That the applicant has been appointed to serve in this 80729
state on the academic staff of a medical school accredited by the 80730
liaison committee on medical education or an osteopathic medical 80731
school accredited by the American osteopathic association; 80732

(c) That the applicant is an international medical graduate 80733
who holds a medical degree from an educational institution listed 80734
in the international medical education directory. 80735

(2) An affidavit and supporting documentation from the dean 80736
of the medical school or the department director or chairperson of 80737
a teaching hospital affiliated with the school that the applicant 80738
is qualified to perform teaching and research activities and will 80739
be permitted to work only under the authority of the department 80740
director or chairperson of a teaching hospital affiliated with the 80741
medical school where the applicant's teaching and research 80742
activities will occur; 80743

(3) A description from the medical school or teaching 80744
hospital of the scope of practice in which the applicant will be 80745
involved, including the types of teaching, research, and 80746

procedures in which the applicant will be engaged; 80747

(4) A description from the medical school or teaching 80748
hospital of the type and amount of patient contact that will occur 80749
in connection with the applicant's teaching and research 80750
activities. 80751

(B) An applicant for an initial clinical research faculty 80752
certificate shall pay a fee of three hundred seventy-five dollars. 80753

(C) The holder of a clinical research faculty certificate may 80754
practice medicine and surgery or osteopathic medicine and surgery 80755
only as is incidental to the certificate holder's teaching or 80756
research duties at the medical school or a teaching hospital 80757
affiliated with the school. The board may revoke a certificate on 80758
receiving proof satisfactory to the board that the certificate 80759
holder has engaged in practice in this state outside the scope of 80760
the certificate or that there are grounds for action against the 80761
certificate holder under section 4731.22 of the Revised Code. 80762

(D) A clinical research faculty certificate is valid for 80763
three years, except that the certificate ceases to be valid if the 80764
holder's appointment to the academic staff of the school is no 80765
longer valid or the certificate is revoked pursuant to division 80766
(C) of this section. 80767

(E)(1) Three months before a clinical research faculty 80768
certificate expires, the board shall mail or cause to be mailed to 80769
the certificate holder a notice of renewal addressed to the 80770
certificate holder's last known address. Failure of a certificate 80771
holder to receive a notice of renewal from the board shall not 80772
excuse the certificate holder from the requirements contained in 80773
this section. The notice shall inform the certificate holder of 80774
the renewal procedure. The notice also shall inform the 80775
certificate holder of the reporting requirement established by 80776
division (H) of section 3701.79 of the Revised Code. At the 80777

discretion of the board, the information may be included on the 80778
application for renewal or on an accompanying page. 80779

(2) A clinical research faculty certificate may be renewed 80780
for an additional three-year period. There is no limit on the 80781
number of times a certificate may be renewed. A person seeking 80782
renewal of a certificate shall apply to the board. The board shall 80783
provide the application for renewal in a form determined by the 80784
board. 80785

(3) An applicant is eligible for renewal if the applicant 80786
does all of the following: 80787

(a) Pays a renewal fee of three hundred seventy-five dollars; 80788

(b) Reports any criminal offense to which the applicant has 80789
pleaded guilty, of which the applicant has been found guilty, or 80790
for which the applicant has been found eligible for intervention 80791
in lieu of conviction, since last filing an application for a 80792
clinical research faculty certificate; 80793

(c) Provides to the board an affidavit and supporting 80794
documentation from the dean of the medical school or the 80795
department director or chairperson of a teaching hospital 80796
affiliated with the school that the applicant is in compliance 80797
with the applicant's current clinical research faculty 80798
certificate; 80799

(d) Provides evidence satisfactory to the board of all of the 80800
following: 80801

(i) That the applicant continues to maintain a current, 80802
unrestricted license to practice medicine and surgery or 80803
osteopathic medicine and surgery issued by another state or 80804
country; 80805

(ii) That the applicant's initial appointment to serve in 80806
this state on the academic staff of a medical school is still 80807

valid or has been renewed; 80808

(iii) That the applicant has completed one hundred fifty 80809
hours of continuing medical education that meet the requirements 80810
set forth in section ~~4731.281~~ 4731.282 of the Revised Code. 80811

(4) Regardless of whether the certificate has expired, a 80812
person who was granted a visiting medical faculty certificate 80813
under this section as it existed immediately prior to ~~the~~ 80814
~~effective date of this amendment~~ June 6, 2012, may apply for a 80815
clinical research faculty certificate as a renewal. The board may 80816
issue the clinical research faculty certificate if the applicant 80817
meets the requirements of division (E)(3) of this section. The 80818
board may not issue a clinical research faculty certificate if the 80819
visiting medical faculty certificate was revoked. 80820

(F) The board shall maintain a register of all persons who 80821
hold clinical research faculty certificates. 80822

(G) The board may adopt any rules it considers necessary to 80823
implement this section. The rules shall be adopted in accordance 80824
with Chapter 119. of the Revised Code. 80825

Sec. 4731.295. (A)(1) As used in this section, "indigent and 80826
uninsured person" and "operation" have the same meanings as in 80827
section 2305.234 of the Revised Code. 80828

(2) For the purposes of this section, a person shall be 80829
considered retired from practice if the person's license or 80830
certificate has expired with the person's intention of ceasing to 80831
practice medicine and surgery or osteopathic medicine and surgery 80832
for remuneration. 80833

(B) The state medical board may issue, without examination, a 80834
volunteer's certificate to a person who is retired from practice 80835
so that the person may provide medical services to indigent and 80836
uninsured persons. The board shall deny issuance of a volunteer's 80837

certificate to a person who is not qualified under this section to hold a volunteer's certificate. 80838
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(C) An application for a volunteer's certificate shall include all of the following: 80840
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(1) A copy of the applicant's degree of medicine or osteopathic medicine. 80842
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(2) One of the following, as applicable: 80844

(a) A copy of the applicant's most recent license or certificate authorizing the practice of medicine and surgery or osteopathic medicine and surgery issued by a jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery. 80845
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(b) A copy of the applicant's most recent license equivalent to a license to practice medicine and surgery or osteopathic medicine and surgery in one or more branches of the United States armed services that the United States government issued. 80850
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(3) Evidence of one of the following, as applicable: 80854

(a) That the applicant has maintained for at least ten years prior to retirement full licensure in good standing in any jurisdiction in the United States that licenses persons to practice medicine and surgery or osteopathic medicine and surgery. 80855
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(b) That the applicant has practiced for at least ten years prior to retirement in good standing as a doctor of medicine and surgery or osteopathic medicine and surgery in one or more of the branches of the United States armed services. 80859
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(4) A notarized statement from the applicant, on a form prescribed by the board, that the applicant will not accept any form of remuneration for any medical services rendered while in possession of a volunteer's certificate. 80863
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(D) The holder of a volunteer's certificate may provide 80867

medical services only to indigent and uninsured persons. The 80868
holder shall not accept any form of remuneration for providing 80869
medical services while in possession of the certificate. Except in 80870
a medical emergency, the holder shall not perform any operation or 80871
deliver babies. The board may revoke a volunteer's certificate on 80872
receiving proof satisfactory to the board that the holder has 80873
engaged in practice in this state outside the scope of the 80874
certificate. 80875

(E)(1) A volunteer's certificate shall be valid for a period 80876
of three years, unless earlier revoked under division (D) of this 80877
section or pursuant to section 4731.22 of the Revised Code. A 80878
volunteer's certificate may be renewed upon the application of the 80879
holder. The board shall maintain a register of all persons who 80880
hold volunteer's certificates. The board shall not charge a fee 80881
for issuing or renewing a certificate pursuant to this section. 80882

(2) To be eligible for renewal of a volunteer's certificate 80883
the holder of the certificate shall certify to the board 80884
completion of one hundred fifty hours of continuing medical 80885
education that meets the requirements of section ~~4731.281~~ 4731.282 80886
of the Revised Code regarding certification by private 80887
associations and approval by the board. The board may not renew a 80888
certificate if the holder has not complied with the continuing 80889
medical education requirements. Any entity for which the holder 80890
provides medical services may pay for or reimburse the holder for 80891
any costs incurred in obtaining the required continuing medical 80892
education credits. 80893

(3) The board shall issue a volunteer's certificate to each 80894
person who qualifies under this section for ~~a volunteer's the~~ 80895
~~certificate a wallet certificate and a wall.~~ The certificate ~~that~~ 80896
shall state that the certificate holder is authorized to provide 80897
medical services pursuant to the laws of this state. The holder 80898
shall ~~keep the wallet certificate on the holder's person while~~ 80899

~~providing medical services and shall display the wall certificate~~ 80900
~~prominently at the location where the holder primarily practices.~~ 80901

(4) The holder of a volunteer's certificate issued pursuant 80902
to this section is subject to the immunity provisions in section 80903
2305.234 of the Revised Code. 80904

(F) The board shall adopt rules in accordance with Chapter 80905
119. of the Revised Code to administer and enforce this section. 80906

Sec. 4731.296. (A) For the purposes of this section, "the 80907
practice of telemedicine" means the practice of medicine in this 80908
state through the use of any communication, including oral, 80909
written, or electronic communication, by a physician located 80910
outside this state. 80911

(B) A person who wishes to practice telemedicine in this 80912
state shall file an application with the state medical board, 80913
together with a fee in the amount of the fee described in division 80914
(D) of section 4731.29 of the Revised Code and shall comply with 80915
sections 4776.01 to 4776.04 of the Revised Code. If the board, in 80916
its discretion, decides that the results of the criminal records 80917
check do not make the person ineligible for a telemedicine 80918
certificate, the board may issue, without examination, a 80919
telemedicine certificate to a person who meets all of the 80920
following requirements: 80921

(1) The person holds a current, unrestricted license to 80922
practice medicine and surgery or osteopathic medicine and surgery 80923
issued by another state that requires license holders to complete 80924
at least fifty hours of continuing medical education every two 80925
years. 80926

(2) The person's principal place of practice is in that 80927
state. 80928

(3) The person does not hold a certificate issued under this 80929

chapter authorizing the practice of medicine and surgery or 80930
osteopathic medicine and surgery in this state. 80931

(4) The person meets the same age, moral character, and 80932
educational requirements individuals must meet under sections 80933
4731.08, 4731.09, 4731.091, and 4731.14 of the Revised Code and, 80934
if applicable, demonstrates proficiency in spoken English in 80935
accordance with division (E) of section 4731.29 of the Revised 80936
Code. 80937

(C) The holder of a telemedicine certificate may engage in 80938
the practice of telemedicine in this state. A person holding a 80939
telemedicine certificate shall not practice medicine in person in 80940
this state without obtaining a special activity certificate under 80941
section 4731.294 of the Revised Code. 80942

(D) The board may revoke a certificate issued under this 80943
section or take other disciplinary action against a certificate 80944
holder pursuant to section 4731.22 of the Revised Code on 80945
receiving proof satisfactory to the board that the certificate 80946
holder has engaged in practice in this state outside the scope of 80947
the certificate or that there are grounds for action against the 80948
holder under section 4731.22 of the Revised Code. 80949

(E) A telemedicine certificate shall be valid for a period 80950
specified by the board, and the initial renewal shall be in 80951
accordance with a schedule established by the board. Thereafter, 80952
the certificate shall be valid for two years. A certificate may be 80953
renewed on application of the holder. 80954

To be eligible for renewal, the holder of the certificate 80955
shall do both of the following: 80956

(1) Pay a fee in the amount of the fee described in division 80957
~~(B)~~(A)(1) of section 4731.281 of the Revised Code; 80958

(2) Certify to the board compliance with the continuing 80959
medical education requirements of the state in which the holder's 80960

principal place of practice is located. 80961

The board may require a random sample of persons holding a 80962
telemedicine certificate to submit materials documenting 80963
completion of the continuing medical education requirements 80964
described in this division. 80965

(F) The board shall convert a telemedicine certificate to a 80966
certificate issued under section 4731.29 of the Revised Code on 80967
receipt of a written request from the certificate holder. Once the 80968
telemedicine certificate is converted, the holder is subject to 80969
all requirements and privileges attendant to a certificate issued 80970
under section 4731.29 of the Revised Code, including continuing 80971
medical education requirements. 80972

Sec. 4731.297. (A) As used in this section: 80973

(1) "Academic medical center" means a medical school and its 80974
affiliated teaching hospitals and clinics partnering to do all of 80975
the following: 80976

(a) Provide the highest quality of patient care from expert 80977
physicians; 80978

(b) Conduct groundbreaking research leading to medical 80979
advancements for current and future patients; 80980

(c) Provide medical education and graduate medical education 80981
to educate and train physicians. 80982

(2) "Affiliated physician group practice" means a medical 80983
practice that consists of one or more physicians authorized under 80984
this chapter to practice medicine and surgery or osteopathic 80985
medicine and surgery and that is affiliated with an academic 80986
medical center to further the objectives described in divisions 80987
(A)(1)(a) to (c) of this section. 80988

(B) The state medical board shall issue, without examination, 80989
to an applicant who meets the requirements of this section a 80990

certificate of conceded eminence authorizing the practice of 80991
medicine and surgery or osteopathic medicine and surgery as part 80992
of the applicant's employment with an academic medical center in 80993
this state or affiliated physician group practice in this state. 80994

(C) To be eligible for a certificate of conceded eminence, an 80995
applicant shall provide to the board all of the following: 80996

(1) Evidence satisfactory to the board of all of the 80997
following: 80998

(a) That the applicant is an international medical graduate 80999
who holds a medical degree from an educational institution listed 81000
in the international medical education directory; 81001

(b) That the applicant has been appointed to serve in this 81002
state as a full-time faculty member of a medical school accredited 81003
by the liaison committee on medical education or an osteopathic 81004
medical school accredited by the American osteopathic association; 81005

(c) That the applicant has accepted an offer of employment 81006
with an academic medical center in this state or affiliated 81007
physician group practice in this state; 81008

(d) That the applicant holds a license in good standing in 81009
another state or country authorizing the practice of medicine and 81010
surgery or osteopathic medicine and surgery; 81011

(e) That the applicant has unique talents and extraordinary 81012
abilities not generally found within the applicant's specialty, as 81013
demonstrated by satisfying at least four of the following: 81014

(i) The applicant has achieved educational qualifications 81015
beyond those that are required for entry into the applicant's 81016
specialty, including advanced degrees, special certifications, or 81017
other academic credentials. 81018

(ii) The applicant has written multiple articles in journals 81019
listed in the index medicus or an equivalent scholarly publication 81020

acceptable to the board. 81021

(iii) The applicant has a sustained record of excellence in original research, at least some of which involves serving as the principal investigator or co-principal investigator for a research project. 81022
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(iv) The applicant has received nationally or internationally recognized prizes or awards for excellence. 81026
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(v) The applicant has participated in peer review in a field of specialization that is the same as or similar to the applicant's specialty. 81028
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(vi) The applicant has developed new procedures or treatments for complex medical problems that are recognized by peers as a significant advancement in the applicable field of medicine. 81031
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(vii) The applicant has held previous academic appointments with or been employed by a health care organization that has a distinguished national or international reputation. 81034
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(viii) The applicant has been the recipient of a national institutes of health or other competitive grant award. 81037
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(f) That the applicant has received staff membership or professional privileges from the academic medical center pursuant to standards adopted under section 3701.351 of the Revised Code on a basis that requires the applicant's medical education and graduate medical education to be at least equivalent to that of a physician educated and trained in the United States; 81039
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(g) That the applicant has sufficient written and oral English skills to communicate effectively and reliably with patients, their families, and other medical professionals; 81045
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(h) That the applicant will have professional liability insurance through the applicant's employment with the academic medical center or affiliated physician group practice. 81048
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(2) An affidavit from the applicant agreeing to practice only within the clinical setting of the academic medical center or for the affiliated physician group practice;

(3) Three letters of reference from distinguished experts in the applicant's specialty attesting to the unique capabilities of the applicant, at least one of which must be from outside the academic medical center or affiliated physician group practice;

(4) An affidavit from the dean of the medical school where the applicant has been appointed to serve as a faculty member stating that the applicant meets all of the requirements of division (C)(1) of this section and that the letters of reference submitted under division (C)(3) of this section are from distinguished experts in the applicant's specialty, and documentation to support the affidavit;

(5) A fee of one thousand dollars for the certificate.

(D)(1) The holder of a certificate of conceded eminence may practice medicine and surgery or osteopathic medicine and surgery only within the clinical setting of the academic medical center with which the certificate holder is employed or for the affiliated physician group practice with which the certificate holder is employed.

(2) A certificate holder may supervise medical students, physicians participating in graduate medical education, advanced practice nurses, and physician assistants when performing clinical services in the certificate holder's area of specialty.

(E) The board may revoke a certificate issued under this section on receiving proof satisfactory to the board that the certificate holder has engaged in practice in this state outside the scope of the certificate or that there are grounds for action against the certificate holder under section 4731.22 of the Revised Code.

(F) A certificate of conceded eminence is valid for the 81082
shorter of two years or the duration of the certificate holder's 81083
employment with the academic medical center or affiliated 81084
physician group practice. The certificate ceases to be valid if 81085
the holder resigns or is otherwise terminated from the academic 81086
medical center or affiliated physician group practice. 81087

(G) A certificate of conceded eminence may be renewed for an 81088
additional two-year period. There is no limit on the number of 81089
times a certificate may be renewed. A person seeking renewal of a 81090
certificate shall apply to the board and is eligible for renewal 81091
if the applicant does all of the following: 81092

(1) Pays the renewal fee of one thousand dollars; 81093

(2) Provides to the board an affidavit and supporting 81094
documentation from the academic medical center or affiliated 81095
physician group practice of all of the following: 81096

(a) That the applicant's initial appointment to the medical 81097
faculty is still valid or has been renewed; 81098

(b) That the applicant's clinical practice is consistent with 81099
the established standards in the field; 81100

(c) That the applicant has demonstrated continued scholarly 81101
achievement; 81102

(d) That the applicant has demonstrated continued 81103
professional achievement consistent with the academic medical 81104
center's requirements, established pursuant to standards adopted 81105
under section 3701.351 of the Revised Code, for physicians with 81106
staff membership or professional privileges with the academic 81107
medical center. 81108

(3) Satisfies the same continuing medical education 81109
requirements set forth in section ~~4731.281~~ 4731.282 of the Revised 81110
Code that apply to a person who holds a certificate to practice 81111

medicine and surgery or osteopathic medicine and surgery issued 81112
under this chapter. 81113

(4) Complies with any other requirements established by the 81114
board. 81115

(H) The board may adopt any rules it considers necessary to 81116
implement this section. The rules shall be adopted in accordance 81117
with Chapter 119. of the Revised Code. 81118

Sec. 4731.299. (A) The state medical board may issue, without 81119
examination, to an applicant who meets all of the requirements of 81120
this section an expedited certificate to practice medicine and 81121
surgery or osteopathic medicine and surgery by endorsement. 81122
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(B) An individual who seeks an expedited certificate to 81124
practice medicine and surgery or osteopathic medicine and surgery 81125
by endorsement shall file with the board a written application on 81126
a form prescribed and supplied by the board. The application shall 81127
include all of the information the board considers necessary to 81128
process it. 81129

(C) To be eligible to receive an expedited certificate by 81130
endorsement, an applicant shall do both of the following: 81131

(1) Provide evidence satisfactory to the board that the 81132
applicant meets all of the following requirements: 81133

(a) Has passed one of the following: 81134

(i) Steps one, two, and three of the United States medical 81135
licensing examination; 81136

(ii) Levels one, two, and three of the comprehensive 81137
osteopathic medical licensing examination of the United States; 81138

(iii) Any other medical licensing examination recognized by 81139
the board. 81140

(b) For at least five years immediately preceding the date of application, has held a current, unrestricted license to practice medicine and surgery or osteopathic medicine and surgery issued by the licensing authority of another state or a Canadian province;

(c) For at least two years immediately preceding the date of application, has actively practiced medicine and surgery or osteopathic medicine and surgery in a clinical setting;

(d) Is in compliance with the medical education and training requirements in sections 4731.091 and 4731.14 of the Revised Code.

(2) Certify to the board that all of the following are the case:

(a) Not more than two malpractice claims have been filed against the applicant within a period of ten years and no malpractice claim against the applicant has resulted in total payment of more than five hundred thousand dollars.

(b) The applicant does not have a criminal record according to the criminal records check required by section 4731.081 of the Revised Code.

(c) The applicant does not have a medical condition that could affect the applicant's ability to practice according to acceptable and prevailing standards of care.

(d) No adverse action has been taken against the applicant by a health care institution.

(e) To the applicant's knowledge, no federal agency, medical society, medical association, or branch of the United States military has investigated or taken action against the applicant.

(f) No professional licensing or regulatory authority has filed a complaint against, investigated, or taken action against the applicant and the applicant has not withdrawn a professional license application.

(g) The applicant has not been suspended or expelled from any institution of higher education or school, including a medical school. 81171
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(D) An applicant for an expedited certificate by endorsement shall comply with section 4731.081 of the Revised Code. 81174
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(E) At the time of application, the applicant shall pay to the board a fee of one thousand dollars, no part of which shall be returned. No application shall be considered filed until the board receives the fee. 81176
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(F) The secretary and supervising member of the board shall review all applications received under this section. ~~If~~ 81180
81181

If the board determines secretary and supervising member determine that an applicant meets the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the board shall issue the certificate to the applicant. ~~Each~~ 81182
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If the secretary and supervising member determine that an applicant does not meet the requirements for an expedited certificate to practice medicine and surgery or osteopathic medicine and surgery by endorsement, the application shall be treated as an application under section 4731.08 of the Revised Code. 81187
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(G) Each certificate issued by the board under this section shall be signed by the president and secretary of the board and attested by ~~its~~ the board's seal. 81193
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~~(G)~~(H) Within sixty days after ~~the effective date of this section~~ September 29, 2013, the board shall approve acceptable means of demonstrating compliance with sections 4731.091 and 4731.14 of the Revised Code as required by division (C)(1)(d) of this section. 81196
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Sec. 4731.41. (A) No person shall practice medicine and 81201
surgery, or any of its branches, without the appropriate 81202
certificate from the state medical board to engage in the 81203
practice. No person shall advertise or claim to the public to be a 81204
practitioner of medicine and surgery, or any of its branches, 81205
without a certificate from the board. No person shall open or 81206
conduct an office or other place for such practice without a 81207
certificate from the board. No person shall conduct an office in 81208
the name of some person who has a certificate to practice medicine 81209
and surgery, or any of its branches. No person shall practice 81210
medicine and surgery, or any of its branches, after the person's 81211
certificate has been revoked, or, if suspended, during the time of 81212
such suspension. 81213

A certificate signed by the secretary of the board to which 81214
is affixed the official seal of the board to the effect that it 81215
appears from the records of the board that no such certificate to 81216
practice medicine and surgery, or any of its branches, in this 81217
state has been issued to the person specified therein, or that a 81218
certificate to practice, if issued, has been revoked or suspended, 81219
shall be received as prima-facie evidence of the record of the 81220
board in any court or before any officer of the state. 81221

(B) No certificate from the state medical board is required 81222
by a physician who comes into this state to practice medicine at a 81223
free-of-charge camp accredited by the SeriousFun children's 81224
network that specializes in providing therapeutic recreation, as 81225
defined in section 2305.231 of the Revised Code, for individuals 81226
with chronic illnesses as long as all of the following apply: 81227

(1) The physician provides documentation to the medical 81228
director of the camp that the physician is licensed and in good 81229
standing to practice medicine in another state; 81230

(2) The physician provides services only at the camp or in 81231

connection with camp events or camp activities that occur off the 81232
grounds of the camp; 81233

(3) The physician receives no compensation for the services; 81234

(4) The physician provides those services within this state 81235
for not more than thirty days per calendar year; 81236

(5) The camp has a medical director who holds an unrestricted 81237
license to practice medicine issued in accordance with division 81238
(A) of this section. 81239

Sec. 4731.62. (A) As used in this section: 81240

(1) "Controlled substance" and "controlled substance analog" 81241
have the same meanings as in section 3719.01 of the Revised Code. 81242

(2) "Dangerous drug" has the same meaning as in section 81243
4729.01 of the Revised Code. 81244

(3) "Mental health professional" has the same meaning as in 81245
section 340.032 of the Revised Code. 81246

(B) A physician who is acting in a professional capacity and 81247
who knows, or has reasonable cause to suspect based on facts that 81248
would cause a reasonable person in a similar position to suspect, 81249
that a patient is experiencing an overdose of a dangerous drug, 81250
controlled substance, controlled substance analog, or metabolite 81251
of a controlled substance may refer the patient to a mental health 81252
professional. If the physician refers the patient to a mental 81253
health professional, the physician shall promptly notify the 81254
mental health professional in writing of the referral. Within 81255
thirty days after receiving the written notification, the mental 81256
health professional shall inform the physician in writing of the 81257
status of treatment of the patient provided by the mental health 81258
professional. 81259

(C) A communication between a physician and a mental health 81260
professional made under this section shall not be considered a 81261

breach of confidentiality between a physician or psychologist or
other mental health professional and a patient or a waiver of a
testimonial privilege by the patient. 81262
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(D) A physician or mental health professional is not liable
in damages in a civil action for harm allegedly incurred as a
result of a communication made under this section. 81265
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Sec. 4731.74. (A) As used in this section: 81268

(1) "Controlled substance" has the same meaning as in section
3719.01 of the Revised Code. 81269
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(2) "Drug" and "prescription" have the same meanings as in
section 4729.01 of the Revised Code. 81271
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(3) "Institutional facility" means a hospital as defined in
section 3727.01 of the Revised Code or a facility licensed by the
state board of pharmacy and the department of health, the
department of rehabilitation and correction, or the department of
developmental disabilities, at which medical care is provided on
site and a medical record documenting episodes of care, including
drugs ordered and administered, is maintained. 81273
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(4) "Telehealth service" has the same meaning as in section
5164.95 of the Revised Code. 81280
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(B) Except as provided in divisions (C) and (D) of this
section, a physician shall not prescribe, dispense, otherwise
provide, or cause to be provided a prescription drug to a person
on whom the physician has never conducted a medical evaluation. 81282
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(C) A physician may prescribe, dispense, otherwise provide,
or cause to be provided a prescription drug that is not a
controlled substance to a person on whom the physician has never
conducted a medical evaluation, and who is at a location remote
from the physician, if the physician meets all of the following
requirements: 81286
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(1) In a manner that is consistent with the standard for in-person care by a physician, the remote physician shall complete and document a medical evaluation of the patient and collect clinical data as needed to establish a diagnosis, identify any underlying conditions, and identify any contraindications to the treatment that is recommended or provided. 81292
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(2)(a) Except as provided in division (C)(2)(b) of this section, the remote physician shall complete an examination of the patient using appropriate technology that is capable of all of the following: 81298
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(i) Transmitting images of the patient's condition in real-time; 81302
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(ii) Transmitting information regarding the patient's physical condition and other relevant clinical data needed for compliance with division (C)(1) of this section; 81304
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(iii) Being adjusted for better image quality and definition. 81307

(b) If the patient has a designated primary care physician or designates a primary care physician with assistance from the remote physician, the remote physician may examine the patient over the telephone without the use of the technology required by division (C)(2)(a) of this section, if the remote physician meets all of the following requirements: 81308
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(i) The remote physician is physically located in this state. 81314

(ii) The remote physician has received credentials to provide telehealth services pursuant to a process certified by the national committee for quality assurance. 81315
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(iii) The remote physician forwards the patient's electronic health record to the patient's designated primary care physician after the consultation. 81318
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(iv) The remote physician is available to follow up with the 81321

patient after the consult as necessary. 81322

(3) The remote physician shall document having had dialogue with the patient regarding treatment options and the risks and benefits of treatment sufficient to permit the patient to provide informed consent to treatment. 81323
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(4) The remote physician shall maintain a contemporaneous medical record that is readily available to the patient and to the patient's other health care providers. 81327
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(5) The remote physician shall include the electronic prescription information as part of the patient's medical record. 81330
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(6) As necessary, the remote physician shall follow-up with the patient to assess the therapeutic outcome. 81332
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(D) In addition to the circumstances described in division (C) of this section, a physician may prescribe, dispense, otherwise provide, or cause to be provided a prescription drug, including a controlled substance, to a person on whom the physician has never conducted a medical evaluation in the following situations: 81334
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(1) The person is a patient of a colleague of the physician and the drugs are provided pursuant to an on call or cross coverage arrangement between the physicians. 81340
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(2) The physician is consulting with another physician or health care provider who is authorized to practice in this state and is acting within the scope of that physician or provider's professional license, including having prescriptive authority if all of the following requirements are met: 81343
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(a) The physician shall establish that the other physician or health care provider has an ongoing professional relationship with the patient and has agreed to supervise the patient's use of the drug or drugs to be provided. 81348
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(b) If the health care provider is a physician assistant, the physician has a supervision agreement with the physician assistant. 81352
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(c) If the health care provider is an advanced practice registered nurse, the physician has a standard care arrangement with the advanced practice registered nurse. 81355
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(3) The physician is the medical director of a hospice care program licensed pursuant to Chapter 3712. of the Revised Code or is the attending physician of a hospice patient, enrolled in such a hospice care program, and the drugs are prescribed, dispensed, or otherwise provided to a hospice patient. 81358
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(4) The person has been admitted as an inpatient to or is a resident of an institutional facility. 81363
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(E) This section does not imply that a single in-person medical evaluation demonstrates that a prescription has been issued for a legitimate medical purpose within the course of professional practice. 81365
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Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner. 81369
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(B) Requirements for admission to examination for a psychologist license shall be that the applicant: 81374
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(1) Is at least twenty-one years of age; 81376

(2) Is of good moral character; 81377

(3) Meets one of the following requirements: 81378

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting 81379
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agency and a program accredited by any of the following:	81381
(i) The American psychological association, office of program consultation and accreditation;	81382 81383
(ii) The accreditation office of the Canadian psychological association;	81384 81385
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	81386 81387 81388
(iv) The national association of school psychologists.	81389
(b) <u>Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B)(3)(a) of this section;</u>	81390 81391 81392 81393 81394
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B)(3)(a) of this section;	81395 81396 81397 81398 81399
(e) (d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	81400 81401 81402 81403 81404
(d) Enrolled, not later than sixty days after April 7, 2009, in an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards and not later than eight years after April 7, 2009, received an earned doctoral degree in psychology or school psychology.	81405 81406 81407 81408 81409 81410

(4) Has had at least two years of supervised professional 81411
experience in psychological work of a type satisfactory to the 81412
board, at least one year of which must be a predoctoral 81413
internship. The board shall adopt guidelines for the kind of 81414
supervised professional experience ~~which~~ that fulfill this 81415
requirement. 81416

(5) If applying under division (B)(3)(b) or (c) of this 81417
section, has had at least two years of supervised professional 81418
experience in psychological work of a type satisfactory to the 81419
board, at least one year of which must be postdoctoral. The board 81420
shall adopt guidelines for the kind of supervised professional 81421
experience that fulfill this requirement. 81422

(C) Requirements for admission to examination for a school 81423
psychologist license shall be that the applicant: 81424

(1) Has received from an educational institution accredited 81425
or recognized by national or regional accrediting agencies as 81426
maintaining satisfactory standards, including those approved by 81427
the state board of education for the training of school 81428
psychologists, at least a master's degree in school psychology, or 81429
a degree considered equivalent by the board; 81430

(2) Is at least twenty-one years of age; 81431

(3) Is of good moral character; 81432

(4) Has completed at least sixty quarter hours, or the 81433
semester hours equivalent, at the graduate level, of accredited 81434
study in course work relevant to the study of school psychology; 81435

(5) Has completed an internship in an educational institution 81436
approved by the Ohio department of education for school psychology 81437
supervised experience or one year of other training experience 81438
acceptable to the board, such as supervised professional 81439
experience under the direction of a licensed psychologist or 81440
licensed school psychologist; 81441

(6) Furnishes proof of at least twenty-seven months, 81442
exclusive of internship, of full-time experience as a certificated 81443
school psychologist employed by a board of education or a private 81444
school meeting the standards prescribed by the state board of 81445
education, or of experience ~~which~~ that the board deems equivalent. 81446

(D) If the entrance examiner finds that the applicant meets 81447
the requirements set forth in this section, the applicant shall be 81448
admitted to the appropriate examination. 81449

(E) The board shall adopt under Chapter 119. of the Revised 81450
Code rules for determining for the purposes of division (B)(3)(b) 81451
of this section whether a degree is equivalent to a degree in 81452
psychology from an institution in the United States. 81453

Sec. 4735.06. (A) Application for a license as a real estate 81454
broker shall be made to the superintendent of real estate on forms 81455
furnished by the superintendent and filed with the superintendent 81456
and shall be signed by the applicant or its members or officers. 81457
Each application shall state the name of the person applying and 81458
the location of the place of business for which the license is 81459
desired, and give such other information as the superintendent 81460
requires in the form of application prescribed by the 81461
superintendent. 81462

If the applicant is a partnership, limited liability company, 81463
limited liability partnership, or association, the names of all 81464
the members also shall be stated, and, if the applicant is a 81465
corporation, the names of its president and of each of its 81466
officers also shall be stated. The superintendent has the right to 81467
reject the application of any partnership, association, limited 81468
liability company, limited liability partnership, or corporation 81469
if the name proposed to be used by such partnership, association, 81470
limited liability company, limited liability partnership, or 81471
corporation is likely to mislead the public or if the name is not 81472

such as to distinguish it from the name of any existing 81473
partnership, association, limited liability company, limited 81474
liability partnership, or corporation licensed under this chapter, 81475
unless there is filed with the application the written consent of 81476
such existing partnership, association, limited liability company, 81477
limited liability partnership, or corporation, executed by a duly 81478
authorized representative of it, permitting the use of the name of 81479
such existing partnership, association, limited liability company, 81480
limited liability partnership, or corporation. 81481

(B) A fee of one hundred dollars shall accompany the 81482
application for a real estate broker's license. The initial 81483
licensing period commences at the time the license is issued and 81484
ends on the applicant's first birthday thereafter. However, if the 81485
applicant was an inactive or active salesperson immediately 81486
preceding application for a broker's license, then the initial 81487
licensing period shall commence at the time the broker's license 81488
is issued and ends on the date the licensee's continuing education 81489
is due as set when the applicant was a salesperson. The 81490
application fee shall be nonrefundable. A fee of one hundred 81491
dollars shall be charged by the superintendent for each successive 81492
application made by an applicant. In the case of issuance of a 81493
three-year license, upon passing the examination, or upon waiver 81494
of the examination requirement, if the superintendent determines 81495
it is necessary, the applicant shall submit an additional fee 81496
determined by the superintendent based upon the number of years 81497
remaining in a real estate salesperson's licensing period. 81498

(C) One dollar of each application fee for a real estate 81499
broker's license shall be credited to the real estate education 81500
and research fund, which is hereby created in the state treasury. 81501
The Ohio real estate commission may use the fund in discharging 81502
the duties prescribed in divisions (E), (F), (G), and (H) of 81503
section 4735.03 of the Revised Code and shall use it in the 81504

advancement of education and research in real estate at any 81505
institution of higher education in the state, or in contracting 81506
with any such institution or a trade organization for a particular 81507
research or educational project in the field of real estate, or in 81508
advancing loans, not exceeding two thousand dollars, to applicants 81509
for salesperson licenses, to defray the costs of satisfying the 81510
educational requirements of division (F) of section 4735.09 of the 81511
Revised Code. Such loans shall be made according to rules 81512
established by the commission under the procedures of Chapter 119. 81513
of the Revised Code, and they shall be repaid to the fund within 81514
three years of the time they are made. No more than ~~ten~~ 81515
twenty-five thousand dollars shall be lent from the fund in any 81516
one fiscal year. 81517

The governor may appoint a representative from the executive 81518
branch to be a member ex officio of the commission for the purpose 81519
of advising on research requests or educational projects. The 81520
commission shall report to the general assembly on the third 81521
Tuesday after the third Monday in January of each year setting 81522
forth the total amount contained in the fund and the amount of 81523
each research grant that it has authorized and the amount of each 81524
research grant requested. A copy of all research reports shall be 81525
submitted to the state library of Ohio and the library of the 81526
legislative service commission. 81527

(D) If the superintendent, with the consent of the 81528
commission, enters into an agreement with a national testing 81529
service to administer the real estate broker's examination, 81530
pursuant to division (A) of section 4735.07 of the Revised Code, 81531
the superintendent may require an applicant to pay the testing 81532
service's examination fee directly to the testing service. If the 81533
superintendent requires the payment of the examination fee 81534
directly to the testing service, each applicant shall submit to 81535
the superintendent a processing fee in an amount determined by the 81536

Ohio real estate commission pursuant to division (A)(2) of section 81537
4735.10 of the Revised Code. 81538

Sec. 4735.13. (A) Every real estate broker licensed under 81539
this chapter shall have and maintain a definite place of business 81540
in this state. A post office box address is not a definite place 81541
of business for purposes of this section. The license of a real 81542
estate broker shall be prominently displayed in the office or 81543
place of business of the broker, and no license shall authorize 81544
the licensee to do business except from the location specified in 81545
it. If the broker maintains more than one place of business within 81546
the state, the broker shall apply for and procure a duplicate 81547
license for each branch office maintained by the broker. Each 81548
branch office shall be in the charge of a licensed broker or 81549
salesperson. The branch office license shall be prominently 81550
displayed at the branch office location. 81551

(B) The license of each real estate salesperson shall be 81552
mailed to and remain in the possession of the licensed broker with 81553
whom the salesperson is or is to be associated until the licensee 81554
places the license on inactive or resigned status or until the 81555
salesperson leaves the brokerage or is terminated. The broker 81556
shall keep each salesperson's license in a way that it can, and 81557
shall on request, be made immediately available for public 81558
inspection at the office or place of business of the broker. 81559
Except as provided in divisions (G) and (H) of this section, 81560
immediately upon the salesperson's leaving the association or 81561
termination of the association of a real estate salesperson with 81562
the broker, the broker shall return the salesperson's license to 81563
the superintendent of real estate. 81564

The failure of a broker to return the license of a real 81565
estate salesperson or broker who leaves or who is terminated, via 81566
certified mail return receipt requested, within three business 81567

days of the receipt of a written request from the superintendent 81568
for the return of the license, is prima-facie evidence of 81569
misconduct under division (A)(6) of section 4735.18 of the Revised 81570
Code. 81571

(C) A licensee shall notify the superintendent in writing 81572
within fifteen days of any of the following occurrences: 81573

(1) The licensee is convicted of a felony. 81574

(2) The licensee is convicted of a crime involving moral 81575
turpitude. 81576

(3) The licensee is found to have violated any federal, 81577
state, or municipal civil rights law pertaining to discrimination 81578
in housing. 81579

(4) The licensee is found to have engaged in a discriminatory 81580
practice pertaining to housing accommodations described in 81581
division (H) of section 4112.02 of the Revised Code. 81582

(5) The licensee is the subject of an order by the department 81583
of commerce, the department of insurance, or the department of 81584
agriculture revoking or permanently surrendering any professional 81585
license, certificate, or registration. 81586

(6) The licensee is the subject of an order by any government 81587
agency concerning real estate, financial matters, or the 81588
performance of fiduciary duties with respect to any license, 81589
certificate, or registration. 81590

If a licensee fails to notify the superintendent within the 81591
required time, the superintendent immediately may suspend the 81592
license of the licensee. 81593

Any court that convicts a licensee of a violation of any 81594
municipal civil rights law pertaining to housing discrimination 81595
also shall notify the Ohio civil rights commission within fifteen 81596
days of the conviction. 81597

(D) In case of any change of business location, a broker 81598
shall give notice to the superintendent, on a form prescribed by 81599
the superintendent, within thirty days after the change of 81600
location, whereupon the superintendent shall issue new licenses 81601
for the unexpired period without charge. If a broker changes a 81602
business location without giving the required notice and without 81603
receiving new licenses that action is prima-facie evidence of 81604
misconduct under division (A)(6) of section 4735.18 of the Revised 81605
Code. 81606

(E) If a real estate broker desires to associate with another 81607
real estate broker in the capacity of a real estate salesperson, 81608
the broker shall apply to the superintendent to deposit the 81609
broker's real estate broker's license with the superintendent and 81610
for the issuance of a real estate salesperson's license. The 81611
application shall be made on a form prescribed by the 81612
superintendent and shall be accompanied by the recommendation of 81613
the real estate broker with whom the applicant intends to become 81614
associated and a fee of twenty-five dollars for the real estate 81615
salesperson's license. One dollar of the fee shall be credited to 81616
the real estate education and research fund. If the superintendent 81617
is satisfied that the applicant is honest, truthful, and of good 81618
reputation, has not been convicted of a felony or a crime 81619
involving moral turpitude, and has not been finally adjudged by a 81620
court to have violated any municipal, state, or federal civil 81621
rights laws relevant to the protection of purchasers or sellers of 81622
real estate, and that the association of the real estate broker 81623
and the applicant will be in the public interest, the 81624
superintendent shall grant the application and issue a real estate 81625
salesperson's license to the applicant. Any license so deposited 81626
with the superintendent shall be subject to this chapter. A broker 81627
who intends to deposit the broker's license with the 81628
superintendent, as provided in this section, shall give written 81629
notice of this fact in a format prescribed by the superintendent 81630

to all salespersons associated with the broker when applying to 81631
place the broker's license on deposit. 81632

(F) If a real estate broker desires to become a member or 81633
officer of a partnership, association, limited liability company, 81634
limited liability partnership, or corporation that is or intends 81635
to become a licensed real estate broker, the broker shall notify 81636
the superintendent of the broker's intentions. The notice of 81637
intention shall be on a form prescribed by the superintendent and 81638
shall be accompanied by a fee of twenty-five dollars. One dollar 81639
of the fee shall be credited to the real estate education and 81640
research fund. 81641

A licensed real estate broker who is a member or officer of a 81642
partnership, association, limited liability company, limited 81643
liability partnership, or corporation shall only act as a real 81644
estate broker for such partnership, association, limited liability 81645
company, limited liability partnership, or corporation. 81646

(G)(1) If a real estate broker or salesperson enters the 81647
armed forces, the broker or salesperson may place the broker's or 81648
salesperson's license on deposit with the Ohio real estate 81649
commission. The licensee shall not be required to renew the 81650
license until the renewal date that follows the date of discharge 81651
from the armed forces. Any license deposited with the commission 81652
shall be subject to this chapter. ~~Any~~ 81653

Any licensee whose license is on deposit under this division 81654
and who fails to meet the continuing education requirements of 81655
section 4735.141 of the Revised Code because the licensee is in 81656
the armed forces shall satisfy the commission that the licensee 81657
has complied with the continuing education requirements within 81658
twelve months of the licensee's first birthday after discharge or 81659
within the amount of time equal to the total number of months the 81660
licensee spent on active duty, whichever is greater. The licensee 81661
shall submit proper documentation of active duty service and the 81662

length of that active duty service to the superintendent. The 81663
extension shall not exceed the total number of months that the 81664
licensee served in active duty. The superintendent shall notify 81665
the licensee of the licensee's obligations under section 4735.141 81666
of the Revised Code at the time the licensee applies for 81667
reactivation of the licensee's license. 81668

(2) If a licensee is a spouse of a member of the armed forces 81669
and the spouse's service resulted in the licensee's absence from 81670
this state, both of the following apply: 81671

(a) The licensee shall not be required to renew the license 81672
until the renewal date that follows the date of the spouse's 81673
discharge from the armed forces. 81674

(b) If the licensee fails to meet the continuing education 81675
requirements of section 4735.141 of the Revised Code, the licensee 81676
shall satisfy the commission that the licensee has complied with 81677
the continuing education requirements within twelve months after 81678
the licensee's first birthday after the spouse's discharge or 81679
within the amount of time equal to the total number of months the 81680
licensee's spouse spent on active duty, whichever is greater. The 81681
licensee shall submit proper documentation of the spouse's active 81682
duty service and the length of that active duty service. This 81683
extension shall not exceed the total number of months that the 81684
licensee's spouse served in active duty. 81685

(3) In the case of a licensee as described in division (G)(2) 81686
of this section, who holds the license through a reciprocity 81687
agreement with another state, the spouse's service shall have 81688
resulted in the licensee's absence from the licensee's state of 81689
residence for the provisions of that division to apply. 81690

(4) As used in this division, "armed forces" means the armed 81691
forces of the United States or reserve component of the armed 81692
forces of the United States including the Ohio national guard or 81693

the national guard of any other state. 81694

(H) If a licensed real estate salesperson submits an 81695
application to the superintendent to leave the association of one 81696
broker to associate with a different broker, the broker possessing 81697
the licensee's license need not return the salesperson's license 81698
to the superintendent. The superintendent may process the 81699
application regardless of whether the licensee's license is 81700
returned to the superintendent. 81701

Sec. 4735.141. (A) Except as otherwise provided in this 81702
division and in section 4735.13 of the Revised Code and except for 81703
a licensee who has placed the licensee's license in resigned 81704
status pursuant to section 4735.142 of the Revised Code, each 81705
person licensed under section 4735.07 or 4735.09 of the Revised 81706
Code shall submit proof satisfactory to the superintendent of real 81707
estate that the licensee has satisfactorily completed thirty hours 81708
of continuing education, as prescribed by the Ohio real estate 81709
commission pursuant to section 4735.10 of the Revised Code, on or 81710
before the licensee's birthday occurring three years after the 81711
licensee's date of initial licensure, and on or before the 81712
licensee's birthday every three years thereafter. 81713

Persons licensed as real estate salespersons who subsequently 81714
become licensed real estate brokers shall continue to submit proof 81715
of continuing education in accordance with the time period 81716
established in this section. 81717

The requirements of this section shall not apply to any 81718
disabled licensee as provided in division (E) of this section. 81719

Each licensee who is seventy years of age or older, within a 81720
continuing education reporting period, shall submit proof 81721
satisfactory to the superintendent of real estate that the 81722
licensee has satisfactorily completed a total of nine classroom 81723
hours of continuing education, including instruction in Ohio real 81724

estate law; recently enacted state and federal laws affecting the 81725
real estate industry; municipal, state, and federal civil rights 81726
law; and canons of ethics for the real estate industry as adopted 81727
by the commission. The required proof of completion shall be 81728
submitted on or before the licensee's birthday that falls in the 81729
third year of that continuing education reporting period. A 81730
licensee who is seventy years of age or older whose license is in 81731
an inactive status is exempt from the continuing education 81732
requirements specified in this section. The commission shall adopt 81733
reasonable rules in accordance with Chapter 119. of the Revised 81734
Code to carry out the purposes of this paragraph. 81735

(B) The continuing education requirements of this section 81736
shall be completed in schools, seminars, and educational 81737
institutions approved by the commission. Such approval shall be 81738
given according to rules established by the commission under the 81739
procedures of Chapter 119. of the Revised Code, and shall not be 81740
limited to institutions providing two-year or four-year degrees. 81741
Each school, seminar, or educational institution approved under 81742
this division shall be open to all licensees on an equal basis. 81743

(C) If the requirements of this section are not met by a 81744
licensee within the period specified, the licensee's license shall 81745
be suspended automatically without the taking of any action by the 81746
superintendent. The superintendent shall notify the licensee of 81747
the license suspension, and such notification shall be sent by 81748
regular mail to the personal residence address of the licensee 81749
that is on file with the division. Any license so suspended shall 81750
remain suspended until it is reactivated by the superintendent. No 81751
such license shall be reactivated until it is established, to the 81752
satisfaction of the superintendent, that the requirements of this 81753
section have been met. If the requirements of this section are not 81754
met within twelve months from the date the license was suspended, 81755
the license shall be revoked automatically without the taking of 81756

any action by the superintendent. 81757

(D) If the license of a real estate broker is suspended 81758
pursuant to division (C) of this section, the license of a real 81759
estate salesperson associated with that broker correspondingly is 81760
suspended pursuant to division (H) of section 4735.20 of the 81761
Revised Code. A sole broker shall notify affiliated salespersons 81762
of the suspension in writing within three days of receiving the 81763
notice required by division (C) of this section. 81764

(1) The suspended license of the associated real estate 81765
salesperson shall be reactivated and no fee shall be charged or 81766
collected for that reactivation if that broker subsequently 81767
submits proof to the superintendent that the broker has complied 81768
with the requirements of this section and requests that the 81769
broker's license as a real estate broker be reactivated, and the 81770
superintendent then reactivates the broker's license as a real 81771
estate broker. 81772

(2) If the real estate salesperson submits an application to 81773
leave the association of the suspended broker in order to 81774
associate with a different broker, the suspended license of the 81775
associated real estate salesperson shall be reactivated and no fee 81776
shall be charged or collected for that reactivation. The 81777
superintendent may process the application regardless of whether 81778
the licensee's license is returned to the superintendent. 81779

Any person whose license is reactivated pursuant to this 81780
division shall comply with the requirements of this section and 81781
otherwise be in compliance with this chapter. 81782

(E) Any licensee who is a disabled licensee at any time 81783
during the last three months of the third year of the licensee's 81784
continuing education reporting period may receive an extension of 81785
time as deemed appropriate by the superintendent to submit proof 81786
to the superintendent that the licensee has satisfactorily 81787

completed the required thirty hours of continuing education. To 81788
receive an extension of time, the licensee shall submit a request 81789
to the division of real estate for the extension and proof 81790
satisfactory to the commission that the licensee was a disabled 81791
licensee at some time during the last three months of the 81792
three-year reporting period. The proof shall include, but is not 81793
limited to, a signed statement by the licensee's attending 81794
physician describing the disability, certifying that the 81795
licensee's disability is of such a nature as to prevent the 81796
licensee from attending any instruction lasting at least three 81797
hours in duration, and stating the expected duration of the 81798
disability. The licensee shall request the extension and provide 81799
the physician's statement to the division no later than one month 81800
prior to the end of the licensee's three-year continuing education 81801
reporting period, unless the disability did not arise until the 81802
last month of the three-year reporting period, in which event the 81803
licensee shall request the extension and provide the physician's 81804
statement as soon as practical after the occurrence of the 81805
disability. A licensee granted an extension pursuant to this 81806
division who is no longer a disabled licensee and who submits 81807
proof of completion of the continuing education during the 81808
extension period, shall submit, for future continuing education 81809
reporting periods, proof of completion of the continuing education 81810
requirements according to the schedule established in division (A) 81811
of this section. 81812

(F) The superintendent shall not renew a license if the 81813
licensee fails to comply with this section, and the licensee shall 81814
be required to pay the penalty fee provided in section 4735.14 of 81815
the Revised Code. 81816

(G) A licensee shall submit proof of completion of the 81817
required continuing education with the licensee's notice of 81818
renewal. The proof shall be submitted in the manner provided by 81819

the superintendent. 81820

Sec. 4736.12. (A) The state board of sanitarian registration 81821
shall charge the following fees: 81822

(1) To apply as a sanitarian-in-training, eighty dollars; 81823

(2) For sanitarians-in-training to apply for registration as 81824
sanitarians, eighty dollars. The applicant shall pay this fee only 81825
once regardless of the number of times the applicant takes an 81826
examination required under section 4736.08 of the Revised Code. 81827

(3) For persons other than sanitarians-in-training to apply 81828
for registration as sanitarians, including persons meeting the 81829
requirements of section 4736.16 of the Revised Code, one hundred 81830
sixty dollars. The applicant shall pay this fee only once 81831
regardless of the number of times the applicant takes an 81832
examination required under section 4736.08 of the Revised Code. 81833

(4) The renewal fee for registered sanitarians shall be 81834
~~eighty~~ ninety dollars. 81835

(5) The renewal fee for sanitarians-in-training shall be 81836
~~eighty~~ ninety dollars. 81837

(6) For late application for renewal, an additional ~~fifty~~ 81838
seventy-five dollars. 81839

The board of sanitarian registration, with the approval of 81840
the controlling board, may establish fees in excess of the amounts 81841
provided in this section, provided that such fees do not exceed 81842
the amounts permitted by this section by more than fifty per cent. 81843

(B) The board of sanitarian registration shall charge 81844
separate fees for examinations as required by section 4736.08 of 81845
the Revised Code, provided that the fees are not in excess of the 81846
actual cost to the board of conducting the examinations. 81847

(C) The board of sanitarian registration may adopt rules 81848

establishing fees for all of the following: 81849

(1) Application for the registration of a training agency 81850
approved under rules adopted by the board pursuant to section 81851
4736.11 of the Revised Code and for the annual registration 81852
renewal of an approved training agency; 81853

(2) Application for the review of continuing education hours 81854
submitted for the board's approval by approved training agencies 81855
or by registered sanitarians or sanitarians-in-training; 81856

(3) Additional copies of pocket identification cards and wall 81857
certificates. 81858

Sec. 4741.03. (A) The state veterinary medical licensing 81859
board shall meet at least once in each calendar year and may hold 81860
additional meetings as often as it considers necessary to conduct 81861
the business of the board. The president of the board may call 81862
special meetings, and the executive director shall call special 81863
meetings upon the written request of three members of the board. 81864
The board shall organize by electing a president and 81865
vice-president from its veterinarian members and such other 81866
officers as the board prescribes by rule. Each officer shall serve 81867
for a term specified by board rule or until a successor is elected 81868
and qualified. A quorum of the board consists of four members of 81869
which at least three are members who are veterinarians. The 81870
concurrence of four members is necessary for the board to take any 81871
action. 81872

(B) The board may appoint a person, not one of its members, 81873
to serve as its executive director. The executive director is in 81874
the unclassified service and serves at the pleasure of the board. 81875
The executive director shall serve as the board's 81876
secretary-treasurer ex officio. The board may employ additional 81877
employees for professional, technical, clerical, and special work 81878
as it considers necessary. The executive director shall give a 81879

surety bond to the state in the sum the board requires, 81880
conditioned upon the faithful performance of the executive 81881
director's duties. The board shall pay the cost of the bond. The 81882
executive director shall keep a complete accounting of all funds 81883
received and of all vouchers presented by the board to the 81884
director of budget and management for the disbursement of funds. 81885
The president or executive director shall approve all vouchers of 81886
the board. All money received by the board shall be credited to 81887
the occupational licensing and regulatory fund. 81888

(C) In addition to any other duty required under this 81889
chapter, the board shall do all of the following: 81890

(1) Prescribe a seal; 81891

(2) ~~Accept and review applications for admission to an~~ 81892
~~examination in accordance with section 4741.09 of the Revised Code~~ 81893
~~and review~~ Review the results of board-approved, nationally 81894
recognized examinations taken by applicants in accordance with 81895
rules adopted by the board. 81896

(3) Keep a record of all of its meetings and proceedings; 81897

(4) Maintain a register that records all applicants for a 81898
certificate of license or a temporary permit, all persons who have 81899
been denied a license or permit, all persons who have been granted 81900
or reissued a license or permit, and all persons whose license or 81901
permit has been revoked or suspended. The register shall also 81902
include a record of persons licensed prior to October 17, 1975. 81903

(5) Maintain a register, in such form as the board determines 81904
by rule, of all colleges and universities that teach veterinary 81905
medicine and veterinary technology that are approved by the board; 81906

(6) Enforce this chapter, and for that purpose, make 81907
investigations relative as provided in section 4741.26 of the 81908
Revised Code; 81909

(7) Issue licenses and permits to persons who meet the qualifications set forth in this chapter;	81910 81911
(8) Approve colleges and universities which meet the board's requirements for veterinary medicine and associated fields of study and withdraw or deny, after an adjudication conducted in accordance with Chapter 119. of the Revised Code, approval from colleges and universities which fail to meet those requirements;	81912 81913 81914 81915 81916
(9) Adopt rules, in accordance with Chapter 119. of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.	81917 81918 81919
(D) The board may do all of the following:	81920
(1) Subpoena witnesses and require their attendance and testimony, and require the production by witnesses of books, papers, public records, animal patient records, and other documentary evidence and examine them, in relation to any matter that the board has authority to investigate, inquire into, or hear. Except for any officer or employee of the state or any political subdivision of the state, the treasurer of state shall pay all witnesses in any proceeding before the board, upon certification from the board, witness fees and mileage in the amount provided for under section 119.094 of the Revised Code.	81921 81922 81923 81924 81925 81926 81927 81928 81929 81930
(2) Examine and inspect books, papers, public records, animal patient records, and other documentary evidence at the location where the books, papers, records, and other evidence are normally stored or maintained.	81931 81932 81933 81934
(E) All registers, books, and records kept by the board are the property of the board and are open for public examination and inspection at all reasonable times in accordance with section 149.43 of the Revised Code. The registers, books, and records are prima-facie evidence of the matters contained in them.	81935 81936 81937 81938 81939

Sec. 4741.11. Whenever an applicant for a license to practice 81940
veterinary medicine ~~passes the examination specified in section~~ 81941
~~4741.09 of the Revised Code, and~~ has graduated from a veterinary 81942
college approved by the state veterinary medical licensing board 81943
or accredited by the American veterinary medical association or 81944
has been issued a certificate on or after May 1, 1987, by the 81945
education commission for foreign veterinary graduates of the 81946
American veterinary medical association or by the program for the 81947
assessment of veterinary education equivalence of the American 81948
association of veterinary state boards, and is not in violation of 81949
this chapter, the board shall issue a certificate of license to 81950
that effect, signed by the members and bearing the seal of the 81951
board. The certificate shall show that the successful applicant 81952
has qualified under the laws of this state and the requirements of 81953
the board and that the applicant is duly licensed and qualified to 81954
practice veterinary medicine. 81955

~~Upon request, the board shall furnish to an applicant for a~~ 81956
~~license who fails to pass the examination a written report showing~~ 81957
~~reasons for the applicant's failure in the examination.~~ 81958

Sec. 4741.12. The state veterinary medical licensing board 81959
may issue a license to practice veterinary medicine without the 81960
examination required pursuant to section 4741.11 of the Revised 81961
Code to an applicant from another state, territory, country, or 81962
the District of Columbia who furnishes satisfactory proof to the 81963
board that the applicant meets all of the following criteria: 81964

(A) The applicant is a graduate of a veterinary college 81965
accredited by the American veterinary medical association or holds 81966
a certificate issued, on or after May 1, 1987, by the education 81967
commission for foreign veterinary graduates of the American 81968
veterinary medical association or ~~issued by any other nationally~~ 81969
~~recognized certification program the board approves by rule~~ by the 81970

program for the assessment of veterinary education equivalence of 81971
the American association of veterinary state boards. 81972

(B) The applicant holds a license, which is not under 81973
suspension, revocation, or other disciplinary action, issued by an 81974
agency similar to this board of another state, territory, country, 81975
or the District of Columbia, having requirements equivalent to 81976
those of this state, provided the laws of such state, territory, 81977
country, or district accord equal rights to the holder of a 81978
license to practice in this state who removes to such state, 81979
territory, country, or district. 81980

(C) The applicant is of good moral character, as determined 81981
by the board. 81982

(D) The applicant is not under investigation for an act which 81983
would constitute a violation of this chapter that would require 81984
the revocation of or refusal to renew a license. 81985

(E) The applicant has a thorough knowledge of the laws and 81986
rules governing the practice of veterinary medicine in this state, 81987
as determined by the board. 81988

Sec. 4741.17. (A) Applicants or registrants shall pay to the 81989
state veterinary medical licensing board: 81990

(1) For an initial veterinary license ~~based on examination,~~ 81991
on or after the first day of March in an even-numbered year, ~~three~~ 81992
~~hundred seventy-five~~ four hundred twenty-five dollars, and on or 81993
after the first day of March in an odd-numbered year, ~~two hundred~~ 81994
~~fifty~~ three hundred dollars; 81995

(2) For an initial limited license to practice veterinary 81996
medicine for an intern, resident in a veterinary specialty, or 81997
graduate student, thirty-five dollars; 81998

(3) For an initial limited license to practice veterinary 81999
medicine for an instructor, researcher, or diagnostician, one 82000

hundred fifty-five dollars; 82001

~~(4) For a veterinary license by reciprocity issued on or~~ 82002
~~after the first day of March in an even numbered year, four~~ 82003
~~hundred twenty five dollars, and on or after the first day of~~ 82004
~~March in an odd numbered year, three hundred dollars;~~ 82005

~~(5)~~ For a veterinary temporary permit, one hundred dollars; 82006

~~(6)~~(5) For a duplicate license, thirty-five dollars; 82007

~~(7)~~(6) For the veterinary license biennial renewal fee, where 82008
the application is postmarked no later than the first day of 82009
March, one hundred fifty-five dollars; where the application is 82010
postmarked after the first day of March, but no later than the 82011
first day of April, two hundred twenty-five dollars; and where the 82012
application is postmarked after the first day of April, four 82013
hundred fifty dollars. Notwithstanding section 4741.25 of the 82014
Revised Code, the board shall deposit ten dollars of each 82015
veterinary license biennial renewal fee that it collects into the 82016
state treasury to the credit of the veterinarian loan repayment 82017
fund created in section 4741.46 of the Revised Code. 82018

~~(8)~~(7) For the limited license to practice veterinary 82019
medicine biennial renewal fee, where the application is postmarked 82020
not later than the first day of July, one hundred fifty-five 82021
dollars; where the application is postmarked after the first day 82022
of July, but not later than the first day of August, two hundred 82023
twenty-five dollars; and where the application is postmarked after 82024
the first day of August, four hundred fifty dollars. 82025
Notwithstanding section 4741.25 of the Revised Code, the board 82026
shall deposit ten dollars of each limited license biennial renewal 82027
fee that it collects from instructors, researchers, and 82028
diagnosticians into the state treasury to the credit of the 82029
veterinarian loan repayment fund. 82030

~~(9)~~(8) For an initial registered veterinary technician 82031

registration fee on or after the first day of March in an 82032
odd-numbered year, thirty-five dollars, and on or after the first 82033
day of March in an even-numbered year, twenty-five dollars; 82034

~~(10)~~(9) For the biennial renewal registration fee of a 82035
registered veterinary technician, where the application is 82036
postmarked no later than the first day of March, thirty-five 82037
dollars; where the application is postmarked after the first day 82038
of March, but no later than the first day of April, forty-five 82039
dollars; and where the application is postmarked after the first 82040
day of April, sixty dollars; 82041

~~(11)~~(10) For a specialist certificate, fifty dollars. The 82042
certificate is not subject to renewal. 82043

~~(12)~~(11) For the reinstatement of a suspended license, or for 82044
reinstatement of a license that has lapsed more than one year, an 82045
additional fee of seventy-five dollars; 82046

~~(13) For examinations offered by the board, a fee, which 82047
shall be established by the board, in an amount adequate to cover 82048
the expense of procuring, administering, and scoring examinations; 82049~~

~~(14)~~(12) For a provisional veterinary graduate license, one 82050
hundred dollars. 82051

(B) For the purposes of divisions (A)(6), (7), ~~(8)~~, and 82052
~~(10)~~(9) of this section, a date stamp of the office of the board 82053
may serve in lieu of a postmark. 82054

Sec. 4741.19. (A) Unless exempted under this chapter, no 82055
person shall practice veterinary medicine, or any of its branches, 82056
without a license or limited license issued by the state 82057
veterinary medical licensing board pursuant to sections 4741.11 to 82058
4741.13 of the Revised Code, a temporary permit issued pursuant to 82059
section 4741.14 of the Revised Code, or a registration certificate 82060
issued pursuant to division (C) of this section, or with an 82061

inactive, expired, suspended, terminated, or revoked license, 82062
temporary permit, or registration. 82063

(B) No veterinary student shall: 82064

(1) Perform or assist surgery unless under direct veterinary 82065
supervision and unless the student has had the minimum education 82066
and experience prescribed by rule of the board; 82067

(2) Engage in any other work related to the practice of 82068
veterinary medicine unless under veterinary supervision; 82069

(3) Participate in the operation of a branch office, clinic, 82070
or allied establishment unless a licensed veterinarian is present 82071
on the establishment premises. 82072

(C) No person shall act as a registered veterinary technician 82073
unless the person is registered with the board on a biennial basis 82074
and pays the biennial registration fee. A registered veterinary 82075
technician registration expires biennially on the first day of 82076
March in the odd-numbered years and may be renewed in accordance 82077
with the standard renewal procedures contained in Chapter 4745. of 82078
the Revised Code upon payment of the biennial registration fee and 82079
fulfillment of ten continuing education hours during the two years 82080
immediately preceding renewal for registration. Each registered 82081
veterinary technician shall notify in writing the executive 82082
director of the board of any change in the registered veterinary 82083
technician's office address or employment within ninety days after 82084
the change has taken place. 82085

(1) A registered veterinary technician operating under 82086
veterinary supervision may perform the following duties: 82087

(a) Prepare or supervise the preparation of patients, 82088
instruments, equipment, and medications for surgery; 82089

(b) Collect or supervise the collection of specimens and 82090
perform laboratory procedures as required by the supervising 82091

veterinarian;	82092
(c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;	82093 82094
(d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;	82095 82096
(e) Suture skin incisions;	82097
(f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;	82098 82099 82100
(g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.	82101 82102 82103
(h) Any additional duties as established by the board in rule.	82104 82105
(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:	82106 82107
(a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;	82108 82109
(b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;	82110 82111 82112
(c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.	82113 82114 82115
The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.	82116 82117 82118 82119
(D) A veterinarian licensed to practice in this state shall	82120

not present the person's self as or state a claim that the person 82121
is a specialist unless the veterinarian has previously met the 82122
requirements for certification by a specialty organization 82123
recognized by the American board of veterinary specialties for a 82124
specialty or such other requirements set by rule of the board and 82125
has paid the fee required by division (A)~~(11)~~(10) of section 82126
4741.17 of the Revised Code. 82127

(E) Notwithstanding division (A) of this section, any animal 82128
owner or the owner's designee may engage in the practice of embryo 82129
transfer on the owner's animal if a licensed veterinarian directly 82130
supervises the owner or the owner's designee and the means used to 82131
perform the embryo transfer are nonsurgical. 82132

(F) Allied medical support may assist a licensed veterinarian 82133
to the extent to which the law that governs the individual 82134
providing the support permits, if all of the following apply: 82135

(1) A valid veterinary-client-patient-relationship exists. 82136

(2) The individual acts under direct veterinary supervision. 82137

(3) The allied medical support individual receives informed, 82138
written, client consent. 82139

(4) The veterinarian maintains responsibility for the patient 82140
and keeps the patient's medical records. 82141

The board may inspect the facilities of an allied medical 82142
support individual in connection with an investigation based on a 82143
complaint received in accordance with section 4741.26 of the 82144
Revised Code involving that individual. 82145

Sec. 4741.22. (A) The state veterinary medical licensing 82146
board may refuse to issue or renew a license, limited license, 82147
registration, or temporary permit to or of any applicant who, and 82148
may issue a reprimand to, suspend or revoke the license, limited 82149
license, registration, or the temporary permit of, or impose a 82150

civil penalty pursuant to this section upon any person holding a 82151
license, limited license, or temporary permit to practice 82152
veterinary medicine or any person registered as a registered 82153
veterinary technician who: 82154

~~(A)~~(1) In the conduct of the person's practice does not 82155
conform to the rules of the board or the standards of the 82156
profession governing proper, humane, sanitary, and hygienic 82157
methods to be used in the care and treatment of animals; 82158

~~(B)~~(2) Uses fraud, misrepresentation, or deception in any 82159
application or examination for licensure, or any other 82160
documentation created in the course of practicing veterinary 82161
medicine; 82162

~~(C)~~(3) Is found to be physically or psychologically addicted 82163
to alcohol or an illegal or controlled substance, as defined in 82164
section 3719.01 of the Revised Code, to such a degree as to render 82165
the person unfit to practice veterinary medicine; 82166

~~(D)~~(4) Directly or indirectly employs or lends the person's 82167
services to a solicitor for the purpose of obtaining patients; 82168

~~(E)~~(5) Obtains a fee on the assurance that an incurable 82169
disease can be cured; 82170

~~(F)~~(6) Advertises in a manner that violates section 4741.21 82171
of the Revised Code; 82172

~~(G)~~(7) Divides fees or charges or has any arrangement to 82173
share fees or charges with any other person, except on the basis 82174
of services performed; 82175

~~(H)~~(8) Sells any biologic containing living, dead, or 82176
sensitized organisms or products of those organisms, except in a 82177
manner that the board by rule has prescribed; 82178

~~(I)~~(9) Is convicted of or pleads guilty to any felony or 82179
crime involving illegal or prescription drugs, or fails to report 82180

to the board within sixty days of the individual's conviction of, 82181
plea of guilty to, or treatment in lieu of conviction involving a 82182
felony, misdemeanor of the first degree, or offense involving 82183
illegal or prescription drugs; 82184

~~(J)~~(10) Is convicted of any violation of section 959.13 of 82185
the Revised Code; 82186

~~(K)~~(11) Swears falsely in any affidavit required to be made 82187
by the person in the course of the practice of veterinary 82188
medicine; 82189

~~(L)~~(12) Fails to report promptly to the proper official any 82190
known reportable disease; 82191

~~(M)~~(13) Fails to report promptly vaccinations or the results 82192
of tests when required to do so by law or rule; 82193

~~(N)~~(14) Has been adjudicated incompetent for the purpose of 82194
holding the license or permit by a court, as provided in Chapter 82195
2111. of the Revised Code, and has not been restored to legal 82196
capacity for that purpose; 82197

~~(O)~~(15) Permits a person who is not a licensed veterinarian, 82198
a veterinary student, or a registered veterinary technician to 82199
engage in work or perform duties in violation of this chapter; 82200

~~(P)~~(16) Is guilty of gross incompetence or gross negligence; 82201

~~(Q)~~(17) Has had a license to practice veterinary medicine or 82202
a license, registration, or certificate to engage in activities as 82203
a registered veterinary technician revoked, suspended, or acted 82204
against by disciplinary action by an agency similar to this board 82205
of another state, territory, or country or the District of 82206
Columbia; 82207

~~(R)~~(18) Is or has practiced with a revoked, suspended, 82208
inactive, expired, or terminated license or registration; 82209

~~(S)~~(19) Represents self as a specialist unless certified as a 82210

specialist by the board; 82211

~~(T)~~(20) In the person's capacity as a veterinarian or 82212
registered veterinary technician makes or files a report, health 82213
certificate, vaccination certificate, or other document that the 82214
person knows is false or negligently or intentionally fails to 82215
file a report or record required by any applicable state or 82216
federal law; 82217

~~(U)~~(21) Fails to use reasonable care in the administration of 82218
drugs or acceptable scientific methods in the selection of those 82219
drugs or other modalities for treatment of a disease or in conduct 82220
of surgery; 82221

~~(V)~~(22) Makes available a dangerous drug, as defined in 82222
section 4729.01 of the Revised Code, to any person other than for 82223
the specific treatment of an animal patient; 82224

~~(W)~~(23) Refuses to permit a board investigator or the board's 82225
designee to inspect the person's business premises during regular 82226
business hours, except as provided in division (A) of section 82227
4741.26 of the Revised Code; 82228

~~(X)~~(24) Violates any order of the board or fails to comply 82229
with a subpoena of the board; 82230

~~(Y)~~(25) Fails to maintain medical records as required by rule 82231
of the board; 82232

~~(Z)~~(26) Engages in cruelty to animals; 82233

~~(AA)~~(27) Uses, prescribes, or sells any veterinary 82234
prescription drug or biologic, or prescribes any extra-label use 82235
of any over-the-counter drug or dangerous drug in the absence of a 82236
valid veterinary-client-patient relationship. 82237

Before (B) Except as provided in division (D) of this 82238
section, before the board may revoke, deny, refuse to renew, or 82239
suspend a license, registration, or temporary permit or otherwise 82240

discipline the holder of a license, registration, or temporary 82241
permit, the executive director shall file written charges with the 82242
board. The board shall conduct a hearing on the charges as 82243
provided in Chapter 119. of the Revised Code. 82244

(C) If the board, after a hearing conducted pursuant to 82245
Chapter 119. of the Revised Code, revokes, refuses to renew, or 82246
suspends a license, registration, or temporary permit for a 82247
violation of this section, section 4741.23, division (C) or (D) of 82248
section 4741.19, or division (B), (C), or (D) of section 4741.21 82249
of the Revised Code, the board may impose a civil penalty upon the 82250
holder of the license, permit, or registration of not less than 82251
one hundred dollars or more than one thousand dollars. In addition 82252
to the civil penalty and any other penalties imposed pursuant to 82253
this chapter, the board may assess any holder of a license, 82254
permit, or registration the costs of the hearing conducted under 82255
this section if the board determines that the holder has violated 82256
any provision for which the board may impose a civil penalty under 82257
this section. 82258

(D) The executive director may recommend that the board 82259
suspend an individual's certificate of license without a prior 82260
hearing if the executive director determines both of the 82261
following: 82262

(1) There is clear and convincing evidence that division 82263
(A)(3), (9), (14), (22), or (26) of this section applies to the 82264
individual. 82265

(2) The individual's continued practice presents a danger of 82266
immediate and serious harm to the public. 82267

The executive director shall prepare written allegations for 82268
consideration by the board. The board, upon review of those 82269
allegations and by an affirmative vote of not fewer than four of 82270
its members, may suspend the certificate without a prior hearing. 82271

A telephone conference call may be utilized for reviewing the 82272
allegations and taking the vote on the suspension. 82273

The board shall issue a written order of suspension by 82274
certified mail or in person in accordance with section 119.07 of 82275
the Revised Code. If the individual subject to the suspension 82276
requests an adjudicatory hearing by the board, the date set for 82277
the hearing shall be not later than fifteen days, but not earlier 82278
than seven days after the individual requests the hearing unless 82279
otherwise agreed to by both the board and the individual. 82280

A suspension imposed under this division shall remain in 82281
effect, unless reversed on appeal, until a final adjudicative 82282
order issued by the board under this section and Chapter 119. of 82283
the Revised Code becomes effective. The board shall issue its 82284
final adjudicative order not later than ninety days after 82285
completion of its hearing. Failure to issue the order within 82286
ninety days results in dissolution of the suspension order, but 82287
does not invalidate any subsequent, final adjudicative order. 82288

(E) A license or registration issued to an individual under 82289
this chapter is automatically suspended upon that individual's 82290
conviction of or plea of guilty to or upon a judicial finding with 82291
regard to any of the following: aggravated murder, murder, 82292
voluntary manslaughter, felonious assault, kidnapping, rape, 82293
sexual battery, gross sexual imposition, aggravated arson, 82294
aggravated robbery, or aggravated burglary. The suspension shall 82295
remain in effect from the date of the conviction, plea, or finding 82296
until an adjudication is held under Chapter 119. of the Revised 82297
Code. If the board has knowledge that an automatic suspension has 82298
occurred, it shall notify the individual subject to the 82299
suspension. If the individual is notified and either fails to 82300
request an adjudication within the time periods established by 82301
Chapter 119. of the Revised Code or fails to participate in the 82302
adjudication, the board shall enter a final order permanently 82303

revoking the individual's license or registration. 82304

Sec. 4741.31. The state veterinary medical licensing board 82305
shall adopt rules in accordance with Chapter 119. of the Revised 82306
Code establishing standards for approving and designating 82307
physicians and facilities as treatment providers for veterinarians 82308
with substance abuse problems and shall approve and designate 82309
treatment providers in accordance with the rules. The rules shall 82310
include standards for both inpatient and outpatient treatment. The 82311
rules shall provide that to be approved, a treatment provider must 82312
be capable of making an initial examination to determine the type 82313
of treatment required for a veterinarian with substance abuse 82314
problems. Subject to the rules, the board shall review and approve 82315
treatment providers on a regular basis and may, at its discretion, 82316
withdraw or deny approval. 82317

An approved treatment provider shall: 82318

(A) Report to the board the name of any veterinarian 82319
suffering or showing evidence of suffering impairment by reason of 82320
alcohol or drug addiction as described in division ~~(C)~~(A)(3) of 82321
section 4741.22 of the Revised Code who fails to comply within one 82322
week with a referral for examination; 82323

(B) Report to the board the name of any impaired veterinarian 82324
who fails to enter treatment within forty-eight hours following 82325
the provider's determination that the veterinarian needs 82326
treatment; 82327

(C) Require every veterinarian who enters treatment to agree 82328
to a treatment contract establishing the terms of treatment and 82329
aftercare, including any required supervision or restrictions of 82330
practice during treatment or aftercare; 82331

(D) Require a veterinarian to suspend practice on entering 82332
any required inpatient treatment; 82333

(E) Report to the board any failure by an impaired
veterinarian to comply with the terms of the treatment contract
during inpatient or outpatient treatment or aftercare;

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(F) Report to the board the resumption of practice of any
impaired veterinarian before the treatment provider has made a
clear determination that the veterinarian is capable of practicing
according to acceptable and prevailing standards of care;

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(G) Require a veterinarian who resumes practice after
completion of treatment to comply with an aftercare contract that
meets the requirements of rules adopted by the board for approval
of treatment providers;

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(H) Report to the board any veterinarian who suffers a
relapse at any time during or following aftercare.

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Any veterinarian who enters into treatment by an approved
treatment provider shall be deemed to have waived any
confidentiality requirements that would otherwise prevent the
treatment provider from making reports required under this
section.

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In the absence of fraud or bad faith, no professional
association of veterinarians licensed under this chapter that
sponsors a committee or program to provide peer assistance to
veterinarians with substance abuse problems, no representative or
agent of such a committee or program, and no member of the state
veterinary medical licensing board shall be liable to any person
for damages in a civil action by reason of actions taken to refer
a veterinarian to a treatment provider designated by the board or
actions or omissions of the provider in treating a veterinarian.

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In the absence of fraud or bad faith, no person who reports
to the board a veterinarian with a suspected substance abuse
problem shall be liable to any person for damages in a civil
action as a result of the report.

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Sec. 4743.08. Notwithstanding any provision of the Revised Code to the contrary, a health care provider may advertise the provider's usual and customary charge for any product, procedure, or service that is provided, performed, or rendered by the provider. Any provision in a contract that prohibits this practice is void.

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Sec. 4760.02. (A) Except as provided in division (B) of this section, no person shall practice as an anesthesiologist assistant unless the person holds a current, valid certificate of ~~registration~~ issued under this chapter to practice as an anesthesiologist assistant.

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(B) Division (A) of this section does not apply to either of the following:

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(1) A person participating in a training program leading toward certification by the national commission for certification of anesthesiologist assistants, as long as the person is supervised by an anesthesiologist, an individual participating in a hospital residency program in preparation to practice as an anesthesiologist, or an anesthesiologist assistant who holds a current, valid certificate of ~~registration~~ to practice issued under this chapter;

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(2) Any person who otherwise holds professional authority granted pursuant to the Revised Code to perform any of the activities that an anesthesiologist assistant is authorized to perform.

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Sec. 4760.03. (A) An individual seeking a certificate of ~~registration~~ to practice as an anesthesiologist assistant shall file with the state medical board a written application on a form prescribed and supplied by the board. The application shall include all of the following information:

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(1) Evidence satisfactory to the board that the applicant is 82395
at least twenty-one years of age and of good moral character; 82396

(2) Evidence satisfactory to the board that the applicant has 82397
successfully completed the training necessary to prepare 82398
individuals to practice as anesthesiologist assistants, as 82399
specified in section 4760.031 of the Revised Code; 82400

(3) Evidence satisfactory to the board that the applicant 82401
holds current certification from the national commission for 82402
certification of anesthesiologist assistants and that the 82403
requirements for receiving the certification included passage of 82404
an examination to determine the individual's competence to 82405
practice as an anesthesiologist assistant; 82406

(4) Any other information the board considers necessary to 82407
process the application and evaluate the applicant's 82408
qualifications. 82409

(B) At the time of making application for a certificate ~~of~~ 82410
~~registration to practice~~, the applicant shall pay the board a fee 82411
of one hundred dollars, no part of which shall be returned. 82412

(C) The board shall review all applications received under 82413
this section. Not later than sixty days after receiving a complete 82414
application, the board shall determine whether an applicant meets 82415
the requirements to receive a certificate ~~of registration to~~ 82416
~~practice~~. The affirmative vote of not fewer than six members of 82417
the board is required to determine that an applicant meets the 82418
requirements for a certificate. The board shall not issue a 82419
certificate ~~of registration~~ to an applicant unless the applicant 82420
is certified by the national commission for certification of 82421
anesthesiologist assistants or a successor organization that is 82422
recognized by the board. 82423

Sec. 4760.031. As a condition of being eligible to receive a 82424

certificate ~~of registration~~ to practice as an anesthesiologist 82425
assistant, an individual must successfully complete the following 82426
training requirements: 82427

(A) A baccalaureate or higher degree program at an 82428
institution of higher education accredited by an organization 82429
recognized by the board of regents. The program must have included 82430
courses in the following areas of study: 82431

(1) General biology; 82432

(2) General chemistry; 82433

(3) Organic chemistry; 82434

(4) Physics; 82435

(5) Calculus. 82436

(B) A training program conducted for the purpose of preparing 82437
individuals to practice as anesthesiologist assistants. If the 82438
program was completed prior to ~~the effective date of this section~~ 82439
May 31, 2000, the program must have been completed at case western 82440
reserve university or emory university in Atlanta, Georgia. If the 82441
program is completed on or after ~~the effective date of this~~ 82442
~~section~~ May 31, 2000, the program must be a graduate-level program 82443
accredited by the commission on accreditation of allied health 82444
education programs or any of the commission's successor 82445
organizations. In either case, the training program must have 82446
included at least all of the following components: 82447

(1) Basic sciences of anesthesia: physiology, 82448
pathophysiology, anatomy, and biochemistry. The courses must be 82449
presented as a continuum of didactic courses designed to teach 82450
students the foundations of human biological existence on which 82451
clinical correlations to anesthesia practice are based. 82452

(2) Pharmacology for the anesthetic sciences. The course must 82453
include instruction in the anesthetic principles of pharmacology, 82454

pharmacodynamics, pharmacokinetics, uptake and distribution,	82455
intravenous anesthetics and narcotics, and volatile anesthetics.	82456
(3) Physics in anesthesia.	82457
(4) Fundamentals of anesthetic sciences, presented as a	82458
continuum of courses covering a series of topics in basic medical	82459
sciences with special emphasis on the effects of anesthetics on	82460
normal physiology and pathophysiology.	82461
(5) Patient instrumentation and monitoring, presented as a	82462
continuum of courses focusing on the design of, proper preparation	82463
of, and proper methods of resolving problems that arise with	82464
anesthesia equipment. The courses must provide a balance between	82465
the engineering concepts used in anesthesia instruments and the	82466
clinical application of anesthesia instruments.	82467
(6) Clinically based conferences in which techniques of	82468
anesthetic management, quality assurance issues, and current	82469
professional literature are reviewed from the perspective of	82470
practice improvement.	82471
(7) Clinical experience consisting of at least two thousand	82472
hours of direct patient contact, presented as a continuum of	82473
courses throughout the entirety of the program, beginning with a	82474
gradual introduction of the techniques for the anesthetic	82475
management of patients and culminating in the assimilation of the	82476
graduate of the program into the work force. Areas of instruction	82477
must include the following:	82478
(a) Preoperative patient assessment;	82479
(b) Indwelling vascular catheter placement, including	82480
intravenous and arterial catheters;	82481
(c) Airway management, including mask airway and orotracheal	82482
intubation;	82483
(d) Intraoperative charting;	82484

(e) Administration and maintenance of anesthetic agents, narcotics, hypnotics, and muscle relaxants;	82485 82486
(f) Administration and maintenance of volatile anesthetics;	82487
(g) Administration of blood products and fluid therapy;	82488
(h) Patient monitoring;	82489
(i) Postoperative management of patients;	82490
(j) Regional anesthesia techniques;	82491
(k) Administration of vasoactive substances for treatment of unacceptable patient hemodynamic status;	82492 82493
(l) Specific clinical training in all the subspecialties of anesthesia, including pediatrics, neurosurgery, cardiovascular surgery, trauma, obstetrics, orthopedics, and vascular surgery.	82494 82495 82496
(8) Basic life support that qualifies the individual to administer cardiopulmonary resuscitation to patients in need. The course must include the instruction necessary to be certified in basic life support by the American red cross or the American heart association.	82497 82498 82499 82500 82501
(9) Advanced cardiac life support that qualifies the individual to participate in the pharmacologic intervention and management resuscitation efforts for a patient in full cardiac arrest. The course must include the instruction necessary to be certified in advanced cardiac life support by the American red cross or the American heart association.	82502 82503 82504 82505 82506 82507
Sec. 4760.032. In addition to any other eligibility requirement set forth in this chapter, each applicant for a certificate of registration <u>to practice</u> as an anesthesiologist assistant shall comply with sections 4776.01 to 4776.04 of the Revised Code. The state medical board shall not grant to an applicant a certificate of registration <u>to practice</u> as an	82508 82509 82510 82511 82512 82513

anesthesiologist assistant unless the board, in its discretion, 82514
decides that the results of the criminal records check do not make 82515
the applicant ineligible for a certificate issued pursuant to 82516
section 4760.04 of the Revised Code. 82517

Sec. 4760.04. If the state medical board determines under 82518
section 4760.03 of the Revised Code that an applicant meets the 82519
requirements for a certificate ~~of registration to practice~~ as an 82520
anesthesiologist assistant, the secretary of the board shall 82521
register the applicant as an anesthesiologist assistant and issue 82522
to the applicant a certificate ~~of registration to practice~~ as an 82523
anesthesiologist assistant. The certificate shall expire 82524
biennially and may be renewed in accordance with section 4760.06 82525
of the Revised Code. 82526

Sec. 4760.05. On application by the holder of a certificate 82527
~~of registration to practice~~ as an anesthesiologist assistant, the 82528
state medical board shall issue a duplicate certificate to replace 82529
one that is missing or damaged, to reflect a name change, or for 82530
any other reasonable cause. The fee for a duplicate certificate is 82531
thirty-five dollars. 82532

Sec. 4760.06. (A) A person seeking to renew a certificate ~~of~~ 82533
~~registration to practice~~ as an anesthesiologist assistant shall, 82534
on or before the thirty-first day of January of each even-numbered 82535
year, apply for renewal of the certificate. The state medical 82536
board shall ~~send~~ provide renewal notices at least one month prior 82537
to the expiration date. 82538

Applications shall be submitted to the board ~~on forms in a~~ 82539
~~manner prescribed by the board shall prescribe and supply.~~ Each 82540
application shall be accompanied by a biennial renewal fee of one 82541
hundred dollars. 82542

The applicant shall report any criminal offense that 82543

constitutes grounds for refusing to issue a certificate of 82544
~~registration to practice~~ under section 4760.13 of the Revised Code 82545
to which the applicant has pleaded guilty, of which the applicant 82546
has been found guilty, or for which the applicant has been found 82547
eligible for intervention in lieu of conviction, since last 82548
signing an application for a certificate of ~~registration to~~ 82549
practice as an anesthesiologist assistant. 82550

(B) To be eligible for renewal, an anesthesiologist assistant 82551
must certify to the board that the assistant has maintained 82552
certification by the national commission for the certification of 82553
anesthesiologist assistants. 82554

(C) If an applicant submits a complete renewal application 82555
and qualifies for renewal pursuant to division (B) of this 82556
section, the board shall ~~issue to the applicant a renewed~~ renew 82557
the certificate of ~~registration to practice~~ as an anesthesiologist 82558
assistant. 82559

(D) A certificate of ~~registration to practice~~ that is not 82560
renewed on or before its expiration date is automatically 82561
suspended on its expiration date. If a certificate has been 82562
suspended pursuant to this division for two years or less, the 82563
board shall reinstate the certificate upon an applicant's 82564
submission of a renewal application, the biennial renewal fee, and 82565
the applicable monetary penalty. The penalty for reinstatement is 82566
twenty-five dollars. If a certificate has been suspended pursuant 82567
to this division for more than two years, it may be restored upon 82568
an applicant's submission of a restoration application, the 82569
biennial ~~registration~~ renewal fee, and the applicable monetary 82570
penalty and compliance with sections 4776.01 to 4776.04 of the 82571
Revised Code. The board shall not restore a certificate to 82572
practice unless the board, in its discretion, decides that the 82573
results of the criminal records check do not make the applicant 82574
ineligible for a certificate issued pursuant to section 4760.04 of 82575

the Revised Code. The penalty for restoration is fifty dollars. 82576

Sec. 4760.13. (A) The state medical board, by an affirmative 82577
vote of not fewer than six members, may revoke or may refuse to 82578
grant a certificate ~~of registration to practice~~ to practice as an 82579
anesthesiologist assistant to a person found by the board to have 82580
committed fraud, misrepresentation, or deception in applying for 82581
or securing the certificate. 82582

(B) The board, by an affirmative vote of not fewer than six 82583
members, shall, to the extent permitted by law, limit, revoke, or 82584
suspend an individual's certificate ~~of registration to practice~~ as 82585
an anesthesiologist assistant, refuse to issue a certificate to an 82586
applicant, refuse to renew a certificate, refuse to reinstate a 82587
certificate, or reprimand or place on probation the holder of a 82588
certificate for any of the following reasons: 82589

(1) Permitting the holder's name or certificate to be used by 82590
another person; 82591

(2) Failure to comply with the requirements of this chapter, 82592
Chapter 4731. of the Revised Code, or any rules adopted by the 82593
board; 82594

(3) Violating or attempting to violate, directly or 82595
indirectly, or assisting in or abetting the violation of, or 82596
conspiring to violate, any provision of this chapter, Chapter 82597
4731. of the Revised Code, or the rules adopted by the board; 82598

(4) A departure from, or failure to conform to, minimal 82599
standards of care of similar practitioners under the same or 82600
similar circumstances whether or not actual injury to the patient 82601
is established; 82602

(5) Inability to practice according to acceptable and 82603
prevailing standards of care by reason of mental illness or 82604
physical illness, including physical deterioration that adversely 82605

affects cognitive, motor, or perceptive skills;	82606
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	82607 82608 82609 82610
(7) Willfully betraying a professional confidence;	82611
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate of registration to practice as an anesthesiologist assistant.	82612 82613 82614
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	82615 82616 82617 82618 82619 82620 82621 82622
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	82623 82624 82625
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	82626 82627 82628
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	82629 82630 82631
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	82632 82633 82634
(13) A plea of guilty to, a judicial finding of guilt of, or	82635

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 82636
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 82638
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 82641
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 82644
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of anesthesiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 82649
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(18) Violation of the conditions placed by the board on a certificate ~~of registration~~ to practice; 82657
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 82659
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(20) Failure to cooperate in an investigation conducted by the board under section 4760.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 82662
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cooperate with an investigation shall not constitute grounds for 82667
discipline under this section if a court of competent jurisdiction 82668
has issued an order that either quashes a subpoena or permits the 82669
individual to withhold the testimony or evidence in issue; 82670

(21) Failure to comply with any code of ethics established by 82671
the national commission for the certification of anesthesiologist 82672
assistants; 82673

(22) Failure to notify the state medical board of the 82674
revocation or failure to maintain certification from the national 82675
commission for certification of anesthesiologist assistants. 82676

(C) Disciplinary actions taken by the board under divisions 82677
(A) and (B) of this section shall be taken pursuant to an 82678
adjudication under Chapter 119. of the Revised Code, except that 82679
in lieu of an adjudication, the board may enter into a consent 82680
agreement with an anesthesiologist assistant or applicant to 82681
resolve an allegation of a violation of this chapter or any rule 82682
adopted under it. A consent agreement, when ratified by an 82683
affirmative vote of not fewer than six members of the board, shall 82684
constitute the findings and order of the board with respect to the 82685
matter addressed in the agreement. If the board refuses to ratify 82686
a consent agreement, the admissions and findings contained in the 82687
consent agreement shall be of no force or effect. 82688

(D) For purposes of divisions (B)(11), (14), and (15) of this 82689
section, the commission of the act may be established by a finding 82690
by the board, pursuant to an adjudication under Chapter 119. of 82691
the Revised Code, that the applicant or certificate holder 82692
committed the act in question. The board shall have no 82693
jurisdiction under these divisions in cases where the trial court 82694
renders a final judgment in the certificate holder's favor and 82695
that judgment is based upon an adjudication on the merits. The 82696
board shall have jurisdiction under these divisions in cases where 82697
the trial court issues an order of dismissal on technical or 82698

procedural grounds. 82699

(E) The sealing of conviction records by any court shall have 82700
no effect on a prior board order entered under the provisions of 82701
this section or on the board's jurisdiction to take action under 82702
the provisions of this section if, based upon a plea of guilty, a 82703
judicial finding of guilt, or a judicial finding of eligibility 82704
for intervention in lieu of conviction, the board issued a notice 82705
of opportunity for a hearing prior to the court's order to seal 82706
the records. The board shall not be required to seal, destroy, 82707
redact, or otherwise modify its records to reflect the court's 82708
sealing of conviction records. 82709

(F) For purposes of this division, any individual who holds a 82710
certificate ~~of registration~~ to practice issued under this chapter, 82711
or applies for a certificate ~~of registration~~ to practice, shall be 82712
deemed to have given consent to submit to a mental or physical 82713
examination when directed to do so in writing by the board and to 82714
have waived all objections to the admissibility of testimony or 82715
examination reports that constitute a privileged communication. 82716

(1) In enforcing division (B)(5) of this section, the board, 82717
on a showing of a possible violation, may compel any individual 82718
who holds a certificate ~~of registration~~ to practice issued under 82719
this chapter or who has applied for a certificate ~~of registration~~ 82720
to practice pursuant to this chapter to submit to a mental or 82721
physical examination, or both. A physical examination may include 82722
an HIV test. The expense of the examination is the responsibility 82723
of the individual compelled to be examined. Failure to submit to a 82724
mental or physical examination or consent to an HIV test ordered 82725
by the board constitutes an admission of the allegations against 82726
the individual unless the failure is due to circumstances beyond 82727
the individual's control, and a default and final order may be 82728
entered without the taking of testimony or presentation of 82729
evidence. If the board finds an anesthesiologist assistant unable 82730

to practice because of the reasons set forth in division (B)(5) of 82731
this section, the board shall require the anesthesiologist 82732
assistant to submit to care, counseling, or treatment by 82733
physicians approved or designated by the board, as a condition for 82734
an initial, continued, reinstated, or renewed certificate ~~of~~ 82735
~~registration to practice~~. An individual affected by this division 82736
shall be afforded an opportunity to demonstrate to the board the 82737
ability to resume practicing in compliance with acceptable and 82738
prevailing standards of care. 82739

(2) For purposes of division (B)(6) of this section, if the 82740
board has reason to believe that any individual who holds a 82741
certificate ~~of registration to practice~~ issued under this chapter 82742
or any applicant for a certificate ~~of registration to practice~~ 82743
suffers such impairment, the board may compel the individual to 82744
submit to a mental or physical examination, or both. The expense 82745
of the examination is the responsibility of the individual 82746
compelled to be examined. Any mental or physical examination 82747
required under this division shall be undertaken by a treatment 82748
provider or physician qualified to conduct such examination and 82749
chosen by the board. 82750

Failure to submit to a mental or physical examination ordered 82751
by the board constitutes an admission of the allegations against 82752
the individual unless the failure is due to circumstances beyond 82753
the individual's control, and a default and final order may be 82754
entered without the taking of testimony or presentation of 82755
evidence. If the board determines that the individual's ability to 82756
practice is impaired, the board shall suspend the individual's 82757
certificate or deny the individual's application and shall require 82758
the individual, as a condition for an initial, continued, 82759
reinstated, or renewed certificate ~~of registration to practice~~, to 82760
submit to treatment. 82761

Before being eligible to apply for reinstatement of a 82762

certificate suspended under this division, the anesthesiologist 82763
assistant shall demonstrate to the board the ability to resume 82764
practice in compliance with acceptable and prevailing standards of 82765
care. The demonstration shall include the following: 82766

(a) Certification from a treatment provider approved under 82767
section 4731.25 of the Revised Code that the individual has 82768
successfully completed any required inpatient treatment; 82769

(b) Evidence of continuing full compliance with an aftercare 82770
contract or consent agreement; 82771

(c) Two written reports indicating that the individual's 82772
ability to practice has been assessed and that the individual has 82773
been found capable of practicing according to acceptable and 82774
prevailing standards of care. The reports shall be made by 82775
individuals or providers approved by the board for making such 82776
assessments and shall describe the basis for their determination. 82777

The board may reinstate a certificate suspended under this 82778
division after such demonstration and after the individual has 82779
entered into a written consent agreement. 82780

When the impaired anesthesiologist assistant resumes 82781
practice, the board shall require continued monitoring of the 82782
anesthesiologist assistant. The monitoring shall include 82783
monitoring of compliance with the written consent agreement 82784
entered into before reinstatement or with conditions imposed by 82785
board order after a hearing, and, on termination of the consent 82786
agreement, submission to the board for at least two years of 82787
annual written progress reports made under penalty of 82788
falsification stating whether the anesthesiologist assistant has 82789
maintained sobriety. 82790

(G) If the secretary and supervising member determine that 82791
there is clear and convincing evidence that an anesthesiologist 82792
assistant has violated division (B) of this section and that the 82793

individual's continued practice presents a danger of immediate and 82794
serious harm to the public, they may recommend that the board 82795
suspend the individual's certificate ~~or registration~~ without a 82796
prior hearing. Written allegations shall be prepared for 82797
consideration by the board. 82798

The board, on review of the allegations and by an affirmative 82799
vote of not fewer than six of its members, excluding the secretary 82800
and supervising member, may suspend a certificate without a prior 82801
hearing. A telephone conference call may be utilized for reviewing 82802
the allegations and taking the vote on the summary suspension. 82803

The board shall issue a written order of suspension by 82804
certified mail or in person in accordance with section 119.07 of 82805
the Revised Code. The order shall not be subject to suspension by 82806
the court during pendency of any appeal filed under section 119.12 82807
of the Revised Code. If the anesthesiologist assistant requests an 82808
adjudicatory hearing by the board, the date set for the hearing 82809
shall be within fifteen days, but not earlier than seven days, 82810
after the anesthesiologist assistant requests the hearing, unless 82811
otherwise agreed to by both the board and the certificate holder. 82812

A summary suspension imposed under this division shall remain 82813
in effect, unless reversed on appeal, until a final adjudicative 82814
order issued by the board pursuant to this section and Chapter 82815
119. of the Revised Code becomes effective. The board shall issue 82816
its final adjudicative order within sixty days after completion of 82817
its hearing. Failure to issue the order within sixty days shall 82818
result in dissolution of the summary suspension order, but shall 82819
not invalidate any subsequent, final adjudicative order. 82820

(H) If the board takes action under division (B)(11), (13), 82821
or (14) of this section, and the judicial finding of guilt, guilty 82822
plea, or judicial finding of eligibility for intervention in lieu 82823
of conviction is overturned on appeal, on exhaustion of the 82824
criminal appeal, a petition for reconsideration of the order may 82825

be filed with the board along with appropriate court documents. On 82826
receipt of a petition and supporting court documents, the board 82827
shall reinstate the certificate ~~of registration~~ to practice. The 82828
board may then hold an adjudication under Chapter 119. of the 82829
Revised Code to determine whether the individual committed the act 82830
in question. Notice of opportunity for hearing shall be given in 82831
accordance with Chapter 119. of the Revised Code. If the board 82832
finds, pursuant to an adjudication held under this division, that 82833
the individual committed the act, or if no hearing is requested, 82834
it may order any of the sanctions specified in division (B) of 82835
this section. 82836

(I) The certificate ~~of registration~~ to practice of an 82837
anesthesiologist assistant and the assistant's practice in this 82838
state are automatically suspended as of the date the 82839
anesthesiologist assistant pleads guilty to, is found by a judge 82840
or jury to be guilty of, or is subject to a judicial finding of 82841
eligibility for intervention in lieu of conviction in this state 82842
or treatment of intervention in lieu of conviction in another 82843
jurisdiction for any of the following criminal offenses in this 82844
state or a substantially equivalent criminal offense in another 82845
jurisdiction: aggravated murder, murder, voluntary manslaughter, 82846
felonious assault, kidnapping, rape, sexual battery, gross sexual 82847
imposition, aggravated arson, aggravated robbery, or aggravated 82848
burglary. Continued practice after the suspension shall be 82849
considered practicing without a certificate. 82850

The board shall notify the individual subject to the 82851
suspension by certified mail or in person in accordance with 82852
section 119.07 of the Revised Code. If an individual whose 82853
certificate is suspended under this division fails to make a 82854
timely request for an adjudication under Chapter 119. of the 82855
Revised Code, the board shall enter a final order permanently 82856
revoking the individual's certificate ~~of registration~~ to practice. 82857

(J) In any instance in which the board is required by Chapter 82858
119. of the Revised Code to give notice of opportunity for hearing 82859
and the individual subject to the notice does not timely request a 82860
hearing in accordance with section 119.07 of the Revised Code, the 82861
board is not required to hold a hearing, but may adopt, by an 82862
affirmative vote of not fewer than six of its members, a final 82863
order that contains the board's findings. In the final order, the 82864
board may order any of the sanctions identified under division (A) 82865
or (B) of this section. 82866

(K) Any action taken by the board under division (B) of this 82867
section resulting in a suspension shall be accompanied by a 82868
written statement of the conditions under which the 82869
anesthesiologist assistant's certificate may be reinstated. The 82870
board shall adopt rules in accordance with Chapter 119. of the 82871
Revised Code governing conditions to be imposed for reinstatement. 82872
Reinstatement of a certificate suspended pursuant to division (B) 82873
of this section requires an affirmative vote of not fewer than six 82874
members of the board. 82875

(L) When the board refuses to grant or issue a certificate ~~of~~ 82876
~~registration to practice~~ as an anesthesiologist assistant to an 82877
applicant, revokes an individual's certificate ~~of registration~~, 82878
refuses to renew a an individual's certificate ~~of registration~~, or 82879
refuses to reinstate an individual's certificate ~~of registration~~, 82880
the board may specify that its action is permanent. An individual 82881
subject to a permanent action taken by the board is forever 82882
thereafter ineligible to hold a certificate ~~of registration to~~ 82883
practice as an anesthesiologist assistant and the board shall not 82884
accept an application for reinstatement of the certificate or for 82885
issuance of a new certificate. 82886

(M) Notwithstanding any other provision of the Revised Code, 82887
all of the following apply: 82888

(1) The surrender of a certificate ~~of registration to~~ 82889

practice issued under this chapter is not effective unless or 82890
until accepted by the board. Reinstatement of a certificate 82891
surrendered to the board requires an affirmative vote of not fewer 82892
than six members of the board. 82893

(2) An application made under this chapter for a certificate 82894
~~of registration~~ to practice may not be withdrawn without approval 82895
of the board. 82896

(3) Failure by an individual to renew a certificate ~~of~~ 82897
~~registration~~ to practice in accordance with section 4760.06 of the 82898
Revised Code shall not remove or limit the board's jurisdiction to 82899
take disciplinary action under this section against the 82900
individual. 82901

Sec. 4760.131. On receipt of a notice pursuant to section 82902
3123.43 of the Revised Code, the state medical board shall comply 82903
with sections 3123.41 to 3123.50 of the Revised Code and any 82904
applicable rules adopted under section 3123.63 of the Revised Code 82905
with respect to a certificate ~~of registration~~ to practice as an 82906
anesthesiologist assistant issued pursuant to this chapter. 82907

Sec. 4760.132. If the state medical board has reason to 82908
believe that any person who has been granted a certificate ~~of~~ 82909
~~registration~~ to practice as an anesthesiologist assistant under 82910
this chapter is mentally ill or mentally incompetent, it may file 82911
in the probate court of the county in which the person has a legal 82912
residence an affidavit in the form prescribed in section 5122.11 82913
of the Revised Code and signed by the board secretary or a member 82914
of the board secretary's staff, whereupon the same proceedings 82915
shall be had as provided in Chapter 5122. of the Revised Code. The 82916
attorney general may represent the board in any proceeding 82917
commenced under this section. 82918

If any person who has been granted a certificate ~~of~~ 82919

~~registration to practice~~ is adjudged by a probate court to be 82920
mentally ill or mentally incompetent, the person's certificate 82921
shall be automatically suspended until the person has filed with 82922
the state medical board a certified copy of an adjudication by a 82923
probate court of the person's subsequent restoration to competency 82924
or has submitted to the board proof, satisfactory to the board, 82925
that the person has been discharged as having a restoration to 82926
competency in the manner and form provided in section 5122.38 of 82927
the Revised Code. The judge of the probate court shall forthwith 82928
notify the state medical board of an adjudication of mental 82929
illness or mental incompetence, and shall note any suspension of a 82930
certificate in the margin of the court's record of such 82931
certificate. 82932

Sec. 4760.133. (A)(1) If an anesthesiologist assistant 82933
violates any section of this chapter or any rule adopted under 82934
this chapter, the state medical board may, pursuant to an 82935
adjudication under Chapter 119. of the Revised Code and an 82936
affirmative vote of not fewer than six of its members, impose a 82937
civil penalty. The amount of the civil penalty shall be determined 82938
by the board in accordance with the guidelines adopted under 82939
division (A)(2) of this section. The civil penalty may be in 82940
addition to any other action the board may take under section 82941
4760.13 of the Revised Code. 82942

(2) The board shall adopt and may amend guidelines regarding 82943
the amounts of civil penalties to be imposed under this section. 82944
Adoption or amendment of the guidelines requires the approval of 82945
not fewer than six board members. 82946

Under the guidelines, no civil penalty amount shall exceed 82947
twenty thousand dollars. 82948

(B) Amounts received from payment of civil penalties imposed 82949
under this section shall be deposited by the board in accordance 82950

with section 4731.24 of the Revised Code. Amounts received from 82951
payment of civil penalties imposed for violations of division 82952
(B)(6) of section 4760.13 of the Revised Code shall be used by the 82953
board solely for investigations, enforcement, and compliance 82954
monitoring. 82955

Sec. 4760.15. (A) As used in this section, "prosecutor" has 82956
the same meaning as in section 2935.01 of the Revised Code. 82957

(B) Whenever any person holding a valid certificate issued 82958
pursuant to this chapter pleads guilty to, is subject to a 82959
judicial finding of guilt of, or is subject to a judicial finding 82960
of eligibility for intervention in lieu of conviction for a 82961
violation of Chapter 2907., 2925., or 3719. of the Revised Code or 82962
of any substantively comparable ordinance of a municipal 82963
corporation in connection with the person's practice, the 82964
prosecutor in the case, on forms prescribed and provided by the 82965
state medical board, shall promptly notify the board of the 82966
conviction. Within thirty days of receipt of that information, the 82967
board shall initiate action in accordance with Chapter 119. of the 82968
Revised Code to determine whether to suspend or revoke the 82969
certificate under section 4760.13 of the Revised Code. 82970

(C) The prosecutor in any case against any person holding a 82971
valid certificate ~~of registration~~ to practice issued pursuant to 82972
this chapter, on forms prescribed and provided by the state 82973
medical board, shall notify the board of any of the following: 82974

(1) A plea of guilty to, a finding of guilt by a jury or 82975
court of, or judicial finding of eligibility for intervention in 82976
lieu of conviction for a felony, or a case in which the trial 82977
court issues an order of dismissal upon technical or procedural 82978
grounds of a felony charge; 82979

(2) A plea of guilty to, a finding of guilt by a jury or 82980
court of, or judicial finding of eligibility for intervention in 82981

lieu of conviction for a misdemeanor committed in the course of 82982
practice, or a case in which the trial court issues an order of 82983
dismissal upon technical or procedural grounds of a charge of a 82984
misdemeanor, if the alleged act was committed in the course of 82985
practice; 82986

(3) A plea of guilty to, a finding of guilt by a jury or 82987
court of, or judicial finding of eligibility for intervention in 82988
lieu of conviction for a misdemeanor involving moral turpitude, or 82989
a case in which the trial court issues an order of dismissal upon 82990
technical or procedural grounds of a charge of a misdemeanor 82991
involving moral turpitude. 82992

The report shall include the name and address of the 82993
certificate holder, the nature of the offense for which the action 82994
was taken, and the certified court documents recording the action. 82995

Sec. 4760.16. (A) Within sixty days after the imposition of 82996
any formal disciplinary action taken by any health care facility, 82997
including a hospital, health care facility operated by an insuring 82998
corporation, ambulatory surgical facility, or similar facility, 82999
against any individual holding a valid certificate ~~of registration~~ 83000
to practice as an anesthesiologist assistant, the chief 83001
administrator or executive officer of the facility shall report to 83002
the state medical board the name of the individual, the action 83003
taken by the facility, and a summary of the underlying facts 83004
leading to the action taken. On request, the board shall be 83005
provided certified copies of the patient records that were the 83006
basis for the facility's action. Prior to release to the board, 83007
the summary shall be approved by the peer review committee that 83008
reviewed the case or by the governing board of the facility. 83009

The filing of a report with the board or decision not to file 83010
a report, investigation by the board, or any disciplinary action 83011
taken by the board, does not preclude a health care facility from 83012

taking disciplinary action against an anesthesiologist assistant. 83013

In the absence of fraud or bad faith, no individual or entity 83014
that provides patient records to the board shall be liable in 83015
damages to any person as a result of providing the records. 83016

(B) An anesthesiologist assistant, professional association 83017
or society of anesthesiologist assistants, physician, or 83018
professional association or society of physicians that believes a 83019
violation of any provision of this chapter, Chapter 4731. of the 83020
Revised Code, or rule of the board has occurred shall report to 83021
the board the information on which the belief is based. This 83022
division does not require any treatment provider approved by the 83023
board under section 4731.25 of the Revised Code or any employee, 83024
agent, or representative of such a provider to make reports with 83025
respect to an anesthesiologist assistant participating in 83026
treatment or aftercare for substance abuse as long as the 83027
anesthesiologist assistant maintains participation in accordance 83028
with the requirements of section 4731.25 of the Revised Code and 83029
the treatment provider or employee, agent, or representative of 83030
the provider has no reason to believe that the anesthesiologist 83031
assistant has violated any provision of this chapter or rule 83032
adopted under it, other than being impaired by alcohol, drugs, or 83033
other substances. This division does not require reporting by any 83034
member of an impaired practitioner committee established by a 83035
health care facility or by any representative or agent of a 83036
committee or program sponsored by a professional association or 83037
society of anesthesiologist assistants to provide peer assistance 83038
to anesthesiologist assistants with substance abuse problems with 83039
respect to an anesthesiologist assistant who has been referred for 83040
examination to a treatment program approved by the board under 83041
section 4731.25 of the Revised Code if the anesthesiologist 83042
assistant cooperates with the referral for examination and with 83043
any determination that the anesthesiologist assistant should enter 83044

treatment and as long as the committee member, representative, or 83045
agent has no reason to believe that the anesthesiologist assistant 83046
has ceased to participate in the treatment program in accordance 83047
with section 4731.25 of the Revised Code or has violated any 83048
provision of this chapter or rule adopted under it, other than 83049
being impaired by alcohol, drugs, or other substances. 83050

(C) Any professional association or society composed 83051
primarily of anesthesiologist assistants that suspends or revokes 83052
an individual's membership for violations of professional ethics, 83053
or for reasons of professional incompetence or professional 83054
malpractice, within sixty days after a final decision, shall 83055
report to the board, on forms prescribed and provided by the 83056
board, the name of the individual, the action taken by the 83057
professional organization, and a summary of the underlying facts 83058
leading to the action taken. 83059

The filing of a report with the board or decision not to file 83060
a report, investigation by the board, or any disciplinary action 83061
taken by the board, does not preclude a professional organization 83062
from taking disciplinary action against an anesthesiologist 83063
assistant. 83064

(D) Any insurer providing professional liability insurance to 83065
any person holding a valid certificate ~~of registration~~ to practice 83066
as an anesthesiologist assistant or any other entity that seeks to 83067
indemnify the professional liability of an anesthesiologist 83068
assistant shall notify the board within thirty days after the 83069
final disposition of any written claim for damages where such 83070
disposition results in a payment exceeding twenty-five thousand 83071
dollars. The notice shall contain the following information: 83072

(1) The name and address of the person submitting the 83073
notification; 83074

(2) The name and address of the insured who is the subject of 83075

the claim; 83076

(3) The name of the person filing the written claim; 83077

(4) The date of final disposition; 83078

(5) If applicable, the identity of the court in which the 83079
final disposition of the claim took place. 83080

(E) The board may investigate possible violations of this 83081
chapter or the rules adopted under it that are brought to its 83082
attention as a result of the reporting requirements of this 83083
section, except that the board shall conduct an investigation if a 83084
possible violation involves repeated malpractice. As used in this 83085
division, "repeated malpractice" means three or more claims for 83086
malpractice within the previous five-year period, each resulting 83087
in a judgment or settlement in excess of twenty-five thousand 83088
dollars in favor of the claimant, and each involving negligent 83089
conduct by the anesthesiologist assistant. 83090

(F) All summaries, reports, and records received and 83091
maintained by the board pursuant to this section shall be held in 83092
confidence and shall not be subject to discovery or introduction 83093
in evidence in any federal or state civil action involving an 83094
anesthesiologist assistant, supervising physician, or health care 83095
facility arising out of matters that are the subject of the 83096
reporting required by this section. The board may use the 83097
information obtained only as the basis for an investigation, as 83098
evidence in a disciplinary hearing against an anesthesiologist 83099
assistant or supervising physician, or in any subsequent trial or 83100
appeal of a board action or order. 83101

The board may disclose the summaries and reports it receives 83102
under this section only to health care facility committees within 83103
or outside this state that are involved in credentialing or 83104
recredentialing an anesthesiologist assistant or supervising 83105
physician or reviewing their privilege to practice within a 83106

particular facility. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the anesthesiologist assistant. The anesthesiologist assistant shall have the right to file a statement with the board concerning the correctness or relevance of the information. The statement shall at all times accompany that part of the record in contention.

(H) An individual or entity that reports to the board or refers an impaired anesthesiologist assistant to a treatment provider approved by the board under section 4731.25 of the Revised Code shall not be subject to suit for civil damages as a result of the report, referral, or provision of the information.

(I) In the absence of fraud or bad faith, a professional association or society of anesthesiologist assistants that sponsors a committee or program to provide peer assistance to an anesthesiologist assistant with substance abuse problems, a representative or agent of such a committee or program, and a member of the state medical board shall not be held liable in damages to any person by reason of actions taken to refer an anesthesiologist assistant to a treatment provider approved under section 4731.25 of the Revised Code for examination or treatment.

Sec. 4760.18. The attorney general, the prosecuting attorney of any county in which the offense was committed or the offender resides, the state medical board, or any other person having knowledge of a person engaged either directly or by complicity in practicing as an anesthesiologist assistant without having first obtained a certificate ~~of registration~~ to practice pursuant to

this chapter, may, in accordance with provisions of the Revised 83138
Code governing injunctions, maintain an action in the name of the 83139
state to enjoin any person from engaging either directly or by 83140
complicity in unlawfully practicing as an anesthesiologist 83141
assistant by applying for an injunction in any court of competent 83142
jurisdiction. 83143

Prior to application for an injunction, the secretary of the 83144
state medical board shall notify the person allegedly engaged 83145
either directly or by complicity in the unlawful practice by 83146
registered mail that the secretary has received information 83147
indicating that this person is so engaged. The person shall answer 83148
the secretary within thirty days showing that the person is either 83149
properly licensed for the stated activity or that the person is 83150
not in violation of this chapter. If the answer is not forthcoming 83151
within thirty days after notice by the secretary, the secretary 83152
shall request that the attorney general, the prosecuting attorney 83153
of the county in which the offense was committed or the offender 83154
resides, or the state medical board proceed as authorized in this 83155
section. 83156

Upon the filing of a verified petition in court, the court 83157
shall conduct a hearing on the petition and shall give the same 83158
preference to this proceeding as is given all proceedings under 83159
Chapter 119. of the Revised Code, irrespective of the position of 83160
the proceeding on the calendar of the court. 83161

Injunction proceedings shall be in addition to, and not in 83162
lieu of, all penalties and other remedies provided in this 83163
chapter. 83164

Sec. 4762.06. (A) A person seeking to renew a certificate to 83165
practice as an oriental medicine practitioner or certificate to 83166
practice as an acupuncturist shall, on or before the thirty-first 83167
day of January of each even-numbered year, apply for renewal of 83168

the certificate. The state medical board shall ~~send~~ provide 83169
renewal notices at least one month prior to the expiration date. 83170

Applications shall be submitted to the board ~~on forms~~ in a 83171
manner prescribed by the board ~~shall prescribe and supply~~. Each 83172
application shall be accompanied by a biennial renewal fee of one 83173
hundred dollars. 83174

The applicant shall report any criminal offense that 83175
constitutes grounds for refusing to issue a certificate under 83176
section 4762.13 of the Revised Code to which the applicant has 83177
pleaded guilty, of which the applicant has been found guilty, or 83178
for which the applicant has been found eligible for intervention 83179
in lieu of conviction, since last signing an application for a 83180
certificate to practice as an oriental medicine practitioner or 83181
certificate to practice as an acupuncturist. 83182

(B)(1) To be eligible for renewal of a certificate to 83183
practice as an oriental medicine practitioner, an applicant shall 83184
certify to the board both of the following, as applicable: 83185

(a) That the applicant has maintained a current and active 83186
designation from the national certification commission for 83187
acupuncture and oriental medicine as either a diplomate in 83188
oriental medicine or diplomate of acupuncture and Chinese 83189
herbology; 83190

(b) That the applicant has successfully completed one 83191
six-hour course in herb and drug interaction approved by the 83192
national certification commission for acupuncture and oriental 83193
medicine in the four years immediately preceding the expiration 83194
date of the applicant's current and active designation from the 83195
commission as a diplomate in oriental medicine or diplomate of 83196
acupuncture and Chinese herbology. 83197

(2) To be eligible for renewal of a certificate to practice 83198
as an acupuncturist, an applicant shall certify to the board that 83199

the acupuncturist has maintained a current and active designation 83200
from the national certification commission for acupuncture and 83201
oriental medicine as a diplomate in acupuncture. 83202

(C) If an applicant submits a complete renewal application 83203
and qualifies for renewal pursuant to division (B) of this 83204
section, the board shall issue to the applicant a renewed 83205
certificate to practice. 83206

(D) A certificate to practice that is not renewed on or 83207
before its expiration date is automatically suspended on its 83208
expiration date. If a certificate has been suspended pursuant to 83209
this division for two years or less, the board shall reinstate the 83210
certificate upon an applicant's submission of a renewal 83211
application, the biennial renewal fee, and the applicable monetary 83212
penalty. The penalty for reinstatement is twenty-five dollars. If 83213
a certificate has been suspended pursuant to this division for 83214
more than two years, it may be restored upon an applicant's 83215
submission of a restoration application, the biennial ~~registration~~ 83216
renewal fee, and the applicable monetary penalty and compliance 83217
with sections 4776.01 to 4776.04 of the Revised Code. The board 83218
shall not restore a certificate to practice unless the board, in 83219
its discretion, decides that the results of the criminal records 83220
check do not make the applicant ineligible for a certificate 83221
issued pursuant to section 4762.04 of the Revised Code. The 83222
penalty for restoration is fifty dollars. 83223

Sec. 4762.13. (A) The state medical board, by an affirmative 83224
vote of not fewer than six members, may revoke or may refuse to 83225
grant a certificate to practice as an oriental medicine 83226
practitioner or certificate to practice as an acupuncturist to a 83227
person found by the board to have committed fraud, 83228
misrepresentation, or deception in applying for or securing the 83229
certificate. 83230

(B) The board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's certificate to practice, refuse to issue a certificate to an applicant, refuse to renew a certificate, refuse to reinstate a certificate, or reprimand or place on probation the holder of a certificate for any of the following reasons:

(1) Permitting the holder's name or certificate to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing

or attempting to secure a certificate to practice as an oriental 83261
medicine practitioner or certificate to practice as an 83262
acupuncturist. 83263

As used in this division, "false, fraudulent, deceptive, or 83264
misleading statement" means a statement that includes a 83265
misrepresentation of fact, is likely to mislead or deceive because 83266
of a failure to disclose material facts, is intended or is likely 83267
to create false or unjustified expectations of favorable results, 83268
or includes representations or implications that in reasonable 83269
probability will cause an ordinarily prudent person to 83270
misunderstand or be deceived. 83271

(9) Representing, with the purpose of obtaining compensation 83272
or other advantage personally or for any other person, that an 83273
incurable disease or injury, or other incurable condition, can be 83274
permanently cured; 83275

(10) The obtaining of, or attempting to obtain, money or a 83276
thing of value by fraudulent misrepresentations in the course of 83277
practice; 83278

(11) A plea of guilty to, a judicial finding of guilt of, or 83279
a judicial finding of eligibility for intervention in lieu of 83280
conviction for, a felony; 83281

(12) Commission of an act that constitutes a felony in this 83282
state, regardless of the jurisdiction in which the act was 83283
committed; 83284

(13) A plea of guilty to, a judicial finding of guilt of, or 83285
a judicial finding of eligibility for intervention in lieu of 83286
conviction for, a misdemeanor committed in the course of practice; 83287

(14) A plea of guilty to, a judicial finding of guilt of, or 83288
a judicial finding of eligibility for intervention in lieu of 83289
conviction for, a misdemeanor involving moral turpitude; 83290

(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83291 83292 83293
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	83294 83295 83296
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	83297 83298 83299 83300 83301
(18) Any of the following actions taken by the state agency responsible for regulating the practice of oriental medicine or acupuncture in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	83302 83303 83304 83305 83306 83307 83308 83309
(19) Violation of the conditions placed by the board on a certificate to practice as an oriental medicine practitioner or certificate to practice as an acupuncturist;	83310 83311 83312
(20) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;	83313 83314 83315
(21) Failure to cooperate in an investigation conducted by the board under section 4762.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for	83316 83317 83318 83319 83320 83321

discipline under this section if a court of competent jurisdiction 83322
has issued an order that either quashes a subpoena or permits the 83323
individual to withhold the testimony or evidence in issue; 83324

(22) Failure to comply with the standards of the national 83325
certification commission for acupuncture and oriental medicine 83326
regarding professional ethics, commitment to patients, commitment 83327
to the profession, and commitment to the public; 83328

(23) Failure to have adequate professional liability 83329
insurance coverage in accordance with section 4762.22 of the 83330
Revised Code; 83331

(24) Failure to maintain a current and active designation as 83332
a diplomate in oriental medicine, diplomate of acupuncture and 83333
Chinese herbology, or diplomate in acupuncture, as applicable, 83334
from the national certification commission for acupuncture and 83335
oriental medicine, including revocation by the commission of the 83336
individual's designation, failure by the individual to meet the 83337
commission's requirements for redesignation, or failure to notify 83338
the board that the appropriate designation has not been 83339
maintained. 83340

(C) Disciplinary actions taken by the board under divisions 83341
(A) and (B) of this section shall be taken pursuant to an 83342
adjudication under Chapter 119. of the Revised Code, except that 83343
in lieu of an adjudication, the board may enter into a consent 83344
agreement with an oriental medicine practitioner or acupuncturist 83345
or applicant to resolve an allegation of a violation of this 83346
chapter or any rule adopted under it. A consent agreement, when 83347
ratified by an affirmative vote of not fewer than six members of 83348
the board, shall constitute the findings and order of the board 83349
with respect to the matter addressed in the agreement. If the 83350
board refuses to ratify a consent agreement, the admissions and 83351
findings contained in the consent agreement shall be of no force 83352
or effect. 83353

(D) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or certificate holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the certificate holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing or entered into a consent agreement prior to the court's order to seal the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing of conviction records.

(F) For purposes of this division, any individual who holds a certificate to practice issued under this chapter, or applies for a certificate to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a certificate to practice issued under this chapter or who has applied for a certificate pursuant to this chapter to

submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an oriental medicine practitioner or acupuncturist unable to practice because of the reasons set forth in division (B)(5) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed certificate to practice. An individual affected by this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a certificate to practice issued under this chapter or any applicant for a certificate suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be

entered without the taking of testimony or presentation of 83418
evidence. If the board determines that the individual's ability to 83419
practice is impaired, the board shall suspend the individual's 83420
certificate or deny the individual's application and shall require 83421
the individual, as a condition for an initial, continued, 83422
reinstated, or renewed certificate, to submit to treatment. 83423

Before being eligible to apply for reinstatement of a 83424
certificate suspended under this division, the oriental medicine 83425
practitioner or acupuncturist shall demonstrate to the board the 83426
ability to resume practice in compliance with acceptable and 83427
prevailing standards of care. The demonstration shall include the 83428
following: 83429

(a) Certification from a treatment provider approved under 83430
section 4731.25 of the Revised Code that the individual has 83431
successfully completed any required inpatient treatment; 83432

(b) Evidence of continuing full compliance with an aftercare 83433
contract or consent agreement; 83434

(c) Two written reports indicating that the individual's 83435
ability to practice has been assessed and that the individual has 83436
been found capable of practicing according to acceptable and 83437
prevailing standards of care. The reports shall be made by 83438
individuals or providers approved by the board for making such 83439
assessments and shall describe the basis for their determination. 83440

The board may reinstate a certificate suspended under this 83441
division after such demonstration and after the individual has 83442
entered into a written consent agreement. 83443

When the impaired individual resumes practice, the board 83444
shall require continued monitoring of the individual. The 83445
monitoring shall include monitoring of compliance with the written 83446
consent agreement entered into before reinstatement or with 83447
conditions imposed by board order after a hearing, and, upon 83448

termination of the consent agreement, submission to the board for 83449
at least two years of annual written progress reports made under 83450
penalty of falsification stating whether the individual has 83451
maintained sobriety. 83452

(G) If the secretary and supervising member determine both of 83453
the following, they may recommend that the board suspend an 83454
individual's certificate to practice without a prior hearing: 83455

(1) That there is clear and convincing evidence that an 83456
oriental medicine practitioner or acupuncturist has violated 83457
division (B) of this section; 83458

(2) That the individual's continued practice presents a 83459
danger of immediate and serious harm to the public. 83460

Written allegations shall be prepared for consideration by 83461
the board. The board, upon review of the allegations and by an 83462
affirmative vote of not fewer than six of its members, excluding 83463
the secretary and supervising member, may suspend a certificate 83464
without a prior hearing. A telephone conference call may be 83465
utilized for reviewing the allegations and taking the vote on the 83466
summary suspension. 83467

The board shall issue a written order of suspension by 83468
certified mail or in person in accordance with section 119.07 of 83469
the Revised Code. The order shall not be subject to suspension by 83470
the court during pendency of any appeal filed under section 119.12 83471
of the Revised Code. If the oriental medicine practitioner or 83472
acupuncturist requests an adjudicatory hearing by the board, the 83473
date set for the hearing shall be within fifteen days, but not 83474
earlier than seven days, after the hearing is requested, unless 83475
otherwise agreed to by both the board and the certificate holder. 83476

A summary suspension imposed under this division shall remain 83477
in effect, unless reversed on appeal, until a final adjudicative 83478
order issued by the board pursuant to this section and Chapter 83479

119. of the Revised Code becomes effective. The board shall issue 83480
its final adjudicative order within sixty days after completion of 83481
its hearing. Failure to issue the order within sixty days shall 83482
result in dissolution of the summary suspension order, but shall 83483
not invalidate any subsequent, final adjudicative order. 83484

(H) If the board takes action under division (B)(11), (13), 83485
or (14) of this section, and the judicial finding of guilt, guilty 83486
plea, or judicial finding of eligibility for intervention in lieu 83487
of conviction is overturned on appeal, upon exhaustion of the 83488
criminal appeal, a petition for reconsideration of the order may 83489
be filed with the board along with appropriate court documents. 83490
Upon receipt of a petition and supporting court documents, the 83491
board shall reinstate the certificate to practice. The board may 83492
then hold an adjudication under Chapter 119. of the Revised Code 83493
to determine whether the individual committed the act in question. 83494
Notice of opportunity for hearing shall be given in accordance 83495
with Chapter 119. of the Revised Code. If the board finds, 83496
pursuant to an adjudication held under this division, that the 83497
individual committed the act, or if no hearing is requested, it 83498
may order any of the sanctions specified in division (B) of this 83499
section. 83500

(I) The certificate to practice of an oriental medicine 83501
practitioner or acupuncturist and the practitioner's or 83502
acupuncturist's practice in this state are automatically suspended 83503
as of the date the practitioner or acupuncturist pleads guilty to, 83504
is found by a judge or jury to be guilty of, or is subject to a 83505
judicial finding of eligibility for intervention in lieu of 83506
conviction in this state or treatment or intervention in lieu of 83507
conviction in another jurisdiction for any of the following 83508
criminal offenses in this state or a substantially equivalent 83509
criminal offense in another jurisdiction: aggravated murder, 83510
murder, voluntary manslaughter, felonious assault, kidnapping, 83511

rape, sexual battery, gross sexual imposition, aggravated arson, 83512
aggravated robbery, or aggravated burglary. Continued practice 83513
after the suspension shall be considered practicing without a 83514
certificate. 83515

The board shall notify the individual subject to the 83516
suspension by certified mail or in person in accordance with 83517
section 119.07 of the Revised Code. If an individual whose 83518
certificate is suspended under this division fails to make a 83519
timely request for an adjudication under Chapter 119. of the 83520
Revised Code, the board shall enter a final order permanently 83521
revoking the individual's certificate to practice. 83522

(J) In any instance in which the board is required by Chapter 83523
119. of the Revised Code to give notice of opportunity for hearing 83524
and the individual subject to the notice does not timely request a 83525
hearing in accordance with section 119.07 of the Revised Code, the 83526
board is not required to hold a hearing, but may adopt, by an 83527
affirmative vote of not fewer than six of its members, a final 83528
order that contains the board's findings. In the final order, the 83529
board may order any of the sanctions identified under division (A) 83530
or (B) of this section. 83531

(K) Any action taken by the board under division (B) of this 83532
section resulting in a suspension shall be accompanied by a 83533
written statement of the conditions under which the certificate to 83534
practice may be reinstated. The board shall adopt rules in 83535
accordance with Chapter 119. of the Revised Code governing 83536
conditions to be imposed for reinstatement. Reinstatement of a 83537
certificate suspended pursuant to division (B) of this section 83538
requires an affirmative vote of not fewer than six members of the 83539
board. 83540

(L) When the board refuses to grant or issue a certificate to 83541
practice to an applicant, revokes an individual's certificate, 83542
refuses to renew a an individual's certificate, or refuses to 83543

reinstate an individual's certificate, the board may specify that 83544
its action is permanent. An individual subject to a permanent 83545
action taken by the board is forever thereafter ineligible to hold 83546
a certificate to practice as an oriental medicine practitioner or 83547
certificate to practice as an acupuncturist and the board shall 83548
not accept an application for reinstatement of the certificate or 83549
for issuance of a new certificate. 83550

(M) Notwithstanding any other provision of the Revised Code, 83551
all of the following apply: 83552

(1) The surrender of a certificate to practice as an oriental 83553
medicine practitioner or certificate to practice as an 83554
acupuncturist issued under this chapter is not effective unless or 83555
until accepted by the board. Reinstatement of a certificate 83556
surrendered to the board requires an affirmative vote of not fewer 83557
than six members of the board. 83558

(2) An application made under this chapter for a certificate 83559
may not be withdrawn without approval of the board. 83560

(3) Failure by an individual to renew a certificate in 83561
accordance with section 4762.06 of the Revised Code shall not 83562
remove or limit the board's jurisdiction to take disciplinary 83563
action under this section against the individual. 83564

Sec. 4762.133. (A)(1) If an oriental medicine practitioner or 83565
acupuncturist violates any section of this chapter or any rule 83566
adopted under this chapter, the state medical board may, pursuant 83567
to an adjudication under Chapter 119. of the Revised Code and an 83568
affirmative vote of not fewer than six of its members, impose a 83569
civil penalty. The amount of the civil penalty shall be determined 83570
by the board in accordance with the guidelines adopted under 83571
division (A)(2) of this section. The civil penalty may be in 83572
addition to any other action the board may take under section 83573
4762.13 of the Revised Code. 83574

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members. 83575
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Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars. 83579
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(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4762.13 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring. 83581
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Sec. 4763.01. As used in this chapter: 83588

(A) "Real estate appraisal" or "appraisal" means an analysis, opinion, or conclusion relating to the nature, quality, value, or utility of specified interests in, or aspects of identified real estate that is classified as either a valuation or an analysis. 83589
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(B) "Valuation" means an estimate of the value of real estate. 83593
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(C) "Analysis" means a study of real estate for purposes other than valuation. 83595
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(D) "Appraisal report" means a written communication of a real estate appraisal, or appraisal review, or appraisal consulting service or an oral communication of a real estate appraisal, or appraisal review, or appraisal consulting service that is documented by a writing that supports the oral communication. 83597
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(E) "Appraisal assignment" means an engagement for which a person licensed or certified under this chapter is employed, 83603
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retained, or engaged to act, or would be perceived by third 83605
parties or the public as acting, as a disinterested third party in 83606
rendering an unbiased real estate appraisal. 83607

(F) "Specialized services" means all appraisal services, 83608
other than appraisal assignments, including, but not limited to, 83609
valuation and analysis given in connection with activities such as 83610
real estate brokerage, mortgage banking, real estate counseling, 83611
and real estate tax counseling, and specialized marketing, 83612
financing, and feasibility studies. 83613

(G) "Real estate" has the same meaning as in section 4735.01 83614
of the Revised Code. 83615

(H) "Appraisal foundation" means a nonprofit corporation 83616
incorporated under the laws of the state of Illinois on November 83617
30, 1987, for the purposes of establishing and improving uniform 83618
appraisal standards by defining, issuing, and promoting those 83619
standards; establishing appropriate criteria for the certification 83620
and recertification of qualified appraisers by defining, issuing, 83621
and promoting the qualification criteria and disseminating the 83622
qualification criteria to others; and developing or assisting in 83623
development of appropriate examinations for qualified appraisers. 83624

(I) "Prepare" means to develop and communicate, whether 83625
through a personal physical inspection or through the act or 83626
process of critically studying a report prepared by another who 83627
made the physical inspection, an appraisal, analysis, or opinion, 83628
or specialized service and to report the results. If the person 83629
who develops and communicates the appraisal or specialized service 83630
does not make the personal inspection, the name of the person who 83631
does make the personal inspection shall be identified on the 83632
appraisal or specialized service reported. 83633

(J) "Report" means any communication, written, oral, or by 83634
any other means of transmission of information, of a real estate 83635

appraisal, appraisal review, ~~appraisal consulting service~~, or 83636
specialized service that is transmitted to a client or employer 83637
upon completion of the appraisal or service. 83638

(K) "State-certified general real estate appraiser" means any 83639
person who satisfies the certification requirements of this 83640
chapter relating to the appraisal of all types of real property 83641
and who holds a current and valid certificate or renewal 83642
certificate issued to the person pursuant to this chapter. 83643

(L) "State-certified residential real estate appraiser" means 83644
any person who satisfies the certification requirements only 83645
relating to the appraisal of one to four units of single-family 83646
residential real estate without regard to transaction value or 83647
complexity and who holds a current and valid certificate or 83648
renewal certificate issued to the person pursuant to this chapter. 83649

(M) "State-licensed residential real estate appraiser" means 83650
any person who satisfies the licensure requirements of this 83651
chapter relating to the appraisal of noncomplex one-to-four unit 83652
single-family residential real estate having a transaction value 83653
of less than one million dollars and complex one-to-four unit 83654
single-family residential real estate having a transaction value 83655
of less than two hundred fifty thousand dollars and who holds a 83656
current and valid license or renewal license issued to the person 83657
pursuant to this chapter. 83658

(N) "Certified or licensed real estate appraisal" means an 83659
appraisal prepared and reported by a certificate holder or 83660
licensee under this chapter acting within the scope of 83661
certification or licensure and as a disinterested third party. 83662

(O) "State-registered real estate appraiser assistant" means 83663
any person, other than a state-certified general real estate 83664
appraiser, state-certified residential real estate appraiser, or a 83665
state-licensed residential real estate appraiser, who satisfies 83666

the registration requirements of this chapter for participating in 83667
the development and preparation of real estate appraisals and who 83668
holds a current and valid registration or renewal registration 83669
issued to the person pursuant to this chapter. 83670

(P) "Institution of higher education" means a state 83671
university or college, a private college or university located in 83672
this state that possesses a certificate of authorization issued by 83673
the ~~Ohio board of regents~~ chancellor of higher education pursuant 83674
to Chapter 1713. of the Revised Code, or an accredited college or 83675
university located outside this state that is accredited by an 83676
accrediting organization or professional accrediting association 83677
recognized by the ~~Ohio board of regents~~ chancellor of higher 83678
education. 83679

(Q) "Division of real estate" may be used interchangeably 83680
with, and for all purposes has the same meaning as, "division of 83681
real estate and professional licensing." 83682

(R) "Superintendent" or "superintendent of real estate" means 83683
the superintendent of the division of real estate and professional 83684
licensing of this state. Whenever the division or superintendent 83685
of real estate is referred to or designated in any statute, rule, 83686
contract, or other document, the reference or designation shall be 83687
deemed to refer to the division or superintendent of real estate 83688
and professional licensing, as the case may be. 83689

(S) "Appraisal review" means the act or process of developing 83690
and communicating an opinion about the quality of another 83691
appraiser's work that was performed as part of an appraisal, or 83692
appraisal review, ~~or appraisal consulting assignment~~. 83693

(T) ~~"Appraisal consulting" means the act or process of~~ 83694
~~developing an analysis, recommendation, or opinion to solve a~~ 83695
~~problem related to real estate.~~ 83696

~~(U)~~ "Work file" means documentation used during the 83697

preparation of an appraisal report or necessary to support an 83698
appraiser's analyses, opinions, or conclusions. 83699

Sec. 4763.07. (A) Every state-certified general real estate 83700
appraiser, state-certified residential real estate appraiser and 83701
state-licensed residential real estate appraiser shall submit 83702
proof of successfully completing a minimum of fourteen classroom 83703
hours of continuing education instruction in courses or seminars 83704
approved by the real estate appraiser board. The certificate 83705
holder and licensee shall have satisfied the fourteen-hour 83706
continuing education requirements within the one-year period 83707
immediately following the issuance of the initial certificate or 83708
license and shall satisfy those requirements annually thereafter. 83709
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In accordance with federal law, each state-registered real 83711
estate appraiser assistant ~~who remains in this classification for~~ 83712
~~more than two years shall satisfy in the third and successive~~ 83713
~~years this section's requirements~~ submit proof of successfully 83714
completing a minimum of fourteen classroom hours of continuing 83715
education instruction in courses or seminars approved by the real 83716
estate appraiser board. Each registrant shall satisfy the 83717
fourteen-hour continuing education requirements annually. 83718

This division does not apply to an appraiser with a 83719
certification or license from another state that is temporarily 83720
recognized in this state pursuant to division (E)(2) of section 83721
4763.05 of the Revised Code. A 83722

A certificate holder, licensee, or registrant who fails to 83723
submit proof to the superintendent of meeting these requirements 83724
is ineligible to obtain a renewal certificate, license, or 83725
registration and shall comply with section 4763.05 of the Revised 83726
Code in order to regain a certificate, license, or registration, 83727
except that the certificate holder, licensee, or registrant may 83728

submit proof to the superintendent of meeting these requirements 83729
within three months after the date of expiration of the 83730
certificate, license, or registration, or by obtaining a medical 83731
exception under division (E) of this section, without having to 83732
comply with section 4763.05 of the Revised Code. A certificate 83733
holder, licensee, or registrant may not engage in any activities 83734
permitted by the certificate, license, or registration during the 83735
three-month period following the certificate's, license's, or 83736
registration's normal expiration date or during the time period 83737
for which a medical exception applies. 83738

A certificate holder, licensee, or registrant may satisfy all 83739
or a portion of the required hours of classroom instruction in the 83740
following manner: 83741

(1) Completion of an educational program of study determined 83742
by the board to be equivalent, for continuing education purposes, 83743
to courses or seminars approved by the board; 83744

(2) Participation, other than as a student, in educational 83745
processes or programs approved by the board that relate to real 83746
estate appraisal theory, practices, or techniques. 83747

A certificate holder, licensee, or registrant shall present 83748
to the superintendent of real estate evidence of the manner in 83749
which the certificate holder, licensee, or registrant satisfied 83750
the requirements of division (A) of this section. 83751

(B) The board shall adopt rules for implementing a continuing 83752
education program for state-certified general real estate 83753
appraisers, state-certified residential real estate appraisers, 83754
state-licensed residential real estate appraisers, and 83755
state-registered real estate appraiser assistants for the purpose 83756
of assuring that certificate holders, licensees, and registrants 83757
have current knowledge of real estate appraisal theories, 83758
practices, and techniques that will provide a high degree of 83759

service and protection to members of the public. In addition to 83760
any other provisions the board considers appropriate, the rules 83761
adopted by the board shall prescribe the following: 83762

(1) Policies and procedures for obtaining board approval of 83763
courses of instruction and seminars; 83764

(2) Standards, policies, and procedures to be applied in 83765
evaluating the alternative methods of complying with continuing 83766
education requirements set forth in divisions (A)(1) and (2) of 83767
this section; 83768

(3) Standards, monitoring methods, and systems for recording 83769
attendance to be employed by course sponsors as a prerequisite to 83770
approval of courses for continuing education credit. 83771

(C) No amendment or rescission of a rule the board adopts 83772
pursuant to division (B) of this section shall operate to deprive 83773
a certificate holder or licensee of credit toward renewal of 83774
certification or licensure for any course of instruction completed 83775
by the certificate holder or licensee prior to the effective date 83776
of the amendment or rescission that would have qualified for 83777
credit under the rule as it existed prior to amendment or 83778
rescission. 83779

(D) The superintendent of real estate shall not issue a 83780
renewal certificate, registration, or license to any person who 83781
does not meet applicable minimum criteria for state certification, 83782
registration, or licensure prescribed by federal law or rule. 83783

(E) The superintendent may grant a medical exception upon 83784
application by a person certified, registered, or licensed under 83785
this chapter. To receive an exception, the certificate holder, 83786
registrant, or licensee shall submit a request to the 83787
superintendent with proof satisfactory that a medical exception is 83788
warranted. If the superintendent makes a determination that 83789
satisfactory proof has not been presented, within fifteen days of 83790

the date of the denial of the medical exception, the certificate 83791
holder, registrant, or licensee may file with the division of real 83792
estate a request that the real estate appraiser board review the 83793
determination. The board may adopt reasonable rules in accordance 83794
with Chapter 119. of the Revised Code to implement this division. 83795

Sec. 4765.161. The state board of emergency medical, fire, 83796
and transportation services shall adopt rules under section 83797
4765.11 of the Revised Code to establish an expedited veterans 83798
paramedic certification program for any person who is a veteran of 83799
the armed forces of the United States and who, while serving in 83800
the armed forces of the United States, received training as what 83801
this state categorizes as a paramedic. The program shall provide 83802
for a method or procedure whereby, upon application by such a 83803
veteran, the veteran is evaluated to determine the extent of the 83804
training the veteran received while serving in the armed forces of 83805
the United States. If the evaluation indicates that the training 83806
the veteran received while serving in the armed forces of the 83807
United States was such that the veteran is eligible to be issued a 83808
certificate to practice as a paramedic, the board shall issue the 83809
veteran a certificate to practice as a paramedic as provided in 83810
section 4765.30 of the Revised Code upon payment of the 83811
appropriate fee. 83812

If the evaluation indicates that the training the veteran 83813
received while serving in the armed forces of the United States 83814
was such that the veteran is not eligible to be issued a 83815
certificate to practice as a paramedic, the veteran shall receive 83816
credit for the training the veteran received while serving in the 83817
armed forces of the United States and shall be required to 83818
successfully complete only the necessary additional training or 83819
instruction in order to be issued a certificate to practice as a 83820
paramedic. 83821

Sec. 4765.361. An emergency medical technician-basic, 83822
emergency medical technician-intermediate, or emergency medical 83823
technician-paramedic may perform medical services that the 83824
technician is authorized by law to perform in nonemergency 83825
situations if the services are performed under the direction of 83826
the technician's medical director or cooperating physician 83827
advisory board. In nonemergency situations, no medical director or 83828
cooperating physician advisory board shall delegate, instruct, or 83829
otherwise authorize a technician to perform any medical service 83830
that the technician is not authorized by law to perform. 83831

Sec. 4774.06. (A) An individual seeking to renew a 83832
certificate to practice as a radiologist assistant shall, on or 83833
before the thirty-first day of January of each even-numbered year, 83834
apply for renewal of the certificate. The state medical board 83835
shall ~~send~~ provide renewal notices at least one month prior to the 83836
expiration date. 83837

Renewal applications shall be submitted to the board in a 83838
manner prescribed by the board. Each application shall be 83839
accompanied by a biennial renewal fee specified by the board in 83840
rules adopted under section 4774.11 of the Revised Code. 83841

The applicant shall report any criminal offense that 83842
constitutes grounds for refusing to issue a certificate under 83843
section 4774.13 of the Revised Code to which the applicant has 83844
pleaded guilty, of which the applicant has been found guilty, or 83845
for which the applicant has been found eligible for intervention 83846
in lieu of conviction, since last signing an application for a 83847
certificate to practice as a radiologist assistant. 83848

(B) To be eligible for renewal, a radiologist assistant shall 83849
certify to the board that the assistant has maintained both of the 83850
following: 83851

(1) A license as a radiographer under Chapter 4773. of the Revised Code; 83852
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(2) Certification as a registered radiologist assistant from the American registry of radiologic technologists by meeting the registry's requirements for annual registration, including completion of the continuing education requirements established by the registry. 83854
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(C) If an applicant submits a renewal application that the board considers to be complete and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed certificate to practice as a radiologist assistant. 83859
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(D) A certificate to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date, subject to the provisions of section 119.06 of the Revised Code specifying that an applicant who appropriately files a renewal application is not required to discontinue practicing merely because the board has failed to act on the application. If a certificate has been suspended pursuant to this division for two years or less, the board shall reinstate the certificate upon an applicant's submission of a renewal application, the biennial renewal fee, and the applicable monetary penalty. The penalty for reinstatement is twenty-five dollars. If a certificate has been suspended pursuant to this division for more than two years, it may be restored upon an applicant's submission of a restoration application, the biennial renewal fee, and the applicable monetary penalty and compliance with sections 4776.01 to 4776.04 of the Revised Code. The board shall not restore a certificate unless the board, in its discretion, decides that the results of the criminal records check do not make the applicant ineligible for a certificate issued pursuant to section 4774.04 of the Revised Code. The penalty for restoration is fifty 83864
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dollars. 83884

Sec. 4774.13. (A) The state medical board, by an affirmative 83885
vote of not fewer than six members, may revoke or may refuse to 83886
grant a certificate to practice as a radiologist assistant to an 83887
individual found by the board to have committed fraud, 83888
misrepresentation, or deception in applying for or securing the 83889
certificate. 83890

(B) The board, by an affirmative vote of not fewer than six 83891
members, shall, to the extent permitted by law, limit, revoke, or 83892
suspend an individual's certificate to practice as a radiologist 83893
assistant, refuse to issue a certificate to an applicant, refuse 83894
to renew a certificate, refuse to reinstate a certificate, or 83895
reprimand or place on probation the holder of a certificate for 83896
any of the following reasons: 83897

(1) Permitting the holder's name or certificate to be used by 83898
another person; 83899

(2) Failure to comply with the requirements of this chapter, 83900
Chapter 4731. of the Revised Code, or any rules adopted by the 83901
board; 83902

(3) Violating or attempting to violate, directly or 83903
indirectly, or assisting in or abetting the violation of, or 83904
conspiring to violate, any provision of this chapter, Chapter 83905
4731. of the Revised Code, or the rules adopted by the board; 83906

(4) A departure from, or failure to conform to, minimal 83907
standards of care of similar practitioners under the same or 83908
similar circumstances whether or not actual injury to the patient 83909
is established; 83910

(5) Inability to practice according to acceptable and 83911
prevailing standards of care by reason of mental illness or 83912
physical illness, including physical deterioration that adversely 83913

affects cognitive, motor, or perceptive skills;	83914
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	83915 83916 83917 83918
(7) Willfully betraying a professional confidence;	83919
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a certificate to practice as a radiologist assistant.	83920 83921 83922
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	83923 83924 83925 83926 83927 83928 83929 83930
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	83931 83932 83933
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	83934 83935 83936
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	83937 83938 83939
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	83940 83941 83942
(13) A plea of guilty to, a judicial finding of guilt of, or	83943

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 83944
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 83946
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(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 83949
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 83952
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 83957
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(18) Violation of the conditions placed by the board on a certificate to practice as a radiologist assistant; 83965
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 83967
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(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 83970
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cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue;

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code;

(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained;

(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant.

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(D) For purposes of divisions (B)(11), (14), and (15) of this

section, the commission of the act may be established by a finding 84006
by the board, pursuant to an adjudication under Chapter 119. of 84007
the Revised Code, that the applicant or certificate holder 84008
committed the act in question. The board shall have no 84009
jurisdiction under these divisions in cases where the trial court 84010
renders a final judgment in the certificate holder's favor and 84011
that judgment is based upon an adjudication on the merits. The 84012
board shall have jurisdiction under these divisions in cases where 84013
the trial court issues an order of dismissal on technical or 84014
procedural grounds. 84015

(E) The sealing of conviction records by any court shall have 84016
no effect on a prior board order entered under the provisions of 84017
this section or on the board's jurisdiction to take action under 84018
the provisions of this section if, based upon a plea of guilty, a 84019
judicial finding of guilt, or a judicial finding of eligibility 84020
for intervention in lieu of conviction, the board issued a notice 84021
of opportunity for a hearing prior to the court's order to seal 84022
the records. The board shall not be required to seal, destroy, 84023
redact, or otherwise modify its records to reflect the court's 84024
sealing of conviction records. 84025

(F) For purposes of this division, any individual who holds a 84026
certificate to practice as a radiologist assistant issued under 84027
this chapter, or applies for a certificate to practice, shall be 84028
deemed to have given consent to submit to a mental or physical 84029
examination when directed to do so in writing by the board and to 84030
have waived all objections to the admissibility of testimony or 84031
examination reports that constitute a privileged communication. 84032

(1) In enforcing division (B)(5) of this section, the board, 84033
on a showing of a possible violation, may compel any individual 84034
who holds a certificate to practice as a radiologist assistant 84035
issued under this chapter or who has applied for a certificate to 84036
practice to submit to a mental or physical examination, or both. A 84037

physical examination may include an HIV test. The expense of the 84038
examination is the responsibility of the individual compelled to 84039
be examined. Failure to submit to a mental or physical examination 84040
or consent to an HIV test ordered by the board constitutes an 84041
admission of the allegations against the individual unless the 84042
failure is due to circumstances beyond the individual's control, 84043
and a default and final order may be entered without the taking of 84044
testimony or presentation of evidence. If the board finds a 84045
radiologist assistant unable to practice because of the reasons 84046
set forth in division (B)(5) of this section, the board shall 84047
require the radiologist assistant to submit to care, counseling, 84048
or treatment by physicians approved or designated by the board, as 84049
a condition for an initial, continued, reinstated, or renewed 84050
certificate to practice. An individual affected by this division 84051
shall be afforded an opportunity to demonstrate to the board the 84052
ability to resume practicing in compliance with acceptable and 84053
prevailing standards of care. 84054

(2) For purposes of division (B)(6) of this section, if the 84055
board has reason to believe that any individual who holds a 84056
certificate to practice as a radiologist assistant issued under 84057
this chapter or any applicant for a certificate to practice 84058
suffers such impairment, the board may compel the individual to 84059
submit to a mental or physical examination, or both. The expense 84060
of the examination is the responsibility of the individual 84061
compelled to be examined. Any mental or physical examination 84062
required under this division shall be undertaken by a treatment 84063
provider or physician qualified to conduct such examination and 84064
chosen by the board. 84065

Failure to submit to a mental or physical examination ordered 84066
by the board constitutes an admission of the allegations against 84067
the individual unless the failure is due to circumstances beyond 84068
the individual's control, and a default and final order may be 84069

entered without the taking of testimony or presentation of 84070
evidence. If the board determines that the individual's ability to 84071
practice is impaired, the board shall suspend the individual's 84072
certificate or deny the individual's application and shall require 84073
the individual, as a condition for an initial, continued, 84074
reinstated, or renewed certificate to practice, to submit to 84075
treatment. 84076

Before being eligible to apply for reinstatement of a 84077
certificate suspended under this division, the radiologist 84078
assistant shall demonstrate to the board the ability to resume 84079
practice in compliance with acceptable and prevailing standards of 84080
care. The demonstration shall include the following: 84081

(a) Certification from a treatment provider approved under 84082
section 4731.25 of the Revised Code that the individual has 84083
successfully completed any required inpatient treatment; 84084

(b) Evidence of continuing full compliance with an aftercare 84085
contract or consent agreement; 84086

(c) Two written reports indicating that the individual's 84087
ability to practice has been assessed and that the individual has 84088
been found capable of practicing according to acceptable and 84089
prevailing standards of care. The reports shall be made by 84090
individuals or providers approved by the board for making such 84091
assessments and shall describe the basis for their determination. 84092

The board may reinstate a certificate suspended under this 84093
division after such demonstration and after the individual has 84094
entered into a written consent agreement. 84095

When the impaired radiologist assistant resumes practice, the 84096
board shall require continued monitoring of the radiologist 84097
assistant. The monitoring shall include monitoring of compliance 84098
with the written consent agreement entered into before 84099
reinstatement or with conditions imposed by board order after a 84100

hearing, and, on termination of the consent agreement, submission 84101
to the board for at least two years of annual written progress 84102
reports made under penalty of falsification stating whether the 84103
radiologist assistant has maintained sobriety. 84104

(G) If the secretary and supervising member determine that 84105
there is clear and convincing evidence that a radiologist 84106
assistant has violated division (B) of this section and that the 84107
individual's continued practice presents a danger of immediate and 84108
serious harm to the public, they may recommend that the board 84109
suspend the individual's certificate to practice without a prior 84110
hearing. Written allegations shall be prepared for consideration 84111
by the board. 84112

The board, on review of the allegations and by an affirmative 84113
vote of not fewer than six of its members, excluding the secretary 84114
and supervising member, may suspend a certificate without a prior 84115
hearing. A telephone conference call may be utilized for reviewing 84116
the allegations and taking the vote on the summary suspension. 84117

The board shall issue a written order of suspension by 84118
certified mail or in person in accordance with section 119.07 of 84119
the Revised Code. The order shall not be subject to suspension by 84120
the court during pendency of any appeal filed under section 119.12 84121
of the Revised Code. If the radiologist assistant requests an 84122
adjudicatory hearing by the board, the date set for the hearing 84123
shall be within fifteen days, but not earlier than seven days, 84124
after the radiologist assistant requests the hearing, unless 84125
otherwise agreed to by both the board and the certificate holder. 84126

A summary suspension imposed under this division shall remain 84127
in effect, unless reversed on appeal, until a final adjudicative 84128
order issued by the board pursuant to this section and Chapter 84129
119. of the Revised Code becomes effective. The board shall issue 84130
its final adjudicative order within sixty days after completion of 84131
its hearing. Failure to issue the order within sixty days shall 84132

result in dissolution of the summary suspension order, but shall 84133
not invalidate any subsequent, final adjudicative order. 84134

(H) If the board takes action under division (B)(10), (12), 84135
or (13) of this section, and the judicial finding of guilt, guilty 84136
plea, or judicial finding of eligibility for intervention in lieu 84137
of conviction is overturned on appeal, on exhaustion of the 84138
criminal appeal, a petition for reconsideration of the order may 84139
be filed with the board along with appropriate court documents. On 84140
receipt of a petition and supporting court documents, the board 84141
shall reinstate the certificate to practice as a radiologist 84142
assistant. The board may then hold an adjudication under Chapter 84143
119. of the Revised Code to determine whether the individual 84144
committed the act in question. Notice of opportunity for hearing 84145
shall be given in accordance with Chapter 119. of the Revised 84146
Code. If the board finds, pursuant to an adjudication held under 84147
this division, that the individual committed the act, or if no 84148
hearing is requested, it may order any of the sanctions specified 84149
in division (B) of this section. 84150

(I) The certificate to practice of a radiologist assistant 84151
and the assistant's practice in this state are automatically 84152
suspended as of the date the radiologist assistant pleads guilty 84153
to, is found by a judge or jury to be guilty of, or is subject to 84154
a judicial finding of eligibility for intervention in lieu of 84155
conviction in this state or treatment of intervention in lieu of 84156
conviction in another jurisdiction for any of the following 84157
criminal offenses in this state or a substantially equivalent 84158
criminal offense in another jurisdiction: aggravated murder, 84159
murder, voluntary manslaughter, felonious assault, kidnapping, 84160
rape, sexual battery, gross sexual imposition, aggravated arson, 84161
aggravated robbery, or aggravated burglary. Continued practice 84162
after the suspension shall be considered practicing without a 84163
certificate. 84164

The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose certificate is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's certificate to practice.

(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the radiologist assistant's certificate may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a certificate to practice as a radiologist assistant to an applicant, revokes an individual's certificate, refuses to renew a an individual's certificate, or refuses to reinstate an individual's certificate, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a certificate to practice as a

radiologist assistant and the board shall not accept an 84197
application for reinstatement of the certificate or for issuance 84198
of a new certificate. 84199

(M) Notwithstanding any other provision of the Revised Code, 84200
all of the following apply: 84201

(1) The surrender of a certificate to practice as a 84202
radiologist assistant issued under this chapter is not effective 84203
unless or until accepted by the board. Reinstatement of a 84204
certificate surrendered to the board requires an affirmative vote 84205
of not fewer than six members of the board. 84206

(2) An application made under this chapter for a certificate 84207
to practice may not be withdrawn without approval of the board. 84208

(3) Failure by an individual to renew a certificate to 84209
practice in accordance with section 4774.06 of the Revised Code 84210
shall not remove or limit the board's jurisdiction to take 84211
disciplinary action under this section against the individual. 84212

Sec. 4774.133. (A)(1) If a radiologist assistant violates any 84213
section of this chapter or any rule adopted under this chapter, 84214
the state medical board may, pursuant to an adjudication under 84215
Chapter 119. of the Revised Code and an affirmative vote of not 84216
fewer than six of its members, impose a civil penalty. The amount 84217
of the civil penalty shall be determined by the board in 84218
accordance with the guidelines adopted under division (A)(2) of 84219
this section. The civil penalty may be in addition to any other 84220
action the board may take under section 4774.13 of the Revised 84221
Code. 84222

(2) The board shall adopt and may amend guidelines regarding 84223
the amounts of civil penalties to be imposed under this section. 84224
Adoption or amendment of the guidelines requires the approval of 84225
not fewer than six board members. 84226

Under the guidelines, no civil penalty amount shall exceed 84227
twenty thousand dollars. 84228

(B) Amounts received from payment of civil penalties imposed 84229
under this section shall be deposited by the board in accordance 84230
with section 4731.24 of the Revised Code. Amounts received from 84231
payment of civil penalties imposed for violations of division 84232
(B)(6) of section 4774.13 of the Revised Code shall be used by the 84233
board solely for investigations, enforcement, and compliance 84234
monitoring. 84235

Sec. 4778.06. (A) An individual seeking to renew a license to 84236
practice as a genetic counselor shall, on or before the 84237
thirty-first day of January of each even-numbered year, apply for 84238
renewal of the license. The state medical board shall ~~send~~ provide 84239
renewal notices at least one month prior to the expiration date. 84240

Renewal applications shall be submitted to the board in a 84241
manner prescribed by the board. Each application shall be 84242
accompanied by a biennial renewal fee of one hundred fifty 84243
dollars. 84244

The applicant shall report any criminal offense to which the 84245
applicant has pleaded guilty, of which the applicant has been 84246
found guilty, or for which the applicant has been found eligible 84247
for intervention in lieu of conviction, since last signing an 84248
application for a license to practice as a genetic counselor. 84249

(B) To be eligible for renewal, a genetic counselor shall 84250
certify to the board that the counselor has done both of the 84251
following: 84252

(1) Maintained the counselor's status as a certified genetic 84253
counselor; 84254

(2) Completed at least thirty hours of continuing education 84255
in genetic counseling that has been approved by the national 84256

society of genetic counselors or American board of genetic 84257
counseling. 84258

(C) If an applicant submits a renewal application that the 84259
board considers to be complete and qualifies for renewal pursuant 84260
to division (B) of this section, the board shall issue to the 84261
applicant a renewed license to practice as a genetic counselor. 84262

(D) The board may require a random sample of genetic 84263
counselors to submit materials documenting that their status as 84264
certified genetic counselors has been maintained and that the 84265
number of hours of continuing education required under division 84266
(B)(2) of this section has been completed. 84267

If a genetic counselor certifies that the genetic counselor 84268
has completed the number of hours and type of continuing education 84269
required for renewal of a license, and the board finds through the 84270
random sample or any other means that the genetic counselor did 84271
not complete the requisite continuing education, the board may 84272
impose a civil penalty of not more than five thousand dollars. ~~The~~ 84273
If a civil penalty is imposed in addition to any other action the 84274
board takes under section 4778.14 of the Revised Code, the board's 84275
finding shall be made pursuant to an adjudication under Chapter 84276
119. of the Revised Code and by an affirmative vote of not fewer 84277
than six members. A civil penalty imposed under this division may 84278
be in addition to or in lieu of any other action the board may 84279
take under section 4778.14 of the Revised Code. The board shall 84280
deposit civil penalties in accordance with section 4731.24 of the 84281
Revised Code. 84282

Sec. 4778.14. (A) The state medical board, by an affirmative 84283
vote of not fewer than six members, may revoke or may refuse to 84284
grant a license to practice as a genetic counselor to an 84285
individual found by the board to have committed fraud, 84286
misrepresentation, or deception in applying for or securing the 84287

license. 84288

(B) The board, by an affirmative vote of not fewer than six 84289
members, shall, to the extent permitted by law, limit, revoke, or 84290
suspend an individual's license to practice as a genetic 84291
counselor, refuse to issue a license to an applicant, refuse to 84292
renew a license, refuse to reinstate a license, or reprimand or 84293
place on probation the holder of a license for any of the 84294
following reasons: 84295

(1) Permitting the holder's name or license to be used by 84296
another person; 84297

(2) Failure to comply with the requirements of this chapter, 84298
Chapter 4731. of the Revised Code, or any rules adopted by the 84299
board; 84300

(3) Violating or attempting to violate, directly or 84301
indirectly, or assisting in or abetting the violation of, or 84302
conspiring to violate, any provision of this chapter, Chapter 84303
4731. of the Revised Code, or the rules adopted by the board; 84304

(4) A departure from, or failure to conform to, minimal 84305
standards of care of similar practitioners under the same or 84306
similar circumstances whether or not actual injury to the patient 84307
is established; 84308

(5) Inability to practice according to acceptable and 84309
prevailing standards of care by reason of mental illness or 84310
physical illness, including physical deterioration that adversely 84311
affects cognitive, motor, or perceptive skills; 84312

(6) Impairment of ability to practice according to acceptable 84313
and prevailing standards of care because of habitual or excessive 84314
use or abuse of drugs, alcohol, or other substances that impair 84315
ability to practice; 84316

(7) Willfully betraying a professional confidence; 84317

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a genetic counselor. 84318
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 84321
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 84329
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 84332
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 84335
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 84338
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(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 84341
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(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 84344
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(15) Commission of an act involving moral turpitude that 84347

constitutes a misdemeanor in this state, regardless of the 84348
jurisdiction in which the act was committed; 84349

(16) A plea of guilty to, a judicial finding of guilt of, or 84350
a judicial finding of eligibility for intervention in lieu of 84351
conviction for violating any state or federal law regulating the 84352
possession, distribution, or use of any drug, including 84353
trafficking in drugs; 84354

(17) Any of the following actions taken by an agency 84355
responsible for authorizing, certifying, or regulating an 84356
individual to practice a health care occupation or provide health 84357
care services in this state or in another jurisdiction, for any 84358
reason other than the nonpayment of fees: the limitation, 84359
revocation, or suspension of an individual's license to practice; 84360
acceptance of an individual's license surrender; denial of a 84361
license; refusal to renew or reinstate a license; imposition of 84362
probation; or issuance of an order of censure or other reprimand; 84363

(18) Violation of the conditions placed by the board on a 84364
license to practice as a genetic counselor; 84365

(19) Failure to cooperate in an investigation conducted by 84366
the board under section 4778.18 of the Revised Code, including 84367
failure to comply with a subpoena or order issued by the board or 84368
failure to answer truthfully a question presented by the board at 84369
a deposition or in written interrogatories, except that failure to 84370
cooperate with an investigation shall not constitute grounds for 84371
discipline under this section if a court of competent jurisdiction 84372
has issued an order that either quashes a subpoena or permits the 84373
individual to withhold the testimony or evidence in issue; 84374

(20) Failure to maintain the individual's status as a 84375
certified genetic counselor; 84376

(21) Failure to comply with the code of ethics established by 84377
the national society of genetic counselors. 84378

(C) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

A telephone conference call may be utilized for ratification of a consent agreement that revokes or suspends an individual's license. The telephone conference call shall be considered a special meeting under division (F) of section 121.22 of the Revised Code.

(D) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(E) The sealing of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility

for intervention in lieu of conviction, the board issued a notice 84411
of opportunity for a hearing or took other formal action under 84412
Chapter 119. of the Revised Code prior to the court's order to 84413
seal the records. The board shall not be required to seal, 84414
destroy, redact, or otherwise modify its records to reflect the 84415
court's sealing of conviction records. 84416

(F) For purposes of this division, any individual who holds a 84417
license to practice as a genetic counselor, or applies for a 84418
license, shall be deemed to have given consent to submit to a 84419
mental or physical examination when directed to do so in writing 84420
by the board and to have waived all objections to the 84421
admissibility of testimony or examination reports that constitute 84422
a privileged communication. 84423

(1) In enforcing division (B)(5) of this section, the board, 84424
on a showing of a possible violation, may compel any individual 84425
who holds a license to practice as a genetic counselor or who has 84426
applied for a license to practice as a genetic counselor to submit 84427
to a mental or physical examination, or both. A physical 84428
examination may include an HIV test. The expense of the 84429
examination is the responsibility of the individual compelled to 84430
be examined. Failure to submit to a mental or physical examination 84431
or consent to an HIV test ordered by the board constitutes an 84432
admission of the allegations against the individual unless the 84433
failure is due to circumstances beyond the individual's control, 84434
and a default and final order may be entered without the taking of 84435
testimony or presentation of evidence. If the board finds a 84436
genetic counselor unable to practice because of the reasons set 84437
forth in division (B)(5) of this section, the board shall require 84438
the genetic counselor to submit to care, counseling, or treatment 84439
by physicians approved or designated by the board, as a condition 84440
for an initial, continued, reinstated, or renewed license to 84441
practice. An individual affected by this division shall be 84442

afforded an opportunity to demonstrate to the board the ability to 84443
resume practicing in compliance with acceptable and prevailing 84444
standards of care. 84445

(2) For purposes of division (B)(6) of this section, if the 84446
board has reason to believe that any individual who holds a 84447
license to practice as a genetic counselor or any applicant for a 84448
license suffers such impairment, the board may compel the 84449
individual to submit to a mental or physical examination, or both. 84450
The expense of the examination is the responsibility of the 84451
individual compelled to be examined. Any mental or physical 84452
examination required under this division shall be undertaken by a 84453
treatment provider or physician qualified to conduct such 84454
examination and chosen by the board. 84455

Failure to submit to a mental or physical examination ordered 84456
by the board constitutes an admission of the allegations against 84457
the individual unless the failure is due to circumstances beyond 84458
the individual's control, and a default and final order may be 84459
entered without the taking of testimony or presentation of 84460
evidence. If the board determines that the individual's ability to 84461
practice is impaired, the board shall suspend the individual's 84462
license or deny the individual's application and shall require the 84463
individual, as a condition for an initial, continued, reinstated, 84464
or renewed license, to submit to treatment. 84465

Before being eligible to apply for reinstatement of a license 84466
suspended under this division, the genetic counselor shall 84467
demonstrate to the board the ability to resume practice in 84468
compliance with acceptable and prevailing standards of care. The 84469
demonstration shall include the following: 84470

(a) Certification from a treatment provider approved under 84471
section 4731.25 of the Revised Code that the individual has 84472
successfully completed any required inpatient treatment; 84473

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 84474
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(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 84476
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 84482
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When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety. 84485
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing: 84494
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(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section; 84497
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 84499
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Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license 84501
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without a prior hearing. A telephone conference call may be 84505
utilized for reviewing the allegations and taking the vote on the 84506
summary suspension. 84507

The board shall issue a written order of suspension by 84508
certified mail or in person in accordance with section 119.07 of 84509
the Revised Code. The order shall not be subject to suspension by 84510
the court during pendency of any appeal filed under section 119.12 84511
of the Revised Code. If the genetic counselor requests an 84512
adjudicatory hearing by the board, the date set for the hearing 84513
shall be within fifteen days, but not earlier than seven days, 84514
after the genetic counselor requests the hearing, unless otherwise 84515
agreed to by both the board and the genetic counselor. 84516

A summary suspension imposed under this division shall remain 84517
in effect, unless reversed on appeal, until a final adjudicative 84518
order issued by the board pursuant to this section and Chapter 84519
119. of the Revised Code becomes effective. The board shall issue 84520
its final adjudicative order within sixty days after completion of 84521
its hearing. Failure to issue the order within sixty days shall 84522
result in dissolution of the summary suspension order, but shall 84523
not invalidate any subsequent, final adjudicative order. 84524

(H) If the board takes action under division (B)(10), (12), 84525
or (13) of this section, and the judicial finding of guilt, guilty 84526
plea, or judicial finding of eligibility for intervention in lieu 84527
of conviction is overturned on appeal, on exhaustion of the 84528
criminal appeal, a petition for reconsideration of the order may 84529
be filed with the board along with appropriate court documents. On 84530
receipt of a petition and supporting court documents, the board 84531
shall reinstate the license to practice as a genetic counselor. 84532
The board may then hold an adjudication under Chapter 119. of the 84533
Revised Code to determine whether the individual committed the act 84534
in question. Notice of opportunity for hearing shall be given in 84535
accordance with Chapter 119. of the Revised Code. If the board 84536

finds, pursuant to an adjudication held under this division, that 84537
the individual committed the act, or if no hearing is requested, 84538
it may order any of the sanctions specified in division (B) of 84539
this section. 84540

(I) The license to practice as a genetic counselor and the 84541
counselor's practice in this state are automatically suspended as 84542
of the date the genetic counselor pleads guilty to, is found by a 84543
judge or jury to be guilty of, or is subject to a judicial finding 84544
of eligibility for intervention in lieu of conviction in this 84545
state or treatment of intervention in lieu of conviction in 84546
another jurisdiction for any of the following criminal offenses in 84547
this state or a substantially equivalent criminal offense in 84548
another jurisdiction: aggravated murder, murder, voluntary 84549
manslaughter, felonious assault, kidnapping, rape, sexual battery, 84550
gross sexual imposition, aggravated arson, aggravated robbery, or 84551
aggravated burglary. Continued practice after the suspension shall 84552
be considered practicing without a license. 84553

The board shall notify the individual subject to the 84554
suspension by certified mail or in person in accordance with 84555
section 119.07 of the Revised Code. If an individual whose license 84556
is suspended under this division fails to make a timely request 84557
for an adjudication under Chapter 119. of the Revised Code, the 84558
board shall enter a final order permanently revoking the 84559
individual's license to practice. 84560

(J) In any instance in which the board is required by Chapter 84561
119. of the Revised Code to give notice of opportunity for hearing 84562
and the individual subject to the notice does not timely request a 84563
hearing in accordance with section 119.07 of the Revised Code, the 84564
board is not required to hold a hearing, but may adopt, by an 84565
affirmative vote of not fewer than six of its members, a final 84566
order that contains the board's findings. In the final order, the 84567
board may order any of the sanctions identified under division (A) 84568

or (B) of this section. 84569

(K) Any action taken by the board under division (B) of this 84570
section resulting in a suspension shall be accompanied by a 84571
written statement of the conditions under which the license of the 84572
genetic counselor may be reinstated. The board shall adopt rules 84573
in accordance with Chapter 119. of the Revised Code governing 84574
conditions to be imposed for reinstatement. Reinstatement of a 84575
license suspended pursuant to division (B) of this section 84576
requires an affirmative vote of not fewer than six members of the 84577
board. 84578

(L) When the board refuses to grant or issue a license to 84579
practice as a genetic counselor to an applicant, revokes an 84580
individual's license, refuses to renew a an individual's license, 84581
or refuses to reinstate an individual's license, the board may 84582
specify that its action is permanent. An individual subject to a 84583
permanent action taken by the board is forever thereafter 84584
ineligible to hold a license to practice as a genetic counselor 84585
and the board shall not accept an application for reinstatement of 84586
the license or for issuance of a new license. 84587

(M) Notwithstanding any other provision of the Revised Code, 84588
all of the following apply: 84589

(1) The surrender of a license to practice as a genetic 84590
counselor is not effective unless or until accepted by the board. 84591
A telephone conference call may be utilized for acceptance of the 84592
surrender of an individual's license. The telephone conference 84593
call shall be considered a special meeting under division (F) of 84594
section 121.22 of the Revised Code. Reinstatement of a license 84595
surrendered to the board requires an affirmative vote of not fewer 84596
than six members of the board. 84597

(2) An application made under this chapter for a license to 84598
practice may not be withdrawn without approval of the board. 84599

(3) Failure by an individual to renew a license in accordance with section 4778.06 of the Revised Code shall not remove or limit the board's jurisdiction to take disciplinary action under this section against the individual.

Sec. 4778.141. (A)(1) If a genetic counselor violates any section of this chapter other than section 4778.06 of the Revised Code or violates any rule adopted under this chapter, the state medical board may, pursuant to an adjudication under Chapter 119. of the Revised Code and an affirmative vote of not fewer than six of its members, impose a civil penalty. The amount of the civil penalty shall be determined by the board in accordance with guidelines adopted under division (A)(2) of this section. The civil penalty may be in addition to any other action the board may take under section 4778.14 of the Revised Code.

(2) The board shall adopt and may amend guidelines regarding the amounts of civil penalties to be imposed under this section. Adoption or amendment of the guidelines requires the approval of not fewer than six board members.

Under the guidelines, no civil penalty amount shall exceed twenty thousand dollars.

(B) Amounts received from payment of civil penalties imposed under this section shall be deposited by the board in accordance with section 4731.24 of the Revised Code. Amounts received from payment of civil penalties imposed for violations of division (B)(6) of section 4778.14 of the Revised Code shall be used by the board solely for investigations, enforcement, and compliance monitoring.

Sec. 4905.71. (A) Every telephone or electric light company that is a public utility as defined by section 4905.02 of the Revised Code and, subject to section 4927.15 of the Revised Code,

every incumbent local exchange carrier as defined by section 84630
4927.01 of the Revised Code shall permit, upon reasonable terms 84631
and conditions and the payment of reasonable charges, the 84632
attachment of any wire, cable, facility, or apparatus to its 84633
poles, pedestals, or placement of same in conduit duct space, by 84634
any person or entity other than a public utility that is 84635
authorized and has obtained, under law, any necessary public or 84636
private authorization and permission to construct and maintain the 84637
attachment, so long as the attachment does not interfere, 84638
obstruct, or delay the service and operation of the ~~telephone or~~ 84639
~~electric light~~ company or carrier, or create a hazard to safety. 84640
Every such ~~telephone or electric light~~ company or carrier shall 84641
file tariffs with the public utilities commission containing the 84642
charges, terms, and conditions established for such use. 84643

(B) The commission shall regulate the justness and 84644
reasonableness of the charges, terms, and conditions contained in 84645
any such tariff, and may, upon complaint of any persons in which 84646
it appears that reasonable grounds for complaint are stated, or 84647
upon its own initiative, investigate such charges, terms, and 84648
conditions and conduct a hearing to establish just and reasonable 84649
charges, terms, and conditions, and to resolve any controversy 84650
that may arise among the parties as to such attachment. 84651

Sec. 4905.81. The public utilities commission shall: 84652

(A) Supervise and regulate each motor carrier; 84653

(B) Regulate the safety of operation of each motor carrier, 84654
and of each intermodal equipment provider as defined in section 84655
4923.041 of the Revised Code; 84656

(C) Adopt reasonable safety rules applicable to the highway 84657
transportation of persons or property in interstate and intrastate 84658
commerce by motor carriers; 84659

(D) Adopt safety rules applicable to the transportation and 84660
offering for transportation of hazardous materials in interstate 84661
and intrastate commerce by motor carriers. The rules shall not be 84662
incompatible with the requirements of the United States department 84663
of transportation. 84664

(E) Require the filing of reports and other data by motor 84665
carriers; 84666

(F) Adopt reasonable rules for the administration and 84667
enforcement of this chapter and Chapters 4901., 4903., 4907., 84668
4909., 4921., and 4923. of the Revised Code applying to each motor 84669
carrier in this state; 84670

(G) Supervise and regulate motor carriers in all other 84671
matters affecting the relationship between those carriers and the 84672
public to the exclusion of all local authorities, except as 84673
provided in this section. The commission, in the exercise of the 84674
jurisdiction conferred upon it by this chapter and Chapters 4901., 84675
4903., 4907., 4909., 4921., and 4923. of the Revised Code, may 84676
adopt rules affecting motor carriers, notwithstanding the 84677
provisions of any ordinance, resolution, license, or permit 84678
enacted, adopted, or granted by any township, municipal 84679
corporation, municipal corporation and county, or county. In case 84680
of conflict between any such ordinance, resolution, license, or 84681
permit, the order or rule of the commission shall prevail. Local 84682
subdivisions may adopt reasonable local police rules within their 84683
respective boundaries not inconsistent with those chapters and 84684
rules adopted under them. 84685

The commission has jurisdiction to receive, hear, and 84686
determine as a question of fact, upon complaint of any party or 84687
upon its own motion, and upon not less than fifteen days' notice 84688
of the time and place of the hearing and the matter to be heard, 84689
whether any corporation, company, association, joint-stock 84690
association, person, firm, or copartnership, or their lessees, 84691

legal or personal representatives, trustees, or receivers or 84692
trustees appointed by any court, is engaged as a motor carrier. 84693
The finding of the commission on such a question is a final order 84694
that may be reviewed as provided in section 4923.15 of the Revised 84695
Code. 84696

Sec. 4909.161. (A) Notwithstanding the provisions of Chapters 84697
4905. and 4909. of the Revised Code, the payment of any type of 84698
increased excise tax levy shall be considered to be a normal 84699
expense incurred by a public utility in the course of rendering 84700
service to the public, and may be recovered as such in accordance 84701
with an order of the public utilities commission. Any public 84702
utility required to pay any such increased excise tax levy may 84703
file with the public utilities commission revised rate schedules 84704
that will permit full recovery on an interim or permanent basis in 84705
its rates, of the amount of any resultant increased tax payments 84706
and the commission shall promptly act to approve such schedules. 84707
84708

(B) Notwithstanding Chapters 4905. and 4909. of the Revised 84709
Code, the payment of the kilowatt-hour tax imposed by section 84710
5727.81 of the Revised Code shall be considered a normal expense 84711
incurred by an electric distribution utility, as defined in 84712
section 4928.01 of the Revised Code, in the course of rendering 84713
service to the public, and may be recovered as such in accordance 84714
with an order of the commission. An electric distribution utility 84715
required to pay the kilowatt-hour tax may file with the commission 84716
revised rate schedules, consistent with Chapters 4905. and 4909. 84717
and division (A)(6) of section 4928.34 of the Revised Code, that 84718
will permit full recovery on a permanent basis in its rates, of 84719
the amount of any resultant tax payments, after taking into 84720
account any reductions of taxes in its rates resulting from Sub. 84721
S.B. No. 3 of the 123rd general assembly, and the commission shall 84722
act promptly to approve those schedules. 84723

(C) Notwithstanding the provisions of Chapters 4905. and 4909. of the Revised Code, the payment of any increased tax on transmission and distribution property and energy conversion equipment that results from the amendment of divisions (E) and (H) of section 5727.111 of the Revised Code by H.B. 64 of the 131st general assembly shall be considered to be a normal expense incurred by an electric company in the course of rendering service to the public, and may be recovered as such in accordance with an order of the commission. Any electric company required to pay any such increased tax may file with the commission a request for a reconcilable rider that will permit full recovery of the amount of any resultant increased tax payments, and the commission shall promptly approve the rider.

Sec. 4911.021. The consumers' counsel shall not operate a telephone call center for consumer complaints. ~~Any~~ However, for any calls received by the consumers' counsel concerning consumer complaints shall be forwarded, the consumers' counsel may assist consumers with their complaints or forward the calls to the public utilities commission's call center.

Sec. 4923.04. (A)~~(1)~~ The public utilities commission shall adopt rules applicable to ~~the~~ all of the following:

(1) The transportation of persons or property by motor carriers operating in interstate and intrastate commerce;

~~(2) The commission shall adopt rules applicable to the highway transportation and offering for transportation of hazardous materials by motor carriers, and persons engaging in the highway transportation and offering for transportation of hazardous materials, operating in interstate or intrastate commerce;~~

(3) The use and interchange of intermodal equipment, as those

terms are defined in section 4923.041 of the Revised Code. 84754

(B) The rules adopted under division (A) of this section 84755
shall not be incompatible with the requirements of the United 84756
States department of transportation. 84757

(C) To achieve the purposes of this chapter and to assist the 84758
commission in the performance of any of its powers or duties, the 84759
commission, either through the public utilities commissioners or 84760
employees authorized by it, may do either or both of the 84761
following: 84762

(1) Apply for, and any judge of a court of record of 84763
competent jurisdiction may issue, an appropriate search warrant; 84764

(2) Examine under oath, at the offices of the commission, any 84765
officer, agent, or employee of any person subject to this chapter. 84766
The commission, by subpoena, also may compel the attendance of a 84767
witness for the purpose of the examination and, by subpoena duces 84768
tecum, may compel the production of all books, contracts, records, 84769
and documents that relate to ~~the transportation and offering for~~ 84770
~~transportation of hazardous materials~~ compliance with this chapter 84771
or compliance with rules adopted under this chapter. 84772

Sec. 4923.041. (A) As used in section 4923.04 of the Revised 84773
Code: 84774

"Interchange" means the act of providing intermodal equipment 84775
to a motor carrier pursuant to an intermodal equipment interchange 84776
agreement for the purpose of transporting the equipment for 84777
loading or unloading by any person or repositioning the equipment 84778
for the benefit of the equipment provider, but it does not include 84779
the leasing of equipment to a motor carrier for primary use in the 84780
motor carrier's freight hauling operations. 84781

"Intermodal equipment" means trailing equipment that is used 84782
in the intermodal transportation of containers over public 84783

highways in interstate commerce, including trailers and chassis. 84784

(B) As used in this section: 84785

"Intermodal equipment interchange agreement" means the 84786
uniform intermodal interchange and facilities access agreement or 84787
any other written document executed by an intermodal equipment 84788
provider or its agent and a motor carrier or its agent, the 84789
primary purpose of which is to establish the responsibilities and 84790
liabilities of both parties with respect to the interchange of the 84791
intermodal equipment. 84792

"Intermodal equipment provider" means any person that 84793
interchanges intermodal equipment with a motor carrier pursuant to 84794
a written interchange agreement or has a contractual 84795
responsibility for the maintenance of the intermodal equipment. 84796

"Person" means any individual, partnership, association, 84797
corporation, business trust, or any other organized group of 84798
individuals. 84799

Sec. 4927.01. (A) As used in this chapter: 84800

(1) "Basic local exchange service" means residential-end-user 84801
access to and usage of telephone-company-provided services over a 84802
single line or small-business-end-user access to and usage of 84803
telephone-company-provided services over the primary access line 84804
of service, which in the case of residential and small-business 84805
access and usage is not part of a bundle or package of services, 84806
that does both of the following: 84807

(a) Enables a customer to originate or receive voice 84808
communications within a local service area as that area exists on 84809
September 13, 2010, ~~the effective date of the amendment of this~~ 84810
~~section by S.B. 162 of the 128th general assembly or as that area~~ 84811
is changed with the approval of the public utilities commission; 84812

(b) Consists of all of the following services: 84813

(i) Local dial tone service;	84814
(ii) For residential end users, flat-rate telephone exchange service;	84815 84816
(iii) Touch tone dialing service;	84817
(iv) Access to and usage of 9-1-1 services, where such services are available;	84818 84819
(v) Access to operator services and directory assistance;	84820
(vi) Provision of a telephone directory in any reasonable format for no additional charge and a listing in that directory, with reasonable accommodations made for private listings;	84821 84822 84823
(vii) Per call, caller identification blocking services;	84824
(viii) Access to telecommunications relay service; and	84825
(ix) Access to toll presubscription, interexchange or toll providers or both, and networks of other telephone companies.	84826 84827
<u>"Basic local exchange service" excludes any voice service to which customers are transitioned following a withdrawal of basic local exchange service under section 4927.10 of the Revised Code.</u>	84828 84829 84830
(2) "Bundle or package of services" means one or more telecommunications services or other services offered together as one service option at a single price.	84831 84832 84833
(3) "Carrier access" means access to and usage of telephone company-provided facilities that enable end user customers originating or receiving voice grade, data, or image communications, over a local exchange telephone company network operated within a local service area, to access interexchange or other networks and includes special access.	84834 84835 84836 84837 84838 84839
(4) "Federal poverty level" means the income level represented by the poverty guidelines as revised annually by the United States department of health and human services in	84840 84841 84842

accordance with section 673(2) of the "Omnibus Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(5) "Incumbent local exchange carrier" means, with respect to an area, the local exchange carrier that:

(a) On February 8, 1996, provided telephone exchange service in such area; and

(b)(i) On February 8, 1996, was deemed to be a member of the exchange carrier association pursuant to 47 C.F.R. 69.601(b); or

(ii) Is a person or entity that, on or after February 8, 1996, became a successor or assign of a member described in division (A)(5)(b)(i) of this section.

(6) "Internet protocol-enabled services" means any services, capabilities, functionalities, or applications that are provided using internet protocol or a successor protocol to enable an end user to send or receive communications in internet protocol format or a successor format, regardless of how any particular such service is classified by the federal communications commission, and includes voice over internet protocol service.

(7) "Interstate-access component" means the portion of carrier access that is within the jurisdiction of the federal communications commission.

(8) "Local exchange carrier" means any person engaged in the provision of telephone exchange service, or the offering of access to telephone exchange service or facilities for the purpose of originating or terminating telephone toll service.

~~(8)~~(9) "Local service area" means the geographic area that may encompass more than one exchange area and within which a telephone customer, by paying the rate for basic local exchange

service, may complete calls to other telephone customers without 84873
being assessed long distance toll charges. 84874

~~(9)~~(10) "Small business" means a nonresidential service 84875
customer with three or fewer service access lines. 84876

~~(10)~~(11) "Telecommunications" means the transmission, between 84877
or among points specified by the user, of information of the 84878
user's choosing, without change in the form or content of the 84879
information as sent and received. 84880

~~(11)~~(12) "Telecommunications carrier" has the same meaning as 84881
in the "Telecommunications Act of 1996," 110 Stat. 60, 47 U.S.C. 84882
153. 84883

~~(12)~~(13) "Telecommunications service" means the offering of 84884
telecommunications for a fee directly to the public, or to such 84885
classes of users as to be effectively available directly to the 84886
public, regardless of the facilities used. 84887

~~(13)~~(14) "Telephone company" means a company described in 84888
division (A) of section 4905.03 of the Revised Code that is a 84889
public utility under section 4905.02 of the Revised Code. 84890

~~(14)~~(15) "Telephone exchange service" means 84891
telecommunications service that is within a telephone exchange, or 84892
within a connected system of telephone exchanges within the same 84893
exchange area operated to furnish to subscribers 84894
intercommunicating service of the character ordinarily furnished 84895
by a single exchange, and that is covered by the exchange service 84896
charge; or comparable service provided through a system of 84897
switches, transmission equipment, or other facilities, or 84898
combination thereof, by which a customer can originate and 84899
terminate a telecommunications service. 84900

~~(15)~~(16) "Telephone toll service" means telephone service 84901
between stations in different exchange areas for which there is 84902
made a separate charge not included in contracts with customers 84903

for exchange service. 84904

~~(16)~~(17) "Voice over internet protocol service" means a 84905
service that ~~uses a broadband connection from an end user's~~ 84906
~~location and~~ enables real-time, two-way, voice communications that 84907
originate or terminate from the user's location using internet 84908
protocol or a successor protocol, including, but not limited to, 84909
any such service that permits an end user to receive calls from 84910
and terminate calls to the public switched network. 84911

~~(17)~~(18) "Voice service" includes all of the applicable 84912
functionalities described in 47 C.F.R. 54.101(a). "Voice service" 84913
is not the same as basic local exchange service. 84914

(19) "Wireless service" means federally licensed commercial 84915
mobile service as defined in the "Telecommunications Act of 1996," 84916
110 Stat. 61, 151, 153, 47 U.S.C. 332(d) and further defined as 84917
commercial mobile radio service in 47 C.F.R. 20.3. Under division 84918
(A)~~(17)~~(19) of this section, commercial mobile radio service is 84919
specifically limited to mobile telephone, mobile cellular 84920
telephone, paging, personal communications services, and 84921
specialized mobile radio service provided by a common carrier in 84922
this state and excludes fixed wireless service. 84923

~~(18)~~(20) "Wireless service provider" means a facilities-based 84924
provider of wireless service to one or more end users in this 84925
state. 84926

(B) The definitions of this section shall be applied 84927
consistent with the definitions in the "Telecommunications Act of 84928
1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended, and with 84929
federal decisions interpreting those definitions. 84930

Sec. 4927.02. (A) It is the policy of this state to: 84931

(1) Ensure the availability of adequate basic local exchange 84932
service or voice service to citizens throughout the state; 84933

(2) Provide incentives for competing providers of telecommunications service to provide advanced, high-quality telecommunications service to citizens throughout the state;	84934 84935 84936
(3) Rely primarily on market forces, where they exist, to maintain reasonable service levels for telecommunications services at reasonable rates;	84937 84938 84939
(4) Encourage innovation in the telecommunications industry and the deployment of advanced telecommunications services;	84940 84941
(5) Create a regulatory climate that provides incentives to create and maintain high technology jobs for Ohioans;	84942 84943
(6) Promote diversity and options in the supply of telecommunications services and equipment throughout the state;	84944 84945
(7) Recognize the continuing emergence of a competitive telecommunications environment through flexible regulatory treatment of telecommunications services where appropriate;	84946 84947 84948
(8) Consider the regulatory treatment of competing and functionally equivalent services and, to the extent practicable, provide for equivalent regulation of all telephone companies and services;	84949 84950 84951 84952
(9) Not unduly favor or advantage any provider and not unduly disadvantage providers of competing and functionally equivalent services; and	84953 84954 84955
(10) Protect the affordability of telephone service for low-income subscribers through the continuation of federal lifeline assistance programs.	84956 84957 84958
(B) The public utilities commission shall consider the policy set forth in this section in carrying out this chapter.	84959 84960
Sec. 4927.07. (A) A <u>Except as provided under the notice requirements of section 4927.10 of the Revised Code, a</u> telephone	84961 84962

company may withdraw any telecommunications service if it gives at least thirty days' prior notice to the public utilities commission and to its affected customers.

(B) ~~A~~ Except as provided under the notice requirements of section 4927.10 of the Revised Code, a telephone company may abandon entirely telecommunications service in this state if it gives at least thirty days' prior notice to the commission, to its wholesale and retail customers, and to any telephone company wholesale provider of its services.

(C) Divisions (A) and (B) of this section do not apply to any of the following:

~~(1) Basic local exchange service provided by an incumbent local exchange carrier;~~

~~(2)~~ Pole attachments under section 4905.71 of the Revised Code;

~~(3)~~(2) Conduit occupancy under section 4905.71 of the Revised Code;

~~(4)~~(3) Interconnection and resale agreements approved under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 151 et seq., as amended.

(D) ~~An~~ Except as provided in section 4927.10 of the Revised Code, an incumbent local exchange carrier may not withdraw or abandon basic local exchange service.

(E) ~~A~~ Neither a telephone company nor an incumbent local exchange carrier may ~~not~~, without first filing a request with the commission and obtaining commission approval, withdraw any tariff filed with the commission for pole attachments or conduit occupancy under section 4905.71 of the Revised Code or abandon service provided under that section.

Sec. 4927.10. (A) Subject to division (B) of this section, if 84992
the federal communications commission adopts an order that allows 84993
an incumbent local exchange carrier to withdraw the 84994
interstate-access component of its basic local exchange service 84995
under 47 U.S.C. 214, neither of the following shall apply, 84996
beginning when the order is adopted, with regard to any exchange 84997
area in which an incumbent local exchange carrier withdraws that 84998
component: 84999

(1) The prohibition contained in division (D) of section 85000
4927.07 of the Revised Code against the withdrawal or abandonment 85001
of basic local exchange service by an incumbent local exchange 85002
carrier, provided that the carrier gives at least one hundred 85003
twenty days' prior notice to the public utilities commission and 85004
to its affected customers of the withdrawal or abandonment; 85005

(2) The requirements contained in division (A) of section 85006
4927.11 of the Revised Code. 85007

(B) If a residential customer to whom notice has been given 85008
under this section will be unable to obtain reasonable and 85009
comparatively priced voice service upon the carrier's withdrawal 85010
or abandonment of basic local exchange service, the customer may 85011
file a petition with the public utilities commission not later 85012
than ninety days prior to the effective date of the withdrawal or 85013
abandonment. If a residential customer is identified by the 85014
collaborative process established under Section 749.10 of H.B. 64 85015
of the 131st general assembly as a customer who will be unable to 85016
obtain reasonable and comparatively priced voice service upon the 85017
withdrawal or abandonment of basic local exchange service, that 85018
customer shall be treated as though the customer filed a timely 85019
petition under this division. 85020

(1) The public utilities commission shall issue an order 85021
disposing of the petition not later than ninety days after the 85022

filing of the petition. 85023

(a) If the public utilities commission determines after an investigation that no reasonable and comparatively priced voice service will be available to the affected customer at the customer's residence, the public utilities commission shall attempt to identify a willing provider of a reasonable and comparatively priced voice service to serve the customer. 85024
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(b) If no willing provider is identified, the public utilities commission may order the withdrawing or abandoning carrier to provide a reasonable and comparatively priced voice service to the customer at the customer's residence. 85030
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(c) The willing provider or the carrier, as applicable, may utilize any technology or service arrangement to provide the voice service. 85034
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(2) Except as provided in division (B)(2) of this section, an order adopted under division (B)(1)(b) of this section shall not be in effect for more than twelve months after the date that it is issued. If an order is issued under division (B)(1)(b) of this section, the public utilities commission shall evaluate, during the twelve-month period in which the order is effective, whether an alternative reasonable and comparatively priced voice service is found to exist for the affected customer. If no such voice service is available, the public utilities commission may extend the order for one additional twelve-month period. If, at the end of the second twelve-month period, no alternative reasonable and comparatively priced voice service is available, the public utilities commission may order the withdrawing or abandoning carrier to continue to provide a reasonable and comparatively priced voice service to the affected customer at the customer's residence, utilizing any technology or service arrangement to provide the voice service. 85037
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(3) For purposes of this division, the public utilities commission shall define the term "reasonable and comparatively priced voice service" to include service that provides voice grade access to the public switched network or its functional equivalent, access to 9-1-1, and that is competitively priced, when considering all the alternatives in the marketplace and their functionalities. 85054
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Sec. 4927.101. (A) Section 4927.10 of the Revised Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 4927.11 of the Revised Code made by H.B. 64 of the 131st general assembly shall not affect any of the following: 85061
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(1) Any contractual obligation, including agreements under the "Telecommunications Act of 1996," 110 Stat. 56, 47 U.S.C. 251 and 252, as amended; 85065
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(2) Any right or obligation under federal law or rules; 85068

(3) The carrier-access requirements under section 4927.15 of the Revised Code; 85069
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(4) Any right or obligation under section 4905.71 of the Revised Code; 85071
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(5) Any state law or rule adopted under this title related to wholesale rights or obligations. 85073
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(B) The amendments to section 4927.15 of the Revised Code made by H.B. 64 of the 131st general assembly shall not affect the obligations and rights described in divisions (A)(1), (2), (4), and (5) of this section. 85075
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Sec. 4927.11. (A) Except as otherwise provided in this section and section 4927.10 of the Revised Code, an incumbent local exchange carrier shall provide basic local exchange service to all persons or entities in its service area requesting that 85079
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service, and that service shall be provided on a reasonable and nondiscriminatory basis. 85083
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(B)(1) An incumbent local exchange carrier is not obligated to construct facilities and provide basic local exchange service, or any other telecommunications service, to the occupants of multitenant real estate, including, but not limited to, apartments, condominiums, subdivisions, office buildings, or office parks, if the owner, operator, or developer of the multitenant real estate does any of the following to the benefit of any other telecommunications service provider: 85085
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(a) Permits only one provider of telecommunications service to install the company's facilities or equipment during the construction or development phase of the multitenant real estate; 85093
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(b) Accepts or agrees to accept incentives or rewards that are offered by a telecommunications service provider to the owner, operator, developer, or occupants of the multitenant real estate and are contingent on the provision of telecommunications service by that provider to the occupants, to the exclusion of services provided by other telecommunications service providers; 85096
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(c) Collects from the occupants of the multitenant real estate any charges for the provision of telecommunications service to the occupants, including charges collected through rents, fees, or dues. 85102
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(2) A carrier not obligated to construct facilities and provide basic local exchange service pursuant to division (B)(1) of this section shall notify the public utilities commission of that fact within one hundred twenty days of receiving knowledge thereof. 85106
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(3) The commission by rule may establish a process for determining a necessary successor telephone company to provide 85111
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service to real estate described in division (B)(1) of this 85113
section when the circumstances described in that division cease to 85114
exist. 85115

(4) An incumbent local exchange carrier that receives a 85116
request from any person or entity to provide service under the 85117
circumstances described in division (B)(1) of this section shall, 85118
within fifteen days of such receipt, provide notice to the person 85119
or entity specifying whether the carrier will provide the 85120
requested service. If the carrier provides notice that it will not 85121
serve the person or entity, the notice shall describe the person's 85122
or entity's right to file a complaint with the commission under 85123
section 4927.21 of the Revised Code within thirty days after 85124
receipt of the notice. In resolving any such complaint, the 85125
commission's determination shall be limited to whether any 85126
circumstance described in divisions (B)(1)(a) to (c) of this 85127
section exists. Upon a finding by the commission that such a 85128
circumstance exists, the complaint shall be dismissed. Upon a 85129
finding that such circumstances do not exist, the person's or 85130
entity's sole remedy shall be provision by the carrier of the 85131
requested service within a reasonable time. 85132

(C) An incumbent local exchange carrier may apply to the 85133
commission for a waiver from compliance with division (A) of this 85134
section. The application shall include, at a minimum, the reason 85135
for the requested waiver, the number of persons or entities who 85136
would be impacted by the waiver, and the alternatives that would 85137
be available to those persons or entities if the waiver were 85138
granted. The incumbent local exchange carrier applying for the 85139
waiver shall publish notice of the waiver application one time in 85140
a newspaper of general circulation throughout the service area 85141
identified in the application and shall provide additional notice 85142
to affected persons or entities as required by the commission in 85143
rules adopted under this division. The commission's rules shall 85144

define "affected" for purposes of this division. The commission 85145
shall afford such persons or entities a reasonable opportunity to 85146
comment to the commission on the application. This opportunity 85147
shall include a public hearing conducted in accordance with rules 85148
adopted under this division and conducted in the service area 85149
identified in the application. After a reasonable opportunity to 85150
comment has been provided, but not later than one hundred twenty 85151
days after the application is filed, the commission either shall 85152
issue an order granting the waiver if, upon investigation, it 85153
finds the waiver to be just, reasonable, and not contrary to the 85154
public interest, and that the applicant demonstrates a financial 85155
hardship or an unusual technical limitation, or shall issue an 85156
order denying the waiver based on a failure to meet those 85157
standards and specifying the reasons for the denial. The 85158
commission shall adopt rules to implement division (C) of this 85159
section. 85160

Sec. 4927.15. (A)(1) The rates, terms, and conditions for 85161
9-1-1 service provided in this state by a telephone company or a 85162
telecommunications carrier and each of the following provided in 85163
this state by a telephone company shall be approved and tariffed 85164
in the manner prescribed by rule adopted by the public utilities 85165
commission and shall be subject to the applicable laws, including 85166
rules or regulations adopted and orders issued by the commission 85167
or the federal communications commission: 85168

~~(1) Carrier access;~~ 85169

~~(2)(a) N-1-1 services, other than 9-1-1 service;~~ 85170

~~(3) Pole attachments and conduit occupancy under section 85171
4905.71 of the Revised Code;~~ 85172

~~(4)(b) Pay telephone access lines;~~ 85173

~~(5)(c) Toll presubscription;~~ 85174

~~(6)(d)~~ Telecommunications relay service. 85175

(2) The rates, terms, and conditions for both of the 85176
following provided in this state by a telephone company or an 85177
incumbent local exchange carrier shall be approved and tariffed in 85178
the manner prescribed by rule adopted by the public utilities 85179
commission and shall be subject to the applicable laws, including 85180
rules or regulations adopted and orders issued by the commission 85181
or the federal communications commission: 85182

(a) Carrier access; 85183

(b) Pole attachments and conduit occupancy under section 85184
4905.71 of the Revised Code. 85185

(B) The public utilities commission may order changes in a 85186
telephone company's rates for carrier access in this state subject 85187
to this division. In the event that the public utilities 85188
commission reduces a telephone company's rates for carrier access 85189
that are in effect on September 13, 2010, that reduction shall be 85190
on a revenue-neutral basis under terms and conditions established 85191
by the public utilities commission, and any resulting rate changes 85192
necessary to comply with division (B) or (C) of this section shall 85193
be in addition to any upward rate alteration made under section 85194
4927.12 of the Revised Code. 85195

(C) The public utilities commission has authority to address 85196
carrier access policy and to create and administer mechanisms for 85197
carrier access reform, including, but not limited to, high cost 85198
support. 85199

Sec. 4928.54. ~~Beginning on the starting date of competitive~~ 85200
~~retail electric service, the~~ The director of development ~~may~~ 85201
services shall aggregate percentage of income payment plan program 85202
customers for the purpose of ~~competitively auctioning~~ establishing 85203
a competitive procurement process for the supply of competitive 85204

retail electric ~~generation~~ service ~~to~~ for those customers. The 85205
process shall be an auction. Only bidders certified under section 85206
4928.08 of the Revised Code ~~and further qualified under~~ 85207
~~eligibility criteria the director prescribes by rule under~~ 85208
~~division (B) of section 4928.53 of the Revised Code after~~ 85209
~~consultation with the commission and electric light companies~~ 85210
~~regarding any such rule. The objectives of~~ may participate in the 85211
~~auction shall be to provide reliable retail electric generation~~ 85212
~~service to customers, based on selection criteria that the winning~~ 85213
~~bid provide the lowest cost and best value to customers. The rules~~ 85214
~~adopted by the director under division (b) of section 4928.53 of~~ 85215
~~the Revised Code shall ensure a fair and unbiased auction process~~ 85216
~~and the performance of any winning bidder.~~ 85217

Sec. 4928.541. The competitive procurement process 85218
established under section 4928.54 of the Revised Code shall be 85219
conducted until a winning bid is or winning bids are selected. 85220

Sec. 4928.542. The winning bid or bids selected through the 85221
competitive procurement process established under section 4928.54 85222
of the Revised Code shall meet all of the following requirements: 85223

(A) Be designed to provide reliable competitive retail 85224
electric service to percentage of income payment plan program 85225
customers; 85226

(B) Reduce the cost of the percentage of income payment plan 85227
program relative to the otherwise applicable standard service 85228
offer established under sections 4928.141, 4928.142, and 4928.143 85229
of the Revised Code; 85230

(C) Result in the best value for persons paying the universal 85231
service rider under section 4928.52 of the Revised Code. 85232

Sec. 4928.543. The director of development services shall 85233

adopt rules in accordance with Chapter 119. of the Revised Code to 85234
implement sections 4928.54, 4928.541, and 4928.542 of the Revised 85235
Code. The rules shall ensure a fair and unbiased auction process 85236
and the performance of the winning bidder or bidders. 85237

Sec. 4928.544. (A) For the purpose of facilitating compliance 85238
with sections 4928.54, 4928.541, and 4928.542 of the Revised Code, 85239
and upon written request by the director of development services, 85240
the public utilities commission shall design, manage, and 85241
supervise the competitive procurement process required by section 85242
4928.54 of the Revised Code. To the extent reasonably possible, 85243
and to minimize costs, the process may be designed based on any 85244
existing competitive procurement process for the establishment of 85245
the default generation supply price for electric distribution 85246
utilities. 85247

This division does not preclude a process design that is 85248
based on a competitive procurement process that applies to the 85249
combined certified territories of electric distribution utilities 85250
subject to common ownership. 85251

(B) The director of development services shall reimburse the 85252
commission for its costs incurred under division (A) of this 85253
section. The reimbursements constitute administrative costs of the 85254
low-income customer assistance programs for the purpose of 85255
division (A) of section 4928.51 of the Revised Code. 85256

Sec. 4928.55. The director of development services shall 85257
establish an energy efficiency and weatherization program 85258
targeted, to the extent practicable, to high-cost, high-volume use 85259
structures occupied by customers eligible for the percentage of 85260
income payment plan program, with the goal of reducing the energy 85261
bills of the occupants. Acceptance of energy efficiency and 85262
weatherization services provided by the program shall be a 85263

condition for the eligibility of any such customer to participate 85264
in the percentage of income payment plan program. Any difference 85265
~~between universal service fund revenues under section 4928.51 of~~ 85266
~~the Revised Code and any savings in percentage of income payment~~ 85267
~~plan program costs as a result of competitive auctioning under~~ 85268
~~section 4928.54 of the Revised Code shall be reinvested in the~~ 85269
~~targeted energy efficiency and weatherization program.~~ 85270

Sec. 4928.581. (A) The public benefits advisory board shall 85271
conduct an independent investigation and analysis for the purpose 85272
of making the report required under division (B) of this section. 85273

(B) With the approval of a majority of its voting members, 85274
the board shall prepare a written report containing all of the 85275
following: 85276

(1) For each year since the establishment of the universal 85277
service fund and for each electric distribution utility, the 85278
annual amount of revenue collected from customers for the purpose 85279
of supporting the universal service fund and the low-income 85280
customer assistance programs. 85281

(2) For 2016, 2017, and 2018, and for each electric 85282
distribution utility, a forecast of the annual amount of revenue 85283
that will be collected from customers for the purpose of 85284
supporting the universal service fund and the low-income customer 85285
assistance programs, assuming no changes are made to the programs. 85286
The forecast shall identify all assumptions, input variables, and 85287
values assigned to input variables. The forecast may include 85288
alternative outcomes based on variations in the assumptions, 85289
variables, and values, so as to show the sensitivity of the 85290
forecast to alternative inputs. 85291

(3) A recommendation as to any changes that should be made to 85292
the design and implementation of the current universal service 85293
fund and the low-income customer assistance programs to ensure 85294

that energy services are provided to low-income and other consumers in this state in an affordable manner consistent with the policy specified in section 4928.02 of the Revised Code. 85295
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(C) The report required under division (B) of this section may include dissenting views and alternative recommendations. 85298
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(D) On or before December 15, 2015, the board shall submit the report required under division (B) of this section to the governor, the president of the senate, the speaker of the house of representatives, each member of the standing committees of both houses of the general assembly that have primary jurisdiction regarding public utility legislation, the director of development services, the chairperson of the public utilities commission, the Ohio consumers' counsel, and each member of the public benefits advisory board. 85300
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Sec. 4928.582. (A) To discharge the duties under section 4928.581 of the Revised Code, the public benefits advisory board may obtain professional services as the board determines appropriate. The professionals shall be promptly reimbursed by the director of development services for the actual and necessary expenses incurred in the performance of their duties under section 4928.581 of the Revised Code. The reimbursements constitute administrative costs of the low-income customer assistance programs for the purpose of division (A) of section 4928.51 of the Revised Code. 85309
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(B) The chairperson of the board may execute, subject to the advice and consent of the board, any professional-services retention agreements that the board determines appropriate. 85319
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Sec. 4928.583. The director of development services, the public utilities commission, and each electric distribution utility shall promptly respond to requests by the public benefits 85322
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advisory board for information needed to prepare the report 85325
required under section 4928.581 of the Revised Code. 85326

Sec. 4929.164. (A) A natural gas company may file an 85327
application with the public utilities commission for approval of 85328
an economic development project that has been ~~certified by~~ 85329
submitted to the director of development services ~~under for~~ the 85330
SiteOhio certification program, pursuant to section 122.9511 of 85331
the Revised Code. The company shall file the application prior to 85332
beginning the project. 85333

(B) The commission may approve a project under this section 85334
if both of the following apply: 85335

(1) The infrastructure development costs for the project are 85336
projected to generate a return on the company's investment that is 85337
less than the most recently authorized rate of return. 85338

(2) The amount of infrastructure development costs to be 85339
incurred by the company per calendar year, for the project and all 85340
other projects previously approved under this section, is not 85341
projected to exceed the product of one dollar multiplied by the 85342
aggregate number of the company's customers in this state. 85343

(C) The commission shall adopt rules to provide for an 85344
accelerated review of an application filed under division (A) of 85345
this section. The rules shall provide for the automatic approval 85346
of the application not later than ninety days after the date of 85347
the application filing unless the commission suspends the 85348
application for good cause shown. If the application is suspended, 85349
the commission shall approve, deny, modify, or hold a hearing on 85350
the application not later than forty-five days after the date that 85351
the suspension begins. 85352

Sec. 5101.073. There is hereby created in the state treasury 85353
the ODJFS ~~general services administration~~ audit settlements and 85354

~~operating contingency fund. The director of job and family services may submit a deposit modification and payment detail report to the treasurer of state after the completion of the reconciliation of all final transactions with the federal government regarding a federal grant for a program the department of job and family services administers and a final closeout for the grant. On receipt of the report, the treasurer of state shall transfer the money in the refunds and audit settlements fund that is the subject of the report to the ODJFS general services administration and operating fund. Money in the ODJFS general services administration and operating fund shall be used to pay for the expenses of the programs the department administers and the department's administrative expenses, including the costs of state hearings under section 5101.35 of the Revised Code, required audit adjustments audits, settlements, contingencies, and other related expenses. As necessary for the purposes of the fund, the director of job and family services may request the director of budget and management to transfer money from any of the funds used by the department of job and family services, except the general revenue fund, to the ODJFS audit settlements and contingency fund. Upon receipt of such a request, the director of budget and management may transfer the money requested. The director of budget and management, in consultation with the director of job and family services, may transfer money from the ODJFS audit settlements and contingency fund to any fund used by the department or to the general revenue fund.~~

Sec. 5101.54. (A) The director of job and family services shall administer the supplemental nutrition assistance program in accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.). The department may:

(1) Prepare and submit to the secretary of the United States

department of agriculture a plan for the administration of the 85386
supplemental nutrition assistance program; 85387

(2) Prescribe forms for applications, certificates, reports, 85388
records, and accounts of county departments of job and family 85389
services, and other matters; 85390

(3) Require such reports and information from each county 85391
department of job and family services as may be necessary and 85392
advisable; 85393

(4) Administer and expend any sums appropriated by the 85394
general assembly for the purposes of the supplemental nutrition 85395
assistance program and all sums paid to the state by the United 85396
States as authorized by the Food and Nutrition Act of 2008; 85397

(5) Conduct such investigations as are necessary; 85398

(6) Enter into interagency agreements and cooperate with 85399
investigations conducted by the department of public safety, 85400
including providing information for investigative purposes, 85401
exchanging property and records, passing through federal financial 85402
participation, modifying any agreements with the United States 85403
department of agriculture, providing for the supply, security, and 85404
accounting of supplemental nutrition assistance program benefits 85405
for investigative purposes, and meeting any other requirements 85406
necessary for the detection and deterrence of illegal activities 85407
in the supplemental nutrition assistance program; 85408

(7) Adopt rules in accordance with Chapter 119. of the 85409
Revised Code governing employment and training requirements of 85410
recipients of supplemental nutrition assistance program benefits, 85411
including rules specifying which recipients are subject to the 85412
requirements and establishing sanctions for failure to satisfy the 85413
requirements. The rules shall be consistent with 7 U.S.C. 2015, 85414
including its work and employment and training requirements, and, 85415
to the extent practicable, ~~may~~ shall provide for the recipients to 85416

participate in work activities, developmental activities, and 85417
alternative work activities ~~established under~~ described in 85418
sections 5107.40 to 5107.69 of the Revised Code that are 85419
comparable to programs authorized by 7 U.S.C. 2015(d)(4). The 85420
rules may reference rules adopted under section 5107.05 of the 85421
Revised Code governing work activities, developmental activities, 85422
and alternative work activities ~~established under~~ described in 85423
sections 5107.40 to 5107.69 of the Revised Code. 85424

(8) Adopt rules in accordance with section 111.15 of the 85425
Revised Code that are consistent with the Food and Nutrition Act 85426
of 2008, as amended, and regulations adopted thereunder governing 85427
the following: 85428

(a) Eligibility requirements for the supplemental nutrition 85429
assistance program; 85430

(b) Sanctions for failure to comply with eligibility 85431
requirements; 85432

(c) Allotment of supplemental nutrition assistance program 85433
benefits; 85434

(d) To the extent permitted under federal statutes and 85435
regulations, a system under which some or all recipients of 85436
supplemental nutrition assistance program benefits subject to 85437
employment and training requirements established by rules adopted 85438
under division (A)(7) of this section receive the benefits after 85439
satisfying the requirements; 85440

(e) Administration of the program by county departments of 85441
job and family services; 85442

(f) Other requirements necessary for the efficient 85443
administration of the program. 85444

(9) Submit a plan to the United States secretary of 85445
agriculture for the department of job and family services to 85446

operate a simplified supplemental nutrition assistance program 85447
pursuant to 7 U.S.C. 2035 under which requirements governing the 85448
Ohio works first program established under Chapter 5107. of the 85449
Revised Code also govern the supplemental nutrition assistance 85450
program in the case of households receiving supplemental nutrition 85451
assistance program benefits and participating in Ohio works first. 85452

(B) A household that is entitled to receive supplemental 85453
nutrition assistance program benefits and that is determined to be 85454
in immediate need of nutrition assistance, shall receive 85455
certification of eligibility for program benefits, pending 85456
verification, within twenty-four hours, or, if mitigating 85457
circumstances occur, within seventy-two hours, after application, 85458
if: 85459

(1) The results of the application interview indicate that 85460
the household will be eligible upon full verification; 85461

(2) Information sufficient to confirm the statements in the 85462
application has been obtained from at least one additional source, 85463
not a member of the applicant's household. Such information shall 85464
be recorded in the case file, and shall include: 85465

(a) The name of the person who provided the name of the 85466
information source; 85467

(b) The name and address of the information source; 85468

(c) A summary of the information obtained. 85469

The period of temporary eligibility shall not exceed one 85470
month from the date of certification of temporary eligibility. If 85471
eligibility is established by full verification, benefits shall 85472
continue without interruption as long as eligibility continues. 85473

At the time of application, the county department of job and 85474
family services shall provide to a household described in this 85475
division a list of community assistance programs that provide 85476

emergency food. 85477

(C) All applications shall be approved or denied through full 85478
verification within thirty days from receipt of the application by 85479
the county department of job and family services. 85480

(D) Nothing in this section shall be construed to prohibit 85481
the certification of households that qualify under federal 85482
regulations to receive supplemental nutrition assistance program 85483
benefits without charge under the Food and Nutrition Act of 2008. 85484

(E) Any person who applies for the supplemental nutrition 85485
assistance program shall receive a voter registration application 85486
under section 3503.10 of the Revised Code. 85487

Sec. 5101.60. As used in sections 5101.60 to 5101.71 of the 85488
Revised Code: 85489

(A) "Abuse" means the infliction upon an adult by self or 85490
others of injury, unreasonable confinement, intimidation, or cruel 85491
punishment with resulting physical harm, pain, or mental anguish. 85492

(B) "Adult" means any person sixty years of age or older 85493
within this state who is handicapped by the infirmities of aging 85494
or who has a physical or mental impairment which prevents the 85495
person from providing for the person's own care or protection, and 85496
who resides in an independent living arrangement. An "independent 85497
living arrangement" is a domicile of a person's own choosing, 85498
including, but not limited to, a private home, apartment, trailer, 85499
or rooming house. An "independent living arrangement" includes a 85500
residential facility licensed under section 5119.34 of the Revised 85501
Code that provides accommodations, supervision, and personal care 85502
services for three to sixteen unrelated adults, but does not 85503
include other institutions or facilities licensed by the state or 85504
facilities in which a person resides as a result of voluntary, 85505
civil, or criminal commitment. 85506

(C) "Caretaker" means the person assuming the responsibility 85507
for the care of an adult on a voluntary basis, by contract, 85508
through receipt of payment for care, as a result of a family 85509
relationship, or by order of a court of competent jurisdiction. 85510

(D) "Court" means the probate court in the county where an 85511
adult resides. 85512

(E) "Emergency" means that the adult is living in conditions 85513
which present a substantial risk of immediate and irreparable 85514
physical harm or death to self or any other person. 85515

(F) "Emergency services" means protective services furnished 85516
to an adult in an emergency. 85517

(G) "Exploitation" means the unlawful or improper act of a 85518
caretaker using an adult or an adult's resources for monetary or 85519
personal benefit, profit, or gain when the caretaker obtained or 85520
exerted control over the adult or the adult's resources in any of 85521
the following ways: 85522

(1) Without the adult's consent or the consent of the person 85523
authorized to give consent on the adult's behalf; 85524

(2) Beyond the scope of the express or implied consent of the 85525
adult or the person authorized to give consent on the adult's 85526
behalf; 85527

(3) By deception; 85528

(4) By threat; 85529

(5) By intimidation. 85530

(H) "In need of protective services" means an adult known or 85531
suspected to be suffering from abuse, neglect, or exploitation to 85532
an extent that either life is endangered or physical harm, mental 85533
anguish, or mental illness results or is likely to result. 85534

(I) "Incapacitated person" means a person who is impaired for 85535
any reason to the extent that the person lacks sufficient 85536

understanding or capacity to make and carry out reasonable 85537
decisions concerning the person's self or resources, with or 85538
without the assistance of a caretaker. Refusal to consent to the 85539
provision of services shall not be the sole determinative that the 85540
person is incapacitated. "Reasonable decisions" are decisions made 85541
in daily living which facilitate the provision of food, shelter, 85542
clothing, and health care necessary for life support. 85543

(J) "Mental illness" means a substantial disorder of thought, 85544
mood, perception, orientation, or memory that grossly impairs 85545
judgment, behavior, capacity to recognize reality, or ability to 85546
meet the ordinary demands of life. 85547

(K) "Neglect" means the failure of an adult to provide for 85548
self the goods or services necessary to avoid physical harm, 85549
mental anguish, or mental illness or the failure of a caretaker to 85550
provide such goods or services. 85551

(L) "Peace officer" means a peace officer as defined in 85552
section 2935.01 of the Revised Code. 85553

(M) "Physical harm" means bodily pain, injury, impairment, or 85554
disease suffered by an adult. 85555

(N) "Protective services" means services provided by the 85556
county department of job and family services or its designated 85557
agency to an adult who has been determined by evaluation to 85558
require such services for the prevention, correction, or 85559
discontinuance of an act of as well as conditions resulting from 85560
abuse, neglect, or exploitation. Protective services may include, 85561
but are not limited to, case work services, medical care, mental 85562
health services, legal services, fiscal management, home health 85563
care, homemaker services, housing-related services, guardianship 85564
services, and placement services as well as the provision of such 85565
commodities as food, clothing, and shelter. 85566

(O) "Working day" means Monday, Tuesday, Wednesday, Thursday, 85567

and Friday, except when such day is a holiday as defined in 85568
section 1.14 of the Revised Code. 85569

Sec. 5101.61. (A) As used in this section: 85570

(1) "Senior service provider" means any person who provides 85571
care or services to a person who is an adult as defined in 85572
division (B) of section 5101.60 of the Revised Code. 85573

(2) "Ambulatory health facility" means a nonprofit, public or 85574
proprietary freestanding organization or a unit of such an agency 85575
or organization that: 85576

(a) Provides preventive, diagnostic, therapeutic, 85577
rehabilitative, or palliative items or services furnished to an 85578
outpatient or ambulatory patient, by or under the direction of a 85579
physician or dentist in a facility which is not a part of a 85580
hospital, but which is organized and operated to provide medical 85581
care to outpatients; 85582

(b) Has health and medical care policies which are developed 85583
with the advice of, and with the provision of review of such 85584
policies, an advisory committee of professional personnel, 85585
including one or more physicians, one or more dentists, if dental 85586
care is provided, and one or more registered nurses; 85587

(c) Has a medical director, a dental director, if dental care 85588
is provided, and a nursing director responsible for the execution 85589
of such policies, and has physicians, dentists, nursing, and 85590
ancillary staff appropriate to the scope of services provided; 85591

(d) Requires that the health care and medical care of every 85592
patient be under the supervision of a physician, provides for 85593
medical care in a case of emergency, has in effect a written 85594
agreement with one or more hospitals and other centers or clinics, 85595
and has an established patient referral system to other resources, 85596
and a utilization review plan and program; 85597

- (e) Maintains clinical records on all patients; 85598
- (f) Provides nursing services and other therapeutic services 85599
in accordance with programs and policies, with such services 85600
supervised by a registered professional nurse, and has a 85601
registered professional nurse on duty at all times of clinical 85602
operations; 85603
- (g) Provides approved methods and procedures for the 85604
dispensing and administration of drugs and biologicals; 85605
- (h) Has established an accounting and record keeping system 85606
to determine reasonable and allowable costs; 85607
- (i) "Ambulatory health facilities" also includes an 85608
alcoholism treatment facility approved by the joint commission on 85609
accreditation of healthcare organizations as an alcoholism 85610
treatment facility or certified by the department of mental health 85611
and addiction services, and such facility shall comply with other 85612
provisions of this division not inconsistent with such 85613
accreditation or certification. 85614
- (3) "Community mental health facility" means a facility which 85615
provides community mental health services and is included in the 85616
comprehensive mental health plan for the alcohol, drug addiction, 85617
and mental health service district in which it is located. 85618
- (4) "Community mental health service" means services, other 85619
than inpatient services, provided by a community mental health 85620
facility. 85621
- (5) "Home health agency" means an institution or a distinct 85622
part of an institution operated in this state which: 85623
- (a) Is primarily engaged in providing home health services; 85624
- (b) Has home health policies which are established by a group 85625
of professional personnel, including one or more duly licensed 85626
doctors of medicine or osteopathy and one or more registered 85627

professional nurses, to govern the home health services it 85628
provides and which includes a requirement that every patient must 85629
be under the care of a duly licensed doctor of medicine or 85630
osteopathy; 85631

(c) Is under the supervision of a duly licensed doctor of 85632
medicine or doctor of osteopathy or a registered professional 85633
nurse who is responsible for the execution of such home health 85634
policies; 85635

(d) Maintains comprehensive records on all patients; 85636

(e) Is operated by the state, a political subdivision, or an 85637
agency of either, or is operated not for profit in this state and 85638
is licensed or registered, if required, pursuant to law by the 85639
appropriate department of the state, county, or municipality in 85640
which it furnishes services; or is operated for profit in this 85641
state, meets all the requirements specified in divisions (A)(5)(a) 85642
to (d) of this section, and is certified under Title XVIII of the 85643
"Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as 85644
amended. 85645

(6) "Home health service" means the following items and 85646
services, provided, except as provided in division (A)(6)(g) of 85647
this section, on a visiting basis in a place of residence used as 85648
the patient's home: 85649

(a) Nursing care provided by or under the supervision of a 85650
registered professional nurse; 85651

(b) Physical, occupational, or speech therapy ordered by the 85652
patient's attending physician; 85653

(c) Medical social services performed by or under the 85654
supervision of a qualified medical or psychiatric social worker 85655
and under the direction of the patient's attending physician; 85656

(d) Personal health care of the patient performed by aides in 85657

accordance with the orders of a doctor of medicine or osteopathy 85658
and under the supervision of a registered professional nurse; 85659

(e) Medical supplies and the use of medical appliances; 85660

(f) Medical services of interns and residents-in-training 85661
under an approved teaching program of a nonprofit hospital and 85662
under the direction and supervision of the patient's attending 85663
physician; 85664

(g) Any of the foregoing items and services which: 85665

(i) Are provided on an outpatient basis under arrangements 85666
made by the home health agency at a hospital or skilled nursing 85667
facility; 85668

(ii) Involve the use of equipment of such a nature that the 85669
items and services cannot readily be made available to the patient 85670
in the patient's place of residence, or which are furnished at the 85671
hospital or skilled nursing facility while the patient is there to 85672
receive any item or service involving the use of such equipment. 85673

Any attorney, physician, osteopath, podiatrist, chiropractor, 85674
dentist, psychologist, certified Ohio behavior analyst, any 85675
employee of a hospital as defined in section 3701.01 of the 85676
Revised Code, any nurse licensed under Chapter 4723. of the 85677
Revised Code, any employee of an ambulatory health facility, any 85678
employee of a home health agency, any employee of a residential 85679
facility licensed under section 5119.34 of the Revised Code that 85680
provides accommodations, supervision, and personal care services 85681
for three to sixteen unrelated adults, any employee of a nursing 85682
home, residential care facility, or home for the aging, as defined 85683
in section 3721.01 of the Revised Code, any senior service 85684
provider, any peace officer, coroner, member of the clergy, any 85685
employee of a community mental health facility, and any person 85686
engaged in professional counseling, social work, or marriage and 85687
family therapy having reasonable cause to believe that an adult is 85688

being abused, neglected, or exploited, or is in a condition which 85689
is the result of abuse, neglect, or exploitation shall immediately 85690
report such belief to the county department of job and family 85691
services. This section does not apply to employees of any hospital 85692
or public hospital as defined in section 5122.01 of the Revised 85693
Code. 85694

(B) Any person having reasonable cause to believe that an 85695
adult has suffered abuse, neglect, or exploitation may report, or 85696
cause reports to be made of such belief to the department. 85697

(C) The reports made under this section shall be made orally 85698
or in writing except that oral reports shall be followed by a 85699
written report if a written report is requested by the department. 85700
Written reports shall include: 85701

(1) The name, address, and approximate age of the adult who 85702
is the subject of the report; 85703

(2) The name and address of the individual responsible for 85704
the adult's care, if any individual is, and if the individual is 85705
known; 85706

(3) The nature and extent of the alleged abuse, neglect, or 85707
exploitation of the adult; 85708

(4) The basis of the reporter's belief that the adult has 85709
been abused, neglected, or exploited. 85710

(D) Any person with reasonable cause to believe that an adult 85711
is suffering abuse, neglect, or exploitation who makes a report 85712
pursuant to this section or who testifies in any administrative or 85713
judicial proceeding arising from such a report, or any employee of 85714
the state or any of its subdivisions who is discharging 85715
responsibilities under section 5101.62 of the Revised Code shall 85716
be immune from civil or criminal liability on account of such 85717
investigation, report, or testimony, except liability for perjury, 85718
unless the person has acted in bad faith or with malicious 85719

purpose. 85720

(E) No employer or any other person with the authority to do 85721
so shall discharge, demote, transfer, prepare a negative work 85722
performance evaluation, or reduce benefits, pay, or work 85723
privileges, or take any other action detrimental to an employee or 85724
in any way retaliate against an employee as a result of the 85725
employee's having filed a report under this section. 85726

(F) ~~Neither the~~ The written or oral report provided for in 85727
this section ~~nor and~~ and the investigatory report provided for in 85728
section 5101.62 of the Revised Code ~~shall be considered a~~ are 85729
confidential and are not public record records, as defined in 85730
section 149.43 of the Revised Code. ~~Information~~ In accordance with 85731
rules adopted by the department of job and family services, 85732
information contained in the report shall upon request be made 85733
available to the adult who is the subject of the report, ~~to~~ 85734
~~agencies authorized by the department to receive information~~ 85735
~~contained in the report,~~ and to legal counsel for the adult. 85736

(G) The county department of job and family services shall be 85737
available to receive the written or oral report provided for in 85738
this section twenty-four hours a day and seven days a week. 85739

Sec. 5101.611. (A) If a county department of job and family 85740
services knows or has reasonable cause to believe that the subject 85741
of a report made under section 5101.61 or of an investigation 85742
conducted under sections 5101.62 to 5101.64 ~~or on the initiative~~ 85743
~~of the department of the Revised Code~~ is mentally retarded or 85744
~~developmentally disabled~~ an individual with a developmental 85745
disability as defined in section 5126.01 of the Revised Code, the 85746
county department shall refer the case to the county board of 85747
developmental disabilities of that county for review pursuant to 85748
section 5126.31 of the Revised Code. 85749

If a county board of developmental disabilities refers a case 85750

to the county department of job and family services in accordance 85751
with section 5126.31, the county department of job and family 85752
services shall proceed with the case in accordance with sections 85753
5101.60 to 5101.71 of the Revised Code. 85754

(B) If a county department of job and family services knows 85755
or has reasonable cause to believe that the subject of a report 85756
made under section 5101.61 or of an investigation conducted under 85757
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 85758
long-term care facility, as defined in section 173.14 of the 85759
Revised Code, the department shall refer the case to the office of 85760
the state long-term care ombudsman program for review pursuant to 85761
section 173.19 of the Revised Code. 85762

If the state ombudsman or regional long-term care ombudsman 85763
program refers a case to the county department of job and family 85764
services in accordance with rules adopted pursuant to section 85765
173.20 of the Revised Code, the county department shall proceed 85766
with the case in accordance with sections 5101.60 to 5101.71 of 85767
the Revised Code. 85768

(C) If a county department of job and family services knows 85769
or has reasonable cause to believe that the subject of a report 85770
made under section 5101.61 or of an investigation conducted under 85771
sections 5101.62 to 5101.64 of the Revised Code is a resident of a 85772
nursing home, as defined in section 3721.01 of the Revised Code, 85773
and has allegedly been abused, neglected, or exploited by an 85774
employee of the nursing home, the department shall refer the case 85775
to the department of health for investigation pursuant to section 85776
3721.031 of the Revised Code. 85777

(D) If a county department of job and family services knows 85778
or has reasonable cause to believe that the subject of a report 85779
made under section 5101.61 or of an investigation conducted under 85780
sections 5101.62 to 5101.64 of the Revised Code is a child, as 85781
defined in section 5153.01 of the Revised Code, the department 85782

shall refer the case to the public children services agency of 85783
that county. 85784

(E) A referral by the county department of job and family 85785
services of a case to another public regulatory agency or 85786
investigatory entity pursuant to this section shall be made in 85787
accordance with rules adopted by the department of job and family 85788
services. 85789

Sec. 5101.612. (A) The department of job and family services 85790
shall establish and maintain a uniform statewide automated adult 85791
protective services information system. The information system 85792
shall contain records regarding all of the following: 85793

(1) All reports of abuse, neglect, or exploitation of adults 85794
made to county departments of job and family services under 85795
section 5101.61 of the Revised Code; 85796

(2) Investigations conducted under section 5101.62 of the 85797
Revised Code; 85798

(3) Protective services provided to adults pursuant to 85799
sections 5101.60 to 5101.71 of the Revised Code; 85800

(4) Any other information related to adults in need of 85801
protective services that state or federal law, regulation, or rule 85802
requires the department or a county department to maintain. 85803

(B) The department shall plan implementation of the 85804
information system on a county-by-county basis. The department 85805
shall promptly notify all county departments of the initiation and 85806
completion of statewide implementation of the information system. 85807

(C) Except as provided in division (C)(3) of this section and 85808
in rules adopted by the department pursuant to that division: 85809

(1) The information contained in or obtained from the 85810
information system is confidential and is not subject to 85811
disclosure pursuant to section 149.43 or 1347.08 of the Revised 85812

<u>Code.</u>	85813
<u>(2) No person shall knowingly do either of the following:</u>	85814
<u>(a) Access or use information contained in the information system;</u>	85815
<u>(b) Disclose information obtained from the information system.</u>	85816
<u>(3) Information contained in the information system may be accessed or used only in a manner, to the extent, and for the purposes, authorized by rules adopted by the department.</u>	85817
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Sec. 5101.62. The county department of job and family services <u>or its designee</u> shall be responsible for the investigation of all reports provided for in section <u>173.20 or</u> 5101.61 and all cases referred to it under section 5126.31 of the Revised Code and for evaluating the need for and, to the extent of available funds, providing or arranging for the provision of protective services. The department may designate another agency to perform the department's duties under this section.	85822
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Investigation of the report provided for in section 5101.61 or a case referred to the department under section 5126.31 of the Revised Code shall be initiated within twenty-four hours after the department receives the report or case if any emergency exists; otherwise investigation shall be initiated within three working days.	85830
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Investigation of the need for protective services shall include a face-to-face visit with the adult who is the subject of the report, preferably in the adult's residence, and consultation with the person who made the report, if feasible, and agencies or persons who have information about the adult's alleged abuse, neglect, or exploitation.	85836
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The department shall give written notice of the intent of the	85842

investigation and an explanation of the notice in language 85843
reasonably understandable to the adult who is the subject of the 85844
investigation, at the time of the initial interview with that 85845
person. 85846

Upon completion of the investigation, the department shall 85847
determine from its findings whether or not the adult who is the 85848
subject of the report is in need of protective services. No adult 85849
shall be determined to be abused, neglected, or in need of 85850
protective services for the sole reason that, in lieu of medical 85851
treatment, the adult relies on or is being furnished spiritual 85852
treatment through prayer alone in accordance with the tenets and 85853
practices of a church or religious denomination of which the adult 85854
is a member or adherent. The department shall write a report which 85855
confirms or denies the need for protective services and states why 85856
it reached this conclusion. 85857

Sec. 5101.621. (A) Each county department of job and family 85858
services shall prepare a memorandum of understanding that is 85859
signed by all of the following: 85860

(1) The director of the county department of job and family 85861
services; 85862

(2) If the county department has entered into an interagency 85863
agreement with a local agency pursuant to section 5101.622 of the 85864
Revised Code, the director of the local agency; 85865

(3) The county peace officer; 85866

(4) All chief municipal peace officers within the county; 85867

(5) Other law enforcement officers handling adult abuse, 85868
neglect, and exploitation cases in the county; 85869

(6) The prosecuting attorney of the county; 85870

(7) The coroner of the county. 85871

(B) The memorandum of understanding shall set forth the procedures to be followed by the persons listed in division (A) of this section in the execution of their respective responsibilities related to cases of adult abuse, neglect, and exploitation. The memorandum of understanding shall establish all of the following: 85872
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(1) An interdisciplinary team to coordinate efforts related to the prevention, reporting, and treatment of abuse, neglect, and exploitation of adults; 85877
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(2) The roles and responsibilities for handling cases that have been referred by the county department to another agency pursuant to section 5101.611 of the Revised Code; 85880
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(3) The roles and responsibilities for filing criminal charges against persons alleged to have abused, neglected, or exploited adults. 85883
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Failure to follow the procedure set forth in the memorandum of understanding is not grounds for, and shall not result in, the dismissal of any charge or complaint arising from a report of abuse, neglect, or exploitation or the suppression of any evidence obtained as a result of a report of abuse, neglect, or exploitation and does not give any rights or grounds for appeal or post-conviction relief to any person. 85886
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(C) The memorandum of understanding may, in addition, be signed by any of the following persons who are also members of the interdisciplinary team described in division (B)(1) of this section: 85893
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(1) A representative of the area agency on aging, as defined in section 173.14 of the Revised Code; 85897
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(2) The regional long-term care ombudsman; 85899

(3) A representative of the board of alcohol, drug addiction, and mental health services; 85900
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<u>(4) A representative of the board of health of a city or general health district;</u>	85902 85903
<u>(5) A representative of the county board of developmental disabilities;</u>	85904 85905
<u>(6) A representative of a victim assistance program;</u>	85906
<u>(7) A representative of a local housing authority;</u>	85907
<u>(8) Any other person whose participation furthers the goals of the memorandum of understanding.</u>	85908 85909
 <u>Sec. 5101.622.</u> <u>The county department of job and family services may enter into an agreement or contract with another person or government entity to perform the following duties:</u>	85910 85911 85912
<u>(A) In accordance with division (G) of section 5101.61 of the Revised Code, receive reports made under that section;</u>	85913 85914
<u>(B) Perform the county department's duties under section 5101.62 of the Revised Code;</u>	85915 85916
<u>(C) Petition the court pursuant to section 5101.65 or 5101.69 of the Revised Code for an order authorizing the provision of protective services.</u>	85917 85918 85919
 <u>Sec. 5101.69.</u> (A) Upon petition by the county department of <u>human job and family services or its designee</u> , the court may issue an order authorizing the provision of protective services on an emergency basis to an adult. The petition for any emergency order shall include <u>all of the following</u> :	85920 85921 85922 85923 85924
<u>(1) The name, age, and address of the adult in need of protective services;</u>	85925 85926
<u>(2) The nature of the emergency;</u>	85927
<u>(3) The proposed protective services;</u>	85928
<u>(4) The petitioner's reasonable belief, together with facts</u>	85929

supportive thereof, as to the existence of the circumstances 85930
described in divisions (D)(1) to (3) of this section; 85931

(5) Facts showing the petitioner's attempts to obtain the 85932
adult's consent to the protective services. 85933

(B) Notice of the filing and contents of the petition 85934
provided for in division (A) of this section, the rights of the 85935
person in the hearing provided for in division (C) of this 85936
section, and the possible consequences of a court order, shall be 85937
given to the adult. Notice shall also be given to the spouse of 85938
the adult or, if ~~he~~ the adult has none, to ~~his~~ the adult's adult 85939
children or next of kin, and ~~his~~ the adult's guardian, if any, if 85940
~~his~~ the guardian's whereabouts are known. The notice shall be 85941
given in language reasonably understandable to its recipients at 85942
least twenty-four hours prior to the hearing provided for in this 85943
section. The court may waive the twenty-four ~~hour~~ hours' notice 85944
~~requiemnt~~ requirement upon a showing that both of the following 85945
are the case: 85946

(1) Immediate and irreparable physical harm or immediate and 85947
irreparable financial harm to the adult or others will result from 85948
the twenty-four hour delay; ~~and~~ 85949

(2) Reasonable attempts have been made to notify the adult, 85950
~~his~~ the adult's spouse, or, if ~~he~~ the adult has none, ~~his~~ the 85951
adult's adult children or next of kin, if any, and ~~his~~ the adult's 85952
guardian, if any, if ~~his~~ the guardian's whereabouts are known. 85953

Notice of the court's determination shall be given to all 85954
persons receiving notice of the filing of the petition provided 85955
for in this division. 85956

(C) Upon receipt of a petition for an order for emergency 85957
services, the court shall hold a hearing no sooner than 85958
twenty-four and no later than seventy-two hours after the notice 85959
provided for in division (B) of this section has been given, 85960

unless the court has waived the notice. The adult who is the 85961
subject of the petition shall have the right to be present at the 85962
hearing, present, evidence, and examine and cross-examine 85963
witnesses. 85964

(D) The court shall issue an order authorizing the provision 85965
of protective services on an emergency basis if it finds, on the 85966
basis of clear and convincing evidence, ~~that~~ all of the following: 85967

(1) The adult is an incapacitated person; 85968

(2) An emergency exists; 85969

(3) No person authorized by law or court order to give 85970
consent for the adult is available or willing to consent to 85971
emergency services. 85972

(E) In issuing an emergency order, the court shall adhere to 85973
the following limitations: 85974

(1) The court shall order only such protective services as 85975
are necessary and available locally to remove the conditions 85976
creating the emergency, and the court shall specifically designate 85977
those protective services the adult shall receive; 85978

(2) The court shall not order any change of residence under 85979
this section unless the court specifically finds that a change of 85980
residence is necessary; 85981

(3) The court may order emergency ~~services~~ services only for 85982
fourteen days. The county department or its designee may petition 85983
the court for a renewal of the order for a fourteen-day period 85984
upon a showing that continuation of the order is necessary to 85985
remove the emergency. 85986

(4) In its order the court shall authorize the director of 85987
the county department ~~or his,~~ the director's designee, or a 85988
representative of the department's designee to give consent for 85989
the person for the approved emergency services until the 85990

expiration of the order; 85991

(5) The court shall not order a person to a hospital or 85992
public hospital as defined in section 5122.01 of the Revised Code. 85993

(F) If the county department or its designee determines that 85994
the adult continues to need protective services after the order 85995
provided for in division (D) of this section has expired, the 85996
county department or its designee may petition the court for an 85997
order to continue protective services, pursuant to section 5101.65 85998
of the Revised Code. After the filing of the petition, the county 85999
department or its designee may continue to provide protective 86000
services pending a hearing by the court. 86001

Sec. 5101.691. (A) A court, through a probate judge or a 86002
magistrate under the direction of a probate judge, may issue by 86003
telephone an ex parte emergency order authorizing the provision of 86004
protective services, including the relief available under division 86005
(B) of section 5101.692 of the Revised Code, to an adult on an 86006
emergency basis if all of the following are the case: 86007

(1) The court receives notice from the county department of 86008
job and family services, an authorized employee of the county 86009
department, the department's designee, or an authorized employee 86010
of the department's designee, that the county department, 86011
designee, or employee believes an emergency order is needed as 86012
described in this section. 86013

(2) There is reasonable cause to believe that the adult is 86014
incapacitated. 86015

(3) There is reasonable cause to believe that there is a 86016
substantial risk to the adult of immediate and irreparable 86017
physical harm, immediate and irreparable financial harm, or death. 86018

(B)(1) The judge or magistrate shall journalize any order 86019
issued under this section. 86020

(2) An order issued under this section shall be in effect for not longer than twenty-four hours, except that if the day following the day on which the order is issued is not a working day, the order shall remain in effect until the next working day.

(C)(1) Except as provided in division (C)(2) of this section, not later than twenty-four hours after an order is issued under this section, a petition shall be filed with the court in accordance with division (A) of section 5101.69 of the Revised Code.

(2) If the day following the day on which the order was issued is not a working day, the petition shall be filed with the court on the next working day.

(3) Except as provided in section 5101.692 of the Revised Code, proceedings on the petition shall be conducted in accordance with section 5101.69 of the Revised Code.

Sec. 5101.692. (A) If an order is issued pursuant to section 5101.691 of the Revised Code, the court shall hold a hearing not later than twenty-four hours after the issuance to determine whether there is probable cause for the order, except that if the day following the day on which the order is issued is not a working day, the court shall hold the hearing on the next working day.

(B) At the hearing, the court:

(1) Shall determine whether protective services are the least restrictive alternative available for meeting the adult's needs;

(2) May issue temporary orders to protect the adult from immediate and irreparable physical harm or immediate and irreparable financial harm, including, but not limited to, temporary protection orders, evaluations, and orders requiring a party to vacate the adult's place of residence or legal

settlement; 86051

(3) May order emergency services; 86052

(4) May freeze the financial assets of the adult. 86053

(C) A temporary order issued pursuant to division (B)(2) of 86054
this section is effective for thirty days. The court may renew the 86055
order for an additional thirty-day period. 86056

Information contained in the order may be entered into the 86057
law enforcement automated data system. 86058

Sec. 5101.71. (A) The county departments of job and family 86059
services shall implement sections 5101.60 to 5101.71 of the 86060
Revised Code. The department of job and family services ~~may~~ shall 86061
provide a program of ongoing, comprehensive, formal training ~~to~~ 86062
~~county departments and other agencies authorized to implement~~ 86063
regarding the implementation of sections 5101.60 to 5101.71 of the 86064
Revised Code and require all adult protective services caseworkers 86065
and their supervisors to undergo the training. Training shall not 86066
be limited to the procedures for implementing section 5101.62 of 86067
the Revised Code. The department of job and family services shall 86068
adopt any rules it deems necessary regarding the training. 86069

(B) The director of job and family services may adopt rules 86070
in accordance with section 111.15 of the Revised Code ~~governing~~ 86071
~~the county departments' implementation to carry out the purposes~~ 86072
of sections 5101.60 to 5101.71 of the Revised Code. The rules 86073
adopted pursuant to this division may include a requirement that 86074
the county departments provide on forms prescribed by the rules a 86075
plan of proposed expenditures, and a report of actual 86076
expenditures, of funds necessary to implement sections 5101.60 to 86077
5101.71 of the Revised Code and other requirements for intake 86078
procedures, investigations, case management, and the provision of 86079
protective services. 86080

Sec. 5101.72. The department of job and family services, ~~to~~ 86081
~~the extent of available funds,~~ may reimburse county departments of 86082
job and family services for all or part of the costs they incur in 86083
implementing sections 5101.60 to 5101.71 of the Revised Code. The 86084
director of job and family services shall adopt internal 86085
management rules in accordance with section 111.15 of the Revised 86086
Code that provide for reimbursement of county departments of job 86087
and family services under this section. 86088

The director shall adopt internal management rules in 86089
accordance with section 111.15 of the Revised Code that do both of 86090
the following: 86091

(A) Implement sections 5101.60 to 5101.71 of the Revised 86092
Code; 86093

(B) Require the county departments to collect and submit to 86094
the department, or ensure that a designated agency collects and 86095
submits to the department, data concerning the implementation of 86096
sections 5101.60 to 5101.71 of the Revised Code. 86097

Sec. 5101.91. (A) As used in sections 5101.91 and 5101.92 of 86098
the Revised Code: 86099

(1) "Political subdivision" has the same meaning as in 86100
section 2744.01 of the Revised Code. 86101

(2) "Publicly funded assistance program" means any physical 86102
health, behavioral health, social, employment, education, housing, 86103
or similar program funded or provided by the state or a political 86104
subdivision of the state. 86105

(B) There is hereby created the Ohio healthier buckeye 86106
advisory council in the department of job and family services. The 86107
council shall meet at the discretion of the director of job and 86108
family services and shall consist of the following members: 86109

(1) Five members representing affected local private employers or local faith-based, charitable, nonprofit, or public entities or individuals participating in the healthier buckeye grant program, appointed by the governor;	86110 86111 86112 86113
(2) Two members of the senate, one from the majority party and one from the minority party, appointed by the president of the senate;	86114 86115 86116
(3) Two members of the house of representatives, one from the majority party and one from the minority party, appointed by the speaker of the house of representatives;	86117 86118 86119
(4) One member representing the judicial branch of government, appointed by the chief justice of the supreme court;	86120 86121
(5) Additional members representing any other entities or organizations the director of job and family services determines are necessary, appointed by the governor.	86122 86123 86124
(C) Initial appointments to the council shall be made not later than thirty days after the effective date of this section <u>September 15, 2014</u> .	86125 86126 86127
A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the council. Vacancies on the council shall be filled in the same manner as the original appointments.	86128 86129 86130 86131
(D) The director of job and family services shall serve as chairperson of the council.	86132 86133
<u>(E) The department of job and family services shall provide administrative assistance to the council.</u>	86134 86135
<u>(F) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.</u>	86136 86137 86138
<u>(G) Annually, the Ohio healthier buckeye advisory council</u>	86139

shall submit a report to the governor and, in accordance with 86140
section 101.68 of the Revised Code, to the general assembly. Each 86141
report shall contain a description of the council's activities for 86142
the preceding year and any other information the council considers 86143
appropriate to include in the report. 86144

Sec. 5101.92. The Ohio healthier buckeye advisory council ~~may~~ 86145
shall do all of the following: 86146

(A) Develop the means by which ~~county~~ local healthier buckeye 86147
councils established under section 355.02 of the Revised Code may 86148
reduce the reliance of individuals on publicly funded assistance 86149
programs as provided in section 355.03 of the Revised Code; 86150

~~(B) Recommend to the director of job and family services~~ 86151
~~eligibility criteria, application processes, and maximum grant~~ 86152
~~amounts for the Ohio healthier buckeye grant program~~ Provide 86153
assistance in the establishment of local healthier buckeye 86154
councils under Chapter 355. of the Revised Code; 86155

~~(C) Not later than December 1, 2015, submit to the director~~ 86156
~~recommendations for doing all of the following:~~ 86157

~~(1) Coordinating services across all public assistance~~ 86158
~~programs to help individuals find employment, succeed at work, and~~ 86159
~~stay out of poverty;~~ 86160

~~(2) Revising incentives for public assistance programs to~~ 86161
~~foster person centered case management;~~ 86162

~~(3) Standardizing and automating eligibility determination~~ 86163
~~policies and processes for public assistance programs~~ Identify 86164
barriers and gaps to achieving greater financial independence for 86165
individuals and families, and provide advice to remove those 86166
barriers and gaps; 86167

(D) Collect, analyze, and report performance measure 86168
information. 86169

Sec. 5101.99. (A) Whoever violates division (A) or (B) of section 5101.61 of the Revised Code shall be fined not more than five hundred dollars.

(B) Whoever violates division (A) of section 5101.27 of the Revised Code is guilty of a misdemeanor of the first degree.

(C) Whoever violates section 5101.133 or division (C)(2) of section 5101.612 of the Revised Code is guilty of a misdemeanor of the fourth degree.

Sec. 5104.01. As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or type B home. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care.

(D) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or administrator that does both of the following:

(1) Uses a framework approved by the director of job and family services to document formal education, training, experience, and specialized credentials and certifications;

(2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.

(E) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the

child, a person who has legal custody of a child and whose 86199
presence in the home is needed as the caretaker of the child, a 86200
guardian of a child whose presence in the home is needed as the 86201
caretaker of the child, and any other person who stands in loco 86202
parentis with respect to the child and whose presence in the home 86203
is needed as the caretaker of the child. 86204

(F) "Chartered nonpublic school" means a school that meets 86205
standards for nonpublic schools prescribed by the state board of 86206
education for nonpublic schools pursuant to section 3301.07 of the 86207
Revised Code. 86208

(G) "Child" includes an infant, toddler, preschool-age child, 86209
or school-age child. 86210

(H) "Child care block grant act" means the "Child Care and 86211
Development Block Grant Act of 1990," established in section 5082 86212
of the "Omnibus Budget Reconciliation Act of 1990," 104 Stat. 86213
1388-236 (1990), 42 U.S.C. 9858, as amended. 86214

(I) "Child day camp" means a program in which only school-age 86215
children attend or participate, that operates for no more than 86216
seven hours per day, that operates only during one or more public 86217
school district's regular vacation periods or for no more than 86218
fifteen weeks during the summer, and that operates outdoor 86219
activities for each child who attends or participates in the 86220
program for a minimum of fifty per cent of each day that children 86221
attend or participate in the program, except for any day when 86222
hazardous weather conditions prevent the program from operating 86223
outdoor activities for a minimum of fifty per cent of that day. 86224
For purposes of this division, the maximum seven hours of 86225
operation time does not include transportation time from a child's 86226
home to a child day camp and from a child day camp to a child's 86227
home. 86228

(J) "Child care" means administering all of the following: 86229

(1) Administering to the needs of infants, toddlers, 86230
preschool-age children, and school-age children outside of school 86231
hours ~~by~~; 86232

(2) By persons other than their parents ~~or~~, guardians, or 86233
custodians, ~~or relatives by blood, marriage, or adoption for~~; 86234

(3) For any part of the twenty-four-hour day ~~in~~; 86235

(4) In a place ~~or residence~~ other than a child's own home, 86236
except that an in-home aide provides child care in the child's own 86237
home. 86238

(K) "Child day-care center" and "center" mean any place in 86239
which child care or publicly funded child care is provided for 86240
thirteen or more children at one time or any place that is not the 86241
permanent residence of the licensee or administrator in which 86242
child care or publicly funded child care is provided for seven to 86243
twelve children at one time. In counting children for the purposes 86244
of this division, any children under six years of age who are 86245
related to a licensee, administrator, or employee and who are on 86246
the premises of the center shall be counted. "Child day-care 86247
center" and "center" do not include any of the following: 86248

(1) A place located in and operated by a hospital, as defined 86249
in section 3727.01 of the Revised Code, in which the needs of 86250
children are administered to, if all the children whose needs are 86251
being administered to are monitored under the on-site supervision 86252
of a physician licensed under Chapter 4731. of the Revised Code or 86253
a registered nurse licensed under Chapter 4723. of the Revised 86254
Code, and the services are provided only for children who, in the 86255
opinion of the child's parent, guardian, or custodian, are 86256
exhibiting symptoms of a communicable disease or other illness or 86257
are injured; 86258

(2) A child day camp; 86259

(3) A place that provides child care, but not publicly funded 86260

child care, if all of the following apply:	86261
(a) An organized religious body provides the child care;	86262
(b) A parent, custodian, or guardian of at least one child receiving child care is on the premises and readily accessible at all times;	86263 86264 86265
(c) The child care is not provided for more than thirty days a year;	86266 86267
(d) The child care is provided only for preschool-age and school-age children.	86268 86269
(L) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.	86270 86271 86272
(M) "Child care resource and referral services" means all of the following services:	86273 86274
(1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;	86275 86276 86277
(2) Provision of individualized consumer education to families seeking child care;	86278 86279
(3) Provision of timely referrals of available child care providers to families seeking child care;	86280 86281
(4) Recruitment of child care providers;	86282
(5) Assistance in the development, conduct, and dissemination of training for child care providers and provision of technical assistance to current and potential child care providers, employers, and the community;	86283 86284 86285 86286
(6) Collection and analysis of data on the supply of and demand for child care in the community;	86287 86288
(7) Technical assistance concerning locally, state, and	86289

federally funded child care and early childhood education programs;	86290 86291
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	86292 86293 86294
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	86295 86296
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	86297 86298 86299 86300
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	86301 86302 86303 86304
(N) "Child-care staff member" means an employee of a child day-care center or type A family day-care home who is primarily responsible for the care and supervision of children. The administrator may be a part-time child-care staff member when not involved in other duties.	86305 86306 86307 86308 86309
(O) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.	86310 86311 86312 86313
(P) "Employee" means a person who either:	86314
(1) Receives compensation for duties performed in a child day-care center or type A family day-care home;	86315 86316
(2) Is assigned specific working hours or duties in a child day-care center or type A family day-care home.	86317 86318
(Q) "Employer" means a person, firm, institution,	86319

organization, or agency that operates a child day-care center or 86320
type A family day-care home subject to licensure under this 86321
chapter. 86322

(R) "Federal poverty line" means the official poverty 86323
guideline as revised annually in accordance with section 673(2) of 86324
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 86325
U.S.C. 9902, as amended, for a family size equal to the size of 86326
the family of the person whose income is being determined. 86327

(S) "Head start program" means a comprehensive child 86328
development program serving birth to three years old and 86329
preschool-age children that receives funds distributed under the 86330
"Head Start Act," 95 Stat. 499 (1981), 42 U.S.C.A. 9831, as 86331
amended, and is licensed as a child day-care center. 86332

(T) "Income" means gross income, as defined in section 86333
5107.10 of the Revised Code, less any amounts required by federal 86334
statutes or regulations to be disregarded. 86335

(U) "Indicator checklist" means an inspection tool, used in 86336
conjunction with an instrument-based program monitoring 86337
information system, that contains selected licensing requirements 86338
that are statistically reliable indicators or predictors of a 86339
child day-care center's type A family day-care home's, or licensed 86340
type B family day-care home's compliance with licensing 86341
requirements. 86342

(V) "Infant" means a child who is less than eighteen months 86343
of age. 86344

(W) "In-home aide" means a person who does not reside with 86345
the child but provides care in the child's home and is certified 86346
by a county director of job and family services pursuant to 86347
section 5104.12 of the Revised Code to provide publicly funded 86348
child care to a child in a child's own home pursuant to this 86349
chapter and any rules adopted under it. 86350

(X) "Instrument-based program monitoring information system" 86351
means a method to assess compliance with licensing requirements 86352
for child day-care centers, type A family day-care homes, and 86353
licensed type B family day-care homes in which each licensing 86354
requirement is assigned a weight indicative of the relative 86355
importance of the requirement to the health, growth, and safety of 86356
the children that is used to develop an indicator checklist. 86357

(Y) "License capacity" means the maximum number in each age 86358
category of children who may be cared for in a child day-care 86359
center or type A family day-care home at one time as determined by 86360
the director of job and family services considering building 86361
occupancy limits established by the department of commerce, amount 86362
of available indoor floor space and outdoor play space, and amount 86363
of available play equipment, materials, and supplies. For the 86364
purposes of a provisional license issued under this chapter, the 86365
director shall also consider the number of available child-care 86366
staff members when determining "license capacity" for the 86367
provisional license. 86368

(Z) "Licensed child care program" means any of the following: 86369

(1) A child day-care center licensed by the department of job 86370
and family services pursuant to this chapter; 86371

(2) A type A family day-care home or type B family day-care 86372
home licensed by the department of job and family services 86373
pursuant to this chapter; 86374

(3) A licensed preschool program or licensed school child 86375
program. 86376

(AA) "Licensed preschool program" or "licensed school child 86377
program" means a preschool program or school child program, as 86378
defined in section 3301.52 of the Revised Code, that is licensed 86379
by the department of education pursuant to sections 3301.52 to 86380
3301.59 of the Revised Code. 86381

(BB) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.

(CC) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring its compliance with this chapter and rules adopted pursuant to this chapter.

(DD) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.

(EE) "Owner" includes a person, as defined in section 1.59 of the Revised Code, ~~or~~ government entity, firm, organization, institution, agency, as well as any individual governing board members, partners, incorporators, agents, or authorized representatives of the owner.

(FF) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or association rests solely with the members of the corporation or association, and at least one parent-member of the corporation or association is on the premises of the center or type A home during its hours of operation.

(GG) "Part-time child day-care center," "part-time center," "part-time type A family day-care home," and "part-time type A

home" mean a center or type A home that provides child care or 86413
publicly funded child care for ~~no~~ not more than four hours a day 86414
for any child or not more than fifteen consecutive weeks per year, 86415
regardless of the number of hours per day. 86416

(HH) "Place of worship" means a building where activities of 86417
an organized religious group are conducted and includes the 86418
grounds and any other buildings on the grounds used for such 86419
activities. 86420

(II) "Preschool-age child" means a child who is three years 86421
old or older but is not a school-age child. 86422

(JJ) "Protective child care" means publicly funded child care 86423
for the direct care and protection of a child to whom either of 86424
the following applies: 86425

(1) A case plan prepared and maintained for the child 86426
pursuant to section 2151.412 of the Revised Code indicates a need 86427
for protective care and the child resides with a parent, 86428
stepparent, guardian, or another person who stands in loco 86429
parentis as defined in rules adopted under section 5104.38 of the 86430
Revised Code; 86431

(2) The child and the child's caretaker either temporarily 86432
reside in a facility providing emergency shelter for homeless 86433
families or are determined by the county department of job and 86434
family services to be homeless, and are otherwise ineligible for 86435
publicly funded child care. 86436

(KK) "Publicly funded child care" means administering to the 86437
needs of infants, toddlers, preschool-age children, and school-age 86438
children under age thirteen during any part of the 86439
twenty-four-hour day by persons other than their caretaker parents 86440
for remuneration wholly or in part with federal or state funds, 86441
including funds available under the child care block grant act, 86442
Title IV-A, and Title XX, distributed by the department of job and 86443

family services. 86444

(LL) "Religious activities" means any of the following: 86445
worship or other religious services; religious instruction; Sunday 86446
school classes or other religious classes conducted during or 86447
prior to worship or other religious services; youth or adult 86448
fellowship activities; choir or other musical group practices or 86449
programs; meals; festivals; or meetings conducted by an organized 86450
religious group. 86451

(MM) "School-age child" means a child who is enrolled in or 86452
is eligible to be enrolled in a grade of kindergarten or above but 86453
is less than fifteen years old. 86454

(NN) "School-age child care center" and "school-age child 86455
type A home" mean a center or type A home that provides child care 86456
for school-age children only and that does either or both of the 86457
following: 86458

(1) Operates only during that part of the day that 86459
immediately precedes or follows the public school day of the 86460
school district in which the center or type A home is located; 86461

(2) Operates only when the public schools in the school 86462
district in which the center or type A home is located are not 86463
open for instruction with pupils in attendance. 86464

(OO) "Serious risk noncompliance" means a licensure or 86465
certification rule violation that leads to a great risk of harm 86466
to, or death of, a child, and is observable, not inferable. 86467

(PP) "State median income" means the state median income 86468
calculated by the department of development pursuant to division 86469
(A)(1)(g) of section 5709.61 of the Revised Code. 86470

(QQ) "Title IV-A" means Title IV-A of the "Social Security 86471
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 86472

(RR) "Title XX" means Title XX of the "Social Security Act," 86473

88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 86474

(SS) "Toddler" means a child who is at least eighteen months 86475
of age but less than three years of age. 86476

(TT) "Type A family day-care home" and "type A home" mean a 86477
permanent residence of the administrator in which child care or 86478
publicly funded child care is provided for seven to twelve 86479
children at one time or a permanent residence of the administrator 86480
in which child care is provided for four to twelve children at one 86481
time if four or more children at one time are under two years of 86482
age. In counting children for the purposes of this division, any 86483
children under six years of age who are related to a licensee, 86484
administrator, or employee and who are on the premises of the type 86485
A home shall be counted. "Type A family day-care home" and "type A 86486
home" do not include any child day camp. 86487

(UU) "Type B family day-care home" and "type B home" mean a 86488
permanent residence of the provider in which child care is 86489
provided for one to six children at one time and in which no more 86490
than three children are under two years of age at one time. In 86491
counting children for the purposes of this division, any children 86492
under six years of age who are related to the provider and who are 86493
on the premises of the type B home shall be counted. "Type B 86494
family day-care home" and "type B home" do not include any child 86495
day camp. 86496

Sec. 5104.013. (A)(1) At the times specified in division 86497
(A)(3) of this section, the director of job and family services, 86498
as part of the process of licensure of child day-care centers, 86499
type A family day-care homes, and ~~licensed~~ type B family day-care 86500
homes shall request the superintendent of the bureau of criminal 86501
identification and investigation to conduct a criminal records 86502
check with respect to the following persons: 86503

(a) Any owner, licensee, or administrator of a ~~child day-care~~ 86504

center; 86505

(b) Any owner, licensee, or administrator of a type A ~~family~~ 86506
~~day-care~~ home or type B home and any person eighteen years of age 86507
or older who resides in a type A ~~family day-care~~ home; 86508

~~(c) Any administrator of a licensed type B family day-care~~ 86509
~~home and any person eighteen years of age or older who resides in~~ 86510
~~a licensed type B family day-care home~~ or type B home. 86511

(2) At the time specified in division (A)(3) of this section, 86512
the director of a county department of job and family services, as 86513
part of the process of certification of in-home aides, shall 86514
request the superintendent of the bureau of criminal 86515
identification and investigation to conduct a criminal records 86516
check with respect to any in-home aide. 86517

(3) The director of job and family services shall request a 86518
criminal records check pursuant to division (A)(1) of this section 86519
at the time of the initial application for licensure and every 86520
five years thereafter. The director of a county department of job 86521
and family services shall request a criminal records check 86522
pursuant to division (A)(2) of this section at the time of the 86523
initial application for certification and every five years 86524
thereafter. When the director of job and family services or the 86525
director of a county department of job and family services 86526
requests pursuant to division (A)(1) or (2) of this section a 86527
criminal records check for a person at the time of the person's 86528
initial application for licensure or certification, the director 86529
shall request that the superintendent of the bureau of criminal 86530
identification and investigation obtain information from the 86531
federal bureau of investigation as a part of the criminal records 86532
check for the person, including fingerprint-based checks of 86533
national crime information databases as described in 42 U.S.C. 671 86534
for the person subject to the criminal records check. In all other 86535
cases in which the director of job and family services or the 86536

director of a county department of job and family services 86537
requests a criminal records check for an applicant pursuant to 86538
division (A)(1) or (2) of this section, the director may request 86539
that the superintendent include information from the federal 86540
bureau of investigation in the criminal records check, including 86541
fingerprint-based checks of national crime information databases 86542
as described in 42 U.S.C. 671. 86543

(4) The director of job and family services shall review the 86544
results of a criminal records check subsequent to a request made 86545
pursuant to divisions (A)(1) and (3) of this section prior to 86546
approval of a license. The director of a county department of job 86547
and family services shall review the results of a criminal records 86548
check subsequent to a request made pursuant to divisions (A)(2) 86549
and (3) of this section prior to approval of certification. 86550

(B) The director of job and family services or the director 86551
of a county department of job and family services shall provide to 86552
each person for whom a criminal records check is required under 86553
this section a copy of the form prescribed pursuant to division 86554
(C)(1) of section 109.572 of the Revised Code and a standard 86555
impression sheet to obtain fingerprint impressions prescribed 86556
pursuant to division (C)(2) of that section, obtain the completed 86557
form and impression sheet from that person, and forward the 86558
completed form and impression sheet to the superintendent of the 86559
bureau of criminal identification and investigation. 86560

(C) A person who receives pursuant to division (B) of this 86561
section a copy of the form and standard impression sheet described 86562
in that division and who is requested to complete the form and 86563
provide a set of fingerprint impressions shall complete the form 86564
or provide all the information necessary to complete the form and 86565
shall provide the impression sheet with the impressions of the 86566
person's fingerprints. If the person, upon request, fails to 86567
provide the information necessary to complete the form or fails to 86568

provide impressions of the person's fingerprints, the director may 86569
consider the failure as a reason to deny licensure or 86570
certification. 86571

(D) Except as provided in rules adopted under division ~~(G)~~(N) 86572
of this section, ~~the~~: 86573

(1) The director of job and family services shall not grant a 86574
license to a ~~child day care~~ center, type A ~~family day care~~ home, 86575
or type B ~~family day care~~ home and a county director of job and 86576
family services shall not certify an in-home aide if a person for 86577
whom a criminal records check was required in connection with the 86578
center or home previously has been convicted of or pleaded guilty 86579
to any of the violations described in division (A)(5) of section 86580
109.572 of the Revised Code. 86581

(2) The director of job and family services shall not grant a 86582
license to a type A home or type B home if a resident of the type 86583
A home or type B home is under eighteen years of age and has been 86584
adjudicated a delinquent child for committing a violation of any 86585
section listed in division (A)(5) of section 109.572 of the 86586
Revised Code. 86587

(E) Each ~~child day care~~ center, type A ~~family day care~~ home, 86588
and type B ~~family day care~~ home shall pay to the bureau of 86589
criminal identification and investigation the fee prescribed 86590
pursuant to division (C)(3) of section 109.572 of the Revised Code 86591
for each criminal records check conducted in accordance with that 86592
section upon a request made pursuant to division (A) of this 86593
section. 86594

(F)(1) At the times specified in division (F)(2) of this 86595
section, the administrator of a center, type A home or licensed 86596
type B home shall request the superintendent of the bureau of 86597
criminal identification and investigation to conduct a criminal 86598
records check with respect to any applicant who has applied to the 86599

center, type A home, or licensed type B home for employment. 86600

(2) The administrator shall request a criminal records check 86601
pursuant to division (F)(1) of this section at the time of the 86602
applicant's initial application for employment and every five 86603
years thereafter. When the administrator requests pursuant to 86604
division (F)(1) of this section a criminal records check for an 86605
applicant at the time of the applicant's initial application for 86606
employment, the administrator shall request that the 86607
superintendent obtain information from the federal bureau of 86608
investigation as a part of the criminal records check for the 86609
applicant, including fingerprint-based checks of national crime 86610
information databases as described in 42 U.S.C. 671, for the 86611
person subject to the criminal records check. In all other cases 86612
in which the administrator requests a criminal records check for 86613
an applicant pursuant to division (F)(1) of this section, the 86614
administrator may request that the superintendent include 86615
information from the federal bureau of investigation in the 86616
criminal records check, including fingerprint-based checks of 86617
national crime information databases as described in 42 U.S.C. 86618
671. 86619

(G) Any person required by division (F) of this section to 86620
request a criminal records check shall inform each person, at the 86621
time of the person's initial application for employment, that the 86622
person is required to provide a set of impressions of the person's 86623
fingerprints and that a criminal records check is required to be 86624
conducted and satisfactorily completed in accordance with section 86625
109.572 of the Revised Code if the person comes under final 86626
consideration for appointment or employment as a precondition to 86627
employment for that position. 86628

(H) A person required by division (F) of this section to 86629
request a criminal records check shall provide to each applicant a 86630
copy of the form prescribed pursuant to division (C)(1) of section 86631

109.572 of the Revised Code, provide to each applicant a standard impression sheet to obtain fingerprint impressions prescribed pursuant to division (C)(2) of section 109.572 of the Revised Code, obtain the completed form and impression sheet from each applicant, and forward the completed form and impression sheet to the superintendent of the bureau of criminal identification and investigation at the time the person requests a criminal records check pursuant to division (F) of this section. 86632
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(I) An applicant who receives pursuant to division (H) of this section a copy of the form prescribed pursuant to division (C)(1) of section 109.572 of the Revised Code and a copy of an impression sheet prescribed pursuant to division (C)(2) of that section and who is requested to complete the form and provide a set of fingerprint impressions shall complete the form or provide all the information necessary to complete the form and shall provide the impression sheet with the impressions of the applicant's fingerprints. If an applicant, upon request, fails to provide the information necessary to complete the form or fails to provide impressions of the applicant's fingerprints, the center or type A home shall not employ that applicant for any position for which a criminal records check is required by division (F) of this section. 86640
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(J)(1) Except as provided in rules adopted under division (N) of this section, no center, type A home, or licensed type B home shall employ or contract with another entity for the services of a person if the person previously has been convicted of or pleaded guilty to any of the violations described in division (A)(5) of section 109.572 of the Revised Code. 86654
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(2) A center, type A home, or licensed type B home may employ an applicant conditionally until the criminal records check required by this section is completed and the center or home receives the results of the criminal records check. If the results 86660
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of the criminal records check indicate that, pursuant to division 86664
(J)(1) of this section, the applicant does not qualify for 86665
employment, the center, type A home, or licensed type B home shall 86666
release the applicant from employment. 86667

(3) The administrator of a center, type A home, or licensed 86668
type B home shall review the results of the criminal records check 86669
before an applicant has sole responsibility for the care, custody, 86670
or control of any child. 86671

(K)(1) Each center, type A home, and licensed type B home 86672
shall pay to the bureau of criminal identification and 86673
investigation the fee prescribed pursuant to division (C)(3) of 86674
section 109.572 of the Revised Code for each criminal records 86675
check conducted in accordance with that section upon the request 86676
pursuant to division (F) of this section of the administrator of 86677
the center, type A home, or licensed type B home. 86678

(2) A center, type A home, or licensed type B home may charge 86679
an applicant a fee for the costs it incurs in obtaining a criminal 86680
records check under this section. A fee charged under this 86681
division shall not exceed the amount of fees the center, type A 86682
home, or licensed type B home pays under division (K)(1) of this 86683
section. If a fee is charged under this division, the center, type 86684
A home, or licensed type B home shall notify the applicant at the 86685
time of the applicant's initial application for employment of the 86686
amount of the fee and that, unless the fee is paid, the center, 86687
type A home, or licensed type B home will not consider the 86688
applicant for employment. 86689

~~(F)~~(L) The report of any criminal records check conducted by 86690
the bureau of criminal identification and investigation in 86691
accordance with section 109.572 of the Revised Code and pursuant 86692
to a request made under division (A) or (F) of this section is not 86693
a public record for the purposes of section 149.43 of the Revised 86694
Code and shall not be made available to any person other than the 86695

person who is the subject of the criminal records check or the 86696
person's representative, the director of job and family services, 86697
the director of a county department of job and family services, 86698
the center, type A home, or type B home involved, and any court, 86699
hearing officer, or other necessary individual involved in a case 86700
dealing with a denial of licensure or certification related to the 86701
criminal records check. 86702

(M)(1) Each of the following persons shall sign a statement 86703
on forms prescribed by the director of job and family services 86704
attesting to the fact that the person has not been convicted of or 86705
pleaded guilty to any offense set forth in division (A)(5) of 86706
section 109.572 of the Revised Code and that no child has been 86707
removed from the person's home pursuant to section 2151.353 of the 86708
Revised Code: 86709

(a) An employee of a center, type A home, or licensed type B 86710
home; 86711

(b) A person eighteen years of age or older who resides in a 86712
type A home or licensed type B home; 86713

(c) An in-home aide; 86714

(d) An owner, licensee, or administrator of a center, type A 86715
home, or licensed type B home. 86716

(2) Each licensee of a type A home or type B home shall sign 86717
a statement on a form prescribed by the director of job and family 86718
services attesting to the fact that no person who resides at the 86719
type A home or licensed type B home and is under eighteen years of 86720
age has been adjudicated a delinquent child for committing a 86721
violation of any section listed in division (A)(5) of section 86722
109.572 of the Revised Code. 86723

(3) The statements required under divisions (M)(1) and (2) of 86724
this section shall be kept on file as follows: 86725

(a) With respect to an owner, licensee, administrator, or employee of a center, type A home, or licensed type B home, or a person eighteen years of age or older residing in a type A home or licensed type B home, at the center, type A home, or licensed type B home; 86726
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(b) With respect to in-home aides, at the county department of job and family services. 86731
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(4) No owner, administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home, shall withhold information from, or falsify information on, any statement required pursuant to division (M)(1) or (2) of this section. 86733
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~~(G)~~(N) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the ~~prohibition~~ prohibitions in ~~division~~ divisions (D) and (J) of this section for persons who have been convicted of an offense listed in ~~that division~~ division (A)(5) of section 109.572 of the Revised Code but who meet standards in regard to rehabilitation set by the director. 86739
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~~(H)~~(O) As used in this section, ~~"criminal:~~ 86747

(1) "Applicant" means a person who is under final consideration for appointment to or employment in a position with a center, a type A home, or licensed type B home or any person who would serve in any position with a center, type A home, or licensed type B home pursuant to a contract with another entity. 86748
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(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code. 86753
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Sec. 5104.015. The director of job and family services shall 86755

adopt rules in accordance with Chapter 119. of the Revised Code 86756
governing the operation of child day-care centers, including 86757
parent cooperative centers, part-time centers, drop-in centers, 86758
and school-age child care centers. The rules shall reflect the 86759
various forms of child care and the needs of children receiving 86760
child care or publicly funded child care and shall include 86761
specific rules for school-age child care centers that are 86762
developed in consultation with the department of education. The 86763
rules shall not require an existing school facility that is in 86764
compliance with applicable building codes to undergo an additional 86765
building code inspection or to have structural modifications. The 86766
rules shall include the following: 86767

(A) Submission of a site plan and descriptive plan of 86768
operation to demonstrate how the center proposes to meet the 86769
requirements of this chapter and rules adopted pursuant to this 86770
chapter for the initial license application; 86771

(B) Standards for ensuring that the physical surroundings of 86772
the center are safe and sanitary including the physical 86773
environment, the physical plant, and the equipment of the center; 86774

(C) Standards for the supervision, care, and discipline of 86775
children receiving child care or publicly funded child care in the 86776
center; 86777

(D) Standards for a program of activities, and for play 86778
equipment, materials, and supplies, to enhance the development of 86779
each child; however, any educational curricula, philosophies, and 86780
methodologies that are developmentally appropriate and that 86781
enhance the social, emotional, intellectual, and physical 86782
development of each child shall be permissible. As used in this 86783
division, "program" does not include instruction in religious or 86784
moral doctrines, beliefs, or values that is conducted at child 86785
day-care centers owned and operated by churches and does include 86786

methods of disciplining children at child day-care centers.	86787
(E) Admissions policies and procedures;	86788
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	86789 86790
(G) First aid and emergency procedures;	86791
(H) Procedures for discipline and supervision of children;	86792
(I) Standards for the provision of nutritious meals and snacks;	86793 86794
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	86795 86796 86797
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	86798 86799
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	86800 86801 86802 86803
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	86804 86805 86806
(N) Procedures for record keeping, organization, and administration;	86807 86808
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	86809 86810 86811
(P) Inspection procedures;	86812
(Q) Procedures and standards for setting initial license application fees;	86813 86814
(R) Procedures for receiving, recording, and responding to	86815

complaints about centers;	86816
(S) Procedures for enforcing section 5104.04 of the Revised Code;	86817 86818
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each center provisional license or license which any person may use to report a suspected violation by the center of this chapter or rules adopted pursuant to this chapter;	86819 86820 86821 86822 86823
(U) Requirements for the training of administrators and child-care staff members, <u>including training</u> in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention. Training requirements for child day care centers adopted under this division shall be consistent with sections 5104.034 and 5104.037 of the Revised Code.	86824 86825 86826 86827 86828 86829 86830
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	86831 86832 86833 86834
(W) A procedure for reporting of injuries of children that occur at the center;	86835 86836
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	86837 86838 86839
(Y) <u>Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	86840 86841 86842
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	86843 86844
Sec. 5104.016. The director of job and family services, in	86845

addition to the rules adopted under section 5104.015 of the Revised Code, shall adopt rules establishing minimum requirements for child day-care centers. The rules shall include the requirements set forth in sections 5104.032 to ~~5104.037~~ 5104.036 of the Revised Code. Except as provided in section 5104.07 of the Revised Code, the rules shall not change the square footage requirements of section 5104.032 of the Revised Code; the maximum number of children per child-care staff member and maximum group size requirements of section 5104.033 of the Revised Code; the educational and experience requirements of section 5104.035 of the Revised Code; the age, educational, and experience requirements of section 5104.036 of the Revised Code; ~~the number and type of inservice training hours required under section 5104.037 of the Revised Code;~~ however, the rules shall provide procedures for determining compliance with those requirements.

Sec. 5104.017. The director of job and family services shall adopt rules pursuant to Chapter 119. of the Revised Code governing the operation of type A family day-care homes, including parent cooperative type A homes, part-time type A homes, drop-in type A homes, and school-age child type A homes. The rules shall reflect the various forms of child care and the needs of children receiving child care. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the type A home proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the type A home are safe and sanitary, including the physical environment, the physical plant, and the equipment of the type A home;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	86876 86877 86878
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	86879 86880 86881 86882 86883 86884
(E) Admissions policies and procedures;	86885
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	86886 86887
(G) First aid and emergency procedures;	86888
(H) Procedures for discipline and supervision of children;	86889
(I) Standards for the provision of nutritious meals and snacks;	86890 86891
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	86892 86893 86894
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	86895 86896
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	86897 86898 86899 86900
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	86901 86902 86903
(N) Procedures for record keeping, organization, and administration;	86904 86905

(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	86906 86907 86908
(P) Inspection procedures;	86909
(Q) Procedures and standards for setting initial license application fees;	86910 86911
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	86912 86913
(S) Procedures for enforcing section 5104.04 of the Revised Code;	86914 86915
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	86916 86917 86918 86919 86920
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	86921 86922 86923 86924
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	86925 86926 86927 86928
(W) Standards for the maximum number of children per child-care staff member;	86929 86930
(X) Requirements for the amount of usable indoor floor space for each child;	86931 86932
(Y) Requirements for safe outdoor play space;	86933
(Z) Qualifications and training requirements for administrators and for child-care staff members;	86934 86935

(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	86936 86937 86938
(BB) Standards for the preparation and distribution of a roster of parents, custodians, and guardians;	86939 86940
(CC) <u>Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	86941 86942 86943
(DD) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	86944 86945
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	86946 86947 86948 86949 86950 86951 86952
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	86953 86954 86955
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	86956 86957 86958
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	86959 86960 86961
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that	86962 86963 86964 86965

enhance the social, emotional, intellectual, and physical	86966
development of each child shall be permissible;	86967
(E) Admission policies and procedures;	86968
(F) Health care, first aid and emergency procedures;	86969
(G) Procedures for the care of sick children;	86970
(H) Procedures for discipline and supervision of children;	86971
(I) Nutritional standards;	86972
(J) Procedures for screening children, including any	86973
necessary physical examinations and the immunizations required	86974
pursuant to section 5104.014 of the Revised Code;	86975
(K) Procedures for screening administrators and employees,	86976
including any necessary physical examinations and immunizations;	86977
(L) Methods of encouraging parental participation and	86978
ensuring that the rights of children, parents, and administrators	86979
are protected and the responsibilities of parents and	86980
administrators are met;	86981
(M) Standards for the safe transport of children when under	86982
the care of administrators;	86983
(N) Procedures for issuing, denying, or revoking licenses;	86984
(O) Procedures for the inspection of type B homes that	86985
require, at a minimum, that each type B home be inspected prior to	86986
licensure to ensure that the home is safe and sanitary;	86987
(P) Procedures for record keeping and evaluation;	86988
(Q) Procedures for receiving, recording, and responding to	86989
complaints;	86990
(R) Standards providing for the special needs of children who	86991
are handicapped or who receive treatment for health conditions	86992
while the child is receiving child care or publicly funded child	86993
care in the type B home;	86994

(S) Requirements for the amount of usable indoor floor space for each child;	86995 86996
(T) Requirements for safe outdoor play space;	86997
(U) Qualification and training requirements for administrators;	86998 86999
(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;	87000 87001 87002
(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	87003 87004 87005
(X) <u>Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;</u>	87006 87007 87008
(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.	87009 87010 87011
Sec. 5104.03. (A) Any person, firm, organization, institution, or agency seeking to establish a child day-care center, type A family day-care home, or licensed type B family day-care home shall apply for a license to the director of job and family services on such form as the director prescribes. The director shall provide at no charge to each applicant for licensure a copy of the child care license requirements in this chapter and a copy of the rules adopted pursuant to this chapter. The copies may be provided in paper or electronic form.	87012 87013 87014 87015 87016 87017 87018 87019 87020
Fees shall be set by the director pursuant to sections 5104.015, 5104.017, and 5104.018 of the Revised Code and shall be paid at the time of application for a license to operate a center, type A home, or type B home. Fees collected under this section	87021 87022 87023 87024

shall be paid into the state treasury to the credit of the general 87025
revenue fund. 87026

(B)(1) Upon filing of the application for a license, the 87027
director shall investigate and inspect the center, type A home, or 87028
type B home to determine the license capacity for each age 87029
category of children of the center, type A home, or type B home 87030
and to determine whether the center, type A home, or type B home 87031
complies with this chapter and rules adopted pursuant to this 87032
chapter. When, after investigation and inspection, the director is 87033
satisfied that this chapter and rules adopted pursuant to it are 87034
complied with, subject to division (H) of this section, a license 87035
shall be issued as soon as practicable in such form and manner as 87036
prescribed by the director. The license shall be designated as 87037
provisional and shall be valid for twelve months from the date of 87038
issuance unless revoked. 87039

(2) The director may contract with a government entity or a 87040
private nonprofit entity for the entity to inspect type A or type 87041
B family day-care homes pursuant to this section. If the director 87042
contracts with a government entity or private nonprofit entity for 87043
that purpose, the entity may contract with another government 87044
entity or private nonprofit entity for the other entity to inspect 87045
type A or type B homes pursuant to this section. The director, 87046
government entity, or private nonprofit entity shall conduct an 87047
inspection prior to the issuance of a license for a type A or type 87048
B home and, as part of that inspection, ensure that the ~~type B~~ 87049
home is safe and sanitary. 87050

(C)(1) On receipt of an application for licensure as a type B 87051
family day-care home to provide publicly funded child care, the 87052
director shall search the uniform statewide automated child 87053
welfare information system for information concerning any abuse or 87054
neglect report made pursuant to section 2151.421 of the Revised 87055
Code of which the applicant, any other adult residing in the 87056

applicant's home, or a person designated by the applicant to be an 87057
emergency or substitute caregiver for the applicant is the 87058
subject. 87059

(2) The director shall consider any information discovered 87060
pursuant to division (C)(1) of this section or that is provided by 87061
a public children services agency pursuant to section 5153.175 of 87062
the Revised Code. If the director determines that the information, 87063
when viewed within the totality of the circumstances, reasonably 87064
leads to the conclusion that the applicant may directly or 87065
indirectly endanger the health, safety, or welfare of children, 87066
the director shall deny the application for licensure or revoke 87067
the license of a type B family day-care home. 87068

(D) The director shall investigate and inspect the center, 87069
type A home, or type B home at least once during operation under a 87070
license designated as provisional. If after the investigation and 87071
inspection the director determines that the requirements of this 87072
chapter and rules adopted pursuant to this chapter are met, 87073
subject to division (H) of this section, the director shall issue 87074
a new license to the center or home. 87075

(E) Each license shall state the name of the licensee, the 87076
name of the administrator, the address of the center, type A home, 87077
or licensed type B home, and the license capacity for each age 87078
category of children. The license shall include thereon, in 87079
accordance with sections 5104.015, 5104.017, and 5104.018 of the 87080
Revised Code, the toll-free telephone number to be used by persons 87081
suspecting that the center, type A home, or licensed type B home 87082
has violated a provision of this chapter or rules adopted pursuant 87083
to this chapter. A license is valid only for the licensee, 87084
administrator, address, and license capacity for each age category 87085
of children designated on the license. The license capacity 87086
specified on the license is the maximum number of children in each 87087
age category that may be cared for in the center, type A home, or 87088

licensed type B home at one time. 87089

The center or type A home licensee shall notify the director 87090
when the administrator of the center or home changes. The director 87091
shall amend the current license to reflect a change in an 87092
administrator, if the administrator meets the requirements of this 87093
chapter and rules adopted pursuant to this chapter, or a change in 87094
license capacity for any age category of children as determined by 87095
the director of job and family services. 87096

(F) If the director revokes the license of a center, a type A 87097
home, or a type B home, the director shall not issue another 87098
license to the owner of the center, type A home, or type B home 87099
until five years have elapsed from the date the license is 87100
revoked. 87101

If the director denies an application for a license, the 87102
director shall not ~~accept~~ consider another application from the 87103
applicant until five years have elapsed from the date the 87104
application is denied. 87105

(G) If during the application for licensure process the 87106
director determines that the license of the owner has been 87107
revoked, the investigation of the center, type A home, or type B 87108
home shall cease. This action does not constitute denial of the 87109
application and may not be appealed under division (H) of this 87110
section. 87111

(H) ~~All (1) Except as provided in division (H)(2) of this~~ 87112
section, all actions of the director with respect to licensing 87113
centers, type A homes, or type B homes, refusal to license, and 87114
revocation of a license shall be in accordance with Chapter 119. 87115
of the Revised Code. ~~Any Except as provided in division (H)(2) of~~ 87116
this section, any applicant who is denied a license or any owner 87117
whose license is revoked may appeal in accordance with section 87118
119.12 of the Revised Code. 87119

(2) The following actions by the director are not subject to 87120
Chapter 119. of the Revised Code: 87121

(a) The director does not issue a license to the owner of a 87122
center, type A home, or type B home because the owner sought a 87123
license before five years had elapsed from the date the previous 87124
license was revoked. 87125

(b) The director does not issue a license because the 87126
applicant applied for licensure before five years had elapsed from 87127
the date the previous application was denied. 87128

(I) In no case shall the director issue a license under this 87129
section for a center, type A home, or type B home if the director, 87130
based on documentation provided by the appropriate county 87131
department of job and family services, determines that the 87132
applicant had been certified as a type B family day-care home when 87133
such certifications were issued by county departments prior to 87134
January 1, 2014, that the county department revoked that 87135
certification within the immediately preceding five years, that 87136
the revocation was based on the applicant's refusal or inability 87137
to comply with the criteria for certification, and that the 87138
refusal or inability resulted in a risk to the health or safety of 87139
children. 87140

(J)(1) Except as provided in division (J)(2) of this section, 87141
an administrator of a type B family day-care home that receives a 87142
license pursuant to this section to provide publicly funded child 87143
care is an independent contractor and is not an employee of the 87144
department of job and family services. 87145

(2) For purposes of Chapter 4141. of the Revised Code, 87146
determinations concerning the employment of an administrator of a 87147
type B family day-care home that receives a license pursuant to 87148
this section shall be determined under Chapter 4141. of the 87149
Revised Code. 87150

Sec. 5104.036. (A) All child-care staff members of a child 87151
day-care center shall be at least eighteen years of age, shall 87152
comply with the training requirements set forth in rules adopted 87153
pursuant to section 5104.015 of the Revised Code, and shall 87154
furnish the director of job and family services or the director's 87155
designee evidence of at least high school graduation or 87156
certification of high school equivalency by the state board of 87157
education or the appropriate agency of another state or evidence 87158
of completion of a training program approved by the department of 87159
job and family services or state board of education, except as 87160
follows: 87161

(B) A child-care staff member may be less than eighteen years 87162
of age if the staff member is either of the following: 87163

(1) A graduate of a two-year vocational child-care training 87164
program approved by the state board of education; 87165

(2) A student enrolled in the second year of a vocational 87166
child-care training program approved by the state board of 87167
education which leads to high school graduation, provided that the 87168
student performs the student's duties in the child day-care center 87169
under the continuous supervision of an experienced child-care 87170
staff member, receives periodic supervision from the vocational 87171
child-care training program teacher-coordinator in the student's 87172
high school, and meets all other requirements of this chapter and 87173
rules adopted pursuant to this chapter. 87174

(C) A child-care staff member shall be exempt from the 87175
educational requirements of division (A) of this section if the 87176
staff member: 87177

(1) Prior to January 1, 1972, was employed or designated by a 87178
child day-care center and has been continuously employed since 87179
either by the same child day-care center employer or at the same 87180
child day-care center; 87181

(2) Is a student enrolled in the second year of a vocational child-care training program approved by the state board of education which leads to high school graduation, provided that the student performs the student's duties in the child day-care center under the continuous supervision of an experienced child-care staff member, receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school, and meets all other requirements of this chapter and rules adopted pursuant to this chapter;

(3) Is receiving or has completed the final year of instruction at home as authorized under section 3321.04 of the Revised Code or has graduated from a nonchartered, nonpublic school in Ohio.

Sec. 5104.04. (A) The department of job and family services shall establish procedures to be followed in investigating, inspecting, and licensing child day-care centers, type A family day-care homes, and licensed type B family day-care homes.

(B)(1)(a) The department shall, at least once during every twelve-month period of operation of a center, type A home, or licensed type B home, inspect the center, type A home, or licensed type B home. The department shall inspect a part-time center or part-time type A home at least once during every twelve-month period of operation. The department shall provide a written inspection report to the licensee within a reasonable time after each inspection. The licensee shall display its most recent inspection report in a conspicuous place in the center, type A home, or licensed type B home.

Inspections may be unannounced. No person, firm, organization, institution, or agency shall interfere with the inspection of a center, type A home, or licensed type B home by any state or local official engaged in performing duties required

of the state or local official by this chapter or rules adopted 87213
pursuant to this chapter, including inspecting the center, type A 87214
home, or licensed type B home, reviewing records, or interviewing 87215
licensees, employees, children, or parents. 87216

(b) Upon receipt of any complaint that a center, type A home 87217
or licensed type B home is out of compliance with the requirements 87218
of this chapter or rules adopted pursuant to this chapter, the 87219
department shall investigate the center or home, and both of the 87220
following apply: 87221

(i) If the complaint alleges that a child suffered physical 87222
harm while receiving child care at the center or home or that the 87223
noncompliance alleged in the complaint involved, resulted in, or 87224
poses a substantial risk of physical harm to a child receiving 87225
child care at the center or home, the department shall inspect the 87226
center or home. 87227

(ii) If division (B)(1)(b)(i) of this section does not apply 87228
regarding the complaint, the department may inspect the center or 87229
home. 87230

(c) Division (B)(1)(b) of this section does not limit, 87231
restrict, or negate any duty of the department to inspect a 87232
center, type A home, or licensed type B home that otherwise is 87233
imposed under this section, or any authority of the department to 87234
inspect a center, type A home, or licensed type B home that 87235
otherwise is granted under this section when the department 87236
believes the inspection is necessary and it is permitted under the 87237
grant. 87238

(2) If the department implements an instrument-based program 87239
monitoring information system, it may use an indicator checklist 87240
to comply with division (B)(1) of this section. 87241

(3) The department shall contract with a third party by the 87242
first day of October in each even-numbered year to collect 87243

information concerning the amounts charged by the center or home 87244
for providing child care services for use in establishing 87245
reimbursement ceilings and payment pursuant to section 5104.30 of 87246
the Revised Code. The third party shall compile the information 87247
and report the results of the survey to the department not later 87248
than the first day of December in each even-numbered year. 87249

(C) The department may deny an application or revoke a 87250
license of a center, type A home, or licensed type B home, if the 87251
applicant knowingly makes a false statement on the application, 87252
the center or home does not comply with the requirements of this 87253
chapter or rules adopted pursuant to this chapter, or the 87254
applicant or owner has pleaded guilty to or been convicted of an 87255
offense described in division (A)(5) of section 5104.09 109.572 of 87256
the Revised Code. 87257

(D) If the department finds, after notice and hearing 87258
pursuant to Chapter 119. of the Revised Code, that any applicant, 87259
person, firm, organization, institution, or agency applying for 87260
licensure or licensed under section 5104.03 of the Revised Code is 87261
in violation of any provision of this chapter or rules adopted 87262
pursuant to this chapter, the department may issue an order of 87263
denial to the applicant or an order of revocation to the center, 87264
type A home, or licensed type B home revoking the license 87265
previously issued by the department. Upon the issuance of such an 87266
order, the person whose application is denied or whose license is 87267
revoked may appeal in accordance with section 119.12 of the 87268
Revised Code. 87269

(E) The surrender of a center, type A home, or licensed type 87270
B home license to the department or the withdrawal of an 87271
application for licensure by the owner or administrator of the 87272
center, type A home, or licensed type B home shall not prohibit 87273
the department from instituting any of the actions set forth in 87274
this section. 87275

(F) Whenever the department receives a complaint, is advised, 87276
or otherwise has any reason to believe that a center or type A 87277
home is providing child care without a license issued pursuant to 87278
section 5104.03 and is not exempt from licensing pursuant to 87279
section 5104.02 of the Revised Code, the department shall 87280
investigate the center or type A home and may inspect the areas 87281
children have access to or areas necessary for the care of 87282
children in the center or type A home during suspected hours of 87283
operation to determine whether the center or type A home is 87284
subject to the requirements of this chapter or rules adopted 87285
pursuant to this chapter. 87286

(G) The department, upon determining that the center or type 87287
A home is operating without a license, shall notify the attorney 87288
general, the prosecuting attorney of the county in which the 87289
center or type A home is located, or the city attorney, village 87290
solicitor, or other chief legal officer of the municipal 87291
corporation in which the center or type A home is located, that 87292
the center or type A home is operating without a license. Upon 87293
receipt of the notification, the attorney general, prosecuting 87294
attorney, city attorney, village solicitor, or other chief legal 87295
officer of a municipal corporation shall file a complaint in the 87296
court of common pleas of the county in which the center or type A 87297
home is located requesting that the court grant an order enjoining 87298
the owner from operating the center or type A home in violation of 87299
section 5104.02 of the Revised Code. The court shall grant such 87300
injunctive relief upon a showing that the respondent named in the 87301
complaint is operating a center or type A home and is doing so 87302
without a license. 87303

(H) The department shall prepare an annual report on 87304
inspections conducted under this section. The report shall include 87305
the number of inspections conducted, the number and types of 87306
violations found, and the steps taken to address the violations. 87307

The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur:

(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home.

(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following:

(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home;

(b) An employee of the center, type A home, or licensed type B home;

(c) Any person who resides in the type A home or licensed type B home.

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child.

(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death

or injury. 87338

(5) The owner, licensee, or administrator of the center, type A home, or licensed type B home is charged by indictment, information, or complaint with fraud. 87339
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(B) The department shall issue a written order of suspension and furnish a copy to the licensee. The licensee may appeal the suspension in accordance with section 119.12 of the Revised Code. 87342
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(C) Except as provided in division (D) of this section, any summary suspension imposed under this section shall remain in effect, unless reversed on appeal, until any of the following occurs: 87345
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(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code. 87349
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(2) All criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 87352
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(3) A final order is issued by the department pursuant to Chapter 119. of the Revised Code becomes effective. 87354
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(D) If the department initiates the revocation of a license that has been suspended pursuant to this section, the suspension shall continue until the revocation process is completed. 87356
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(E) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension. 87359
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(F) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses. 87365
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~~Sec. 5104.09. (A)(1) Except as provided in rules adopted pursuant to division (D) of this section, no individual who has been convicted of or pleaded guilty to a violation described in division (A)(5) of section 109.572 of the Revised Code, a violation of section 2905.11, 2909.02, 2909.03, 2909.04, 2909.05, 2917.01, 2917.02, 2917.03, 2917.31, 2921.03, 2921.34, or 2921.35 of the Revised Code or a violation of an existing or former law or ordinance of any municipal corporation, this state, any other state, or the United States that is substantially equivalent to any of those violations, or two violations of section 4511.19 of the Revised Code during operation of the center or home shall be certified as an in-home aide or be employed in any capacity in or own or operate a child day care center, type A family day care home, type B family day care home, or licensed type B family day care home.~~

~~(2) Each employee of a child day care center and type A home and every person eighteen years of age or older residing in a type A home or licensed type B home shall sign a statement on forms prescribed by the director of job and family services attesting to the fact that the employee or resident person has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the employee's or resident person's home pursuant to section 2151.353 of the Revised Code. Each licensee of a type A family day care home or type B family day care home shall sign a statement on a form prescribed by the director attesting to the fact that no person who resides at the type A home or licensed type B home and who is under the age of eighteen has been adjudicated a delinquent child for committing a violation of any section listed in division (A)(1) of this section. The statements shall be kept on file at the center, type A home, or licensed type B home.~~

~~(3) Each in home aide shall sign a statement on forms prescribed by the director of job and family services attesting that the aide has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the aide's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the county department of job and family services.~~

~~(4) Each administrator and licensee of a center, type A home, or licensed type B home shall sign a statement on a form prescribed by the director of job and family services attesting that the administrator or licensee has not been convicted of or pleaded guilty to any offense set forth in division (A)(1) of this section and that no child has been removed from the administrator's or licensee's home pursuant to section 2151.353 of the Revised Code. The statement shall be kept on file at the center, type A home, or licensed type B home.~~

~~(B) No in home aide, no administrator, licensee, or employee of a center, type A home, or licensed type B home, and no person eighteen years of age or older residing in a type A home or licensed type B home shall withhold information from, or falsify information on, any statement required pursuant to division (A)(2), (3), or (4) of this section.~~

~~(C) No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.~~

~~(D) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules specifying exceptions to the prohibition in division (A) of this section for persons who have been convicted of an offense listed in that division but meet rehabilitation standards set by the director.~~

Sec. 5104.29. (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code. 87432
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(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components: 87435
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(1) Quality program standards for early learning and development programs; 87442
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(2) Accountability measures that include tiered ratings representing each program's level of quality; 87444
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(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program; 87446
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(4) Financial incentives linked to achieving and maintaining quality standards; 87449
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(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children. 87451
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(C) The step up to quality program shall have the following goals: 87454
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(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs; 87456
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 87459
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<u>(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;</u>	87461 87462
<u>(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.</u>	87463 87464 87465
<u>(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.</u>	87466 87467 87468 87469 87470
<u>(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:</u>	87471 87472 87473 87474
<u>(1) Learning and development;</u>	87475
<u>(2) Administration and leadership practices;</u>	87476
<u>(3) Staff quality and professional development;</u>	87477
<u>(4) Family and community partnerships.</u>	87478
<u>(F) The director of job and family services, in collaboration with the superintendent of public instruction, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.</u>	87479 87480 87481 87482
<u>(G)(1) The department of job and family services shall ensure that the following percentages of children enrolled in early learning and development programs are served by programs with a rating in the third highest tier or above in the step up to quality program:</u>	87483 87484 87485 87486 87487
<u>(a) By June 30, 2017, twenty-five per cent;</u>	87488
<u>(b) By June 30, 2019, forty per cent;</u>	87489

<u>(c) By June 30, 2021, sixty per cent;</u>	87490
<u>(d) By June 30, 2023, eighty per cent;</u>	87491
<u>(e) By June 30, 2025, one hundred per cent.</u>	87492
<u>(2) The department of job and family services and the</u>	87493
<u>department of education shall identify and implement ways to</u>	87494
<u>accelerate early learning and development programs moving to</u>	87495
<u>higher tiers in the step up to quality program. The departments</u>	87496
<u>may consult with the early childhood advisory council established</u>	87497
<u>pursuant to section 3301.90 of the Revised Code to facilitate</u>	87498
<u>their efforts and shall include owners and administrators of early</u>	87499
<u>learning and development programs in the identification and</u>	87500
<u>implementation process. The departments shall report their</u>	87501
<u>recommendations to the general assembly not later than October 31,</u>	87502
<u>2015.</u>	87503
Sec. 5104.30. (A) The department of job and family services	87504
is hereby designated as the state agency responsible for	87505
administration and coordination of federal and state funding for	87506
publicly funded child care in this state. Publicly funded child	87507
care shall be provided to the following:	87508
(1) Recipients of transitional child care as provided under	87509
section 5104.34 of the Revised Code;	87510
(2) Participants in the Ohio works first program established	87511
under Chapter 5107. of the Revised Code;	87512
(3) Individuals who would be participating in the Ohio works	87513
first program if not for a sanction under section 5107.16 of the	87514
Revised Code and who continue to participate in a work activity,	87515
developmental activity, or alternative work activity pursuant to	87516
an assignment under section 5107.42 of the Revised Code;	87517
(4) A family receiving publicly funded child care on October	87518
1, 1997, until the family's income reaches one hundred fifty per	87519

cent of the federal poverty line; 87520

(5) Subject to available funds, other individuals determined 87521
eligible in accordance with rules adopted under section 5104.38 of 87522
the Revised Code. 87523

The department shall apply to the United States department of 87524
health and human services for authority to operate a coordinated 87525
program for publicly funded child care, if the director of job and 87526
family services determines that the application is necessary. For 87527
purposes of this section, the department of job and family 87528
services may enter into agreements with other state agencies that 87529
are involved in regulation or funding of child care. The 87530
department shall consider the special needs of migrant workers 87531
when it administers and coordinates publicly funded child care and 87532
shall develop appropriate procedures for accommodating the needs 87533
of migrant workers for publicly funded child care. 87534

(B) The department of job and family services shall 87535
distribute state and federal funds for publicly funded child care, 87536
including appropriations of state funds for publicly funded child 87537
care and appropriations of federal funds available under the child 87538
care block grant act, Title IV-A, and Title XX. The department may 87539
use any state funds appropriated for publicly funded child care as 87540
the state share required to match any federal funds appropriated 87541
for publicly funded child care. 87542

(C) In the use of federal funds available under the child 87543
care block grant act, all of the following apply: 87544

(1) The department may use the federal funds to hire staff to 87545
prepare any rules required under this chapter and to administer 87546
and coordinate federal and state funding for publicly funded child 87547
care. 87548

(2) Not more than five per cent of the aggregate amount of 87549
the federal funds received for a fiscal year may be expended for 87550

administrative costs. 87551

(3) The department shall allocate and use at least four per cent of the federal funds for the following: 87552
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(a) Activities designed to provide comprehensive consumer education to parents and the public; 87554
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(b) Activities that increase parental choice; 87556

(c) Activities, including child care resource and referral services, designed to improve the quality, and increase the supply, of child care; 87557
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~~(d) Establishing a tiered quality rating and improvement system in which participation in the program may allow child day care providers to be eligible for grants, technical assistance, training, or other assistance and become eligible for unrestricted monetary awards for maintaining a quality rating the step up to quality program pursuant to section 5104.29 of the Revised Code.~~ 87560
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(4) The department shall ensure that the federal funds will be used only to supplement, and will not be used to supplant, federal, state, and local funds available on the effective date of the child care block grant act for publicly funded child care and related programs. If authorized by rules adopted by the department pursuant to section 5104.42 of the Revised Code, county departments of job and family services may purchase child care from funds obtained through any other means. 87567
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(D) The department shall encourage the development of suitable child care throughout the state, especially in areas with high concentrations of recipients of public assistance and families with low incomes. The department shall encourage the development of suitable child care designed to accommodate the special needs of migrant workers. On request, the department, through its employees or contracts with state or community child 87575
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care resource and referral service organizations, shall provide 87582
consultation to groups and individuals interested in developing 87583
child care. The department of job and family services may enter 87584
into interagency agreements with the department of education, the 87585
~~board of regents~~ chancellor of higher education, the department of 87586
development, and other state agencies and entities whenever the 87587
cooperative efforts of the other state agencies and entities are 87588
necessary for the department of job and family services to fulfill 87589
its duties and responsibilities under this chapter. 87590

The department shall develop and maintain a registry of 87591
persons providing child care. The director shall adopt rules in 87592
accordance with Chapter 119. of the Revised Code establishing 87593
procedures and requirements for the registry's administration. 87594

(E)(1) The director shall adopt rules in accordance with 87595
Chapter 119. of the Revised Code establishing both of the 87596
following: 87597

(a) Reimbursement ceilings for providers of publicly funded 87598
child care not later than the first day of July in each 87599
odd-numbered year; 87600

(b) A procedure for reimbursing and paying providers of 87601
publicly funded child care. 87602

(2) In establishing reimbursement ceilings under division 87603
(E)(1)(a) of this section, the director shall do all of the 87604
following: 87605

(a) Use the information obtained under division (B)(3) of 87606
section 5104.04 of the Revised Code; 87607

(b) Establish an enhanced reimbursement ceiling for providers 87608
who provide child care for caretaker parents who work 87609
nontraditional hours; 87610

(c) For an in-home aide, establish a an hourly reimbursement 87611

~~ceiling that is seventy five per cent of the reimbursement ceiling~~ 87612
~~that applies to a licensed type B family day care home;~~ 87613

(d) With regard to the ~~tiered quality rating and improvement~~ 87614
~~system~~ step up to quality program established pursuant to ~~division~~ 87615
~~(C)(3)(d) of this section 5104.29 of the Revised Code~~, do both of 87616
the following: 87617

(i) Establish enhanced reimbursement ceilings for child 87618
day-care providers that participate in the ~~system~~ program and 87619
maintain quality ratings ~~under the system~~; 87620

(ii) ~~In the case of child day care providers that have been~~ 87621
~~given access to the system by the department, weigh~~ Weigh any 87622
reduction in reimbursement ceilings more heavily against ~~those~~ 87623
providers that do not participate in the ~~system~~ program or do not 87624
maintain quality ratings ~~under the system~~. 87625

(3) In establishing reimbursement ceilings under division 87626
(E)(1)(a) of this section, the director may establish different 87627
reimbursement ceilings based on any of the following: 87628

(a) Geographic location of the provider; 87629

(b) Type of care provided; 87630

(c) Age of the child served; 87631

(d) Special needs of the child served; 87632

(e) Whether the expanded hours of service are provided; 87633

(f) Whether weekend service is provided; 87634

(g) Whether the provider has exceeded the minimum 87635
requirements of state statutes and rules governing child care; 87636

(h) Any other factors the director considers appropriate. 87637

~~(F) The director shall adopt rules in accordance with Chapter~~ 87638
~~119. of the Revised Code to implement the tiered quality rating~~ 87639
~~and improvement system described in division (C)(3)(d) of this~~ 87640

~~section-~~ 87641

Sec. 5104.31. (A) Publicly funded child care may be provided 87642
only by the following: 87643

(1) Any of the following licensed by the department of job 87644
and family services pursuant to section 5104.03 of the Revised 87645
Code or pursuant to rules adopted under section 5104.018 of the 87646
Revised Code: 87647

(a) A child day-care center, including a parent cooperative 87648
child day-care center; 87649

(b) A type A family day-care home, including a parent 87650
cooperative type A family day-care home; 87651

(c) A licensed type B family day-care home. 87652

(2) An in-home aide who has been certified by the county 87653
department of job and family services pursuant to section 5104.12 87654
of the Revised Code; 87655

(3) A child day camp approved pursuant to section 5104.22 of 87656
the Revised Code; 87657

(4) A licensed preschool program; 87658

(5) A licensed school child program; 87659

(6) A border state child care provider, except that a border 87660
state child care provider may provide publicly funded child care 87661
only to an individual who resides in an Ohio county that borders 87662
the state in which the provider is located. 87663

(B) Publicly funded child day-care may be provided in a 87664
child's own home only by an in-home aide. 87665

(C) Beginning July 1, 2020, publicly funded child care may be 87666
provided only by a provider that is rated through the ~~tiered~~ 87667
~~quality rating and improvement system~~ step up to quality program 87668
established pursuant to section ~~5104.30~~ 5104.29 of the Revised 87669

Code. 87670

Sec. 5104.34. (A)(1) Each county department of job and family 87671
services shall implement procedures for making determinations of 87672
eligibility for publicly funded child care. Under those 87673
procedures, the eligibility determination for each applicant shall 87674
be made no later than thirty calendar days from the date the 87675
county department receives a completed application for publicly 87676
funded child care. Each applicant shall be notified promptly of 87677
the results of the eligibility determination. An applicant 87678
aggrieved by a decision or delay in making an eligibility 87679
determination may appeal the decision or delay to the department 87680
of job and family services in accordance with section 5101.35 of 87681
the Revised Code. The due process rights of applicants shall be 87682
protected. 87683

To the extent permitted by federal law, the county department 87684
may make all determinations of eligibility for publicly funded 87685
child care, may contract with child care providers or child care 87686
resource and referral service organizations for the providers or 87687
resource and referral service organizations to make all or any 87688
part of the determinations, and may contract with child care 87689
providers or child care resource and referral service 87690
organizations for the providers or resource and referral service 87691
organizations to collect specified information for use by the 87692
county department in making determinations. If a county department 87693
contracts with a child care provider or a child care resource and 87694
referral service organization for eligibility determinations or 87695
for the collection of information, the contract shall require the 87696
provider or resource and referral service organization to make 87697
each eligibility determination no later than thirty calendar days 87698
from the date the provider or resource and referral organization 87699
receives a completed application that is the basis of the 87700
determination and to collect and transmit all necessary 87701

information to the county department within a period of time that 87702
enables the county department to make each eligibility 87703
determination no later than thirty days after the filing of the 87704
application that is the basis of the determination. 87705

The county department may station employees of the department 87706
in various locations throughout the county to collect information 87707
relevant to applications for publicly funded child care and to 87708
make eligibility determinations. The county department, child care 87709
provider, and child care resource and referral service 87710
organization shall make each determination of eligibility for 87711
publicly funded child care no later than thirty days after the 87712
filing of the application that is the basis of the determination, 87713
shall make each determination in accordance with any relevant 87714
rules adopted pursuant to section 5104.38 of the Revised Code, and 87715
shall notify promptly each applicant for publicly funded child 87716
care of the results of the determination of the applicant's 87717
eligibility. 87718

The director of job and family services shall adopt rules in 87719
accordance with Chapter 119. of the Revised Code for monitoring 87720
the eligibility determination process. In accordance with those 87721
rules, the state department shall monitor eligibility 87722
determinations made by county departments of job and family 87723
services and shall direct any entity that is not in compliance 87724
with this division or any rule adopted under this division to 87725
implement corrective action specified by the department. 87726

(2)(a) All eligibility determinations for publicly funded 87727
child care shall be made in accordance with rules adopted pursuant 87728
to division (A) of section 5104.38 of the Revised Code. Except as 87729
otherwise provided in this section, both of the following apply: 87730

(i) Publicly funded child care may be provided only to 87731
eligible infants, toddlers, preschool-age children, and school-age 87732
children under age thirteen. 87733

(ii) For an applicant to be eligible for publicly funded child care, the caretaker parent must be employed or participating in a program of education or training for an amount of time reasonably related to the time that the parent's children are receiving publicly funded child care. This restriction does not apply to families whose children are eligible for protective child care. 87734
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(b) In accordance with rules adopted under division (B) of section 5104.38 of the Revised Code, an applicant may receive publicly funded child care while the county department determines eligibility. An applicant may receive publicly funded child care while a county department determines eligibility only once during a twelve-month period. If the county department determines that an applicant is not eligible for publicly funded child care, the licensed child care program shall be paid for providing publicly funded child care for up to five days after that determination if the county department received a completed application with all required documentation. A program may appeal a denial of payment under this division. 87741
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(c) If a caretaker parent who has been determined eligible to receive publicly funded child care no longer meets the requirements of division (A)(2)(a)(ii) of this section, the caretaker parent may continue to receive publicly funded child care for a period of up to thirteen weeks not to extend beyond the caretaker parent's twelve-month eligibility period. Such authorization may be given only once during a twelve-month period. 87753
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Subject to available funds, the department of job and family services shall allow a family to receive publicly funded child care unless the family's income exceeds the maximum income eligibility limit. Initial and continued eligibility for publicly funded child care is subject to available funds unless the family is receiving child care pursuant to division (A)(1), (2), (3), or 87760
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(4) of section 5104.30 of the Revised Code. If the department must
limit eligibility due to lack of available funds, it shall give
first priority for publicly funded child care to an assistance
group whose income is not more than the maximum income eligibility
limit that received transitional child care in the previous month
but is no longer eligible because the twelve-month period has
expired. Such an assistance group shall continue to receive
priority for publicly funded child care until its income exceeds
the maximum income eligibility limit.

(3) An assistance group that ceases to participate in the
Ohio works first program established under Chapter 5107. of the
Revised Code is eligible for transitional child care at any time
during the immediately following twelve-month period that both of
the following apply:

(a) The assistance group requires child care due to
employment;

(b) The assistance group's income is not more than one
hundred fifty per cent of the federal poverty line.

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

(B) To the extent permitted by federal law, the department of
job and family services may require a caretaker parent determined
to be eligible for publicly funded child care to pay a fee
according to the schedule of fees established in rules adopted
under section 5104.38 of the Revised Code. The department shall
make protective child care services available to children without
regard to the income or assets of the caretaker parent of the
child.

(C) A caretaker parent receiving publicly funded child care
shall report to the entity that determined eligibility any changes

in status with respect to employment or participation in a program 87797
of education or training not later than ten calendar days after 87798
the change occurs. 87799

(D) If the department of job and family services determines 87800
that available resources are not sufficient to provide publicly 87801
funded child care to all eligible families who request it, the 87802
department may establish a waiting list. The department may 87803
establish separate waiting lists within the waiting list based on 87804
income. 87805

(E) A caretaker parent shall not receive full-time publicly 87806
funded child care from more than one child care provider per child 87807
during any period a week, unless a county department grants the 87808
family an exemption for one of the following reasons: 87809

(a) The child needs additional care during non-traditional 87810
hours; 87811

(b) The child needs to change providers in the middle of the 87812
week and the hours of care provided by the providers do not 87813
overlap; 87814

(c) The child's provider is closed on scheduled school days 87815
off or on calamity days; 87816

(d) The child is enrolled in a part-time program 87817
participating in the tiered quality rating and improvement system 87818
established under section 5104.30 of the Revised Code and needs 87819
care from an additional part-time provider. 87820

(F) As used in this section, "maximum income eligibility 87821
limit" means the amount of income specified in rules adopted under 87822
division (A) of section 5104.38 of the Revised Code. 87823

Sec. 5104.37. (A) As used in this section, "eligible 87824
provider" means an individual or entity eligible to provide 87825
publicly funded child care pursuant to section 5104.31 of the 87826

Revised Code. 87827

(B) The department of job and family services may withhold 87828
any money due under this chapter and recover through any 87829
appropriate method any money erroneously paid under this chapter 87830
if evidence exists of less than full compliance with this chapter 87831
and any rules adopted under it. 87832

(C) Notwithstanding any other provision of this chapter to 87833
the contrary, the department shall take action against an eligible 87834
provider as described in this section. 87835

(D) Subject to the notice and appeal provisions of divisions 87836
(G) and (H) of this section, the department may suspend a contract 87837
entered into under section 5104.32 of the Revised Code with an 87838
eligible provider if the department has initiated an investigation 87839
of the provider for either of the following reasons: 87840

(1) The department has evidence that the eligible provider 87841
received an improper child care payment as a result of the 87842
provider's intentional act. 87843

(2) The department receives notice and a copy of an 87844
indictment, information, or complaint charging the eligible 87845
provider or the owner or operator of the provider with committing 87846
any of the following: 87847

(a) An act that is a felony or misdemeanor relating to 87848
providing or billing for publicly funded child care or providing 87849
management or administrative services relating to providing 87850
publicly funded child care; 87851

(b) An act that would constitute an offense described in 87852
division (A)(5) of section ~~5104.09~~ 109.572 of the Revised Code. 87853

(E)(1) Except as provided in division (E)(2) of this section, 87854
the suspension of a contract under division (D) of this section 87855
shall continue until the department completes its investigation or 87856

all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty. 87857
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(2) If the department initiates the termination of a contract that has been suspended pursuant to division (D) of this section, the suspension shall continue until the termination process is completed. 87859
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(F) An eligible provider shall not provide publicly funded child care while the provider's contract is under suspension pursuant to division (D) of this section. As of the date the eligible provider's contract is suspended, the department shall withhold payment to the eligible provider for publicly funded child care. 87863
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(G) Before suspending an eligible provider's contract pursuant to division (D) of this section, the department shall notify the eligible provider. The notice shall include all of the following: 87869
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(1) A description, which need not disclose specific information concerning any ongoing administrative or criminal investigation, of the reason that the department initiated its investigation of the provider; 87873
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(2) A statement that the eligible provider will be prohibited from providing publicly funded child care while the contract is under suspension; 87877
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(3) A statement that the suspension will continue until the department completes its investigation or all criminal charges are disposed of through dismissal, a finding of not guilty, conviction, or a plea of guilty, and that if the department initiates the termination of the contract, the suspension will continue until the termination process is completed. 87880
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(H) An eligible provider may file an appeal with the department regarding any proposal by the department to suspend the 87886
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provider's contract pursuant to division (D) of this section. The 87888
appeal must be received by the department not later than fifteen 87889
days after the date the provider receives the notification 87890
described in division (G) of this section. The department shall 87891
review the evidence and issue a decision not later than thirty 87892
days after receiving the appeal. The department shall not suspend 87893
a contract pursuant to division (D) of this section until the time 87894
for filing the appeal has passed or, if the provider files a 87895
timely appeal, the department has issued a decision on the appeal. 87896

Sec. 5104.38. In addition to any other rules adopted under 87897
this chapter, the director of job and family services shall adopt 87898
rules in accordance with Chapter 119. of the Revised Code 87899
governing financial and administrative requirements for publicly 87900
funded child care and establishing all of the following: 87901

(A) Procedures and criteria to be used in making 87902
determinations of eligibility for publicly funded child care that 87903
give priority to children of families with lower incomes and 87904
procedures and criteria for eligibility for publicly funded 87905
protective child care. The rules shall specify the maximum amount 87906
of income a family may have for initial and continued eligibility. 87907
The maximum amount shall not exceed ~~two~~ three hundred per cent of 87908
the federal poverty line. The rules may specify exceptions to the 87909
eligibility requirements in the case of a family that previously 87910
received publicly funded child care and is seeking to have the 87911
child care reinstated after the family's eligibility was 87912
terminated. 87913

(B) Procedures under which an applicant for publicly funded 87914
child care may receive publicly funded child care while the county 87915
department of job and family services determines eligibility and 87916
under which a licensed child care program may appeal a denial of 87917
payment under division (A)(2)(b) of section 5104.34 of the Revised 87918

Code; 87919

(C) A schedule of fees requiring all eligible caretaker 87920
parents to pay a fee for publicly funded child care according to 87921
income and family size, which shall be uniform for all types of 87922
publicly funded child care, except as authorized by rule, and, to 87923
the extent permitted by federal law, shall permit the use of state 87924
and federal funds to pay the customary deposits and other advance 87925
payments that a provider charges all children who receive child 87926
care from that provider. ~~The schedule of fees may not provide for~~ 87927
~~a caretaker parent to pay a fee that exceeds ten per cent of the~~ 87928
~~parent's family income.~~ 87929

(D) A formula for determining the amount of state and federal 87930
funds appropriated for publicly funded child care that may be 87931
allocated to a county department to use for administrative 87932
purposes; 87933

(E) Procedures to be followed by the department and county 87934
departments in recruiting individuals and groups to become 87935
providers of child care; 87936

(F) Procedures to be followed in establishing state or local 87937
programs designed to assist individuals who are eligible for 87938
publicly funded child care in identifying the resources available 87939
to them and to refer the individuals to appropriate sources to 87940
obtain child care; 87941

(G) Procedures to deal with fraud and abuse committed by 87942
either recipients or providers of publicly funded child care; 87943

(H) Procedures for establishing a child care grant or loan 87944
program in accordance with the child care block grant act; 87945

(I) Standards and procedures for applicants to apply for 87946
grants and loans, and for the department to make grants and loans; 87947

(J) A definition of "person who stands in loco parentis" for 87948

the purposes of division (JJ)(1) of section 5104.01 of the Revised Code; 87949
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(K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department; 87951
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(L) If the director establishes a different reimbursement ceiling under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served; 87956
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(M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; 87961
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(N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code. 87969
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Sec. 5104.99. (A) Whoever violates section 5104.02 of the Revised Code shall be punished as follows: 87971
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(1) For each offense, the offender shall be fined not less than one hundred dollars nor more than five hundred dollars multiplied by the number of children receiving child care at the child day-care center or type A family day-care home that either exceeds the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type 87973
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A family day-care home that is operating as a child day-care center without being licensed as a center, exceeds the license capacity of the type A home. 87979
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(2) In addition to the fine specified in division (A)(1) of this section, all of the following apply: 87982
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(a) Except as provided in divisions (A)(2)(b), (c), and (d) of this section, the court shall order the offender to reduce the number of children to which it provides child care to a number that does not exceed either the number of children to which a type B family day-care home may provide child care or, if the offender is a licensed type A family day-care home that is operating as a child day-care center without being licensed as a center, the license capacity of the type A home. 87984
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(b) If the offender previously has been convicted of or pleaded guilty to one violation of section 5104.02 of the Revised Code, the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. 87992
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(c) If the offender previously has been convicted of or pleaded guilty to two violations of section 5104.02 of the Revised Code, the offender is guilty of a misdemeanor of the first degree, and the court shall order the offender to cease the provision of child care to any person until it obtains a child day-care center license or a type A family day-care home license, as appropriate, under section 5104.03 of the Revised Code. The court shall impose the fine specified in division (A)(1) of this section and may impose an additional fine provided that the total amount of the fines so imposed does not exceed the maximum fine authorized for a misdemeanor of the first degree under section 2929.28 of the Revised Code. 87998
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(d) If the offender previously has been convicted of or 88010
pleaded guilty to three or more violations of section 5104.02 of 88011
the Revised Code, the offender is guilty of a felony of the fifth 88012
degree, and the court shall order the offender to cease the 88013
provision of child care to any person until it obtains a child 88014
day-care center license or a type A family day-care home license, 88015
as appropriate, under section 5104.03 of the Revised Code. The 88016
court shall impose the fine specified in division (A)(1) of this 88017
section and may impose an additional fine provided that the total 88018
amount of the fines so imposed does not exceed the maximum fine 88019
authorized for a felony of the fifth degree under section 2929.18 88020
of the Revised Code. 88021

(B) Whoever violates division ~~(B)~~(M)(4) of section ~~5104.09~~ 88022
5104.013 of the Revised Code is guilty of a misdemeanor of the 88023
first degree. If the offender is a licensee of a center ~~or~~, type A 88024
home, or licensed type B home, the conviction shall constitute 88025
grounds for denial or revocation of an application for licensure 88026
pursuant to section 5104.04 of the Revised Code. Except as 88027
otherwise provided in this division, the offense established under 88028
division (M)(4) of section 5104.013 of the Revised Code is a 88029
strict liability offense, and section 2901.20 of the Revised Code 88030
does not apply. If the offender is a person eighteen years of age 88031
or older residing in a ~~center or~~ type A home or licensed type B 88032
home or is an employee of a center ~~or a~~, type A home, or licensed 88033
type B home and if the licensee had knowledge of, and acquiesced 88034
in, the commission of the offense, the conviction shall constitute 88035
grounds for denial or revocation of an application for licensure 88036
pursuant to section 5104.04 of the Revised Code. 88037

(C) Whoever violates ~~division (C)~~ of section 5104.09 of the 88038
Revised Code is guilty of a misdemeanor of the third degree. 88039

Sec. 5107.05. The director of job and family services shall 88040

adopt rules to implement this chapter. The rules shall be 88041
consistent with Title IV-A, Title IV-D, federal regulations, state 88042
law, the Title IV-A state plan submitted to the United States 88043
secretary of health and human services under section 5101.80 of 88044
the Revised Code, amendments to the plan, and waivers granted by 88045
the United States secretary. Rules governing eligibility, program 88046
participation, and other applicant and participant requirements 88047
shall be adopted in accordance with Chapter 119. of the Revised 88048
Code. Rules governing financial and other administrative 88049
requirements applicable to the department of job and family 88050
services and county departments of job and family services shall 88051
be adopted in accordance with section 111.15 of the Revised Code. 88052

(A) The rules shall specify, establish, or govern all of the 88053
following: 88054

(1) A payment standard for Ohio works first based on federal 88055
and state appropriations that is increased in accordance with 88056
section 5107.04 of the Revised Code; 88057

(2) For the purpose of section 5107.04 of the Revised Code, 88058
the method of determining the amount of cash assistance an 88059
assistance group receives under Ohio works first; 88060

(3) Requirements for initial and continued eligibility for 88061
Ohio works first, including requirements regarding income, 88062
citizenship, age, residence, and assistance group composition; 88063

(4) For the purpose of section 5107.12 of the Revised Code, 88064
application and verification procedures, including the minimum 88065
information an application must contain; 88066

(5) The extent to which a participant of Ohio works first 88067
must notify, pursuant to section 5107.12 of the Revised Code, a 88068
county department of job and family services of additional income 88069
not previously reported to the county department; 88070

(6) For the purpose of section 5107.16 of the Revised Code, 88071

both of the following:	88072
(a) Standards for the determination of good cause for failure or refusal to comply in full with a provision of a self-sufficiency contract;	88073 88074 88075
(b) The compliance activities a member of an assistance group must complete for the member to be considered to have ceased to fail or refuse to comply in full with a provision of a self-sufficiency contract.	88076 88077 88078 88079
(7) The department of job and family services providing written notice of a sanction under section 5107.161 of the Revised Code;	88080 88081 88082
(8) For the purpose of division (B) of section 5107.17 of the Revised Code, the circumstances under which the adult member of an assistance group or an assistance group's minor head of household whose failure or refusal, without good cause, to comply in full with a provision of a self-sufficiency contract causes a sanction under section 5107.16 of the Revised Code must enter into a new, or amend an existing, self-sufficiency contract before the assistance group may resume participation in Ohio works first following the sanction;	88083 88084 88085 88086 88087 88088 88089 88090 88091
(9) Requirements for the collection and distribution of support payments owed participants of Ohio works first pursuant to section 5107.20 of the Revised Code;	88092 88093 88094
(10) For the purpose of section 5107.22 of the Revised Code, what constitutes cooperating in establishing a minor child's paternity or establishing, modifying, or enforcing a child support order and good cause for failure or refusal to cooperate;	88095 88096 88097 88098
(11) The requirements governing the LEAP program, including the definitions of "equivalent of a high school diploma" and "good cause," and the incentives provided under the LEAP program;	88099 88100 88101

(12) If the director implements section 5107.301 of the Revised Code, the requirements governing the award provided under that section, including the form that the award is to take and requirements an individual must satisfy to receive the award;

(13) Circumstances under which a county department of job and family services may exempt a minor head of household or adult from participating in a work activity or developmental activity for all or some of the weekly hours otherwise required by section 5107.43 of the Revised Code.

(14) The maximum amount of time the department will subsidize positions created by state agencies and political subdivisions under division (C) of section 5107.52 of the Revised Code;

(15) The implementation of sections 5107.71 to 5107.717 of the Revised Code by county departments of job and family services;

(16) A domestic violence screening process to be used for the purpose of division (A) of section 5107.71 of the Revised Code;

(17) The minimum frequency with which county departments of job and family services must redetermine a member of an assistance group's need for a waiver issued under section 5107.714 of the Revised Code;

(18) Requirements for work activities, developmental activities, and alternative work activities for Ohio works first participants.

(B) The rules adopted under division (A)(3) of this section regarding income shall specify what is countable income, gross earned income, and gross unearned income for the purpose of section 5107.10 of the Revised Code.

The rules adopted under division (A)(10) of this section shall be consistent with 42 U.S.C. 654(29).

The rules adopted under division (A)(13) of this section

shall specify that the circumstances include that a school or 88132
place of work is closed due to a holiday or weather or other 88133
emergency and that an employer grants the minor head of household 88134
or adult leave for illness or earned vacation. 88135

(C) The rules may provide that a county department of job and 88136
family services is not required to take action under section 88137
5107.76 of the Revised Code to recover an erroneous payment under 88138
circumstances the rules specify. 88139

Sec. 5107.64. County departments of job and family services 88140
shall establish and administer alternative work activities for 88141
minor heads of households and adults participating in Ohio works 88142
first. In establishing alternative work activities, county 88143
departments are not limited by the restrictions Title IV-A imposes 88144
on work activities. The following are examples of alternative work 88145
activities that a county department may establish: 88146

(A) Parenting classes and life-skills training; 88147

(B) Participation in addiction services provided by a 88148
community addiction services provider ~~certified by the department~~ 88149
~~of mental health and addiction services under section 5119.36, as~~ 88150
defined in section 5119.01 of the Revised Code; 88151

(C) In the case of a homeless assistance group, finding a 88152
home; 88153

(D) In the case of a minor head of household or adult with a 88154
disability, active work in an individual written rehabilitation 88155
plan with the opportunities for Ohioans with disabilities agency; 88156

(E) In the case of a minor head of household or adult who has 88157
been the victim of domestic violence, residing in a domestic 88158
violence shelter, receiving counseling or treatment related to the 88159
domestic violence, or participating in criminal justice activities 88160
against the domestic violence offender; 88161

(F) An education program under which a participant who does not speak English attends English as a second language course.

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Sec. 5115.04. ~~(A)~~ The department of job and family services shall supervise and administer the disability financial assistance program, ~~except that the~~ subject to the following exceptions:

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The department may require county departments of job and family services to perform any administrative function for the program, as specified in rules adopted by the director of job and family services.

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~~(B)~~ If the department requires county departments to perform administrative functions under this ~~section~~ division, the director shall adopt rules in accordance with section 111.15 of the Revised Code governing the performance of the functions ~~to be performed~~ by county departments. County departments shall perform the functions in accordance with the rules. The director shall conduct investigations to determine whether disability financial assistance is being administered in compliance with the Revised Code and rules adopted by the director.

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~~(C)~~ If disability financial assistance payments are made by the county department of job and family services, the department shall advance sufficient funds to provide the county treasurer with the amount estimated for the payments. Financial assistance payments shall be distributed in accordance with sections 126.35, 319.16, and 329.03 of the Revised Code.

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The department may enter into an agreement with a state agency whereby the state agency agrees to make eligibility determinations for the program. If the department enters into such an agreement, the department shall cover the administrative costs incurred by the state agency to make the eligibility determinations.

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As used in this division, "state agency" has the same meaning 88192
as in section 117.01 of the Revised Code. 88193

Sec. 5119.01. (A) As used in this chapter: 88194

(1) "Addiction" means the chronic and habitual use of 88195
alcoholic beverages, the use of a drug of abuse as defined in 88196
section 3719.011 of the Revised Code, or the use of gambling by an 88197
individual to the extent that the individual no longer can control 88198
the individual's use of alcohol, the individual becomes physically 88199
or psychologically dependent on the drug, the individual's use of 88200
alcohol or drugs endangers the health, safety, or welfare of the 88201
individual or others, or the individual's gambling causes 88202
psychological, financial, emotional, marital, legal, or other 88203
difficulties endangering the health, safety, or welfare of the 88204
individual or others. 88205

(2) "Addiction services" means services, including 88206
intervention, for the treatment of persons with alcohol, drug, or 88207
gambling addictions, and for the prevention of such addictions. 88208

(3) "Alcohol and drug addiction services" means services, 88209
including intervention, for the treatment of alcoholics or persons 88210
who abuse drugs of abuse and for the prevention of alcoholism and 88211
drug addiction. 88212

(4) "Alcoholic" means a person suffering from alcoholism. 88213

(5) "Alcoholism" means the chronic and habitual use of 88214
alcoholic beverages by an individual to the extent that the 88215
individual no longer can control the individual's use of alcohol 88216
or endangers the health, safety, or welfare of the individual or 88217
others. 88218

(6) "Community addiction services provider" means an agency, 88219
association, corporation, individual, or program that provides 88220
~~community~~ alcohol, drug addiction, or gambling addiction services 88221

that are certified by the department of mental health and 88222
addiction services under section 5119.36 of the Revised Code. 88223

(7) "Community mental health services provider" means an 88224
agency, association, corporation, individual, or program that 88225
provides ~~community~~ mental health services that are certified by 88226
the department of mental health and addiction services under 88227
section 5119.36 of the Revised Code. 88228

(8) "Drug addiction" means the use of a drug of abuse, as 88229
defined in section 3719.011 of the Revised Code, by an individual 88230
to the extent that the individual becomes physically or 88231
psychologically dependent on the drug or endangers the health, 88232
safety, or welfare of the individual or others. 88233

(9) "Gambling addiction" means the use of gambling by an 88234
individual to the extent that it causes psychological, financial, 88235
emotional, marital, legal, or other difficulties endangering the 88236
health, safety, or welfare of the individual or others. 88237

(10) "Gambling addiction services" means services for the 88238
treatment of persons who have a gambling addiction and for the 88239
prevention of gambling addiction. 88240

(11) "Hospital" means a hospital or inpatient unit licensed 88241
by the department of mental health and addiction services under 88242
section 5119.33 of the Revised Code, and any institution, 88243
hospital, or other place established, controlled, or supervised by 88244
the department under Chapter 5119. of the Revised Code. 88245

(12) "Mental illness" means a substantial disorder of 88246
thought, mood, perception, orientation, or memory that grossly 88247
impairs judgment, behavior, capacity to recognize reality, or 88248
ability to meet the ordinary demands of life. 88249

(13) "Mental health services" means services for the 88250
assessment, care, or treatment of persons who have a mental 88251
illness as defined in this section. 88252

(14)(a) "Residence" means a person's physical presence in a county with intent to remain there, except in either of the following circumstances:

(i) If a person is receiving a mental health treatment service at a facility that includes nighttime sleeping accommodations, "residence" means that county in which the person maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.10. (A) The director of mental health and addiction services is the chief executive and appointing authority of the department of mental health and addiction services. The director may organize the department for its efficient operation, including

creating divisions or offices as necessary. The director may 88284
establish procedures for the governance of the department, conduct 88285
of its employees and officers, performance of its business, and 88286
custody, use, and preservation of departmental records, papers, 88287
books, documents, and property. Whenever the Revised Code imposes 88288
a duty upon or requires an action of the department or any of its 88289
institutions, the director or the director's designee shall 88290
perform the action or duty in the name of the department, except 88291
that the medical director appointed pursuant to section 5119.11 of 88292
the Revised Code shall be responsible for decisions relating to 88293
medical diagnosis, treatment, rehabilitation, quality assurance, 88294
and the clinical aspects of the following: licensure of hospitals 88295
and residential facilities, research, community addiction and 88296
mental health services plans, and certification and delivery of 88297
~~mental health and~~ addiction and mental health services. 88298

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(B) The director shall:

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(1) Adopt rules for the proper execution of the powers and 88301
duties of the department with respect to the institutions under 88302
its control, and require the performance of additional duties by 88303
the officers of the institutions as necessary to fully meet the 88304
requirements, intents, and purposes of this chapter. In case of an 88305
apparent conflict between the powers conferred upon any managing 88306
officer and those conferred by such sections upon the department, 88307
the presumption shall be conclusive in favor of the department. 88308

(2) Adopt rules for the nonpartisan management of the 88309
institutions under the department's control. An officer or 88310
employee of the department or any officer or employee of any 88311
institution under its control who, by solicitation or otherwise, 88312
exerts influence directly or indirectly to induce any other 88313
officer or employee of the department or any of its institutions 88314
to adopt the exerting officer's or employee's political views or 88315

to favor any particular person, issue, or candidate for office 88316
shall be removed from the exerting officer's or employee's office 88317
or position, by the department in case of an officer or employee, 88318
and by the governor in case of the director. 88319

(3) Appoint such employees, including the medical director, 88320
as are necessary for the efficient conduct of the department, and 88321
prescribe their titles and duties; 88322

(4) Prescribe the forms of affidavits, applications, medical 88323
certificates, orders of hospitalization and release, and all other 88324
forms, reports, and records that are required in the 88325
hospitalization or admission and release of all persons to the 88326
institutions under the control of the department, or are otherwise 88327
required under this chapter or Chapter 5122. of the Revised Code; 88328

(5) Exercise the powers and perform the duties relating to 88329
~~community~~ addiction and mental health facilities and services that 88330
are assigned to the director under this chapter and Chapter 340. 88331
of the Revised Code; 88332

(6) Develop and implement clinical evaluation and monitoring 88333
of services that are operated by the department; 88334

(7) Adopt rules establishing standards for the performance of 88335
evaluations by a forensic center or other psychiatric program or 88336
facility of the mental condition of defendants ordered by the 88337
court under section 2919.271, or 2945.371 of the Revised Code, and 88338
for the treatment of defendants who have been found incompetent to 88339
stand trial and ordered by the court under section 2945.38, 88340
2945.39, 2945.401, or 2945.402 of the Revised Code to receive 88341
treatment in facilities; 88342

(8) On behalf of the department, have the authority and 88343
responsibility for entering into contracts and other agreements 88344
with providers, agencies, institutions, and other entities, both 88345
public and private, as necessary for the department to carry out 88346

its duties under this chapter and Chapters 340., 2919., 2945., and 88347
5122. of the Revised Code. Chapter 125. of the Revised Code does 88348
not apply to contracts the director enters into under this section 88349
for services provided to individuals with mental illness by 88350
providers, agencies, institutions, and other entities not owned or 88351
operated by the department. 88352

(9) Adopt rules in accordance with Chapter 119. of the 88353
Revised Code specifying the supplemental services that may be 88354
provided through a trust authorized by section 5815.28 of the 88355
Revised Code; 88356

(10) Adopt rules in accordance with Chapter 119. of the 88357
Revised Code establishing standards for the maintenance and 88358
distribution to a beneficiary of assets of a trust authorized by 88359
section 5815.28 of the Revised Code. 88360

(C) The director may contract with hospitals licensed by the 88361
department under section 5119.33 of the Revised Code for the care 88362
and treatment of mentally ill patients, or with persons, 88363
organizations, or agencies for the custody, evaluation, 88364
supervision, care, or treatment of mentally ill persons receiving 88365
services elsewhere than within the enclosure of a hospital 88366
operated under section 5119.14 of the Revised Code. 88367

Sec. 5119.11. (A) The director of mental health and addiction 88368
services shall appoint a medical director who is eligible or 88369
certified by the American board of psychiatry and neurology or the 88370
American osteopathic board of neurology and psychiatry, and has at 88371
least five years of clinical and two years of administrative 88372
experience. The medical director shall also have certification or 88373
substantial training and experience in the field of addiction 88374
medicine or addiction psychiatry. The medical director shall be 88375
responsible for decisions relating to medical diagnosis, 88376
treatment, prevention, rehabilitation, quality assurance, and the 88377

clinical aspects of ~~mental health and~~ addiction and mental health 88378
services involving all of the following: 88379

(1) Licensure of hospitals, residential facilities, and 88380
outpatient facilities; 88381

(2) Research; 88382

(3) Community addiction and mental health services plans; 88383

(4) Certification and delivery of ~~mental health and~~ addiction 88384
and mental health services. 88385

(B) The medical director shall also exercise clinical 88386
supervision of the chief clinical officers of hospitals and 88387
institutions under the jurisdiction of the department and shall 88388
review and approve decisions relating to the employment of the 88389
chief clinical officers. The medical director or the medical 88390
director's designee shall advise the director on matters relating 88391
to licensure, research, and the certification and delivery of 88392
~~mental health and~~ addiction and mental health services and 88393
community addiction and mental health plans. The medical director 88394
shall participate in the development of guidelines for community 88395
addiction and mental health services plans. The director of mental 88396
health and addiction services may establish other duties of the 88397
medical director. 88398

Sec. 5119.161. The department of mental health and addiction 88399
services, in conjunction with the department of job and family 88400
services, shall develop a joint state plan to improve the 88401
accessibility and timeliness of alcohol and drug addiction 88402
services for individuals identified by a public children services 88403
agency as in need of those services. The plan shall address the 88404
fact that Ohio works first participants may be among the persons 88405
receiving services under section 340.15 of the Revised Code and 88406
shall require the department of job and family services to seek 88407

federal funds available under Title IV-A of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, as amended, for the provision of the services to Ohio works first participants who are receiving services under section 340.15 of the Revised Code.

~~The plan shall address the need and manner for sharing information and include a request for the general assembly to appropriate an amount of funds specified in the report to be used by the departments to pay for services under section 340.15 of the Revised Code. The departments shall review and amend the plan as necessary.~~

~~Not later than the first day of July of each even numbered year, the departments shall submit a report on the progress made under the joint state plan to the governor, president of the senate, and speaker of the house of representatives. The report shall include information on treatment capacity, needs assessments, and number of individuals who received services pursuant to section 340.15 of the Revised Code.~~

Sec. 5119.186. (A) The director of mental health and addiction services or the managing officer of an institution of the department may enter into an agreement with boards of trustees or boards of directors of one or more institutions of higher education or hospitals licensed pursuant to section 5119.33 of the Revised Code to establish, manage, and conduct collaborative training efforts for students enrolled in courses of studies for occupations or professions that involve the care and treatment for persons receiving ~~mental health or addiction~~ or mental health services.

(B) Such collaborative training efforts may include but are not limited to programs in psychiatry, psychology, nursing, social work, counseling professions, and others considered appropriate by the director of mental health and addiction services. Any such

program shall be approved or accredited by its respective 88439
professional organization or state board having jurisdiction over 88440
the profession. 88441

(1) The department shall require that the following be 88442
provided for in agreements between the department and institutions 88443
of higher education or hospitals licensed pursuant to section 88444
5119.33 of the Revised Code: 88445

(a) Establishment of inter-disciplinary committees to advise 88446
persons responsible for training programs. Each committee shall 88447
have representation drawn from the geographical community the 88448
institution of higher education or hospital serves and shall 88449
include representatives of agencies, boards, targeted populations 88450
as determined by the department, racial and ethnic minority 88451
groups, and publicly funded programs; 88452

(b) Funding procedures; 88453

(c) Specific outcomes and accomplishments that are expected 88454
or required of a program under such agreement; 88455

(d) The types of services to be provided under such 88456
agreement. 88457

(2) The department may require that the following be provided 88458
for in agreements between the department and institutions of 88459
higher education or hospitals licensed pursuant to section 5119.33 88460
of the Revised Code: 88461

(a) Special arrangements for individual residents or trainees 88462
to encourage their employment in publicly funded settings upon 88463
completion of their training; 88464

(b) Procedures for the selection of residents or trainees to 88465
promote the admission, retention, and graduation of women, 88466
minorities, and disabled persons; 88467

(c) Cross-cultural training and other subjects considered 88468

necessary to enhance training efforts and the care and treatment 88469
of patients and clients; 88470

(d) Funding of faculty positions oriented toward meeting the 88471
needs of publicly funded programs. 88472

Subject to appropriations by the general assembly, the 88473
director of mental health and addiction services has final 88474
approval of the funding of these collaborative training efforts. 88475

Sec. 5119.21. (A) The department of mental health and 88476
addiction services shall: 88477

(1) To the extent the department has available resources and 88478
in consultation with boards of alcohol, drug addiction, and mental 88479
health services, support a continuum of care in accordance with 88480
Chapter 340. of the Revised Code on a district or multi-district 88481
basis. The department shall define the essential elements of a 88482
continuum of care, shall assist in identifying resources, and may 88483
prioritize support for one or more of the elements. 88484

(2) Provide training, consultation, and technical assistance 88485
regarding ~~mental health and~~ addiction and mental health services 88486
and appropriate prevention, recovery, and mental health promotion 88487
activities, including those that are culturally competent, to 88488
employees of the department, community mental health and addiction 88489
services providers, boards of alcohol, drug addiction, and mental 88490
health services, and other agencies providing ~~mental health and~~ 88491
addiction and mental health services; 88492

(3) To the extent the department has available resources, 88493
promote and support a full range of ~~mental health and~~ addiction 88494
and mental health services that are available and accessible to 88495
all residents of this state, especially for severely ~~mentally~~ 88496
~~disabled~~ emotionally disturbed children, and adolescents, severely 88497
mentally disabled adults, pregnant women, parents, guardians or 88498

custodians of children at risk of abuse or neglect, and other 88499
special target populations, including racial and ethnic 88500
minorities, as determined by the department; 88501

(4) Develop standards and measures for evaluating the 88502
effectiveness of ~~mental health and~~ addiction and mental health 88503
services, including services that use methadone treatment, of 88504
gambling addiction services, and for increasing the accountability 88505
of community mental health and ~~alcohol and~~ addiction services 88506
providers ~~and of gambling addiction services providers;~~ 88507

(5) Design and set criteria for the determination of priority 88508
populations; 88509

(6) Promote, direct, conduct, and coordinate scientific 88510
research, taking ethnic and racial differences into consideration, 88511
concerning the causes and prevention of mental illness and 88512
addiction, methods of providing effective services and treatment, 88513
and means of enhancing the mental health of and recovery from 88514
addiction of all residents of this state; 88515

(7) Foster the establishment and availability of vocational 88516
rehabilitation services and the creation of employment 88517
opportunities for ~~consumers of mental health and~~ individuals with 88518
addiction ~~services~~ and mental health needs, including members of 88519
racial and ethnic minorities; 88520

(8) Establish a program to protect and promote the rights of 88521
persons receiving ~~mental health and~~ addiction and mental health 88522
services, including the issuance of guidelines on informed consent 88523
and other rights; 88524

(9) Promote the involvement of persons who are receiving or 88525
have received ~~mental health or~~ addiction or mental health 88526
services, including families and other persons having a close 88527
relationship to a person receiving those services, in the 88528
planning, evaluation, delivery, and operation of ~~mental health and~~ 88529

addiction and mental health services; 88530

(10) Notify and consult with the relevant constituencies that 88531
may be affected by rules, standards, and guidelines issued by the 88532
department of mental health and addiction services. These 88533
constituencies shall include consumers of ~~mental health and~~ 88534
addiction and mental health services and their families, and may 88535
include public and private providers, employee organizations, and 88536
others when appropriate. Whenever the department proposes the 88537
adoption, amendment, or rescission of rules under Chapter 119. of 88538
the Revised Code, the notification and consultation required by 88539
this division shall occur prior to the commencement of proceedings 88540
under Chapter 119. The department shall adopt rules under Chapter 88541
119. of the Revised Code that establish procedures for the 88542
notification and consultation required by this division. 88543

(11) Provide consultation to the department of rehabilitation 88544
and correction concerning the delivery of ~~mental health and~~ 88545
addiction and mental health services in state correctional 88546
institutions-; 88547

(12) Promote and coordinate efforts in the provision of 88548
alcohol and drug addiction services and of gambling addiction 88549
services by other state agencies, as defined in section 1.60 of 88550
the Revised Code; courts; hospitals; clinics; physicians in 88551
private practice; public health authorities; boards of alcohol, 88552
drug addiction, and mental health services; ~~alcohol and drug~~ 88553
community addiction services providers; law enforcement agencies; 88554
~~gambling addiction services providers;~~ and related groups; 88555

(13) Provide to each court of record, and biennially update, 88556
a list of the treatment and education programs within that court's 88557
jurisdiction that the court may require an offender, sentenced 88558
pursuant to section 4511.19 of the Revised Code, to attend; 88559

(14) Make the warning sign described in sections 3313.752, 88560

3345.41, and 3707.50 of the Revised Code available on the 88561
department's internet web site; 88562

(15) Provide a program of gambling addiction services on 88563
behalf of the state lottery commission, pursuant to an agreement 88564
entered into with the director of the commission under division 88565
(K) of section 3770.02 of the Revised Code, and provide a program 88566
of gambling addiction services on behalf of the Ohio casino 88567
control commission, under an agreement entered into with the 88568
executive director of the commission under section 3772.062 of the 88569
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 88570
Constitution, the department may enter into agreements with boards 88571
of alcohol, drug addiction, and mental health services, including 88572
boards with districts in which a casino facility is not located, 88573
and nonprofit organizations to provide gambling addiction services 88574
and ~~substance abuse~~ alcohol and drug addiction services, and with 88575
state institutions of higher education or private nonprofit 88576
institutions that possess a certificate of authorization issued 88577
under Chapter 1713. of the Revised Code to perform related 88578
research. 88579

(B) The department may accept and administer grants from 88580
public or private sources for carrying out any of the duties 88581
enumerated in this section. 88582

~~(C) Pursuant to Chapter 119. of the Revised Code, the~~ 88583
~~department shall adopt a rule defining the term "intervention" as~~ 88584
~~it is used in this chapter in connection with alcohol and drug~~ 88585
~~addiction services and in connection with gambling addiction~~ 88586
~~services.~~ The department may adopt ~~other~~ rules in accordance with 88587
Chapter 119. of the Revised Code as necessary to implement the 88588
requirements of this chapter. 88589

Sec. 5119.23. (A) The department of mental health and 88590
addiction services shall establish a methodology for allocating to 88591

boards of alcohol, drug addiction, and mental health services the 88592
funds appropriated by the general assembly to the department for 88593
the purpose of ~~local mental health and addiction services~~ 88594
~~continuum~~ the continuum of care that each board establishes under 88595
section 340.03 of the Revised Code. The department shall establish 88596
the methodology after notifying and consulting with relevant 88597
constituencies as required by division (A)(10) of section 5119.21 88598
of the Revised Code. The methodology may provide for the funds to 88599
be allocated to boards on a district or multi-district basis. 88600

(B) Subject to section 5119.25 of the Revised Code, and to 88601
required submissions and approvals under section 340.08 of the 88602
Revised Code, the department shall allocate the funds to the 88603
boards in a manner consistent with the methodology, this section, 88604
other state and federal laws, rules, and regulations. 88605

(C) In consultation with boards, community addiction services 88606
providers, community mental health ~~and addiction~~ services 88607
providers, and persons receiving services, the department shall 88608
establish guidelines for the use of funds allocated ~~and~~ 88609
~~distributed~~ under this section. 88610

Sec. 5119.25. (A) The director of mental health and addiction 88611
services, in whole or in part, may withhold funds otherwise to be 88612
allocated to a board of alcohol, drug addiction, and mental health 88613
services under section 5119.23 of the Revised Code if the board 88614
fails to comply with Chapter 340. or ~~section 5119.22, 5119.24,~~ 88615
~~5119.36, or 5119.37~~ 5119. of the Revised Code or rules of the 88616
department of mental health and addiction services. However, 88617
beginning September 15, 2016, the director shall withhold all such 88618
funds from the board when required to do so under division (A)(4) 88619
of section 340.08 of the Revised Code or division (G)(1) of 88620
section 5119.22 of the Revised Code. 88621

(B) The director of mental health and addiction services may 88622

withhold funds otherwise to be allocated to a board of alcohol, 88623
drug addiction, and mental health services under section 5119.23 88624
of the Revised Code if the board denies available service on the 88625
basis of race, color, religion, creed, sex, age, national origin, 88626
disability as defined in section 4112.01 of the Revised Code, or 88627
developmental disability. 88628

(C) The director shall issue a notice identifying the areas 88629
of noncompliance and the action necessary to achieve compliance. 88630
The director may offer technical assistance to the board to 88631
achieve compliance. The board shall have thirty days from receipt 88632
of the notice of noncompliance to present its position that it is 88633
in compliance or to submit to the director evidence of corrective 88634
action the board took to achieve compliance. Before withholding 88635
funds, the director or the director's designee shall hold a 88636
hearing within thirty days of receipt of the board's position or 88637
evidence to determine if there are continuing violations and that 88638
either assistance is rejected or the board is unable, or has 88639
failed, to achieve compliance. The director may appoint a 88640
representative from another board of alcohol, drug addiction, and 88641
mental health services to serve as a mentor for the board in 88642
developing and executing a plan of corrective action to achieve 88643
compliance. Any such representative shall be from a board that is 88644
in compliance with Chapter 340. of the Revised Code, ~~sections~~ 88645
~~5119.22, 5119.24, 5119.36, and 5119.371 of the Revised Code~~ this 88646
chapter, and the department's rules. Subsequent to the hearing 88647
process, if it is determined that compliance has not been 88648
achieved, the director may allocate all or part of the withheld 88649
funds to one or more community mental health services providers or 88650
community addiction services providers to provide the ~~community~~ 88651
mental health ~~or community~~ service or addiction service for which 88652
the board is not in compliance until the time that there is 88653
compliance. The director shall adopt rules in accordance with 88654
Chapter 119. of the Revised Code to implement this section. 88655

Sec. 5119.28. (A) All records, and reports, other than court 88656
journal entries or court docket entries, identifying a person and 88657
pertaining to the person's mental health condition, assessment, 88658
provision of care or treatment, or payment for assessment, care or 88659
treatment that are maintained in connection with any services 88660
certified by the department of mental health and addiction 88661
services, or any hospitals or facilities licensed or operated by 88662
the department, shall be kept confidential and shall not be 88663
disclosed by any person except: 88664

(1) If the person identified, or the person's legal guardian, 88665
if any, or if the person is a minor, the person's parent or legal 88666
guardian, consents; 88667

(2) When disclosure is provided for in this chapter or 88668
Chapter 340. or 5122. of the Revised Code or in accordance with 88669
other provisions of state or federal law authorizing such 88670
disclosure; 88671

(3) That hospitals, boards of alcohol, drug addiction, and 88672
mental health services, licensed facilities, and community mental 88673
health services providers may release necessary information to 88674
insurers and other third-party payers, including government 88675
entities responsible for processing and authorizing payment, to 88676
obtain payment for goods and services furnished to the person; 88677

(4) Pursuant to a court order signed by a judge; 88678

(5) That a person shall be granted access to the person's own 88679
psychiatric and medical records, unless access specifically is 88680
restricted in a person's treatment plan for clear treatment 88681
reasons; 88682

(6) That the department of mental health and addiction 88683
services may exchange psychiatric records and other pertinent 88684
information with community mental health services providers and 88685

boards of alcohol, drug addiction, and mental health services 88686
relating to the person's care or services. Records and information 88687
that may be exchanged pursuant to this division shall be limited 88688
to medication history, physical health status and history, 88689
financial status, summary of course of treatment, summary of 88690
treatment needs, and a discharge summary, if any. 88691

(7) That the department of mental health and addiction 88692
services, hospitals and community providers operated by the 88693
department, hospitals licensed by the department under section 88694
5119.33 of the Revised Code, and community mental health services 88695
providers may exchange psychiatric records and other pertinent 88696
information with payers and other providers of treatment and 88697
health services if the purpose of the exchange is to facilitate 88698
continuity of care for the person or for the emergency treatment 88699
of the person; 88700

(8) That the department of mental health and addiction 88701
services and community mental health services providers may 88702
exchange psychiatric records and other pertinent information with 88703
boards of alcohol, drug addiction, and mental health services for 88704
purposes of any board function set forth in Chapter 340. of the 88705
Revised Code. Boards of alcohol, drug addiction, and mental health 88706
services shall not access any personal information from the 88707
department or providers except as required or permitted by this 88708
section, or Chapter 340. or 5122. of the Revised Code for purposes 88709
related to payment, care coordination, health care operations, 88710
program and service evaluation, reporting activities, research, 88711
system administration, oversight, or other authorized purposes. 88712

(9) That a person's family member who is involved in the 88713
provision, planning, and monitoring of services to the person may 88714
receive medication information, a summary of the person's 88715
diagnosis and prognosis, and a list of the services and personnel 88716
available to assist the person and the person's family, if the 88717

person's treatment provider determines that the disclosure would 88718
be in the best interests of the person. No such disclosure shall 88719
be made unless the person is notified first and receives the 88720
information and does not object to the disclosure. 88721

(10) That community mental health services providers may 88722
exchange psychiatric records and certain other information with 88723
the board of alcohol, drug addiction, and mental health services 88724
and other providers in order to provide services to a person 88725
involuntarily committed to a board. Release of records under this 88726
division shall be limited to medication history, physical health 88727
status and history, financial status, summary of course of 88728
treatment, summary of treatment needs, and discharge summary, if 88729
any. 88730

(11) That information may be disclosed to the executor or the 88731
administrator of an estate of a deceased person when the 88732
information is necessary to administer the estate; 88733

(12) That information may be disclosed to staff members of 88734
the appropriate board or to staff members designated by the 88735
director of mental health and addiction services for the purpose 88736
of evaluating the quality, effectiveness, and efficiency of 88737
services and determining if the services meet minimum standards. 88738
Information obtained during such evaluations shall not be retained 88739
with the name of any person. 88740

(13) That records pertaining to the person's diagnosis, 88741
course of treatment, treatment needs, and prognosis shall be 88742
disclosed and released to the appropriate prosecuting attorney if 88743
the person was committed pursuant to section 2945.38, 2945.39, 88744
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 88745
attorney designated by the board for proceedings pursuant to 88746
involuntary commitment under Chapter 5122. of the Revised Code; ~~i~~ 88747

(14) That the department of mental health and addiction 88748

services may exchange psychiatric hospitalization records, other 88749
mental health treatment records, and other pertinent information 88750
with the department of rehabilitation and correction and with the 88751
department of youth services to ensure continuity of care for 88752
inmates and offenders who are receiving mental health services in 88753
an institution of the department of rehabilitation and correction 88754
or the department of youth services and may exchange psychiatric 88755
hospitalization records, other mental health treatment records, 88756
and other pertinent information with boards of alcohol, drug 88757
addiction, and mental health services and community mental health 88758
services providers to ensure continuity of care for inmates or 88759
offenders who are receiving mental health services in an 88760
institution and are scheduled for release within six months. The 88761
release of records under this division is limited to records 88762
regarding an inmate's or offender's medication history, physical 88763
health status and history, summary of course of treatment, summary 88764
of treatment needs, and a discharge summary, if any. 88765

(15) That a community mental health services provider that 88766
ceases to operate may transfer to either a community mental health 88767
services provider that assumes its caseload or to the board of 88768
alcohol, drug addiction, and mental health services of the service 88769
district in which the person resided at the time services were 88770
most recently provided any ~~treatment~~ records concerning treatment 88771
that have not been transferred elsewhere at the person's request; 88772

(16) That records and reports relating to a person who has 88773
been deceased for fifty years or more are no longer considered 88774
confidential. 88775

(B) Before records are disclosed pursuant to divisions 88776
(A)(3), (6), and (10) of this section, the custodian of the 88777
records shall attempt to obtain the person's consent for the 88778
disclosure. 88779

(C) No person shall reveal the content of a medical record of 88780

a person that is confidential pursuant to this section, except as 88781
authorized by law. 88782

Sec. 5119.31. The department of administrative services shall 88783
purchase all supplies needed for the proper support and 88784
maintenance of the institutions under the control of the 88785
department of mental health and addiction services in accordance 88786
with the competitive selection procedures of Chapter 125. of the 88787
Revised Code and such rules as the department of administrative 88788
services adopts. All bids shall be publicly opened on the day and 88789
hour and at the place specified in the advertisement. 88790

Preference shall be given to bidders in localities wherein 88791
the institution is located, if the price is fair and reasonable 88792
and not greater than the usual price; but bids not meeting the 88793
specifications shall be rejected. 88794

The department of administrative services may require such 88795
security as it considers proper to accompany the bids and shall 88796
fix the security to be given by the contractor. 88797

The department of administrative services may reject any or 88798
all bids and secure new bids, if for any reason it is deemed for 88799
the best interest of the state to do so, and it may authorize the 88800
managing officer of any institution to purchase perishable goods 88801
and supplies for use in cases of emergency, in which cases such 88802
managing officer shall certify such fact in writing and the 88803
department of administrative services shall record the reasons for 88804
such purchase. 88805

Sec. 5119.33. (A)(1) The department of mental health and 88806
addiction services shall inspect and license all hospitals that 88807
receive mentally ill persons, except those hospitals managed by 88808
the department. No hospital may receive for care or treatment, 88809
either at public or private expense, any person who is or appears 88810

to be mentally ill, whether or not so adjudicated, unless the 88811
hospital has received a license from the department authorizing it 88812
to receive for care or treatment persons who are mentally ill or 88813
the hospital is managed by the department. 88814

(2) No such license shall be granted to a hospital for the 88815
treatment of mentally ill persons unless the department is 88816
satisfied, after investigation, that the hospital is managed and 88817
operated by qualified persons and has on its staff one or more 88818
qualified physicians responsible for the medical care of the 88819
patients confined there. At least one such physician shall be a 88820
psychiatrist. 88821

(B) The department shall adopt rules under Chapter 119. of 88822
the Revised Code prescribing minimum standards for the operation 88823
of hospitals for the care and treatment of mentally ill persons 88824
and establishing standards and procedures for the issuance, 88825
renewal, or revocation of full, probationary, and interim 88826
licenses. No license shall be granted to any hospital established 88827
or used for the care of mentally ill persons unless such hospital 88828
is operating in accordance with this section and rules adopted 88829
pursuant to this section. A full license shall expire one year 88830
after the date of issuance, a probationary license shall expire at 88831
the time prescribed by rule adopted pursuant to Chapter 119. of 88832
the Revised Code by the director of mental health and addiction 88833
services, and an interim license shall expire ninety days after 88834
the date of issuance. A full, probationary, or interim license may 88835
be renewed, except that an interim license may be renewed only 88836
twice. The department may fix reasonable fees for licenses and for 88837
license renewals. Such hospitals are subject to inspection and 88838
on-site review by the department. 88839

(C) Except as otherwise provided in Chapter 5122. of the 88840
Revised Code, neither the director of mental health and addiction 88841
services; an employee of the department; a board of alcohol, drug 88842

addiction, and mental health services or employee of a community 88843
mental health services provider; nor any other public official 88844
shall hospitalize any mentally ill person for care or treatment in 88845
any hospital that is not licensed in accordance with this section. 88846

(D) The department may issue an order suspending the 88847
admission of patients who are mentally ill to a hospital for care 88848
or treatment if it finds either of the following: 88849

(1) The hospital is not in compliance with rules adopted by 88850
the director pursuant to this section. 88851

(2) The hospital has been cited for more than one violation 88852
of statutes or rules during any previous period of time during 88853
which the hospital is licensed pursuant to this section. 88854

(E) Any license issued by the department under this section 88855
may be revoked or not renewed by the department for any of the 88856
following reasons: 88857

~~(A)~~(1) The hospital is no longer a suitable place for the 88858
care or treatment of mentally ill persons. 88859

~~(B)~~(2) The hospital refuses to be subject to inspection or 88860
on-site review by the department. 88861

~~(C)~~(3) The hospital has failed to furnish humane, kind, and 88862
adequate treatment and care. 88863

~~(D)~~(4) The hospital fails to comply with the licensure rules 88864
of the department. 88865

(F) The department may inspect, conduct an on-site review, 88866
and review the records of any hospital that the department has 88867
reason to believe is operating without a license. 88868

Sec. 5119.34. (A) As used in this section and sections 88869
5119.341 and 5119.342 of the Revised Code: 88870

(1) "Accommodations" means housing, daily meal preparation, 88871

laundry, housekeeping, arranging for transportation, social and 88872
recreational activities, maintenance, security, and other services 88873
that do not constitute personal care services or skilled nursing 88874
care. 88875

(2) "ADAMHS board" means a board of alcohol, drug addiction, 88876
and mental health services. 88877

(3) "Adult" means a person who is eighteen years of age or 88878
older, other than a person described in division (A)(4) of this 88879
section who is between eighteen and twenty-one years of age. 88880

(4) "Child" means a person who is under eighteen years of age 88881
or a person with a mental disability who is under twenty-one years 88882
of age. 88883

(5) "Community mental health services provider" means a 88884
community mental health services provider as defined in section 88885
5119.01 of the Revised Code. 88886

(6) "Community mental health services" means any mental 88887
health services certified by the department pursuant to section 88888
5119.36 of the Revised Code. 88889

(7) "Operator" means the person or persons, firm, 88890
partnership, agency, governing body, association, corporation, or 88891
other entity that is responsible for the administration and 88892
management of a residential facility and that is the applicant for 88893
a residential facility license. 88894

(8) "Personal care services" means services including, but 88895
not limited to, the following: 88896

(a) Assisting residents with activities of daily living; 88897

(b) Assisting residents with self-administration of 88898
medication in accordance with rules adopted under this section; 88899

(c) Preparing special diets, other than complex therapeutic 88900
diets, for residents pursuant to the instructions of a physician 88901

or a licensed dietitian, in accordance with rules adopted under 88902
this section. 88903

"Personal care services" does not include "skilled nursing 88904
care" as defined in section 3721.01 of the Revised Code. A 88905
facility need not provide more than one of the services listed in 88906
division (A)(8) of this section to be considered to be providing 88907
personal care services. 88908

~~(9) "Residential facility" means a publicly or privately 88909
operated home or facility that provides one of the following: 88910~~

~~(a) Accommodations, supervision, personal care services, and 88911
community mental health services for one or more unrelated adults 88912
with mental illness or severe mental disabilities or to one or 88913
more unrelated children and adolescents with a serious emotional 88914
disturbance or who are in need of mental health services who are 88915
referred by or are receiving community mental health services from 88916
a community mental health services provider, hospital, or 88917
practitioner. 88918~~

~~(b) Accommodations, supervision, and personal care services 88919
to any of the following: 88920~~

~~(i) One or two unrelated persons with mental illness or 88921
persons with severe mental disabilities who are referred by or are 88922
receiving mental health services from a community mental health 88923
services provider, hospital, or practitioner; 88924~~

~~(ii) One or two unrelated adults who are receiving 88925
residential state supplement payments; 88926~~

~~(iii) Three to sixteen unrelated adults. 88927~~

~~(c) Room and board for five or more unrelated adults with 88928
mental illness or severe mental disability who are referred by or 88929
are receiving community mental health services from a community 88930
mental health services provider, hospital, or practitioner. 88931~~

- ~~(10) "Residential facility" does not include any of the following:~~ 88932
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- ~~(a) A hospital subject to licensure under section 5119.33 of the Revised Code;~~ 88934
88935
- ~~(b) A residential facility licensed under section 5123.19 of the Revised Code or otherwise regulated by the department of developmental disabilities;~~ 88936
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88938
- ~~(c) An institution or association subject to certification under section 5103.03 of the Revised Code;~~ 88939
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- ~~(d) A facility operated by a hospice care program licensed under section 3712.04 of the Revised Code that is used exclusively for care of hospice patients;~~ 88941
88942
88943
- ~~(e) A nursing home, residential care facility, or home for the aging as defined in section 3721.02 of the Revised Code;~~ 88944
88945
- ~~(f) Alcohol or drug addiction services certified pursuant to section 5119.36 of the Revised Code;~~ 88946
88947
- ~~(g) A facility licensed to provide methadone treatment under section 5119.391 of the Revised Code;~~ 88948
88949
- ~~(h) Any facility that receives funding for operating costs from the development services agency under any program established to provide emergency shelter housing or transitional housing for the homeless;~~ 88950
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88953
- ~~(i) A terminal care facility for the homeless that has entered into an agreement with a hospice care program under section 3712.07 of the Revised Code;~~ 88954
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88956
- ~~(j) A facility approved by the veterans administration under section 104(a) of the "Veterans Health Care Amendments of 1983," 97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for the placement and care of veterans.~~ 88957
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- ~~(11) "Room and board" means the provision of sleeping and~~ 88961

living space, meals or meal preparation, laundry services, 88962
housekeeping services, or any combination thereof. 88963

~~(12)~~(10) "Residential state supplement" means the program 88964
administered under section 5119.41 of the Revised Code and related 88965
provisions of the Administrative Code under which the state 88966
supplements the supplemental security income payments received by 88967
aged, blind, or disabled adults under Title XVI of the Social 88968
Security Act. Residential state supplement payments are used for 88969
the provision of accommodations, supervision, and personal care 88970
services to supplemental security income recipients the department 88971
of mental health and addition services determines are at risk of 88972
needing institutional care. 88973

~~(13)~~(11) "Supervision" means any of the following: 88974

(a) Observing a resident to ensure the resident's health, 88975
safety, and welfare while the resident engages in activities of 88976
daily living or other activities; 88977

(b) Reminding a resident to perform or complete an activity, 88978
such as reminding a resident to engage in personal hygiene or 88979
other self-care activities; 88980

(c) Assisting a resident in making or keeping an appointment. 88981

~~(14)~~(12) "Unrelated" means that a resident is not related to 88982
the owner or operator of a residential facility or to the owner's 88983
or operator's spouse as a parent, grandparent, child, stepchild, 88984
grandchild, brother, sister, niece, nephew, aunt, or uncle, or as 88985
the child of an aunt or uncle. 88986

(B)(1) A "residential facility" is a publicly or privately 88987
operated home or facility that falls into one of the following 88988
categories: 88989

(a) Class one facilities provide accommodations, supervision, 88990
personal care services, and mental health services for one or more 88991

<u>unrelated adults with mental illness or one or more unrelated</u>	88992
<u>children or adolescents with severe emotional disturbances;</u>	88993
<u>(b) Class two facilities provide accommodations, supervision,</u>	88994
<u>and personal care services to any of the following:</u>	88995
<u>(i) One or two unrelated persons with mental illness;</u>	88996
<u>(ii) One or two unrelated adults who are receiving</u>	88997
<u>residential state supplement payments;</u>	88998
<u>(iii) Three to sixteen unrelated adults.</u>	88999
<u>(c) Class three facilities provide room and board for five or</u>	89000
<u>more unrelated adults with mental illness.</u>	89001
<u>(2) "Residential facility" does not include any of the</u>	89002
<u>following:</u>	89003
<u>(a) A hospital subject to licensure under section 5119.33 of</u>	89004
<u>the Revised Code or an institution maintained, operated, managed,</u>	89005
<u>and governed by the department of mental health and addiction</u>	89006
<u>services for the hospitalization of mentally ill persons pursuant</u>	89007
<u>to section 5119.14 of the Revised Code;</u>	89008
<u>(b) A residential facility licensed under section 5123.19 of</u>	89009
<u>the Revised Code or otherwise regulated by the department of</u>	89010
<u>developmental disabilities;</u>	89011
<u>(c) An institution or association subject to certification</u>	89012
<u>under section 5103.03 of the Revised Code;</u>	89013
<u>(d) A facility operated by a hospice care program licensed</u>	89014
<u>under section 3712.04 of the Revised Code that is used exclusively</u>	89015
<u>for care of hospice patients;</u>	89016
<u>(e) A nursing home, residential care facility, or home for</u>	89017
<u>the aging as defined in section 3721.02 of the Revised Code;</u>	89018
<u>(f) A facility licensed to provide methadone treatment under</u>	89019
<u>section 5119.391 of the Revised Code;</u>	89020

(g) Any facility that receives funding for operating costs 89021
from the development services agency under any program established 89022
to provide emergency shelter housing or transitional housing for 89023
the homeless; 89024

(h) A terminal care facility for the homeless that has 89025
entered into an agreement with a hospice care program under 89026
section 3712.07 of the Revised Code; 89027

(i) A facility approved by the veterans administration under 89028
section 104(a) of the "Veterans Health Care Amendments of 1983," 89029
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 89030
the placement and care of veterans; 89031

(j) The residence of a relative or guardian of a person with 89032
mental illness. 89033

(C) Nothing in division ~~(A)(9)(B)~~ of this section shall be 89034
construed to permit personal care services to be imposed on a 89035
resident who is capable of performing the activity in question 89036
without assistance. 89037

~~(C)~~(D) Except in the case of a residential facility described 89038
in division ~~(A)(9)(a)~~ (B)(1)(a) of this section, members of the 89039
staff of a residential facility shall not administer medication to 89040
the facility's residents, but may do any of the following: 89041

(1) Remind a resident when to take medication and watch to 89042
ensure that the resident follows the directions on the container; 89043

(2) Assist a resident in the self-administration of 89044
medication by taking the medication from the locked area where it 89045
is stored, in accordance with rules adopted pursuant to this 89046
section, and handing it to the resident. If the resident is 89047
physically unable to open the container, a staff member may open 89048
the container for the resident. 89049

(3) Assist a physically impaired but mentally alert resident, 89050

such as a resident with arthritis, cerebral palsy, or Parkinson's 89051
disease, in removing oral or topical medication from containers 89052
and in consuming or applying the medication, upon request by or 89053
with the consent of the resident. If a resident is physically 89054
unable to place a dose of medicine to the resident's mouth without 89055
spilling it, a staff member may place the dose in a container and 89056
place the container to the mouth of the resident. 89057

~~(D)~~(E)(1) Except as provided in division ~~(D)~~(E)(2) of this 89058
section, a person operating or seeking to operate a residential 89059
facility shall apply for licensure of the facility to the 89060
department of mental health and addiction services. The 89061
application shall be submitted by the operator. When applying for 89062
the license, the applicant shall pay to the department the 89063
application fee specified in rules adopted under division ~~(K)~~(L) 89064
of this section. The fee is nonrefundable. 89065

The department shall send a copy of an application to the 89066
ADAMHS board serving the county in which the person operates or 89067
seeks to operate the facility. The ADAMHS board shall review the 89068
application and provide to the department any information about 89069
the applicant or the facility that the board would like the 89070
department to consider in reviewing the application. 89071

(2) A person may not apply for a license to operate a 89072
residential facility if the person is or has been the owner, 89073
operator, or manager of a residential facility for which a license 89074
to operate was revoked or for which renewal of a license was 89075
refused for any reason other than nonpayment of the license 89076
renewal fee, unless both of the following conditions are met: 89077

(a) A period of not less than two years has elapsed since the 89078
date the director of mental health and addiction services issued 89079
the order revoking or refusing to renew the facility's license. 89080

(b) The director's revocation or refusal to renew the license 89081

was not based on an act or omission at the facility that violated 89082
a resident's right to be free from abuse, neglect, or 89083
exploitation. 89084

~~(E)~~(F)(1) The department of mental health and addiction 89085
services shall inspect and license the operation of residential 89086
facilities. The department shall consider the past record of the 89087
facility and the applicant or licensee in arriving at its 89088
licensure decision. 89089

The department may issue full, probationary, and interim 89090
licenses. A full license shall expire up to three years after the 89091
date of issuance, a probationary license shall expire in a shorter 89092
period of time as specified in rules adopted by the director of 89093
~~mental health~~ mental health and addiction services under division 89094
~~(K)~~(L) of this section, and an interim license shall expire ninety 89095
days after the date of issuance. A license may be renewed in 89096
accordance with rules adopted by the director under division 89097
~~(K)~~(L) of this section. The renewal application shall be submitted 89098
by the operator. When applying for renewal of a license, the 89099
applicant shall pay to the department the renewal fee specified in 89100
rules adopted under division ~~(K)~~(L) of this section. The fee is 89101
nonrefundable. 89102

(2) The department may issue an order suspending the 89103
admission of residents to the facility or refuse to issue or renew 89104
and may revoke a license if it finds ~~the~~ any of the following: 89105

(a) The facility is not in compliance with rules adopted by 89106
the director pursuant to division ~~(K)~~(L) of this section ~~or if~~ 89107
any. 89108

(b) Any facility operated by the applicant or licensee has 89109
been cited for a pattern of serious noncompliance or repeated 89110
violations of statutes or rules during the period of current or 89111
previous licenses. ~~Proceedings;~~ 89112

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation. 89113
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Proceedings initiated to deny applications for full or probationary licenses or to revoke such licenses are governed by Chapter 119. of the Revised Code. An order issued pursuant to this division remains in effect during the pendency of those proceedings. 89116
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~~(F)~~(G) The department may issue an interim license to operate a residential facility if both of the following conditions are met: 89121
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(1) The department determines that the closing of or the need to remove residents from another residential facility has created an emergency situation requiring immediate removal of residents and an insufficient number of licensed beds are available. 89124
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(2) The residential facility applying for an interim license meets standards established for interim licenses in rules adopted by the director under division ~~(K)~~(L) of this section. 89128
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An interim license shall be valid for ninety days and may be renewed by the director no more than twice. Proceedings initiated to deny applications for or to revoke interim licenses under this division are not subject to Chapter 119. of the Revised Code. 89131
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~~(G)~~(H)(1) The department of mental health and addiction services may conduct an inspection of a residential facility as follows: 89135
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(a) Prior to issuance of a license for the facility; 89138

(b) Prior to renewal of the license; 89139

(c) To determine whether the facility has completed a plan of correction required pursuant to division ~~(G)~~(H)(2) of this section and corrected deficiencies to the satisfaction of the department 89140
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and in compliance with this section and rules adopted pursuant to 89143
it; 89144

(d) Upon complaint by any individual or agency; 89145

(e) At any time the director considers an inspection to be 89146
necessary in order to determine whether the facility is in 89147
compliance with this section and rules adopted pursuant to this 89148
section. 89149

(2) In conducting inspections the department may conduct an 89150
on-site examination and evaluation of the residential facility and 89151
its personnel, activities, and services. The department shall have 89152
access to examine and copy all records, accounts, and any other 89153
documents relating to the operation of the residential facility, 89154
including records pertaining to residents, and shall have access 89155
to the facility in order to conduct interviews with the operator, 89156
staff, and residents. Following each inspection and review, the 89157
department shall complete a report listing any deficiencies, and 89158
including, when appropriate, a time table within which the 89159
operator shall correct the deficiencies. The department may 89160
require the operator to submit a plan of correction describing how 89161
the deficiencies will be corrected. 89162

~~(H)~~(I) No person shall do any of the following: 89163

(1) Operate a residential facility unless the facility holds 89164
a valid license; 89165

(2) Violate any of the conditions of licensure after having 89166
been granted a license; 89167

(3) Interfere with a state or local official's inspection or 89168
investigation of a residential facility; 89169

(4) Violate any of the provisions of this section or any 89170
rules adopted pursuant to this section. 89171

~~(I)~~(J) The following may enter a residential facility at any 89172

time:	89173
(1) Employees designated by the director of mental health and addiction services;	89174 89175
(2) Employees of an ADAMHS board under either of the following circumstances:	89176 89177
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	89178 89179 89180
(b) When authorized by section 340.05 of the Revised Code.	89181
(3) Employees of a community mental health services provider under either of the following circumstances:	89182 89183
(a) When the services provider has a person receiving services residing in the facility;	89184 89185
(b) When the services provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	89186 89187
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are recipients under the residential state supplement program.	89188 89189 89190 89191 89192
The persons specified in division (I) <u>(J)</u> of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	89193 89194 89195 89196
(J) <u>(K)</u> Employees of the department of mental health and addiction services may enter, for the purpose of investigation, any institution, residence, facility, or other structure which has been reported to the department as, or that the department has reasonable cause to believe is, operating as a residential facility without a valid license.	89197 89198 89199 89200 89201 89202

~~(K)~~(L) The director shall adopt and may amend and rescind 89203
rules pursuant to Chapter 119. of the Revised Code governing the 89204
licensing and operation of residential facilities. The rules shall 89205
establish all of the following: 89206

(1) Minimum standards for the health, safety, adequacy, and 89207
cultural competency of treatment of and services for persons in 89208
residential facilities; 89209

(2) Procedures for the issuance, renewal, or revocation of 89210
the licenses of residential facilities; 89211

(3) Procedures for conducting ~~criminal records checks~~ 89212
background investigations for prospective or current operators, 89213
employees, ~~and~~ volunteers, and other non-resident occupants who 89214
may have direct access to facility residents; 89215

(4) The fee to be paid when applying for a new residential 89216
facility license or renewing the license; 89217

(5) Procedures for the operator of a residential facility to 89218
follow when notifying the ADAMHS board serving the county in which 89219
the facility is located when the facility is serving residents 89220
with mental illness or severe mental disability, including the 89221
circumstances under which the operator is required to make such a 89222
notification; 89223

(6) Procedures for the issuance and termination of orders of 89224
suspension of admission of residents to a residential facility; 89225

(7) Measures to be taken by residential facilities relative 89226
to residents' medication; 89227

(8) Requirements relating to preparation of special diets; 89228

(9) The maximum number of residents who may be served in a 89229
residential facility; 89230

(10) The rights of residents of residential facilities and 89231
procedures to protect such rights; 89232

(11) ~~Procedures for obtaining an affiliation agreement approved by the board between a residential facility and a community mental health services provider;~~ 89233
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~~(12)~~ Standards and procedures under which the director may waive the requirements of any of the rules adopted. 89236
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~~(L)~~(M)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction. 89238
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(2) Any person who makes a complaint under division ~~(L)~~(M)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose. 89246
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~~(M)~~(N)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents of the facility. 89252
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(2) When the court grants injunctive relief in the case of a 89263

facility operating without a license, the court shall issue, at a minimum, an order enjoining the facility from admitting new residents to the facility and an order requiring the facility to assist with the safe and orderly relocation of the facility's residents.

(3) If injunctive relief is granted against a facility for operating without a license and the facility continues to operate without a license, the director shall refer the case to the attorney general for further action.

~~(N)~~(O) The director may fine a person for violating division ~~(H)~~(I) of this section. The fine shall be five hundred dollars for a first offense; for each subsequent offense, the fine shall be one thousand dollars. The director's actions in imposing a fine shall be taken in accordance with Chapter 119. of the Revised Code.

Sec. 5119.341. (A) Any person may operate a residential facility providing accommodations and personal care services for one to five unrelated persons and licensed as a residential facility that meets the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code as a permitted use in any residential district or zone, including any single-family residential district or zone of any political subdivision. Such facilities may be required to comply with area, height, yard, and architectural compatibility requirements that are uniformly imposed upon all single-family residences within the district or zone.

(B) Any person may operate a residential facility providing accommodations and personal care services for six to sixteen persons and licensed as a residential facility that meets the criteria specified in division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code as a permitted use in any

multiple-family residential district or zone of any political 89295
subdivision, except that a political subdivision that has enacted 89296
a zoning ordinance or resolution establishing planned-unit 89297
developments as defined in section 519.021 of the Revised Code may 89298
exclude such facilities from such districts, and a political 89299
subdivision that has enacted a zoning ordinance or resolution may 89300
regulate such facilities in multiple-family residential districts 89301
or zones as a conditionally permitted use or special exception, in 89302
either case, under reasonable and specific standards and 89303
conditions set out in the zoning ordinance or resolution to: 89304

(1) Require the architectural design and site layout of the 89305
home and the location, nature, and height of any walls, screens, 89306
and fences to be compatible with adjoining land uses and the 89307
residential character of the neighborhood; 89308

(2) Require compliance with yard, parking, and sign 89309
regulation. 89310

(C) Divisions (A) and (B) of this section do not affect any 89311
right of a political subdivision to permit a person to operate a 89312
residential facility licensed under section 5119.34 of the Revised 89313
Code in a single-family residential district or zone under 89314
conditions established by the political subdivision. 89315

(D)(1) Notwithstanding divisions (A) and (B) of this section 89316
and except as provided in division (D)(2) of this section, a 89317
political subdivision that has enacted a zoning ordinance or 89318
resolution may limit the excessive concentration of licensed 89319
residential facilities that meet the criteria specified in 89320
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 89321
Code. 89322

(2) Division (D)(1) of this section does not authorize a 89323
political subdivision to prevent or limit the continued existence 89324
and operation of residential facilities existing and operating on 89325

September 10, 2012, and that meet the criteria specified in 89326
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 89327
Code. A political subdivision may consider the existence of such 89328
facilities for the purpose of limiting the excessive concentration 89329
of such facilities that meet the criteria specified in division 89330
~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised Code that 89331
are not existing and operating on September 10, 2012. 89332

Sec. 5119.36. (A) A community mental health services provider 89333
applicant or community addiction services provider applicant that 89334
seeks certification of its ~~community~~ mental health services or 89335
~~community~~ addiction services shall submit an application to the 89336
director of mental health and addiction services. On receipt of 89337
the application, the director may conduct an on-site review and 89338
shall evaluate the ~~provider applicant~~ to determine whether its 89339
services satisfy the standards established by rules adopted under 89340
division (E) of this section. The director shall make the 89341
evaluation, and, if the director conducts an on-site review of the 89342
~~provider applicant~~, may make the review, in cooperation with the 89343
board of alcohol, drug addiction, and mental health services for 89344
treatment or prevention services with which the ~~provider applicant~~ 89345
seeks to contract under division (A)(8)(a) of section 340.03 of 89346
the Revised Code. 89347

(B) Subject to section 5119.371 of the Revised Code, the 89348
director shall determine whether the services of ~~an~~ a community 89349
mental health services provider applicant or community addiction 89350
services applicant satisfy the standards for certification of the 89351
services. If the director determines that ~~a community mental~~ 89352
~~health services provider's or a community addiction services~~ 89353
~~provider's~~ an applicant's services satisfy the standards for 89354
certification and the ~~provider applicant~~ has paid the fee required 89355
under division (D) of this section, the director shall certify the 89356
services. No community mental health services provider or 89357

community addiction services provider shall be eligible to receive 89358
state or federal funds, or funds administered by a board of 89359
alcohol, drug addiction, and mental health services for treatment 89360
or prevention services unless its services have been certified by 89361
the department. 89362

(C) If the director determines that a community mental health 89363
services ~~provider's~~ provider applicant's or a community addiction 89364
services ~~provider's~~ provider applicant's services do not satisfy 89365
the standards for certification, the director shall identify the 89366
areas of noncompliance, specify what action is necessary to 89367
satisfy the standards, and may offer technical assistance to the 89368
~~provider~~ applicant and to the board of alcohol, drug addiction, 89369
and mental health services so that the board may assist the 89370
~~provider~~ applicant in satisfying the standards. The director shall 89371
give the ~~provider~~ applicant a reasonable time within which to 89372
demonstrate that its services satisfy the standards or to bring 89373
the services into compliance with the standards. If the director 89374
concludes that the services continue to fail to satisfy the 89375
standards, the director may request that the board reallocate any 89376
funds for the mental health or addiction services the ~~provider~~ 89377
applicant was to provide to another community mental health or 89378
addiction services provider whose ~~community~~ mental health or 89379
~~community~~ addiction services satisfy the standards. If the board 89380
does not reallocate such funds in a reasonable period of time, the 89381
director may withhold state and federal funds for the services and 89382
allocate those funds directly to a community mental health or 89383
community addiction services provider whose services satisfy the 89384
standards. 89385

(D) Each community mental health services provider applicant 89386
or community addiction services provider applicant seeking 89387
certification of its ~~mental health or~~ addiction or mental health 89388
services under this section shall pay a fee for the certification 89389

required by this section, unless the ~~provider~~ applicant is exempt 89390
under rules adopted under division (E) of this section. Fees shall 89391
be paid into the state treasury to the credit of the sale of goods 89392
and services fund created pursuant to section 5119.45 of the 89393
Revised Code. 89394

(E) The director shall adopt rules in accordance with Chapter 89395
119. of the Revised Code to implement this section. The rules 89396
shall do all of the following: 89397

(1) Establish certification standards for mental health 89398
services and addiction services that are consistent with 89399
nationally recognized applicable standards and facilitate 89400
participation in federal assistance programs. The rules shall 89401
include as certification standards only requirements that improve 89402
the quality of services or the health and safety of persons 89403
receiving ~~community mental health and~~ addiction and mental health 89404
services. The standards shall address at a minimum all of the 89405
following: 89406

(a) Reporting major unusual incidents to the director; 89407

(b) Procedures for applicants for and persons receiving 89408
~~community mental health and~~ addiction and mental health services 89409
to file grievances and complaints; 89410

(c) Seclusion; 89411

(d) Restraint; 89412

(e) Requirements regarding physical facilities of service 89413
delivery sites; 89414

(f) Requirements with regard to health, safety, adequacy, and 89415
cultural specificity and sensitivity; 89416

(g) Standards for evaluating services; 89417

(h) Standards and procedures for granting full ~~or~~ 89418
conditional, probationary, and interim certification to a ~~service~~ 89419

<u>community mental health services provider applicant or community</u>	89420
<u>addiction services applicant;</u>	89421
(i) Standards and procedures for revoking the certification	89422
of a <u>community mental health or addiction services</u> provider's	89423
services that do not continue to meet the minimum standards	89424
established pursuant to this section;	89425
(j) The limitations to be placed on a provider that is	89426
granted conditional <u>probationary or interim</u> certification;	89427
(k) Development of written policies addressing the rights of	89428
persons receiving services, including all of the following:	89429
(i) The right to a copy of the written policies addressing	89430
the rights of persons receiving services;	89431
(ii) The right at all times to be treated with consideration	89432
and respect for the person's privacy and dignity;	89433
(iii) The right to have access to the person's own	89434
psychiatric, medical, or other treatment records unless access is	89435
specifically restricted in the person's treatment plan for clear	89436
treatment reasons;	89437
(iv) The right to have a client rights officer provided by	89438
the services provider or board of alcohol, drug addiction, and	89439
mental health services advise the person of the person's rights,	89440
including the person's rights under Chapter 5122. of the Revised	89441
Code if the person is committed to the provider or board.	89442
(2) Establish the process for certification of community	89443
mental health and addiction <u>and mental health</u> services;	89444
(3) Set the amount of certification review fees;	89445
(4) Specify the type of notice and hearing to be provided	89446
prior to a decision on whether to reallocate funds.	89447
(F) <u>The department may issue an order suspending admissions</u>	89448
<u>to a community addiction services provider that provides overnight</u>	89449

accommodations if it finds either of the following: 89450

(1) The provider is not in compliance with rules adopted by the director pursuant to division (E) of this section: 89451
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(2) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 89453
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(G) The department shall maintain a current list of community addiction services providers ~~whose addiction services are certified by the department under division (B) of this section and~~ shall provide a copy of the list to a judge of a court of common pleas who requests a copy for the use of the judge under division (H) of section 2925.03 of the Revised Code. The list ~~of certified addiction services~~ shall identify each provider by its name, its address, and the county in which it is located. 89456
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~~(G)~~(H) No person shall represent in any manner that a provider is certified by the department if the provider is not certified at the time the representation is made. 89464
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Sec. 5119.361. The director of mental health and addiction services shall require that each board of alcohol, drug addiction, and mental health services ensure that each community mental health services provider and community addiction services provider with which it contracts under division (A)(8)(a) of section 340.03 of the Revised Code to provide ~~community mental health or addiction~~ or mental health services establish grievance procedures consistent with rules adopted under section 5119.36 of the Revised Code that are available to all persons seeking or receiving services from a community mental health or addiction services provider. 89467
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Sec. 5119.365. The director of mental health and addiction services shall adopt rules in accordance with Chapter 119. of the 89478
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Revised Code to do both of the following: 89480

(A) Streamline the intake procedures used by a community 89481
addiction services provider accepting and beginning to serve a new 89482
~~patient~~ individual, including procedures regarding intake forms 89483
and questionnaires; 89484

(B) Enable a community addiction services provider to retain 89485
~~a patient~~ an individual as an active patient even though the 89486
patient last received services from the provider more than thirty 89487
days before resumption of services so that the ~~patient~~ individual 89488
and provider do not have to repeat the intake procedures. 89489

Sec. 5119.41. (A) As used in this section ~~and section~~ 89490
~~5119.411 of the Revised Code:~~ 89491

(1) "Nursing facility" has the same meaning as in section 89492
5165.01 of the Revised Code. 89493

(2) "Residential state supplement administrative agency" 89494
means the department of mental health and addiction services or, 89495
if the department designates an entity under division (C) of this 89496
section for a particular area, the designated entity. 89497

(3) "Residential state supplement program" means the program 89498
administered pursuant to this section. 89499

(B) The department of mental health and addiction services 89500
shall implement the residential state supplement program under 89501
which the state supplements the supplemental security income 89502
payments received by aged, blind, or disabled adults under Title 89503
XVI of the "Social Security Act," 42 U.S.C. 1381 et seq. 89504
Residential state supplement payments shall be used for the 89505
provision of accommodations, supervision, and personal care 89506
services to social security, supplemental security income, and 89507
social security disability insurance recipients who the department 89508
determines are at risk of needing institutional care. 89509

(C) In implementing the program, the department may designate one or more entities to be responsible for providing administrative services regarding the program. The department may designate an entity to be a residential state supplement administrative agency under this division either by entering into a contract with the entity to serve in that capacity or by otherwise delegating to the entity the responsibility to serve in that capacity.

(D) For an individual to be eligible for residential state supplement payments, all of the following must be the case:

(1) Except as provided by division ~~(H)~~(G) of this section, the individual must reside in one of the following living arrangements:

(a) A residential care facility licensed by the department of health under Chapter 3721. of the Revised Code or an assisted living program as defined in section 5111.89 of the Revised Code;

~~(b) A residential facility as defined in division (A)(9)(b) of licensed by the department of mental health and addiction services under section 5119.34 of the Revised Code licensed by the department of mental health and addiction services;~~

~~(c) An apartment or room used to provide community mental health housing services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code and approved by a board of alcohol, drug addiction, and mental health services under division (A)(14) of section 340.03 of the Revised Code.~~

~~(2) A residential state supplement administrative agency must have determined that the environment in which the individual will be living while receiving the payments is appropriate for the individual's needs. If the individual is eligible for social security payments, supplemental security income payments, or~~

~~social security disability insurance benefits because of a mental disability,~~ the If a residential state supplement administrative agency is aware that an individual enrolled in the program has mental health needs, the agency shall refer the individual to a community mental health services provider for an assessment under pursuant to division (A) of section 340.091 of the Revised Code. 89541
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(3) The individual satisfies all eligibility requirements established by rules adopted under division (E) of this section. 89547
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(4) An individual residing in a living arrangement housing more than sixteen individuals shall not be eligible for inclusion in the program unless the director of mental health and addiction services specifically waives this size limitation with respect to that individual in that living arrangement. An individual with such a waiver as of October 1, 2015, shall remain eligible for the program as long as the individual remains in that living arrangement. 89549
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(E) The director of mental health and addiction services and medicaid director shall adopt rules in accordance with ~~section 111.15~~ Chapter 119. of the Revised Code as necessary to implement the residential state supplement program. 89557
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To the extent permitted by Title XVI of the "Social Security Act," and any other provision of federal law, the medicaid director may adopt rules establishing standards for adjusting the eligibility requirements concerning the level of impairment a person must have so that the amount appropriated for the program by the general assembly is adequate for the number of eligible individuals. The rules shall not limit the eligibility of disabled persons solely on a basis classifying disabilities as physical or mental. The medicaid director also may adopt rules that establish eligibility standards for aged, blind, or disabled individuals who reside in one of the homes or facilities specified in division (D)(1) of this section but who, because of their income, do not 89561
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receive supplemental security income payments. The rules may 89573
provide that these individuals may include individuals who receive 89574
other types of benefits, including, social security payments or 89575
social security disability insurance benefits provided under Title 89576
II of the "Social Security Act," 42 U.S.C. 401, et seq. 89577
Notwithstanding division (B) of this section, such payments may be 89578
made if funds are available for them. 89579

The director of mental health and addiction services may 89580
adopt rules establishing the method to be used to determine the 89581
amount an eligible individual will receive under the program. The 89582
amount the general assembly appropriates for the program may be a 89583
factor included in the method that director establishes. 89584

(F) The county department of job and family services of the 89585
county in which an applicant for the residential state supplement 89586
program resides or the department of medicaid shall determine 89587
whether the applicant meets income and resource requirements for 89588
the program. 89589

~~(G) The department of mental health and addiction services 89590
shall maintain a waiting list of any individuals eligible for 89591
payments under this section but not receiving them because moneys 89592
appropriated to the department for the purposes of this section 89593
are insufficient to make payments to all eligible individuals. An 89594
individual may apply to be placed on the waiting list even though 89595
the individual does not reside in one of the homes or facilities 89596
specified in division (D)(1) of this section at the time of 89597
application. The director of mental health and addiction services, 89598
by rules adopted in accordance with Chapter 119. of the Revised 89599
Code, may specify procedures and requirements for placing an 89600
individual on the waiting list and priorities for the order in 89601
which individuals placed on the waiting list are to begin to 89602
receive residential state supplement payments. The rules 89603
specifying priorities may give priority to individuals placed on 89604~~

~~the waiting list on or after July 1, 2006, who receive social security payments, social security disability insurance, or supplemental security income benefits under Title XVI of the "Social Security Act," 42 U.S.C. 1381, et seq. The rules shall not affect the place on the waiting list of any person who was on the list on July 1, 2006. The rules specifying priorities may also set additional priorities based on living arrangement, such as whether an individual resides in a facility listed in division (D)(1) of this section or has been admitted to a nursing facility.~~

~~(H)~~ An individual in a licensed or certified living arrangement receiving state supplementation on November 15, 1990, under former section 5101.531 of the Revised Code shall not become ineligible for payments under this section solely by reason of the individual's living arrangement as long as the individual remains in the living arrangement in which the individual resided on November 15, 1990.

~~(I)~~(H) The county department of job and family services from which the person is receiving benefits or the department of medicaid shall notify each person denied approval for payments under this section of the person's right to a hearing. On request, the hearing shall be provided in accordance with ~~Chapter 119.~~ section 5101.35 of the Revised Code.

Sec. 5119.44. As used in this section, "free clinic" has the same meaning as in section 2305.2341 of the Revised Code.

(A) The department of mental health and addiction services may provide certain goods and services for the department of mental health and addiction services, the department of developmental disabilities, the department of rehabilitation and correction, the department of youth services, and other state, county, or municipal agencies requesting such goods and services when the department of mental health and addiction services

determines that it is in the public interest, and considers it 89636
advisable, to provide these goods and services. The department of 89637
mental health and addiction services also may provide goods and 89638
services to agencies operated by the United States government and 89639
to public or private nonprofit agencies, other than free clinics, 89640
that are funded in whole or in part by the state if the public or 89641
private nonprofit agencies are designated for participation in 89642
this program by the director of mental health and addiction 89643
services for community addiction services providers and community 89644
mental health services providers, the director of developmental 89645
disabilities for community mental retardation and developmental 89646
disabilities agencies, the director of rehabilitation and 89647
correction for community rehabilitation and correction agencies, 89648
or the director of youth services for community youth services 89649
agencies. 89650

Designated community agencies or services providers shall 89651
receive goods and services through the department of mental health 89652
and addiction services only in those cases where the designating 89653
state agency certifies that providing such goods and services to 89654
the agency or services provider will conserve public resources to 89655
the benefit of the public and where the provision of such goods 89656
and services is considered feasible by the department of mental 89657
health and addiction services. 89658

(B) The department of mental health and addiction services 89659
may permit free clinics to purchase certain goods and services to 89660
the extent the purchases fall within the exemption to the 89661
Robinson-Patman Act, 15 U.S.C. 13 et seq., applicable to nonprofit 89662
institutions, in 15 U.S.C. 13c, as amended. 89663

(C) The goods and services that may be provided by the 89664
department of mental health and addiction services under divisions 89665
(A) and (B) of this section may include: 89666

(1) Procurement, storage, processing, and distribution of 89667

food and professional consultation on food operations; 89668

(2) Procurement, storage, and distribution of medical and 89669
laboratory supplies, dental supplies, medical records, forms, 89670
optical supplies, and sundries, subject to section 5120.135 of the 89671
Revised Code; 89672

(3) Procurement, storage, repackaging, distribution, and 89673
dispensing of drugs, the provision of professional pharmacy 89674
consultation, and drug information services; 89675

(4) Other goods and services. 89676

(D) The department of mental health and addiction services 89677
may provide the goods and services designated in division (C) of 89678
this section to its institutions and to state-operated 89679
community-based mental health or addiction services providers. 89680

(E) After consultation with and advice from the director of 89681
developmental disabilities, the director of rehabilitation and 89682
correction, and the director of youth services, the department of 89683
mental health and addiction services may provide the goods and 89684
services designated in division (C) of this section to the 89685
department of developmental disabilities, the department of 89686
rehabilitation and correction, and the department of youth 89687
services. 89688

(F) The cost of administration of this section shall be 89689
determined by the department of mental health and addiction 89690
services and paid by the agencies, services providers, or free 89691
clinics receiving the goods and services to the department for 89692
deposit in the state treasury to the credit of the ~~office of~~ 89693
~~support~~ Ohio pharmacy services fund, which is hereby created. The 89694
fund shall be used to pay the cost of administration of this 89695
section to the department. 89696

(G) Whenever a state agency fails to make a payment for goods 89697
and services provided under this section within thirty-one days 89698

after the date the payment was due, the office of budget and 89699
management may transfer moneys from the state agency to the 89700
department of mental health and addiction services. The amount 89701
transferred shall not exceed the amount of overdue payments. Prior 89702
to making a transfer under this division, the office of budget and 89703
management shall apply any credits the state agency has 89704
accumulated in payments for goods and services provided under this 89705
section. 89706

(H) Purchases of goods and services under this section are 89707
not subject to section 307.86 of the Revised Code. 89708

Sec. 5119.61. (A) The department of mental health and 89709
addiction services shall collect and compile statistics and other 89710
information on the care and treatment of mentally disabled 89711
persons, and the care, treatment, and rehabilitation of 89712
alcoholics, drug dependent persons, and persons in danger of drug 89713
dependence in this state, including, without limitation, 89714
information on the number of such persons, the type of drug 89715
involved, the type of care, treatment, or rehabilitation 89716
prescribed or undertaken, and the success or failure of the care, 89717
treatment, or rehabilitation. The department shall collect 89718
information about services delivered and persons served as 89719
required for reporting and evaluation relating to state and 89720
federal funds expended for such purposes. 89721

(B) No alcohol, drug addiction, or mental health services 89722
provider shall fail to supply statistics and other information 89723
within its knowledge and with respect to its services, upon 89724
request of the department. 89725

(C) Communications by a person seeking aid in good faith for 89726
alcoholism or drug dependence are confidential, and this section 89727
does not require the collection or permit the disclosure of 89728
information which reveals or comprises the identity of any person 89729

seeking aid. 89730

(D) Based on the information collected and compiled under 89731
division (A) of this section, the department shall develop a 89732
project to assess the outcomes of persons served by community 89733
alcohol and drug addiction services providers and community mental 89734
health services providers that receive funds distributed by the 89735
department. 89736

Sec. 5119.94. (A) Upon receipt of a petition filed under 89737
section 5119.93 of the Revised Code and the payment of the 89738
appropriate filing fee, if any, the probate court shall examine 89739
the petitioner under oath as to the contents of the petition. 89740

(B) If, after reviewing the allegations contained in the 89741
petition and examining the petitioner under oath, it appears to 89742
the probate court that there is probable cause to believe the 89743
respondent may reasonably benefit from treatment, the court shall 89744
do all of the following: 89745

(1) Schedule a hearing to be held within seven days to 89746
determine if there is clear and convincing evidence that the 89747
respondent may reasonably benefit from treatment for alcohol and 89748
other drug abuse; 89749

(2) Notify the respondent, the legal guardian, if any and if 89750
known, and the spouse, parents, or nearest relative or friend of 89751
the respondent concerning the allegations and contents of the 89752
petition and of the date and purpose of the hearing; 89753

(3) Notify the respondent that the respondent may retain 89754
counsel and, if the person is unable to obtain an attorney, that 89755
the respondent may be represented by court-appointed counsel at 89756
public expense if the person is indigent. Upon the appointment of 89757
an attorney to represent an indigent respondent, the court shall 89758
notify the respondent of the name, address, and telephone number 89759

of the attorney appointed to represent the respondent. 89760

(4) Notify the respondent that the court shall cause the 89761
respondent to be examined not later than twenty-four hours before 89762
the hearing date by a physician for the purpose of a physical 89763
examination and by a qualified health professional for the purpose 89764
of a drug and alcohol addiction assessment and diagnosis. In 89765
addition, the court shall notify the respondent that the 89766
respondent may have an independent expert evaluation of the 89767
person's physical and mental condition conducted at the 89768
respondent's own expense. 89769

(5) Cause the respondent to be examined not later than 89770
twenty-four hours before the hearing date by a physician for the 89771
purpose of a physical examination and by a qualified health 89772
professional for the purpose of a drug and alcohol addiction 89773
assessment and diagnosis; 89774

(6) Conduct the hearing. 89775

(C) The physician and qualified health professional who 89776
examine the respondent pursuant to division (B)(5) of this section 89777
or who are obtained by the respondent at the respondent's own 89778
expense shall certify their findings to the court within 89779
twenty-four hours of the examinations. The findings of each 89780
qualified health professional shall include a recommendation for 89781
treatment if the qualified health professional determines that 89782
treatment is necessary. 89783

(D)(1) If upon completion of the hearing held under this 89784
section the probate court finds by clear and convincing evidence 89785
that the respondent may reasonably benefit from treatment, the 89786
court may order the treatment after considering the qualified 89787
health professionals' recommendations for treatment that have been 89788
submitted to the court under division (C) of this section. If the 89789
court orders the treatment under this division, the court shall 89790

order the treatment to be provided through a community addiction 89791
services provider ~~certified under section 5119.36 of the Revised~~ 89792
~~Code~~ or by an individual licensed or certified by the state 89793
medical board under Chapter 4731. of the Revised Code, the 89794
chemical dependency professionals board under Chapter 4758. of the 89795
Revised Code, the counselor, social worker, and marriage and 89796
family therapist board under Chapter 4757. of the Revised Code, or 89797
a similar board of another state authorized to provide substance 89798
abuse treatment. 89799

(2) Failure of a respondent to undergo and complete any 89800
treatment ordered pursuant to this division is contempt of court. 89801
Any ~~alcohol and drug~~ community addiction program services provider 89802
or person providing treatment under this division shall notify the 89803
probate court of a respondent's failure to undergo or complete the 89804
ordered treatment. 89805

(E) If, at any time after a petition is filed under section 89806
5119.93 of the Revised Code, the probate court finds that there is 89807
not probable cause to continue treatment or if the petitioner 89808
withdraws the petition, then the court shall dismiss the 89809
proceedings against the respondent. 89810

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 89811
Revised Code is guilty of a misdemeanor of the first degree. 89812

(B) Whoever violates division (B) of section 5119.61 of the 89813
Revised Code is guilty of a misdemeanor of the fourth degree. 89814

(C) Whoever violates section 5119.27 or 5119.28 or division 89815
(~~G~~)(H) of section 5119.36 of the Revised Code is guilty of a 89816
felony of the fifth degree. 89817

Sec. 5120.035. (A) As used in this section: 89818

(1) "Community treatment provider" means a program that 89819
provides substance use disorder assessment and treatment for 89820

persons and that satisfies all of the following: 89821

(a) It is located outside of a state correctional institution. 89822
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(b) It shall provide the assessment and treatment for qualified prisoners referred and transferred to it under this section in a suitable facility that is licensed pursuant to division (C) of section 2967.14 of the Revised Code. 89824
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(c) All qualified prisoners referred and transferred to it under this section shall reside initially in the suitable facility specified in division (A)(1)(b) of this section while undergoing the assessment and treatment. 89828
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(2) "Electronic monitoring device" has the same meaning as in section 2929.01 of the Revised Code. 89832
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(3) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code. 89834
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(4) "Qualified prisoner" means a person who satisfies all of the following: 89836
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(a) The person is confined in a state correctional institution under a prison term imposed for a felony of the fourth or fifth degree that is not an offense of violence. 89838
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(b) The person has not previously been convicted of or pleaded guilty to an offense of violence. 89841
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(c) The department of rehabilitation and correction determines, using a standardized assessment tool, that the person has a substance use disorder. 89843
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(d) The person has not more than twelve months remaining to be served under the prison term described in division (A)(4)(a) of this section. 89846
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(e) The person is not serving any prison term other than the term described in division (A)(4)(a) of this section. 89849
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(f) The person is eighteen years of age or older. 89851

(g) The person does not show signs of drug or alcohol withdrawal and does not require medical detoxification. 89852
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(h) As determined by the department of rehabilitation and correction, the person is physically and mentally capable of uninterrupted participation in the substance use disorder treatment program established under division (B) of this section. 89854
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(B) The department of rehabilitation and correction shall establish and operate a program for community-based substance use disorder treatment for qualified prisoners. The purpose of the program shall be to provide substance use disorder assessment and treatment through community treatment providers to help reduce substance use relapses and recidivism for qualified prisoners while preparing them for reentry into the community and improving public safety. 89858
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(C)(1) The department shall determine which qualified prisoners in its custody should be placed in the substance use disorder treatment program established under division (B) of this section. The department has full discretion in making that determination. If the department determines that a qualified prisoner should be placed in the program, the department may refer the prisoner to a community treatment provider the department has approved under division (E) of this section for participation in the program and transfer the prisoner from the state correctional institution to the provider's approved and licensed facility. Except as otherwise provided in division (C)(3) of this section, no prisoner shall be placed under the program in any facility other than a facility of a community treatment provider that has been so approved. If the department places a prisoner in the program, the prisoner shall receive credit against the prisoner's prison term for all time served in the provider's approved and licensed facility and may earn days of credit under section 89866
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2967.193 of the Revised Code, but otherwise neither the placement 89883
nor the prisoner's participation in or completion of the program 89884
shall result in any reduction of the prisoner's prison term. 89885

(2) If the department places a prisoner in the substance use 89886
disorder treatment program, the prisoner does not satisfactorily 89887
participate in the program, and the prisoner has not served the 89888
prisoner's entire prison term, the department may remove the 89889
prisoner from the program and return the prisoner to a state 89890
correctional institution. 89891

(3) If the department places a prisoner in the substance use 89892
disorder treatment program and the prisoner is satisfactorily 89893
participating in the program, the department may permit the 89894
prisoner to reside at a residence approved by the department if 89895
the department determines, with input from the community treatment 89896
provider, that residing at the approved residence will help the 89897
prisoner prepare for reentry into the community and will help 89898
reduce substance use relapses and recidivism for the prisoner. If 89899
a prisoner is permitted under this division to reside at a 89900
residence approved by the department, the prisoner shall be 89901
monitored during the period of that residence by an electronic 89902
monitoring device. 89903

(D)(1) When a prisoner has been placed in the substance use 89904
disorder treatment program established under division (B) of this 89905
section, before the prisoner is released from custody of the 89906
department upon completion of the prisoner's prison term, the 89907
department shall conduct and prepare an evaluation of the 89908
prisoner, the prisoner's participation in the program, and the 89909
prisoner's needs regarding substance use disorder treatment upon 89910
release. Before the prisoner is released from custody of the 89911
department upon completion of the prisoner's prison term, the 89912
parole board or the court acting pursuant to an agreement under 89913
section 2967.29 of the Revised Code shall consider the evaluation, 89914

in addition to all other information and materials considered, as follows: 89915
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(a) If the prisoner is a prisoner for whom post-release control is mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining which post-release control sanction or sanctions to impose upon the prisoner under that section. 89917
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(b) If the prisoner is a prisoner for whom post-release control is not mandatory under section 2967.28 of the Revised Code, the board or court shall consider it in determining whether a post-release control sanction is necessary and, if so, which post-release control sanction or sanctions to impose upon the prisoner under that section. 89922
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(2) If the department determines that a prisoner it placed in the substance use disorder treatment program successfully completed the program and successfully completed a term of post-release control, if applicable, and if the prisoner submits an application under section 2953.32 of the Revised Code for sealing the record of the conviction, the director may issue a letter to the court in support of the application. 89928
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(E)(1) The department shall accept applications from community treatment providers that satisfy the requirement specified in division (E)(2) of this section and that wish to participate in the substance use disorder treatment program established under division (B) of this section, and shall approve for participation in the program at least four and not more than eight of the providers that apply. To the extent feasible, the department shall approve one or more providers from each geographical quadrant of the state. 89935
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(2) Each community treatment provider that applies under division (E)(1) of this section to participate in the program 89944
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shall be certified by the department of mental health and 89946
addiction services under section 5119.36 of the Revised Code to 89947
provide substance use disorder treatment, but shall not be 89948
required to be certified by the department of mental health and 89949
addiction services to provide halfway house or residential 89950
treatment. 89951

(F) The department of rehabilitation and correction shall 89952
adopt rules for the operation of the substance use disorder 89953
treatment program it establishes under division (B) of this 89954
section and shall operate the program in accordance with this 89955
section and those rules. The rules shall establish, at a minimum, 89956
all of the following: 89957

(1) Criteria that establish which qualified prisoners are 89958
eligible for the program; 89959

(2) Criteria that must be satisfied to transfer a qualified 89960
prisoner to a residence pursuant to division (C)(3) of this 89961
section; 89962

(3) Criteria for the removal of a prisoner from the program 89963
pursuant to division (C)(2) of this section; 89964

(4) Criteria for determining when an offender has 89965
successfully completed the program for purposes of division (D)(2) 89966
of this section; 89967

(5) Criteria for community treatment providers to provide 89968
assessment and treatment, including minimum standards for 89969
treatment. 89970

Sec. 5120.037. (A) Not later than June 30, 2016, the 89971
department of rehabilitation and correction shall study the 89972
feasibility of converting an existing state correctional facility, 89973
another existing facility controlled by the department, an 89974
existing facility owned by the state or a political subdivision of 89975

the state, or an existing facility owned by a private entity into 89976
a substance abuse recovery prison. The purpose of the prison would 89977
be to help reduce relapses and recidivism while preparing 89978
offenders confined in the prison for reentry into the community. 89979
In conducting the study, the department shall do all of the 89980
following: 89981

(1) Explore all alternatives for providing substance abuse 89982
recovery for offenders confined in the prison; 89983

(2) Consider drug treatment and rehabilitation services to be 89984
provided in the prison to help to prepare offenders confined in 89985
the prison for reentry into the community; 89986

(3) Consider the categories of offenders that should be 89987
confined in the prison, including whether the department should be 89988
limited to placing an offender sentenced to or serving a prison 89989
term in the prison only if the department knows or has reason to 89990
believe that drug usage by the offender was a factor leading to 89991
the offense for which the offender was sentenced to the prison 89992
term. 89993

(B) Upon completion of the study specified in division (A) of 89994
this section, the department shall submit copies of the study to 89995
the president and minority leader of the senate, the speaker and 89996
minority leader of the house of representatives, and the governor. 89997

Sec. 5120.112. (A) The division of parole and community 89998
services shall accept applications for state financial assistance 89999
for the renovation, maintenance, and operation of proposed and 90000
approved community-based correctional facilities and programs and 90001
district community-based correctional facilities and programs that 90002
are filed in accordance with section 2301.56 of the Revised Code. 90003
The division, upon receipt of an application for a particular 90004
facility and program, shall determine whether the application is 90005
in proper form, whether the applicant satisfies the standards of 90006

operation that are prescribed by the department of rehabilitation 90007
and correction under section 5120.111 of the Revised Code, whether 90008
the applicant has established the facility and program, and, if 90009
the applicant has not at that time established the facility and 90010
program, whether the proposal of the applicant sufficiently 90011
indicates that the standards will be satisfied upon the 90012
establishment of the facility and program. If the division 90013
determines that the application is in proper form and that the 90014
applicant has satisfied or will satisfy the standards of the 90015
department, the division shall notify the applicant that it is 90016
qualified to receive state financial assistance for the facility 90017
and program under this section from moneys made available to the 90018
division for purposes of providing assistance to community-based 90019
correctional facilities and programs and district community-based 90020
correctional facilities and programs. 90021

(B) The amount of state financial assistance that is awarded 90022
to a qualified applicant under this section shall be determined by 90023
the division of parole and community services in accordance with 90024
this division. In determining the amount of state financial 90025
assistance to be awarded to a qualified applicant under this 90026
section, the division shall not calculate the cost of an offender 90027
incarcerated in a community-based correctional facility and 90028
program or district community-based correctional facility program 90029
to be greater than the average yearly cost of incarceration per 90030
inmate in all state correctional institutions, as defined in 90031
section 2967.01 of the Revised Code, as determined by the 90032
department of rehabilitation and correction. 90033

The times and manner of distribution of state financial 90034
assistance to be awarded to a qualified applicant under this 90035
section shall be determined by the division of parole and 90036
community services. 90037

(C) Upon approval of a proposal for a community-based 90038

correctional facility and program or a district community-based 90039
correctional facility and program by the division of parole and 90040
community services, the facility governing board, upon the advice 90041
of the judicial advisory board, shall enter into an award 90042
agreement with the department of rehabilitation and correction 90043
that outlines terms and conditions of the agreement on an annual 90044
basis. In the award agreement, the facility governing board shall 90045
identify a fiscal agent responsible for the deposit of funds and 90046
compliance with sections 2301.55 and 2301.56 of the Revised Code. 90047

(D) No state financial assistance shall be distributed to a 90048
qualified applicant until an agreement concerning the assistance 90049
has been entered into by the director of rehabilitation and 90050
correction and the deputy director of the division of parole and 90051
community services on the part of the state, and by the 90052
chairperson of the facility governing board of the community-based 90053
correctional facility and program or district community-based 90054
correctional facility and program to receive the financial 90055
assistance, whichever is applicable. The agreement shall be 90056
effective for a period of one year from the date of the agreement 90057
and shall specify all terms and conditions that are applicable to 90058
the awarding of the assistance, including, but not limited to: 90059

(1) The total amount of assistance to be awarded for each 90060
community-based correctional facility and program or district 90061
community-based correctional facility and program, and the times 90062
and manner of the payment of the assistance; 90063

(2) How persons who will staff and operate the facility and 90064
program are to be utilized during the period for which the 90065
assistance is to be granted, including descriptions of their 90066
positions and duties, and their salaries and fringe benefits; 90067

(3) A statement that none of the persons who will staff and 90068
operate the facility and program, including those who are 90069
receiving some or all of their salaries out of funds received by 90070

the facility and program as state financial assistance, are 90071
employees or are to be considered as being employees of the 90072
department of rehabilitation and correction, and a statement that 90073
the employees who will staff and operate that facility and program 90074
are employees of the facility and program; 90075

(4) A list of the type of expenses, other than salaries of 90076
persons who will staff and operate the facility and program, for 90077
which the state financial assistance can be used, and a 90078
requirement that purchases made with funds received as state 90079
financial assistance follow established fiscal guidelines as 90080
determined by the division of parole and community services and 90081
any applicable sections of the Revised Code, including, but not 90082
limited to, sections 125.01 to 125.11 and Chapter 153. of the 90083
Revised Code; 90084

(5) The accounting procedures that are to be used by the 90085
facility and program in relation to the state financial 90086
assistance; 90087

(6) A requirement that the facility and program file reports, 90088
during the period that it receives state financial assistance, 90089
with the division of parole and community services, which reports 90090
shall be statistical in nature and shall contain that information 90091
required under a research design agreed upon by all parties to the 90092
agreement, for purposes of evaluating the facility and program; 90093

(7) A requirement that the facility and program comply with 90094
standards of operation as prescribed by the department under 90095
section 5120.111 of the Revised Code, and with all information 90096
submitted on its application; 90097

(8) A statement that the facility and program will make a 90098
reasonable effort to augment the funding received from the state. 90099

(E)(1) No state financial assistance shall be distributed to 90100
a qualified applicant until its proposal for a community-based 90101

correctional facility and program or district community-based 90102
correctional facility and program has been approved by the 90103
division of parole and community services. 90104

(2) State financial assistance may be denied to any applicant 90105
if it fails to comply with the terms of any agreement entered into 90106
pursuant to division (D) of this section. 90107

(F) The division of parole and community services may expend 90108
up to one-half per cent of the annual appropriation made for 90109
community-based correctional facility programs, for goods or 90110
services that benefit those programs. 90111

Sec. 5120.135. (A) As used in this section, "laboratory 90112
services" includes the performance of medical laboratory analysis; 90113
professional laboratory and pathologist consultation; the 90114
procurement, storage, and distribution of laboratory supplies; and 90115
the performance of phlebotomy services. 90116

(B) The department of rehabilitation and correction may 90117
provide laboratory services to the departments of mental health 90118
and addiction services, developmental disabilities, youth 90119
services, and rehabilitation and correction. The department of 90120
rehabilitation and correction may also provide laboratory services 90121
to other state, county, or municipal agencies and to private 90122
persons that request laboratory services if the department of 90123
rehabilitation and correction determines that the provision of 90124
laboratory services is in the public interest and considers it 90125
advisable to provide such services. The department of 90126
rehabilitation and correction may also provide laboratory services 90127
to agencies operated by the United States government and to public 90128
and private entities funded in whole or in part by the state if 90129
the director of rehabilitation and correction designates them as 90130
eligible to receive such services. 90131

The department of rehabilitation and correction shall provide 90132

laboratory services from a laboratory that complies with the 90133
standards for certification set by the United States department of 90134
health and human services under the "Clinical Laboratory 90135
Improvement Amendments of 1988," 102 Stat. 293, 42 U.S.C.A. 263a. 90136
In addition, the laboratory shall maintain accreditation or 90137
certification with an appropriate accrediting or certifying 90138
organization as considered necessary by the recipients of its 90139
laboratory services and as authorized by the director of 90140
rehabilitation and correction. 90141

~~(C) The cost of administering this section shall be 90142
determined by the department of rehabilitation and correction and 90143
shall be paid by entities that receive laboratory services to the 90144
department for deposit in the state treasury to the credit of the 90145
laboratory services fund, which is hereby created. The fund shall 90146
be used to pay the costs the department incurs in administering 90147
this section. 90148~~

~~(D) Whenever a state agency fails to make a payment for 90149
laboratory services provided to it by the department of 90150
rehabilitation and correction under this section within thirty one 90151
days after the date the payment was due, the office of budget and 90152
management may transfer moneys from that state agency to the 90153
department of rehabilitation and correction for deposit to the 90154
credit of the laboratory services fund. The amount transferred 90155
shall not exceed the amount of the overdue payments. Prior to 90156
making a transfer under this division, the office shall apply any 90157
credits the state agency has accumulated in payment for laboratory 90158
services provided under this section. 90159~~

Sec. 5120.28. (A) The department of rehabilitation and 90160
correction, ~~subject to the approval of the office of budget and 90161
management,~~ shall fix the prices at which all labor and services 90162
performed, all agricultural products produced, and all articles 90163

manufactured in correctional and penal institutions shall be 90164
furnished to the state, the political subdivisions of the state, 90165
and the public institutions of the state and the political 90166
subdivisions, and to private persons. The prices shall be uniform 90167
to all and not higher than the usual market price for like labor, 90168
products, services, and articles. 90169

(B) Any money received by the department of rehabilitation 90170
and correction for labor and services performed shall be deposited 90171
into the institutional services fund created pursuant to division 90172
(A) of section 5120.29 of the Revised Code and shall be used and 90173
accounted for as provided in that section and division (B) of 90174
section 5145.03 of the Revised Code. 90175

(C) Any money received by the department of rehabilitation 90176
and correction for articles manufactured and agricultural products 90177
produced in penal and correctional institutions shall be deposited 90178
into the Ohio penal industries manufacturing fund created pursuant 90179
to division (B) of section 5120.29 of the Revised Code and shall 90180
be used and accounted for as provided in that section and division 90181
(B) of section 5145.03 of the Revised Code. 90182

Sec. 5120.38. Subject to the rules of the department of 90183
rehabilitation and correction, each institution under the 90184
department's jurisdiction other than an institution operated 90185
pursuant to a contract entered into under section 9.06 of the 90186
Revised Code shall be under the control of a managing officer 90187
known as a warden or other appropriate title. The managing officer 90188
shall be appointed by the director of ~~the department of~~ 90189
rehabilitation and correction and shall be in the unclassified 90190
service and serve at the pleasure of the director. Appointment to 90191
the position of managing officer shall be made from persons who 90192
have criminal justice experience. 90193

A person who is appointed to the position of managing officer 90194

from a permanent, classified position in the ~~classified service~~ 90195
within the department shall retain the right to resume the 90196
position and status that the person held in the classified service 90197
immediately prior to the person's appointment to the position in 90198
the unclassified service, regardless of the number of positions 90199
the person held in the unclassified service. ~~Upon being relieved~~ 90200
~~of the person's duties as managing officer, the person shall be~~ 90201
~~reinstated to the~~ An employee's right to resume a position in the 90202
classified service ~~that the person held immediately prior~~ may be 90203
exercised only when an appointing authority demotes the employee 90204
to a pay range lower than the employee's current pay range or 90205
revokes the employee's appointment to the position ~~of managing~~ 90206
~~officer or to another position that~~ in the unclassified service. 90207
An employee forfeits the right to resume a position in the 90208
classified service if the employee is removed from a position in 90209
the unclassified service due to incompetence, inefficiency, 90210
dishonesty, drunkenness, immoral conduct, insubordination, 90211
discourteous treatment of the public, neglect of duty, a violation 90212
of this chapter or the rules of the department or the director, 90213
~~with approval of the state department of administrative services,~~ 90214
~~certifies as being~~ any other failure of good behavior, any other 90215
acts of misfeasance, malfeasance, or nonfeasance in office, or 90216
conviction of or plea of guilty to a felony. An employee also 90217
forfeits the right to resume the prior position in the classified 90218
service upon transfer to a different agency. Reinstatement to a 90219
position in the classified service shall be to a position 90220
substantially equal to ~~that prior~~ the position in the classified 90221
service that the person previously held, as certified by the 90222
director of rehabilitation and correction and approved by the 90223
director of administrative services. If the position the person 90224
previously held in the classified service has been placed in the 90225
unclassified service or is otherwise unavailable, the person shall 90226
be appointed to a position in the classified service within the 90227

department that the director of administrative services certifies 90228
is comparable in compensation to the position the person 90229
previously held in the classified service. Service ~~as a managing~~ 90230
~~officer~~ in a position in the unclassified service shall be counted 90231
as service in the position in the classified service held by the 90232
person immediately preceding the person's appointment ~~as managing~~ 90233
~~officer~~ to the position in the unclassified service. A When a 90234
person ~~who~~ is reinstated to a position in the classified service, 90235
as provided in this section, ~~shall be~~ the person is entitled to 90236
all rights and ~~emoluments~~ benefits and any status accruing to the 90237
position in the classified service during the time of the person's 90238
service ~~as managing officer~~ in the position in the unclassified 90239
service. 90240

The managing officer, under the director of rehabilitation 90241
and correction, shall have entire executive charge of the 90242
institution for which the managing officer is appointed. Subject 90243
to civil service rules and regulations, the managing officer shall 90244
appoint the necessary employees and the managing officer or the 90245
director may remove such employees for cause. ~~A report of all~~ 90246
~~appointments, resignations, and discharges shall be filed with the~~ 90247
~~director at the close of each month.~~ 90248

Sec. 5120.381. Subject to the rules of the department of 90249
rehabilitation and correction, the director of rehabilitation and 90250
correction may appoint a deputy warden for each institution under 90251
the jurisdiction of the department. A deputy warden shall be in 90252
the unclassified service and serve at the pleasure of the director 90253
of rehabilitation and correction. The director of rehabilitation 90254
and correction shall make an appointment to the position of deputy 90255
warden from persons having criminal justice experience. A person 90256
who is appointed to a position as deputy warden from a permanent, 90257
classified position ~~in the classified service~~ within the 90258
department shall retain the right to resume the position and 90259

status that the person held in the classified service immediately 90260
prior to the person's appointment to the position in the 90261
unclassified service, regardless of the number of positions the 90262
person held in the unclassified service. If the person is relieved 90263
of the person's duties as deputy warden, the director shall 90264
reinstate the person to the An employee's right to resume a 90265
position in the classified service that the person held 90266
immediately prior to the appointment as deputy warden or to 90267
another position that is certified by may be exercised only when 90268
an appointing authority demotes the employee to a pay range lower 90269
than the employee's current pay range or revokes the employee's 90270
appointment to the unclassified service. An employee forfeits the 90271
right to resume a position in the classified service when the 90272
employee is removed from the position in the unclassified service 90273
due to incompetence, inefficiency, dishonesty, drunkenness, 90274
immoral conduct, insubordination, discourteous treatment of the 90275
public, neglect of duty, a violation of this chapter or the rules 90276
of the department or the director, with approval of the department 90277
of administrative services, as being any other failure of good 90278
behavior, any other acts of misfeasance, malfeasance, or 90279
nonfeasance in office, or conviction of or plea of guilty to a 90280
felony. An employee also forfeits the right to resume the prior 90281
position in the classified service upon transfer to a different 90282
agency. Reinstatement to a position in the classified service 90283
shall be to a position substantially equal to that prior the 90284
position in the classified service that the person previously 90285
held, as certified by the director of rehabilitation and 90286
correction and approved by the director of administrative 90287
services. If the position the person previously held in the 90288
classified service has been placed in the unclassified service or 90289
is otherwise unavailable, the person shall be appointed to a 90290
position in the classified service within the department that the 90291
director of administrative services certifies is comparable in 90292

compensation to the position the person previously held in the 90293
classified service. Service as ~~deputy warden~~ in the position in 90294
the unclassified service shall be counted as service in the 90295
position in the classified service that the person held 90296
immediately preceding the person's appointment ~~as deputy warden to~~ 90297
the position in the unclassified service. ~~A~~ When a person who is 90298
reinstated to a position in the classified service as provided in 90299
this section, the person is entitled to all rights and ~~emoluments~~ 90300
benefits and any status accruing to the position during the time 90301
of the person's service ~~as deputy warden in the unclassified~~ 90302
service. 90303

Sec. 5120.382. Except as otherwise provided in this chapter 90304
for appointments by division chiefs and managing officers, the 90305
director of rehabilitation and correction shall appoint employees 90306
who are necessary for the efficient conduct of the department of 90307
rehabilitation and correction and prescribe their titles and 90308
duties. A person who is appointed to an unclassified position from 90309
a permanent, classified position ~~in the classified service within~~ 90310
the department shall ~~serve at the pleasure of the director and~~ 90311
retain the right to resume the position and status that the person 90312
held in the classified service immediately prior to the person's 90313
appointment to the position in the unclassified service, 90314
regardless of the number of positions the person held in the 90315
unclassified service. ~~If the person is relieved of the person's~~ 90316
~~duties for the unclassified position, the director shall reinstate~~ 90317
~~the person to the~~ An employee's right to resume a position in the 90318
classified service ~~that the person held immediately prior to the~~ 90319
~~appointment or to another position that is certified by~~ may be 90320
exercised only when an appointing authority demotes the employee 90321
to a pay range lower than the employee's current pay range or 90322
revokes the employee's appointment to the unclassified service. An 90323
employee forfeits the right to resume a position in the classified 90324

service when the employee is removed from the position in the 90325
unclassified service due to incompetence, inefficiency, 90326
dishonesty, drunkenness, immoral conduct, insubordination, 90327
discourteous treatment of the public, neglect of duty, a violation 90328
of this chapter or the rules of the department or the director, 90329
with approval of the department of administrative services, as 90330
being any other failure of good behavior, any other acts of 90331
misfeasance, malfeasance, or nonfeasance in office, or conviction 90332
of or plea of guilty to a felony. An employee also forfeits the 90333
right to resume the prior position in the classified service upon 90334
transfer to a different agency. Reinstatement to a position in the 90335
classified service shall be to a position substantially equal to 90336
that prior classified the position in the classified service that 90337
the person previously held, as certified by the director of 90338
rehabilitation and correction and approved by the director of 90339
administrative services. If the position the person previously 90340
held in the classified service has been placed in the unclassified 90341
service or is otherwise unavailable, the person shall be appointed 90342
to a position in the classified service within the department that 90343
the director of administrative services certifies is comparable in 90344
compensation to the position the person previously held in the 90345
classified service. Service in the position in the unclassified 90346
service pursuant to the appointment shall be counted as service in 90347
the position in the classified service that the person held 90348
immediately preceding the person's appointment to the position in 90349
the unclassified service. A When a person who is reinstated to a 90350
position in the classified service as provided in this section, 90351
the person is entitled to all rights and emoluments benefits and 90352
any status accruing to the position in the classified service 90353
during the time of the person's service in the position in the 90354
unclassified service. 90355

Sec. 5122.31. (A) All certificates, applications, records, 90356

and reports made for the purpose of this chapter and sections 90357
2945.38, 2945.39, 2945.40, 2945.401, and 2945.402 of the Revised 90358
Code, other than court journal entries or court docket entries, 90359
and directly or indirectly identifying a patient or former patient 90360
or person whose hospitalization or commitment has been sought 90361
under this chapter, shall be kept confidential and shall not be 90362
disclosed by any person except: 90363

(1) If the person identified, or the person's legal guardian, 90364
if any, or if the person is a minor, the person's parent or legal 90365
guardian, consents, and if the disclosure is in the best interests 90366
of the person, as may be determined by the court for judicial 90367
records and by the chief clinical officer for medical records; 90368

(2) When disclosure is provided for in this chapter or 90369
Chapters 340. or 5119. of the Revised Code or in accordance with 90370
other provisions of state or federal law authorizing such 90371
disclosure; 90372

(3) That hospitals, boards of alcohol, drug addiction, and 90373
mental health services, and community mental health services 90374
providers may release necessary medical information to insurers 90375
and other third-party payers, including government entities 90376
responsible for processing and authorizing payment, to obtain 90377
payment for goods and services furnished to the patient; 90378

(4) Pursuant to a court order signed by a judge; 90379

(5) That a patient shall be granted access to the patient's 90380
own psychiatric and medical records, unless access specifically is 90381
restricted in a patient's treatment plan for clear treatment 90382
reasons; 90383

(6) That hospitals and other institutions and facilities 90384
within the department of mental health and addiction services may 90385
exchange psychiatric records and other pertinent information with 90386

other hospitals, institutions, and facilities of the department, 90387
and with community mental health services providers and boards of 90388
alcohol, drug addiction, and mental health services with which the 90389
department has a current agreement for patient care or services. 90390
Records and information that may be released pursuant to this 90391
division shall be limited to medication history, physical health 90392
status and history, financial status, summary of course of 90393
treatment in the hospital, summary of treatment needs, and a 90394
discharge summary, if any. 90395

(7) That hospitals within the department and other 90396
institutions and facilities within the department may exchange 90397
psychiatric records and other pertinent information with payers 90398
and other providers of treatment and health services if the 90399
purpose of the exchange is to facilitate continuity of care for a 90400
patient or for the emergency treatment of an individual; 90401

(8) That a patient's family member who is involved in the 90402
provision, planning, and monitoring of services to the patient may 90403
receive medication information, a summary of the patient's 90404
diagnosis and prognosis, and a list of the services and personnel 90405
available to assist the patient and the patient's family, if the 90406
patient's treating physician determines that the disclosure would 90407
be in the best interests of the patient. No such disclosure shall 90408
be made unless the patient is notified first and receives the 90409
information and does not object to the disclosure. 90410

(9) That community mental health services providers may 90411
exchange psychiatric records and certain other information with 90412
the board of alcohol, drug addiction, and mental health services 90413
and other services providers in order to provide services to a 90414
person involuntarily committed to a board. Release of records 90415
under this division shall be limited to medication history, 90416
physical health status and history, financial status, summary of 90417
course of treatment, summary of treatment needs, and discharge 90418

summary, if any. 90419

(10) That information may be disclosed to the executor or the 90420
administrator of an estate of a deceased patient when the 90421
information is necessary to administer the estate; 90422

(11) That records in the possession of the Ohio historical 90423
society may be released to the closest living relative of a 90424
deceased patient upon request of that relative; 90425

(12) That records pertaining to the patient's diagnosis, 90426
course of treatment, treatment needs, and prognosis shall be 90427
disclosed and released to the appropriate prosecuting attorney if 90428
the patient was committed pursuant to section 2945.38, 2945.39, 90429
2945.40, 2945.401, or 2945.402 of the Revised Code, or to the 90430
attorney designated by the board for proceedings pursuant to 90431
involuntary commitment under this chapter. 90432

(13) That the department of mental health and addiction 90433
services may exchange psychiatric hospitalization records, other 90434
mental health treatment records, and other pertinent information 90435
with the department of rehabilitation and correction and with the 90436
department of youth services to ensure continuity of care for 90437
inmates or offenders who are receiving mental health services in 90438
an institution of the department of rehabilitation and correction 90439
or the department of youth services and may exchange psychiatric 90440
hospitalization records, other mental health treatment records, 90441
and other pertinent information with boards of alcohol, drug 90442
addiction, and mental health services and community mental health 90443
services providers to ensure continuity of care for inmates or 90444
offenders who are receiving mental health services in an 90445
institution and are scheduled for release within six months. The 90446
department shall not disclose those records unless the inmate or 90447
offender is notified, receives the information, and does not 90448
object to the disclosure. The release of records under this 90449
division is limited to records regarding an inmate's or offender's 90450

medication history, physical health status and history, summary of 90451
course of treatment, summary of treatment needs, and a discharge 90452
summary, if any; 90453

(14) That records and reports relating to a person who has 90454
been deceased for fifty years or more are no longer considered 90455
confidential. 90456

(B) Before records are disclosed pursuant to divisions 90457
(A)(3), (6), and (9) of this section, the custodian of the records 90458
shall attempt to obtain the patient's consent for the disclosure. 90459
No person shall reveal the contents of a medical record of a 90460
patient except as authorized by law. 90461

(C) The managing officer of a hospital who releases necessary 90462
medical information under division (A)(3) of this section to allow 90463
an insurance carrier or other third party payor to comply with 90464
section 5121.43 of the Revised Code shall neither be subject to 90465
criminal nor civil liability. 90466

Sec. 5122.36. If the legal residence of a person suffering 90467
from mental illness is in another county of the state, the 90468
necessary expense of the person's return is a proper charge 90469
against the county of legal residence. If an adjudication and 90470
order of hospitalization by the probate court of the county of 90471
temporary residence are required, the regular probate court fees 90472
and expenses incident to the order of hospitalization under this 90473
chapter and any other expense incurred on the person's behalf 90474
shall be charged to and paid by the county of the person's legal 90475
residence upon the approval and certification of the probate judge 90476
of ~~that~~ the county of the person's legal residence. The ordering 90477
court shall send to the probate court of the person's county of 90478
legal residence a certified ~~transcript of all proceedings had in~~ 90479
copy of the commitment order from the ordering court. The 90480
receiving court shall enter and record the ~~transcript~~ commitment 90481

order. The certified ~~transcript~~ commitment order is prima facie 90482
evidence of the residence of the person. When the residence of the 90483
person cannot be established as represented by the ordering court, 90484
the matter of residence shall be referred to the department of 90485
mental health and addiction services for investigation and 90486
determination. 90487

Sec. 5123.032. (A) As used in this section, ~~"developmental:~~ 90488

(1) "Closed" or "closure" means a situation in which either 90489
of the following occurs: 90490

(a) A developmental center ceases operations; 90491

(b) Control of a developmental center is transferred from the 90492
department of developmental disabilities to another entity that is 90493
not a government entity. 90494

(2) "Developmental center" means any institution or facility 90495
of the department of developmental disabilities that, on or after 90496
January 30, 2004, is named, designated, or referred to as a 90497
developmental center. 90498

(B) Notwithstanding any other provision of law, any closure 90499
of a developmental center shall be subject to, and in accordance 90500
with, this section. 90501

(C) ~~Notwithstanding any other provision of law, at least ten~~ 90502
~~days prior to making any official, public announcement that the~~ 90503
~~governor intends to close one or more developmental centers, the~~ 90504
~~governor shall notify the general assembly in writing that the~~ 90505
~~governor intends to close one or more developmental centers. The~~ 90506
~~governor shall notify the general assembly in writing of the prior~~ 90507
~~announcement and that the governor intends to close the center~~ 90508
~~identified in the prior announcement, and the notification to the~~ 90509
~~general assembly shall constitute, for purposes of this section,~~ 90510
~~the governor's official, public announcement that the governor~~ 90511

~~intends to close that center.~~ 90512

~~The notice required by this division shall identify by name 90513
each developmental center that the governor intends to close or, 90514
if the governor has not determined any specific developmental 90515
center to close, shall state the governor's general intent to 90516
close one or more developmental centers. When the governor 90517
notifies the general assembly as required by this division, the 90518
legislative service commission promptly shall conduct an 90519
independent study of the developmental centers of the department 90520
of developmental disabilities and of the department's operation of 90521
the centers, and the study shall address relevant criteria and 90522
factors, including, but not limited to, all of the following If 90523
the governor determines that one or more developmental centers 90524
should be closed, all of the following apply: 90525~~

~~(1) For each developmental center, the governor shall notify 90526
the general assembly and the department of developmental 90527
disabilities of that determination and the rationale for it. If 90528
the rationale is expenditure reductions or budget cuts, the notice 90529
shall specify the anticipated savings to be obtained through the 90530
closure. 90531~~

~~(2) Not later than seven days after the governor provides 90532
notice under this section, the officials who are to appoint 90533
members of the commission under division (D) of this section, 90534
shall appoint the members. As soon as possible after the 90535
appointments, the commission shall meet and commence 90536
deliberations. Not later than ninety days after the governor 90537
provides the notice, the commission shall provide to the general 90538
assembly, the governor, and the department a report of its 90539
recommendation concerning the developmental center. The commission 90540
may recommend closure for expenditure reductions or budget cuts 90541
only if the anticipated savings to be obtained by the closure are 90542
approximately the same as the anticipated savings specified in the 90543~~

governor's notice. If the governor gave notice of the proposed 90544
closure of more than one developmental center, the report shall 90545
list them in order of the commission's preference for closure. 90546

(3) On receipt of a report that recommends closure of a 90547
developmental center, the governor may close the developmental 90548
center. Except as otherwise provided in this division, the 90549
governor shall not close a developmental center that is not listed 90550
in the commission's recommendation, and shall not close multiple 90551
developmental centers in any order other than the order of the 90552
commission's preference as specified in the recommendation. If the 90553
governor determines that it is not feasible to implement the 90554
recommendation because there has been a significant change in 90555
circumstances, the governor may call for a new commission 90556
regarding the developmental center. The new commission shall be 90557
created and function in accordance with this section. 90558

(D) Each developmental center closure commission shall 90559
consist of thirteen members. Three members shall be members of the 90560
house of representatives, two of whom are members of the majority 90561
political party in the house of representatives appointed by the 90562
speaker of the house of representatives and one of whom is a 90563
member of the minority political party in the house of 90564
representatives appointed by the minority leader of the house of 90565
representatives. Three members shall be members of the senate, two 90566
of whom are members of the majority political party in the senate 90567
appointed by the president of the senate and one of whom is a 90568
member of the minority political party in the senate appointed by 90569
the minority leader of the senate. One member shall be the 90570
director of budget and management. One member shall be the 90571
director of developmental disabilities. Four members shall be 90572
persons with experience in the work of the department of 90573
developmental disabilities. One of these members must be a family 90574
member of a person living in the developmental center, and because 90575

of that familial connection, shall be deemed to have met the 90576
experience requirement. Of these four members one shall be 90577
appointed by the speaker of the house of representatives, one by 90578
the minority leader of the house of representatives, one by the 90579
president of the senate, and one by the minority leader of the 90580
senate. One member shall be a representative of the employees' 90581
association representing the largest number of employees of the 90582
department, as certified by the director of developmental 90583
disabilities, with that member being appointed by the president of 90584
the association. At the commission's first meeting, the members 90585
shall organize and appoint a chairperson and vice-chairperson. The 90586
members shall serve without compensation. 90587

(E) In making its determination of whether a developmental 90588
center should close, the commission shall consider the following 90589
factors and any other factors it considers appropriate: 90590

~~(1) The manner in which the closure of developmental centers~~ 90591
~~in general would affect the safety, health, well-being, and~~ 90592
~~lifestyle of the centers' residents and their family members and~~ 90593
~~would affect public safety and, if the governor's notice~~ 90594
~~identifies by name one or more developmental centers that the~~ 90595
~~governor intends to close, the manner in which the closure of each~~ 90596
~~center so identified would affect the safety, health, well-being,~~ 90597
~~and lifestyle of the center's residents and their family members~~ 90598
~~and would affect public safety Whether there is a need to reduce~~ 90599
~~the number of developmental centers;~~ 90600

(2) The availability of alternate facilities; 90601

(3) The cost effectiveness of the ~~facilities identified for~~ 90602
~~closure~~ developmental center; 90603

(4) ~~A comparison of the cost of residing at a facility~~ 90604
~~identified for closure and the cost of new living arrangements~~ The 90605
opportunities for, and barriers to, transitioning staff of the 90606

<u>center to other appropriate employment;</u>	90607
(5) The geographic factors associated with each facility <u>the</u>	90608
<u>center</u> and its proximity to other similar facilities;	90609
(6) The impact of collective bargaining on facility	90610
operations;	90611
(7) The utilization and maximization of resources;	90612
(8) (7) Continuity of the staff and ability to serve the	90613
facility <u>center's</u> population;	90614
(9) (8) Continuing costs following closure of a facility <u>the</u>	90615
<u>center</u> ;	90616
(10) (9) The impact of the closure on the local economy;	90617
(11) (10) Alternatives and opportunities for consolidation	90618
with other <u>centers or</u> facilities;	90619
(12) How the closing of a facility identified for closure	90620
relates to the department's plans for the future of developmental	90621
centers in this state;	90622
(13) The effect of the closure of developmental centers in	90623
general upon the state's fiscal resources and fiscal status and,	90624
if the governor's notice identifies by name one or more	90625
developmental centers that the governor intends to close, the	90626
effect of the closure of each center so identified upon the	90627
state's fiscal resources and fiscal status.	90628
(D) The legislative service commission shall complete the	90629
study required by division (C) of this section, and prepare a	90630
report that contains its findings, not later than sixty days after	90631
the governor makes the official, public announcement that the	90632
governor intends to close one or more developmental centers as	90633
described in division (C) of this section. The commission shall	90634
provide a copy of the report to each member of the general	90635
assembly who requests a copy of the report <u>and for collaboration</u>	90636

with other state agencies and political subdivisions. 90637

(F) The commission shall meet as often as necessary to make 90638
its determination and may take testimony and consider all relevant 90639
information. 90640

On providing its report, the commission shall cease to exist, 90641
provided that another commission shall be created if the governor 90642
calls for a new commission pursuant to division (D) of this 90643
section or the governor provides another notice of closure under 90644
division (C)(1) of this section. 90645

Sec. 5123.033. The program fee fund is hereby created in the 90646
state treasury. All fees collected pursuant to sections 5123.161, 90647
5123.164, and 5123.19 of the Revised Code shall be credited to the 90648
fund. Money credited to the fund shall be used solely for the 90649
department of developmental disabilities' duties under sections 90650
5123.16 to ~~5123.1610~~, 5123.1611 and 5123.19 of the Revised Code 90651
and to provide continuing education and professional training to 90652
providers of services to individuals with mental retardation or a 90653
developmental disability. If the money credited to the fund is 90654
inadequate to pay all of the department's costs in performing 90655
those duties and providing the continuing education and 90656
professional training, the department may use other available 90657
funds appropriated to the department to pay the remaining costs of 90658
performing those duties and providing the continuing education and 90659
professional training. 90660

Sec. 5123.16. (A) As used in sections 5123.16 to ~~5123.1610~~ 90661
5123.1611 of the Revised Code: 90662

(1) "Applicant" means any of the following: 90663

(a) The chief executive officer of a business that applies 90664
under section 5123.161 of the Revised Code for a certificate to 90665
provide supported living; 90666

(b) The chief executive officer of a business that seeks 90667
renewal of the business's supported living certificate under 90668
section 5123.164 of the Revised Code; 90669

(c) An individual who applies under section 5123.161 of the 90670
Revised Code for a certificate to provide supported living as an 90671
independent provider; 90672

(d) An independent provider who seeks renewal of the 90673
independent provider's supported living certificate under section 90674
5123.164 of the Revised Code. 90675

(2) "Business" means an association, corporation, nonprofit 90676
organization, partnership, trust, or other group of persons. 90677
"Business" does not mean an independent provider. 90678

(3) "Criminal records check" has the same meaning as in 90679
section 109.572 of the Revised Code. 90680

(4) "Disqualifying offense" means any of the offenses listed 90681
or described in divisions (A)(3)(a) to (e) of section 109.572 of 90682
the Revised Code. 90683

(5) "Independent provider" means a provider who provides 90684
supported living on a self-employed basis and does not employ, 90685
directly or through contract, another person to provide the 90686
supported living. 90687

(6) "Provider" means a person or government entity certified 90688
by the director of developmental disabilities to provide supported 90689
living. For the purpose of division (A)(8) of this section, 90690
"provider" includes a person or government entity that seeks or 90691
previously held a certificate to provide supported living. 90692

(7) "Minor drug possession offense" has the same meaning as 90693
in section 2925.01 of the Revised Code. 90694

(8) "Related party" means any of the following: 90695

(a) In the case of a provider who is an individual, any of 90696

the following:	90697
(i) The spouse of the provider;	90698
(ii) A parent or stepparent of the provider or provider's spouse;	90699 90700
(iii) A child of the provider or provider's spouse;	90701
(iv) A sibling, half sibling, or stepsibling of the provider or provider's spouse;	90702 90703
(v) A grandparent of the provider or provider's spouse;	90704
(vi) A grandchild of the provider or provider's spouse.	90705
(b) In the case of a provider that is a person other than an individual, any of the following:	90706 90707
(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, business manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement and regardless of whether the person or government entity is required to file an Internal Revenue Code form W-2 for the provider;	90708 90709 90710 90711 90712 90713 90714 90715
(ii) An officer of the provider, including the chief executive officer, president, vice-president, secretary, and treasurer;	90716 90717 90718
(iii) A member of the provider's board of directors or trustees;	90719 90720
(iv) A person owning a financial interest of five per cent or more in the provider, including a direct, indirect, security, or mortgage financial interest;	90721 90722 90723
(v) The spouse, parent, stepparent, child, sibling, half sibling, stepsibling, grandparent, or grandchild of any of the	90724 90725

persons specified in divisions (A)(8)(b)(i) to (iv) of this section; 90726
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(vi) A person over which the provider has control of the day-to-day operation; 90728
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(vii) A corporation that has a subsidiary relationship with the provider. 90730
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(c) In the case of a provider that is a government entity, any of the following: 90732
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(i) Any person or government entity that directly or indirectly controls the provider's day-to-day operations (including as a general manager, financial manager, administrator, or director), regardless of whether the person or government entity exercises the control pursuant to a contract or other arrangement; 90734
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(ii) An officer of the provider; 90740

(iii) A member of the provider's governing board; 90741

(iv) A person or government entity over which the provider has control of the day-to-day operation. 90742
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(B) No person or government entity may provide supported living without a valid supported living certificate issued by the director of developmental disabilities. 90744
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(C) A county board of developmental disabilities may provide supported living only to the extent permitted by rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code. 90747
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Sec. 5123.161. A person or government entity that seeks to provide supported living shall apply to the director of developmental disabilities for a supported living certificate. 90750
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90752

Except as provided in sections 5123.166 and 5123.169 of the Revised Code, the director shall issue to the person or government 90753
90754

entity a supported living certificate if the person or government 90755
entity follows the application process established in rules 90756
adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, 90757
meets the applicable certification standards established in those 90758
rules, and pays the certification fee established in those rules. 90759

Sec. 5123.162. (A) The director of developmental disabilities 90760
may conduct surveys of persons and government entities that seek a 90761
supported living certificate to determine whether the persons and 90762
government entities meet the certification standards. The director 90763
may also conduct surveys of providers to determine whether the 90764
providers continue to meet the certification standards. The 90765
director may assign to a county board of developmental 90766
disabilities the responsibility to conduct either type of survey. 90767
Each survey shall be conducted in accordance with rules adopted 90768
under section ~~5123.1610~~ 5123.1611 of the Revised Code. 90769

(B) Following each survey of a provider, the director shall 90771
issue a report listing the date of the survey, any citations 90772
issued as a result of the survey, and the statutes or rules that 90773
purportedly have been violated and are the bases of the citations. 90774
The director shall also do both of the following: 90775

(1) Specify a date by which the provider may appeal any of 90776
the citations; 90777

(2) When appropriate, specify a timetable within which the 90778
provider must submit a plan of correction describing how the 90779
problems specified in the citations will be corrected and the date 90780
by which the provider anticipates the problems will be corrected. 90781

(C) If the director initiates a proceeding to revoke a 90782
provider's certification, the director shall include the report 90783
required by division (B) of this section with the notice of the 90784
proposed revocation the director sends to the provider. In this 90785

circumstance, the provider may not submit a plan of correction. 90786

(D) After a plan of correction is submitted, the director 90787
shall approve or disapprove the plan. If the plan of correction is 90788
approved, a copy of the approved plan shall be provided, not later 90789
than five business days after it is approved, to any person or 90790
government entity that requests it and made available on the 90791
internet web site maintained by the department of developmental 90792
disabilities. If the plan of correction is not approved and the 90793
director initiates a proceeding to revoke the provider's 90794
certification, a copy of the survey report shall be provided to 90795
any person or government entity that requests it and shall be made 90796
available on the internet web site maintained by the department. 90797

(E) In addition to survey reports described in this section, 90798
all other records associated with surveys conducted under this 90799
section are public records for the purpose of section 149.43 of 90800
the Revised Code and shall be made available on the request of any 90801
person or government entity. 90802

Sec. 5123.163. A supported living certificate is valid for a 90803
period of time established in rules adopted under section 90804
~~5123.1610~~ 5123.1611 of the Revised Code, unless any of the 90805
following occur before the end of that period of time: 90806

(A) The director of developmental disabilities issues an 90807
order requiring that action be taken against the certificate 90808
holder under section 5123.166 of the Revised Code. 90809

(B) The director issues an order terminating the certificate 90810
under section 5123.168 of the Revised Code. 90811

(C) The certificate holder voluntarily surrenders the 90812
certificate to the director. 90813

Sec. 5123.164. Except as provided in sections 5123.166 and 90814
5123.169 of the Revised Code, the director of developmental 90815

disabilities shall renew a supported living certificate if the 90816
certificate holder follows the renewal process established in 90817
rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised 90818
Code, continues to meet the applicable certification standards 90819
established in those rules, and pays the renewal fee established 90820
in those rules. 90821

Sec. 5123.166. (A) If good cause exists as specified in 90822
division (B) of this section and determined in accordance with 90823
procedures established in rules adopted under section ~~5123.1610~~ 90824
5123.1611 of the Revised Code, the director of developmental 90825
disabilities may issue an adjudication order requiring that one of 90826
the following actions be taken against a person or government 90827
entity seeking or holding a supported living certificate: 90828

(1) Refusal to issue or renew a supported living certificate; 90829

(2) Revocation of a supported living certificate; 90830

(3) Suspension of a supported living certificate holder's 90831
authority to do either or both of the following: 90832

(a) Continue to provide supported living to one or more 90833
individuals from one or more counties who receive supported living 90834
from the certificate holder at the time the director takes the 90835
action; 90836

(b) Begin to provide supported living to one or more 90837
individuals from one or more counties who do not receive supported 90838
living from the certificate holder at the time the director takes 90839
the action. 90840

(B) The following constitute good cause for taking action 90841
under division (A) of this section against a person or government 90842
entity seeking or holding a supported living certificate: 90843

(1) The person or government entity's failure to meet or 90844
continue to meet the applicable certification standards 90845

established in rules adopted under section ~~5123.1610~~ 5123.1611 of 90846
the Revised Code; 90847

(2) The person or government entity violates section 5123.165 90848
of the Revised Code; 90849

(3) The person or government entity's failure to satisfy the 90850
requirements of section 5123.081 or 5123.52 of the Revised Code; 90851

(4) Misfeasance; 90852

(5) Malfeasance; 90853

(6) Nonfeasance; 90854

(7) Confirmed abuse or neglect; 90855

(8) Financial irresponsibility; 90856

(9) Other conduct the director determines is or would be 90857
injurious to individuals who receive or would receive supported 90858
living from the person or government entity. 90859

(C) Except as provided in division (D) of this section, the 90860
director shall issue an adjudication order under division (A) of 90861
this section in accordance with Chapter 119. of the Revised Code. 90862

(D)(1) The director may issue an order requiring that action 90863
specified in division (A)(3) of this section be taken before a 90864
provider is provided notice and an opportunity for a hearing if 90865
all of the following are the case: 90866

(a) The director determines such action is warranted by the 90867
provider's failure to continue to meet the applicable 90868
certification standards; 90869

(b) The director determines that the failure either 90870
represents a pattern of serious noncompliance or creates a 90871
substantial risk to the health or safety of an individual who 90872
receives or would receive supported living from the provider; 90873

(c) If the order will suspend the provider's authority to 90874

continue to provide supported living to an individual who receives supported living from the provider at the time the director issues the order, both of the following are the case:

(i) The director makes the individual, or the individual's guardian, aware of the director's determination under division (D)(1)(b) of this section and the individual or guardian does not select another provider.

(ii) A county board of developmental disabilities has filed a complaint with a probate court under section 5126.33 of the Revised Code that includes facts describing the nature of abuse or neglect that the individual has suffered due to the provider's actions that are the basis for the director making the determination under division (D)(1)(b) of this section and the probate court does not issue an order authorizing the county board to arrange services for the individual pursuant to an individualized service plan developed for the individual under section 5126.31 of the Revised Code.

(2) If the director issues an order under division (D)(1) of this section, sections 119.091 to 119.13 of the Revised Code and all of the following apply:

(a) The director shall send the provider notice of the order by registered mail, return receipt requested, not later than twenty-four hours after issuing the order and shall include in the notice the reasons for the order, the citation to the law or rule directly involved, and a statement that the provider will be afforded a hearing if the provider requests it within ten days of the time of receiving the notice.

(b) If the provider requests a hearing within the required time and the provider has provided the director the provider's current address, the director shall immediately set, and notify the provider of, the date, time, and place for the hearing.

(c) The date of the hearing shall be not later than thirty 90906
days after the director receives the provider's timely request for 90907
the hearing. 90908

(d) The hearing shall be conducted in accordance with section 90909
119.09 of the Revised Code, except for all of the following: 90910

(i) The hearing shall continue uninterrupted until its close, 90911
except for weekends, legal holidays, and other interruptions the 90912
provider and director agree to. 90913

(ii) If the director appoints a referee or examiner to 90914
conduct the hearing, the referee or examiner, not later than ten 90915
days after the date the referee or examiner receives a transcript 90916
of the testimony and evidence presented at the hearing or, if the 90917
referee or examiner does not receive the transcript or no such 90918
transcript is made, the date that the referee or examiner closes 90919
the record of the hearing, shall submit to the director a written 90920
report setting forth the referee or examiner's findings of fact 90921
and conclusions of law and a recommendation of the action the 90922
director should take. 90923

(iii) The provider may, not later than five days after the 90924
date the director, in accordance with section 119.09 of the 90925
Revised Code, sends the provider or the provider's attorney or 90926
other representative of record a copy of the referee or examiner's 90927
report and recommendation, file with the director written 90928
objections to the report and recommendation. 90929

(iv) The director shall approve, modify, or disapprove the 90930
referee or examiner's report and recommendation not earlier than 90931
six days, and not later than fifteen days, after the date the 90932
director, in accordance with section 119.09 of the Revised Code, 90933
sends a copy of the report and recommendation to the provider or 90934
the provider's attorney or other representative of record. 90935

(3) The director may lift an order issued under division 90936

(D)(1) of this section even though a hearing regarding the order 90937
is occurring or pending if the director determines that the 90938
provider has taken action eliminating the good cause for issuing 90939
the order. The hearing shall proceed unless the provider withdraws 90940
the request for the hearing in a written letter to the director. 90941

(4) The director shall lift an order issued under division 90942
(D)(1) of this section if both of the following are the case: 90943

(a) The provider provides the director a plan of compliance 90944
the director determines is acceptable. 90945

(b) The director determines that the provider has implemented 90946
the plan of compliance correctly. 90947

Sec. 5123.167. If the director of developmental disabilities 90948
issues an adjudication order under section 5123.166 of the Revised 90949
Code refusing to issue a supported living certificate to a person 90950
or government entity ~~or, refusing~~ to renew a person or government 90951
entity's supported living certificate, or revoking the person or 90952
government entity's supported living certificate, neither the 90953
person or government entity nor a related party of the person or 90954
government entity may apply for another supported living 90955
certificate earlier than the date that is ~~one year~~ five years 90956
after the date the order is issued. If a person or government 90957
entity's authority to provide medicaid-funded supported living is 90958
revoked or renewal of the authority is refused pursuant to section 90959
5123.1610 of the Revised Code, neither the person or government 90960
entity nor a related party of the person or government entity may 90961
apply for authority to provide medicaid-funded supported living 90962
again earlier than the date this is five years after the date the 90963
authority is revoked or expired. 90964

~~If the director issues an adjudication order under that~~ 90965
~~section revoking a person or government entity's supported living~~ 90966
~~certificate, neither the person or government entity nor a related~~ 90967

~~party of the person or government entity may apply for another supported living certificate earlier than the date that is five years after the date the order is issued.~~

Sec. 5123.169. (A) The director of developmental disabilities shall not issue a supported living certificate to an applicant or renew an applicant's supported living certificate if either of the following applies:

(1) The applicant fails to comply with division (C)(2) of this section;

(2) Except as provided in rules adopted under section ~~5123.1610~~ 5123.1611 of the Revised Code, the applicant is found by a criminal records check required by this section to have been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense.

(B) Before issuing a supported living certificate to an applicant or renewing an applicant's supported living certificate, the director shall require the applicant to submit a statement with the applicant's signature attesting that the applicant has not been convicted of, pleaded guilty to, or been found eligible for intervention in lieu of conviction for a disqualifying offense. The director also shall require the applicant to sign an agreement under which the applicant agrees to notify the director within fourteen calendar days if, while holding a supported living certificate, the applicant is formally charged with, is convicted of, pleads guilty to, or is found eligible for intervention in lieu of conviction for a disqualifying offense. The agreement shall provide that the applicant's failure to provide the notification may result in action being taken by the director against the applicant under section 5123.166 of the Revised Code.

(C)(1) As a condition of receiving a supported living certificate or having a supported living certificate renewed, an

applicant shall request the superintendent of the bureau of 90999
criminal identification and investigation to conduct a criminal 91000
records check of the applicant. If an applicant does not present 91001
proof to the director that the applicant has been a resident of 91002
this state for the five-year period immediately prior to the date 91003
that the applicant applies for issuance or renewal of the 91004
supported living certificate, the director shall require the 91005
applicant to request that the superintendent obtain information 91006
from the federal bureau of investigation as a part of the criminal 91007
records check. If the applicant presents proof to the director 91008
that the applicant has been a resident of this state for that 91009
five-year period, the director may require the applicant to 91010
request that the superintendent include information from the 91011
federal bureau of investigation in the criminal records check. For 91012
purposes of this division, an applicant may provide proof of 91013
residency in this state by presenting, with a notarized statement 91014
asserting that the applicant has been a resident of this state for 91015
that five-year period, a valid driver's license, notification of 91016
registration as an elector, a copy of an officially filed federal 91017
or state tax form identifying the applicant's permanent residence, 91018
or any other document the director considers acceptable. 91019

(2) Each applicant shall do all of the following: 91020

(a) Obtain a copy of the form prescribed pursuant to division 91021
(C)(1) of section 109.572 of the Revised Code and a standard 91022
impression sheet prescribed pursuant to division (C)(2) of section 91023
109.572 of the Revised Code; 91024

(b) Complete the form and provide the applicant's fingerprint 91025
impressions on the standard impression sheet; 91026

(c) Forward the completed form and standard impression sheet 91027
to the superintendent at the time the criminal records check is 91028
requested; 91029

(d) Instruct the superintendent to submit the completed report of the criminal records check directly to the director; 91030
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(e) Pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check of the applicant requested and conducted pursuant to this section. 91032
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(D) The director may request any other state or federal agency to supply the director with a written report regarding the criminal record of an applicant. The director may consider the reports when determining whether to issue a supported living certificate to the applicant or to renew an applicant's supported living certificate. 91037
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(E) An applicant who seeks to be an independent provider or is an independent provider seeking renewal of the applicant's supported living certificate shall obtain the applicant's driving record from the bureau of motor vehicles and provide a copy of the record to the director if the supported living that the applicant will provide involves transporting individuals with mental retardation or developmental disabilities. The director may consider the applicant's driving record when determining whether to issue the applicant a supported living certificate or to renew the applicant's supported living certificate. 91043
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(F)(1) A report obtained pursuant to this section is not a public record for purposes of section 149.43 of the Revised Code and shall not be made available to any person, other than the following: 91053
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(a) The applicant who is the subject of the report or the applicant's representative; 91057
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(b) The director or the director's representative; 91059

(c) Any court, hearing officer, or other necessary individual 91060

involved in a case dealing with any of the following: 91061

(i) The denial of a supported living certificate or refusal 91062
to renew a supported living certificate; 91063

(ii) The denial, suspension, or revocation of a certificate 91064
under section 5123.45 of the Revised Code; 91065

(iii) A civil or criminal action regarding the medicaid 91066
program. 91067

(2) An applicant for whom the director has obtained reports 91068
under this section may submit a written request to the director to 91069
have copies of the reports sent to any person or state or local 91070
government entity. The applicant shall specify in the request the 91071
person or entities to which the copies are to be sent. On 91072
receiving the request, the director shall send copies of the 91073
reports to the persons or entities specified. 91074

(3) The director may request that a person or state or local 91075
government entity send copies to the director of any report 91076
regarding a records check or criminal records check that the 91077
person or entity possesses, if the director obtains the written 91078
consent of the individual who is the subject of the report. 91079

(4) The director shall provide each applicant with a copy of 91080
any report obtained about the applicant under this section. 91081

Sec. 5123.1610. (A) Both of the following apply if the 91082
department of medicaid, pursuant to section 5164.38 of the Revised 91083
Code, terminates or refuses to revalidate a provider agreement 91084
that authorizes a person or government entity to provide supported 91085
living under the medicaid program: 91086

(1) In the case of a terminated provider agreement, the 91087
person or government entity's authority to provide medicaid-funded 91088
supported living under a supported living certificate is 91089
automatically revoked on the date that the provider agreement is 91090

terminated. 91091

(2) In the case of a provider agreement that expires because 91092
the department of medicaid refuses to revalidate it, the person or 91093
government entity's authority to provide medicaid-funded supported 91094
living under a supported living certificate is automatically 91095
revoked on the date that the provider agreement expires, unless 91096
the expiration date of the provider agreement is the same as the 91097
expiration date of the supported living certificate, in which case 91098
the director of developmental disabilities shall refuse to renew 91099
the person or government entity's authority to provide 91100
medicaid-funded supported living under the certificate. 91101

(B) The director of developmental disabilities is not 91102
required to issue an adjudication order in accordance with Chapter 91103
119. of the Revised Code to do either of the following pursuant to 91104
this section: 91105

(1) Revoke a person or government entity's authority to 91106
provide medicaid-funded supported living; 91107

(2) Refuse to renew a person or government entity's authority 91108
to provide medicaid-funded supported living. 91109

(C) This section does not affect a person or government 91110
entity's authority to provide nonmedicaid-funded supported living 91111
under a supported living certificate. 91112

Sec. ~~5123.1610~~ 5123.1611. The director of developmental 91113
disabilities shall adopt rules under Chapter 119. of the Revised 91114
Code establishing all of the following: 91115

(A) The extent to which a county board of developmental 91116
disabilities may provide supported living; 91117

(B) The application process for obtaining a supported living 91118
certificate under section 5123.161 of the Revised Code; 91119

(C) The certification standards a person or government entity 91120

must meet to obtain a supported living certificate to provide 91121
supported living; 91122

(D) The certification fee for a supported living certificate, 91123
which shall be deposited into the program fee fund created under 91124
section 5123.033 of the Revised Code; 91125

(E) The period of time a supported living certificate is 91126
valid; 91127

(F) The process for renewing a supported living certificate 91128
under section 5123.164 of the Revised Code; 91129

(G) The renewal fee for a supported living certificate, which 91130
shall be deposited into the program fee fund created under section 91131
5123.033 of the Revised Code; 91132

(H) Procedures for conducting surveys under section 5123.162 91133
of the Revised Code; 91134

(I) Procedures for determining whether there is good cause to 91135
take action under section 5123.166 of the Revised Code against a 91136
person or government entity seeking or holding a supported living 91137
certificate; 91138

(J) Circumstances under which the director may issue a 91139
supported living certificate to an applicant or renew an 91140
applicant's supported living certificate if the applicant is found 91141
by a criminal records check required by section 5123.169 of the 91142
Revised Code to have been convicted of, pleaded guilty to, or been 91143
found eligible for intervention in lieu of conviction for a 91144
disqualifying offense but meets standards in regard to 91145
rehabilitation set by the director. 91146

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 91147
the Revised Code: 91148

(1) "Independent living arrangement" means an arrangement in 91149
which a mentally retarded or developmentally disabled person 91150

resides in an individualized setting chosen by the person or the person's guardian, which is not dedicated principally to the provision of residential services for mentally retarded or developmentally disabled persons, and for which no financial support is received for rendering such service from any governmental agency by a provider of residential services.

(2) "Licensee" means the person or government agency that has applied for a license to operate a residential facility and to which the license was issued under this section.

(3) "Political subdivision" means a municipal corporation, county, or township.

(4) "Related party" has the same meaning as in section 5123.16 of the Revised Code except that "provider" as used in the definition of "related party" means a person or government entity that held or applied for a license to operate a residential facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with mental retardation or a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with mental retardation or a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with mental 91181
retardation or developmental disabilities are in independent 91182
living arrangements or are being provided supported living. 91183

(B) Every person or government agency desiring to operate a 91184
residential facility shall apply for licensure of the facility to 91185
the director of developmental disabilities unless the residential 91186
facility is subject to section 3721.02, 5103.03, 5119.33, or 91187
division ~~(A)(9)(b)~~ (B)(1)(b) of section 5119.34 of the Revised 91188
Code. 91189

(C) Subject to section 5123.196 of the Revised Code, the 91190
director of developmental disabilities shall license the operation 91191
of residential facilities. An initial license shall be issued for 91192
a period that does not exceed one year, unless the director denies 91193
the license under division (D) of this section. A license shall be 91194
renewed for a period that does not exceed three years, unless the 91195
director refuses to renew the license under division (D) of this 91196
section. The director, when issuing or renewing a license, shall 91197
specify the period for which the license is being issued or 91198
renewed. A license remains valid for the length of the licensing 91199
period specified by the director, unless the license is 91200
terminated, revoked, or voluntarily surrendered. 91201

(D) If it is determined that an applicant or licensee is not 91202
in compliance with a provision of this chapter that applies to 91203
residential facilities or the rules adopted under such a 91204
provision, the director may deny issuance of a license, refuse to 91205
renew a license, terminate a license, revoke a license, issue an 91206
order for the suspension of admissions to a facility, issue an 91207
order for the placement of a monitor at a facility, issue an order 91208
for the immediate removal of residents, or take any other action 91209
the director considers necessary consistent with the director's 91210
authority under this chapter regarding residential facilities. In 91211
the director's selection and administration of the sanction to be 91212

imposed, all of the following apply: 91213

(1) The director may deny, refuse to renew, or revoke a 91214
license, if the director determines that the applicant or licensee 91215
has demonstrated a pattern of serious noncompliance or that a 91216
violation creates a substantial risk to the health and safety of 91217
residents of a residential facility. 91218

(2) The director may terminate a license if more than twelve 91219
consecutive months have elapsed since the residential facility was 91220
last occupied by a resident or a notice required by division 91221
~~(K)~~(J) of this section is not given. 91222

(3) The director may issue an order for the suspension of 91223
admissions to a facility for any violation that may result in 91224
sanctions under division (D)(1) of this section and for any other 91225
violation specified in rules adopted under division ~~(H)~~(G)(2) of 91226
this section. If the suspension of admissions is imposed for a 91227
violation that may result in sanctions under division (D)(1) of 91228
this section, the director may impose the suspension before 91229
providing an opportunity for an adjudication under Chapter 119. of 91230
the Revised Code. The director shall lift an order for the 91231
suspension of admissions when the director determines that the 91232
violation that formed the basis for the order has been corrected. 91233

(4) The director may order the placement of a monitor at a 91234
residential facility for any violation specified in rules adopted 91235
under division ~~(H)~~(G)(2) of this section. The director shall lift 91236
the order when the director determines that the violation that 91237
formed the basis for the order has been corrected. 91238

~~(5) If the director determines that two or more residential 91239
facilities owned or operated by the same person or government 91240
entity are not being operated in compliance with a provision of 91241
this chapter that applies to residential facilities or the rules 91242
adopted under such a provision, and the director's findings are 91243~~

~~based on the same or a substantially similar action, practice, 91244
circumstance, or incident that creates a substantial risk to the 91245
health and safety of the residents, the director shall conduct a 91246
survey as soon as practicable at each residential facility owned 91247
or operated by that person or government entity. The director may 91248
take any action authorized by this section with respect to any 91249
facility found to be operating in violation of a provision of this 91250
chapter that applies to residential facilities or the rules 91251
adopted under such a provision. 91252~~

~~(6)~~ When the director initiates license revocation 91253
proceedings, no opportunity for submitting a plan of correction 91254
shall be given. The director shall notify the licensee by letter 91255
of the initiation of the proceedings. The letter shall list the 91256
deficiencies of the residential facility and inform the licensee 91257
that no plan of correction will be accepted. The director shall 91258
also send a copy of the letter to the county board of 91259
developmental disabilities. The Except in the case of a licensee 91260
that is an ICF/IID, the county board shall send a copy of the 91261
letter to each of the following: 91262

(a) Each resident who receives services from the licensee; 91263

(b) The guardian of each resident who receives services from 91264
the licensee if the resident has a guardian; 91265

(c) The parent or guardian of each resident who receives 91266
services from the licensee if the resident is a minor. 91267

~~(7)~~(6) Pursuant to rules which shall be adopted in accordance 91268
with Chapter 119. of the Revised Code, the director may order the 91269
immediate removal of residents from a residential facility 91270
whenever conditions at the facility present an immediate danger of 91271
physical or psychological harm to the residents. 91272

~~(8)~~(7) In determining whether a residential facility is being 91273
operated in compliance with a provision of this chapter that 91274

applies to residential facilities or the rules adopted under such 91275
a provision, or whether conditions at a residential facility 91276
present an immediate danger of physical or psychological harm to 91277
the residents, the director may rely on information obtained by a 91278
county board of developmental disabilities or other governmental 91279
agencies. 91280

~~(9)~~(8) In proceedings initiated to deny, refuse to renew, or 91281
revoke licenses, the director may deny, refuse to renew, or revoke 91282
a license regardless of whether some or all of the deficiencies 91283
that prompted the proceedings have been corrected at the time of 91284
the hearing. 91285

~~(E) The director shall establish a program under which public 91286
notification may be made when the director has initiated license 91287
revocation proceedings or has issued an order for the suspension 91288
of admissions, placement of a monitor, or removal of residents. 91289
The director shall adopt rules in accordance with Chapter 119. of 91290
the Revised Code to implement this division. The rules shall 91291
establish the procedures by which the public notification will be 91292
made and specify the circumstances for which the notification must 91293
be made. The rules shall require that public notification be made 91294
if the director has taken action against the facility in the 91295
eighteen-month period immediately preceding the director's latest 91296
action against the facility and the latest action is being taken 91297
for the same or a substantially similar violation of a provision 91298
of this chapter that applies to residential facilities or the 91299
rules adopted under such a provision. The rules shall specify a 91300
method for removing or amending the public notification if the 91301
director's action is found to have been unjustified or the 91302
violation at the residential facility has been corrected. 91303~~

~~(F)~~(1) Except as provided in division ~~(F)~~(E)(2) of this 91304
section, appeals from proceedings initiated to impose a sanction 91305
under division (D) of this section shall be conducted in 91306

accordance with Chapter 119. of the Revised Code. 91307

(2) Appeals from proceedings initiated to order the 91308
suspension of admissions to a facility shall be conducted in 91309
accordance with Chapter 119. of the Revised Code, unless the order 91310
was issued before providing an opportunity for an adjudication, in 91311
which case all of the following apply: 91312

(a) The licensee may request a hearing not later than ten 91313
days after receiving the notice specified in section 119.07 of the 91314
Revised Code. 91315

(b) If a timely request for a hearing that includes the 91316
licensee's current address is made, the hearing shall commence not 91317
later than thirty days after the department receives the request. 91318

(c) After commencing, the hearing shall continue 91319
uninterrupted, except for Saturdays, Sundays, and legal holidays, 91320
unless other interruptions are agreed to by the licensee and the 91321
director. 91322

(d) If the hearing is conducted by a hearing examiner, the 91323
hearing examiner shall file a report and recommendations not later 91324
than ten days after the last of the following: 91325

(i) The close of the hearing; 91326

(ii) If a transcript of the proceedings is ordered, the 91327
hearing examiner receives the transcript; 91328

(iii) If post-hearing briefs are timely filed, the hearing 91329
examiner receives the briefs. 91330

(e) A copy of the written report and recommendation of the 91331
hearing examiner shall be sent, by certified mail, to the licensee 91332
and the licensee's attorney, if applicable, not later than five 91333
days after the report is filed. 91334

(f) Not later than five days after the hearing examiner files 91335
the report and recommendations, the licensee may file objections 91336

to the report and recommendations. 91337

(g) Not later than fifteen days after the hearing examiner 91338
files the report and recommendations, the director shall issue an 91339
order approving, modifying, or disapproving the report and 91340
recommendations. 91341

(h) Notwithstanding the pendency of the hearing, the director 91342
shall lift the order for the suspension of admissions when the 91343
director determines that the violation that formed the basis for 91344
the order has been corrected. 91345

~~(G)~~(F) Neither a person or government agency whose 91346
application for a license to operate a residential facility is 91347
denied nor a related party of the person or government agency may 91348
apply for a license to operate a residential facility before the 91349
date that is ~~one year~~ five years after the date of the denial. 91350
Neither a licensee whose residential facility license is revoked 91351
nor a related party of the licensee may apply for a residential 91352
facility license before the date that is five years after the date 91353
of the revocation. 91354

~~(H)~~(G) In accordance with Chapter 119. of the Revised Code, 91355
the director shall adopt and may amend and rescind rules for 91356
licensing and regulating the operation of residential facilities. 91357
The rules for residential facilities that are ICFs/IID may differ 91358
from those for other residential facilities. The rules shall 91359
establish and specify the following: 91360

(1) Procedures and criteria for issuing and renewing 91361
licenses, including procedures and criteria for determining the 91362
length of the licensing period that the director must specify for 91363
each license when it is issued or renewed; 91364

(2) Procedures and criteria for denying, refusing to renew, 91365
terminating, and revoking licenses and for ordering the suspension 91366
of admissions to a facility, placement of a monitor at a facility, 91367

and the immediate removal of residents from a facility;	91368
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	91369 91370 91371
(4) Procedures for surveying residential facilities;	91372
(5) Requirements for the training of residential facility personnel;	91373 91374
(6) Classifications for the various types of residential facilities;	91375 91376
(7) Certification procedures for licensees and management contractors that the director determines are necessary to ensure that they have the skills and qualifications to properly operate or manage residential facilities;	91377 91378 91379 91380
(8) <u>(6)</u> The maximum number of persons who may be served in a particular type of residential facility;	91381 91382
(9) <u>(7)</u> Uniform procedures for admission of persons to and transfers and discharges of persons from residential facilities;	91383 91384
(10) <u>(8)</u> Other standards for the operation of residential facilities and the services provided at residential facilities;	91385 91386
(11) <u>(9)</u> Procedures for waiving any provision of any rule adopted under this section.	91387 91388
(I) <u>(H)</u> (1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the residential facility, its personnel, and the services provided there. The director may assign to a county board of developmental disabilities <u>or the department of health</u> the	91389 91390 91391 91392 91393 91394 91395 91396 91397

responsibility to conduct any survey or inspection under this 91398
section. 91399

(2) In conducting surveys, the director shall be given access 91400
to the residential facility; all records, accounts, and any other 91401
documents related to the operation of the facility; the licensee; 91402
the residents of the facility; and all persons acting on behalf 91403
of, under the control of, or in connection with the licensee. The 91404
licensee and all persons on behalf of, under the control of, or in 91405
connection with the licensee shall cooperate with the director in 91406
conducting the survey. 91407

(3) Following each survey, the director shall provide the 91408
licensee with a report listing the date of the survey, any 91409
citations issued as a result of the survey, and the statutes or 91410
rules that purportedly have been violated and are the bases of the 91411
citations. The director shall also do both of the following: 91412

(a) Specify a date by which the licensee may appeal any of 91413
the citations; 91414

(b) When appropriate, specify a timetable within which the 91415
licensee must submit a plan of correction describing how the 91416
problems specified in the citations will be corrected and, the 91417
date by which the licensee anticipates the problems will be 91418
corrected. 91419

(4) If the director initiates a proceeding to revoke a 91420
license, the director shall include the report required by 91421
division ~~(I)~~(H)(3) of this section with the notice of the proposed 91422
revocation the director sends to the licensee. In this 91423
circumstance, the licensee may not submit a plan of correction. 91424

(5) After a plan of correction is submitted, the director 91425
shall approve or disapprove the plan. If the plan of correction is 91426
approved, a copy of the approved plan shall be provided, not later 91427
than five business days after it is approved, to any person or 91428

government entity who requests it and made available on the 91429
internet web site maintained by the department of developmental 91430
disabilities. If the plan of correction is not approved and the 91431
director initiates a proceeding to revoke the license, a copy of 91432
the survey report shall be provided to any person or government 91433
entity that requests it and shall be made available on the 91434
internet web site maintained by the department. 91435

(6) The director shall initiate disciplinary action against 91436
any department employee who notifies or causes the notification to 91437
any unauthorized person of an unannounced survey of a residential 91438
facility by an authorized representative of the department. 91439

~~(J)~~(I) In addition to any other information which may be 91440
required of applicants for a license pursuant to this section, the 91441
director shall require each applicant to provide a copy of an 91442
approved plan for a proposed residential facility pursuant to 91443
section 5123.042 of the Revised Code. This division does not apply 91444
to renewal of a license or to an applicant for an initial or 91445
modified license who meets the requirements of section 5123.197 of 91446
the Revised Code. 91447

~~(K)~~(J)(1) A licensee shall notify the owner of the building 91448
in which the licensee's residential facility is located of any 91449
significant change in the identity of the licensee or management 91450
contractor before the effective date of the change if the licensee 91451
is not the owner of the building. 91452

(2) Pursuant to rules, which shall be adopted in accordance 91453
with Chapter 119. of the Revised Code, the director may require 91454
notification to the department of any significant change in the 91455
ownership of a residential facility or in the identity of the 91456
licensee or management contractor. If the director determines that 91457
a significant change of ownership is proposed, the director shall 91458
consider the proposed change to be an application for development 91459
by a new operator pursuant to section 5123.042 of the Revised Code 91460

and shall advise the applicant within sixty days of the 91461
notification that the current license shall continue in effect or 91462
a new license will be required pursuant to this section. If the 91463
director requires a new license, the director shall permit the 91464
facility to continue to operate under the current license until 91465
the new license is issued, unless the current license is revoked, 91466
refused to be renewed, or terminated in accordance with Chapter 91467
119. of the Revised Code. 91468

(3) A licensee shall transfer to the new licensee or 91469
management contractor all records related to the residents of the 91470
facility following any significant change in the identity of the 91471
licensee or management contractor. 91472

~~(L)~~(K) A county board of developmental disabilities and any 91473
interested person may file complaints alleging violations of 91474
statute or department rule relating to residential facilities with 91475
the department. All complaints shall ~~be in writing and shall~~ state 91476
the facts constituting the basis of the allegation. The department 91477
shall not reveal the source of any complaint unless the 91478
complainant agrees in writing to waive the right to 91479
confidentiality or until so ordered by a court of competent 91480
jurisdiction. 91481

The department shall adopt rules in accordance with Chapter 91482
119. of the Revised Code establishing procedures for the receipt, 91483
referral, investigation, and disposition of complaints filed with 91484
the department under this division. 91485

~~(M) The department shall establish procedures for the 91486
notification of interested parties of the transfer or interim care 91487
of residents from residential facilities that are closing or are 91488
losing their license.~~ 91489

~~(N)~~(L) Before issuing a license under this section to a 91490
residential facility that will accommodate at any time more than 91491

one mentally retarded or developmentally disabled individual, the 91492
director shall, by first class mail, notify the following: 91493

(1) If the facility will be located in a municipal 91494
corporation, the clerk of the legislative authority of the 91495
municipal corporation; 91496

(2) If the facility will be located in unincorporated 91497
territory, the clerk of the appropriate board of county 91498
commissioners and the fiscal officer of the appropriate board of 91499
township trustees. 91500

The director shall not issue the license for ten days after 91501
mailing the notice, excluding Saturdays, Sundays, and legal 91502
holidays, in order to give the notified local officials time in 91503
which to comment on the proposed issuance. 91504

Any legislative authority of a municipal corporation, board 91505
of county commissioners, or board of township trustees that 91506
receives notice under this division of the proposed issuance of a 91507
license for a residential facility may comment on it in writing to 91508
the director within ten days after the director mailed the notice, 91509
excluding Saturdays, Sundays, and legal holidays. If the director 91510
receives written comments from any notified officials within the 91511
specified time, the director shall make written findings 91512
concerning the comments and the director's decision on the 91513
issuance of the license. If the director does not receive written 91514
comments from any notified local officials within the specified 91515
time, the director shall continue the process for issuance of the 91516
license. 91517

~~(O)~~(M) Any person may operate a licensed residential facility 91518
that provides room and board, personal care, habilitation 91519
services, and supervision in a family setting for at least six but 91520
not more than eight persons with mental retardation or a 91521
developmental disability as a permitted use in any residential 91522

district or zone, including any single-family residential district 91523
or zone, of any political subdivision. These residential 91524
facilities may be required to comply with area, height, yard, and 91525
architectural compatibility requirements that are uniformly 91526
imposed upon all single-family residences within the district or 91527
zone. 91528

~~(P)~~(N) Any person may operate a licensed residential facility 91529
that provides room and board, personal care, habilitation 91530
services, and supervision in a family setting for at least nine 91531
but not more than sixteen persons with mental retardation or a 91532
developmental disability as a permitted use in any multiple-family 91533
residential district or zone of any political subdivision, except 91534
that a political subdivision that has enacted a zoning ordinance 91535
or resolution establishing planned unit development districts may 91536
exclude these residential facilities from those districts, and a 91537
political subdivision that has enacted a zoning ordinance or 91538
resolution may regulate these residential facilities in 91539
multiple-family residential districts or zones as a conditionally 91540
permitted use or special exception, in either case, under 91541
reasonable and specific standards and conditions set out in the 91542
zoning ordinance or resolution to: 91543

(1) Require the architectural design and site layout of the 91544
residential facility and the location, nature, and height of any 91545
walls, screens, and fences to be compatible with adjoining land 91546
uses and the residential character of the neighborhood; 91547

(2) Require compliance with yard, parking, and sign 91548
regulation; 91549

(3) Limit excessive concentration of these residential 91550
facilities. 91551

~~(Q)~~(O) This section does not prohibit a political subdivision 91552
from applying to residential facilities nondiscriminatory 91553

regulations requiring compliance with health, fire, and safety 91554
regulations and building standards and regulations. 91555

~~(R)~~(P) Divisions ~~(O)~~ and ~~(P)~~(M) and (N) of this section are 91556
not applicable to municipal corporations that had in effect on 91557
June 15, 1977, an ordinance specifically permitting in residential 91558
zones licensed residential facilities by means of permitted uses, 91559
conditional uses, or special exception, so long as such ordinance 91560
remains in effect without any substantive modification. 91561

~~(S)~~(O)(1) The director may issue an interim license to 91562
operate a residential facility to an applicant for a license under 91563
this section if either of the following is the case: 91564

(a) The director determines that an emergency exists 91565
requiring immediate placement of persons in a residential 91566
facility, that insufficient licensed beds are available, and that 91567
the residential facility is likely to receive a permanent license 91568
under this section within thirty days after issuance of the 91569
interim license. 91570

(b) The director determines that the issuance of an interim 91571
license is necessary to meet a temporary need for a residential 91572
facility. 91573

(2) To be eligible to receive an interim license, an 91574
applicant must meet the same criteria that must be met to receive 91575
a permanent license under this section, except for any differing 91576
procedures and time frames that may apply to issuance of a 91577
permanent license. 91578

(3) An interim license shall be valid for thirty days and may 91579
be renewed by the director for a period not to exceed one hundred 91580
~~fifty~~ eighty days. 91581

(4) The director shall adopt rules in accordance with Chapter 91582
119. of the Revised Code as the director considers necessary to 91583
administer the issuance of interim licenses. 91584

~~(T)~~(R) Notwithstanding rules adopted pursuant to this section 91585
establishing the maximum number of persons who may be served in a 91586
particular type of residential facility, a residential facility 91587
shall be permitted to serve the same number of persons being 91588
served by the facility on the effective date of the rules or the 91589
number of persons for which the facility is authorized pursuant to 91590
a current application for a certificate of need with a letter of 91591
support from the department of developmental disabilities and 91592
which is in the review process prior to April 4, 1986. 91593

This division does not preclude the department from 91594
suspending new admissions to a residential facility pursuant to a 91595
written order issued under section 5124.70 of the Revised Code. 91596

~~(U)~~(S) The director may enter at any time, for purposes of 91597
investigation, any home, facility, or other structure that has 91598
been reported to the director or that the director has reasonable 91599
cause to believe is being operated as a residential facility 91600
without a license issued under this section. 91601

The director may petition the court of common pleas of the 91602
county in which an unlicensed residential facility is located for 91603
an order enjoining the person or governmental agency operating the 91604
facility from continuing to operate without a license. The court 91605
may grant the injunction on a showing that the person or 91606
governmental agency named in the petition is operating a 91607
residential facility without a license. The court may grant the 91608
injunction, regardless of whether the residential facility meets 91609
the requirements for receiving a license under this section. 91610

Sec. 5123.196. (A) Except as provided in division (E) of this 91611
section, the director of developmental disabilities shall not 91612
issue a license under section 5123.19 of the Revised Code on or 91613
after July 1, 2003, if issuance will result in there being more 91614
beds in all residential facilities licensed under that section 91615

than is permitted under division (B) of this section. 91616

(B) The maximum number of beds for the purpose of division 91617
(A) of this section shall not exceed ten thousand eight hundred 91618
thirty-eight minus, except as provided in division (C) of this 91619
section, both of the following: 91620

(1) The number of such beds that cease to be residential 91621
facility beds on or after July 1, 2003, because a residential 91622
facility license is revoked, terminated, or not renewed for any 91623
reason or is surrendered in accordance with section 5123.19 of the 91624
Revised Code; 91625

(2) The number of such beds for which a licensee voluntarily 91626
converts to use for supported living on or after July 1, 2003. 91627

(C) The director is not required to reduce the maximum number 91628
of beds pursuant to division (B) of this section by a bed that 91629
ceases to be a residential facility bed if the director determines 91630
that the bed is needed to provide services to an individual with 91631
mental retardation or a developmental disability who resided in 91632
the residential facility in which the bed was located. 91633

(D) The director shall maintain an up-to-date written record 91634
of the maximum number of residential facility beds provided for by 91635
division (B) of this section. 91636

(E) The director may issue an interim license under division 91637
~~(S)~~(Q) of section 5123.19 of the Revised Code and issue, pursuant 91638
to rules adopted under division ~~(H)~~~~(11)~~(G)(9) of that section, a 91639
waiver allowing a residential facility to admit more residents 91640
than the facility is licensed to admit regardless of whether the 91641
interim license or waiver will result in there being more beds in 91642
all residential facilities licensed under that section than is 91643
permitted under division (B) of this section. 91644

Sec. 5123.198. (A) As used in this section, "date of the 91645

commitment" means the date that an individual specified in 91646
division (B) of this section begins to reside in a state-operated 91647
ICF/IID after being committed to the ICF/IID pursuant to sections 91648
5123.71 to 5123.76 of the Revised Code. 91649

(B) Except as provided in division (C) of this section, 91650
whenever a resident of a residential facility is committed to a 91651
state-operated ICF/IID pursuant to sections 5123.71 to 5123.76 of 91652
the Revised Code, the department of developmental disabilities, 91653
pursuant to an adjudication order issued in accordance with 91654
Chapter 119. of the Revised Code, shall reduce by one the number 91655
of residents for which the residential facility in which the 91656
resident resided is licensed. 91657

(C) The department shall not reduce under division (B) of 91658
this section the number of residents for which a residential 91659
facility is licensed if any of the following are the case: 91660

(1) The resident of the residential facility who is committed 91661
to a state-operated ICF/IID resided in the residential facility 91662
because of the closure, on or after June 26, 2003, of another 91663
state-operated ICF/IID; 91664

(2) The residential facility admits within ninety days of the 91665
date of the commitment an individual who resides on the date of 91666
the commitment in a state-operated ICF/IID or another residential 91667
facility; 91668

(3) The department fails to do either of the following within 91669
ninety days of the date of the commitment: 91670

(a) Identify an individual to whom all of the following 91671
applies: 91672

(i) Resides on the date of the commitment in a state-operated 91673
ICF/IID or another residential facility; 91674

(ii) Has indicated to the department an interest in 91675

relocating to the residential facility or has a parent or guardian 91676
who has indicated to the department an interest for the individual 91677
to relocate to the residential facility; 91678

(iii) The department determines the individual has needs that 91679
the residential facility can meet. 91680

(b) Provide the residential facility with information about 91681
the individual identified under division (C)(2)(a) of this section 91682
that the residential facility needs in order to determine whether 91683
the facility can meet the individual's needs. 91684

(4) If the department completes the actions specified in 91685
divisions (C)(3)(a) and (b) of this section not later than ninety 91686
days after the date of the commitment and except as provided in 91687
division (D) of this section, the residential facility does all of 91688
the following not later than ninety days after the date of the 91689
commitment: 91690

(a) Evaluates the information provided by the department; 91691

(b) Assesses the identified individual's needs; 91692

(c) Determines that the residential facility cannot meet the 91693
identified individual's needs. 91694

(5) If the department completes the actions specified in 91695
divisions (C)(3)(a) and (b) of this section not later than ninety 91696
days after the date of the commitment and the residential facility 91697
determines that the residential facility can meet the identified 91698
individual's needs, the individual, or a parent or guardian of the 91699
individual, refuses placement in the residential facility. 91700

(D) The department may reduce under division (B) of this 91701
section the number of residents for which a residential facility 91702
is licensed even though the residential facility completes the 91703
actions specified in division (C)(4) of this section not later 91704
than ninety days after the date of the commitment if all of the 91705

following are the case: 91706

(1) The department disagrees with the residential facility's 91707
determination that the residential facility cannot meet the 91708
identified individual's needs. 91709

(2) The department issues a written decision pursuant to the 91710
uniform procedures for admissions, transfers, and discharges 91711
established by rules adopted under division ~~(H)(9)~~(G)(7) of 91712
section 5123.19 of the Revised Code that the residential facility 91713
should admit the identified individual. 91714

(3) After the department issues the written decision 91715
specified in division (D)(2) of this section, the residential 91716
facility refuses to admit the identified individual. 91717

(E) A residential facility that admits, refuses to admit, 91718
transfers, or discharges a resident under this section shall 91719
comply with the uniform procedures for admissions, transfers, and 91720
discharges established by rules adopted under division 91721
~~(H)(9)~~(G)(7) of section 5123.19 of the Revised Code. 91722

Sec. 5123.376. (A) As used in this section: 91723

(1) "Medicaid-certified capacity" has the same meaning as in 91724
section 5124.01 of the Revised Code. 91725

(2) "Residential facility" has the same meaning as in section 91726
5123.19 of the Revised Code. 91727

(B)(1) The director of developmental disabilities may change 91728
the terms of an agreement entered into with a county board of 91729
developmental disabilities or private, nonprofit agency pursuant 91730
to section 5123.36 of the Revised Code or other statutory 91731
authority in effect before July 1, 1980, regarding the 91732
construction, acquisition, or renovation of a residential facility 91733
if all of the following apply: 91734

(a) The agreement was entered into during the period 91735

beginning January 1, 1975, and ending December 31, 1984. 91736

(b) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 91737
91738
91739

(c) The residential facility is an ICF/IID and, before the conversion specified in division (B)(1)(d) of this section, the ICF/IID had a medicaid-certified capacity of at least sixteen. 91740
91741
91742

(d) The residential facility's operator converted at least fifty per cent of its medicaid-certified beds from providing ICF/IID services to providing home and community-based services in accordance with section 5124.60 or 5124.61 of the Revised Code. 91743
91744
91745
91746

(e) The county board or private, nonprofit agency applies to the director for the change in the agreement's terms. 91747
91748

(2) The terms of an agreement that may be changed pursuant to division (B)(1) of this section include terms regarding the length of time the residential facility must be used as a residential facility. 91749
91750
91751
91752

(C) The director may authorize a county board or nonprofit, private agency not to repay the amount of an outstanding balance otherwise owed pursuant to an agreement entered into pursuant to section 5123.36 of the Revised Code or other statutory authority in effect before July 1, 1980, regarding the construction, acquisition, or renovation of a residential facility if all of the following apply: 91753
91754
91755
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91759

(1) The agreement was entered into during the period beginning January 1, 1975, and ending December 31, 1984. 91760
91761

(2) The agreement requires the county board or private, nonprofit agency to use the residential facility as a residential facility for at least forty years. 91762
91763
91764

(3) Before the conversion specified in division (C)(4) of 91765

this section, the residential facility was an ICF/IID with a 91766
medicaid-certified capacity of at least sixteen. 91767

(4) The residential facility's operator converted all of its 91768
medicaid-certified beds from providing ICF/IID services to 91769
providing home and community-based services in accordance with 91770
section 5124.60 or 5124.61 of the Revised Code. 91771

(5) The county board or private, nonprofit agency applies to 91772
the director for forgiveness of the outstanding balance. 91773

Sec. 5123.621. It is the intent of the general assembly that 91774
all individuals being served on the effective date of this section 91775
through the array of adult day services that exists on that date, 91776
including services delivered in a sheltered workshop, be fully 91777
informed of any new home and community-based services and their 91778
option to receive those services. It is also the intent of the 91779
general assembly that those individuals be permitted to continue 91780
receiving services in a variety of settings as long as those 91781
settings offer opportunities for community integration as 91782
described in their individual service plans. 91783

Sec. 5123.86. (A) Except as provided in divisions (C), (D), 91784
and (E), and (F) of this section, the chief medical officer shall 91785
provide all information, including expected physical and medical 91786
consequences, necessary to enable any resident of an institution 91787
for the mentally retarded to give a fully informed, intelligent, 91788
and knowing consent if any of the following procedures are 91789
proposed: 91790

(1) Surgery; 91791

(2) ~~Convulsive therapy;~~ 91792

~~(3) Major aversive interventions;~~ 91793

~~(4) Sterilization;~~ 91794

~~(5)(3) Experimental procedures~~ 91795

~~(6) Any unusual or hazardous treatment procedures.~~ 91796

(B) No resident shall be subjected to ~~any of the procedures listed in division (A)(4), (5), or (6) of this section~~ sterilization without the resident's informed consent. 91797
91798
91799

(C) If a resident is physically or mentally unable to receive 91800
the information required for surgery or an experimental procedure 91801
under division (A)~~(1)~~ of this section, or has been adjudicated 91802
incompetent, the information may be provided to the resident's 91803
natural or court-appointed guardian, including an agency providing 91804
guardianship services under contract with the department of 91805
developmental disabilities under sections 5123.55 to 5123.59 of 91806
the Revised Code, ~~who.~~ The guardian may give the informed, 91807
intelligent, and knowing written consent for surgery or the 91808
experimental procedure. ~~Consent for surgery shall not be provided~~ 91809
~~by a guardian who is an officer or employee of the department of~~ 91810
~~mental health and addiction services or the department of~~ 91811
~~developmental disabilities.~~ 91812

If a resident is physically or mentally unable to receive the 91813
information required for surgery or an experimental procedure 91814
under division (A)~~(1)~~ of this section and has no guardian, then 91815
the information, the recommendation of the chief medical officer, 91816
and the concurring judgment of a licensed physician who is not a 91817
full-time employee of the state may be provided to the court in 91818
the county in which the institution is located, ~~which.~~ The court 91819
may approve the surgery or experimental procedure. Before 91820
approving the surgery or experimental procedure, the court shall 91821
notify the Ohio protection and advocacy system created by section 91822
5123.60 of the Revised Code, and shall notify the resident of the 91823
resident's rights to consult with counsel, to have counsel 91824
appointed by the court if the resident is indigent, and to contest 91825
the recommendation of the chief medical officer. 91826

(D) If, in the judgment of two licensed physicians, delay in 91827
obtaining consent for surgery would create a grave danger to the 91828
health of a resident, emergency surgery may be performed without 91829
the consent of the resident if the necessary information is 91830
provided to the resident's guardian, including an agency providing 91831
guardianship services under contract with the department of 91832
developmental disabilities under sections 5123.55 to 5123.59 of 91833
the Revised Code, or to the resident's spouse or next of kin to 91834
enable that person or agency to give an informed, intelligent, and 91835
knowing written consent. 91836

If the guardian, spouse, or next of kin cannot be contacted 91837
through exercise of reasonable diligence, or if the guardian, 91838
spouse, or next of kin is contacted, but refuses to consent, then 91839
the emergency surgery may be performed upon the written 91840
authorization of the chief medical officer and after court 91841
approval has been obtained. However, if delay in obtaining court 91842
approval would create a grave danger to the life of the resident, 91843
the chief medical officer may authorize surgery, in writing, 91844
without court approval. If the surgery is authorized without court 91845
approval, the chief medical officer who made the authorization and 91846
the physician who performed the surgery shall each execute an 91847
affidavit describing the circumstances constituting the emergency 91848
and warranting the surgery and the circumstances warranting their 91849
not obtaining prior court approval. The affidavit shall be filed 91850
with the court with which the request for prior approval would 91851
have been filed within five court days after the surgery, and a 91852
copy of the affidavit shall be placed in the resident's file and 91853
shall be given to the guardian, spouse, or next of kin of the 91854
resident, to the hospital at which the surgery was performed, and 91855
to the Ohio protection and advocacy system created by section 91856
5123.60 of the Revised Code. 91857

~~(E)(1) If it is the judgment of two licensed physicians, as 91858~~

~~described in division (E)(2) of this section, that a medical 91859
emergency exists and delay in obtaining convulsive therapy creates 91860
a grave danger to the life of a resident who is both mentally 91861
retarded and mentally ill, convulsive therapy may be administered 91862
without the consent of the resident if the resident is physically 91863
or mentally unable to receive the information required for 91864
convulsive therapy and if the necessary information is provided to 91865
the resident's natural or court appointed guardian, including an 91866
agency providing guardianship services under contract with the 91867
department of developmental disabilities under sections 5123.55 to 91868
5123.59 of the Revised Code, or to the resident's spouse or next 91869
of kin to enable that person or agency to give an informed, 91870
intelligent, and knowing written consent. If neither the 91871
resident's guardian, spouse, nor next of kin can be contacted 91872
through exercise of reasonable diligence, or if the guardian, 91873
spouse, or next of kin is contacted, but refuses to consent, then 91874
convulsive therapy may be performed upon the written authorization 91875
of the chief medical officer and after court approval has been 91876
obtained. 91877~~

~~(2) The two licensed physicians referred to in division 91878
(E)(1) of this section shall not be associated with each other in 91879
the practice of medicine or surgery by means of a partnership or 91880
corporate arrangement, other business arrangement, or employment. 91881
At least one of the physicians shall be a psychiatrist as defined 91882
in division (E) of section 5122.01 of the Revised Code. 91883~~

~~(F) Major aversive interventions shall not be used unless a 91884
resident continues to engage in behavior destructive to self or 91885
others after other forms of therapy have been attempted. Major 91886
aversive interventions shall not be applied to a voluntary 91887
resident without the informed, intelligent, and knowing written 91888
consent of the resident or the resident's guardian, including an 91889
agency providing guardianship services under contract with the 91890~~

~~department of developmental disabilities under sections 5123.55 to 91891
5123.59 of the Revised Code. 91892~~

~~(G)(1) This chapter does not authorize any form of compulsory 91893
medical or psychiatric treatment of any resident who is being 91894
treated by spiritual means through prayer alone in accordance with 91895
a recognized religious method of healing. 91896~~

~~(2) For purposes of this section, "convulsive therapy" does 91897
not include defibrillation. 91898~~

Sec. 5124.101. (A) The provider of an ICF/IID in peer group 1 91899
or peer group 2 that becomes a downsized ICF/IID or partially 91900
converted ICF/IID on or after July 1, 2013, or becomes a new 91901
ICF/IID on or after that date, may file with the department of 91902
developmental disabilities a cost report covering the period 91903
specified in division (B) of this section if the following applies 91904
to the ICF/IID: 91905

(1) In the case of an ICF/IID that becomes a downsized 91906
ICF/IID or partially converted ICF/IID, the ICF/IID has either of 91907
the following on the day it becomes a downsized ICF/IID or 91908
partially converted ICF/IID: 91909

(a) A medicaid-certified capacity that is at least ten per 91910
cent less than its medicaid-certified capacity on the day 91911
immediately preceding the day it becomes a downsized ICF/IID or 91912
partially converted ICF/IID; 91913

(b) At least five fewer beds certified as ICF/IID beds than 91914
it has on the day immediately preceding the day it becomes a 91915
downsized ICF/IID or partially converted ICF/IID. 91916

(2) In the case of a new ICF/IID, the ICF/IID's beds are from 91917
a downsized ICF/IID and the downsized ICF/IID has either of the 91918
following on the day it becomes a downsized ICF/IID: 91919

(a) A medicaid-certified capacity that is at least ten per 91920

cent less than its medicaid-certified capacity on the day 91921
immediately preceding the day it becomes a downsized ICF/IID; 91922

(b) At least five fewer beds certified as ICF/IID beds than 91923
it has on the day immediately preceding the day it becomes a 91924
downsized ICF/IID. 91925

(B) A cost report filed under division (A) of this section 91926
shall cover the period that begins and ends as follows: 91927

(1) In the case of an ICF/IID that becomes a downsized 91928
ICF/IID or partially converted ICF/IID: 91929

(a) The period begins with the day that the ICF/IID becomes a 91930
downsized ICF/IID or partially converted ICF/IID. 91931

(b) The period ends on the last day of the last month of the 91932
first three full months of operation as a downsized ICF/IID or 91933
partially converted ICF/IID. 91934

(2) In the case of a new ICF/IID: 91935

(a) The period begins with the day that the provider 91936
agreement for the ICF/IID takes effect. 91937

(b) The period ends on the last day of the last month of the 91938
first three full months that the provider agreement is in effect. 91939

(C) The department shall refuse to accept a cost report filed 91940
under division (A) of this section if either of the following 91941
apply: 91942

(1) Except as provided in division (E) of section 5124.10 of 91943
the Revised Code, the provider fails to file the cost report with 91944
the department not later than ninety days after the last day of 91945
the period the cost report covers; 91946

(2) The cost report is incomplete or inadequate. 91947

(D) If the department accepts a cost report filed under 91948
division (A) of this section, the department shall use that cost 91949

report, rather than the cost report that otherwise would be used 91950
pursuant to section 5124.17, 5124.19, 5124.21, or 5124.23 of the 91951
Revised Code, to determine the ICF/IID's medicaid payment rate in 91952
accordance with this chapter for ICF/IID services the ICF/IID 91953
provides during the period that begins and ends as follows: 91954

(1) The period begins on the following: 91955

(a) In the case of an ICF/IID that becomes a downsized 91956
ICF/IID or partially converted ICF/IID: 91957

(i) The day that the ICF/IID becomes a downsized ICF/IID or 91958
partially converted ICF/IID if that day is the first day of a 91959
month; 91960

(ii) The first day of the month immediately following the 91961
month that the ICF/IID becomes a downsized ICF/IID or partially 91962
converted ICF/IID if division (D)(1)(a)(i) of this section does 91963
not apply. 91964

(b) In the case of a new ICF/IID, the day that the ICF/IID's 91965
provider agreement takes effect. 91966

(2) The period ends on the last day of the fiscal year that 91967
immediately precedes the fiscal year for which the ICF/IID begins 91968
to be paid a rate determined using a cost report that division (E) 91969
of this section requires be filed in accordance with division (A) 91970
of section 5124.10 of the Revised Code. 91971

(E)(1) If the department accepts a cost report filed under 91972
division (A) of this section for an ICF/IID that becomes a 91973
downsized ICF/IID or partially converted ICF/IID on or before the 91974
first day of October of a calendar year, or for a new ICF/IID that 91975
has a provider agreement that takes effect on or before that date, 91976
the provider also shall file a cost report for the ICF/IID in 91977
accordance with division (A) of section 5124.10 of the Revised 91978
Code for the portion of that calendar year that the ICF/IID 91979
operated as a downsized ICF/IID or partially converted ICF/IID or, 91980

in the case of a new ICF/IID, for the portion that the provider agreement was in effect. 91981
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(2) If the department accepts a cost report filed under 91983
division (A) of this section for an ICF/IID that becomes a 91984
downsized ICF/IID or partially converted ICF/IID after the first 91985
day of October of a calendar year, or for a new ICF/IID that has a 91986
provider agreement that takes effect ~~on or~~ after that date, the 91987
provider is not required to file a cost report for that calendar 91988
year in accordance with division (A) of section 5124.10 of the 91989
Revised Code. The provider shall file a cost report for the 91990
ICF/IID in accordance with division (A) of section 5124.10 of the 91991
Revised Code for the immediately following calendar year. 91992

(F) If the department accepts a cost report filed under 91993
division (A) of this section, the following modifications shall be 91994
made for the purpose of determining the medicaid payment rate for 91995
ICF/IID services the ICF/IID provides during the period specified 91996
in division (D) of this section: 91997

(1) In place of the annual average case mix score otherwise 91998
used in determining the ICF/IID's per medicaid day payment rate 91999
for direct care costs under division (A) of section 5124.19 of the 92000
Revised Code, the ICF/IID's case mix score in effect on the last 92001
day of the calendar quarter that ends during the period the cost 92002
report covers (or, if more than one calendar quarter ends during 92003
that period, the last of those calendar quarters) shall be used to 92004
determine the ICF/IID's per medicaid day payment rate for direct 92005
care costs. 92006

(2) If the ICF/IID becomes a downsized ICF/IID or partially 92007
converted ICF/IID: 92008

(a) The ICF/IID shall not be subject to the limit on the 92009
costs of ownership per diem payment rate specified in divisions 92010
(B) and (C) of section 5124.17 of the Revised Code. 92011

(b) The ICF/IID shall not be subject to the limit on the payment rate for per diem capitalized costs of nonextensive renovations specified in division (E)(1) of section 5124.17 of the Revised Code. 92012
92013
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(c) The ICF/IID shall be subject to the limit on the total payment rate for costs of ownership, capitalized costs of nonextensive renovations, and the efficiency incentive specified in division (H) of section 5124.17 of the Revised Code regardless of whether the ICF/IID is in peer group 1 or peer group 2. 92016
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Sec. 5124.15. (A) Except as otherwise provided by section 5124.101 of the Revised Code, sections 5124.151 to ~~5124.154~~ 5124.155 of the Revised Code, and divisions (B) and (C) of this section, the total per medicaid day payment rate that the department of developmental disabilities shall pay to an ICF/IID provider for ICF/IID services the provider's ICF/IID provides during a fiscal year shall equal the sum of all of the following: 92021
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(1) The per medicaid day payment rate for capital costs determined for the ICF/IID under section 5124.17 of the Revised Code; 92028
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(2) The per medicaid day payment rate for direct care costs determined for the ICF/IID under section 5124.19 of the Revised Code; 92031
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(3) The per medicaid day payment rate for indirect care costs determined for the ICF/IID under section 5124.21 of the Revised Code; 92034
92035
92036

(4) The per medicaid day payment rate for other protected costs determined for the ICF/IID under section 5124.23 of the Revised Code. 92037
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(B) The total per medicaid day payment rate for an ICF/IID in peer group 3 shall not exceed the average total per medicaid day 92040
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payment rate in effect on July 1, 2013, for developmental centers. 92042

(C) The department shall adjust the total rate otherwise 92043
determined under division (A) of this section as directed by the 92044
general assembly through the enactment of law governing medicaid 92045
payments to ICF/IID providers. 92046

(D) In addition to paying an ICF/IID provider the total rate 92047
determined for the provider's ICF/IID under divisions (A), (B), 92048
and (C) of this section for a fiscal year, the department, in 92049
accordance with section 5124.25 of the Revised Code, may pay the 92050
provider a rate add-on for pediatric ventilator-dependent outlier 92051
ICF/IID services if the rate add-on is to be paid under that 92052
section and the department approves the provider's application for 92053
the rate add-on. The rate add-on is not to be part of the 92054
ICF/IID's total rate. 92055

Sec. 5124.155. The total per medicaid day payment rate for 92056
ICF/IID services an ICF/IID in peer group 1 provides to a medicaid 92057
recipient who is admitted as a resident to the ICF/IID on or after 92058
July 1, 2015, and is placed in the chronic behaviors and typical 92059
adaptive needs classification or the typical adaptive needs and 92060
non-significant behaviors classification established for the 92061
grouper methodology prescribed in rules authorized by section 92062
5124.192 of the Revised Code shall be the lesser of the following: 92063

(A) The rate determined for the ICF/IID under section 5124.15 92064
of the Revised Code; 92065

(B) The following rate: 92066

(1) \$206.90 for ICF/IID services the ICF/IID provides to a 92067
medicaid recipient in the chronic behaviors and typical adaptive 92068
needs classification; 92069

(2) \$174.88 for ICF/IID services the ICF/IID provides to a 92070
medicaid recipient in the typical adaptive needs and 92071

non-significant behaviors classification. 92072

Sec. 5124.33. No medicaid payment shall be made to an ICF/IID 92073
provider for the day a medicaid recipient is discharged from the 92074
ICF/IID, unless the recipient is discharged from the ICF/IID 92075
because all of the beds in the ICF/IID are converted from 92076
providing ICF/IID services to providing home and community-based 92077
services pursuant to section 5124.60 or 5124.61 of the Revised 92078
Code. 92079

Sec. 5124.60. (A) For the purpose of increasing the number of 92080
slots available for home and community-based services, the 92081
operator of an ICF/IID may convert some or all of the beds in the 92082
ICF/IID from providing ICF/IID services to providing home and 92083
community-based services if all of the following requirements are 92084
met: 92085

(1) The operator provides the directors of health and 92086
developmental disabilities at least ninety days' notice of the 92087
operator's intent to make the conversion. 92088

(2) The operator complies with the requirements of sections 92089
5124.50 to 5124.53 of the Revised Code regarding a voluntary 92090
termination if those requirements are applicable. 92091

(3) If the operator intends to convert all of the ICF/IID's 92092
beds, the operator notifies each of the ICF/IID's residents that 92093
the ICF/IID is to cease providing ICF/IID services and inform each 92094
resident that the resident may do either of the following: 92095

(a) Continue to receive ICF/IID services by transferring to 92096
another ICF/IID that is willing and able to accept the resident if 92097
the resident continues to qualify for ICF/IID services; 92098

(b) Begin to receive home and community-based services 92099
instead of ICF/IID services from any provider of home and 92100
community-based services that is willing and able to provide the 92101

services to the resident if the resident is eligible for the 92102
services and a slot for the services is available to the resident. 92103

(4) If the operator intends to convert some but not all of 92104
the ICF/IID's beds, the operator notifies each of the ICF/IID's 92105
residents that the ICF/IID is to convert some of its beds from 92106
providing ICF/IID services to providing home and community-based 92107
services and inform each resident that the resident may do either 92108
of the following: 92109

(a) Continue to receive ICF/IID services from any ICF/IID 92110
that is willing and able to provide the services to the resident 92111
if the resident continues to qualify for ICF/IID services; 92112

(b) Begin to receive home and community-based services 92113
instead of ICF/IID services from any provider of home and 92114
community-based services that is willing and able to provide the 92115
services to the resident if the resident is eligible for the 92116
services and a slot for the services is available to the resident. 92117

(5) The operator meets the requirements for providing home 92118
and community-based services, including the following: 92119

(a) Such requirements applicable to a residential facility if 92120
the operator maintains the facility's license as a residential 92121
facility; 92122

(b) Such requirements applicable to a facility that is not 92123
licensed as a residential facility if the operator surrenders the 92124
facility's license as a residential facility under section 5123.19 92125
of the Revised Code. 92126

(6) The director of developmental disabilities approves the 92127
conversion. 92128

(B) A decision by the director of developmental disabilities 92129
to approve or refuse to approve a proposed conversion of beds is 92130
final. In making a decision, the director shall consider all of 92131

the following: 92132

(1) The fiscal impact on the ICF/IID if some but not all of 92133
the beds are converted; 92134

(2) The fiscal impact on the medicaid program; 92135

(3) The availability of home and community-based services. 92136

(C) The notice provided to the directors under division 92137
(A)(1) of this section shall specify whether some or all of the 92138
ICF/IID's beds are to be converted. If some but not all of the 92139
beds are to be converted, the notice shall specify how many of the 92140
ICF/IID's beds are to be converted and how many of the beds are to 92141
continue to provide ICF/IID services. The notice to the director 92142
of developmental disabilities shall specify whether the operator 92143
wishes to surrender the ICF/IID's license as a residential 92144
facility under section 5123.19 of the Revised Code. 92145

(D)(1) If the director of developmental disabilities approves 92146
a conversion under division (B) of this section, the director of 92147
health shall do the following: 92148

(a) Terminate the ICF/IID's medicaid certification if the 92149
notice specifies that all of the ICF/IID's beds are to be 92150
converted; 92151

(b) Reduce the ICF/IID's medicaid-certified capacity by the 92152
number of beds being converted if the notice specifies that some 92153
but not all of the beds are to be converted. 92154

(2) The director of health shall notify the medicaid director 92155
of the termination or reduction. On receipt of the notice, the 92156
medicaid director shall do the following: 92157

(a) Terminate the operator's medicaid provider agreement that 92158
authorizes the operator to provide ICF/IID services at the ICF/IID 92159
if the ICF/IID's certification was terminated; 92160

(b) Amend the operator's medicaid provider agreement to 92161

reflect the ICF/IID's reduced medicaid-certified capacity if the 92162
ICF/IID's medicaid-certified capacity is reduced. 92163

~~(3) In the case of action taken under division (D)(2)(a) of 92164
this section, the operator The medicaid director is not entitled 92165
to notice or a hearing under required to conduct an adjudication 92166
in accordance with Chapter 119. of the Revised Code ~~before the~~ 92167
~~medicaid director terminates the medicaid provider agreement when~~ 92168
taking action under division (D)(2) of this section. 92169~~

Sec. 5124.61. (A) For the purpose of increasing the number of 92170
slots available for home and community-based services, a person 92171
who acquires, through a request for proposals issued by the 92172
director of developmental disabilities, an ICF/IID for which a 92173
residential facility license was previously surrendered or revoked 92174
may convert some or all of the ICF/IID's beds from providing 92175
ICF/IID services to providing home and community-based services if 92176
all of the following requirements are met: 92177

(1) The person provides the directors of health and 92178
developmental disabilities and medicaid director at least ninety 92179
days' notice of the person's intent to make the conversion. 92180

(2) The person complies with the requirements of sections 92181
5124.50 to 5124.53 of the Revised Code regarding a voluntary 92182
termination if those requirements are applicable. 92183

(3) If the person intends to convert all of the ICF/IID's 92184
beds, the person notifies each of the ICF/IID's residents that the 92185
ICF/IID is to cease providing ICF/IID services and informs each 92186
resident that the resident may do either of the following: 92187

(a) Continue to receive ICF/IID services by transferring to 92188
another ICF/IID willing and able to accept the resident if the 92189
resident continues to qualify for ICF/IID services; 92190

(b) Begin to receive home and community-based services 92191

instead of ICF/IID services from any provider of home and 92192
community-based services that is willing and able to provide the 92193
services to the resident if the resident is eligible for the 92194
services and a slot for the services is available to the resident. 92195

(4) If the person intends to convert some but not all of the 92196
ICF/IID's beds, the person notifies each of the ICF/IID's 92197
residents that the ICF/IID is to convert some of its beds from 92198
providing ICF/IID services to providing home and community-based 92199
services and inform each resident that the resident may do either 92200
of the following: 92201

(a) Continue to receive ICF/IID services from any that is 92202
willing and able to provide the services to the resident if the 92203
resident continues to qualify for ICF/IID services; 92204

(b) Begin to receive home and community-based services 92205
instead of ICF/IID services from any provider of home and 92206
community-based services that is willing and able to provide the 92207
services to the resident if the resident is eligible for the 92208
services and a slot for the services is available to the resident. 92209

(5) The person meets the requirements for providing home and 92210
community-based services at a residential facility. 92211

(B) The notice provided to the directors under division 92212
(A)(1) of this section shall specify whether some or all of the 92213
ICF/IID's beds are to be converted. If some but not all of the 92214
beds are to be converted, the notice shall specify how many of the 92215
ICF/IID's beds are to be converted and how many of the beds are to 92216
continue to provide ICF/IID services. 92217

(C) On receipt of a notice under division (A)(1) of this 92218
section, the director of health shall do the following: 92219

(1) Terminate the ICF/IID's medicaid certification if the 92220
notice specifies that all of the facility's beds are to be 92221
converted; 92222

(2) Reduce the ICF/IID's medicaid-certified capacity by the number of beds being converted if the notice specifies that some but not all of the beds are to be converted.

(D) The director of health shall notify the medicaid director of the termination or reduction under division (C) of this section. On receipt of the director of health's notice, the medicaid director shall do the following:

(1) Terminate the person's medicaid provider agreement that authorizes the person to provide ICF/IID services at the ICF/IID if the ICF/IID's medicaid certification was terminated;

(2) Amend the person's medicaid provider agreement to reflect the ICF/IID's reduced medicaid-certified capacity if the ICF/IID's medicaid-certified capacity is reduced.

~~The person medicaid director is not entitled required to notice or a hearing under conduct an adjudication in accordance with Chapter 119. of the Revised Code before the medicaid director terminates or amends the medicaid provider agreement when taking action under division (D)(1) or (2) of this section.~~

Sec. 5124.67. (A)(1) The department of developmental disabilities shall strive to achieve, not later than July 1, 2018, the following statewide reductions in ICF/IID beds:

(a) At least five hundred beds in ICFs/IID that, before becoming downsized ICFs/IID, have sixteen or more beds;

(b) At least five hundred beds in ICFs/IID with any number of beds that convert some or all of their beds from providing ICF/IID services to providing home and community-based services pursuant to section 5124.60 or 5124.61 of the Revised Code.

(2) The department shall strive to achieve a reduction of at least one thousand two hundred ICF/IID beds through a combination of the methods specified in divisions (A)(1)(a) and (b) of this

section. 92253

(3) The department shall strive to achieve the reductions specified in division (A)(1)(b) of this section in accordance with the following interim time frames: 92254
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(a) At least two hundred twenty-five ICF/IID beds converted by June 30, 2016; 92257
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(b) At least one hundred twenty-five additional ICF/IID beds converted by June 30, 2017, for a total of at least three hundred fifty beds converted by that date. 92259
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(B) In its efforts to achieve the reductions under division (A) of this section, the department shall collaborate with the Ohio association of county boards serving people with developmental disabilities, the Ohio provider resource association, the Ohio centers for intellectual disabilities formed by the Ohio health care association, and the values and faith alliance. The collaboration efforts may include the following: 92262
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(1) Identifying ICFs/IID that may reduce the number of their beds to help achieve the reductions under division (A) of this section; 92269
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(2) Encouraging ICF/IID providers to reduce the number of their ICFs/IID's beds; 92272
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~~(3) Establishing interim time frames for making progress in achieving the reductions;~~ 92274
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~~(4)~~ Creating incentives for, and removing impediments to, the reductions; 92276
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~~(5)~~(4) In the case of ICF/IID beds that are converted to providing home and community-based services, developing a mechanism to compensate providers for beds that permanently cease to provide ICF/IID services. 92278
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(C) The department shall meet not less than twice each year 92282

with the organizations specified in division (B) of this section 92283
to do all of the following: 92284

(1) Review the progress being made in achieving the 92285
reductions under division (A) of this section; 92286

(2) Prepare written reports on the progress; 92287

(3) Identify additional measures needed to achieve the 92288
reductions. 92289

Sec. 5124.68. (A)(1) Except as provided in division (D) of 92290
this section, an ICF/IID in peer group 1 shall not admit an 92291
individual as a resident unless all of the following apply: 92292

(a) The provider of the ICF/IID provides written notice about 92293
the individual's potential admission, and all information about 92294
the individual in the provider's possession, to the county board 92295
of developmental disabilities serving the county in which the 92296
individual resides at the time the notice is provided. 92297

(b) The county board has provided to the individual and 92298
department of developmental disabilities a copy of the findings 92299
the county board makes pursuant to division (B) of this section; 92300

(c) Not later than seven business days after the provider 92301
provides the county board the notice required by division 92302
(A)(1)(a) of this section, the department determines that the 92303
individual chooses to receive ICF/IID services from the ICF/IID 92304
after being fully informed of all available alternatives. 92305

(2) For the purpose of division (A)(1)(a) of this section, 92306
the provider of an ICF/IID in peer group 1 may provide a county 92307
board written notices about multiple individuals' potential 92308
admissions to the ICF/IID at the same time. 92309

(B) Not later than five business days after a county board 92310
receives notice from the provider of an ICF/IID in peer group 1 92311
about an individual seeking admission to the ICF/IID, the county 92312

board shall do both of the following: 92313

(1) Using the information included in the notification and the additional information, if any, the department specifies pursuant to division (C) of this section, evaluate the individual and counsel the individual about both of the following: 92314

(a) The nature, extent, and timing of the services that the individual needs; 92315

(b) The least restrictive environment in which the individual could receive the needed services. 92316

(2) Using the form prescribed under division (C) of this section, make findings about the individual based on the evaluation and counseling and provide a copy of the findings to the individual and the department. 92317

(C) The department shall prescribe the form to be used for the purpose of making findings pursuant to division (B)(2) of this section. The department may specify additional information that a county board is to use when evaluating and counseling individuals under division (B)(1) of this section. 92318

(D) Division (A) of this section does not apply to an individual seeking admission to an ICF/IID in peer group 1 if any of the following is the case: 92319

(1) The individual is a medicaid recipient receiving ICF/IID services on the date immediately preceding the date the individual is admitted to the ICF/IID. 92320

(2) The individual is a medicaid recipient returning to the ICF/IID following a temporary absence for which the ICF/IID is paid to reserve a bed for the individual pursuant to section 5124.34 of the Revised Code or during which the individual received rehabilitation services in another health care setting. 92321

(3) The requirements of divisions (A)(1)(a) and (b) of this 92322

section are satisfied but the department fails to make the 92343
determination required by division (A)(1)(c) of this section 92344
before the deadline specified in that division. 92345

Sec. 5124.69. (A) The department of developmental 92346
disabilities shall develop and make available to all ICF/IID a 92347
written pamphlet that describes all of the items and services 92348
covered by medicaid as ICF/IID services and as home and 92349
community-based services. The department shall develop the 92350
pamphlet in consultation with persons and organizations interested 92351
in matters pertaining to individuals eligible for ICF/IID services 92352
and home and community-based services. 92353

(B) Each ICF/IID provider shall provide the pamphlet to the 92354
residents of the ICF/IID who receive ICF/IID services, and the 92355
guardians of such residents, and shall discuss the items and 92356
services described in the pamphlet with those residents and their 92357
guardians, as follows: 92358

(1) At least annually; 92359

(2) Any time such a resident, or resident's guardian, 92360
requests to receive the pamphlet and to discuss the items and 92361
services described in the pamphlet; 92362

(3) Any time such a resident, or resident's guardian, 92363
expresses to the provider an interest in home and community-based 92364
services. 92365

(C) If a resident of an ICF/IID who receives ICF/IID 92366
services, or the resident's guardian, indicates to the ICF/IID 92367
provider an interest in enrolling the resident in a medicaid 92368
waiver component providing home and community-based services, the 92369
provider shall refer the resident or guardian to the county board 92370
of developmental disabilities serving the county in which the 92371
resident would reside while enrolled in a medicaid waiver 92372

component. 92373

(D) Not later than thirty days after a county board is contacted by an ICF/IID resident or resident's guardian who was referred to the county board pursuant to division (C) of this section, the county board, notwithstanding a waiting list for the component established pursuant to section 5126.042 of the Revised Code, shall enroll the resident in the component if all of the following apply: 92374
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(1) The resident is eligible and chooses to enroll in the component. 92381
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(2) The component has an available slot. 92383

(3) The director of developmental disabilities determines that the department has the funds necessary to pay the nonfederal share of the medicaid expenditures for the home and community-based services provided to the resident under the component. 92384
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Sec. 5124.70. (A) This section does not apply to either of the following: 92389
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(1) An ICF/IID to which both of the following apply: 92391

(a) On or before January 1, 2015, the ICF/IID became a downsized ICF/IID or partially converted ICF/IID. 92392
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(b) On January 1, 2015, the ICF/IID's medicaid-certified capacity was at least twenty per cent less than the greatest medicaid-certified capacity it had before it became a downsized ICF/IID or partially converted ICF/IID. 92394
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(2) An ICF/IID's sleeping room in which more than two residents reside if both of the following apply: 92398
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(a) All of the residents of the sleeping room are under twenty-one years of age. 92400
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(b) The parents or guardians of all of the residents of the sleeping room consent to the residents residing in a sleeping room with more than two residents. 92402
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(B) Except as provided in divisions (G) and (H) of this section, an ICF/IID provider shall not permit more than two residents to reside in the same sleeping room. 92405
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(C)(1) If, on the effective date of this section, more than two residents of an ICF/IID reside in the same sleeping room, the ICF/IID provider shall submit to the department of developmental disabilities for its review a plan to come into compliance with division (B) of this section. The provider shall submit the plan not later than December 31, 2015. 92408
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(2) The plan shall include all of the following: 92414

(a) The date by which not more than two residents will reside in the same sleeping room, which shall be not later than June 30, 2025; 92415
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(b) Detailed descriptions of the actions the ICF/IID provider will take to come into compliance with division (B) of this section, which shall include becoming either a downsized ICF/IID or a partially converted ICF/IID; 92418
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(c) The ICF/IID's projected medicaid-certified capacity for each year covered by the plan, which must demonstrate that the provider will make regular progress toward coming into compliance with division (B) of this section; 92422
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(d) A discharge planning process that includes providing information to residents regarding home and community-based services; 92426
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(e) Additional interim steps the provider will take to demonstrate that the provider is making regular progress toward coming into compliance with division (B) of this section. 92429
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(3) The plan shall not include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six unless the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable. If the department determines that a new ICF/IID would need a larger medicaid-certified capacity to be financially viable, the plan may include the creation of a new ICF/IID that has a medicaid-certified capacity that is greater than six but not greater than eight.

(D) The department shall review each plan submitted under division (C) of this section and decide whether to approve the plan. In making this decision, the department shall consider both of the following:

(1) Whether the plan conforms to the requirements of division (C) of this section;

(2) The feasibility of completing the implementation as described in the plan.

(E) If the department approves an ICF/IID provider's plan under division (D) of this section, the provider shall submit to the department annual reports regarding the plan's implementation.

(F) The department may issue a written order to an ICF/IID provider that suspends new admissions to the ICF/IID if both of the following apply:

(1) The department has approved the provider's plan under division (D) of this section.

(2) The provider fails to do either of the following:

(a) Submit to the department an annual report required by division (E) of this section;

(b) Meet, to the department's satisfaction, the projected medicaid-certified capacity for the ICF/IID for a year as

specified in the plan and the failure is due to factors within the 92462
provider's control. 92463

(G)(1) Before January 1, 2016, an ICF/IID provider may permit 92464
more than two residents to reside in the same sleeping room if 92465
more than two residents resided in the same sleeping room on the 92466
effective date of this section. 92467

(2) On and after January 1, 2016, an ICF/IID provider may 92468
permit more than two residents to reside in the same sleeping room 92469
only if all of the following apply: 92470

(a) More than two residents resided in the same sleeping room 92471
on the effective date of this section. 92472

(b) The provider has submitted a plan in accordance with 92473
division (C) of this section. 92474

(c) Either of the following applies: 92475

(i) The department has approved and the provider complies 92476
with the plan. 92477

(ii) The department has not decided whether to approve the 92478
plan. 92479

(H) The department shall waive application of division (B) of 92480
this section for an ICF/IID's sleeping room in which more than two 92481
residents reside on June 30, 2025, if both of the following apply: 92482

(1) The same residents have continuously resided in the 92483
sleeping room since the effective date of this section; 92484

(2) The department determines that at least three of these 92485
residents want to continue to reside together in the sleeping 92486
room. 92487

Sec. 5126.042. (A) As used in this section, "emergency 92488
status" means a status that an individual with mental retardation 92489
or developmental disabilities has when the individual is at risk 92490

of substantial self-harm or substantial harm to others if action 92491
is not taken within thirty days. An "emergency status" may include 92492
a status resulting from one or more of the following situations: 92493

(1) Loss of present residence for any reason, including legal 92494
action; 92495

(2) Loss of present caretaker for any reason, including 92496
serious illness of the caretaker, change in the caretaker's 92497
status, or inability of the caretaker to perform effectively for 92498
the individual; 92499

(3) Abuse, neglect, or exploitation of the individual; 92500

(4) Health and safety conditions that pose a serious risk to 92501
the individual or others of immediate harm or death; 92502

(5) Change in the emotional or physical condition of the 92503
individual that necessitates substantial accommodation that cannot 92504
be reasonably provided by the individual's existing caretaker. 92505

(B) If a county board of developmental disabilities 92506
determines that available resources are not sufficient to meet the 92507
needs of all individuals who request non-medicaid programs or 92508
services, it shall establish one or more waiting lists for the 92509
non-medicaid programs or services in accordance with its plan 92510
developed under section 5126.04 of the Revised Code. The board may 92511
establish priorities for making placements on its waiting lists 92512
established under this division. Any such priorities shall be 92513
consistent with the board's plan and applicable law. 92514

(C) If a county board~~r~~ determines that available resources 92515
are insufficient to meet the needs of all individuals who request 92516
home and community-based services, it shall establish a waiting 92517
list for the services. An individual's date of placement on the 92518
waiting list shall be the date a request is made to the board for 92519
the individual to receive the home and community-based services. 92520
The board shall provide for an individual who has an emergency 92521

status to receive priority status on the waiting list. The board 92522
shall also provide for an individual to whom any of the following 92523
apply to receive priority status on the waiting list in accordance 92524
with rules adopted under division (E) of this section: 92525

(1) The individual is receiving supported living, family 92526
support services, or adult services for which no federal financial 92527
participation is received under the medicaid program; 92528

(2) The individual's primary caregiver is at least sixty 92529
years of age; 92530

(3) The individual has intensive needs as determined in 92531
accordance with rules adopted under division (E) of this section; 92532

(4) The individual resides in an ICF/IID, as defined in 92533
section 5124.01 of the Revised Code; 92534

(5) The individual resides in a nursing facility, as defined 92535
in section 5165.01 of the Revised Code. 92536

(D) If two or more individuals on a waiting list established 92537
under division (C) of this section ~~for home and community based~~ 92538
~~services~~ have priority for the services pursuant to that division 92539
~~(C)(1), (2), or (3) of this section~~, a county board shall use 92540
criteria specified in rules adopted under division (E) of this 92541
section in determining the order in which the individuals with 92542
priority will be offered the services. An individual who has 92543
priority for home and community-based services because the 92544
individual has an emergency status has priority for the services 92545
over all other individuals on the waiting list who do not have 92546
emergency status. 92547

(E) The department of developmental disabilities shall adopt 92548
rules in accordance with Chapter 119. of the Revised Code 92549
governing waiting lists established under division (C) of this 92550
section. The rules shall include procedures to be followed to 92551
ensure that the due process rights of individuals placed on 92552

waiting lists are not violated. As part of the rules adopted under 92553
this division, the department shall adopt rules establishing 92554
criteria a county board shall use under division (D) of this 92555
section in determining the order in which individuals with 92556
priority for home and community-based services pursuant to 92557
division (C)~~(1), (2), or (3)~~ of this section will be offered the 92558
services. 92559

(F) The following shall take precedence over the applicable 92560
provisions of this section: 92561

(1) Medicaid rules and regulations; 92562

(2) Any specific requirements that may be contained within a 92563
medicaid state plan amendment or waiver program that a county 92564
board has authority to administer or with respect to which it has 92565
authority to provide services, programs, or supports. 92566

Sec. 5126.0510. (A) Except as otherwise provided in an 92567
agreement entered into under section 5123.048 of the Revised Code 92568
and subject to divisions (B), (C), ~~and (D)~~, and (E) of this 92569
section, a county board of developmental disabilities shall pay 92570
the nonfederal share of medicaid expenditures for the following 92571
home and community-based services provided to an individual with 92572
mental retardation or other developmental disability who the 92573
county board determines under section 5126.041 of the Revised Code 92574
is eligible for county board services: 92575

(1) Home and community-based services provided by the county 92576
board to such an individual; 92577

(2) Home and community-based services provided by a provider 92578
other than the county board to such an individual who is enrolled 92579
as of June 30, 2007, in the medicaid waiver component under which 92580
the services are provided; 92581

(3) Home and community-based services provided by a provider 92582

other than the county board to such an individual who, pursuant to 92583
a request the county board makes, enrolls in the medicaid waiver 92584
component under which the services are provided after June 30, 92585
2007; 92586

(4) Home and community-based services provided by a provider 92587
other than the county board to such an individual for whom there 92588
is in effect an agreement entered into under division ~~(E)~~(F) of 92589
this section between the county board and director of 92590
developmental disabilities. 92591

(B) In the case of medicaid expenditures for home and 92592
community-based services for which division (A)(2) of this section 92593
requires a county board to pay the nonfederal share, the following 92594
shall apply to such services provided during fiscal year 2008 92595
under the individual options medicaid waiver component: 92596

(1) The county board shall pay no less than the total amount 92597
the county board paid as the nonfederal share for home and 92598
community-based services provided in fiscal year 2007 under the 92599
individual options medicaid waiver component; 92600

(2) The county board shall pay no more than the sum of the 92601
following: 92602

(a) The total amount the county board paid as the nonfederal 92603
share for home and community-based services provided in fiscal 92604
year 2007 under the individual options medicaid waiver component; 92605

(b) An amount equal to one per cent of the total amount the 92606
department of developmental disabilities and county board paid as 92607
the nonfederal share for home and community-based services 92608
provided in fiscal year 2007 under the individual options medicaid 92609
waiver component to individuals the county board determined under 92610
section 5126.041 of the Revised Code are eligible for county board 92611
services. 92612

(C) A county board is not required to pay the nonfederal 92613

share of home and community-based services provided after June 30, 92614
2008, that the county board is otherwise required by division 92615
(A)(2) of this section to pay if the department of developmental 92616
disabilities fails to comply with division (A) of section 92617
5123.0416 of the Revised Code. 92618

(D) A county board is not required to pay the nonfederal 92619
share of home and community-based services that the county board 92620
is otherwise required by division (A)(3) of this section to pay if 92621
both of the following apply: 92622

(1) The services are provided to an individual who enrolls in 92623
the medicaid waiver component under which the services are 92624
provided as the result of an order issued following a ~~state~~ 92625
~~hearing, administrative~~ an appeal, made under section 5160.31 of 92626
the Revised Code or an appeal of the order to a court of common 92627
pleas ~~made under section 5101.35 of the Revised Code;~~ 92628

(2) There are more individuals who are eligible for services 92629
from the county board enrolled in home and community-based 92630
services than is required by section 5126.0512 of the Revised 92631
Code. 92632

(E) A county board is not required to pay the nonfederal 92633
share of home and community-based services that the county board 92634
is otherwise required by division (A) of this section to pay if 92635
the services are provided to an individual who enrolls, pursuant 92636
to division (D) of section 5124.69 of the Revised Code, in the 92637
medicaid waiver component under which the services are provided. 92638

(F) A county board may enter into an agreement with the 92639
director of developmental disabilities under which the county 92640
board agrees to pay the nonfederal share of medicaid expenditures 92641
for one or more home and community-based services that the county 92642
board is not otherwise required by division (A)(1), (2), or (3) of 92643
this section to pay and that are provided to an individual the 92644

county board determines under section 5126.041 of the Revised Code 92645
is eligible for county board services. The agreement shall specify 92646
which home and community-based services the agreement covers. The 92647
county board shall pay the nonfederal share of medicaid 92648
expenditures for the home and community-based services that the 92649
agreement covers as long as the agreement is in effect. 92650

Sec. 5126.15. (A) A county board of developmental 92651
disabilities shall provide service and support administration to 92652
each individual three years of age or older who is eligible for 92653
service and support administration if the individual requests, or 92654
a person on the individual's behalf requests, service and support 92655
administration. A board shall provide service and support 92656
administration to each individual receiving home and 92657
community-based services. A board may provide, in accordance with 92658
the service coordination requirements of 34 C.F.R. 303.23, service 92659
and support administration to an individual under three years of 92660
age eligible for early intervention services under 34 C.F.R. part 92661
303. A board may provide service and support administration to an 92662
individual who is not eligible for other services of the board. 92663
Service and support administration shall be provided in accordance 92664
with rules adopted under section 5126.08 of the Revised Code. 92665

A board may provide service and support administration by 92666
directly employing service and support administrators or by 92667
contracting with entities for the performance of service and 92668
support administration. Individuals employed or under contract as 92669
service and support administrators shall not be in the same 92670
collective bargaining unit as employees who perform duties that 92671
are not administrative. 92672

~~Individuals employed by a board as service~~ A service and 92673
support ~~administrators~~ administrator shall ~~not be assigned~~ 92674
~~responsibilities for implementing other services for individuals~~ 92675

~~and perform only the duties specified in division (B) of this section. While employed by or under contract with a board, a service and support administrator shall not neither be employed by or serve in a decision-making or policy-making capacity for any other entity that provides programs or services to individuals with mental retardation or developmental disabilities nor provide programs or services to individuals with mental retardation or developmental disabilities through self-employment. An individual employed as a conditional status service and support administrator shall perform the duties of service and support administration only under the supervision of a management employee who is a service and support administration supervisor.~~

~~(B) The individuals employed by or under contract with a board to provide service and support administration~~ A service and support administrator shall do all of the following:

(1) Establish an individual's eligibility for the services of the county board of developmental disabilities;

(2) Assess individual needs for services;

(3) Develop individual service plans with the active participation of the individual to be served, other persons selected by the individual, and, when applicable, the provider selected by the individual, and recommend the plans for approval by the department of developmental disabilities when services included in the plans are funded through medicaid;

(4) Establish budgets for services based on the individual's assessed needs and preferred ways of meeting those needs;

(5) Assist individuals in making selections from among the providers they have chosen;

(6) Ensure that services are effectively coordinated and provided by appropriate providers;

(7) Establish and implement an ongoing system of monitoring the implementation of individual service plans to achieve consistent implementation and the desired outcomes for the individual;

(8) Perform quality assurance reviews as a distinct function of service and support administration;

(9) Incorporate the results of quality assurance reviews and identified trends and patterns of unusual incidents and major unusual incidents into amendments of an individual's service plan for the purpose of improving and enhancing the quality and appropriateness of services rendered to the individual.

Sec. 5126.201. (A) A person may be employed by or under contract with a county board of developmental disabilities as a conditional status service and support administrator only if either of the following is true:

~~(A)(1)~~ The person has at least an appropriate associate degree;

~~(B)(2)~~ The person meets both of the following requirements:

~~(1)(a)~~ The person was employed by the county board and performed service and support administration duties on June 30, 2005;

~~(2)(b)~~ The person holds a high school diploma or a general educational development certificate of high school equivalence.

(B) A conditional status service and support administrator shall perform the duties of service and support administration, as specified in division (B) of section 5126.15 of the Revised Code, only under the supervision of a management employee who is a service and support administration supervisor.

Sec. 5139.03. (A) The department of youth services shall

control and manage all state institutions or facilities 92735
established or created for the training or rehabilitation of 92736
delinquent children committed to the department, except where the 92737
control and management of an institution or facility is vested by 92738
law in another agency. The department shall employ, in addition to 92739
other personnel authorized under Chapter 5139. of the Revised 92740
Code, sufficient personnel to maintain food service and buildings 92741
and grounds operations. 92742

(B) The department of youth services shall, insofar as 92743
practicable, purchase foods and other commodities incident to food 92744
service operations from the department of mental health and 92745
addiction services. The department of youth services may enter 92746
into agreements with the department of mental health and addiction 92747
services providing for assistance and consultation in the 92748
construction of, or major modifications to, capital facilities of 92749
the department of youth services. 92750

(C) The directors of mental health and addiction services and 92751
of youth services shall enter into written agreements to implement 92752
this section. Such directors may, from time to time, amend any 92753
agreements entered into under this section for the purposes of 92754
making more efficient use of personnel, taking advantage of 92755
economies in quantity purchasing, or for any other purpose which 92756
is mutually advantageous to both the department of youth services 92757
and the department of mental health and addiction services. 92758

~~The department of youth services may transfer any of its 92759
excess or surplus supplies to a community corrections facility. 92760
These supplies shall remain the property of the department for a 92761
period of five years from the date of the transfer. After the 92762
five year period, the supplies shall become the property of the 92763
facility. 92764~~

Sec. 5139.50. (A) The release authority of the department of 92765

youth services is hereby created as a bureau in the department. 92766
The release authority shall consist of a minimum of three, but not 92767
more than five, members who are appointed by the director of youth 92768
services and who have the qualifications specified in division (B) 92769
of this section. The members of the release authority shall devote 92770
their full time to the duties of the release authority and shall 92771
neither seek nor hold other public office. The members shall be in 92772
the unclassified civil service. 92773

(B) A person appointed as a member of the release authority 92774
shall have a bachelor's degree from an accredited college or 92775
university or equivalent relevant experience and shall have the 92776
skills, training, or experience necessary to analyze issues of 92777
law, administration, and public policy. The membership of the 92778
release authority shall represent, insofar as practicable, the 92779
diversity found in the children in the legal custody of the 92780
department of youth services. 92781

In appointing the ~~five~~ members, the director shall ensure 92782
that the appointments include all of the following: 92783

(1) At least ~~four members~~ one member who ~~have~~ has five or 92784
more years of experience in criminal justice, juvenile justice, or 92785
an equivalent relevant profession; 92786

(2) At least one member who has experience in victim services 92787
or advocacy or who has been a victim of a crime or is a family 92788
member of a victim; 92789

(3) At least one member who has experience in direct care 92790
services to delinquent children. 92791

(C) ~~The initial appointments of members of the release~~ 92792
~~authority shall be for a term of six years for the chairperson and~~ 92793
~~one member, a term of four years for two members, and a term of~~ 92794
~~two years for one member. Thereafter, members shall be appointed~~ 92795

~~for six year terms until the effective date of this amendment,~~ 92796
~~after which members~~ Members shall be appointed for four-year 92797
terms. At the conclusion of a term, a member shall hold office 92798
until the appointment and qualification of the member's successor. 92799
The director shall fill a vacancy occurring before the expiration 92800
of a term for the remainder of that term and, if a member is on 92801
extended leave or disability status for more than thirty work 92802
days, may appoint an interim member to fulfill the duties of that 92803
member. A member may be reappointed. A member may be removed for 92804
good cause by the director. 92805

(D) The director of youth services shall designate as 92806
chairperson of the release authority one of the members who has 92807
experience in criminal justice, juvenile justice, or an equivalent 92808
relevant profession. The chairperson shall be a managing officer 92809
of the department, shall supervise the members of the board and 92810
the other staff in the bureau, and shall perform all duties and 92811
functions necessary to ensure that the release authority 92812
discharges its responsibilities. The chairperson shall serve as 92813
the official spokesperson for the release authority. 92814

(E) The release authority shall do all of the following: 92815

(1) Serve as the final and sole authority for making 92816
decisions, in the interests of public safety and the children 92817
involved, regarding the release and discharge of all children 92818
committed to the legal custody of the department of youth 92819
services, except children placed by a juvenile court on judicial 92820
release to court supervision or on judicial release to department 92821
of youth services supervision, children who have not completed a 92822
prescribed minimum period of time or prescribed period of time in 92823
a secure facility, or children who are required to remain in a 92824
secure facility until they attain twenty-one years of age; 92825

(2) Establish written policies and procedures for conducting 92826
reviews of the status for all youth in the custody of the 92827

department, setting or modifying dates of release and discharge, 92828
specifying the duration, terms, and conditions of release to be 92829
carried out in supervised release subject to the addition of 92830
additional consistent terms and conditions by a court in 92831
accordance with section 5139.51 of the Revised Code, and giving a 92832
child notice of all reviews; 92833

(3) Maintain records of its official actions, decisions, 92834
orders, and hearing summaries and make the records accessible in 92835
accordance with division (D) of section 5139.05 of the Revised 92836
Code; 92837

(4) Cooperate with public and private agencies, communities, 92838
private groups, and individuals for the development and 92839
improvement of its services; 92840

(5) Collect, develop, and maintain statistical information 92841
regarding its services and decisions; 92842

(6) Submit to the director an annual report that includes a 92843
description of the operations of the release authority, an 92844
evaluation of its effectiveness, recommendations for statutory, 92845
budgetary, or other changes necessary to improve its 92846
effectiveness, and any other information required by the director. 92847

(F) The release authority may do any of the following: 92848

(1) Conduct inquiries, investigations, and reviews and hold 92849
hearings and other proceedings necessary to properly discharge its 92850
responsibilities; 92851

(2) Issue subpoenas, enforceable in a court of law, to compel 92852
a person to appear, give testimony, or produce documentary 92853
information or other tangible items relating to a matter under 92854
inquiry, investigation, review, or hearing; 92855

(3) Administer oaths and receive testimony of persons under 92856
oath; 92857

(4) Request assistance, services, and information from a public agency to enable the authority to discharge its responsibilities and receive the assistance, services, and information from the public agency in a reasonable period of time;

(5) Request from a public agency or any other entity that provides or has provided services to a child committed to the department's legal custody information to enable the release authority to properly discharge its responsibilities with respect to that child and receive the information from the public agency or other entity in a reasonable period of time.

(G) The release authority may delegate responsibilities to hearing officers or other designated staff under the release authority's auspices. However, the release authority shall not delegate its authority to make final decisions regarding policy or the release of a child.

The release authority shall adopt a written policy and procedures governing appeals of its release and discharge decisions.

(H) The legal staff of the department of youth services shall provide assistance to the release authority in the formulation of policy and in its handling of individual cases.

Sec. 5147.07. No articles or supplies manufactured under ~~sections 5147.01~~ this section or ~~sections 5147.12 to 5147.26~~ 5147.22 of the Revised Code by the labor of convicts of state correctional institutions shall be purchased from any other source for the state or its institutions unless the department of administrative services, in consultation with the department of rehabilitation and correction ~~first certifies, on requisition made, determines~~ that the articles or supplies cannot be furnished and issues a waiver under section 125.035 of the Revised Code.

Sec. 5160.37. (A) A medical assistance recipient's enrollment 92888
in a medical assistance program gives an automatic right of 92889
recovery to the department of medicaid and a county department of 92890
job and family services against the liability of a third party for 92891
the cost of medical assistance paid on behalf of the recipient. 92892
When an action or claim is brought against a third party by a 92893
medical assistance recipient, any payment, settlement or 92894
compromise of the action or claim, or any court award or judgment, 92895
is subject to the recovery right of the department of medicaid or 92896
county department. Except in the case of a medical assistance 92897
recipient who receives medical assistance through a medicaid 92898
managed care organization, the department's or county department's 92899
claim shall not exceed the amount of medical assistance paid by 92900
the department or county department on behalf of the recipient. A 92901
payment, settlement, compromise, judgment, or award that excludes 92902
the cost of medical assistance paid for by the department or 92903
county department shall not preclude a department from enforcing 92904
its rights under this section. 92905

(B) In the case of a medical assistance recipient who 92906
receives medical assistance through a medicaid managed care 92907
organization, the amount of the department's or county 92908
department's claim shall be the amount the medicaid managed care 92909
organization pays for medical assistance rendered to the 92910
recipient, even if that amount is more than the amount the 92911
department or county department pays to the medicaid managed care 92912
organization for the recipient's medical assistance. 92913

(C) A medical assistance recipient, and the recipient's 92914
attorney, if any, shall cooperate with the departments. In 92915
furtherance of this requirement, the medical assistance recipient, 92916
or the recipient's attorney, if any, shall, not later than thirty 92917
days after initiating informal recovery activity or filing a legal 92918
recovery action against a third party, provide written notice of 92919

the activity or action to the department of medicaid or county 92920
department if it has paid for medical assistance under a medical 92921
assistance program. 92922

(D) The written notice that must be given under division (C) 92923
of this section shall disclose the identity and address of any 92924
third party against whom the medical assistance recipient has or 92925
may have a right of recovery. 92926

(E) No settlement, compromise, judgment, or award or any 92927
recovery in any action or claim by a medical assistance recipient 92928
where the department or county department has a right of recovery 92929
shall be made final without first giving the department or county 92930
department written notice as described in division (C) of this 92931
section and a reasonable opportunity to perfect its rights of 92932
recovery. If the department or county department is not given the 92933
appropriate written notice, the medical assistance recipient and, 92934
if there is one, the recipient's attorney, are liable to reimburse 92935
the department or county department for the recovery received to 92936
the extent of medical assistance payments made by the department 92937
or county department. 92938

(F) The department or county department shall be permitted to 92939
enforce its recovery rights against the third party even though it 92940
accepted prior payments in discharge of its rights under this 92941
section if, at the time the department or county department 92942
received such payments, it was not aware that additional medical 92943
expenses had been incurred but had not yet been paid by the 92944
department or county department. The third party becomes liable to 92945
the department or county department as soon as the third party is 92946
notified in writing of the valid claims for recovery under this 92947
section. 92948

(G)(1) Subject to division (G)(2) of this section, the right 92949
of recovery of the department or county department does not apply 92950
to that portion of any judgment, award, settlement, or compromise 92951

of a claim, to the extent of attorneys' fees, costs, or other 92952
expenses incurred by a medical assistance recipient in securing 92953
the judgment, award, settlement, or compromise, or to the extent 92954
of medical, surgical, and hospital expenses paid by such recipient 92955
from the recipient's own resources. 92956

(2) Reasonable attorneys' fees, not to exceed one-third of 92957
the total judgment, award, settlement, or compromise, plus costs 92958
and other expenses incurred by the medical assistance recipient in 92959
securing the judgment, award, settlement, or compromise, shall 92960
first be deducted from the total judgment, award, settlement, or 92961
compromise. After fees, costs, and other expenses are deducted 92962
from the total judgment, award, settlement, or compromise, there 92963
shall be a rebuttable presumption that the department of medicaid 92964
or county department shall receive no less than one-half of the 92965
remaining amount, or the actual amount of medical assistance paid, 92966
whichever is less. A party may rebut the presumption in accordance 92967
with division (L)(1) or (2) of this section, as applicable. 92968

(H) A right of recovery created by this section may be 92969
enforced separately or jointly by the department of medicaid or 92970
county department. To enforce its recovery rights, the department 92971
or county department may do any of the following: 92972

(1) Intervene or join in any action or proceeding brought by 92973
the medical assistance recipient or on the recipient's behalf 92974
against any third party who may be liable for the cost of medical 92975
assistance paid; 92976

(2) Institute and pursue legal proceedings against any third 92977
party who may be liable for the cost of medical assistance paid; 92978

(3) Initiate legal proceedings in conjunction with any 92979
injured, diseased, or disabled medical assistance recipient or the 92980
recipient's attorney or representative. 92981

(I) A medical assistance recipient shall not assess attorney 92982

fees, costs, or other expenses against the department of medicaid 92983
or a county department when the department or county department 92984
enforces its right of recovery created by this section. 92985

(J) The right of recovery given to the department under this 92986
section includes payments made by a third party under contract 92987
with a person having a duty to support. 92988

(K) The department of medicaid may assign to a medical 92989
assistance provider the right of recovery given to the department 92990
under this section with respect to any claim for which the 92991
department has notified the provider that the department intends 92992
to recoup the department's prior payment for the claim. 92993

(L)(1) Prior to any payment to the department or a county 92994
department pursuant to the department's or county department's 92995
right of recovery under this section, a party that desires to 92996
rebut the presumption in division (G) of this section shall submit 92997
to the department or county department a request for a hearing in 92998
accordance with the procedure the department establishes in rules 92999
required by division (O) of this section. The amount sought by the 93000
department or county department shall be held in escrow or in an 93001
interest on lawyers' trust account until the hearing examiner 93002
renders a decision or the case is otherwise concluded. A party 93003
successfully rebuts the presumption by a showing of clear and 93004
convincing evidence that a different allocation is warranted. 93005

(2) A medical assistance recipient who has repaid money, on 93006
or after September 29, 2007, to the department or a county 93007
department pursuant to the department's or county department's 93008
right of recovery under this section, section 5160.38 of the 93009
Revised Code, or former section 5101.58 or 5101.59 of the Revised 93010
Code may request a hearing to rebut the presumption in division 93011
(G) of this section. The request shall be made in accordance with 93012
the procedure the department establishes for this purpose in rules 93013
required by division (O) of this section. It must be made not 93014

later than one hundred eighty days after the effective date of 93015
this amendment or ninety days after the payment is made, whichever 93016
is later. A party successfully rebuts the presumption by a showing 93017
of clear and convincing evidence that a different allocation is 93018
warranted. 93019

(3) With respect to a hearing requested under division (L)(1) 93020
or (2) of this section, all of the following are the case: 93021

(a) The hearing examiner may consider, but is not bound by 93022
the allocation of, medical expenses specified in a settlement 93023
agreement between the medical assistance recipient and the 93024
relevant third party; 93025

(b) The department or county department may raise affirmative 93026
defenses during the hearing, including the existence of a prior 93027
settlement with the medical assistance recipient, the doctrine of 93028
accord and satisfaction, or the common law principle of res 93029
judicata; 93030

(c) If the parties agree, live testimony shall not be 93031
presented at the hearing; 93032

(d) The hearing may be governed by rules adopted under 93033
section 5160.02 of the Revised Code. If such rules are adopted, 93034
Chapter 119. of the Revised Code applies to the hearing only to 93035
the extent specified in those rules; 93036

(e) The hearing examiner's decision is binding on the 93037
department or county department and the medical assistance 93038
recipient unless the decision is reversed or modified on appeal to 93039
the medicaid director as described in division (M) of this 93040
section. 93041

(M)(1) A medical assistance recipient who disagrees with a 93042
hearing examiner's decision under division (L) of this section may 93043
file an administrative appeal with the medicaid director in 93044
accordance with the procedure the department establishes for this 93045

purpose in rules required by division (O) of this section. A 93046
hearing is not required during the administrative appeal, but the 93047
director or the director's designee shall review the hearing 93048
examiner's decision and any prior relevant administrative action. 93049
After the review, the director or the director's designee shall 93050
affirm, modify, remand, or reverse the hearing decision. A 93051
decision made under this division is final and binding on the 93052
department or county department and the medical assistance 93053
recipient unless it is reversed or modified on appeal to a court 93054
of common pleas as described in division (N) of this section. 93055

(2) An administrative appeal may be governed by rules adopted 93056
under section 5160.02 of the Revised Code. If such rules are 93057
adopted, Chapter 119. of the Revised Code applies to an 93058
administrative appeal only to the extent specified in those rules. 93059

(N) A party to an administrative appeal described in division 93060
(M) of this section may file an appeal with a court of common 93061
pleas in accordance with section 119.12 of the Revised Code. 93062

(O) The medicaid director shall adopt rules under section 93063
5160.02 of the Revised Code as necessary to implement this 93064
section, including rules establishing procedures a party may use 93065
to request a hearing under division (L)(1) or (2) of this section 93066
or an administrative appeal under division (M)(1) of this section. 93067
The rules shall be adopted in accordance with Chapter 119. of the 93068
Revised Code. 93069

(P) Divisions (L) to (N) of this section are remedial in 93070
nature and shall be liberally construed by the courts of this 93071
state in accordance with section 1.11 of the Revised Code. Those 93072
divisions specify the sole remedy available to a party who claims 93073
the department or a county department has received or is to 93074
receive more money than entitled to receive under this section, 93075
section 5160.38 of the Revised Code, or former section 5101.58 or 93076
5101.59 of the Revised Code. 93077

Sec. 5160.401. (A) A payment made by a third party under 93078
division (A)(4) of section 5160.40 of the Revised Code on a claim 93079
for payment of a medical item or service provided to a medical 93080
assistance recipient is final on the date that is two years after 93081
the payment was made to the department of medicaid or the 93082
applicable medicaid managed care organization. After a claim is 93083
final, the claim is subject to adjustment only if an action for 93084
recovery of an overpayment was commenced under division (B) of 93085
this section before the date the claim became final and the 93086
recovery is agreed to by the department or medicaid managed care 93087
organization under division (C) of this section. 93088

(B) If a third party determines that it overpaid a claim for 93089
payment, the third party may seek to recover all or part of the 93090
overpayment by filing a notice of its intent to seek recovery with 93091
the department or medicaid managed care organization, as 93092
applicable. The notice of recovery must be filed in writing before 93093
the date the payment is final. The notice must specify all of the 93094
following: 93095

(1) The full name of the medical assistance recipient who 93096
received the medical item or service that is the subject of the 93097
claim; 93098

(2) The date or dates on which the medical item or service 93099
was provided; 93100

(3) The amount allegedly overpaid and the amount the third 93101
party seeks to recover; 93102

(4) The claim number and any other number the department or 93103
medicaid managed care organization has assigned to the claim; 93104

(5) The third party's rationale for seeking recovery; 93105

(6) The date the third party made the payment and the method 93106
of payment used; 93107

<u>(7) If payment was made by check, the check number;</u>	93108
<u>(8) Whether the third party would prefer to receive the amount being sought by obtaining a payment from the department or medicaid managed care organization, either by check or electronic means, or by offsetting the amount from a future payment to be made to the department or medicaid managed care organization.</u>	93109 93110 93111 93112 93113
<u>(C) If the department or appropriate medicaid managed care organization determines that a notice of recovery was filed before the claim for payment is final and agrees to the amount sought by the third party, the department or medicaid managed care organization, as applicable, shall notify the third party in writing of its determination and agreement. Recovery of the amount shall proceed in accordance with the method specified by the third party pursuant to division (B)(8) of this section.</u>	93114 93115 93116 93117 93118 93119 93120 93121
Sec. 5162.01. (A) As used in the Revised Code:	93122
(1) "Medicaid" and "medicaid program" mean the program of medical assistance established by Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq., including any medical assistance provided under the medicaid state plan or a federal medicaid waiver granted by the United States secretary of health and human services.	93123 93124 93125 93126 93127 93128
(2) "Medicare" and "medicare program" mean the federal health insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	93129 93130 93131
(B) As used in this chapter:	93132
(1) "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	93133 93134
(2) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	93135
(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	93136 93137

- (4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2). 93138
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- (5) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component. 93144
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- (6) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component. 93148
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- (7) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 93151
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- (8) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code. 93154
93155
- (9) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code. 93156
93157
- (10) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 93158
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- (11) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 93160
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- (12) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code; 93162
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- (13) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 93164
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- ~~(13)~~(14) "Political subdivision" means a municipal corporation, township, county, school district, or other body 93166
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corporate and politic responsible for governmental activities only 93168
in a geographical area smaller than that of the state. 93169

~~(14)~~(15) "Prescribed drug" has the same meaning as in section 93170
5164.01 of the Revised Code. 93171

~~(15)~~(16) "Provider agreement" has the same meaning as in 93172
section 5164.01 of the Revised Code. 93173

~~(16)~~(17) "Qualified medicaid school provider" means the board 93174
of education of a city, local, or exempted village school 93175
district, the governing authority of a community school 93176
established under Chapter 3314. of the Revised Code, the state 93177
school for the deaf, and the state school for the blind to which 93178
both of the following apply: 93179

(a) It holds a valid provider agreement. 93180

(b) It meets all other conditions for participation in the 93181
medicaid school component of the medicaid program established in 93182
rules authorized by section 5162.364 of the Revised Code. 93183

~~(17)~~(18) "State agency" means every organized body, office, 93184
or agency, other than the department of medicaid, established by 93185
the laws of the state for the exercise of any function of state 93186
government. 93187

~~(18)~~(19) "Vendor offset" means a reduction of a medicaid 93188
payment to a medicaid provider to correct a previous, incorrect 93189
medicaid payment to that provider. 93190

Sec. 5162.11. (A) The department of medicaid shall enter into 93191
an agreement with the department of administrative services for 93192
the department of administrative services to contract through 93193
competitive selection pursuant to section 125.07 of the Revised 93194
Code with a vendor to perform an assessment of the data collection 93195
and data warehouse functions of the medicaid data warehouse 93196
system, including the ability to link the data sets of all 93197

agencies serving medicaid recipients. 93198

The assessment of the data system shall include functions 93199
related to fraud and abuse detection, program management and 93200
budgeting, and performance measurement capabilities of all 93201
agencies serving medicaid recipients, including the departments of 93202
aging, health, job and family services, medicaid, mental health 93203
and addiction services, and developmental disabilities. 93204

A qualified vendor with whom the department of administrative 93205
services contracts to assess the data system shall also assist the 93206
medicaid agencies in the definition of the requirements for an 93207
enhanced data system or a new data system and assist the 93208
department of administrative services in the preparation of a 93209
request for proposals to enhance or develop a data system. 93210

(B) Based on the assessment performed pursuant to division 93211
(A) of this section, the department of administrative services 93212
shall seek a qualified vendor through competitive selection 93213
pursuant to ~~section 125.07~~ Chapter 125. of the Revised Code to 93214
develop or enhance a data collection and data warehouse system for 93215
the department of medicaid and all agencies serving medicaid 93216
recipients. 93217

The department of medicaid shall seek enhanced federal 93218
financial participation for ninety per cent of the funds required 93219
to establish or enhance the data system. The department of 93220
administrative services shall not award a contract for 93221
establishing or enhancing the data system until the department of 93222
medicaid receives approval from the United States secretary of 93223
health and human services for the ninety per cent federal 93224
financial participation. 93225

Sec. 5162.12. (A) The medicaid director ~~may~~ shall enter into 93226
a contract with one or more persons to receive and process, on the 93227

director's behalf, requests for medicaid recipient or claims 93228
payment data, data from reports of audits conducted under section 93229
5165.109 of the Revised Code, or extracts or analyses of any of 93230
the foregoing data made by persons who intend to use the items 93231
prepared pursuant to the requests for commercial or academic 93232
purposes. 93233

(B) At a minimum, a contract entered into under this section 93234
shall do both of the following: 93235

(1) Authorize the contracting person to engage in the 93236
activities described in division (A) of this section for 93237
compensation, which must be stated as a percentage of the fees 93238
paid by persons who are provided the items; 93239

(2) ~~Specify the schedule of fees~~ Require the contracting 93240
person ~~is~~ to charge for ~~the items~~ an item prepared pursuant to a 93241
request a fee in an amount equal to one hundred two per cent of 93242
the cost the department of medicaid incurs in making the data used 93243
to prepare the item available to the contracting person. 93244

(C) Except as required by federal or state law and subject to 93245
division (E) of this section, both of the following conditions 93246
apply with respect to a request for data described in division (A) 93247
of this section: 93248

(1) The request shall be made through a person who has 93249
entered into a contract with the medicaid director under this 93250
section. 93251

(2) An item prepared pursuant to the request may be provided 93252
to the department of medicaid and is confidential and not subject 93253
to disclosure under section 149.43 or 1347.08 of the Revised Code. 93254

(D) The medicaid director shall use fees the director 93255
receives pursuant to a contract entered into under this section to 93256
pay obligations specified in contracts entered under this section. 93257

Any money remaining after the obligations are paid shall be 93258
deposited in the health care services administration fund created 93259
under section 5162.54 of the Revised Code. 93260

(E) This section does not apply to requests for medicaid 93261
recipient or claims payment data, data from reports of audits 93262
conducted under section 5165.109 of the Revised Code, or extracts 93263
or analyses of any of the foregoing data that are for any of the 93264
following purposes: 93265

(1) Treatment of medicaid recipients; 93266

(2) Payment of medicaid claims; 93267

(3) Establishment or management of medicaid third party 93268
liability pursuant to sections 5160.35 to 5160.43 of the Revised 93269
Code; 93270

(4) Compliance with the terms of an agreement the medicaid 93271
director enters into for purposes of administering the medicaid 93272
program; 93273

(5) Compliance with an operating protocol the executive 93274
director of the office of health transformation or the executive 93275
director's designee adopts under division (D) of section 191.06 of 93276
the Revised Code. 93277

Sec. 5162.13. (A) On or before the first day of January of 93278
each year, the department of medicaid shall complete a report on 93279
the effectiveness of the medicaid program in meeting the health 93280
care needs of low-income pregnant women, infants, and children. 93281
The report shall include all of the following: ~~the~~ 93282

(1) The estimated number of pregnant women, infants, and 93283
children eligible for the program; ~~the~~ 93284

(2) The actual number of eligible persons enrolled in the 93285
program; ~~the~~ 93286

<u>(3) The actual number of enrolled pregnant women categorized</u>	93287
<u>by estimated gestational age at time of enrollment;</u>	93288
<u>(4) The number of prenatal, postpartum, and child health</u>	93289
<u>visits; a</u>	93290
<u>(5) The rates at which enrolled pregnant women receive</u>	93291
<u>addiction or mental health services, progesterone therapy, and any</u>	93292
<u>other service specified by the department;</u>	93293
<u>(6) A report on birth outcomes, including a comparison of</u>	93294
<u>low-birthweight births and infant mortality rates of medicaid</u>	93295
<u>recipients with the general female child-bearing and infant</u>	93296
<u>population in this state; and a</u>	93297
<u>(7) A comparison of the prenatal, delivery, and child health</u>	93298
<u>costs of the program with such costs of similar programs in other</u>	93299
<u>states, where available.</u>	93300
<u>(B) The department shall submit the report to the general</u>	93301
<u>assembly in accordance with section 101.68 of the Revised Code and</u>	93302
<u>to the joint medicaid oversight committee. The department also</u>	93303
<u>shall make the report available to the public.</u>	93304
Sec. 5162.36. (A) (B) The medicaid director shall create, in	93305
accordance with sections 5162.36 to 5162.364 <u>5162.365</u> of the	93306
Revised Code, the medicaid school component of the medicaid	93307
program.	93308
Sec. 5162.361. A qualified medicaid school provider	93309
participating in the medicaid school component of the medicaid	93310
program may submit a claim to the department of medicaid for	93311
federal financial participation for providing, in schools,	93312
services covered by the medicaid school component to medicaid	93313
recipients who are eligible for the services. No qualified	93314
medicaid school provider may submit such a claim before the	93315
provider incurs the cost of providing the service.	93316

The claim shall include certification of the qualified 93317
medicaid school provider's expenditures for the service. The 93318
certification shall show that the money the qualified medicaid 93319
school provider used for the expenditures was nonfederal money the 93320
provider may legally use for providing the service and that the 93321
amount of the expenditures was sufficient to pay the full cost of 93322
the service. 93323

Except as otherwise provided in sections 5162.36 to ~~5162.364~~ 93324
5162.365 of the Revised Code ~~and rules authorized by sections~~ 93325
~~5162.363 and 5162.364 of the Revised Code~~, a qualified medicaid 93326
school provider is subject to all conditions of participation in 93327
the medicaid program that generally apply to providers of goods 93328
and services under the medicaid program, including conditions 93329
regarding claims, audits, and recovery of overpayments. 93330

Sec. 5162.363. The department of medicaid shall enter into an 93331
interagency agreement with the department of education under 93332
section 5162.35 of the Revised Code that provides for the 93333
department of education to administer the medicaid school 93334
component of the medicaid program other than the aspects of the 93335
component that sections 5162.36 to ~~5162.364~~ 5162.365 of the 93336
Revised Code require the department of medicaid to administer. The 93337
interagency agreement may include a provision that provides for 93338
the department of education to pay to the department of medicaid 93339
the nonfederal share of a portion of the administrative expenses 93340
the department of medicaid incurs in administering the aspects of 93341
the component that the department of medicaid administers. 93342

To the extent authorized by rules authorized by section 93343
5162.021 of the Revised Code, the department of education shall 93344
~~establish, in adopt~~ rules ~~adopted under section 5162.02 of the~~ 93345
~~Revised Code~~, establishing a process by which qualified medicaid 93346
school providers participating in the medicaid school component 93347

pay to the department of education the nonfederal share of the 93348
department's expenses incurred in administering the component. The 93349
rules shall be adopted in accordance with Chapter 119. of the 93350
Revised Code. 93351

Sec. 5162.365. (A) A qualified medicaid school provider is 93352
solely responsible for timely repaying any overpayment that the 93353
provider receives under the medicaid school component of the 93354
medicaid program and that is discovered by a federal or state 93355
audit. This is the case regardless of whether the audit's finding 93356
identifies the provider, department of medicaid, or department of 93357
education as being responsible for the overpayment. 93358

(B) The department of medicaid shall not do any of the 93359
following regarding an overpayment for which a qualified medicaid 93360
school provider is responsible for repaying: 93361

(1) Make a payment to the federal government to meet or delay 93362
the provider's repayment obligation; 93363

(2) Assume the provider's repayment obligation; 93364

(3) Forgive the provider's repayment obligation. 93365

(C) Each qualified medicaid school provider shall indemnify 93366
and hold harmless the department of medicaid for any cost or 93367
penalty resulting from a federal or state audit finding that a 93368
claim submitted by the provider under section 5162.361 of the 93369
Revised Code did not comply with a federal or state requirement 93370
applicable to the claim, including a requirement of a medicaid 93371
waiver component. 93372

Sec. 5163.03. (A) Subject to section 5163.05 of the Revised 93373
Code, the medicaid program shall cover all mandatory eligibility 93374
groups. 93375

(B) The medicaid program shall cover all of the optional 93376

eligibility groups that state statutes require the medicaid program to cover. 93377
93378

(C) The medicaid program may cover any of the optional eligibility groups to which either of the following applies: 93379
93380

(1) State statutes expressly permit the medicaid program to cover the optional eligibility group. 93381
93382

(2) ~~State statutes do not address whether~~ Except as provided in division (D)(1) of this section, the medicaid program may cover covers the optional eligibility group on the effective date of this amendment. 93383
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(D) The medicaid program shall not cover any optional eligibility group ~~that state~~ to which either of the following applies: 93387
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93389

(1) State statutes expressly prohibit the medicaid program from covering the optional eligibility group. 93390
93391

(2) State statutes do not address whether the medicaid program may cover the optional eligibility group. 93392
93393

Sec. 5163.04. The income eligibility threshold for an optional eligibility group shall be the following: 93394
93395

(A) The percentage of the federal poverty line specified in state statute for the group; 93396
93397

(B) If the income eligibility threshold for the group is not specified in state statute, a percentage of the federal poverty line not exceeding the percentage of the federal poverty line that, on the effective date of this section, is the group's income eligibility threshold. 93398
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Sec. 5163.06. The medicaid program shall cover all of the following optional eligibility groups: 93403
93404

(A) The group consisting of children placed with adoptive parents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(VIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(VIII);

(B) Subject to section 5163.061 of the Revised Code, the group consisting of women during pregnancy and the sixty-day period beginning on the last day of the pregnancy, infants, and children who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(IX), 42 U.S.C. 1396a(a)(10)(A)(ii)(IX);

(C) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XV), 42 U.S.C. 1396a(a)(10)(A)(ii)(XV);

(D) Subject to sections 5163.09 to 5163.098 of the Revised Code, the group consisting of employed individuals with medically improved disabilities who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI);

(E) The group consisting of independent foster care adolescents who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVII);

(F) The group consisting of women in need of treatment for breast or cervical cancer who are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XVIII), 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII);

~~(G) The group consisting of nonpregnant individuals who may receive family planning services and supplies and are specified in the "Social Security Act," section 1902(a)(10)(A)(ii)(XXI), 42 U.S.C. 1396a(a)(10)(A)(ii)(XXI).~~

Sec. 5163.21. (A)(1) This section applies only to either of

the following: 93435

(a) Initial eligibility determinations for the medicaid program; 93436
93437

(b) An appeal from an initial eligibility determination pursuant to section 5160.31 of the Revised Code. 93438
93439

(2)(a) Except as provided in division (A)(2)(b) of this section, this section shall not be used by a court to determine the effect of a trust on an individual's initial eligibility for the medicaid program. 93440
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(b) The prohibition in division (A)(2)(a) of this section does not apply to an appeal described in division (A)(1)(b) of this section. 93444
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(B) As used in this section: 93447

(1) "Trust" means any arrangement in which a grantor transfers real or personal property to a trust with the intention that it be held, managed, or administered by at least one trustee for the benefit of the grantor or beneficiaries. "Trust" includes any legal instrument or device similar to a trust. 93448
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(2) "Legal instrument or device similar to a trust" includes, but is not limited to, escrow accounts, investment accounts, partnerships, contracts, and other similar arrangements that are not called trusts under state law but are similar to a trust and to which all of the following apply: 93453
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(a) The property in the trust is held, managed, retained, or administered by a trustee. 93458
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(b) The trustee has an equitable, legal, or fiduciary duty to hold, manage, retain, or administer the property for the benefit of the beneficiary. 93460
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(c) The trustee holds identifiable property for the 93463

beneficiary.	93464
(3) "Grantor" is a person who creates a trust, including all of the following:	93465
(a) An individual;	93466
(b) An individual's spouse;	93467
(c) A person, including a court or administrative body, with legal authority to act in place of or on behalf of an individual or an individual's spouse;	93468
(d) A person, including a court or administrative body, that acts at the direction or on request of an individual or the individual's spouse.	93469
(4) "Beneficiary" is a person or persons, including a grantor, who benefits in some way from a trust.	93470
(5) "Trustee" is a person who manages a trust's principal and income for the benefit of the beneficiaries.	93471
(6) "Person" has the same meaning as in section 1.59 of the Revised Code and includes an individual, corporation, business trust, estate, trust, partnership, and association.	93472
(7) "Applicant" is an individual who applies for medicaid or the individual's spouse.	93473
(8) "Recipient" is an individual who receives medicaid or the individual's spouse.	93474
(9) "Revocable trust" is a trust that can be revoked by the grantor or the beneficiary, including all of the following, even if the terms of the trust state that it is irrevocable:	93475
(a) A trust that provides that the trust can be terminated only by a court;	93476
(b) A trust that terminates on the happening of an event, but only if the event occurs at the direction or control of the	93477
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grantor, beneficiary, or trustee. 93493

(10) "Irrevocable trust" is a trust that cannot be revoked by 93494
the grantor or terminated by a court and that terminates only on 93495
the occurrence of an event outside of the control or direction of 93496
the beneficiary or grantor. 93497

(11) "Payment" is any disbursement from the principal or income 93498
of the trust, including actual cash, noncash or property 93499
disbursements, or the right to use and occupy real property. 93500

(12) "Payments to or for the benefit of the applicant or 93501
recipient" is a payment to any person resulting in a direct or 93502
indirect benefit to the applicant or recipient. 93503

(13) "Testamentary trust" is a trust that is established by a 93504
will and does not take effect until after the death of the person 93505
who created the trust. 93506

(14) "Home" means a home described in section 1613(a)(1) of 93507
the "Social Security Act," 42 U.S.C. 1382b(a)(1). 93508

(C)(1) If an applicant or recipient is a beneficiary of a 93509
trust, the applicant or recipient shall submit a complete copy of 93510
the trust instrument to the county department of job and family 93511
services and the department of medicaid. A copy shall be 93512
considered complete if it contains all pages of the trust 93513
instrument and all schedules, attachments, and accounting 93514
statements referenced in or associated with the trust. The copy is 93515
confidential and is not subject to disclosure under section 149.43 93516
of the Revised Code. 93517

(2) On receipt of a copy of a trust instrument or otherwise 93518
determining that an applicant or recipient is a beneficiary of a 93519
trust, the county department of job and family services shall 93520
determine what type of trust it is and shall treat the trust in 93521
accordance with the appropriate provisions of this section and 93522
rules adopted under section 5163.02 of the Revised Code governing 93523

trusts. The county department of job and family services may 93524
determine that any of the following is the case regarding the 93525
trust or portion of the trust: 93526

(a) It is a resource available to the applicant or recipient; 93527

(b) It contains income available to the applicant or 93528
recipient; 93529

(c) Divisions (C)(2)(a) and (b) of this section are both 93530
applicable; 93531

(d) Neither division (C)(2)(a) nor (b) of this section is 93532
applicable. 93533

(3) Except as provided in division (F) of this section, a 93534
trust or portion of a trust that is a resource available to the 93535
applicant or recipient or contains income available to the 93536
applicant or recipient shall be counted for purposes of 93537
determining medicaid eligibility. 93538

(D)(1) A trust or legal instrument or device similar to a 93539
trust shall be considered a medicaid qualifying trust if all of 93540
the following apply: 93541

(a) The trust was established on or prior to August 10, 1993. 93542

(b) The trust was not established by a will. 93543

(c) The trust was established by an applicant or recipient. 93544

(d) The applicant or recipient is or may become the 93545
beneficiary of all or part of the trust. 93546

(e) Payment from the trust is determined by one or more 93547
trustees who are permitted to exercise any discretion with respect 93548
to the distribution to the applicant or recipient. 93549

(2) If a trust meets the requirement of division (D)(1) of 93550
this section, the amount of the trust that is considered by the 93551
county department of job and family services to be a resource 93552

available to the applicant or recipient shall be the maximum 93553
amount of payments permitted under the terms of the trust to be 93554
distributed to the applicant or recipient, assuming the full 93555
exercise of discretion by the trustee or trustees. The maximum 93556
amount shall include only amounts that are permitted to be 93557
distributed but are not distributed from either the income or 93558
principal of the trust. 93559

(3) Amounts that are actually distributed from a medicaid 93560
qualifying trust to a beneficiary for any purpose shall be treated 93561
in accordance with rules adopted under section 5163.02 of the 93562
Revised Code governing income. 93563

(4) Availability of a medicaid qualifying trust shall be 93564
considered without regard to any of the following: 93565

(a) Whether or not the trust is irrevocable or was 93566
established for purposes other than to enable a grantor to qualify 93567
for medicaid; 93568

(b) Whether or not the trustee actually exercises discretion. 93569

(5) If any real or personal property is transferred to a 93570
medicaid qualifying trust that is not distributable to the 93571
applicant or recipient, the transfer shall be considered an 93572
improper disposition of assets and shall be subject to section 93573
5163.30 of the Revised Code and rules to implement that section 93574
adopted under section 5163.02 of the Revised Code. 93575

(6) The baseline date for the look-back period for 93576
disposition of assets involving a medicaid qualifying trust shall 93577
be the date on which the applicant or recipient is both 93578
institutionalized and first applies for medicaid. 93579

(E)(1) A trust or legal instrument or device similar to a 93580
trust shall be considered a self-settled trust if all of the 93581
following apply: 93582

(a) The trust was established on or after August 11, 1993. 93583

(b) The trust was not established by a will. 93584

(c) The trust was established by an applicant or recipient, 93585
spouse of an applicant or recipient, or a person, including a 93586
court or administrative body, with legal authority to act in place 93587
of or on behalf of an applicant, recipient, or spouse, or acting 93588
at the direction or on request of an applicant, recipient, or 93589
spouse. 93590

~~(2) A trust that meets the requirements of division (E)(1) of~~ 93591
~~this section and is~~ (a) Except as provided in division (E)(2)(b) 93592
of this section, a revocable self-settled trust shall be treated 93593
by the county department of job and family services as follows: 93594

~~(a)(i)~~ (i) The corpus of the trust shall be considered a resource 93595
available to the applicant or recipient. 93596

~~(b)(ii)~~ (ii) Payments from the trust to or for the benefit of the 93597
applicant or recipient shall be considered unearned income of the 93598
applicant or recipient. 93599

~~(e)(iii)~~ (iii) Any other payments from the trust shall be 93600
considered an improper disposition of assets and shall be subject 93601
to section 5163.30 of the Revised Code and rules to implement that 93602
section adopted under section 5163.02 of the Revised Code. 93603

(b) The home of an applicant or recipient held in a revocable 93604
self-settled trust is not subject to division (E)(2)(a) of this 93605
section, is not a resource available to the applicant or recipient 93606
as described in division (C)(2)(a) of this section, and shall be 93607
excluded from the computation of spousal share determined pursuant 93608
to section 1924(c) of the "Social Security Act," 42 U.S.C. 93609
1396r-5(c). 93610

(c) A transfer of an applicant's or recipient's home from a 93611
revocable self-settled trust to the applicant or recipient or that 93612

individual's spouse shall not be considered an improper 93613
disposition of assets or a disposal of assets for less than fair 93614
market value for which a period of medicaid ineligibility may be 93615
imposed under section 5163.30 of the Revised Code. 93616

(3) ~~A trust that meets the requirements of division (E)(1) of~~ 93617
~~this section and is an~~ An irrevocable self-settled trust shall be 93618
treated by the county department of job and family services as 93619
follows: 93620

(a) If there are any circumstances under which payment from 93621
the trust could be made to or for the benefit of the applicant or 93622
recipient, including a payment that can be made only in the 93623
future, the portion from which payments could be made shall be 93624
considered a resource available to the applicant or recipient. The 93625
county department of job and family services shall not take into 93626
account when payments can be made. 93627

(b) Any payment that is actually made to or for the benefit 93628
of the applicant or recipient from either the corpus or income 93629
shall be considered unearned income. 93630

(c) If a payment is made to someone other than to the 93631
applicant or recipient and the payment is not for the benefit of 93632
the applicant or recipient, the payment shall be considered an 93633
improper disposition of assets and shall be subject to section 93634
5163.30 of the Revised Code and rules to implement that section 93635
adopted under section 5163.02 of the Revised Code. 93636

(d) The date of the disposition shall be the later of the 93637
date of establishment of the trust or the date of the occurrence 93638
of the event. 93639

(e) When determining the value of the disposed asset under 93640
this provision, the value of the trust shall be its value on the 93641
date payment to the applicant or recipient was foreclosed. 93642

(f) Any income earned or other resources added subsequent to 93643

the foreclosure date shall be added to the total value of the trust. 93644
93645

(g) Any payments to or for the benefit of the applicant or recipient after the foreclosure date but prior to the application date shall be subtracted from the total value. Any other payments shall not be subtracted from the value. 93646
93647
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93649

(h) Any addition of assets after the foreclosure date shall be considered a separate disposition. 93650
93651

(4) If a trust is funded with assets of another person or persons in addition to assets of the applicant or recipient, the applicable provisions of this section and rules adopted under section 5163.02 of the Revised Code governing trusts shall apply only to the portion of the trust attributable to the applicant or recipient. 93652
93653
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(5) The availability of a self-settled trust shall be considered without regard to any of the following: 93658
93659

(a) The purpose for which the trust is established; 93660

(b) Whether the trustees have exercised or may exercise discretion under the trust; 93661
93662

(c) Any restrictions on when or whether distributions may be made from the trust; 93663
93664

(d) Any restrictions on the use of distributions from the trust. 93665
93666

(6) The baseline date for the look-back period for dispositions of assets involving a self-settled trust shall be the date on which the applicant or recipient is both institutionalized and first applies for medicaid. 93667
93668
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(F) The principal or income from any of the following shall not be a resource available to the applicant or recipient: 93671
93672

(1)(a) A special needs trust that meets all of the following 93673

requirements: 93674

(i) The trust contains assets of an applicant or recipient 93675
under sixty-five years of age and may contain the assets of other 93676
individuals. 93677

(ii) The applicant or recipient is disabled as defined in 93678
rules adopted under section 5163.02 of the Revised Code. 93679

(iii) The trust is established for the benefit of the 93680
applicant or recipient by a parent, grandparent, legal guardian, 93681
or a court. 93682

(iv) The trust requires that on the death of the applicant or 93683
recipient the state will receive all amounts remaining in the 93684
trust up to an amount equal to the total amount of medicaid 93685
payments made on behalf of the applicant or recipient. 93686

(b) If a special needs trust meets the requirements of 93687
division (F)(1)(a) of this section and has been established for a 93688
disabled applicant or recipient under sixty-five years of age, the 93689
exemption for the trust granted pursuant to division (F) of this 93690
section shall continue after the disabled applicant or recipient 93691
becomes sixty-five years of age if the applicant or recipient 93692
continues to be disabled as defined in rules adopted under section 93693
5163.02 of the Revised Code. Except for income earned by the 93694
trust, the grantor shall not add to or otherwise augment the trust 93695
after the applicant or recipient attains sixty-five years of age. 93696
An addition or augmentation of the trust by the applicant or 93697
recipient with the applicant's own assets after the applicant or 93698
recipient attains sixty-five years of age shall be treated as an 93699
improper disposition of assets. 93700

(c) Cash distributions to the applicant or recipient shall be 93701
counted as unearned income. All other distributions from the trust 93702
shall be treated as provided in rules adopted under section 93703
5163.02 of the Revised Code governing in-kind income. 93704

(d) Transfers of assets to a special needs trust shall not be treated as an improper transfer of resources. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the individual.

(2)(a) A qualifying income trust that meets all of the following requirements:

(i) The trust is composed only of pension, social security, and other income to the applicant or recipient, including accumulated interest in the trust.

(ii) The income is received by the individual and the right to receive the income is not assigned or transferred to the trust.

(iii) The trust requires that on the death of the applicant or recipient the state will receive all amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the applicant or recipient.

(b) No resources shall be used to establish or augment the trust.

(c) If an applicant or recipient has irrevocably transferred or assigned the applicant's or recipient's right to receive income to the trust, the trust shall not be considered a qualifying income trust by the county department of job and family services.

(d) Income placed in a qualifying income trust shall not be counted in determining an applicant's or recipient's eligibility for medicaid. The recipient of the funds may place any income directly into a qualifying income trust without those funds adversely affecting the applicant's or recipient's eligibility for medicaid. Income generated by the trust that remains in the trust shall not be considered as income to the applicant or recipient.

(e) All income placed in a qualifying income trust shall be 93735
combined with any income available to the individual that is not 93736
placed in the trust to arrive at a base income figure to be used 93737
for spend down calculations. 93738

(f) The base income figure shall be used for post-eligibility 93739
deductions, including personal needs allowance, monthly income 93740
allowance, family allowance, and medical expenses not subject to 93741
third party payment. Any income remaining shall be used toward 93742
payment of patient liability. Payments made from a qualifying 93743
income trust shall not be combined with the base income figure for 93744
post-eligibility calculations. 93745

(g) The base income figure shall be used when determining the 93746
spend down budget for the applicant or recipient. Any income 93747
remaining after allowable deductions are permitted as provided 93748
under rules adopted under section 5163.02 of the Revised Code 93749
shall be considered the applicant's or recipient's spend down 93750
liability. 93751

(3)(a) A pooled trust that meets all of the following 93752
requirements: 93753

(i) The trust contains the assets of the applicant or 93754
recipient of any age who is disabled as defined in rules adopted 93755
under section 5163.02 of the Revised Code. 93756

(ii) The trust is established and managed by a nonprofit 93757
organization. 93758

(iii) A separate account is maintained for each beneficiary 93759
of the trust but, for purposes of investment and management of 93760
funds, the trust pools the funds in these accounts. 93761

(iv) Accounts in the trust are established by the applicant 93762
or recipient, the applicant's or recipient's parent, grandparent, 93763
or legal guardian, or a court solely for the benefit of 93764
individuals who are disabled. 93765

(v) The trust requires that, to the extent that any amounts remaining in the beneficiary's account on the death of the beneficiary are not retained by the trust, the trust pay to the state the amounts remaining in the trust up to an amount equal to the total amount of medicaid payments made on behalf of the beneficiary.

(b) Cash distributions to the applicant or recipient shall be counted as unearned income. All other distributions from the trust shall be treated as provided in rules adopted under section 5163.02 of the Revised Code governing in-kind income.

(c) Transfers of assets to a pooled trust shall not be treated as an improper disposition of assets. An asset held prior to the transfer to the trust shall be considered as a resource available to the applicant or recipient, income available to the applicant or recipient, or both a resource and income available to the applicant or recipient.

(4) A supplemental services trust that meets the requirements of section 5815.28 of the Revised Code and to which all of the following apply:

(a) A person may establish a supplemental services trust pursuant to section 5815.28 of the Revised Code only for another person who is eligible to receive services through one of the following agencies:

(i) The department of developmental disabilities;

(ii) A county board of developmental disabilities;

(iii) The department of mental health and addiction services;

(iv) A board of alcohol, drug addiction, and mental health services.

(b) A county department of job and family services shall not determine eligibility for another agency's program. An applicant

or recipient shall do one of the following: 93796

(i) Provide documentation from one of the agencies listed in 93797
division (F)(4)(a) of this section that establishes that the 93798
applicant or recipient was determined to be eligible for services 93799
from the agency at the time of the creation of the trust; 93800

(ii) Provide an order from a court of competent jurisdiction 93801
that states that the applicant or recipient was eligible for 93802
services from one of the agencies listed in division (F)(4)(a) of 93803
this section at the time of the creation of the trust. 93804

(c) At the time the trust is created, the trust principal 93805
does not exceed the maximum amount permitted. The maximum amount 93806
permitted in calendar year 2006 is two hundred twenty-two thousand 93807
dollars. Each year thereafter, the maximum amount permitted is the 93808
prior year's amount plus two thousand dollars. 93809

(d) A county department of job and family services shall 93810
review the trust to determine whether it complies with the 93811
provisions of section 5815.28 of the Revised Code. 93812

(e) Payments from supplemental services trusts shall be 93813
exempt as long as the payments are for supplemental services as 93814
defined in rules adopted under section 5163.02 of the Revised 93815
Code. All supplemental services shall be purchased by the trustee 93816
and shall not be purchased through direct cash payments to the 93817
beneficiary. 93818

(f) If a trust is represented as a supplemental services 93819
trust and a county department of job and family services 93820
determines that the trust does not meet the requirements provided 93821
in division (F)(4) of this section and section 5815.28 of the 93822
Revised Code, the county department of job and family services 93823
shall not consider it an exempt trust. 93824

(G)(1) A trust or legal instrument or device similar to a 93825
trust shall be considered a trust established by an individual for 93826

the benefit of the applicant or recipient if all of the following apply: 93827
93828

(a) The trust is created by a person other than the applicant or recipient. 93829
93830

(b) The trust names the applicant or recipient as a beneficiary. 93831
93832

(c) The trust is funded with assets or property in which the applicant or recipient has never held an ownership interest prior to the establishment of the trust. 93833
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93835

(2) Any portion of a trust that meets the requirements of division (G)(1) of this section shall be a resource available to the applicant or recipient only if the trust permits the trustee to expend principal, corpus, or assets of the trust for the applicant's or recipient's medical care, care, comfort, maintenance, health, welfare, general well being, or any combination of these purposes. 93836
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(3) A trust that meets the requirements of division (G)(1) of this section shall be considered a resource available to the applicant or recipient even if the trust contains any of the following types of provisions: 93843
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93845
93846

(a) A provision that prohibits the trustee from making payments that would supplant or replace medicaid or other public assistance; 93847
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93849

(b) A provision that prohibits the trustee from making payments that would impact or have an effect on the applicant's or recipient's right, ability, or opportunity to receive medicaid or other public assistance; 93850
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93853

(c) A provision that attempts to prevent the trust or its corpus or principal from being a resource available to the applicant or recipient. 93854
93855
93856

(4) A trust that meets the requirements of division (G)(1) of this section shall not be counted as a resource available to the applicant or recipient if at least one of the following circumstances applies:

(a) If a trust contains a clear statement requiring the trustee to preserve a portion of the trust for another beneficiary or remainderman, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to preserve a portion of the trust shall not qualify as a clear statement requiring the trustee to preserve a portion of the trust.

(b) If a trust contains a clear statement requiring the trustee to use a portion of the trust for a purpose other than medical care, care, comfort, maintenance, welfare, or general well being of the applicant or recipient, that portion of the trust shall not be counted as a resource available to the applicant or recipient. Terms of a trust that grant discretion to limit the use of a portion of the trust shall not qualify as a clear statement requiring the trustee to use a portion of the trust for a particular purpose.

(c) If a trust contains a clear statement limiting the trustee to making fixed periodic payments, the trust shall not be counted as a resource available to the applicant or recipient and payments shall be treated in accordance with rules adopted under section 5163.02 of the Revised Code governing income. Terms of a trust that grant discretion to limit payments shall not qualify as a clear statement requiring the trustee to make fixed periodic payments.

(d) If a trust contains a clear statement that requires the trustee to terminate the trust if it is counted as a resource available to the applicant or recipient, the trust shall not be counted as such. Terms of a trust that grant discretion to

terminate the trust do not qualify as a clear statement requiring 93889
the trustee to terminate the trust. 93890

(e) If a person obtains a judgment from a court of competent 93891
jurisdiction that expressly prevents the trustee from using part 93892
or all of the trust for the medical care, care, comfort, 93893
maintenance, welfare, or general well being of the applicant or 93894
recipient, the trust or that portion of the trust subject to the 93895
court order shall not be counted as a resource available to the 93896
applicant or recipient. 93897

(f) If a trust is specifically exempt from being counted as a 93898
resource available to the applicant or recipient by a provision of 93899
the Revised Code, rules, or federal law, the trust shall not be 93900
counted as such. 93901

(g) If an applicant or recipient presents a final judgment 93902
from a court demonstrating that the applicant or recipient was 93903
unsuccessful in a civil action against the trustee to compel 93904
payments from the trust, the trust shall not be counted as a 93905
resource available to the applicant or recipient. 93906

(h) If an applicant or recipient presents a final judgment 93907
from a court demonstrating that in a civil action against the 93908
trustee the applicant or recipient was only able to compel limited 93909
or periodic payments, the trust shall not be counted as a resource 93910
available to the applicant or recipient and payments shall be 93911
treated in accordance with rules adopted under section 5163.02 of 93912
the Revised Code governing income. 93913

(i) If an applicant or recipient provides written 93914
documentation showing that the cost of a civil action brought to 93915
compel payments from the trust would be cost prohibitive, the 93916
trust shall not be counted as a resource available to the 93917
applicant or recipient. 93918

(5) Any actual payments to the applicant or recipient from a 93919

trust that meet the requirements of division (G)(1) of this 93920
section, including trusts that are not counted as a resource 93921
available to the applicant or recipient, shall be treated as 93922
provided in rules adopted under section 5163.02 of the Revised 93923
Code governing income. Payments to any person other than the 93924
applicant or recipient shall not be considered income to the 93925
applicant or recipient. Payments from the trust to a person other 93926
than the applicant or recipient shall not be considered an 93927
improper disposition of assets. 93928

Sec. 5163.30. (A) As used in this section: 93929

(1) "Assets" include all of an individual's income and 93930
resources and those of the individual's spouse, including any 93931
income or resources the individual or spouse is entitled to but 93932
does not receive because of action by any of the following: 93933

(a) The individual or spouse; 93934

(b) A person or government entity, including a court or 93935
administrative agency, with legal authority to act in place of or 93936
on behalf of the individual or spouse; 93937

(c) A person or government entity, including a court or 93938
administrative agency, acting at the direction or on the request 93939
of the individual or spouse. 93940

(2) "Home and community-based services" means home and 93941
community-based services furnished under a medicaid waiver granted 93942
by the United States secretary of health and human services under 93943
the "Social Security Act," section 1915(c) or (d), 42 U.S.C. 93944
1396n(c) or (d). 93945

(3) "Institutionalized individual" means a resident of a 93946
nursing facility, an inpatient in a medical institution for whom a 93947
payment is made based on a level of care provided in a nursing 93948
facility, or an individual described in the "Social Security Act," 93949

section 1902(a)(10)(A)(ii)(VI), 42 U.S.C. 1396a(a)(10)(A)(ii)(VI). 93950

(4) "Look-back date" means the date that is a number of 93951
months specified in rules adopted under section 5163.02 of the 93952
Revised Code immediately before either of the following: 93953

(a) The date an individual becomes an institutionalized 93954
individual if the individual is eligible for medicaid on that 93955
date; 93956

(b) The date an individual applies for medicaid while an 93957
institutionalized individual. 93958

(5) "Nursing facility equivalent services" means services 93959
that are covered by the medicaid program, equivalent to nursing 93960
facility services, provided by an institution that provides the 93961
same level of care as a nursing facility, and provided to an 93962
inpatient of the institution who is a medicaid recipient eligible 93963
for medicaid-covered nursing facility equivalent services. 93964

(6) "Undue hardship" means being deprived of either of the 93965
following: 93966

(a) Medical care such that an individual's health or life is 93967
endangered; 93968

(b) Food, clothing, shelter, or other necessities of life. 93969

(B) Except as provided in division (C) of this section and 93970
rules adopted under section 5163.02 of the Revised Code, an 93971
institutionalized individual is ineligible for nursing facility 93972
services, nursing facility equivalent services, and home and 93973
community-based services if the individual or individual's spouse 93974
disposes of assets for less than fair market value on or after the 93975
look-back date. The institutionalized individual's ineligibility 93976
shall begin on a date determined in accordance with rules adopted 93977
under section 5163.02 of the Revised Code and shall continue for a 93978
number of months determined in accordance with such rules. 93979

(C)(1) An institutionalized individual may be granted a waiver of all or a portion of the period of ineligibility to which the individual would otherwise be subjected under division (B) of this section if the ineligibility would cause an undue hardship for the individual. ~~An~~

(2) An institutionalized individual shall be granted a waiver of all or a portion of the period of ineligibility if the administrator of the nursing facility in which the individual resides has notified the individual of a proposed transfer or discharge under section 3721.16 of the Revised Code due to failure to pay for the care the nursing facility has provided to the individual, the individual or the individual's sponsor requests a hearing on the proposed transfer or discharge in accordance with section 3721.161 of the Revised Code, and the transfer or discharge is upheld by a final determination that is not subject to further appeal. ~~Waivers~~

(3) An institutionalized individual may be granted a waiver of all of the period of ineligibility if all of the assets that were disposed of for less than fair market value are returned to the individual or individual's spouse or if the individual or individual's spouse receives cash or other personal or real property that equals the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets. Except as provided in division (C)(1) or (2) of this section, no waiver of any part of the period of ineligibility shall be granted if the amount the individual or individual's spouse receives is less than the difference between what the individual or individual's spouse received for the assets and the fair market value of the assets.

(4) Waivers shall be granted in accordance with rules adopted under section 5163.02 of the Revised Code.

(D) To secure compliance with this section, the medicaid

director may require an individual, as a condition of initial or 94012
continued eligibility for medicaid, to provide documentation of 94013
the individual's assets up to five years before the date the 94014
individual becomes an institutionalized individual if the 94015
individual is eligible for medicaid on that date or the date the 94016
individual applies for medicaid while an institutionalized 94017
individual. Documentation may include tax returns, records from 94018
financial institutions, and real property records. 94019

Sec. 5163.33. (A) In determining the amount of income that a 94020
medicaid recipient must apply monthly toward payment of the cost 94021
of care in a nursing facility or ICF/IID, a county department of 94022
job and family services shall deduct from the recipient's monthly 94023
income a monthly personal needs allowance in accordance with the 94024
"Social Security Act," section 1902(q), 42 U.S.C. 1396a(q). 94025

(B) In the case of a resident of a nursing facility, the 94026
monthly personal needs allowance shall be ~~as follows:~~ 94027

~~(1) Prior to January 1, 2014, not less than forty dollars for 94028
an individual resident and not less than eighty dollars for a 94029
married couple if both spouses are residents of a nursing facility 94030
and their incomes are considered available to each other in 94031
determining eligibility;~~ 94032

~~(2) For calendar year 2014, not less than forty five dollars 94033
for an individual resident and not less than ninety dollars for a 94034
married couple if both spouses are residents of a nursing facility 94035
and their incomes are considered available to each other in 94036
determining eligibility;~~ 94037

~~(3) For calendar year 2015 and each calendar year thereafter, 94038
not less than fifty dollars for an individual resident and not 94039
less than one hundred dollars for a married couple if both spouses 94040
are residents of a nursing facility and their incomes are 94041
considered available to each other in determining eligibility. 94042~~

(C) In the case of a resident of an ICF/IID, the monthly
personal needs allowance shall be as follows: 94043
94044

(1) Prior to January 1, 2016, forty dollars unless the 94045
resident has earned income, in which case the monthly personal 94046
needs allowance shall be determined by the department of medicaid, 94047
or the department's designee, but shall not exceed one hundred 94048
five dollars; 94049

(2) For calendar year 2016 and each calendar year thereafter, 94050
not less than fifty dollars for an individual resident and not 94051
less than one hundred dollars for a married couple if both spouses 94052
are residents of an ICF/IID and their incomes are considered 94053
available to each other in determining eligibility. 94054

Sec. 5164.01. As used in this chapter: 94055

(A) "Adjudication" has the same meaning as in section 119.01 94056
of the Revised Code. 94057

(B) "Early and periodic screening, diagnostic, and treatment 94058
services" has the same meaning as in the "Social Security Act," 94059
section 1905(r), 42 U.S.C. 1396d(r). 94060

~~(B)~~(C) "Federal financial participation" has the same meaning 94061
as in section 5160.01 of the Revised Code. 94062

~~(C)~~(D) "Healthcheck" means the component of the medicaid 94063
program that provides early and periodic screening, diagnostic, 94064
and treatment services. 94065

~~(D)~~(E) "Home and community-based services medicaid waiver 94066
component" has the same meaning as in section 5166.01 of the 94067
Revised Code. 94068

~~(E)~~(F) "Hospital" has the same meaning as in section 3727.01 94069
of the Revised Code. 94070

~~(F)~~(G) "ICDS participant" means a dual eligible individual 94071

who participates in the integrated care delivery system. 94072

~~(G)~~(H) "ICF/IID" has the same meaning as in section 5124.01 94073
of the Revised Code. 94074

~~(H)~~(I) "Integrated care delivery system" and "ICDS" mean the 94075
demonstration project authorized by section 5164.91 of the Revised 94076
Code. 94077

~~(I)~~(J) "Mandatory services" means the health care services 94078
and items that must be covered by the medicaid state plan as a 94079
condition of the state receiving federal financial participation 94080
for the medicaid program. 94081

~~(J)~~(K) "Medicaid managed care organization" has the same 94082
meaning as in section 5167.01 of the Revised Code. 94083

~~(K)~~(L) "Medicaid provider" means a person or government 94084
entity with a valid provider agreement to provide medicaid 94085
services to medicaid recipients. To the extent appropriate in the 94086
context, "medicaid provider" includes a person or government 94087
entity applying for a provider agreement, a former medicaid 94088
provider, or both. 94089

~~(L)~~(M) "Medicaid services" means either or both of the 94090
following: 94091

(1) Mandatory services; 94092

(2) Optional services that the medicaid program covers. 94093

~~(M)~~ (N) "Nursing facility" has the same meaning as in section 94094
5165.01 of the Revised Code. 94095

~~(N)~~(O) "Optional services" means the health care services and 94096
items that may be covered by the medicaid state plan or a federal 94097
medicaid waiver and for which the medicaid program receives 94098
federal financial participation. 94099

~~(O)~~(P) "Prescribed drug" has the same meaning as in 42 C.F.R. 94100
440.120. 94101

~~(P)~~(Q) "Provider agreement" means an agreement to which all of the following apply:

(1) It is between a medicaid provider and the department of medicaid;

(2) It provides for the medicaid provider to provide medicaid services to medicaid recipients;

(3) It complies with 42 C.F.R. 431.107(b).

~~(Q)~~(R) "Terminal distributor of dangerous drugs" has the same meaning as in section 4729.01 of the Revised Code.

Sec. 5164.38. (A) As used in this section:

~~(1) "Adjudication" has the same meaning as in division (D) of section 119.01 of the Revised Code.~~

~~(2)~~ "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

~~(3)~~(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;

(2) Any action taken by the department under division (D)(2) of section 5124.60, division (D)(1) or (2) of section 5124.61, or sections 5165.60 to 5165.89 of the Revised Code.

(C) Except as provided in division (E) of this section and section 5164.58 of the Revised Code, the department shall do any of the following by issuing an order pursuant to an adjudication

conducted in accordance with Chapter 119. of the Revised Code:	94131
(1) Refuse to enter into a provider agreement with a medicaid provider;	94132 94133
(2) Refuse to revalidate a medicaid provider's provider agreement;	94134 94135
(3) Suspend or terminate a medicaid provider's provider agreement;	94136 94137
(4) Take any action based upon a final fiscal audit of a medicaid provider.	94138 94139
(D) Any party who is adversely affected by the issuance of an adjudication order under division (C) of this section may appeal to the court of common pleas of Franklin county in accordance with section 119.12 of the Revised Code.	94140 94141 94142 94143
(E) The department is not required to comply with division (C)(1), (2), or (3) of this section whenever any of the following occur:	94144 94145 94146
(1) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain a certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the license, permit, certificate, or certification has been denied, revoked, not renewed, suspended, or otherwise limited.	94147 94148 94149 94150 94151 94152 94153
(2) The terms of a provider agreement require the medicaid provider to hold a license, permit, or certificate or maintain certification issued by an official, board, commission, department, division, bureau, or other agency of state or federal government other than the department of medicaid, and the provider has not obtained the license, permit, certificate, or certification.	94154 94155 94156 94157 94158 94159 94160

(3) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or not revalidated, because of or pursuant to any of the following:

(a) The termination, refusal to renew, or denial of a license, permit, certificate, or certification by an official, board, commission, department, division, bureau, or other agency of this state other than the department of medicaid, notwithstanding the fact that the provider may hold a license, permit, certificate, or certification from an official, board, commission, department, division, bureau, or other agency of another state;

(b) Division (D) or (E) of section 5164.35 of the Revised Code;

(c) The provider's termination, suspension, or exclusion from the medicare program or from another state's medicaid program and, in either case, the termination, suspension, or exclusion is binding on the provider's participation in the medicaid program in this state;

(d) The provider's pleading guilty to or being convicted of a criminal activity materially related to either the medicare or medicaid program;

(e) The provider or its owner, officer, authorized agent, associate, manager, or employee having been convicted of one of the offenses that caused the provider's provider agreement to be suspended pursuant to section 5164.36 of the Revised Code;

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.

(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is

terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.

(5) Pursuant to either section 5164.36 or 5164.37 of the Revised Code, the medicaid provider's provider agreement is suspended and payments to the provider are suspended pending indictment of the provider.

(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;

(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.

(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.

(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:

(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;

(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.

(F) In the case of a medicaid provider described in division (E)(3)(f), (6), (7), or (9)(b) of this section, the department may take its action by sending a notice explaining the action to the provider. The notice shall be sent to the medicaid provider's address on record with the department. The notice may be sent by

regular mail. 94222

(G) The department may withhold payments for medicaid 94223
services rendered by a medicaid provider during the pendency of 94224
proceedings initiated under division (C)(1), (2), or (3) of this 94225
section. If the proceedings are initiated under division (C)(4) of 94226
this section, the department may withhold payments only to the 94227
extent that they equal amounts determined in a final fiscal audit 94228
as being due the state. This division does not apply if the 94229
department fails to comply with section 119.07 of the Revised 94230
Code, requests a continuance of the hearing, or does not issue a 94231
decision within thirty days after the hearing is completed. This 94232
division does not apply to nursing facilities and ICFs/IID. 94233

Sec. 5164.57. (A) ~~As used in this section, "adjudication" has 94234
the same meaning as in section 119.01 of the Revised Code.~~ 94235

~~(B)(1)~~ Except as provided in division ~~(B)(A)~~(2) of this 94236
section, the department of medicaid may recover a medicaid payment 94237
or portion of a payment made to a medicaid provider to which the 94238
provider is not entitled if the department notifies the provider 94239
of the overpayment during the five-year period immediately 94240
following the end of the state fiscal year in which the 94241
overpayment was made. 94242

(2) In the case of a hospital medicaid provider, if the 94243
department determines as a result of a medicare or medicaid cost 94244
report settlement that the provider received an amount under the 94245
medicaid program to which the provider is not entitled, the 94246
department may recover the overpayment if the department notifies 94247
the provider of the overpayment during the later of the following: 94248

(a) The five-year period immediately following the end of the 94249
state fiscal year in which the overpayment was made; 94250

(b) The one-year period immediately following the date the 94251

department receives from the United States centers for medicare 94252
and medicaid services a completed, audited, medicare cost report 94253
for the provider that applies to the state fiscal year in which 94254
the overpayment was made. 94255

~~(C)~~(B) Among the overpayments that may be recovered under 94256
this section are the following: 94257

(1) Payment for a medicaid service, or a day of service, not 94258
rendered; 94259

(2) Payment for a day of service at a full per diem rate that 94260
should have been paid at a percentage of the full per diem rate; 94261

(3) Payment for a medicaid service, or day of service, that 94262
was paid by, or partially paid by, a third party, as defined in 94263
section 5160.35 of the Revised Code, and the third party's payment 94264
or partial payment was not offset against the amount paid by the 94265
medicaid program to reduce or eliminate the amount that was paid 94266
by the medicaid program; 94267

(4) Payment when a medicaid recipient's responsibility for 94268
payment was understated and resulted in an overpayment to the 94269
provider. 94270

~~(D)~~(C) The department may recover an overpayment under this 94271
section prior to or after any of the following: 94272

(1) Adjudication of a final fiscal audit that section 5164.38 94273
of the Revised Code requires to be conducted in accordance with 94274
Chapter 119. of the Revised Code; 94275

(2) Adjudication of a finding under any other provision of 94276
state statutes governing the medicaid program or the rules adopted 94277
under those statutes; 94278

(3) Expiration of the time to issue a final fiscal audit that 94279
section 5164.38 of the Revised Code requires to be conducted in 94280
accordance with Chapter 119. of the Revised Code; 94281

(4) Expiration of the time to issue a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

~~(E)~~(D)(1) Subject to division ~~(E)~~(D)(2) of this section, the recovery of an overpayment under this section does not preclude the department from subsequently doing the following:

(a) Issuing a final fiscal audit in accordance with Chapter 119. of the Revised Code, as required under section 5164.38 of the Revised Code;

(b) Issuing a finding under any other provision of state statutes governing the medicaid program or the rules adopted under those statutes.

(2) A final fiscal audit or finding issued subsequent to the recovery of an overpayment under this section shall be reduced by the amount of the prior recovery, as appropriate.

~~(F)~~(E) Nothing in this section limits the department's authority to recover overpayments pursuant to any other provision of the Revised Code.

Sec. 5164.78. The medicaid payment rate for medical transportation services shall include a component that pays for providers' fuel costs. The department of medicaid shall revise the rate for the fuel component each month. The rate for the fuel component for a month shall be at least five per cent higher than the national average for fuel prices for the immediately preceding month as reported by the United States energy information administration.

Sec. 5165.15. ~~(A)~~ Except as otherwise provided by sections 5165.151 to 5165.157 and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing facility

services the provider's nursing facility provides during a fiscal year shall ~~equal~~ be determined as follows: 94312
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(A) Determine the sum of all of the following: 94314

(1) The per medicaid day payment rate for ancillary and support costs determined for the nursing facility under section 5165.16 of the Revised Code; 94315
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(2) The per medicaid day payment rate for capital costs determined for the nursing facility under section 5165.17 of the Revised Code; 94318
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(3) The per medicaid day payment rate for direct care costs determined for the nursing facility under section 5165.19 of the Revised Code; 94321
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(4) The per medicaid day payment rate for tax costs determined for the nursing facility under section 5165.21 of the Revised Code; 94324
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(5) If the nursing facility qualifies as a critical access nursing facility, the nursing facility's critical access incentive payment paid under section 5165.23 of the Revised Code; 94327
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~~(6) The quality incentive payment paid to the nursing facility under section 5165.25 of the Revised Code~~ Sixteen dollars and forty-four cents. 94330
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~~(B) In addition to paying a nursing facility provider the nursing facility's total rate determined under division (A) of this section for a fiscal year, the department shall pay the provider a quality bonus under section 5165.26 of the Revised Code for that fiscal year if the provider's nursing facility is a qualifying nursing facility, as defined in that section, for that fiscal year. The quality bonus shall not be part of the total rate~~ From the sum determined under division (A) of this section, 94333
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subtract one dollar and seventy-nine cents. 94341

(C) To the difference determined under division (B) of this section, add the per medicaid day quality payment rate determined for the nursing facility under section 5165.25 of the Revised Code. 94342
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Sec. 5165.151. (A) The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be the initial rate for nursing facility services provided by a new nursing facility. Instead, the initial total per medicaid day payment rate for nursing facility services provided by a new nursing facility shall be determined in the following manner: 94346
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(1) The initial rate for ancillary and support costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.16 of the Revised Code. 94352
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(2) The initial rate for capital costs shall be the rate for the new nursing facility's peer group determined under division (D) of section 5165.17 of the Revised Code; 94355
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(3) The initial rate for direct care costs shall be the product of the cost per case-mix unit determined under division (D) of section 5165.19 of the Revised Code for the new nursing facility's peer group and the new nursing facility's case-mix score determined under division (B) of this section. 94358
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(4) The initial rate for tax costs shall be the median rate for tax costs for the new nursing facility's peer group in which the nursing facility is placed under division (C) of section 5165.16 of the Revised Code. 94363
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(5) The quality ~~incentive~~ payment shall be the mean quality payment made to rate determined for nursing facilities under section 5165.25 of the Revised Code. 94367
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(6) Fourteen dollars and sixty-five cents shall be added to the sum of the rates and payment specified in divisions (A)(1) to 94370
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(5) of this section. 94372

(B) For the purpose of division (A)(3) of this section, a new nursing facility's case-mix score shall be the following: 94373
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(1) Unless the new nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the median annual average case-mix score for the new nursing facility's peer group; 94375
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(2) If the nursing facility replaces an existing nursing facility that participated in the medicaid program immediately before the new nursing facility begins participating in the medicaid program, the semiannual case-mix score most recently determined under section 5165.192 of the Revised Code for the replaced nursing facility as adjusted, if necessary, to reflect any difference in the number of beds in the replaced and new nursing facilities. 94380
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(C) Subject to division (D) of this section, the department shall adjust the rates established under division (A) of this section effective the first day of July, to reflect new rate calculations for all nursing facilities under this chapter. 94388
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(D) If a rate for direct care costs is determined under this section for a new nursing facility using the median annual average case-mix score for the new nursing facility's peer group, the rate shall be redetermined to reflect the new nursing facility's actual semiannual average case-mix score determined under section 5165.192 of the Revised Code after the new nursing facility submits its first two quarterly assessment data that qualify for use in calculating a case-mix score in accordance with rules authorized by section 5165.192 of the Revised Code. If the new nursing facility's quarterly submissions do not qualify for use in calculating a case-mix score, the department shall continue to use 94392
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the median annual average case-mix score for the new nursing facility's peer group in lieu of the new nursing facility's semiannual case-mix score until the new nursing facility submits two consecutive quarterly assessment data that qualify for use in calculating a case-mix score.

Sec. 5165.152. The total per medicaid day payment rate determined under section 5165.15 of the Revised Code shall not be paid for nursing facility services provided to low resource utilization residents. Instead, the total rate for such nursing facility services shall be ~~one~~ the following:

(A) One hundred ~~thirty~~ fifteen dollars per medicaid day if the department of medicaid is satisfied that the nursing facility's provider is cooperating with the long-term care ombudsman program in efforts to help the nursing facility's low resource utilization residents receive the services that are most appropriate for such residents' level of care needs;

(B) Ninety-one dollars and seventy cents per medicaid day if division (A) of this section does not apply to the nursing facility.

Sec. 5165.157. (A) The medicaid director ~~may~~ shall establish an alternative purchasing model for nursing facility services provided by designated discrete units of nursing facilities to medicaid recipients with specialized health care needs. ~~If the alternative purchasing model is established, the~~ The director shall do all of the following with regard to the model:

(1) Establish criteria that a discrete unit of a nursing facility must meet to be designated as a unit that, under the alternative purchasing model, may admit and provide nursing facility services to medicaid recipients with specialized health care needs;

(2) Specify the health care conditions that medicaid recipients must have to have specialized health care needs, which may include dependency on a ventilator, severe traumatic brain injury, the need to be admitted to a long-term acute care hospital or rehabilitation hospital if not for nursing facility services, and other serious health care conditions;

(3) For each fiscal year, set the total per medicaid day payment rate for nursing facility services provided under the alternative purchasing model at either of the following:

(a) Sixty per cent of the statewide average of the total per medicaid day payment rate for long-term acute care hospital services as of the first day of the fiscal year;

(b) Another amount determined in accordance with an alternative methodology that includes improved health outcomes as a factor in determining the payment rate;

(4) Require, to the extent the director considers necessary, a medicaid recipient to obtain prior authorization for admission to a long-term acute care hospital or rehabilitation hospital as a condition of medicaid payment for long-term acute care hospital or rehabilitation hospital services.

(B) The criteria established under division (A)(1) of this section shall provide for a discrete unit of a nursing facility to be excluded from the alternative purchasing model if the unit is paid for nursing facility services in accordance with section 5165.153, 5165.154, or 5165.156 of the Revised Code. The criteria may require the provider of a nursing facility that has a discrete unit designated for participation in the alternative purchasing model to report health outcome measurement data to the department of medicaid.

(C) A discrete unit of a nursing facility that provides nursing facility services to medicaid recipients with specialized

health care needs under the alternative purchasing model shall be 94464
paid for those services in accordance with division (A)(3) of this 94465
section instead of the total per medicaid day payment rate 94466
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 94467
of the Revised Code. 94468

Sec. 5165.16. (A) As used in this section: 94469

(1) "Applicable calendar year" means the following: 94470

(a) For the purpose of the department of medicaid's initial 94471
determination under division (D) of this section of each peer 94472
group's rate for ancillary and support costs, calendar year 2003; 94473

(b) For the purpose of the department's rebasings, the 94474
calendar year the department selects. 94475

(2) "Rebasing" means a redetermination under division (D) of 94476
this section of each peer group's rate for ancillary and support 94477
costs using information from cost reports for an applicable 94478
calendar year that is later than the applicable calendar year used 94479
for the previous determination of such rates. 94480

(B) The department of medicaid shall determine each nursing 94481
facility's per medicaid day payment rate for ancillary and support 94482
costs. A nursing facility's rate shall be the rate determined 94483
under division (D) of this section for the nursing facility's peer 94484
group. However, for the period beginning October 1, 2013, and 94485
ending on the first day of the first rebasing, the rate for a 94486
nursing facility located in Mahoning or Stark county shall be the 94487
rate determined for the following: 94488

(1) If the nursing facility has fewer than one hundred beds, 94489
the nursing facilities in peer group three; 94490

(2) If the nursing facility has one hundred or more beds, the 94491
nursing facilities in peer group four. 94492

(C) For the purpose of determining nursing facilities' rates 94493

for ancillary and support costs, the department shall establish 94494
six peer groups. 94495

(1) Until the first rebasing occurs, the peer groups shall be 94496
composed as follows: 94497

(a) Each nursing facility located in any of the following 94498
counties shall be placed in peer group one or two: Brown, Butler, 94499
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 94500
located in any of those counties that has fewer than one hundred 94501
beds shall be placed in peer group one. Each nursing facility 94502
located in any of those counties that has one hundred or more beds 94503
shall be placed in peer group two. 94504

(b) Each nursing facility located in any of the following 94505
counties shall be placed in peer group three or four: Ashtabula, 94506
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 94507
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 94508
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 94509
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 94510
Union, and Wood. Each nursing facility located in any of those 94511
counties that has fewer than one hundred beds shall be placed in 94512
peer group three. Each nursing facility located in any of those 94513
counties that has one hundred or more beds shall be placed in peer 94514
group four. 94515

(c) Each nursing facility located in any of the following 94516
counties shall be placed in peer group five or six: Adams, Allen, 94517
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94518
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94519
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94520
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94521
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94522
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94523
Washington, Wayne, Williams, and Wyandot. Each nursing facility 94524
located in any of those counties that has fewer than one hundred 94525

beds shall be placed in peer group five. Each nursing facility 94526
located in any of those counties that has one hundred or more beds 94527
shall be placed in peer group six. 94528

(2) Beginning with the first rebasing, the peer groups shall 94529
be composed as they are under division (C)(1) of this section 94530
except as follows: 94531

(a) Each nursing facility that has fewer than one hundred 94532
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 94533
county shall be placed in peer group three rather than peer group 94534
five. 94535

(b) Each nursing facility that has one hundred or more beds 94536
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 94537
shall be placed in peer group four rather than peer group six. 94538

(D)(1) The department shall determine the rate for ancillary 94539
and support costs for each peer group established under division 94540
(C) of this section. The department is not required to conduct a 94541
rebasing more than once every ten years. Except as necessary to 94542
implement the amendments made to this section by Am. Sub. H.B. 153 94543
and Sub. H.B. 303, both of the 129th general assembly, the rate 94544
for ancillary and support costs determined under this division for 94545
a peer group shall be used for subsequent years until the 94546
department conducts a rebasing. To determine a peer group's rate 94547
for ancillary and support costs, the department shall do all of 94548
the following: 94549

(a) Subject to division (D)(2) of this section, determine the 94550
rate for ancillary and support costs for each nursing facility in 94551
the peer group for the applicable calendar year by using the 94552
greater of the nursing facility's actual inpatient days for the 94553
applicable calendar year or the inpatient days the nursing 94554
facility would have had for the applicable calendar year if its 94555
occupancy rate had been ninety per cent; 94556

(b) Subject to division (D)(3) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (D)(1)(a) of this section;

(c) Multiply the rate for ancillary and support costs determined under division (D)(1)(a) of this section for the nursing facility identified under division (D)(1)(b) of this section by the rate of inflation for the eighteen-month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:

(i) Until the first rebasing occurs, the consumer price index for all items for all urban consumers for the north central region, published by the United States bureau of labor statistics, as that index existed on July 1, 2005;

(ii) Effective with the first rebasing and except as provided in division (D)(1)(c)(iii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;

(iii) If the United States bureau of labor statistics ceases to publish the index specified in division (D)(1)(c)(ii) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.

(d) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(c) of this section by five and eight hundredths per cent.

(2) For the purpose of determining a nursing facility's occupancy rate under division (D)(1)(a) of this section, the

department shall include any beds that the nursing facility 94588
removes from its medicaid-certified capacity unless the nursing 94589
facility also removes the beds from its licensed bed capacity. 94590

(3) In making the identification under division (D)(1)(b) of 94591
this section, the department shall exclude both of the following: 94592

(a) Nursing facilities that participated in the medicaid 94593
program under the same provider for less than twelve months in the 94594
applicable calendar year; 94595

(b) Nursing facilities whose ancillary and support costs are 94596
more than one standard deviation from the mean desk-reviewed, 94597
actual, allowable, per diem ancillary and support cost for all 94598
nursing facilities in the nursing facility's peer group for the 94599
applicable calendar year. 94600

(4) The department shall not redetermine a peer group's rate 94601
for ancillary and support costs under this division based on 94602
additional information that it receives after the rate is 94603
determined. The department shall redetermine a peer group's rate 94604
for ancillary and support costs only if the department made an 94605
error in determining the rate based on information available to 94606
the department at the time of the original determination. 94607

Sec. 5165.17. (A) As used in this section: 94608

(1) "Applicable calendar year" means the following: 94609

(a) For the purpose of the department of medicaid's initial 94610
determination under division (D) of this section of each peer 94611
group's rate for capital costs, calendar year 2003; 94612

(b) For the purpose of the department's rebasings, the 94613
calendar year the department selects. 94614

(2) "Rebasing" means a redetermination under division (D) of 94615
this section of each peer group's rate for capital costs using 94616
information from cost reports for an applicable calendar year that 94617

is later than the applicable calendar year used for the previous 94618
determination of such rates. 94619

(B) The department of medicaid shall determine each nursing 94620
facility's per medicaid day payment rate for capital costs. A 94621
nursing facility's rate shall be the rate determined under 94622
division (D) of this section. However, for the period beginning 94623
October 1, 2013, and ending on the first day of the first 94624
rebasings, the rate for a nursing facility located in Mahoning or 94625
Stark county shall be the rate determined for the following: 94626

(1) If the nursing facility has fewer than one hundred beds, 94627
the nursing facilities in peer group three; 94628

(2) If the nursing facility has one hundred or more beds, the 94629
nursing facilities in peer group four. 94630

(C) For the purpose of determining nursing facilities' rates 94631
for capital costs, the department shall establish six peer groups. 94632

(1) Until the first rebasing occurs, the peer groups shall be 94633
composed as follows: 94634

(a) Each nursing facility located in any of the following 94635
counties shall be placed in peer group one or two: Brown, Butler, 94636
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 94637
located in any of those counties that has fewer than one hundred 94638
beds shall be placed in peer group one. Each nursing facility 94639
located in any of those counties that has one hundred or more beds 94640
shall be placed in peer group two. 94641

(b) Each nursing facility located in any of the following 94642
counties shall be placed in peer group three or four: Ashtabula, 94643
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 94644
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 94645
Lorain, Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, 94646
Ottawa, Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, 94647
Union, and Wood. Each nursing facility located in any of those 94648

counties that has fewer than one hundred beds shall be placed in 94649
peer group three. Each nursing facility located in any of those 94650
counties that has one hundred or more beds shall be placed in peer 94651
group four. 94652

(c) Each nursing facility located in any of the following 94653
counties shall be placed in peer group five or six: Adams, Allen, 94654
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94655
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94656
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94657
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94658
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94659
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94660
Washington, Wayne, Williams, and Wyandot. Each nursing facility 94661
located in any of those counties that has fewer than one hundred 94662
beds shall be placed in peer group five. Each nursing facility 94663
located in any of those counties that has one hundred or more beds 94664
shall be placed in peer group six. 94665

(2) Beginning with the first rebasing, the peer groups shall 94666
be composed as they are under division (C)(1) of this section 94667
except as follows: 94668

(a) Each nursing facility that has fewer than one hundred 94669
beds and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull 94670
county shall be placed in peer group three rather than peer group 94671
five. 94672

(b) Each nursing facility that has one hundred or more beds 94673
and is located in Allen, Mahoning ~~or~~, Stark, or Trumbull county 94674
shall be placed in peer group four rather than peer group six. 94675

(D)(1) The department shall determine the rate for capital 94676
costs for each peer group established under division (C) of this 94677
section. The department is not required to conduct a rebasing more 94678
than once every ten years. Except as necessary to implement the 94679

amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 303, both of the 129th general assembly, the rate for capital costs determined under this division for a peer group shall be used for subsequent years until the department conducts a rebasing. To determine a peer group's rate for capital costs, the department shall do both of the following:

(a) Determine the rate for capital costs for the nursing facility in the peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year;

(b) Until the first rebasing occurs, increase the amount calculated under division (D)(1)(a) of this section by five and eight hundredths per cent.

(2) To identify the nursing facility in a peer group that is at the twenty-fifth percentile of the rate for capital costs for the applicable calendar year, the department shall do both of the following:

(a) Subject to division (D)(3) of this section, use the greater of each nursing facility's actual inpatient days for the applicable calendar year or the inpatient days the nursing facility would have had for the applicable calendar year if its occupancy rate had been one hundred per cent;

(b) Exclude both of the following:

(i) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year;

(ii) Nursing facilities whose capital costs are more than one standard deviation from the mean desk-reviewed, actual, allowable, per diem capital cost for all nursing facilities in the nursing facility's peer group for the applicable calendar year.

(3) For the purpose of determining a nursing facility's

occupancy rate under division (D)(2)(a) of this section, the 94710
department shall include any beds that the nursing facility 94711
removes from its medicaid-certified capacity after June 30, 2005, 94712
unless the nursing facility also removes the beds from its 94713
licensed bed capacity. 94714

(4) The department shall not redetermine a peer group's rate 94715
for capital costs under this division based on additional 94716
information that it receives after the rate is determined. The 94717
department shall redetermine a peer group's rate for capital costs 94718
only if the department made an error in determining the rate based 94719
on information available to the department at the time of the 94720
original determination. 94721

(E) Buildings shall be depreciated using the straight line 94722
method over forty years or over a different period approved by the 94723
department. Components and equipment shall be depreciated using 94724
the straight-line method over a period designated in rules adopted 94725
under section 5165.02 of the Revised Code, consistent with the 94726
guidelines of the American hospital association, or over a 94727
different period approved by the department. Any rules authorized 94728
by this division that specify useful lives of buildings, 94729
components, or equipment apply only to assets acquired on or after 94730
July 1, 1993. Depreciation for costs paid or reimbursed by any 94731
government agency shall not be included in capital costs unless 94732
that part of the payment under this chapter is used to reimburse 94733
the government agency. 94734

(F) The capital cost basis of nursing facility assets shall 94735
be determined in the following manner: 94736

(1) Except as provided in division (F)(3) of this section, 94737
for purposes of calculating the rates to be paid for facilities 94738
with dates of licensure on or before June 30, 1993, the capital 94739
cost basis of each asset shall be equal to the desk-reviewed, 94740
actual, allowable, capital cost basis that is listed on the 94741

facility's cost report for the calendar year preceding the fiscal 94742
year during which the rate will be paid. 94743

(2) For facilities with dates of licensure after June 30, 94744
1993, the capital cost basis shall be determined in accordance 94745
with the principles of the medicare program, except as otherwise 94746
provided in this chapter. 94747

(3) Except as provided in division (F)(4) of this section, if 94748
a provider transfers an interest in a facility to another provider 94749
after June 30, 1993, there shall be no increase in the capital 94750
cost basis of the asset if the providers are related parties or 94751
the provider to which the interest is transferred authorizes the 94752
provider that transferred the interest to continue to operate the 94753
facility under a lease, management agreement, or other 94754
arrangement. If the previous sentence does not prohibit the 94755
adjustment of the capital cost basis under this division, the 94756
basis of the asset shall be adjusted by one-half of the change in 94757
the consumer price index for all items for all urban consumers, as 94758
published by the United States bureau of labor statistics, during 94759
the time that the transferor held the asset. 94760

(4) If a provider transfers an interest in a facility to 94761
another provider who is a related party, the capital cost basis of 94762
the asset shall be adjusted as specified in division (F)(3) of 94763
this section if all of the following conditions are met: 94764

(a) The related party is a relative of owner; 94765

(b) Except as provided in division (F)(4)(c)(ii) of this 94766
section, the provider making the transfer retains no ownership 94767
interest in the facility; 94768

(c) The department determines that the transfer is an arm's 94769
length transaction pursuant to rules adopted under section 5165.02 94770
of the Revised Code. The rules shall provide that a transfer is an 94771
arm's length transaction if all of the following apply: 94772

(i) Once the transfer goes into effect, the provider that made the transfer has no direct or indirect interest in the provider that acquires the facility or the facility itself, including interest as an owner, officer, director, employee, independent contractor, or consultant, but excluding interest as a creditor.

(ii) The provider that made the transfer does not reacquire an interest in the facility except through the exercise of a creditor's rights in the event of a default. If the provider reacquires an interest in the facility in this manner, the department shall treat the facility as if the transfer never occurred when the department calculates its reimbursement rates for capital costs.

(iii) The transfer satisfies any other criteria specified in the rules.

(d) Except in the case of hardship caused by a catastrophic event, as determined by the department, or in the case of a provider making the transfer who is at least sixty-five years of age, not less than twenty years have elapsed since, for the same facility, the capital cost basis was adjusted most recently under division (F)(4) of this section or actual, allowable capital costs was determined most recently under division (G)(9) of this section.

(G) As used in this division:

"Imputed interest" means the lesser of the prime rate plus two per cent or ten per cent.

"Lease expense" means lease payments in the case of an operating lease and depreciation expense and interest expense in the case of a capital lease.

"New lease" means a lease, to a different lessee, of a nursing facility that previously was operated under a lease.

(1) Subject to division (B) of this section, for a lease of a facility that was effective on May 27, 1992, the entire lease expense is an actual, allowable capital cost during the term of the existing lease. The entire lease expense also is an actual, allowable capital cost if a lease in existence on May 27, 1992, is renewed under either of the following circumstances:

(a) The renewal is pursuant to a renewal option that was in existence on May 27, 1992;

(b) The renewal is for the same lease payment amount and between the same parties as the lease in existence on May 27, 1992.

(2) Subject to division (B) of this section, for a lease of a facility that was in existence but not operated under a lease on May 27, 1992, actual, allowable capital costs shall include the lesser of the annual lease expense or the annual depreciation expense and imputed interest expense that would be calculated at the inception of the lease using the lessor's entire historical capital asset cost basis, adjusted by one-half of the change in the consumer price index for all items for all urban consumers, as published by the United States bureau of labor statistics, during the time the lessor held each asset until the beginning of the lease.

(3) Subject to division (B) of this section, for a lease of a facility with a date of licensure on or after May 27, 1992, that is initially operated under a lease, actual, allowable capital costs shall include the annual lease expense if there was a substantial commitment of money for construction of the facility after December 22, 1992, and before July 1, 1993. If there was not a substantial commitment of money after December 22, 1992, and before July 1, 1993, actual, allowable capital costs shall include the lesser of the annual lease expense or the sum of the following:

(a) The annual depreciation expense that would be calculated 94836
at the inception of the lease using the lessor's entire historical 94837
capital asset cost basis; 94838

(b) The greater of the lessor's actual annual amortization of 94839
financing costs and interest expense at the inception of the lease 94840
or the imputed interest expense calculated at the inception of the 94841
lease using seventy per cent of the lessor's historical capital 94842
asset cost basis. 94843

(4) Subject to division (B) of this section, for a lease of a 94844
facility with a date of licensure on or after May 27, 1992, that 94845
was not initially operated under a lease and has been in existence 94846
for ten years, actual, allowable capital costs shall include the 94847
lesser of the annual lease expense or the annual depreciation 94848
expense and imputed interest expense that would be calculated at 94849
the inception of the lease using the entire historical capital 94850
asset cost basis of one-half of the change in the consumer price 94851
index for all items for all urban consumers, as published by the 94852
United States bureau of labor statistics, during the time the 94853
lessor held each asset until the beginning of the lease. 94854

(5) Subject to division (B) of this section, for a new lease 94855
of a facility that was operated under a lease on May 27, 1992, 94856
actual, allowable capital costs shall include the lesser of the 94857
annual new lease expense or the annual old lease payment. If the 94858
old lease was in effect for ten years or longer, the old lease 94859
payment from the beginning of the old lease shall be adjusted by 94860
one-half of the change in the consumer price index for all items 94861
for all urban consumers, as published by the United States bureau 94862
of labor statistics, from the beginning of the old lease to the 94863
beginning of the new lease. 94864

(6) Subject to division (B) of this section, for a new lease 94865
of a facility that was not in existence or that was in existence 94866
but not operated under a lease on May 27, 1992, actual, allowable 94867

capital costs shall include the lesser of annual new lease expense 94868
or the annual amount calculated for the old lease under division 94869
(G)(2), (3), (4), or (6) of this section, as applicable. If the 94870
old lease was in effect for ten years or longer, the lessor's 94871
historical capital asset cost basis shall be, for purposes of 94872
calculating the annual amount under division (G)(2), (3), (4), or 94873
(6) of this section, adjusted by one-half of the change in the 94874
consumer price index for all items for all urban consumers, as 94875
published by the United States bureau of labor statistics, from 94876
the beginning of the old lease to the beginning of the new lease. 94877

In the case of a lease under division (G)(3) of this section 94878
of a facility for which a substantial commitment of money was made 94879
after December 22, 1992, and before July 1, 1993, the old lease 94880
payment shall be adjusted for the purpose of determining the 94881
annual amount. 94882

(7) For any revision of a lease described in division (G)(1), 94883
(2), (3), (4), (5), or (6) of this section, or for any subsequent 94884
lease of a facility operated under such a lease, other than 94885
execution of a new lease, the portion of actual, allowable capital 94886
costs attributable to the lease shall be the same as before the 94887
revision or subsequent lease. 94888

(8) Except as provided in division (G)(9) of this section, if 94889
a provider leases an interest in a facility to another provider 94890
who is a related party or previously operated the facility, the 94891
related party's or previous operator's actual, allowable capital 94892
costs shall include the lesser of the annual lease expense or the 94893
reasonable cost to the lessor. 94894

(9) If a provider leases an interest in a facility to another 94895
provider who is a related party, regardless of the date of the 94896
lease, the related party's actual, allowable capital costs shall 94897
include the annual lease expense, subject to the limitations 94898
specified in divisions (G)(1) to (7) of this section, if all of 94899

the following conditions are met: 94900

(a) The related party is a relative of owner; 94901

(b) If the lessor retains an ownership interest, it is, 94902
except as provided in division (G)(9)(c)(ii) of this section, in 94903
only the real property and any improvements on the real property; 94904

(c) The department determines that the lease is an arm's 94905
length transaction pursuant to rules adopted under section 5165.02 94906
of the Revised Code. The rules shall provide that a lease is an 94907
arm's length transaction if all of the following apply: 94908

(i) Once the lease goes into effect, the lessor has no direct 94909
or indirect interest in the lessee or, except as provided in 94910
division (G)(9)(b) of this section, the facility itself, including 94911
interest as an owner, officer, director, employee, independent 94912
contractor, or consultant, but excluding interest as a lessor. 94913

(ii) The lessor does not reacquire an interest in the 94914
facility except through the exercise of a lessor's rights in the 94915
event of a default. If the lessor reacquires an interest in the 94916
facility in this manner, the department shall treat the facility 94917
as if the lease never occurred when the department calculates its 94918
reimbursement rates for capital costs. 94919

(iii) The lease satisfies any other criteria specified in the 94920
rules. 94921

(d) Except in the case of hardship caused by a catastrophic 94922
event, as determined by the department, or in the case of a lessor 94923
who is at least sixty-five years of age, not less than twenty 94924
years have elapsed since, for the same facility, the capital cost 94925
basis was adjusted most recently under division (F)(4) of this 94926
section or actual, allowable capital costs were determined most 94927
recently under division (G)(9) of this section. 94928

(10) This division does not apply to leases of specific items 94929

of equipment. 94930

Sec. 5165.19. (A) As used in this section: 94931

(1) "Applicable calendar year" means the following: 94932

(a) For the purpose of the department of medicaid's initial 94933
determination under division (D) of this section of each peer 94934
group's cost per case-mix unit, calendar year 2003; 94935

(b) For the purpose of the department's rebasings, the 94936
calendar year the department selects. 94937

(2) "Rebasing" means a redetermination under division (D) of 94938
this section of each peer group's cost per case-mix unit using 94939
information from cost reports for an applicable calendar year that 94940
is later than the applicable calendar year used for the previous 94941
determination of such costs. 94942

(B) Semiannually, the department of medicaid shall determine 94943
each nursing facility's per medicaid day payment rate for direct 94944
care costs by multiplying the facility's semiannual case-mix score 94945
determined under section 5165.192 of the Revised Code by the cost 94946
per case-mix unit determined under division (D) of this section 94947
for the facility's peer group. However, for the period beginning 94948
October 1, 2013, and ending on the first day of the first 94949
rebasings, the rate for a nursing facility located in Mahoning or 94950
Stark county shall be determined semiannually by multiplying the 94951
facility's semiannual case-mix score determined under section 94952
5165.192 of the Revised Code by the cost per case-mix unit 94953
determined under division (D) of this section for the nursing 94954
facilities in peer group two. 94955

(C) For the purpose of determining nursing facilities' rates 94956
for direct care costs, the department shall establish three peer 94957
groups. 94958

(1) Until the first rebasing occurs, the peer groups shall be 94959

composed as follows: 94960

(a) Each nursing facility located in any of the following 94961
counties shall be placed in peer group one: Brown, Butler, 94962
Clermont, Clinton, Hamilton, and Warren. 94963

(b) Each nursing facility located in any of the following 94964
counties shall be placed in peer group two: Ashtabula, Champaign, 94965
Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, Franklin, 94966
Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, Lorain, 94967
Lucas, Madison, Marion, Medina, Miami, Montgomery, Morrow, Ottawa, 94968
Pickaway, Portage, Preble, Ross, Sandusky, Seneca, Summit, Union, 94969
and Wood. 94970

(c) Each nursing facility located in any of the following 94971
counties shall be placed in peer group three: Adams, Allen, 94972
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 94973
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 94974
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 94975
Jefferson, Lawrence, Logan, Mahoning, Meigs, Mercer, Monroe, 94976
Morgan, Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, 94977
Scioto, Shelby, Stark, Trumbull, Tuscarawas, Van Wert, Vinton, 94978
Washington, Wayne, Williams, and Wyandot. 94979

(2) Beginning with the first rebasing, the peer groups shall 94980
be composed as they are under division (C)(1) of this section 94981
except that each nursing facility located in Allen, Mahoning or, 94982
Stark, or Trumbull county shall be placed in peer group two rather 94983
than peer group three. 94984

(D)(1) The department shall determine a cost per case-mix 94985
unit for each peer group established under division (C) of this 94986
section. The department is not required to conduct a rebasing more 94987
than once every ten years. Except as necessary to implement the 94988
amendments made to this section by Am. Sub. H.B. 153 and Sub. H.B. 94989
303, both of the 129th general assembly, and H.B. 59 of the 130th 94990

general assembly, the cost per case-mix unit determined under this 94991
division for a peer group shall be used for subsequent years until 94992
the department conducts a rebasing. To determine a peer group's 94993
cost per case-mix unit, the department shall do all of the 94994
following: 94995

(a) Determine the cost per case-mix unit for each nursing 94996
facility in the peer group for the applicable calendar year by 94997
dividing each facility's desk-reviewed, actual, allowable, per 94998
diem direct care costs for the applicable calendar year by the 94999
facility's annual average case-mix score determined under section 95000
5165.192 of the Revised Code for the applicable calendar year; 95001

(b) Subject to division (D)(2) of this section, identify 95002
which nursing facility in the peer group is at the twenty-fifth 95003
percentile of the cost per case-mix units determined under 95004
division (D)(1)(a) of this section; 95005

(c) Calculate the amount that is two per cent above the cost 95006
per case-mix unit determined under division (D)(1)(a) of this 95007
section for the nursing facility identified under division 95008
(D)(1)(b) of this section; 95009

(d) Using the index specified in division (D)(3) of this 95010
section, multiply the rate of inflation for the eighteen-month 95011
period beginning on the first day of July of the applicable 95012
calendar year and ending the last day of December of the calendar 95013
year immediately following the applicable calendar year by the 95014
amount calculated under division (D)(1)(c) of this section; 95015

(e) Add the following to the amount calculated under division 95016
(D)(1)(d) of this section: 95017

(i) Until the earlier of January 1, 2014, or when the first 95018
rebasing occurs, one dollar and eighty-eight cents; 95019

(ii) Unless the first rebasing occurs before January 1, 2014, 95020
beginning January 1, 2014, and until the first rebasing occurs, 95021

eighty-six cents. 95022

(f) Until the first rebasing occurs, increase the amount 95023
calculated under division (D)(1)(e) of this section by five and 95024
eight hundredths per cent. 95025

(2) In making the identification under division (D)(1)(b) of 95026
this section, the department shall exclude both of the following: 95027

(a) Nursing facilities that participated in the medicaid 95028
program under the same provider for less than twelve months in the 95029
applicable calendar year; 95030

(b) Nursing facilities whose cost per case-mix unit is more 95031
than one standard deviation from the mean cost per case-mix unit 95032
for all nursing facilities in the nursing facility's peer group 95033
for the applicable calendar year. 95034

(3) The following index shall be used for the purpose of the 95035
calculation made under division (D)(1)(d) of this section: 95036

(a) Until the first rebasing occurs, the employment cost 95037
index for total compensation, health services component, published 95038
by the United States bureau of labor statistics, as the index 95039
existed on July 1, 2005; 95040

(b) Effective with the first rebasing and except as provided 95041
in division (D)(3)(c) of this section, the employment cost index 95042
for total compensation, nursing and residential care facilities 95043
occupational group, published by the United States bureau of labor 95044
statistics; 95045

(c) If the United States bureau of labor statistics ceases to 95046
publish the index specified in division (D)(3)(b) of this section, 95047
the index the bureau subsequently publishes that covers nursing 95048
facilities' staff costs. 95049

(4) The department shall not redetermine a peer group's cost 95050
per case-mix unit under this division based on additional 95051

information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.

Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following:

(a) Every quarter, determine the following two case-mix scores for each nursing facility:

(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low resource utilization resident;

(ii) A quarterly case-mix score that includes each resident regardless of payment source.

(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(i) of this section;

(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.

(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:

(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;

(b) Except as provided in rules authorized by this section,

the case-mix values established by the United States department of health and human services;

(c) Except as modified in rules authorized by this section, the grouper methodology ~~used on June 30, 1999, designated by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program~~ as the resource utilization group (RUG)-IV, 48 group model.

(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:

(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;

(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;

(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.

(2) Before assigning a case-mix score to a nursing facility due to the submission of incorrect resident assessment data, the department shall permit the provider to correct the data. The department may assign the case-mix score if the provider fails to submit the corrected resident assessment data not later than the earlier of the forty-fifth day after the end of the calendar quarter to which the data pertains or the deadline for submission of such corrections established by regulations adopted by the United States department of health and human services under Title

XVIII and Title XIX. 95113

(3) If, for more than six months in a calendar year, a 95114
provider is paid a rate determined for a nursing facility using a 95115
case-mix score assigned to the nursing facility under division 95116
(B)(1) of this section, the department may assign the nursing 95117
facility a cost per case-mix unit that is five per cent less than 95118
the nursing facility's actual or assigned cost per case-mix unit 95119
for the immediately preceding calendar year. The department may 95120
use the assigned cost per case-mix unit, instead of determining 95121
the nursing facility's actual cost per case-mix unit in accordance 95122
with section 5165.19 of the Revised Code, to establish the nursing 95123
facility's rate for direct care costs for the fiscal year 95124
immediately following the calendar year for which the cost per 95125
case-mix unit is assigned. 95126

(4) The department shall take action under division (B)(1), 95127
(2), or (3) of this section only in accordance with rules 95128
authorized by this section. The department shall not take an 95129
action that affects rates for prior payment periods except in 95130
accordance with sections 5165.41 and 5165.42 of the Revised Code. 95131

(C) The medicaid director shall adopt rules under section 95132
5165.02 of the Revised Code as necessary to implement this 95133
section. 95134

(1) The rules shall do all of the following: 95135

(a) Specify the process for determining the semiannual and 95136
annual average case-mix scores for nursing facilities; 95137

(b) Adjust the case-mix values specified in division 95138
(A)(2)(b) of this section to reflect changes in relative wage 95139
differentials that are specific to this state; 95140

(c) Express all of those case-mix values in numeric terms 95141
that are different from the terms specified by the United States 95142
department of health and human services but that do not alter the 95143

relationship of the case-mix values to one another; 95144

(d) Modify the grouper methodology specified in division 95145
(A)(2)(c) of this section as follows: 95146

(i) Establish a different hierarchy for assigning residents 95147
to case-mix categories under the methodology; 95148

(ii) Prohibit the use of the index maximizer element of the 95149
methodology; 95150

(iii) Incorporate changes to the methodology the United 95151
States department of health and human services makes after June 95152
30, 1999; 95153

(iv) Make other changes the department determines are 95154
necessary. 95155

(e) Establish procedures under which resident assessment data 95156
shall be reviewed for accuracy and providers shall be notified of 95157
any data that requires correction; 95158

(f) Establish procedures for providers to correct resident 95159
assessment data and specify a reasonable period of time by which 95160
providers shall submit the corrections. The procedures may limit 95161
the content of corrections in the manner required by regulations 95162
adopted by the United States department of health and human 95163
services under Title XVIII and Title XIX. 95164

(g) Specify when and how the department will assign case-mix 95165
scores or costs per case-mix unit to a nursing facility under 95166
division (B) of this section if information necessary to calculate 95167
the nursing facility's case-mix score is not provided or corrected 95168
in accordance with the procedures established by the rules. 95169

(2) Notwithstanding any other provision of this chapter, the 95170
rules may provide for the exclusion of case-mix scores assigned to 95171
a nursing facility under division (B) of this section from the 95172
determination of the nursing facility's semiannual or annual 95173

average case-mix score and the cost per case-mix unit for the 95174
nursing facility's peer group. 95175

Sec. 5165.23. (A) Each fiscal year, the department of 95176
medicaid shall determine the critical access incentive payment for 95177
each nursing facility that qualifies as a critical access nursing 95178
facility. To qualify as a critical access nursing facility for a 95179
fiscal year, a nursing facility must meet all of the following 95180
requirements: 95181

(1) The nursing facility must be located in an area that, on 95182
December 31, 2011, was designated an empowerment zone under the 95183
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 95184

(2) The nursing facility must have an occupancy rate of at 95185
least eighty-five per cent as of the last day of the calendar year 95186
immediately preceding the fiscal year. 95187

(3) The nursing facility must have a medicaid utilization 95188
rate of at least sixty-five per cent as of the last day of the 95189
calendar year immediately preceding the fiscal year. 95190

~~(4) The nursing facility must have been awarded at least five 95191
points for meeting accountability measures under section 5165.25 95192
of the Revised Code for the fiscal year and at least one of the 95193
five points must have been awarded for meeting the accountability 95194
measures identified in divisions (C)(9), (10), (11), (12), and 95195
(14) of section 5165.25 of the Revised Code. 95196~~

(B) A critical access nursing facility's critical access 95197
incentive payment for a fiscal year shall equal five per cent of 95198
the portion of the nursing facility's total per medicaid day 95199
payment rate for the fiscal year that is the sum of the rates ~~and~~ 95200
~~payment~~ identified in divisions (A)(1) to (4) ~~and (6)~~ of section 95201
5165.15 of the Revised Code. 95202

Sec. 5165.25. (A) As used in this section: 95203

(1) "Long-stay resident" means an individual who has resided 95204
in a nursing facility for at least one hundred one days. 95205

(2) "Measurement period" means the following: 95206

(a) For fiscal year 2017, the period beginning July 1, 2015, 95207
and ending December 31, 2015; 95208

(b) For each subsequent fiscal year, the calendar year 95209
immediately preceding the fiscal year. 95210

(3) "Nurse aide" has the same meaning as in section 3721.21 95211
of the Revised Code. 95212

(4) "Short-stay resident" means a nursing facility resident 95213
who is not a long-stay resident. 95214

(B)(1) Using all of the funds made available for a fiscal 95215
year by the rate reductions under division (B) of section 5165.15 95216
of the Revised Code, the department of medicaid shall determine a 95217
per medicaid day quality payment rate to be paid for that fiscal 95218
year to each nursing facility that meets at least one of the 95219
quality indicators specified in division (B)(2) of this section 95220
for the measurement period. The largest quality payment rate for a 95221
fiscal year shall be paid to nursing facilities that meet all of 95222
the quality indicators for the measurement period. 95223

(2) The following are the quality indicators to be used for 95224
the purpose of division (B)(1) of this section: 95225

(a) Not more than the target percentage of the nursing 95226
facility's short-stay residents had new or worsened pressure 95227
ulcers and not more than the target percentage of long-stay 95228
residents at high risk for pressure ulcers had pressure ulcers. 95229

(b) Not more than the target percentage of the nursing 95230
facility's short-stay residents newly received an antipsychotic 95231
medication and not more than the target percentage of the nursing 95232
facility's long-stay residents received an antipsychotic 95233

medication. 95234

(c) The number of the nursing facility's residents who had 95235
avoidable inpatient hospital admissions did not exceed the target 95236
rate. 95237

(d) The nursing facility's employee retention rate is at 95238
least the target rate. 95239

(e) The nursing facility utilized the nursing home version of 95240
the preferences for everyday living inventory for all of its 95241
residents. 95242

(3) The department shall specify the target percentage for 95243
the purpose of divisions (B)(2)(a) and (b) of this section. The 95244
amount specified for division (B)(2)(a) of this section may differ 95245
from the amount specified for division (B)(2)(b) of this section 95246
and the amount specified for short-stay residents may differ from 95247
the amount specified for long-stay residents. The department also 95248
shall specify the target rate for the purpose of division 95249
(B)(2)(c) of this section and the target rate for the purpose of 95250
division (B)(2)(d) of this section. 95251

(C) If a nursing facility undergoes a change of operator 95252
during a fiscal year, the per medicaid day quality payment rate to 95253
be paid to the entering operator for nursing facility services 95254
that the nursing facility provides during the period beginning on 95255
the effective date of the change of operator and ending on the 95256
last day of the fiscal year shall be the same amount as the per 95257
medicaid day quality payment rate that was in effect on the day 95258
immediately preceding the effective date of the change of operator 95259
and paid to the nursing facility's exiting operator. For the 95260
immediately following fiscal year, the per medicaid day quality 95261
payment rate shall be the following: 95262

(1) If the effective date of the change of operator is on or 95263
before the first day of October of the calendar year immediately 95264

preceding the fiscal year, the amount determined for the nursing facility in accordance with division (B) of this section for the fiscal year; 95265
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(2) If the effective date of the change of operator is after the first day of October of the calendar year immediately preceding the fiscal year, the mean per medicaid day quality payment rate for all nursing facilities for the fiscal year. 95268
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Sec. 5166.01. As used in this chapter: 95272

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the supplemental security income program. 95273
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"Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision. 95278
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"Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code. 95284
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"Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code. 95286
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"Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services. 95288
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"Hospital" has the same meaning as in section 3727.01 of the Revised Code. 95292
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"Hospital long-term care unit" has the same meaning as in 95294

section 5168.40 of the Revised Code.	95295
"ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.	95296 95297
"ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.	95298 95299
"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code.	95300 95301
"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component.	95302 95303 95304 95305 95306 95307
"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code.	95308 95309
"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	95310 95311
"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under the "Social Security Act," section 1115 or 1915, 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include a care management system established under section 5167.03 of the Revised Code.	95312 95313 95314 95315 95316 95317
"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	95318 95319
"Ohio home care waiver program" means the home and community-based services medicaid waiver component that is known as Ohio home care and was created pursuant to section 5166.11 of the Revised Code.	95320 95321 95322 95323
"Ohio transitions II aging carve-out program" means the home	95324

and community-based services medicaid waiver component that is 95325
known as Ohio transitions II aging carve-out and was created 95326
pursuant to section 5166.11 of the Revised Code. 95327

"Provider agreement" has the same meaning as in section 95328
5164.01 of the Revised Code. 95329

"Residential treatment facility" means a residential facility 95330
licensed by the department of mental health and addiction services 95331
under section 5119.34 of the Revised Code, or an institution 95332
certified by the department of job and family services under 95333
section 5103.03 of the Revised Code, that serves children and 95334
either has more than sixteen beds or is part of a campus of 95335
multiple facilities or institutions that, combined, have a total 95336
of more than sixteen beds. 95337

"Skilled nursing facility" has the same meaning as in section 95338
5165.01 of the Revised Code. 95339

"Unified long-term services and support medicaid waiver 95340
component" means the medicaid waiver component authorized by 95341
section 5166.14 of the Revised Code. 95342

Sec. 5166.16. (A) As used in this section and section 95343
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 95344
component" means all of the following: 95345

(1) The medicaid-funded component of the PASSPORT program, 95346
unless it is terminated pursuant to division (C) of section 173.52 95347
of the Revised Code; 95348

(2) The choices program, unless it is terminated pursuant to 95349
division (B) of section 173.53 of the Revised Code; 95350

(3) The medicaid-funded component of the assisted living 95351
program, unless it is terminated pursuant to division (C) of 95352
section 173.54 of the Revised Code; 95353

(4) The Ohio home care waiver program, unless it is 95354

terminated pursuant to section 5166.12 of the Revised Code; 95355

(5) The Ohio transitions II aging carve-out program, unless 95356
it is terminated pursuant to section 5166.13 of the Revised Code. 95357

(B) The medicaid director may create a home and 95358
community-based services medicaid waiver component as part of the 95359
integrated care delivery system. If the ICDS medicaid waiver 95360
component is created, both of the following apply: 95361

(1) The department of medicaid shall administer it; 95362

(2) When it begins to accept enrollments, no ICDS participant 95363
who is eligible for the ICDS medicaid waiver component shall be 95364
enrolled in an ODA or MCD medicaid waiver component regardless of 95365
whether the participant prefers to remain or be enrolled in an ODA 95366
or MCD medicaid waiver component. 95367

(C) A dual eligible individual who is eligible for an ODA or 95368
MCD medicaid waiver component may enroll in the component before 95369
the individual becomes an ICDS participant. The dual eligible 95370
individual shall disenroll from the ODA or MCD medicaid waiver 95371
component and enroll in the ICDS medicaid waiver component once 95372
the individual becomes an ICDS participant and it is possible to 95373
enroll the individual in the ICDS medicaid waiver component. The 95374
disenrollment from the ODA or MCD medicaid waiver component and 95375
enrollment into the ICDS medicaid waiver component shall occur 95376
regardless of whether the individual prefers to remain enrolled in 95377
the ODA or MCD medicaid waiver component. 95378

(D) An ICDS participant's disenrollment from an ODA or MCD 95379
medicaid waiver component and enrollment in the ICDS medicaid 95380
waiver component resulting from division (B)(2) or (C) of this 95381
section shall be accomplished without a disruption in the 95382
participant's services under the components. 95383

Sec. 5166.161. The department of medicaid shall ensure that 95384

each ICDS participant who is a survivor of the Holocaust that 95385
occurred in Europe during World War II receives, while enrolled in 95386
the ICDS medicaid waiver component, home and community-based 95387
services of the type and in at least the amount, duration, and 95388
scope that the participant is assessed to need and would have 95389
received if the participant were enrolled in an ODA or MCD 95390
medicaid waiver component. 95391

Sec. 5166.24. A medicaid waiver component that the department 95392
of developmental disabilities administers under section 5166.21 of 95393
the Revised Code shall continue to cover adult day services 95394
provided by sheltered workshops if the component covers those 95395
services on the effective date of this section. 95396

A sheltered workshop with a provider agreement to provide 95397
adult day services available under a medicaid waiver component 95398
administered by the department of developmental disabilities shall 95399
not decrease the number of medicaid recipients it is willing and 95400
able to serve. 95401

Sec. 5166.32. If the department of medicaid terminates the 95402
209(b) option, the department shall establish a medicaid waiver 95403
component under which an individual who has cystic fibrosis and is 95404
enrolled in the program for medically handicapped children 95405
administered by the department of health under section 3701.023 of 95406
the Revised Code or the program the department of health 95407
administers pursuant to division (G) of that section may qualify 95408
for medicaid under the same type of spenddown process that is part 95409
of the 209(b) option. 95410

Sec. 5166.33. The department of medicaid shall establish a 95411
medicaid waiver component under which medicaid recipients who are 95412
married to each other retain eligibility for medicaid despite one 95413
of the recipients having earnings from employment that causes the 95414

recipients to have countable family income exceeding the income 95415
eligibility threshold for the eligibility group, or groups, under 95416
which the recipients qualify for medicaid if both of the following 95417
apply: 95418

(A) One of the recipients would qualify to participate in the 95419
medicaid buy-in for workers with disabilities program if not for a 95420
disability that, according to a physician's written evaluation, is 95421
too severe for the recipient to have earnings from employment or 95422
be an employed individual with a medically improved disability; 95423

(B) The other recipient's earnings from employment do not 95424
cause the recipients to have countable family income, determined 95425
in the same manner as income is determined for the medicaid buy-in 95426
for workers with disabilities program under section 5163.093 of 95427
the Revised Code, exceeding two hundred fifty per cent of the 95428
federal poverty line. 95429

Sec. 5166.51. (A) The department of medicaid shall establish 95430
a medicaid waiver component under which each medicaid recipient to 95431
whom all of the following apply must, as a condition of medicaid 95432
eligibility, enroll in health coverage described in division (B) 95433
of this section: 95434

(1) The recipient has countable family income exceeding one 95435
hundred per cent of the federal poverty line; 95436

(2) The recipient is at least twenty-one years of age; 95437

(3) The recipient is not aged, blind, or disabled; 95438

(4) The recipient is not pregnant. 95439

(B) The department shall provide for medicaid recipients 95440
required to participate in the medicaid waiver component 95441
established under this section to enroll in innovative and 95442
value-based health coverage that is modeled on health savings 95443

accounts and uses premiums, copayments, or both. 95444

(C) A medicaid recipient required to participate in the 95445
medicaid waiver component established under this section shall not 95446
receive medicaid services under the fee-for-service component of 95447
medicaid or be designated by the department for participation in 95448
the care management system established under section 5167.03 of 95449
the Revised Code. 95450

Sec. 5167.03. ~~(A)~~ As part of the medicaid program, the 95451
department of medicaid shall establish a care management system. 95452
The 95453

~~(B) The department shall implement the care management system~~ 95454
~~in some or all counties and.~~ 95455

The department shall designate the medicaid recipients who 95456
are required or permitted to participate in the system. Those who 95457
shall be required to participate in the system include medicaid 95458
recipients who receive cognitive behavioral therapy as described 95459
in division (A)(2) of section 5167.16 of the Revised Code. In the 95460
department's implementation of the system and designation of 95461
participants, all of the following apply: 95462

~~(1) In the case of individuals who receive medicaid on the~~ 95463
~~basis of being included in the category identified by the~~ 95464
~~department as covered families and children, the department shall~~ 95465
~~implement the care management system in all counties. All~~ 95466
~~individuals included in the category shall be designated for~~ 95467
~~participation, except for individuals included in one or more of~~ 95468
~~the medicaid recipient groups specified in 42 C.F.R. 438.50(d).~~ 95469
~~The department shall ensure that all participants are enrolled in~~ 95470
~~medicaid managed care organizations that are health insuring~~ 95471
~~corporations.~~ 95472

~~(2) In the case of individuals who receive medicaid on the~~ 95473

~~basis of being aged, blind, or disabled, the department shall 95474
implement the care management system in all counties. Except as 95475
provided in division (C) of this section, all individuals included 95476
in the category shall be designated for participation. The 95477
department shall ensure that all participants are enrolled in 95478
medicaid managed care organizations that are health insuring 95479
corporations. 95480~~

~~(3) Alcohol, drug addiction, and mental health services 95481
covered by medicaid shall not be included in any component of the 95482
care management system when the nonfederal share of the cost of 95483
those services is provided by a board of alcohol, drug addiction, 95484
and mental health services or a state agency other than the 95485
department of medicaid, but the recipients of those services may 95486
otherwise be designated for participation in the system. 95487~~

~~(C)(1) In designating participants who receive medicaid on 95488
the basis of being aged, blind, or disabled, the department shall 95489
not include any of the following, except as provided under 95490
division (C)(2) of this section: 95491~~

~~(a) Individuals who are under twenty one years of age; 95492~~

~~(b) Individuals who are institutionalized; 95493~~

~~(c) Individuals who become eligible for medicaid by spending 95494
down their income or resources to a level that meets the medicaid 95495
program's financial eligibility requirements; 95496~~

~~(d) Dual eligible individuals; 95497~~

~~(e) Individuals to the extent that they are receiving 95498
medicaid services through a medicaid waiver component. 95499~~

~~(2) The department may designate any of the following 95500
individuals who receive medicaid on the basis of being aged, 95501
blind, or disabled as individuals who are permitted or required to 95502
participate in the care management system: 95503~~

(a) Individuals who are under twenty one years of age;	95504
(b) Individuals who reside in a nursing facility;	95505
(c) Individuals who, as an alternative to receiving nursing facility services, are participating in a home and community based services medicaid waiver component;	95506 95507 95508
(d) Dual eligible individuals.	95509
(D) Subject to division (B) of this section, the	95510
The department may do both of the following under the care management system:	95511 95512
(1) Require <u>require</u> or permit participants in the system to obtain health care services from providers designated by the department;	95513 95514 95515
(2) Require. The department may <u>require</u> or permit participants in the system to obtain health care services through medicaid managed care organizations.	95516 95517 95518
<u>Sec. 5167.04. (A) Subject to division (B) of this section, the department of medicaid shall include alcohol, drug addiction, and mental health services covered by medicaid in the care management system established under section 5167.03 of the Revised Code.</u>	95519 95520 95521 95522 95523
<u>(B) All of the following apply to the manner in which division (A) of this section is implemented:</u>	95524 95525
<u>(1) The department shall begin to include the services in the system not later than January 1, 2018.</u>	95526 95527
<u>(2) Before January 1, 2018, any proposal by the department to include all or part of the services in all or part of the system is subject to review by the joint medicaid oversight committee under division (B) of section 103.42 of the Revised Code. The department may implement the proposal only if the committee</u>	95528 95529 95530 95531 95532

approves the proposal. 95533

(3) On and after January 1, 2018, any proposal by the 95534
department to include all or part of the services in all or part 95535
of the system is subject to monitoring by the committee under 95536
division (A) of section 103.42 of the Revised Code, but approval 95537
by the committee is no longer required before the proposal may be 95538
implemented. 95539

Sec. 5167.15. (A) As used in this section: 95540

(1) "Certified community health worker" has the same meaning 95541
as in section 4723.01 of the Revised Code. 95542

(2) "Community health worker services" means the services 95543
described in section 4723.81 of the Revised Code. 95544

(3) "Qualified community hub" means a community-based agency 95545
that meets both of the following criteria: 95546

(a) Uses the pathways community HUB model developed by the 95547
community health access project in this state for the purposes of 95548
coordinating two or more care coordination agencies and ensuring 95549
that the agencies use pathways to connect at-risk individuals to 95550
physical health, behavioral health, social, and employment 95551
services; 95552

(b) Demonstrates to the medicaid director that it fully or 95553
substantially complies with the pathways community HUB 95554
certification standards developed by the rockville institute by 95555
submitting to the director a copy of a document from that 95556
institute stating that the community hub satisfies the standards 95557
or has shown substantial progress toward satisfying the standards. 95558

(B)(1) Subject to divisions (B)(3) and (C) of this section, a 95559
medicaid managed care organization shall provide to a medicaid 95560
recipient who meets the criteria in division (B)(2) of this 95561
section, or arrange for such recipient to receive, both of the 95562

following types of services provided by a certified community health worker: 95563
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(a) Community health worker services; 95565

(b) Other services that are not community health worker services but are performed for the purpose of ensuring that the medicaid recipient is linked to employment services, housing, educational services, social services, or medically necessary physical and behavioral health services. 95566
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(2) A medicaid recipient qualifies to receive the services specified in division (B)(1) of this section if the medicaid recipient is pregnant or capable of becoming pregnant, resides in a community specified in rules adopted under section 3701.142 of the Revised Code, has been recommended to receive the services by a physician or another licensed health professional specified in rules adopted under that section, and is enrolled in the medicaid managed care organization providing or arranging for the services. 95571
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(3) The services described in division (B)(1) of this section must promote and facilitate healthy behaviors specified in rules adopted under section 3701.142 of the Revised Code across the following life course stages: preconception, prenatal, postpartum, and interconception. 95579
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(C) A medicaid recipient who is to receive the services described in division (B)(1) of this section and who resides in a region served by a qualified community hub shall receive the services only from that community hub. 95584
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Sec. 5167.16. (A) As used in this section: 95588

(1) "Help me grow program" means the program established by the department of health pursuant to section 3701.61 of the Revised Code. 95589
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(2) "Targeted case management" has the same meaning as in 42 95592

C.F.R. 440.169(b). 95593

(B) A medicaid managed care organization shall provide to a medicaid recipient who meets the criteria in division (C) of this section, or arrange for such recipient to receive, both of the following types of services: 95594
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(1) Home visits, which shall include depression screenings, for which federal financial participation is available under the targeted care management benefit; 95598
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(2) Cognitive behavioral therapy, provided by a community mental health services provider, that is determined to be medically necessary through a depression screening conducted as part of a home visit. 95601
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(C) A medicaid recipient qualifies to receive the services specified in division (B) of this section if the medicaid recipient is enrolled in the help me grow program, enrolled in the medicaid managed care organization providing or arranging for the services, and is either pregnant or the birth mother of an infant or toddler under three years of age. 95605
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(D) If requested by a medicaid recipient eligible for the cognitive behavioral therapy covered under division (B)(2) of this section, the therapy shall be provided in the recipient's home. The medicaid managed care organization shall inform the medicaid recipient of the right to make the request and how to make it. 95611
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Sec. 5167.17. When contracting under section 5167.10 of the Revised Code with a managed care organization that is a health insuring corporation, the department of medicaid shall require the health insuring corporation to provide enhanced care management services for pregnant women and women capable of becoming pregnant in the communities specified in rules adopted under section 3701.142 of the Revised Code. The contract shall specify that the 95616
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services are to be provided in a manner intended to decrease the 95623
incidence of prematurity, low birth weight, and infant mortality, 95624
as well as improve the overall health status of women capable of 95625
becoming pregnant for the purpose of ensuring optimal future birth 95626
outcomes. 95627

Sec. 5167.32. Not later than July 1, 2016, the department of 95628
medicaid shall implement strategies to improve the integrity of 95629
the care management system, including strategies to do both of the 95630
following: 95631

(A) Increase the department's oversight of medicaid managed 95632
care organizations; 95633

(B) Provide incentives for identifying fraud, waste, and 95634
abuse in the care management system. 95635

Sec. 5167.33. (A) Not later than July 1, 2018, each medicaid 95636
managed care organization shall implement strategies that base 95637
payments to providers on the value received from the providers' 95638
services, including their success in reducing waste in the 95639
provision of the services. Not later than July 1, 2020, each 95640
medicaid managed care organization shall ensure that at least 95641
fifty per cent of the aggregate net payments it makes to providers 95642
are based on the value received from the providers' services. 95643

The department of medicaid may measure a medicaid managed 95644
care organization's compliance with this section based on the 95645
actions of the organization, the providers in the organization's 95646
provider panel, the organization's subcontractors, or any 95647
combination of the organization, providers, and subcontractors. 95648

(B) The medicaid director shall adopt rules under section 95649
5167.02 of the Revised Code as necessary to implement this 95650
section, including rules that specify how all of the following are 95651
to be determined: 95652

<u>(1) The value received from a provider's services;</u>	95653
<u>(2) A provider's success in reducing waste in the provision of services;</u>	95654 95655
<u>(3) The percentage of a medicaid managed care organization's aggregate net payments to providers that are based on the value received from the providers' services.</u>	95656 95657 95658
Sec. 5168.01. As used in sections 5168.01 to 5168.14 of the Revised Code:	95659 95660
(A) "Bad debt," "charity care," "courtesy care," and "contractual allowances" have the same meanings given these terms in regulations adopted under Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	95661 95662 95663 95664
(B) "Cost reporting period" means the twelve-month period used by a hospital in reporting costs for purposes of Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	95665 95666 95667
(C) "Disproportionate share hospital" means a hospital that meets the definition of a disproportionate share hospital in rules adopted under section 5168.02 of the Revised Code.	95668 95669 95670
(D) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	95671 95672 95673 95674 95675 95676
(E) "Governmental hospital" means a county hospital with more than five hundred registered beds or a state-owned and -operated hospital with more than five hundred registered beds.	95677 95678 95679
(F)(1) "Hospital" means a nonfederal hospital to which either of the following applies:	95680 95681

(a) The hospital is registered under section 3701.07 of the Revised Code as a general medical and surgical hospital or a pediatric general hospital, and provides inpatient hospital services, as defined in 42 C.F.R. 440.10;

(b) The hospital is recognized under the medicare program as a cancer hospital and is exempt from the medicare prospective payment system.

(2) "Hospital" does not include a hospital operated by a health insuring corporation that has been issued a certificate of authority under section 1751.05 of the Revised Code or a hospital that does not charge patients for services.

(G) "Indigent care pool" means the sum of the following:

(1) The total of assessments to be paid in a program year by all hospitals under section 5168.06 of the Revised Code, less the assessments deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(2) The total amount of intergovernmental transfers required to be made in the same program year by governmental hospitals under section 5168.07 of the Revised Code, less the amount of transfers deposited ~~into the legislative budget services fund under section 5168.12 of the Revised Code and~~ into the health care services administration fund created under section 5162.54 of the Revised Code;

(3) The total amount of federal matching funds that will be made available in the same program year as a result of funds distributed by the department of medicaid to hospitals under section 5168.09 of the Revised Code.

(H) "Intergovernmental transfer" means any transfer of money by a governmental hospital under section 5168.07 of the Revised

Code. 95713

(I) "Medicaid services" has the same meaning as in section 95714
5164.01 of the Revised Code. 95715

(J) "Program year" means a period beginning the first day of 95716
October, or a later date designated in rules adopted under section 95717
5168.02 of the Revised Code, and ending the thirtieth day of 95718
September, or an earlier date designated in rules adopted under 95719
that section. 95720

(K) "Registered beds" means the total number of hospital beds 95721
registered with the department of health, as reported in the most 95722
recent "directory of registered hospitals" published by the 95723
department of health. 95724

(L) "Third-party payer" means any person or government entity 95725
that may be liable by law or contract to make payment to or on 95726
behalf of an individual for health care services. "Third-party 95727
payer" does not include a hospital. 95728

(M) "Total facility costs" means the total costs for all 95729
services rendered to all patients, including the direct, indirect, 95730
and overhead cost to the hospital of all services, supplies, 95731
equipment, and capital related to the care of patients, regardless 95732
of whether patients are enrolled in a health insuring corporation, 95733
excluding costs associated with providing skilled nursing services 95734
in distinct-part nursing facility units, as shown on the 95735
hospital's cost report filed under section 5168.05 of the Revised 95736
Code. Effective October 1, 1993, if rules adopted under section 95737
5168.02 of the Revised Code so provide, "total facility costs" may 95738
exclude costs associated with providing care to recipients of any 95739
of the governmental programs listed in division (B) of that 95740
section. 95741

(N) "Uncompensated care" means bad debt and charity care. 95742

Sec. 5168.06. (A) For the purpose of distributing funds to 95743
hospitals under the medicaid program pursuant to sections 5168.01 95744
to 5168.14 of the Revised Code and depositing funds ~~into the~~ 95745
~~legislative budget services fund under section 5168.12 of the~~ 95746
~~Revised Code and~~ into the health care services administration fund 95747
created under section 5162.54 of the Revised Code, there is hereby 95748
imposed an assessment on all hospitals. Each hospital's assessment 95749
shall be based on total facility costs. All hospitals shall be 95750
assessed according to the rate or rates established each program 95751
year in rules adopted under section 5168.02 of the Revised Code. 95752
The department shall assess all hospitals uniformly and in a 95753
manner consistent with federal statutes and regulations. During 95754
any program year, the department shall not assess any hospital 95755
more than two per cent of the hospital's total facility costs. 95756

The department shall establish an assessment rate or rates 95757
each program year that will do both of the following: 95758

(1) Yield funds that, when combined with intergovernmental 95759
transfers and federal matching funds, will produce a program of 95760
sufficient size to pay a substantial portion of the indigent care 95761
provided by hospitals; 95762

(2) Yield funds that, when combined with intergovernmental 95763
transfers and federal matching funds, will produce amounts for 95764
distribution to disproportionate share hospitals that do not 95765
exceed, in the aggregate, the limits prescribed by the United 95766
States health care financing administration under the "Social 95767
Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). 95768

(B)(1) Except as provided in division (B)(3) of this section, 95769
each hospital shall pay its assessment in periodic installments in 95770
accordance with a schedule established in rules adopted under 95771
section 5168.02 of the Revised Code. 95772

(2) The installments shall be equal in amount, unless either 95773

of the following applies: 95774

(a) The department makes adjustments during a program year 95775
under division (D) of section 5168.08 of the Revised Code in the 95776
total amount of hospitals' assessments; 95777

(b) The medicaid director determines that adjustments in the 95778
amounts of installments are necessary for the administration of 95779
sections 5168.01 to 5168.14 of the Revised Code and that unequal 95780
installments will not create cash flow difficulties for hospitals. 95781

(3) The director may adopt rules under section 5168.02 of the 95782
Revised Code establishing alternate schedules for hospitals to pay 95783
assessments under this section in order to reduce hospitals' cash 95784
flow difficulties. 95785

Sec. 5168.07. (A) The department of medicaid may require 95786
governmental hospitals to make intergovernmental transfers each 95787
program year for the purpose of distributing funds to hospitals 95788
under the medicaid program pursuant to sections 5168.01 to 5168.14 95789
of the Revised Code and depositing funds ~~into the legislative~~ 95790
~~budget services fund under section 5168.12 of the Revised Code and~~ 95791
into the health care services administration fund created under 95792
section 5162.54 of the Revised Code. The department shall not 95793
require transfers in an amount that, when combined with hospital 95794
assessments paid under section 5168.06 of the Revised Code and 95795
federal matching funds, produce amounts for distribution to 95796
disproportionate share hospitals that, in the aggregate, exceed 95797
limits prescribed by the United States health care financing 95798
administration under the "Social Security Act," section 1923(f), 95799
42 U.S.C. 1396r-4(f). 95800

(B) Before or during each program year, the department shall 95801
notify each governmental hospital of the amount of the 95802
intergovernmental transfer it is required to make during the 95803
program year. Each governmental hospital shall make 95804

intergovernmental transfers as required by the department under 95805
this section in periodic installments, executed by electronic fund 95806
transfer, in accordance with a schedule established in rules 95807
adopted under section 5168.02 of the Revised Code. 95808

Sec. 5168.10. Except for moneys deposited into ~~the~~ 95809
~~legislative budget services fund under section 5168.12 of the~~ 95810
~~Revised Code and~~ the health care services administration fund 95811
created under section 5162.54 of the Revised Code, the department 95812
of medicaid shall not use money paid to the department under 95813
sections 5168.06 and 5168.07 of the Revised Code or money that the 95814
department pays to hospitals under section 5168.09 of the Revised 95815
Code to replace any funds appropriated by the general assembly for 95816
the medicaid program. 95817

Sec. 5168.11. (A) Except as provided in section ~~5168.12~~ 95818
5162.54 of the Revised Code, all payments of assessments by 95819
hospitals under section 5168.06 of the Revised Code and all 95820
intergovernmental transfers under section 5168.07 of the Revised 95821
Code shall be deposited in the state treasury to the credit of the 95822
hospital care assurance program fund, hereby created. All 95823
investment earnings of the hospital care assurance program fund 95824
shall be credited to the fund. The department of medicaid shall 95825
maintain records that show the amount of money in the hospital 95826
care assurance program fund at any time that has been paid by each 95827
hospital and the amount of any investment earnings on that amount. 95828
All moneys credited to the hospital care assurance program fund 95829
shall be used solely to make payments to hospitals under division 95830
(D) of this section and section 5168.09 of the Revised Code. 95831

(B) All federal matching funds received as a result of the 95832
department distributing funds from the hospital care assurance 95833
program fund to hospitals under section 5168.09 of the Revised 95834
Code shall be credited to the health care - federal fund created 95835

under section 5162.50 of the Revised Code. 95836

(C) All distributions of funds to hospitals under section 95837
5168.09 of the Revised Code are conditional on: 95838

(1) Expiration of the time for appeals under section 5168.08 95839
of the Revised Code without the filing of an appeal, or on court 95840
determinations, in the event of appeals, that the hospital is 95841
entitled to the funds; 95842

(2) The sum of the following being sufficient to distribute 95843
the funds after the final determination of any appeals: 95844

(a) The available money in the hospital care assurance 95845
program fund; 95846

(b) The available portion of the money in the health care - 95847
federal fund that is credited to that fund pursuant to division 95848
(B) of this section. 95849

(3) The hospital's compliance with section 5168.14 of the 95850
Revised Code. 95851

(D) If an audit conducted by the department of the amounts of 95852
payments made and funds received by hospitals under sections 95853
5168.06, 5168.07, and 5168.09 of the Revised Code identifies 95854
amounts that, due to errors by the department, a hospital should 95855
not have been required to pay but did pay, should have been 95856
required to pay but did not pay, should not have received but did 95857
receive, or should have received but did not receive, the 95858
department shall: 95859

(1) Make payments to any hospital that the audit reveals paid 95860
amounts it should not have been required to pay or did not receive 95861
amounts it should have received; 95862

(2) Take action to recover from a hospital any amounts that 95863
the audit reveals it should have been required to pay but did not 95864
pay or that it should not have received but did receive. 95865

Payments made under division (D)(1) of this section shall be 95866
made from the hospital care assurance program fund. Amounts 95867
recovered under division (D)(2) of this section shall be deposited 95868
to the credit of that fund. Any hospital may appeal the amount the 95869
hospital is to be paid under division (D)(1) or the amount that is 95870
to be recovered from the hospital under division (D)(2) of this 95871
section to the court of common pleas of Franklin county. 95872

~~Sec. 5168.23. Unless rules adopted under section 5168.26 of~~ 95873
~~the Revised Code establish a different payment schedule, each~~ Each 95874
hospital shall pay the amount it is assessed under section 5168.21 95875
of the Revised Code in accordance with ~~the following~~ a payment 95876
schedule. 95877

~~(A) Twenty eight per cent of a hospital's assessment is due~~ 95878
~~on the last business day of October of each assessment program~~ 95879
~~year.~~ 95880

~~(B) Thirty one per cent of a hospital's assessment is due on~~ 95881
~~the last business day of February of each assessment program year.~~ 95882

~~(C) Forty one per cent of a hospital's assessment is due on~~ 95883
~~the last business day of May of each assessment program year~~ the 95884
department of medicaid shall establish for each assessment program 95885
year. The department shall consult with the Ohio hospital 95886
association before establishing the payment schedule for any 95887
assessment program year. The department shall include the payment 95888
schedule in each preliminary determination notice the department 95889
mails to hospitals under division (A) of section 5168.22 of the 95890
Revised Code. 95891

Sec. 5168.26. (A) The medicaid director shall adopt rules in 95892
accordance with Chapter 119. of the Revised Code as necessary to 95893
implement sections 5168.20 to 5168.28 of the Revised Code, 95894
including rules that specify the percentage of hospitals' total 95895

facility costs to be used in calculating hospitals' assessments 95896
under section 5168.21 of the Revised Code. 95897

(B) The rules adopted under this section may do the 95898
following: 95899

(1) Provide that a hospital's total facility costs for the 95900
purpose of the assessment under section 5168.21 of the Revised 95901
Code exclude any of the following: 95902

(a) A hospital's costs associated with providing care to 95903
recipients of any of the following: 95904

(i) The medicaid program; 95905

(ii) The medicare program; 95906

(iii) The disability financial assistance program established 95907
under Chapter 5115. of the Revised Code; 95908

(iv) The program for medically handicapped children 95909
established under section 3701.023 of the Revised Code; 95910

(v) Services provided under the maternal and child health 95911
services block grant established under Title V of the "Social 95912
Security Act," 42 U.S.C. 701 et seq. 95913

(b) Any other category of hospital costs the director deems 95914
appropriate under federal law and regulations governing the 95915
medicaid program. 95916

(2) Subject to division (C) of this section, provide for the 95917
percentage of hospitals' total facility costs used in calculating 95918
hospitals' assessments to vary for different hospitals+ 95919

~~(3) To reduce hospitals' cash flow difficulties, establish a 95920
schedule for hospitals to pay their assessments that is different 95921
from the schedule established under section 5168.23 of the Revised 95922
Code. 95923~~

(C) Before adopting rules authorized by division (B)(2) of 95924

this section that establish varied percentages to be used in 95925
calculating hospitals' assessments, the director shall obtain a 95926
waiver from the United States secretary of health and human 95927
services under the "Social Security Act," section 1903(w)(3)(E), 95928
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 95929
the assessments to not be imposed uniformly. 95930

Sec. 5168.40. As used in sections 5168.40 to 5168.56 of the 95931
Revised Code: 95932

(A) "Bed surrender" means the following: 95933

(1) In the case of a nursing home, the removal of a bed from 95934
a nursing home's licensed capacity in a manner that reduces the 95935
total licensed capacity of all nursing homes and makes it 95936
impossible for the bed to ever be a part of any nursing home's 95937
licensed capacity; 95938

(2) In the case of a hospital, the removal of a hospital bed 95939
from registration under section 3701.07 of the Revised Code as a 95940
skilled nursing facility bed or long-term care bed in a manner 95941
that reduces the total number of hospital beds registered under 95942
that section as skilled nursing facility beds or long-term care 95943
beds and makes it impossible for the bed to ever be registered as 95944
a skilled nursing facility bed or long-term care bed. 95945

(B) "Change of operator" means an entering operator becoming 95946
the operator of a nursing home or hospital in the place of the 95947
exiting operator. 95948

(1) Actions that constitute a change of operator include the 95949
following: 95950

(a) A change in an exiting operator's form of legal 95951
organization, including the formation of a partnership or 95952
corporation from a sole proprietorship; 95953

(b) A transfer of all the exiting operator's ownership 95954

interest in the operation of the nursing home or hospital to the 95955
entering operator, regardless of whether ownership of any or all 95956
of the real property or personal property associated with the 95957
nursing home or hospital is also transferred; 95958

(c) A lease of the nursing home or hospital to the entering 95959
operator or the exiting operator's termination of the exiting 95960
operator's lease; 95961

(d) If the exiting operator is a partnership, dissolution of 95962
the partnership; 95963

(e) If the exiting operator is a partnership, a change in 95964
composition of the partnership unless both of the following apply: 95965

(i) The change in composition does not cause the 95966
partnership's dissolution under state law. 95967

(ii) The partners agree that the change in composition does 95968
not constitute a change in operator. 95969

(f) If the operator is a corporation, dissolution of the 95970
corporation, a merger of the corporation into another corporation 95971
that is the survivor of the merger, or a consolidation of one or 95972
more other corporations to form a new corporation. 95973

(2) The following, alone, do not constitute a change of 95974
operator: 95975

(a) A contract for an entity to manage a nursing home or 95976
hospital as the operator's agent, subject to the operator's 95977
approval of daily operating and management decisions; 95978

(b) A change of ownership, lease, or termination of a lease 95979
of real property or personal property associated with a nursing 95980
home or hospital if an entering operator does not become the 95981
operator in place of an exiting operator; 95982

(c) If the operator is a corporation, a change of one or more 95983
members of the corporation's governing body or transfer of 95984

ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator.

(C) "Effective date of a change of operator" means the day an entering operator becomes the operator of a nursing home or hospital.

(D) "Entering operator" means the person or government entity that will become the operator of a nursing home or hospital on the effective date of a change of operator.

(E) "Exiting operator" means an operator that will cease to be the operator of a nursing home or hospital on the effective date of a change of operator.

(F) "Franchise permit fee rate" means the rate determined in accordance with section 5168.41 of the Revised Code.

(G) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

(H) "Hospital long-term care unit" means any distinct part of a hospital in which any of the following beds are located:

(1) Beds registered pursuant to section 3701.07 of the Revised Code as skilled nursing facility beds or long-term care beds;

(2) Beds licensed as nursing home beds under section 3721.02 or 3721.09 of the Revised Code.

(I) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes

effect, the percentage in effect before the change; 96015

(2) For the part of the fiscal year beginning with the date 96016
the indirect guarantee percentage changes, the new percentage. 96017

(J) "Medicaid days" and "nursing facility" have the same 96018
meanings as in section 5165.01 of the Revised Code. 96019

(K)(1) "Nursing home" means all of the following: 96020

(a) A nursing home licensed under section 3721.02 or 3721.09 96021
of the Revised Code, including any part of a home for the aging 96022
licensed as a nursing home; 96023

(b) A facility or part of a facility, other than a hospital, 96024
that is certified as a skilled nursing facility under Title XVIII; 96025

(c) A nursing facility, other than a portion of a hospital 96026
certified as a nursing facility. 96027

(2) "Nursing home" does not include either of the following: 96028

(a) A county home, county nursing home, or district home 96029
operated pursuant to Chapter 5155. of the Revised Code; 96030

(b) A nursing home maintained and operated by the department 96031
of veterans services under section 5907.01 of the Revised Code. 96032

(L) "Operator" means the person or government entity 96033
responsible for the daily operating and management decisions for a 96034
nursing home or hospital. 96035

(M) "Title XIX" means Title XIX of the "Social Security Act," 96036
42 U.S.C. 1396 et seq. 96037

(N) "Title XVIII" means Title XVIII of the "Social Security 96038
Act," 42 U.S.C. 1395 et seq. 96039

Sec. 5168.44. If the United States secretary of health and 96040
human services approves the waiver sought under section 5168.43 of 96041
the Revised Code, the department of medicaid shall, for each 96042

nursing home and hospital that qualifies for a reduction of its 96043
franchise permit fee rate under the waiver, reduce the franchise 96044
permit fee rate in accordance with the terms of the waiver. For 96045
purposes of the first fiscal year during which the waiver takes 96046
effect, the department shall determine the amount of the reduction 96047
not later than the effective date of the waiver and shall mail to 96048
each nursing home and hospital qualifying for the reduction notice 96049
of the reduction not later than the last day of the first month of 96050
the quarter that begins after the United States secretary approves 96051
the waiver. For purposes of subsequent fiscal years, the 96052
department shall make such determinations and ~~mail such notices~~ 96053
notify the nursing homes and hospitals in accordance with section 96054
5168.47 of the Revised Code. 96055

Sec. 5168.45. (A) If the United States secretary of health 96056
and human services approves the waiver sought under section 96057
5168.43 of the Revised Code, the department of medicaid may do 96058
both of the following regarding the franchise permit fee assessed 96059
under section 5168.42 of the Revised Code: 96060

(1) Determine how much money the franchise permit fee would 96061
have raised in a fiscal year if not for the waiver; 96062

(2) For each nursing home and hospital subject to the 96063
franchise permit fee, other than a nursing home or hospital that 96064
has its franchise permit fee rate reduced under section 5168.44 of 96065
the Revised Code, uniformly increase the amount of the franchise 96066
permit fee rate for a fiscal year to an amount that will have the 96067
franchise permit fee raise an amount of money that does not exceed 96068
the amount determined under division (A)(1) of this section for 96069
that fiscal year. 96070

(B) If the department increases the franchise permit fee rate 96071
in accordance with division (A) of this section for the first 96072

fiscal year during which the waiver takes effect, the department 96073
shall determine the amount of the increase not later than the 96074
effective date of the waiver and shall mail to each nursing home 96075
and hospital subject to the increase notice of the increase not 96076
later than the last day of the first month of the quarter that 96077
begins after the United States secretary approves the waiver. If 96078
the department increases the franchise permit fee rate in 96079
accordance with division (A) of this section for a subsequent 96080
fiscal year, the department shall make such determinations and 96081
~~mail such notices~~ notify the nursing homes and hospitals in 96082
accordance with section 5168.47 of the Revised Code. 96083

Sec. 5168.47. (A) Not later than the fifteenth day of 96084
September of each year, the department of medicaid shall determine 96085
the annual franchise permit fee for each nursing home and hospital 96086
in accordance with section 5168.42 of the Revised Code and any 96087
adjustments made in accordance with sections 5168.44 and 5168.45 96088
of the Revised Code. 96089

(B) Not later than the first day of October of each year, the 96090
department shall ~~mail to~~ notify, electronically or by United 96091
States postal service, each nursing home and hospital ~~notice~~ of 96092
the amount of the franchise permit fee that has been determined 96093
for the nursing home or hospital. 96094

(C) Subject to section 5168.48 of the Revised Code, each 96095
nursing home and hospital shall pay its fee under section 5168.42 96096
of the Revised Code, as adjusted in accordance with sections 96097
5168.44 and 5168.45 of the Revised Code, to the department in four 96098
installment payments not later than forty-five days after the last 96099
day of each October, December, March, and June. 96100

Sec. 5168.48. (A) Not later than the last day of February of 96101
each year, the department of medicaid shall redetermine each 96102

nursing home's and hospital's franchise permit fee if one or more 96103
bed surrenders occur during the period beginning on the first day 96104
of May of the preceding calendar year and ending on the first day 96105
of January of the calendar year in which the redetermination is 96106
made. 96107

(B) In redetermining nursing homes' and hospitals' franchise 96108
permit fees under this section, the department shall do both of 96109
the following: 96110

(1) Provide for the redetermination to be conducted in a 96111
manner consistent with the terms of the waiver sought under 96112
section 5168.43 of the Revised Code; 96113

(2) Recalculate each nursing home's and hospital's franchise 96114
permit fee in accordance with division (A) or (B) of section 96115
5168.42 of the Revised Code with the following changes: 96116

(a) In the case of a nursing home or hospital for which one 96117
or more bed surrenders occurred during the period beginning on the 96118
first day of May of the preceding calendar year and ending on the 96119
first day of January of the calendar year in which the 96120
redetermination is made, the number of beds included in the 96121
calculation for the purpose of division (A)(1) or (B)(1) of 96122
section 5168.42 of the Revised Code shall exclude the beds for 96123
which bed surrenders occurred during that period. 96124

(b) The number of days used in the calculation under division 96125
(A)(2) or (B)(2) of section 5168.42 of the Revised Code shall be 96126
the number of days in the first half of the calendar year in which 96127
the redetermination is made. 96128

(c) The franchise permit fee rate shall reflect adjustments 96129
made under sections 5168.44 and 5168.45 of the Revised Code. 96130

(C) Not later than the first day of March of each year, the 96131
department shall ~~mail to~~ notify, electronically or by United 96132

States postal service, each nursing home and hospital ~~notice~~ of 96133
the amount of its redetermined franchise permit fee. 96134

(D) Each nursing home and hospital shall pay its redetermined 96135
fee to the department in two installment payments not later than 96136
forty-five days after the last day of March and June of the 96137
calendar year in which the redetermination is made. 96138

Sec. 5168.49. If a nursing home or hospital undergoes a 96139
change of operator during a fiscal year, the responsibility for 96140
paying the franchise permit fee that was determined for the 96141
nursing home or hospital under section 5168.47 of the Revised 96142
Code, or redetermined for the nursing home or hospital under 96143
section 5168.48 of the Revised Code, for that fiscal year shall be 96144
divided proportionally. The exiting operator shall be responsible 96145
for paying the amount of the fee that is for the part of the 96146
fiscal year that ends on the day before the effective date of the 96147
change of operator. The entering operator shall be responsible for 96148
paying the amount of the fee that is for the part of the fiscal 96149
year that begins on the effective date of the change of operator. 96150
The department of medicaid is not required to ~~mail a notice to~~ 96151
notify the entering operator regarding the amount of that fiscal 96152
year's fee for which the entering operator is responsible. 96153

Sec. 5168.53. (A) A nursing home or hospital may appeal the 96154
fee assessed under section 5168.42 of the Revised Code, as 96155
adjusted under section 5168.44 or 5168.45 of the Revised Code, and 96156
redetermined under section 5168.48 of the Revised Code solely on 96157
the grounds that the department of medicaid committed a material 96158
error in determining or redetermining the amount of the fee. A 96159
request for an appeal must be received by the department not later 96160
than fifteen days after the date the department ~~mails~~ notifies the 96161
~~notice~~ nursing home or hospital of the fee and must include 96162
written materials setting forth the basis for the appeal. 96163

(B) If a nursing home or hospital submits a request for an appeal within the time required under division (A) of this section, the department shall hold a public hearing in Columbus not later than thirty days after the date the department receives the request for an appeal. The department shall, not later than ten days before the date of the hearing, ~~mail a notice~~ notify, electronically or by United States postal service, the nursing home or hospital of the date, time, and place of the hearing ~~to the nursing home or hospital~~. The department may hear all the requested appeals in one public hearing.

(C) On the basis of the evidence presented at the hearing or any other evidence submitted by the nursing home or hospital, the department may adjust a fee. The department's decision is final.

Sec. 5168.60. As used in sections 5168.60 to 5168.71 of the Revised Code:

(A) "Franchise permit fee rate" means the following:

(1) For fiscal year ~~2014~~ 2016, eighteen dollars and ~~twenty-four~~ seven cents;

(2) For fiscal year ~~2015~~ 2017 and each fiscal year thereafter, eighteen dollars and ~~seventeen~~ two cents.

(B) "Indirect guarantee percentage" means the percentage specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining whether a class of providers is indirectly held harmless for any portion of the costs of a broad-based health-care-related tax. If the indirect guarantee percentage changes during a fiscal year, the indirect guarantee percentage is the following:

(1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;

(2) For the part of the fiscal year beginning with the date

the indirect guarantee percentage changes, the new percentage. 96194

(C) "ICF/IID" has the same meaning as in section 5124.01 of 96195
the Revised Code. 96196

(D) "Medicaid-certified capacity" has the same meaning as in 96197
section 5124.01 of the Revised Code. 96198

(E) "Provider agreement" has the same meaning as in section 96199
5124.01 of the Revised Code. 96200

Sec. 5168.63. (A) Not later than the fifteenth day of August 96201
of each year, the department of developmental disabilities shall 96202
determine the annual franchise permit fee for each ICF/IID in 96203
accordance with section 5168.61 of the Revised Code. 96204

(B) Not later than the first day of September of each year, 96205
the department shall ~~mail to~~ notify, electronically or by United 96206
States postal service, each ICF/IID ~~notice~~ of the amount of the 96207
franchise permit fee the ICF/IID has been assessed under section 96208
5168.61 of the Revised Code. 96209

(C) Subject to section 5168.64 of the Revised Code, each 96210
ICF/IID shall pay its fee under section 5168.61 of the Revised 96211
Code to the department in quarterly installment payments not later 96212
than forty-five days after the last day of each September, 96213
December, March, and June. 96214

Sec. 5168.64. (A) If the operator of an ICF/IID converts, 96215
pursuant to section 5124.60 or 5124.61 of the Revised Code, all of 96216
the ICF/IID's beds to providing home and community-based services 96217
and the operator's provider agreement for the ICF/IID is 96218
terminated as a consequence, the department of developmental 96219
disabilities shall terminate the ICF/IID's franchise permit fee 96220
effective on the first day of the quarter immediately following 96221
the quarter in which the conversion takes place. 96222

(B)(1) If, during the period beginning on the first day of 96223
May of a calendar year and ending on the first day of January of 96224
the immediately following calendar year, the operator of an 96225
ICF/IID converts, pursuant to section 5124.60 or 5164.61 of the 96226
Revised Code, ~~one or more~~ some but not all of the ICF/IID's beds 96227
to providing home and community-based services and the ICF/IID's 96228
medicaid-certified capacity is reduced as a consequence, the 96229
~~department of developmental disabilities shall do the following:~~ 96230

~~(1) If the ICF/IID's medicaid certification is terminated 96231
because of the conversion, terminate the ICF/IID's franchise 96232
permit fee effective on the first day of the quarter immediately 96233
following the quarter in which the department receives the notice 96234
of the conversion from the director of health;~~ 96235

~~(2) If the ICF/IID's medicaid-certified capacity is reduced 96236
because of the conversion, redetermine the ICF/IID's franchise 96237
permit fee in accordance with division (B) of this section for the 96238
second half of the fiscal year for which the fee is assessed.~~ 96239

~~(B)(1)~~ assessed. To redetermine ~~an~~ the ICF/IID's franchise 96240
permit fee, the department shall multiply the franchise permit fee 96241
rate by the product of the following: 96242

(a) The ICF/IID's medicaid-certified capacity as of the date 96243
the conversion takes effect; 96244

(b) The number of days in the second half of the fiscal year 96245
for which the redetermination is made. 96246

(2) The ICF/IID shall pay its franchise permit fee as 96247
redetermined under division (B)(1) of this section in installment 96248
payments not later than forty-five days after the last day of 96249
March and June of the fiscal year for which the redetermination is 96250
made. 96251

Sec. 5168.67. (A) An ICF/IID may appeal the franchise permit 96252

fee imposed under section 5168.61 of the Revised Code solely on 96253
the grounds that the department of developmental disabilities 96254
committed a material error in determining the amount of the fee. A 96255
request for an appeal must be received by the department not later 96256
than fifteen days after the date the department ~~mails~~ notifies the 96257
~~notice~~ ICF/IID of the fee and must include written materials 96258
setting forth the basis for the appeal. 96259

(B) If an ICF/IID submits a request for an appeal within the 96260
time required under division (A) of this section, the department 96261
shall hold a public hearing in Columbus not later than thirty days 96262
after the date the department receives the request for an appeal. 96263
The department shall, not later than ten days before the date of 96264
the hearing, ~~mail a notice~~ notify, electronically or by United 96265
States postal service, the ICF/IID of the date, time, and place of 96266
the hearing ~~to the ICF/IID~~. The department may hear all requested 96267
appeals in one public hearing. 96268

(C) On the basis of the evidence presented at the hearing or 96269
any other evidence submitted by the ICF/IID, the department may 96270
adjust a fee. The department's decision is final. 96271

Sec. 5301.68. An owner of land may grant a conservation 96272
easement to the department of natural resources, a park district 96273
created under Chapter 1545. of the Revised Code, a township park 96274
district created under section 511.18 of the Revised Code, a 96275
conservancy district created under Chapter 6101. of the Revised 96276
Code, a soil and water conservation district created under Chapter 96277
~~1515-~~ 940. of the Revised Code, a regional water and sewer 96278
district created under Chapter 6119. of the Revised Code, a 96279
county, a township, a municipal corporation, or a charitable 96280
organization that is authorized to hold conservation easements by 96281
division (B) of section 5301.69 of the Revised Code, in the form 96282
of articles of dedication, easement, covenant, restriction, or 96283

condition. An owner of land also may grant an agricultural 96284
easement to the director of agriculture; to a municipal 96285
corporation, county, township, or soil and water conservation 96286
district; or to a charitable organization described in division 96287
(B) of section 5301.69 of the Revised Code. An owner of land may 96288
grant an agricultural easement only on land that is valued for 96289
purposes of real property taxation at its current value for 96290
agricultural use under section 5713.31 of the Revised Code or that 96291
constitutes a homestead when the easement is granted. 96292

All conservation easements and agricultural easements shall 96293
be executed and recorded in the same manner as other instruments 96294
conveying interests in land. 96295

Sec. 5301.69. (A) The director of natural resources, the 96296
board of park commissioners of a park district created under 96297
Chapter 1545. of the Revised Code, the board of park commissioners 96298
of a township park district created under section 511.18 of the 96299
Revised Code, the board of directors of a conservancy district 96300
created under Chapter 6101. of the Revised Code, the board of 96301
supervisors of a soil and water conservation district created 96302
under Chapter ~~1515.08~~ 940. of the Revised Code, the board of 96303
trustees of a regional water and sewer district created under 96304
Chapter 6119. of the Revised Code, the board of county 96305
commissioners of a county, the board of township trustees of a 96306
township, or the legislative authority of a municipal corporation 96307
may acquire conservation easements in the name of the state, the 96308
district, or the county, township, or municipal corporation in the 96309
same manner as other interests in land may be acquired under 96310
section 307.02, 307.18, 505.10, 505.261, 511.23, 717.01, 940.06, 96311
1501.01, ~~1515.08~~, 1545.11, 6101.15, or 6119.111 of the Revised 96312
Code. Each officer, board, or authority acquiring a conservation 96313
easement shall name an appropriate administrative officer, 96314
department, or division to supervise and enforce the easement. 96315

(B) A charitable organization may acquire and hold 96316
conservation easements if it is exempt from federal taxation under 96317
subsection 501(a) and is described in subsection 501(c) of the 96318
"Internal Revenue Code of 1954," 68A Stat. 3, 26 U.S.C. 1, as 96319
amended, and organized for any of the following purposes: the 96320
preservation of land areas for public outdoor recreation or 96321
education, or scenic enjoyment; the preservation of historically 96322
important land areas or structures; or the protection of natural 96323
environmental systems. Such a charitable organization also may 96324
acquire and hold agricultural easements subject to the limitation 96325
that it may do so only on land that is valued for purposes of real 96326
property taxation at its current value for agricultural use under 96327
section 5713.31 of the Revised Code or that constitutes a 96328
homestead when the easement is granted. 96329

Sec. 5501.73. (A) After selecting a solicited or unsolicited 96330
proposal for a public-private initiative, the department of 96331
transportation shall enter into a public-private agreement for a 96332
transportation facility with the selected private entity or any 96333
configuration of private entities. An affected jurisdiction may be 96334
a party to a public-private agreement entered into by the 96335
department and a selected private entity or combination of private 96336
entities. 96337

(B)(1) A public-private agreement under this section shall 96338
provide for all of the following: 96339

~~(1)~~(a) Planning, acquisition, financing, development, design, 96340
construction, reconstruction, replacement, improvement, 96341
maintenance, management, repair, leasing, or operation of a 96342
transportation facility; 96343

~~(2)~~(b) Term of the public-private agreement; 96344

~~(3)~~(c) Type of property interest, if any, the private entity 96345
will have in the transportation facility; 96346

~~(4)~~(d) A specific plan to ensure proper maintenance of the transportation facility throughout the term of the agreement and a return of the facility to the department, if applicable, in good condition and repair;

~~(5)~~(e) Whether user fees, administrative fees, or other charges will be collected for use of the transportation facility in accordance with sections 5531.11 to 5531.18 of the Revised Code and the basis by which such user fees, administrative fees, or other charges shall be determined and modified;

~~(6)~~(f) Compliance with applicable federal, state, and local laws;

~~(7)~~(g) Grounds for termination of the public-private agreement by the department or operator;

~~(8)~~(h) Disposition of the facility upon completion of the agreement;

~~(9)~~(i) Procedures for amendment of the agreement;

~~(10)~~ A (j) If the agreement contains a construction services component, a contract performance bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director of transportation, conditioned upon the private entity or contractor performing the construction services portion of the work in accordance with the agreed upon terms, within the time prescribed, and in conformance with any other such terms and conditions as are specified by the director;

~~(11)~~ A (k) If the agreement contains a construction services component, a payment bond executed by a surety authorized by the department of insurance to write surety bonds in an amount specified by the director, conditioned upon the payment for all labor, work performed, and materials furnished in connection with the agreement and any other such terms and conditions as are specified by the director construction services portion of the

<u>work.</u>	96378
<u>(2) As used in divisions (B)(1)(j) and (k), "construction services" means design-build, construction, reconstruction, replacement, improvement, or repair services.</u>	96379
	96380
	96381
(C) A public-private agreement under this section may provide for any of the following:	96382
	96383
(1) Review and approval by the department of the operator's plans for the development and operation of the transportation facility;	96384
	96385
	96386
(2) Inspection by the department of construction of or improvements to the transportation facility;	96387
	96388
(3) Maintenance by the operator of a policy of liability insurance or self-insurance;	96389
	96390
(4) Filing by the operator, on a periodic basis, of appropriate financial statements in a form acceptable to the department;	96391
	96392
	96393
(5) Filing by the operator, on a periodic basis, of traffic reports in a form acceptable to the department;	96394
	96395
(6) Financing obligations of the operator and the department;	96396
(7) Apportionment of expenses between the operator and the department;	96397
	96398
(8) Rights and duties of the operator, the department, and other state and local governmental entities with respect to use of the transportation facility;	96399
	96400
	96401
(9) Rights and remedies available in the event of default or delay;	96402
	96403
(10) Terms and conditions of indemnification of the operator by the department;	96404
	96405
(11) Assignment, subcontracting, or other delegation of	96406

responsibilities of the operator or the department under the 96407
agreement to third parties, including other private entities and 96408
other state agencies; 96409

(12) Sale or lease to the operator of private property 96410
related to the transportation facility; 96411

(13) Traffic enforcement and other policing issues, including 96412
any reimbursement by the private entity for such services. 96413

(D)(1) The director of transportation may include in any 96414
public-private agreement under sections 5501.70 to 5501.83 of the 96415
Revised Code a provision authorizing a binding dispute resolution 96416
method for any controversy subsequently arising out of the 96417
contract. The binding dispute resolution method may proceed only 96418
upon agreement of all parties to the controversy. If all parties 96419
do not agree to proceed to a binding dispute resolution, a party 96420
having a claim against the department shall exhaust its 96421
administrative remedies specified in the public-private agreement 96422
prior to filing any action against the department in the court of 96423
claims. 96424

No appeal from the determination of a technical expert lies 96425
to any court, except that the court of common pleas of Franklin 96426
County may issue an order vacating such a determination upon the 96427
application of any party to the binding dispute resolution if any 96428
of the following applies: 96429

(a) The determination was procured by corruption, fraud, or 96430
undue means. 96431

(b) There was evidence of partiality or corruption on the 96432
part of the technical expert. 96433

(c) The technical expert was guilty of misconduct in refusing 96434
to postpone the hearing, upon sufficient cause shown, or in 96435
refusing to hear evidence pertinent and material to the 96436
controversy, or of any other misbehavior by which the rights of 96437

any party have been prejudiced. 96438

(2) As used in this division, "binding dispute resolution" 96439
means a binding determination after review by a technical expert 96440
of all relevant items, which may include documents, and by 96441
interviewing appropriate personnel and visiting the project site 96442
involved in the controversy. "Binding dispute resolution" does not 96443
involve representation by legal counsel or advocacy by any person 96444
on behalf of any party to the controversy. 96445

(E) No public-private agreement entered into under this 96446
section shall be construed to transfer to a private entity the 96447
director's authority to appropriate property under Chapters 163., 96448
5501., and 5519. of the Revised Code. 96449

(F) Money collected by the department pursuant to an 96450
agreement entered into under this section shall be deposited into 96451
the state treasury to the credit of the highway operating fund 96452
unless the agreement is related to a toll project under sections 96453
5531.11 to 5531.18 of the Revised Code, in which case the money 96454
shall be deposited as specified in the agreement. 96455

(G) Chapter 5525. of the Revised Code does not apply to 96456
public-private agreements under sections 5501.70 to 5501.83 of the 96457
Revised Code. 96458

Sec. 5502.132. There is hereby created in the state treasury 96459
the Ohio investigative unit fund. The fund shall consist of any 96460
nonfederal money received by the investigative unit of the 96461
department of public safety that is not otherwise required to be 96462
deposited into another fund under any provision of the Revised 96463
Code. The director of public safety shall use the money in the 96464
fund to pay the expenses of administering the law relative to the 96465
powers and duties of the investigative unit. All investment 96466
earnings shall be retained by the fund. 96467

Sec. 5505.04. (A)(1) The general administration and 96468
management of the state highway patrol retirement system and the 96469
making effective of this chapter are hereby vested in the state 96470
highway patrol retirement board. The board may sue and be sued, 96471
plead and be impleaded, contract and be contracted with, and do 96472
all things necessary to carry out this chapter. 96473

The board shall consist of the following members: 96474

(a) The superintendent of the state highway patrol; 96475

(b) Two retirant members who reside in this state; 96476

(c) Five employee-members; 96477

(d) One member, known as the treasurer of state's investment 96478
designee, who shall be appointed by the treasurer of state for a 96479
term of four years and who shall have the following 96480
qualifications: 96481

(i) The member is a resident of this state. 96482

(ii) Within the three years immediately preceding the 96483
appointment, the member has not been employed by the public 96484
employees retirement system, police and fire pension fund, state 96485
teachers retirement system, school employees retirement system, or 96486
state highway patrol retirement system or by any person, 96487
partnership, or corporation that has provided to one of those 96488
retirement systems services of a financial or investment nature, 96489
including the management, analysis, supervision, or investment of 96490
assets. 96491

(iii) The member has direct experience in the management, 96492
analysis, supervision, or investment of assets. 96493

(iv) The member is not currently employed by the state or a 96494
political subdivision of the state. 96495

(e) Two investment expert members, who shall be appointed to 96496

four-year terms. One investment expert member shall be appointed 96497
by the governor, and one investment expert member shall be jointly 96498
appointed by the speaker of the house of representatives and the 96499
president of the senate. Each investment expert member shall have 96500
the following qualifications: 96501

(i) Each investment expert member shall be a resident of this 96502
state. 96503

(ii) Within the three years immediately preceding the 96504
appointment, each investment expert member shall not have been 96505
employed by the public employees retirement system, police and 96506
fire pension fund, state teachers retirement system, school 96507
employees retirement system, or state highway patrol retirement 96508
system or by any person, partnership, or corporation that has 96509
provided to one of those retirement systems services of a 96510
financial or investment nature, including the management, 96511
analysis, supervision, or investment of assets. 96512

(iii) Each investment expert member shall have direct 96513
experience in the management, analysis, supervision, or investment 96514
of assets. 96515

(2) The board shall annually elect a chairperson and 96516
vice-chairperson from among its members. The vice-chairperson 96517
shall act as chairperson in the absence of the chairperson. A 96518
majority of the members of the board shall constitute a quorum and 96519
any action taken shall be approved by a majority of the members of 96520
the board. The board shall meet not less than once each year, upon 96521
sufficient notice to the members. All meetings of the board shall 96522
be open to the public except executive sessions as set forth in 96523
division (G) of section 121.22 of the Revised Code, and any 96524
portions of any sessions discussing medical records or the degree 96525
of disability of a member excluded from public inspection by this 96526
section. 96527

(3) Any member appointed under this section shall hold office 96528
until the end of the member's term or, if later, the date the 96529
member's successor takes office. 96530

(B) The attorney general shall prescribe procedures for the 96531
adoption of rules authorized under this chapter, consistent with 96532
the provision of section 111.15 of the Revised Code under which 96533
all rules shall be filed in order to be effective. Such procedures 96534
shall establish methods by which notice of proposed rules are 96535
given to interested parties and rules adopted by the board 96536
published and otherwise made available. When it files a rule with 96537
the joint committee on agency rule review pursuant to section 96538
111.15 of the Revised Code, the board shall submit to the Ohio 96539
retirement study council a copy of the full text of the rule, and 96540
if applicable, a copy of the rule summary and fiscal analysis 96541
required by division (B) of section 127.18 of the Revised Code. 96542

(C)(1) As used in this division, "personal history record" 96543
means information maintained by the board on an individual who is 96544
a member, former member, retirant, or beneficiary that includes 96545
the address, electronic mail address, telephone number, social 96546
security number, record of contributions, correspondence with the 96547
system, and other information the board determines to be 96548
confidential. 96549

(2) The records of the board shall be open to public 96550
inspection and may be made available in printed or electronic 96551
format, except for the following which shall be excluded: the 96552
member's, former member's, retirant's, or beneficiary's personal 96553
history record and the amount of a monthly allowance or benefit 96554
paid to a retirant, beneficiary, or survivor, except with the 96555
written authorization of the individual concerned. 96556

(D) All medical reports and recommendations are privileged 96557
except as follows: 96558

(1) Copies of such medical reports or recommendations shall 96559
be made available to the individual's personal physician, 96560
attorney, or authorized agent upon written release received from 96561
such individual or such individual's agent, or when necessary for 96562
the proper administration of the fund to the board-assigned 96563
physician. 96564

(2) Documentation required by section 2929.193 of the Revised 96565
Code shall be provided to a court holding a hearing under that 96566
section. 96567

(E) Notwithstanding the exceptions to public inspection in 96568
division (C)(2) of this section, the board may furnish the 96569
following information: 96570

(1) If a member, former member, or retirant is subject to an 96571
order issued under section 2907.15 of the Revised Code or an order 96572
issued under division (A) or (B) of section 2929.192 of the 96573
Revised Code or is convicted of or pleads guilty to a violation of 96574
section 2921.41 of the Revised Code, on written request of a 96575
prosecutor as defined in section 2935.01 of the Revised Code, the 96576
board shall furnish to the prosecutor the information requested 96577
from the individual's personal history record. 96578

(2) Pursuant to a court order issued under Chapters 3119., 96579
3121., and 3123. of the Revised Code, the board shall furnish to a 96580
court or child support enforcement agency the information required 96581
under those chapters. 96582

(3) At the written request of any nonprofit organization or 96583
association providing services to retirement system members, 96584
retirants, or beneficiaries, the board shall provide to the 96585
organization or association a list of the names and addresses of 96586
members, former members, retirants, or beneficiaries if the 96587
organization or association agrees to use such information solely 96588
in accordance with its stated purpose of providing services to 96589

such individuals and not for the benefit of other persons, 96590
organizations, or associations. The costs of compiling, copying, 96591
and mailing the list shall be paid by such entity. 96592

(4) Within fourteen days after receiving from the director of 96593
job and family services a list of the names and social security 96594
numbers of recipients of public assistance pursuant to section 96595
5101.181 of the Revised Code, the board shall inform the auditor 96596
of state of the name, current or most recent employer address, and 96597
social security number of each member whose name and social 96598
security number are the same as those of a person whose name or 96599
social security number was submitted by the director. The board 96600
and its employees, except for purposes of furnishing the auditor 96601
of state with information required by this section, shall preserve 96602
the confidentiality of recipients of public assistance in 96603
compliance with section 5101.181 of the Revised Code. 96604

(5) The system shall comply with orders issued under section 96605
3105.87 of the Revised Code. 96606

On the written request of an alternate payee, as defined in 96607
section 3105.80 of the Revised Code, the system shall furnish to 96608
the alternate payee information on the amount and status of any 96609
amounts payable to the alternate payee under an order issued under 96610
section 3105.171 or 3105.65 of the Revised Code. 96611

(6) At the request of any person, the board shall make 96612
available to the person copies of all documents, including 96613
resumes, in the board's possession regarding filling a vacancy of 96614
an employee member or retirant member of the board. The person who 96615
made the request shall pay the cost of compiling, copying, and 96616
mailing the documents. The information described in this division 96617
is a public record. 96618

(7) The system shall provide the notice required by section 96619
5505.263 of the Revised Code to the prosecutor assigned to the 96620

case. 96621

(8) The system may provide information requested by the 96622
United States social security administration, United States 96623
centers for medicare and medicaid, public employees retirement 96624
system, Ohio public employees deferred compensation program, Ohio 96625
police and fire pension fund, school employees retirement system, 96626
state teachers retirement system, or Cincinnati retirement system. 96627

(F) A statement that contains information obtained from the 96628
system's records that is certified and signed by an officer of the 96629
retirement system and to which the system's official seal is 96630
affixed, or copies of the system's records to which the signature 96631
and seal are attached, shall be received as true copies of the 96632
system's records in any court or before any officer of this state. 96633

(G) The board may maintain records in printed or electronic 96634
format. 96635

(H) Notwithstanding the exceptions to public inspection in 96636
division (C)(2) of this section or the privileges contained in 96637
division (D) of this section, the board shall furnish to the 96638
administrator of workers' compensation the records required under 96639
section 5505.182 of the Revised Code. 96640

Sec. 5505.068. (A) As used in this section and in section 96641
5505.0610 of the Revised Code: 96642

(1) "Agent" means a dealer, as defined in section 1707.01 of 96643
the Revised Code, who is licensed under sections 1707.01 to 96644
1707.45 of the Revised Code or under comparable laws of another 96645
state or of the United States. 96646

(2) "Minority business enterprise" has the same meaning as in 96647
section 122.71 of the Revised Code. 96648

(3) "Ohio-qualified agent" means an agent designated as such 96649
by the state highway patrol retirement board. 96650

(4) "Ohio-qualified investment manager" means an investment manager designated as such by the state highway patrol retirement board. 96651
96652
96653

(5) "Principal place of business" means an office in which the agent regularly provides securities or investment advisory services and solicits, meets with, or otherwise communicates with clients. 96654
96655
96656
96657

(B) The state highway patrol retirement board shall, for the purposes of this section, designate an agent as an Ohio-qualified agent if the agent meets all of the following requirements: 96658
96659
96660

(1) The agent is subject to taxation under Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 96661
96662

(2) The agent is authorized to conduct business in this state; 96663
96664

(3) The agent maintains a principal place of business in this state and employs at least five residents of this state. 96665
96666

(C) The state highway patrol retirement board shall adopt and implement a written policy to establish criteria and procedures used to select agents to execute securities transactions on behalf of the retirement system. The policy shall address each of the following: 96667
96668
96669
96670
96671

(1) Commissions charged by the agent, both in the aggregate and on a per share basis; 96672
96673

(2) The execution speed and trade settlement capabilities of the agent; 96674
96675

(3) The responsiveness, reliability, and integrity of the agent; 96676
96677

(4) The nature and value of research provided by the agent; 96678

(5) Any special capabilities of the agent. 96679

(D)(1) The board shall, at least annually, establish a policy with the goal to increase utilization by the board of Ohio-qualified agents for the execution of domestic equity and fixed income trades on behalf of the retirement system, when an Ohio-qualified agent offers quality, services, and safety comparable to other agents otherwise available to the board and meets the criteria established under division (C) of this section.

(2) The board shall review, at least annually, the performance of the agents that execute securities transactions on behalf of the board.

(3) The board shall determine whether an agent is an Ohio-qualified agent, meets the criteria established by the board pursuant to division (C) of this section, and offers quality, services, and safety comparable to other agents otherwise available to the board. The board's determination shall be final.

~~(E) The board shall, at least annually, submit to the Ohio retirement study council a report containing the following information:~~

~~(1) The name of each agent designated as an Ohio qualified agent under this section;~~

~~(2) The name of each agent that executes securities transactions on behalf of the board;~~

~~(3) The amount of equity and fixed income trades that are executed by Ohio qualified agents, expressed as a percentage of all equity and fixed income trades that are executed by agents on behalf of the board;~~

~~(4) The compensation paid to Ohio qualified agents, expressed as a percentage of total compensation paid to all agents that execute securities transactions on behalf of the board;~~

~~(5) The amount of equity and fixed income trades that are~~

~~executed by agents that are minority business enterprises, 96710
expressed as a percentage of all equity and fixed income trades 96711
that are executed by agents on behalf of the board; 96712~~

~~(6) Any other information requested by the Ohio retirement 96713
study council regarding the board's use of agents. 96714~~

Sec. 5505.0610. (A) The state highway patrol retirement board 96715
shall, for the purposes of this section, designate an investment 96716
manager as an Ohio-qualified investment manager if the investment 96717
manager meets all of the following requirements: 96718

(1) The investment manager is subject to taxation under 96719
Chapter 5725., 5726., 5733., 5747., or 5751. of the Revised Code. 96720

(2) The investment manager meets one of the following 96721
requirements: 96722

(a) Has its corporate headquarters or principal place of 96723
business in this state; 96724

(b) Employs at least five hundred individuals in this state; 96725

(c) Has a principal place of business in this state and 96726
employs at least twenty residents of this state. 96727

(B)(1) The board shall, at least annually, establish a policy 96728
with the goal to increase utilization by the board of 96729
Ohio-qualified investment managers, when an Ohio-qualified 96730
investment manager offers quality, services, and safety comparable 96731
to other investment managers otherwise available to the board. The 96732
policy shall also provide for the following: 96733

(a) A process whereby the board can develop a list of 96734
Ohio-qualified investment managers and their investment products; 96735

(b) A process whereby the board can give public notice to 96736
Ohio-qualified investment managers of the board's search for an 96737
investment manager that includes the board's search criteria. 96738

(2) The board shall determine whether an investment manager 96739
is an Ohio-qualified investment manager and whether the investment 96740
manager offers quality, services, and safety comparable to other 96741
investment managers otherwise available to the board. The board's 96742
determination shall be final. 96743

~~(C) The board shall, at least annually, submit to the Ohio 96744
retirement study council a report containing the following 96745
information:~~ 96746

~~(1) The name of each investment manager designated as an 96747
Ohio-qualified investment manager under this section;~~ 96748

~~(2) The name of each investment manager with which the board 96749
contracts;~~ 96750

~~(3) The amount of assets managed by Ohio-qualified investment 96751
managers, expressed as a percentage of the total assets held by 96752
the retirement system and as a percentage of assets managed by 96753
investment managers with which the board has contracted;~~ 96754

~~(4) The compensation paid to Ohio-qualified investment 96755
managers, expressed as a percentage of total compensation paid to 96756
all investment managers with which the board has contracted;~~ 96757

~~(5) Any other information requested by the Ohio retirement 96758
study council regarding the board's use of investment managers.~~ 96759

Sec. 5505.182. Upon a member's receiving disability 96760
retirement under section 5505.18 of the Revised Code for 96761
post-traumatic stress disorder without an accompanying physical 96762
injury, the state highway patrol retirement board shall notify the 96763
administrator of workers' compensation of all of the following: 96764

(A) The name of the member; 96765

(B) That the member's post-traumatic stress disorder, without 96766
an accompanying physical injury, qualifies that member for 96767
disability retirement under section 5505.18 of the Revised Code; 96768

(C) The effective date of the member's disability retirement; 96769

(D) The date that payments for the member's disability 96770
retirement commence. 96771

Sec. 5505.22. The right of any individual to a pension, or to 96772
the return of accumulated contributions, payable as provided under 96773
this chapter, and all moneys and investments of the state highway 96774
patrol retirement system and income from moneys or investments are 96775
exempt from any state tax, except the tax imposed by section 96776
5747.02 of the Revised Code, and are exempt from any county, 96777
municipal, or other local tax, except income taxes imposed 96778
pursuant to section 5748.02, 5748.08, or 5748.09 of the Revised 96779
Code, and, except as provided in sections 3105.171, 3105.65, 96780
~~3115.32~~ 3115.501, 3119.80, 3119.81, 3121.02, 3121.03, 3123.06, 96781
5505.26, 5505.262, and 5505.263 of the Revised Code, shall not be 96782
subject to execution, garnishment, attachment, the operation of 96783
bankruptcy or insolvency laws, or any other process of law 96784
whatsoever, and shall be unassignable except as specifically 96785
provided in this chapter. 96786

Sec. 5505.261. (A) As used in this section, "alternate 96787
payee," "benefit," "lump sum payment," "participant," and "public 96788
retirement program" have the same meanings as in section 3105.80 96789
of the Revised Code. 96790

(B) On receipt of an order issued under section 3105.171 or 96791
3105.65 of the Revised Code, the state highway patrol retirement 96792
system shall determine whether the order meets the requirements of 96793
sections 3105.80 to 3105.90 of the Revised Code. The system shall 96794
retain in the participant's record an order the system determines 96795
meets the requirements. Not later than sixty days after receipt, 96796
the system shall return to the court that issued the order any 96797
order the system determines does not meet the requirements. 96798

(C) The system shall comply with an order retained under 96799
division (B) of this section at either of the following times as 96800
appropriate: 96801

(1) If the participant has applied for or is receiving a 96802
benefit or has applied for but not yet received a lump sum 96803
payment, as soon as practicable; 96804

(2) If the participant has not applied for a benefit or lump 96805
sum payment, on application by the participant for a benefit or 96806
lump sum payment. 96807

(D) If the system transfers a participant's service credit or 96808
contributions made by or on behalf of a participant to a public 96809
retirement program that is not named in the order, the system 96810
shall do both of the following: 96811

(1) Notify the court that issued the order by sending the 96812
court a copy of the order and the name and address of the public 96813
retirement program to which the transfer was made. 96814

(2) Send a copy of the order to the public retirement program 96815
to which the transfer was made. 96816

(E) If it receives a participant's service credit or 96817
contributions and a copy of an order as provided in division (D) 96818
of this section, the system shall administer the order as if it 96819
were the public retirement program named in the order. 96820

(F) If a participant's benefit or lump sum payment is or will 96821
be subject to more than one order described in section 3105.81 of 96822
the Revised Code or to an order described in section 3105.81 of 96823
the Revised Code and a withholding order under section 3111.23 or 96824
3113.21 of the Revised Code, the system shall, after determining 96825
that the amounts that are or will be withheld will cause the 96826
benefit or lump sum payment to fall below the limits described in 96827
section 3105.85 of the Revised Code, do all of the following: 96828

(1) Establish, in accordance with division (G) of this section and subject to the limits described in section 3105.85 of the Revised Code, the priority in which the orders are or will be paid by the retirement system in accordance with division (G) of this section;

(2) Reduce the amount paid to an alternate payee based on the priority established under division (F)(1) of this section;

(3) Notify, by regular mail, a participant and alternate payee of any action taken under this division.

(G) A withholding or deduction notice issued under section 3111.23 or 3113.21 of the Revised Code or an order described in section ~~3115.32~~ 3115.501 of the Revised Code has priority over all other orders and shall be complied with in accordance with child support enforcement laws. All other orders are entitled to priority in order of earliest retention by the system. The system is not to retain an order that provides for the division of property unless the order is filed in a court with jurisdiction in this state.

(H) The system is not liable in civil damages for loss resulting from any action or failure to act in compliance with this section.

Sec. 5513.01. (A) The director of transportation shall make all purchases of machinery, materials, supplies, or other articles in the manner provided in this section. In all cases except those in which the director provides written authorization for purchases by district deputy directors of transportation, the director shall make all such purchases at the central office of the department of transportation in Columbus. Before making any purchase at that office, the director, as provided in this section, shall give notice to bidders of the director's intention to purchase. Where the expenditure does not exceed the amount applicable to the

purchase of supplies specified in division ~~(B)~~(A) of section 96860
125.05 of the Revised Code, ~~as adjusted pursuant to division (D)~~ 96861
~~of that section~~, the director shall give such notice as the 96862
director considers proper, or the director may make the purchase 96863
without notice. Where the expenditure exceeds the amount 96864
applicable to the purchase of supplies specified in division 96865
~~(B)~~(A) of section 125.05 of the Revised Code, ~~as adjusted pursuant~~ 96866
~~to division (D) of that section~~, the director shall give notice by 96867
posting for not less than ten days a written, typed, or printed 96868
invitation to bidders on a bulletin board. The director shall 96869
locate the notice in a place in the offices assigned to the 96870
department and open to the public during business hours. 96871

Producers or distributors of any product may notify the 96872
director, in writing, of the class of articles for the furnishing 96873
of which they desire to bid and their post-office addresses. In 96874
that circumstance, the director shall mail copies of all 96875
invitations to bidders relating to the purchase of such articles 96876
to such persons by regular first class mail at least ten days 96877
prior to the time fixed for taking bids. The director also may 96878
mail copies of all invitations to bidders to news agencies or 96879
other agencies or organizations distributing information of this 96880
character. Requests for invitations are not valid and do not 96881
require action by the director unless renewed by the director, 96882
either annually or after such shorter period as the director may 96883
prescribe by a general rule. 96884

The director shall include in an invitation to bidders a 96885
brief statement of the general character of the article that it is 96886
intended to purchase, the approximate quantity desired, and a 96887
statement of the time and place where bids will be received, and 96888
may relate to and describe as many different articles as the 96889
director thinks proper, it being the intent and purpose of this 96890
section to authorize the inclusion in a single invitation of as 96891

many different articles as the director desires to invite bids 96892
upon at any given time. The director shall give invitations issued 96893
during each calendar year consecutive numbers, and ensure that the 96894
number assigned to each invitation appears on all copies thereof. 96895
In all cases where notice is required by this section, the 96896
director shall require sealed bids, on forms prescribed and 96897
furnished by the director. The director shall not permit the 96898
modification of bids after they have been opened. 96899

(B) The director may permit a state agency, the Ohio turnpike 96900
and infrastructure commission, any political subdivision, and any 96901
state university or college to participate in contracts into which 96902
the director has entered for the purchase of machinery, materials, 96903
supplies, or other articles. The turnpike and infrastructure 96904
commission and any political subdivision or state university or 96905
college desiring to participate in such purchase contracts shall 96906
file with the director a certified copy of the bylaws or rules of 96907
the turnpike and infrastructure commission or the ordinance or 96908
resolution of the legislative authority, board of trustees, or 96909
other governing board requesting authorization to participate in 96910
such contracts and agreeing to be bound by such terms and 96911
conditions as the director prescribes. Purchases made by a state 96912
agency, the turnpike and infrastructure commission, political 96913
subdivisions, or state universities or colleges under this 96914
division are exempt from any competitive bidding required by law 96915
for the purchase of machinery, materials, supplies, or other 96916
articles. 96917

(C) As used in this section: 96918

(1) "Political subdivision" means any county, township, 96919
municipal corporation, conservancy district, township park 96920
district, park district created under Chapter 1545. of the Revised 96921
Code, port authority, regional transit authority, regional airport 96922
authority, regional water and sewer district, county transit 96923

board, school district as defined in section 5513.04 of the Revised Code, regional planning commission formed under section 713.21 of the Revised Code, regional council of government formed under section 167.01 of the Revised Code, or other association of local governments established pursuant to an agreement under sections 307.14 to 307.19 of the Revised Code.

(2) "State university or college" has the same meaning as in division (A)(1) of section 3345.32 of the Revised Code.

(3) "Ohio turnpike and infrastructure commission" means the commission created by section 5537.02 of the Revised Code.

(4) "State agency" means every organized body, office, board, authority, commission, or agency established by the laws of the state for the exercise of any governmental or quasi-governmental function of state government, regardless of the funding source for that entity, other than any state institution of higher education, the office of the governor, lieutenant governor, auditor of state, treasurer of state, secretary of state, or attorney general, the general assembly, the courts or any judicial agency, or any state retirement system or retirement program established by or referenced in the Revised Code.

Sec. 5537.05. (A) The Ohio turnpike and infrastructure commission may construct grade separations at intersections of any turnpike project with public roads and railroads, and change and adjust the lines and grades of those roads and railroads, and of public utility facilities, which change and adjustment of lines and grades of those roads shall be subject to the approval of the governmental agency having jurisdiction over the road, so as to accommodate them to the design of the grade separation. The cost of the grade separation and any damage incurred in changing and adjusting the lines and grades of roads, railroads, and public utility facilities shall be ascertained and paid by the commission

as a part of the cost of the turnpike project or from revenues or 96955
state taxes. 96956

(1) If the commission finds it necessary to change the 96957
location of any portion of any public road, railroad, or public 96958
utility facility, it shall cause the same to be reconstructed at 96959
the location the governmental agency having jurisdiction over such 96960
road, railroad, or public utility facility considers most 96961
favorable. The construction shall be of substantially the same 96962
type and in as good condition as the original road, railroad, or 96963
public utility facility. The cost of the reconstruction, 96964
relocation, or removal and any damage incurred in changing the 96965
location shall be ascertained and paid by the commission as a part 96966
of the cost of the turnpike project or from revenues or state 96967
taxes. 96968

(2) The commission may petition the board of county 96969
commissioners of the county in which is situated any public road 96970
or part thereof affected by the location therein of any turnpike 96971
project, for the vacation or relocation of the road or any part 96972
thereof, in the same manner and with the same force and effect as 96973
is given to the director of transportation pursuant to sections 96974
5553.04 to 5553.11 of the Revised Code. 96975

(B) The commission and its authorized agents and employees, 96976
after proper notice, may enter upon any lands, waters, and 96977
premises in the state for the purpose of making surveys, 96978
soundings, drillings, and examinations that are necessary or 96979
proper for the purposes of this chapter, and the entry shall not 96980
be deemed a trespass, nor shall an entry for those purposes be 96981
deemed an entry under any appropriation proceedings which may then 96982
be pending, provided that before entering upon the premises of any 96983
railroad notice shall be given to the superintendent of the 96984
railroad involved at least five days in advance of entry, and 96985
provided that no survey, sounding, drilling, and examination shall 96986

be made between the rails or so close to a railroad track as would 96987
render the track unusable. The commission shall make reimbursement 96988
for any actual damage resulting to such lands, waters, and 96989
premises and to private property located in, on, along, over, or 96990
under such lands, waters, and premises, as a result of such 96991
activities. The state, subject to the approval of the governor, 96992
hereby consents to the use of all lands owned by it, including 96993
lands lying under water, that are necessary or proper for the 96994
construction, maintenance, or operation of any turnpike project, 96995
provided adequate consideration is provided for the use. 96996

(C) The commission may make reasonable provisions or rules 96997
for the installation, construction, maintenance, repair, renewal, 96998
relocation, and removal of public utility facilities in, on, 96999
along, over, or under any turnpike project. Whenever the 97000
commission determines that it is necessary that any public utility 97001
facilities located in, on, along, over, or under any turnpike 97002
project should be relocated in or removed from the turnpike 97003
project, the public utility owning or operating the facilities 97004
shall relocate or remove them in accordance with the order of the 97005
commission. Except as otherwise provided in any license or other 97006
agreement with the commission, the cost and expenses of such 97007
relocation or removal, including the cost of installing the 97008
facilities in a new location, the cost of any lands, or any rights 97009
or interests in lands, and any other rights, acquired to 97010
accomplish the relocation or removal, shall be ascertained and 97011
paid by the commission as part of the cost of the turnpike project 97012
or from revenues of the Ohio turnpike system. In case of any such 97013
relocation or removal of facilities, the public utility owning or 97014
operating them and its successors or assigns may maintain and 97015
operate the facilities, with the necessary appurtenances, in the 97016
new location, for as long a period, and upon the same terms, as it 97017
had the right to maintain and operate the facilities in their 97018
former location. 97019

(D) The commission is subject to Chapters ~~1515-~~ 940., 6131., 97020
6133., 6135., and 6137. of the Revised Code and shall pay any 97021
assessments levied under those chapters for an improvement or 97022
maintenance of an improvement on land under the control or 97023
ownership of the commission. 97024

Sec. 5575.01. (A) In the maintenance and repair of roads, the 97025
board of township trustees may proceed either by contract or force 97026
account, but, unless the exemption specified in division (C) of 97027
this section applies, if the board wishes to proceed by force 97028
account, it first shall cause the county engineer to complete the 97029
force account assessment form developed by the auditor of state 97030
under section 117.16 of the Revised Code. Except as otherwise 97031
provided in sections 505.08 and 505.101 of the Revised Code, when 97032
the board proceeds by contract, the contract shall, if the amount 97033
involved exceeds ~~forty-five~~ ninety thousand dollars, be let by the 97034
board to the lowest responsible bidder after advertisement for 97035
bids once, not later than two weeks, prior to the date fixed for 97036
the letting of the contract, in a newspaper of general circulation 97037
within the township. If the amount involved is ~~forty-five~~ ninety 97038
thousand dollars or less, a contract may be let without 97039
competitive bidding, or the work may be done by force account. 97040
Such a contract shall be performed under the supervision of a 97041
member of the board or the township road superintendent. 97042

(B) Before undertaking the construction or reconstruction of 97043
a township road, the board shall cause to be made by the county 97044
engineer an estimate of the cost of the work, which estimate shall 97045
include labor, material, freight, fuel, hauling, use of machinery 97046
and equipment, and all other items of cost. If the board finds it 97047
in the best interest of the public, it may, in lieu of 97048
constructing the road by contract, proceed to construct the road 97049
by force account. Except as otherwise provided under sections 97050
505.08 and 505.101 of the Revised Code, where the total estimated 97051

cost of the work exceeds ~~fifteen~~ thirty thousand dollars per mile, 97052
the board shall invite and receive competitive bids for furnishing 97053
all the labor, materials, and equipment and doing the work, as 97054
provided in section 5575.02 of the Revised Code, and shall 97055
consider and reject them before ordering the work done by force 97056
account. When such bids are received, considered, and rejected, 97057
and the work is done by force account, the work shall be performed 97058
in compliance with the plans and specifications upon which the 97059
bids were based. 97060

(C) Force account assessment forms are not required under 97061
division (A) of this section for road maintenance or repair 97062
projects of less than ~~fifteen~~ forty-five thousand dollars, or 97063
under division (B) of this section for road construction or 97064
reconstruction projects of less than ~~five~~ fifteen thousand dollars 97065
per mile. 97066

(D) All force account work under this section shall be done 97067
under the direction of a member of the board or the township road 97068
superintendent. 97069

Sec. 5701.03. As used in Title LVII of the Revised Code: 97070

(A) "Personal property" includes every tangible thing that is 97071
the subject of ownership, whether animate or inanimate, including 97072
a business fixture, and that does not constitute real property as 97073
defined in section 5701.02 of the Revised Code. "Personal 97074
property" also includes every share, portion, right, or interest, 97075
either legal or equitable, in and to every ship, vessel, or boat, 97076
used or designed to be used in business either exclusively or 97077
partially in navigating any of the waters within or bordering on 97078
this state, whether such ship, vessel, or boat is within the 97079
jurisdiction of this state or elsewhere. "Personal property" does 97080
not include money as defined in section 5701.04 of the Revised 97081
Code, motor vehicles registered by the owner thereof, electricity, 97082

or, for purposes of any tax levied on personal property, patterns, 97083
jigs, dies, or drawings that are held for use and not for sale in 97084
the ordinary course of business, except to the extent that the 97085
value of the electricity, patterns, jigs, dies, or drawings is 97086
included in the valuation of inventory produced for sale. 97087

(B) "Business fixture" means an item of tangible personal 97088
property that has become permanently attached or affixed to the 97089
land or to a building, structure, or improvement, and that 97090
primarily benefits the business conducted by the occupant on the 97091
premises and not the realty. "Business fixture" includes, but is 97092
not limited to, machinery, equipment, signs, cart paths, storage 97093
bins and tanks, whether above or below ground, and broadcasting, 97094
transportation, irrigation, transmission, and distribution 97095
systems, whether above or below ground; and structures affixed to 97096
or constructed over land that consist of soil and other natural 97097
materials requiring regular maintenance, that primarily benefit 97098
the business conducted on the premises, and that are depreciable 97099
under 26 U.S.C. 167. "Business fixture" also means those portions 97100
of buildings, structures, and improvements that are specially 97101
designed, constructed, and used for the business conducted in the 97102
building, structure, or improvement, including, but not limited 97103
to, foundations and supports for machinery and equipment. 97104
"Business fixture" does not include fixtures that are common to 97105
buildings, including, but not limited to, heating, ventilation, 97106
and air conditioning systems primarily used to control the 97107
environment for people or animals, tanks, towers, and lines for 97108
potable water or water for fire control, electrical and 97109
communication lines, and other fixtures that primarily benefit the 97110
realty and not the business conducted by the occupant on the 97111
premises. 97112

Sec. 5703.057. (A) For the efficient administration of the 97113
taxes and fees administered by the tax commissioner, the 97114

commissioner may require that any person filing a tax document 97115
with the department of taxation provide identifying information, 97116
which may include the person's social security number, federal 97117
employer identification number, or other identification number 97118
requested by the commissioner, subject to section 5703.361 of the 97119
Revised Code. A person required by the commissioner to provide 97120
identifying information who has experienced any change with 97121
respect to that information shall notify the commissioner of the 97122
change prior to, or upon, filing the next tax document requiring 97123
such identifying information. 97124

(B) When transmitting or otherwise making use of a tax 97125
document that contains a person's social security number, the 97126
commissioner shall take all reasonable measures necessary to 97127
ensure that the number is not capable of being viewed by the 97128
general public, including, when necessary, masking the number so 97129
that it is not readily discernible by the general public. 97130

(C)(1) If the commissioner makes a request for identifying 97131
information and the commissioner does not receive valid 97132
identifying information within thirty days of making the request, 97133
the commissioner may impose a penalty upon the person to whom the 97134
request was directed of up to one hundred dollars. If, after the 97135
expiration of this thirty day period, the commissioner makes one 97136
or more subsequent requests for identifying information and the 97137
person to whom the subsequent request is directed fails to provide 97138
valid identifying information within thirty days of the 97139
commissioner's subsequent request, the commissioner may impose an 97140
additional penalty of up to two hundred dollars for each 97141
subsequent request not complied with in a timely fashion. 97142

(2) If a person required by the commissioner to provide 97143
identifying information does not notify the commissioner of a 97144
change with respect to that information as required under division 97145

(A) of this section within thirty days after filing the next tax document requiring such identifying information, the commissioner may impose a penalty of up to fifty dollars.

(3) The penalties provided for under divisions (C)(1) and (2) of this section may be billed and assessed in the same manner as the tax or fee with respect to which the identifying information is sought and are in addition to any applicable criminal penalties described in division (D) of this section and any other penalties that may be imposed by the commissioner by law.

(D) Section 5703.26 of the Revised Code applies with respect to false or fraudulent identifying information provided by a person to the commissioner under this section.

Sec. 5703.36. If any company, firm, corporation, person, association, partnership, or public utility fails to make out and deliver to the tax commissioner any statement required by law, or to furnish the commissioner with any information requested, the commissioner shall ~~inform himself~~ become informed as best ~~he~~ the commissioner can on the matters necessary to be known in order to discharge ~~his~~ the commissioner's duties, subject to section 5703.361 of the Revised Code.

Sec. 5703.361. If the tax commissioner uses measures to reduce fraud by requiring a person to verify information about the person for the purpose of verifying the person's identity, the tax commissioner may not require a person to verify any information created or compiled more than five years preceding the current calendar year.

Sec. 5703.85. On or before September 1, 2015, and on or before the first day of every third month thereafter, the tax commissioner shall prepare a report that includes all of the following information:

<u>(A) The number of inspections and investigations conducted during the preceding four months in relation to the enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;</u>	97176 97177 97178
<u>(B) The number of violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code found during the preceding four months, organized by the type of violation;</u>	97179 97180 97181
<u>(C) The number of prosecutions brought during the preceding four months in relation to violations of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code;</u>	97182 97183 97184
<u>(D) The number of agents designated for enforcement of sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code during the preceding four months.</u>	97185 97186 97187
<u>The commissioner shall submit the report to the chairperson of the standing committee of each house of the general assembly which normally considers tax legislation.</u>	97188 97189 97190
<u>Sec. 5703.95.</u> (A) <u>As used in this section and sections 5703.951 to 5703.954 of the Revised Code:</u>	97191 97192
<u>(1) "Tax expenditure" has the same meaning as in section 5703.48 of the Revised Code.</u>	97193 97194
<u>(2) "Tax expenditure review committee" means the committee created under section 5703.954 of the Revised Code.</u>	97195 97196
<u>(B) The tax expenditure review committee shall review all tax expenditures created in the Revised Code once every two years. For tax expenditures created before April 15, 2015, the committee shall review one-half of such tax expenditures in every even-numbered year and one-half of such tax expenditures in every odd-numbered year. The committee shall review tax expenditures created on or after April 15, 2015, according to the following schedule:</u>	97197 97198 97199 97200 97201 97202 97203 97204
<u>(1) Tax expenditures created in an even-numbered year shall</u>	97205

be reviewed in every subsequent even-numbered year. 97206

(2) Tax expenditures created in an odd-numbered year shall be reviewed in every subsequent odd-numbered year. 97207
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For the purposes of this section, a tax expenditure is created on the effective date of the amendment or enactment of the section of the Revised Code or other section of law that authorizes the tax expenditure. 97209
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Sec. 5703.951. (A) The tax expenditure review committee shall hold at least one public hearing on a tax expenditure in each year in which the tax expenditure is scheduled for review under section 5703.95 of the Revised Code. The tax commissioner shall publish a notice of all such public hearings in the register of Ohio. During the public hearing on a tax expenditure, the committee shall allow any person to present testimony or evidence relevant to that tax expenditure. 97213
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(B) On or before the date of the public hearing scheduled for a tax expenditure under division (A) of this section, the tax commissioner, and any other state official responsible for administering the tax expenditure, shall submit to the committee a report that does each of the following: 97221
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(1) Explains the tax expenditure's purpose; 97226

(2) Expresses an opinion as to the public need for the tax expenditure; 97227
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(3) Expresses an opinion as to whether the tax expenditure has been impeded or enhanced by existing statutes; 97229
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(4) Describes how, if at all, the tax expenditure promotes economic growth and development; 97231
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(5) Provides an estimate of the amount of tax revenue forgone each fiscal year as a result of the tax expenditure; 97233
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(6) Expresses an opinion as to whether the tax expenditure should be repealed; 97235
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(7) Contains any other information relevant to the committee's appraisal of the tax expenditure. 97237
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(C) Each year, beginning in 2016, the legislative service commission shall prepare and submit to the committee a report that describes each tax expenditure created in the Revised Code, identifies the tax expenditure's intended purpose, and, if applicable, appraises the tax expenditure's effectiveness using the methods prescribed in the act creating the tax expenditure. 97239
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(D) After the public hearing on a tax expenditure, the committee shall appraise the tax expenditure. In making its appraisal, the committee shall consider the reports submitted under divisions (B) and (C) of this section and information presented during the hearing, but is not limited to those sources. Upon the committee's request, the department of taxation, the office of budget and management, and any other state agency shall provide the committee with any information in its possession that the committee requires to appraise the tax expenditure. The legislative service commission shall provide drafting and clerical support to the committee. 97245
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Sec. 5703.952. On or before the first day of November of each year in which a tax expenditure is scheduled for review, the tax expenditure review committee shall prepare a report of its appraisal of the tax expenditure that contains all of the following: 97256
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(A) A statement of the purpose served by the tax expenditure; 97261

(B) An appraisal of the tax expenditure's effectiveness in serving its purpose; 97262
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(C) An evaluation of whether the tax expenditure's purpose 97264

<u>serves a public need;</u>	97265
<u>(D) An evaluation of whether other statutes have enhanced or impeded the tax expenditure's effectiveness in serving its purpose;</u>	97266 97267 97268
<u>(E) An appraisal of whether the tax expenditure promotes economic growth and development;</u>	97269 97270
<u>(F) An estimate of the amount of revenue lost each fiscal year because of the tax expenditure;</u>	97271 97272
<u>(G) A recommendation as to whether the tax expenditure should be repealed;</u>	97273 97274
<u>(H) Any other information the committee considers relevant.</u>	97275
<u>In an appendix to its report, the committee may include a draft of a bill that would improve the tax expenditure's effectiveness in serving its purpose; redefine the tax expenditure's purpose to serve or better serve a public need; retain or improve the statutes that enhance, or amend or repeal statutes that impede, the tax expenditure's effectiveness in serving its purpose; improve the tax expenditure's effectiveness in promoting economic growth and development; reduce the amount of revenue lost as a result of the tax expenditure; or repeal the tax expenditure.</u>	97276 97277 97278 97279 97280 97281 97282 97283 97284 97285
<u>The committee shall provide a copy of the report to the governor and to each member of the general assembly. The report is a public record for the purposes of section 149.43 of the Revised Code.</u>	97286 97287 97288 97289
<u>Sec. 5703.953. An act creating a tax expenditure shall specify all of the following:</u>	97290 97291
<u>(A) The purpose served by the tax expenditure;</u>	97292
<u>(B) Whether the tax expenditure shall be reviewed in every</u>	97293

even-numbered or odd-numbered year under section 5703.95 of the 97294
Revised Code; 97295

(C) The class of taxpayers that will benefit from the tax 97296
expenditure; 97297

(D) Methods to be used to appraise the tax expenditure's 97298
effectiveness in serving its purpose. 97299

Division (D) of this section may be fulfilled by applying 97300
general statutes or by enacting statutory provisions that apply 97301
particularly to the tax expenditure. 97302

Sec. 5703.954. There is hereby created the tax expenditure 97303
review committee composed of seven members. The president of the 97304
senate, within fifteen days after the first day of the first 97305
regular session of the general assembly, shall appoint two members 97306
of the senate to the committee, one from each political party. The 97307
speaker of the house of representatives, within fifteen days after 97308
the first day of the first regular session of the general 97309
assembly, shall appoint two members of the house of 97310
representatives to the committee, one from each political party. 97311
The governor, within fifteen days after the first day of the first 97312
regular session of the general assembly and with the advice and 97313
consent of the senate, shall appoint one member to the committee. 97314
The tax commissioner and the director of budget and management or 97315
their designees shall be ex officio, nonvoting members. 97316

A legislative member of the committee shall continue as a 97317
member until the member's successor is appointed or until the 97318
member ceases to be a member of the senate or house of 97319
representatives, whichever is earlier. The member appointed by the 97320
governor shall continue to be a member for a term ending on the 97321
thirty-first day of December of each even-numbered year. The 97322
member appointed by the governor continues to be a member after 97323
the expiration of the member's term until the member's successor 97324

is appointed, or until thirty days have elapsed, whichever occurs first 97325
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In the first regular session of the general assembly, the committee shall elect one of the members appointed from the house of representatives as chairperson of the committee and one of the members appointed from the senate as vice-chairperson of the committee. In the second regular session of the general assembly, the committee shall elect one of the members appointed from the senate as chairperson of the committee and one of the members appointed from the house of representatives as vice-chairperson of the committee. 97327
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A vacancy on the committee shall be filled in the same manner as the original appointment. A member appointed to fill a vacancy occurring prior to the expiration of the term to which the member's predecessor was appointed shall continue as a member for the remainder of the unexpired term. 97336
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Members of the committee shall serve without compensation, but shall be reimbursed for actual and necessary expenses they incur in the performance of their duties. 97341
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The committee shall meet as often as necessary to perform its duties. The committee is a public body for the purposes of section 121.22 of the Revised Code. 97344
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Three voting members of the committee constitute a quorum. The committee shall not take any action without the concurrence of at least three voting members. So long as a quorum is present, a vacancy on the committee does not impair the ability of the remaining members to perform the committee's duties. 97347
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Sec. 5705.19. This section does not apply to school districts, county school financing districts, or lake facilities authorities. 97352
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The taxing authority of any subdivision at any time and in any year, by vote of two-thirds of all the members of the taxing authority, may declare by resolution and certify the resolution to the board of elections not less than ninety days before the election upon which it will be voted that the amount of taxes that may be raised within the ten-mill limitation will be insufficient to provide for the necessary requirements of the subdivision and that it is necessary to levy a tax in excess of that limitation for any of the following purposes:

(A) For current expenses of the subdivision, except that the total levy for current expenses of a detention facility district or district organized under section 2151.65 of the Revised Code shall not exceed two mills and that the total levy for current expenses of a combined district organized under sections 2151.65 and 2152.41 of the Revised Code shall not exceed four mills;

(B) For the payment of debt charges on certain described bonds, notes, or certificates of indebtedness of the subdivision issued subsequent to January 1, 1925;

(C) For the debt charges on all bonds, notes, and certificates of indebtedness issued and authorized to be issued prior to January 1, 1925;

(D) For a public library of, or supported by, the subdivision under whatever law organized or authorized to be supported;

(E) For a municipal university, not to exceed two mills over the limitation of one mill prescribed in section 3349.13 of the Revised Code;

(F) For the construction or acquisition of any specific permanent improvement or class of improvements that the taxing authority of the subdivision may include in a single bond issue;

(G) For the general construction, reconstruction, resurfacing, and repair of streets, roads, and bridges in

municipal corporations, counties, or townships;	97386
(H) For parks and recreational purposes;	97387
(I) For the purpose of providing and maintaining fire apparatus, appliances, buildings, or sites therefor, or sources of water supply and materials therefor, or the establishment and maintenance of lines of fire alarm telegraph, or the payment of firefighting companies or permanent, part-time, or volunteer firefighting, emergency medical service, administrative, or communications personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.34 of the Revised Code, or the purchase of ambulance equipment, or the provision of ambulance, paramedic, or other emergency medical services operated by a fire department or firefighting company;	97388 97389 97390 97391 97392 97393 97394 97395 97396 97397 97398 97399
(J) For the purpose of providing and maintaining motor vehicles, communications, other equipment, buildings, and sites for such buildings used directly in the operation of a police department, or the payment of salaries of permanent or part-time police, communications, or administrative personnel to operate the same, including the payment of any employer contributions required for such personnel under section 145.48 or 742.33 of the Revised Code, or the payment of the costs incurred by townships as a result of contracts made with other political subdivisions in order to obtain police protection, or the provision of ambulance or emergency medical services operated by a police department;	97400 97401 97402 97403 97404 97405 97406 97407 97408 97409 97410
(K) For the maintenance and operation of a county home or detention facility;	97411 97412
(L) For community mental retardation and developmental disabilities programs and services pursuant to Chapter 5126. of the Revised Code, except that the procedure for such levies shall be as provided in section 5705.222 of the Revised Code;	97413 97414 97415 97416

(M) For regional planning;	97417
(N) For a county's share of the cost of maintaining and operating schools, district detention facilities, forestry camps, or other facilities, or any combination thereof, established under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	97418 97419 97420 97421 97422
(O) For providing for flood defense, providing and maintaining a flood wall or pumps, and other purposes to prevent floods;	97423 97424 97425
(P) For maintaining and operating sewage disposal plants and facilities;	97426 97427
(Q) For the purpose of purchasing, acquiring, constructing, enlarging, improving, equipping, repairing, maintaining, or operating, or any combination of the foregoing, a county transit system pursuant to sections 306.01 to 306.13 of the Revised Code, or of making any payment to a board of county commissioners operating a transit system or a county transit board pursuant to section 306.06 of the Revised Code;	97428 97429 97430 97431 97432 97433 97434
(R) For the subdivision's share of the cost of acquiring or constructing any schools, forestry camps, detention facilities, or other facilities, or any combination thereof, under section 2151.65 or 2152.41 of the Revised Code or both of those sections;	97435 97436 97437 97438
(S) For the prevention, control, and abatement of air pollution;	97439 97440
(T) For maintaining and operating cemeteries;	97441
(U) For providing ambulance service, emergency medical service, or both;	97442 97443
(V) For providing for the collection and disposal of garbage or refuse, including yard waste;	97444 97445
(W) For the payment of the police officer employers'	97446

contribution or the firefighter employers' contribution required 97447
under sections 742.33 and 742.34 of the Revised Code; 97448

(X) For the construction and maintenance of a drainage 97449
improvement pursuant to section 6131.52 of the Revised Code; 97450

(Y) For providing or maintaining senior citizens services or 97451
facilities as authorized by section 307.694, 307.85, 505.70, or 97452
505.706 or division (EE) of section 717.01 of the Revised Code; 97453

(Z) For the provision and maintenance of zoological park 97454
services and facilities as authorized under section 307.76 of the 97455
Revised Code; 97456

(AA) For the maintenance and operation of a free public 97457
museum of art, science, or history; 97458

(BB) For the establishment and operation of a 9-1-1 system, 97459
as defined in section 128.01 of the Revised Code; 97460

(CC) For the purpose of acquiring, rehabilitating, or 97461
developing rail property or rail service. As used in this 97462
division, "rail property" and "rail service" have the same 97463
meanings as in section 4981.01 of the Revised Code. This division 97464
applies only to a county, township, or municipal corporation. 97465

(DD) For the purpose of acquiring property for, constructing, 97466
operating, and maintaining community centers as provided for in 97467
section 755.16 of the Revised Code; 97468

(EE) For the creation and operation of an office or joint 97469
office of economic development, for any economic development 97470
purpose of the office, and to otherwise provide for the 97471
establishment and operation of a program of economic development 97472
pursuant to sections 307.07 and 307.64 of the Revised Code, or to 97473
the extent that the expenses of a county land reutilization 97474
corporation organized under Chapter 1724. of the Revised Code are 97475
found by the board of county commissioners to constitute the 97476

promotion of economic development, for the payment of such 97477
operations and expenses; 97478

(FF) For the purpose of acquiring, establishing, 97479
constructing, improving, equipping, maintaining, or operating, or 97480
any combination of the foregoing, a township airport, landing 97481
field, or other air navigation facility pursuant to section 505.15 97482
of the Revised Code; 97483

(GG) For the payment of costs incurred by a township as a 97484
result of a contract made with a county pursuant to section 97485
505.263 of the Revised Code in order to pay all or any part of the 97486
cost of constructing, maintaining, repairing, or operating a water 97487
supply improvement; 97488

(HH) For a board of township trustees to acquire, other than 97489
by appropriation, an ownership interest in land, water, or 97490
wetlands, or to restore or maintain land, water, or wetlands in 97491
which the board has an ownership interest, not for purposes of 97492
recreation, but for the purposes of protecting and preserving the 97493
natural, scenic, open, or wooded condition of the land, water, or 97494
wetlands against modification or encroachment resulting from 97495
occupation, development, or other use, which may be styled as 97496
protecting or preserving "greenspace" in the resolution, notice of 97497
election, or ballot form. Except as otherwise provided in this 97498
division, land is not acquired for purposes of recreation, even if 97499
the land is used for recreational purposes, so long as no 97500
building, structure, or fixture used for recreational purposes is 97501
permanently attached or affixed to the land. Except as otherwise 97502
provided in this division, land that previously has been acquired 97503
in a township for these greenspace purposes may subsequently be 97504
used for recreational purposes if the board of township trustees 97505
adopts a resolution approving that use and no building, structure, 97506
or fixture used for recreational purposes is permanently attached 97507
or affixed to the land. The authorization to use greenspace land 97508

for recreational use does not apply to land located in a township 97509
that had a population, at the time it passed its first greenspace 97510
levy, of more than thirty-eight thousand within a county that had 97511
a population, at that time, of at least eight hundred sixty 97512
thousand. 97513

(II) For the support by a county of a crime victim assistance 97514
program that is provided and maintained by a county agency or a 97515
private, nonprofit corporation or association under section 307.62 97516
of the Revised Code; 97517

(JJ) For any or all of the purposes set forth in divisions 97518
(I) and (J) of this section. This division applies only to a 97519
township. 97520

(KK) For a countywide public safety communications system 97521
under section 307.63 of the Revised Code. This division applies 97522
only to counties. 97523

(LL) For the support by a county of criminal justice services 97524
under section 307.45 of the Revised Code; 97525

(MM) For the purpose of maintaining and operating a jail or 97526
other detention facility as defined in section 2921.01 of the 97527
Revised Code; 97528

(NN) For purchasing, maintaining, or improving, or any 97529
combination of the foregoing, real estate on which to hold, and 97530
the operating expenses of, agricultural fairs operated by a county 97531
agricultural society or independent agricultural society under 97532
Chapter 1711. of the Revised Code. This division applies only to a 97533
county. 97534

(OO) For constructing, rehabilitating, repairing, or 97535
maintaining sidewalks, walkways, trails, bicycle pathways, or 97536
similar improvements, or acquiring ownership interests in land 97537
necessary for the foregoing improvements; 97538

(PP) For both of the purposes set forth in divisions (G) and 97539
(OO) of this section. 97540

(QQ) For both of the purposes set forth in divisions (H) and 97541
(HH) of this section. This division applies only to a township. 97542

(RR) For the legislative authority of a municipal 97543
corporation, board of county commissioners of a county, or board 97544
of township trustees of a township to acquire agricultural 97545
easements, as defined in section 5301.67 of the Revised Code, and 97546
to supervise and enforce the easements. 97547

(SS) For both of the purposes set forth in divisions (BB) and 97548
(KK) of this section. This division applies only to a county. 97549

(TT) For the maintenance and operation of a facility that is 97550
organized in whole or in part to promote the sciences and natural 97551
history under section 307.761 of the Revised Code. 97552

(UU) For the creation and operation of a county land 97553
reutilization corporation and for any programs or activities of 97554
the corporation found by the board of directors of the corporation 97555
to be consistent with the purposes for which the corporation is 97556
organized; 97557

(VV) For construction and maintenance of improvements and 97558
expenses of soil and water conservation district programs under 97559
Chapter 1515. of the Revised Code; 97560

(WW) For the OSU extension fund created under section 3335.35 97561
of the Revised Code for the purposes prescribed under section 97562
3335.36 of the Revised Code for the benefit of the citizens of a 97563
county. This division applies only to a county. 97564

(XX) For a municipal corporation that withdraws or proposes 97565
by resolution to withdraw from a regional transit authority under 97566
section 306.55 of the Revised Code to provide transportation 97567
services for the movement of persons within, from, or to the 97568

municipal corporation; 97569

(YY) For any combination of the purposes specified in 97570
divisions (NN), (VV), and (WW) of this section. This division 97571
applies only to a county. 97572

The resolution shall be confined to the purpose or purposes 97573
described in one division of this section, to which the revenue 97574
derived therefrom shall be applied. The existence in any other 97575
division of this section of authority to levy a tax for any part 97576
or all of the same purpose or purposes does not preclude the use 97577
of such revenues for any part of the purpose or purposes of the 97578
division under which the resolution is adopted. 97579

The resolution shall specify the amount of the increase in 97580
rate that it is necessary to levy, the purpose of that increase in 97581
rate, and the number of years during which the increase in rate 97582
shall be in effect, which may or may not include a levy upon the 97583
duplicate of the current year. The number of years may be any 97584
number not exceeding five, except as follows: 97585

(1) When the additional rate is for the payment of debt 97586
charges, the increased rate shall be for the life of the 97587
indebtedness. 97588

(2) When the additional rate is for any of the following, the 97589
increased rate shall be for a continuing period of time: 97590

(a) For the current expenses for a detention facility 97591
district, a district organized under section 2151.65 of the 97592
Revised Code, or a combined district organized under sections 97593
2151.65 and 2152.41 of the Revised Code; 97594

(b) For providing a county's share of the cost of maintaining 97595
and operating schools, district detention facilities, forestry 97596
camps, or other facilities, or any combination thereof, 97597
established under section 2151.65 or 2152.41 of the Revised Code 97598
or under both of those sections. 97599

(3) When the additional rate is for either of the following, 97600
the increased rate may be for a continuing period of time: 97601

(a) For the purposes set forth in division (I), (J), (U), or 97602
(KK) of this section; 97603

(b) For the maintenance and operation of a joint recreation 97604
district. 97605

(4) When the increase is for the purpose or purposes set 97606
forth in division (D), (G), (H), (T), (Z), (CC), or (PP) of this 97607
section, the tax levy may be for any specified number of years or 97608
for a continuing period of time, as set forth in the resolution. 97609

A levy for one of the purposes set forth in division (G), 97610
(I), (J), or (U) of this section may be reduced pursuant to 97611
section 5705.261 or 5705.31 of the Revised Code. A levy for one of 97612
the purposes set forth in division (G), (I), (J), or (U) of this 97613
section may also be terminated or permanently reduced by the 97614
taxing authority if it adopts a resolution stating that the 97615
continuance of the levy is unnecessary and the levy shall be 97616
terminated or that the millage is excessive and the levy shall be 97617
decreased by a designated amount. 97618

A resolution of a detention facility district, a district 97619
organized under section 2151.65 of the Revised Code, or a combined 97620
district organized under both sections 2151.65 and 2152.41 of the 97621
Revised Code may include both current expenses and other purposes, 97622
provided that the resolution shall apportion the annual rate of 97623
levy between the current expenses and the other purpose or 97624
purposes. The apportionment need not be the same for each year of 97625
the levy, but the respective portions of the rate actually levied 97626
each year for the current expenses and the other purpose or 97627
purposes shall be limited by the apportionment. 97628

Whenever a board of county commissioners, acting either as 97629
the taxing authority of its county or as the taxing authority of a 97630

sewer district or subdistrict created under Chapter 6117. of the 97631
Revised Code, by resolution declares it necessary to levy a tax in 97632
excess of the ten-mill limitation for the purpose of constructing, 97633
improving, or extending sewage disposal plants or sewage systems, 97634
the tax may be in effect for any number of years not exceeding 97635
twenty, and the proceeds of the tax, notwithstanding the general 97636
provisions of this section, may be used to pay debt charges on any 97637
obligations issued and outstanding on behalf of the subdivision 97638
for the purposes enumerated in this paragraph, provided that any 97639
such obligations have been specifically described in the 97640
resolution. 97641

A resolution adopted by the legislative authority of a 97642
municipal corporation that is for the purpose in division (XX) of 97643
this section may be combined with the purpose provided in section 97644
306.55 of the Revised Code, by vote of two-thirds of all members 97645
of the legislative authority. The legislative authority may 97646
certify the resolution to the board of elections as a combined 97647
question. The question appearing on the ballot shall be as 97648
provided in section 5705.252 of the Revised Code. 97649

The resolution shall go into immediate effect upon its 97650
passage, and no publication of the resolution is necessary other 97651
than that provided for in the notice of election 97652

When the electors of a subdivision or, in the case of a 97653
qualifying library levy for the support of a library association 97654
or private corporation, the electors of the association library 97655
district, have approved a tax levy under this section, the taxing 97656
authority of the subdivision may anticipate a fraction of the 97657
proceeds of the levy and issue anticipation notes in accordance 97658
with section 5705.191 or 5705.193 of the Revised Code. 97659

Sec. 5705.194. The board of education of any city, local, 97660
exempted village, cooperative education, or joint vocational 97661

school district at any time may declare by resolution that the 97662
revenue that will be raised by all tax levies which the district 97663
is authorized to impose, when combined with state and federal 97664
revenues, will be insufficient to provide for the emergency 97665
requirements of the school district or to avoid an operating 97666
deficit, and that it is therefore necessary to levy an additional 97667
tax in excess of the ten-mill limitation. The resolution shall be 97668
confined to a single purpose and shall specify that purpose. If 97669
the levy is proposed to renew all or a portion of the proceeds 97670
derived from one or more existing levies imposed pursuant to this 97671
section, it shall be called a renewal levy and shall be so 97672
designated on the ballot. If two or more existing levies are to be 97673
included in a single renewal levy but are not scheduled to expire 97674
in the same year, the resolution shall specify that the existing 97675
levies to be renewed shall not be levied after the year preceding 97676
the year in which the renewal levy is first imposed. 97677
Notwithstanding the original purpose of any one or more existing 97678
levies that are to be in any single renewal levy, the purpose of 97679
the renewal levy may be either to avoid an operating deficit or to 97680
provide for the emergency requirements of the school district. The 97681
resolution shall further specify the amount of money it is 97682
necessary to raise for the specified purpose for each calendar 97683
year the millage is to be imposed; if a renewal levy, whether the 97684
levy is to renew all, or a portion of, the proceeds derived from 97685
one or more existing levies; and the number of years in which the 97686
millage is to be in effect, which may include a levy upon the 97687
current year's tax list. The number of years may be any number not 97688
exceeding ten. 97689

The question shall be submitted at a special election on a 97690
date specified in the resolution. The date shall not be earlier 97691
than eighty days after the adoption and certification of the 97692
resolution to the county auditor and shall be consistent with the 97693
requirements of section 3501.01 of the Revised Code. A resolution 97694

for a renewal levy shall not be placed on the ballot unless the 97695
question is submitted on a date on which a special election may be 97696
held under division (D) of section 3501.01 of the Revised Code, 97697
except for the first Tuesday after the first Monday in ~~February~~ 97698
~~and~~ August, during the last year the levy to be renewed may be 97699
extended on the real and public utility property tax list and 97700
duplicate, or at any election held in the ensuing year, except 97701
that if the resolution proposes renewing two or more existing 97702
levies, the question shall be submitted on the date of the general 97703
or primary election held during the last year at least one of the 97704
levies to be renewed may be extended on that list and duplicate, 97705
or at any election held during the ensuing year. For purposes of 97706
this section, a levy shall be considered to be an "existing levy" 97707
through the year following the last year it can be placed on the 97708
real and public utility property tax list and duplicate. 97709

The submission of questions to the electors under this 97710
section is subject to the limitation on the number of election 97711
dates established by section 5705.214 of the Revised Code. 97712

The resolution shall go into immediate effect upon its 97713
passage, and no publication of the resolution shall be necessary 97714
other than that provided for in the notice of election. A copy of 97715
the resolution shall immediately after its passing be certified to 97716
the county auditor of the proper county. Section 5705.195 of the 97717
Revised Code shall govern the arrangements for the submission of 97718
questions to the electors under this section and other matters 97719
concerning the election. Publication of notice of the election 97720
shall be made in one newspaper of general circulation in the 97721
county once a week for two consecutive weeks, or as provided in 97722
section 7.16 of the Revised Code, prior to the election. If the 97723
board of elections operates and maintains a web site, the board of 97724
elections shall post notice of the election on its web site for 97725
thirty days prior to the election. If a majority of the electors 97726

voting on the question submitted in an election vote in favor of 97727
the levy, the board of education of the school district may make 97728
the additional levy necessary to raise the amount specified in the 97729
resolution for the purpose stated in the resolution. The tax levy 97730
shall be included in the next tax budget that is certified to the 97731
county budget commission. 97732

After the approval of the levy and prior to the time when the 97733
first tax collection from the levy can be made, the board of 97734
education may anticipate a fraction of the proceeds of the levy 97735
and issue anticipation notes in an amount not exceeding the total 97736
estimated proceeds of the levy to be collected during the first 97737
year of the levy. 97738

The notes shall be issued as provided in section 133.24 of 97739
the Revised Code, shall have principal payments during each year 97740
after the year of their issuance over a period not to exceed five 97741
years, and may have principal payment in the year of their 97742
issuance. 97743

Sec. 5705.21. (A) At any time, the board of education of any 97744
city, local, exempted village, cooperative education, or joint 97745
vocational school district, by a vote of two-thirds of all its 97746
members, may declare by resolution that the amount of taxes that 97747
may be raised within the ten-mill limitation by levies on the 97748
current tax duplicate will be insufficient to provide an adequate 97749
amount for the necessary requirements of the school district, that 97750
it is necessary to levy a tax in excess of such limitation for one 97751
of the purposes specified in division (A), (D), (F), (H), or (DD) 97752
of section 5705.19 of the Revised Code, for general permanent 97753
improvements, for the purpose of operating a cultural center, for 97754
the purpose of providing for school safety and security, or for 97755
the purpose of providing education technology, and that the 97756
question of such additional tax levy shall be submitted to the 97757

electors of the school district at a special election on a day to 97758
be specified in the resolution. In the case of a qualifying 97759
library levy for the support of a library association or private 97760
corporation, the question shall be submitted to the electors of 97761
the association library district. If the resolution states that 97762
the levy is for the purpose of operating a cultural center, the 97763
ballot shall state that the levy is "for the purpose of operating 97764
the (name of cultural center)." 97765

As used in this division, "cultural center" means a 97766
freestanding building, separate from a public school building, 97767
that is open to the public for educational, musical, artistic, and 97768
cultural purposes; "education technology" means, but is not 97769
limited to, computer hardware, equipment, materials, and 97770
accessories, equipment used for two-way audio or video, and 97771
software; and "general permanent improvements" means permanent 97772
improvements without regard to the limitation of division (F) of 97773
section 5705.19 of the Revised Code that the improvements be a 97774
specific improvement or a class of improvements that may be 97775
included in a single bond issue. 97776

A resolution adopted under this division shall be confined to 97777
a single purpose and shall specify the amount of the increase in 97778
rate that it is necessary to levy, the purpose of the levy, and 97779
the number of years during which the increase in rate shall be in 97780
effect. The number of years may be any number not exceeding five 97781
or, if the levy is for current expenses of the district or for 97782
general permanent improvements, for a continuing period of time. 97783

(B)(1) The board of education of a qualifying school 97784
district, by resolution, may declare that it is necessary to levy 97785
a tax in excess of the ten-mill limitation for the purpose of 97786
paying the current expenses of ~~the district and of~~ partnering 97787
community schools and, if any of the levy proceeds are so 97788
allocated, of the district. A qualifying school district that is 97789

not a municipal school district may allocate all of the levy 97790
proceeds to partnering community schools. A municipal school 97791
district shall allocate a portion of the levy proceeds to the 97792
current expenses of the district. The resolution shall declare 97793
that the question of the additional tax levy shall be submitted to 97794
the electors of the school district at a special election on a day 97795
to be specified in the resolution. The resolution shall state the 97796
purpose of the levy, the rate of the tax expressed in mills per 97797
dollar of taxable value, the number of such mills to be levied for 97798
the current expenses of the partnering community schools and the 97799
number of such mills, if any, to be levied for the current 97800
expenses of the school district, the number of years the tax will 97801
be levied, and the first year the tax will be levied. The number 97802
of years the tax may be levied may be any number not exceeding ten 97803
years, or for a continuing period of time. 97804

The levy of a tax for the current expenses of a partnering 97805
community school under this section and the distribution of 97806
proceeds from the tax by a qualifying school district to 97807
partnering community schools is hereby determined to be a proper 97808
public purpose. 97809

(2) The (a) If any portion of the levy proceeds are to be 97810
allocated to the current expenses of the qualifying school 97811
district, the form of the ballot at an election held pursuant to 97812
division (B) of this section shall be as follows: 97813

"Shall a levy be imposed by the (insert the name of 97814
the qualifying school district) for the purpose of current 97815
expenses of the school district and of partnering community 97816
schools at a rate not exceeding (insert the number of 97817
mills) mills for each one dollar of valuation, ~~of which~~ 97818
(insert the number of mills to be allocated to partnering 97819
community schools) mills is to be allocated to partnering 97820
community schools), which amounts to (insert the rate 97821

expressed in dollars and cents) for each one hundred dollars of 97822
valuation, for (insert the number of years the levy is to 97823
be imposed, or that it will be levied for a continuing period of 97824
time), beginning (insert first year the tax is to be 97825
levied), which will first be payable in calendar year 97826
(insert the first calendar year in which the tax would be 97827
payable)? 97828

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(b) If all of the levy proceeds are to be allocated to the 97831
current expenses of partnering community schools, the form of the 97832
ballot shall be as follows: 97833

"Shall a levy be imposed by the (insert the name of 97834
the qualifying school district) for the purpose of current 97835
expenses of partnering community schools at a rate not exceeding 97836
..... (insert the number of mills) mills for each one dollar of 97837
valuation which amounts to (insert the rate expressed in 97838
dollars and cents) for each one hundred dollars of valuation, for 97839
..... (insert the number of years the levy is to be imposed, or 97840
that it will be levied for a continuing period of time), beginning 97841
..... (insert first year the tax is to be levied), which will 97842
first be payable in calendar year (insert the first 97843
calendar year in which the tax would be payable)? 97844

	FOR THE TAX LEVY
	AGAINST THE TAX LEVY

"

(3) Upon each receipt of a tax distribution by the qualifying 97847
school district, the board of education shall credit the portion 97848
allocated to partnering community schools to the partnering 97849
community schools fund. All income from the investment of money in 97850
the partnering community schools fund shall be credited to that 97851
fund. 97852

(a) If the qualifying school district is a municipal school 97853

district, the board of education shall distribute the partnering 97854
community schools amount among the then qualifying community 97855
schools not more than forty-five days after the school district 97856
receives and deposits each tax distribution. From each tax 97857
distribution, each such partnering community school shall receive 97858
a portion of the partnering community schools amount in the 97859
proportion that the number of its resident students bears to the 97860
aggregate number of resident students of all such partnering 97861
community schools as of the date of receipt and deposit of the tax 97862
distribution. 97863

(b) If the qualifying school district is not a municipal 97864
school district, the board of education may distribute all or a 97865
portion of the amount in the partnering community schools fund 97866
during a fiscal year to partnering community schools ~~that were~~ 97867
~~either sponsored by the district or entered into an agreement~~ 97868
~~pursuant to division (B)(6)(b) of this section~~ on or before the 97869
first day of June of the preceding fiscal year. Each such 97870
partnering community school shall receive a portion of the amount 97871
distributed by the board from the partnering community schools 97872
fund during the fiscal year in the proportion that the number of 97873
its resident students bears to the aggregate number of resident 97874
students of all such partnering community schools as of the date 97875
the school district received and deposited the most recent tax 97876
distribution. On or before the fifteenth day of June of each 97877
fiscal year, the board of education shall announce an estimated 97878
allocation to partnering community schools for the ensuing fiscal 97879
year. The board is not required to allocate to partnering 97880
community schools the entire partnering community schools amount 97881
in the fiscal year in which a tax distribution is received and 97882
deposited in the partnering community schools fund. The estimated 97883
allocation shall be published on the web site of the school 97884
district and expressed as a dollar amount per resident student. 97885
The actual allocation to community schools in a fiscal year need 97886

not conform to the estimate published by the school district so 97887
long if the estimate was made in good faith. 97888

Distributions by a school district under division (B)(3)(b) 97889
of this section shall be made in accordance with distribution 97890
agreements entered into by the board of education and each 97891
partnering community school eligible for distributions under this 97892
division. The distribution agreements shall be certified to the 97893
department of education each fiscal year before the thirtieth day 97894
of July. Each agreement shall provide for at least three 97895
distributions by the school district to the partnering community 97896
school during the fiscal year and shall require the initial 97897
distribution be made on or before the thirtieth day of July. 97898

(c) For the purposes of division (B) of this section, the 97899
number of resident students shall be the number of such students 97900
reported under section 3317.03 of the Revised Code and established 97901
by the department of education as of the date of receipt and 97902
deposit of the tax distribution. 97903

(4) To the extent an agreement whereby the qualifying school 97904
district and a community school endorse each other's programs is 97905
necessary for the community school to qualify as a partnering 97906
community school under division (B)(6)(b) of this section, the 97907
board of education of the school district shall certify to the 97908
department of education the agreement along with the determination 97909
that such agreement satisfies the requirements of that division. 97910
The board's determination is conclusive. 97911

(5) For the purposes of Chapter 3317. of the Revised Code or 97912
other laws referring to the "taxes charged and payable" for a 97913
school district, the taxes charged and payable for a qualifying 97914
school district that levies a tax under division (B) of this 97915
section includes only the taxes charged and payable under that 97916
levy for the current expenses of the school district, and does not 97917
include the taxes charged and payable for the current expenses of 97918

partnering community schools. The taxes charged and payable for 97919
the current expenses of partnering community schools shall not 97920
affect the calculation of "state education aid" as defined in 97921
section 5751.20 of the Revised Code. 97922

(6) As used in division (B) of this section: 97923

(a) "Qualifying school district" means a municipal school 97924
district, as defined in section 3311.71 of the Revised Code or a 97925
school district that ~~has an average daily membership, as reported~~ 97926
~~under division (A) of section 3317.03 of the Revised Code, greater~~ 97927
~~than sixty thousand and the majority of the territory of which~~ 97928
~~district is located in a city with a population greater than seven~~ 97929
~~hundred thousand according to the most recent federal decennial~~ 97930
~~census~~ contains within its territory a partnering community 97931
school. 97932

(b) "Partnering community school" means a community school 97933
established under Chapter 3314. of the Revised Code that is 97934
located within the territory of the qualifying school district and 97935
~~that either~~ meets one of the following criteria: 97936

(i) If the qualifying school district is a municipal school 97937
district, the community school is sponsored by the district or is 97938
a party to an agreement with the district whereby the district and 97939
the community school endorse each other's programs; 97940

(ii) If the qualifying school district is not a municipal 97941
school district, the community school is sponsored by a sponsor 97942
that was rated as "exemplary" in the ratings most recently 97943
published under section 3314.016 of the Revised Code before the 97944
resolution proposing the levy is certified to the board of 97945
elections. 97946

(c) "Partnering community schools amount" means the product 97947
obtained, as of the receipt and deposit of the tax distribution, 97948
by multiplying the amount of a tax distribution by a fraction, the 97949

numerator of which is the number of mills per dollar of taxable 97950
value of the property tax to be allocated to partnering community 97951
schools, and the denominator of which is the total number of mills 97952
per dollar of taxable value authorized by the electors in the 97953
election held under division (B) of this section, each as set 97954
forth in the resolution levying the tax. If the resolution 97955
allocates all of the levy proceeds to partnering community 97956
schools, the "partnering schools amount" equals the amount of the 97957
tax distribution. 97958

(d) "Partnering community schools fund" means a separate fund 97959
established by the board of education of a qualifying school 97960
district for the deposit of partnering community school amounts 97961
under this section. 97962

(e) "Resident student" means a student enrolled in a 97963
partnering community school who is entitled to attend school in 97964
the qualifying school district under section 3313.64 or 3313.65 of 97965
the Revised Code. 97966

(f) "Tax distribution" means a distribution of proceeds of 97967
the tax authorized by division (B) of this section under section 97968
321.24 of the Revised Code and distributions that are attributable 97969
to that tax under sections 323.156 and 4503.068 of the Revised 97970
Code or other applicable law. 97971

(C) A resolution adopted under this section shall specify the 97972
date of holding the election, which shall not be earlier than 97973
ninety days after the adoption and certification of the resolution 97974
and which shall be consistent with the requirements of section 97975
3501.01 of the Revised Code. 97976

A resolution adopted under this section may propose to renew 97977
one or more existing levies imposed under division (A) or (B) of 97978
this section or to increase or decrease a single levy imposed 97979
under either such division. 97980

If the board of education imposes one or more existing levies 97981
for the purpose specified in division (F) of section 5705.19 of 97982
the Revised Code, the resolution may propose to renew one or more 97983
of those existing levies, or to increase or decrease a single such 97984
existing levy, for the purpose of general permanent improvements. 97985

If the resolution proposes to renew two or more existing 97986
levies, the levies shall be levied for the same purpose. The 97987
resolution shall identify those levies and the rates at which they 97988
are levied. The resolution also shall specify that the existing 97989
levies shall not be extended on the tax lists after the year 97990
preceding the year in which the renewal levy is first imposed, 97991
regardless of the years for which those levies originally were 97992
authorized to be levied. 97993

If the resolution proposes to renew an existing levy imposed 97994
under division (B) of this section, the rates allocated to the 97995
qualifying school district and to partnering community schools 97996
each may be increased or decreased or remain the same, and the 97997
total rate may be increased, decreased, or remain the same. The 97998
resolution and notice of election shall specify the number of the 97999
mills to be levied for the current expenses of the partnering 98000
community schools and the number of the mills, if any, to be 98001
levied for the current expenses of the qualifying school district. 98002

A resolution adopted under this section shall go into 98003
immediate effect upon its passage, and no publication of the 98004
resolution shall be necessary other than that provided for in the 98005
notice of election. A copy of the resolution shall immediately 98006
after its passing be certified to the board of elections of the 98007
proper county in the manner provided by section 5705.25 of the 98008
Revised Code. That section shall govern the arrangements for the 98009
submission of such question and other matters concerning the 98010
election to which that section refers, including publication of 98011
notice of the election, except that the election shall be held on 98012

the date specified in the resolution. In the case of a resolution 98013
adopted under division (B) of this section, the publication of 98014
notice of that election shall state the number of the mills, if 98015
any, to be levied for the current expenses of partnering community 98016
schools and the number of the mills to be levied for the current 98017
expenses of the qualifying school district. If a majority of the 98018
electors voting on the question so submitted in an election vote 98019
in favor of the levy, the board of education may make the 98020
necessary levy within the school district or, in the case of a 98021
qualifying library levy for the support of a library association 98022
or private corporation, within the association library district, 98023
at the additional rate, or at any lesser rate in excess of the 98024
ten-mill limitation on the tax list, for the purpose stated in the 98025
resolution. A levy for a continuing period of time may be reduced 98026
pursuant to section 5705.261 of the Revised Code. The tax levy 98027
shall be included in the next tax budget that is certified to the 98028
county budget commission. 98029

(D)(1) After the approval of a levy on the current tax list 98030
and duplicate for current expenses, for recreational purposes, for 98031
community centers provided for in section 755.16 of the Revised 98032
Code, or for a public library of the district under division (A) 98033
of this section, and prior to the time when the first tax 98034
collection from the levy can be made, the board of education may 98035
anticipate a fraction of the proceeds of the levy and issue 98036
anticipation notes in a principal amount not exceeding fifty per 98037
cent of the total estimated proceeds of the levy to be collected 98038
during the first year of the levy. 98039

(2) After the approval of a levy for general permanent 98040
improvements for a specified number of years or for permanent 98041
improvements having the purpose specified in division (F) of 98042
section 5705.19 of the Revised Code, the board of education may 98043
anticipate a fraction of the proceeds of the levy and issue 98044

anticipation notes in a principal amount not exceeding fifty per 98045
cent of the total estimated proceeds of the levy remaining to be 98046
collected in each year over a period of five years after the 98047
issuance of the notes. 98048

The notes shall be issued as provided in section 133.24 of 98049
the Revised Code, shall have principal payments during each year 98050
after the year of their issuance over a period not to exceed five 98051
years, and may have a principal payment in the year of their 98052
issuance. 98053

(3) After approval of a levy for general permanent 98054
improvements for a continuing period of time, the board of 98055
education may anticipate a fraction of the proceeds of the levy 98056
and issue anticipation notes in a principal amount not exceeding 98057
fifty per cent of the total estimated proceeds of the levy to be 98058
collected in each year over a specified period of years, not 98059
exceeding ten, after the issuance of the notes. 98060

The notes shall be issued as provided in section 133.24 of 98061
the Revised Code, shall have principal payments during each year 98062
after the year of their issuance over a period not to exceed ten 98063
years, and may have a principal payment in the year of their 98064
issuance. 98065

(4) After the approval of a levy on the current tax list and 98066
duplicate under division (B) of this section, and prior to the 98067
time when the first tax collection from the levy can be made, the 98068
board of education may anticipate a fraction of the proceeds of 98069
the levy for the current expenses of the school district and issue 98070
anticipation notes in a principal amount not exceeding fifty per 98071
cent of the estimated proceeds of the levy to be collected during 98072
the first year of the levy and allocated to the school district. 98073
The portion of the levy proceeds to be allocated to partnering 98074
community schools under that division shall not be included in the 98075
estimated proceeds anticipated under this division and shall not 98076

be used to pay debt charges on any anticipation notes. 98077

The notes shall be issued as provided in section 133.24 of 98078
the Revised Code, shall have principal payments during each year 98079
after the year of their issuance over a period not to exceed five 98080
years, and may have a principal payment in the year of their 98081
issuance. 98082

(E) The submission of questions to the electors under this 98083
section is subject to the limitation on the number of election 98084
dates established by section 5705.214 of the Revised Code. 98085

(F) The board of education of any school district that levies 98086
a tax under this section for the purpose of providing for school 98087
safety and security may report to the department of education how 98088
the district is using revenue from that tax. 98089

Sec. 5705.212. (A)(1) The board of education of any school 98090
district, at any time and by a vote of two-thirds of all of its 98091
members, may declare by resolution that the amount of taxes that 98092
may be raised within the ten-mill limitation will be insufficient 98093
to provide an adequate amount for the present and future 98094
requirements of the school district, that it is necessary to levy 98095
not more than five taxes in excess of that limitation for current 98096
expenses, and that each of the proposed taxes first will be levied 98097
in a different year, over a specified period of time. The board 98098
shall identify the taxes proposed under this section as follows: 98099
the first tax to be levied shall be called the "original tax." 98100
Each tax subsequently levied shall be called an "incremental tax." 98101
The rate of each incremental tax shall be identical, but the rates 98102
of such incremental taxes need not be the same as the rate of the 98103
original tax. The resolution also shall state that the question of 98104
these additional taxes shall be submitted to the electors of the 98105
school district at a special election. The resolution shall 98106
specify separately for each tax proposed: the amount of the 98107

increase in rate that it is necessary to levy, expressed 98108
separately for the original tax and each incremental tax; that the 98109
purpose of the levy is for current expenses; the number of years 98110
during which the original tax shall be in effect; a specification 98111
that the last year in which the original tax is in effect shall 98112
also be the last year in which each incremental tax shall be in 98113
effect; and the year in which each tax first is proposed to be 98114
levied. The original tax may be levied for any number of years not 98115
exceeding ten, or for a continuing period of time. The resolution 98116
shall specify the date of holding the special election, which 98117
shall not be earlier than ninety days after the adoption and 98118
certification of the resolution and shall be consistent with the 98119
requirements of section 3501.01 of the Revised Code. 98120

(2) The board of education, by a vote of two-thirds of all of 98121
its members, may adopt a resolution proposing to renew taxes 98122
levied other than for a continuing period of time under division 98123
(A)(1) of this section. Such a resolution shall provide for 98124
levying a tax and specify all of the following: 98125

(a) That the tax shall be called and designated on the ballot 98126
as a renewal levy; 98127

(b) The rate of the renewal tax, which shall be a single rate 98128
that combines the rate of the original tax and each incremental 98129
tax into a single rate. The rate of the renewal tax shall not 98130
exceed the aggregate rate of the original and incremental taxes. 98131

(c) The number of years, not to exceed ten, that the renewal 98132
tax will be levied, or that it will be levied for a continuing 98133
period of time; 98134

(d) That the purpose of the renewal levy is for current 98135
expenses; 98136

(e) Subject to the certification and notification 98137
requirements of section 5705.251 of the Revised Code, that the 98138

question of the renewal levy shall be submitted to the electors of 98139
the school district at the general election held during the last 98140
year the original tax may be extended on the real and public 98141
utility property tax list and duplicate or at a special election 98142
held during the ensuing year. 98143

(3) A resolution adopted under division (A)(1) or (2) of this 98144
section shall go into immediate effect upon its adoption and no 98145
publication of the resolution is necessary other than that 98146
provided for in the notice of election. Immediately after its 98147
adoption, a copy of the resolution shall be certified to the board 98148
of elections of the proper county in the manner provided by 98149
division (A) of section 5705.251 of the Revised Code, and that 98150
division shall govern the arrangements for the submission of the 98151
question and other matters concerning the election to which that 98152
section refers. The election shall be held on the date specified 98153
in the resolution. If a majority of the electors voting on the 98154
question so submitted in an election vote in favor of the taxes or 98155
a renewal tax, the board of education, if the original or a 98156
renewal tax is authorized to be levied for the current year, 98157
immediately may make the necessary levy within the school district 98158
at the authorized rate, or at any lesser rate in excess of the 98159
ten-mill limitation, for the purpose stated in the resolution. No 98160
tax shall be imposed prior to the year specified in the resolution 98161
as the year in which it is first proposed to be levied. The rate 98162
of the original tax and the rate of each incremental tax shall be 98163
cumulative, so that the aggregate rate levied in any year is the 98164
sum of the rates of both the original tax and all incremental 98165
taxes levied in or prior to that year under the same proposal. A 98166
tax levied for a continuing period of time under this section may 98167
be reduced pursuant to section 5705.261 of the Revised Code. 98168

(B) Notwithstanding section 133.30 of the Revised Code, after 98169
the approval of a tax to be levied in the current or the 98170

succeeding year and prior to the time when the first tax 98171
collection from that levy can be made, the board of education may 98172
anticipate a fraction of the proceeds of the levy and issue 98173
anticipation notes in an amount not to exceed fifty per cent of 98174
the total estimated proceeds of the levy to be collected during 98175
the first year of the levy. The notes shall be sold as provided in 98176
Chapter 133. of the Revised Code. If anticipation notes are 98177
issued, they shall mature serially and in substantially equal 98178
amounts during each year over a period not to exceed five years; 98179
and the amount necessary to pay the interest and principal as the 98180
anticipation notes mature shall be deemed appropriated for those 98181
purposes from the levy, and appropriations from the levy by the 98182
board of education shall be limited each fiscal year to the 98183
balance available in excess of that amount. 98184

If the auditor of state has certified a deficit pursuant to 98185
section 3313.483 of the Revised Code, the notes authorized under 98186
this section may be sold in accordance with Chapter 133. of the 98187
Revised Code, except that the board may sell the notes after 98188
providing a reasonable opportunity for competitive bidding. 98189

(C)(1) The board of education of a qualifying school 98190
district, at any time and by a vote of two-thirds of all its 98191
members, may declare by resolution that it is necessary to levy 98192
not more than five taxes in excess of the ten-mill limitation for 98193
the current expenses of ~~the school district and of~~ partnering 98194
community schools and, if any of the levy proceeds are so 98195
allocated, of the school district, and that each of the proposed 98196
taxes first will be levied in a different year, over a specified 98197
period of time. A qualifying school district that is not a 98198
municipal school district may allocate all of the levy proceeds to 98199
partnering community schools. A municipal school district shall 98200
allocate a portion of the levy proceeds to the current expenses of 98201
the district. The board shall identify the taxes proposed under 98202

this division in the same manner as in division (A)(1) of this 98203
section. The rate of each incremental tax shall be identical, but 98204
the rates of such incremental taxes need not be the same as the 98205
rate of the original tax. In addition to the specifications 98206
required of the resolution in division (A) of this section, the 98207
resolution shall state the number of the mills to be levied each 98208
year for the current expenses of the partnering community schools 98209
and the number of the mills, if any, to be levied each year for 98210
the current expenses of the school district. The number of mills 98211
for the current expenses of partnering community schools shall be 98212
the same for each of the incremental taxes, and the number of 98213
mills for the current expenses of the qualifying school district 98214
shall be the same for each of the incremental taxes. 98215

The levy of taxes for the current expenses of a partnering 98216
community school under division (C) of this section and the 98217
distribution of proceeds from the tax by a qualifying school 98218
district to partnering community schools is hereby determined to 98219
be a proper public purpose. 98220

(2) The board of education, by a vote of two-thirds of all of 98221
its members, may adopt a resolution proposing to renew taxes 98222
levied other than for a continuing period of time under division 98223
(C)(1) of this section. In such a renewal levy, the rates 98224
allocated to the qualifying school district and to partnering 98225
community schools each may be increased or decreased or remain the 98226
same, and the total rate may be increased, decreased, or remain 98227
the same. In addition to the requirements of division (A)(2) of 98228
this section, the resolution shall state the number of the mills 98229
to be levied for the current expenses of the partnering community 98230
schools and the number of the mills to be levied for the current 98231
expenses of the school district. 98232

(3) A resolution adopted under division (C)(1) or (2) of this 98233
section is subject to the rules and procedures prescribed by 98234

division (A)(3) of this section. 98235

(4) The proceeds of each tax levied under division (C)(1) or 98236
(2) of this section shall be credited and distributed in the 98237
manner prescribed by division (B)(3) of section 5705.21 of the 98238
Revised Code, and divisions (B)(4), (5), and (6) of that section 98239
apply to taxes levied under division (C) of this section. 98240

(5) Notwithstanding section 133.30 of the Revised Code, after 98241
the approval of a tax to be levied under division (C)(1) or (2) of 98242
this section, in the current or succeeding year and prior to the 98243
time when the first tax collection from that levy can be made, the 98244
board of education may anticipate a fraction of the proceeds of 98245
the levy for the current expenses of the qualifying school 98246
district and issue anticipation notes in a principal amount not 98247
exceeding fifty per cent of the estimated proceeds of the levy to 98248
be collected during the first year of the levy and allocated to 98249
the school district. The portion of levy proceeds to be allocated 98250
to partnering community schools shall not be included in the 98251
estimated proceeds anticipated under this division and shall not 98252
be used to pay debt charges on any anticipation notes. 98253

The notes shall be sold as provided in Chapter 133. of the 98254
Revised Code. If anticipation notes are issued, they shall mature 98255
serially and in substantially equal amounts during each year over 98256
a period not to exceed five years. The amount necessary to pay the 98257
interest and principal as the anticipation notes mature shall be 98258
deemed appropriated for those purposes from the levy, and 98259
appropriations from the levy by the board of education shall be 98260
limited each fiscal year to the balance available in excess of 98261
that amount. 98262

If the auditor of state has certified a deficit pursuant to 98263
section 3313.483 of the Revised Code, the notes authorized under 98264
this section may be sold in accordance with Chapter 133. of the 98265
Revised Code, except that the board may sell the notes after 98266

providing a reasonable opportunity for competitive bidding. 98267

As used in division (C) of this section, "qualifying school 98268
district" and "partnering community schools" have the same 98269
meanings as in section 5705.21 of the Revised Code. 98270

(D) The submission of questions to the electors under this 98271
section is subject to the limitation on the number of election 98272
dates established by section 5705.214 of the Revised Code. 98273

Sec. 5705.214. Not more than three elections during any 98274
calendar year shall include the questions by a school district of 98275
tax levies proposed under any one or any combination of the 98276
following sections: sections 5705.194, 5705.199, 5705.21, 98277
5705.212, 5705.213, 5705.217, 5705.218, 5705.219, 5705.2112, and 98278
5748.09 of the Revised Code. 98279

Sec. 5705.2112. (A) As used in this section: 98280

(1) "Qualifying partnership" has the same meaning as in 98281
section 3318.71 of the Revised Code. 98282

(2) "Fiscal board" means the board of education of the school 98283
district that is selected as the fiscal agent of a qualifying 98284
partnership under division (D) of section 3318.71 of the Revised 98285
Code. 98286

(3) "Participating school district" means a city, local, 98287
exempted village, cooperative education, or joint vocational 98288
school district that is a party to the qualifying partnership 98289
agreement described in section 3318.71 of the Revised Code. 98290

(4) "Tax distribution" means a distribution of proceeds of 98291
the tax authorized by this section under section 321.24 of the 98292
Revised Code and distributions that are attributable to that tax 98293
under sections 323.156 and 4503.068 of the Revised Code or other 98294
applicable law. 98295

(5) "Acquisition of classroom facilities" has the same meaning as in section 3318.01 of the Revised Code. 98296
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(B) The fiscal board of a qualifying partnership may levy a tax under this section in excess of the ten-mill limitation for the purpose of funding the acquisition of classroom facilities that benefit the qualifying partnership. The tax is subject to the approval of the electors of all participating school districts. Before proposing the tax to such electors, the fiscal board shall obtain identical resolutions adopted by two-thirds of the members of the board of education of each participating school district. The resolutions shall specify all of the following: 98298
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(1) The rate of the levy; 98307

(2) The purpose of the levy, which shall be confined to the acquisition of classroom facilities; 98308
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(3) The number of years during which the levy shall be in effect, which shall be for any number of years not exceeding ten; 98310
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(4) That the question of the levy shall be submitted to the electors of each participating school district at a special election; 98312
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(5) The date that such special election shall be held, which shall not be earlier than ninety days after the resolutions are certified to the board or boards of elections under division (C) of this section and which shall be consistent with the requirements of section 3501.01 of the Revised Code. 98315
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(C) A resolution adopted under division (B) of this section shall go into immediate effect upon its passage, and no publication of the resolution shall be necessary other than that provided for in the notice of election. Upon passing such a resolution, the board of education of a participating school district shall certify a copy of the resolution to the fiscal board of the qualifying partnership. Once the fiscal board 98320
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receives an identical resolution from each participating school district, the fiscal board shall certify copies of such resolutions to the board of elections of the proper county or counties in the manner provided by section 5705.25 of the Revised Code. That section shall govern the arrangements for the submission of the levy to the electors of each participating school district and other matters concerning the election to which that section refers, including publication of notice of the election, except that the election shall be held on the date specified in the resolutions and the notice shall be published in newspapers of general circulation in all the participating school districts. 98327
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The question of the levy shall be submitted as a single ballot issue to the electors of all the participating school districts. If a majority of all such electors voting on the question so submitted in the election vote in favor of the levy, the fiscal board may make the necessary levy within the territory of the participating school districts at the additional rate, or at any lesser rate in excess of the ten-mill limitation on the tax list, for the purpose stated in the resolutions. 98339
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The submission of questions to the electors under this section is subject to the limitation on the number of election dates established by section 5705.214 of the Revised Code. 98347
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(D) Each tax distribution shall be deposited to a special fund, established for the purposes described in the resolutions proposing the tax levy, in the county treasury of the county in which the fiscal board of the qualifying partnership is located. The fiscal board shall be the custodian of the amounts deposited to such fund and shall have the same rights and responsibilities with respect to the fund as boards of education do with respect to other levy revenues. 98350
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(E) The levy of a tax under this section for the purpose of 98358

funding the acquisition of classroom facilities benefiting a 98359
qualifying partnership is hereby determined to be a proper public 98360
purpose. For the purposes of Chapter 3317. of the Revised Code or 98361
other laws referring to the "taxes charged and payable" for a 98362
school district, the taxes charged and payable for a levy 98363
authorized under this section are not included in the taxes 98364
charged and payable for any participating school district. The 98365
taxes charged and payable for a levy authorized under this section 98366
shall not affect the calculation of "state education aid," as 98367
defined in section 5751.20 of the Revised Code, for any 98368
participating school district. 98369

(F)(1) After the approval of a levy under this section for a 98370
specified number of years, the fiscal board of a qualifying 98371
partnership may anticipate a fraction of the proceeds of the levy 98372
and issue anticipation notes in a principal amount not exceeding 98373
fifty per cent of the total estimated proceeds of the levy 98374
remaining to be collected in each year over a period of five years 98375
after the issuance of the notes. 98376

The notes shall be issued as provided in section 133.24 of 98377
the Revised Code, shall have principal payments during each year 98378
after the year of their issuance over a period not to exceed five 98379
years, and may have a principal payment in the year of their 98380
issuance. 98381

(2) The fiscal board of a qualifying partnership is a "taxing 98382
authority" for the purposes of Chapter 133. of the Revised Code 98383
with respect to the tax and securities authorized under this 98384
section, and the treasurer of the school district serving as the 98385
fiscal board is the fiscal officer for the purposes of that 98386
chapter. 98387

Sec. 5705.34. When the budget commission has completed its 98388
work with respect to a tax budget or other information required to 98389

be provided under section 5705.281 of the Revised Code, it shall 98390
certify its action to the taxing authority, together with an 98391
estimate by the county auditor of the rate of each tax necessary 98392
to be levied by the taxing authority within its subdivision, 98393
taxing unit, or, in the case of a qualifying library levy, within 98394
the library district or association library district, and what 98395
part thereof is in excess of, and what part within, the ten-mill 98396
tax limitation. The certification shall also indicate the date on 98397
which each tax levied by the taxing authority will expire. 98398

If a taxing authority levies a tax for a fixed sum of money 98399
or to pay debt charges for the tax year for which the tax budget 98400
is prepared, and a payment on account of that tax is payable to 98401
the taxing authority for the tax year under section ~~5727.85,~~ 98402
~~5727.86, 5751.21, or 5751.22~~ 5709.92, 5709.93, or 5709.94 of the 98403
Revised Code, the county auditor, when estimating the rate at 98404
which the tax shall be levied in the current year, shall estimate 98405
the rate necessary to raise the required sum less the estimated 98406
amount of any payments made for the tax year to a taxing unit for 98407
fixed-sum levies under those sections. The estimated rate shall be 98408
the rate of the levy that the budget commission certifies with its 98409
action under this section. 98410

Each taxing authority, by ordinance or resolution, shall 98411
authorize the necessary tax levies and certify them to the county 98412
auditor before the first day of October in each year, or at such 98413
later date as is approved by the tax commissioner, except that the 98414
certification by the legislative authority of the city of 98415
Cincinnati or by a board of education shall be made by the first 98416
day of April or at such later date as is approved by the 98417
commissioner, and except that a township board of park 98418
commissioners that is appointed by the board of township trustees 98419
and oversees a township park district that contains only 98420
unincorporated territory shall authorize only those taxes approved 98421

by, and only at the rate approved by, the board of township trustees as required by division (C) of section 511.27 of the Revised Code. If the levying of a tax to be placed on the duplicate of the current year is approved by electors under sections 5705.01 to 5705.47 of the Revised Code; if the rate of a school district tax is increased due to the repeal of a school district income tax and property tax rate reduction at an election held pursuant to section 5748.04 of the Revised Code; or if refunding bonds to refund all or a part of the principal of bonds payable from a tax levy for the ensuing fiscal year are issued or sold and in the process of delivery, the budget commission shall reconsider and revise its action on the budget of the subdivision or school library district for whose benefit the tax is to be levied after the returns of such election are fully canvassed, or after the issuance or sale of such refunding bonds is certified to it.

Sec. 5709.17. The following property shall be exempted from taxation:

(A) Real estate held or occupied by an association or corporation, organized or incorporated under the laws of this state relative to soldiers' memorial associations, monumental building associations, or cemetery associations or corporations, which in the opinion of the trustees, directors, or managers thereof is necessary and proper to carry out the object intended for such association or corporation;

(B) Real estate and tangible personal property held or occupied by a veterans' organization that qualifies for exemption from taxation under section 501(c)(19) or 501(c)(23) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, and is incorporated under the laws of this state or the United States, except real estate held by such an organization for

the production of rental income in excess of thirty-six thousand 98453
dollars in a tax year, before accounting for any cost or expense 98454
incurred in the production of such income. For the purposes of 98455
this division, rental income includes only income arising directly 98456
from renting the real estate to others for consideration. 98457

(C) Tangible personal property held by a corporation 98458
chartered under 112 Stat. 1335, 36 U.S.C.A. 40701, described in 98459
section 501(c)(3) of the Internal Revenue Code, and exempt from 98460
taxation under section 501(a) of the Internal Revenue Code shall 98461
be exempt from taxation if it is property obtained as described in 98462
112 Stat. 1335-1341, 36 U.S.C.A. Chapter 407. 98463

(D) Real estate held or occupied by a fraternal organization 98464
and used primarily for meetings of and the administration of the 98465
fraternal organization, ~~except~~ or for providing, on a 98466
not-for-profit basis, educational or health services real estate 98467
held by such an organization for the production of rental income 98468
in excess of thirty-six thousand dollars in a tax year, before 98469
accounting for any cost or expense incurred in the production of 98470
such income. As used in this division, "rental income" has the 98471
same meaning as in division (B) of this section, and "fraternal 98472
organization" means a domestic fraternal society, order, or 98473
association operating under the lodge, council, or grange system 98474
that qualifies for exemption from taxation under section 98475
501(c)(5), 501(c)(8), or 501(c)(10) of the "Internal Revenue Code 98476
of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended; that provides 98477
financial support for charitable purposes, as defined in division 98478
(B)(12) of section 5739.02 of the Revised Code; and that has been 98479
operating in this state with a state governing body for at least 98480
eighty-five years. 98481

Sec. 5709.62. (A) In any municipal corporation that is 98482
defined by the United States office of management and budget as a 98483

principal city of a metropolitan statistical area, the legislative 98484
authority of the municipal corporation may designate one or more 98485
areas within its municipal corporation as proposed enterprise 98486
zones. Upon designating an area, the legislative authority shall 98487
petition the director of development services for certification of 98488
the area as having the characteristics set forth in division 98489
(A)(1) of section 5709.61 of the Revised Code as amended by 98490
Substitute Senate Bill No. 19 of the 120th general assembly. 98491
Except as otherwise provided in division (E) of this section, on 98492
and after July 1, 1994, legislative authorities shall not enter 98493
into agreements under this section unless the legislative 98494
authority has petitioned the director and the director has 98495
certified the zone under this section as amended by that act; 98496
however, all agreements entered into under this section as it 98497
existed prior to July 1, 1994, and the incentives granted under 98498
those agreements shall remain in effect for the period agreed to 98499
under those agreements. Within sixty days after receiving such a 98500
petition, the director shall determine whether the area has the 98501
characteristics set forth in division (A)(1) of section 5709.61 of 98502
the Revised Code, and shall forward the findings to the 98503
legislative authority of the municipal corporation. If the 98504
director certifies the area as having those characteristics, and 98505
thereby certifies it as a zone, the legislative authority may 98506
enter into an agreement with an enterprise under division (C) of 98507
this section. 98508

(B) Any enterprise that wishes to enter into an agreement 98509
with a municipal corporation under division (C) of this section 98510
shall submit a proposal to the legislative authority of the 98511
municipal corporation on a form prescribed by the director of 98512
development services, together with the application fee 98513
established under section 5709.68 of the Revised Code. The form 98514
shall require the following information: 98515

(1) An estimate of the number of new employees whom the enterprise intends to hire, or of the number of employees whom the enterprise intends to retain, within the zone at a facility that is a project site, and an estimate of the amount of payroll of the enterprise attributable to these employees;

(2) An estimate of the amount to be invested by the enterprise to establish, expand, renovate, or occupy a facility, including investment in new buildings, additions or improvements to existing buildings, machinery, equipment, furniture, fixtures, and inventory;

(3) A listing of the enterprise's current investment, if any, in a facility as of the date of the proposal's submission.

The enterprise shall review and update the listings required under this division to reflect material changes, and any agreement entered into under division (C) of this section shall set forth final estimates and listings as of the time the agreement is entered into. The legislative authority may, on a separate form and at any time, require any additional information necessary to determine whether an enterprise is in compliance with an agreement and to collect the information required to be reported under section 5709.68 of the Revised Code.

(C) Upon receipt and investigation of a proposal under division (B) of this section, if the legislative authority finds that the enterprise submitting the proposal is qualified by financial responsibility and business experience to create and preserve employment opportunities in the zone and improve the economic climate of the municipal corporation, the legislative authority, on or before October 15, ~~2015~~ 2017, may do one of the following:

(1) Enter into an agreement with the enterprise under which the enterprise agrees to establish, expand, renovate, or occupy a

facility and hire new employees, or preserve employment 98547
opportunities for existing employees, in return for one or more of 98548
the following incentives: 98549

(a) Exemption for a specified number of years, not to exceed 98550
fifteen, of a specified portion, up to seventy-five per cent, of 98551
the assessed value of tangible personal property first used in 98552
business at the project site as a result of the agreement. If an 98553
exemption for inventory is specifically granted in the agreement 98554
pursuant to this division, the exemption applies to inventory 98555
required to be listed pursuant to sections 5711.15 and 5711.16 of 98556
the Revised Code, except that, in the instance of an expansion or 98557
other situations in which an enterprise was in business at the 98558
facility prior to the establishment of the zone, the inventory 98559
that is exempt is that amount or value of inventory in excess of 98560
the amount or value of inventory required to be listed in the 98561
personal property tax return of the enterprise in the return for 98562
the tax year in which the agreement is entered into. 98563

(b) Exemption for a specified number of years, not to exceed 98564
fifteen, of a specified portion, up to seventy-five per cent, of 98565
the increase in the assessed valuation of real property 98566
constituting the project site subsequent to formal approval of the 98567
agreement by the legislative authority; 98568

(c) Provision for a specified number of years, not to exceed 98569
fifteen, of any optional services or assistance that the municipal 98570
corporation is authorized to provide with regard to the project 98571
site. 98572

(2) Enter into an agreement under which the enterprise agrees 98573
to remediate an environmentally contaminated facility, to spend an 98574
amount equal to at least two hundred fifty per cent of the true 98575
value in money of the real property of the facility prior to 98576
remediation as determined for the purposes of property taxation to 98577
establish, expand, renovate, or occupy the remediated facility, 98578

and to hire new employees or preserve employment opportunities for 98579
existing employees at the remediated facility, in return for one 98580
or more of the following incentives: 98581

(a) Exemption for a specified number of years, not to exceed 98582
fifteen, of a specified portion, not to exceed fifty per cent, of 98583
the assessed valuation of the real property of the facility prior 98584
to remediation; 98585

(b) Exemption for a specified number of years, not to exceed 98586
fifteen, of a specified portion, not to exceed one hundred per 98587
cent, of the increase in the assessed valuation of the real 98588
property of the facility during or after remediation; 98589

(c) The incentive under division (C)(1)(a) of this section, 98590
except that the percentage of the assessed value of such property 98591
exempted from taxation shall not exceed one hundred per cent; 98592

(d) The incentive under division (C)(1)(c) of this section. 98593

(3) Enter into an agreement with an enterprise that plans to 98594
purchase and operate a large manufacturing facility that has 98595
ceased operation or announced its intention to cease operation, in 98596
return for exemption for a specified number of years, not to 98597
exceed fifteen, of a specified portion, up to one hundred per 98598
cent, of the assessed value of tangible personal property used in 98599
business at the project site as a result of the agreement, or of 98600
the assessed valuation of real property constituting the project 98601
site, or both. 98602

(D)(1) Notwithstanding divisions (C)(1)(a) and (b) of this 98603
section, the portion of the assessed value of tangible personal 98604
property or of the increase in the assessed valuation of real 98605
property exempted from taxation under those divisions may exceed 98606
seventy-five per cent in any year for which that portion is 98607
exempted if the average percentage exempted for all years in which 98608
the agreement is in effect does not exceed sixty per cent, or if 98609

the board of education of the city, local, or exempted village 98610
school district within the territory of which the property is or 98611
will be located approves a percentage in excess of seventy-five 98612
per cent. 98613

(2) Notwithstanding any provision of the Revised Code to the 98614
contrary, the exemptions described in divisions (C)(1)(a), (b), 98615
and (c), (C)(2)(a), (b), and (c), and (C)(3) of this section may 98616
be for up to fifteen years if the board of education of the city, 98617
local, or exempted village school district within the territory of 98618
which the property is or will be located approves a number of 98619
years in excess of ten. 98620

(3) For the purpose of obtaining the approval of a city, 98621
local, or exempted village school district under division (D)(1) 98622
or (2) of this section, the legislative authority shall deliver to 98623
the board of education a notice not later than forty-five days 98624
prior to approving the agreement, excluding Saturdays, Sundays, 98625
and legal holidays as defined in section 1.14 of the Revised Code. 98626
The notice shall state the percentage to be exempted, an estimate 98627
of the true value of the property to be exempted, and the number 98628
of years the property is to be exempted. The board of education, 98629
by resolution adopted by a majority of the board, shall approve or 98630
disapprove the agreement and certify a copy of the resolution to 98631
the legislative authority not later than fourteen days prior to 98632
the date stipulated by the legislative authority as the date upon 98633
which approval of the agreement is to be formally considered by 98634
the legislative authority. The board of education may include in 98635
the resolution conditions under which the board would approve the 98636
agreement, including the execution of an agreement to compensate 98637
the school district under division (B) of section 5709.82 of the 98638
Revised Code. The legislative authority may approve the agreement 98639
at any time after the board of education certifies its resolution 98640
approving the agreement to the legislative authority, or, if the 98641

board approves the agreement conditionally, at any time after the 98642
conditions are agreed to by the board and the legislative 98643
authority. 98644

If a board of education has adopted a resolution waiving its 98645
right to approve agreements and the resolution remains in effect, 98646
approval of an agreement by the board is not required under this 98647
division. If a board of education has adopted a resolution 98648
allowing a legislative authority to deliver the notice required 98649
under this division fewer than forty-five business days prior to 98650
the legislative authority's approval of the agreement, the 98651
legislative authority shall deliver the notice to the board not 98652
later than the number of days prior to such approval as prescribed 98653
by the board in its resolution. If a board of education adopts a 98654
resolution waiving its right to approve agreements or shortening 98655
the notification period, the board shall certify a copy of the 98656
resolution to the legislative authority. If the board of education 98657
rescinds such a resolution, it shall certify notice of the 98658
rescission to the legislative authority. 98659

(4) The legislative authority shall comply with section 98660
5709.83 of the Revised Code unless the board of education has 98661
adopted a resolution under that section waiving its right to 98662
receive such notice. 98663

(E) This division applies to zones certified by the director 98664
of development services under this section prior to July 22, 1994. 98665

On or before October 15, ~~2015~~ 2017, the legislative authority 98666
that designated a zone to which this division applies may enter 98667
into an agreement with an enterprise if the legislative authority 98668
finds that the enterprise satisfies one of the criteria described 98669
in divisions (E)(1) to (5) of this section: 98670

(1) The enterprise currently has no operations in this state 98671
and, subject to approval of the agreement, intends to establish 98672

operations in the zone; 98673

(2) The enterprise currently has operations in this state 98674
and, subject to approval of the agreement, intends to establish 98675
operations at a new location in the zone that would not result in 98676
a reduction in the number of employee positions at any of the 98677
enterprise's other locations in this state; 98678

(3) The enterprise, subject to approval of the agreement, 98679
intends to relocate operations, currently located in another 98680
state, to the zone; 98681

(4) The enterprise, subject to approval of the agreement, 98682
intends to expand operations at an existing site in the zone that 98683
the enterprise currently operates; 98684

(5) The enterprise, subject to approval of the agreement, 98685
intends to relocate operations, currently located in this state, 98686
to the zone, and the director of development services has issued a 98687
waiver for the enterprise under division (B) of section 5709.633 98688
of the Revised Code. 98689

The agreement shall require the enterprise to agree to 98690
establish, expand, renovate, or occupy a facility in the zone and 98691
hire new employees, or preserve employment opportunities for 98692
existing employees, in return for one or more of the incentives 98693
described in division (C) of this section. 98694

(F) All agreements entered into under this section shall be 98695
in the form prescribed under section 5709.631 of the Revised Code. 98696
After an agreement is entered into under this section, if the 98697
legislative authority revokes its designation of a zone, or if the 98698
director of development services revokes a zone's certification, 98699
any entitlements granted under the agreement shall continue for 98700
the number of years specified in the agreement. 98701

(G) Except as otherwise provided in this division, an 98702
agreement entered into under this section shall require that the 98703

enterprise pay an annual fee equal to the greater of one per cent 98704
of the dollar value of incentives offered under the agreement or 98705
five hundred dollars; provided, however, that if the value of the 98706
incentives exceeds two hundred fifty thousand dollars, the fee 98707
shall not exceed two thousand five hundred dollars. The fee shall 98708
be payable to the legislative authority once per year for each 98709
year the agreement is effective on the days and in the form 98710
specified in the agreement. Fees paid shall be deposited in a 98711
special fund created for such purpose by the legislative authority 98712
and shall be used by the legislative authority exclusively for the 98713
purpose of complying with section 5709.68 of the Revised Code and 98714
by the tax incentive review council created under section 5709.85 98715
of the Revised Code exclusively for the purposes of performing the 98716
duties prescribed under that section. The legislative authority 98717
may waive or reduce the amount of the fee charged against an 98718
enterprise, but such a waiver or reduction does not affect the 98719
obligations of the legislative authority or the tax incentive 98720
review council to comply with section 5709.68 or 5709.85 of the 98721
Revised Code. 98722

(H) When an agreement is entered into pursuant to this 98723
section, the legislative authority authorizing the agreement shall 98724
forward a copy of the agreement to the director of development 98725
services and to the tax commissioner within fifteen days after the 98726
agreement is entered into. If any agreement includes terms not 98727
provided for in section 5709.631 of the Revised Code affecting the 98728
revenue of a city, local, or exempted village school district or 98729
causing revenue to be forgone by the district, including any 98730
compensation to be paid to the school district pursuant to section 98731
5709.82 of the Revised Code, those terms also shall be forwarded 98732
in writing to the director of development services along with the 98733
copy of the agreement forwarded under this division. 98734

(I) After an agreement is entered into, the enterprise shall 98735

file with each personal property tax return required to be filed, 98736
or annual report required to be filed under section 5727.08 of the 98737
Revised Code, while the agreement is in effect, an informational 98738
return, on a form prescribed by the tax commissioner for that 98739
purpose, setting forth separately the property, and related costs 98740
and values, exempted from taxation under the agreement. 98741

(J) Enterprises may agree to give preference to residents of 98742
the zone within which the agreement applies relative to residents 98743
of this state who do not reside in the zone when hiring new 98744
employees under the agreement. 98745

(K) An agreement entered into under this section may include 98746
a provision requiring the enterprise to create one or more 98747
temporary internship positions for students enrolled in a course 98748
of study at a school or other educational institution in the 98749
vicinity, and to create a scholarship or provide another form of 98750
educational financial assistance for students holding such a 98751
position in exchange for the student's commitment to work for the 98752
enterprise at the completion of the internship. 98753

(L) The tax commissioner's authority in determining the 98754
accuracy of any exemption granted by an agreement entered into 98755
under this section is limited to divisions (C)(1)(a) and (b), 98756
(C)(2)(a), (b), and (c), (C)(3), (D), and (I) of this section and 98757
divisions (B)(1) to (10) of section 5709.631 of the Revised Code 98758
and, as authorized by law, to enforcing any modification to, or 98759
revocation of, that agreement by the legislative authority of a 98760
municipal corporation or the director of development services. 98761

Sec. 5709.63. (A) With the consent of the legislative 98762
authority of each affected municipal corporation or of a board of 98763
township trustees, a board of county commissioners may, in the 98764
manner set forth in section 5709.62 of the Revised Code, designate 98765
one or more areas in one or more municipal corporations or in 98766

unincorporated areas of the county as proposed enterprise zones. A 98767
board of county commissioners may designate no more than one area 98768
within a township, or within adjacent townships, as a proposed 98769
enterprise zone. The board shall petition the director of 98770
development services for certification of the area as having the 98771
characteristics set forth in division (A)(1) or (2) of section 98772
5709.61 of the Revised Code as amended by Substitute Senate Bill 98773
No. 19 of the 120th general assembly. Except as otherwise provided 98774
in division (D) of this section, on and after July 1, 1994, boards 98775
of county commissioners shall not enter into agreements under this 98776
section unless the board has petitioned the director and the 98777
director has certified the zone under this section as amended by 98778
that act; however, all agreements entered into under this section 98779
as it existed prior to July 1, 1994, and the incentives granted 98780
under those agreements shall remain in effect for the period 98781
agreed to under those agreements. The director shall make the 98782
determination in the manner provided under section 5709.62 of the 98783
Revised Code. 98784

Any enterprise wishing to enter into an agreement with the 98785
board under division (B) or (D) of this section shall submit a 98786
proposal to the board on the form and accompanied by the 98787
application fee prescribed under division (B) of section 5709.62 98788
of the Revised Code. The enterprise shall review and update the 98789
estimates and listings required by the form in the manner required 98790
under that division. The board may, on a separate form and at any 98791
time, require any additional information necessary to determine 98792
whether an enterprise is in compliance with an agreement and to 98793
collect the information required to be reported under section 98794
5709.68 of the Revised Code. 98795

(B) If the board of county commissioners finds that an 98796
enterprise submitting a proposal is qualified by financial 98797
responsibility and business experience to create and preserve 98798

employment opportunities in the zone and to improve the economic 98799
climate of the municipal corporation or municipal corporations or 98800
the unincorporated areas in which the zone is located and to which 98801
the proposal applies, the board, on or before October 15, ~~2015~~ 98802
2017, and with the consent of the legislative authority of each 98803
affected municipal corporation or of the board of township 98804
trustees may do either of the following: 98805

(1) Enter into an agreement with the enterprise under which 98806
the enterprise agrees to establish, expand, renovate, or occupy a 98807
facility in the zone and hire new employees, or preserve 98808
employment opportunities for existing employees, in return for the 98809
following incentives: 98810

(a) When the facility is located in a municipal corporation, 98811
the board may enter into an agreement for one or more of the 98812
incentives provided in division (C) of section 5709.62 of the 98813
Revised Code, subject to division (D) of that section; 98814

(b) When the facility is located in an unincorporated area, 98815
the board may enter into an agreement for one or more of the 98816
following incentives: 98817

(i) Exemption for a specified number of years, not to exceed 98818
fifteen, of a specified portion, up to sixty per cent, of the 98819
assessed value of tangible personal property first used in 98820
business at a project site as a result of the agreement. If an 98821
exemption for inventory is specifically granted in the agreement 98822
pursuant to this division, the exemption applies to inventory 98823
required to be listed pursuant to sections 5711.15 and 5711.16 of 98824
the Revised Code, except, in the instance of an expansion or other 98825
situations in which an enterprise was in business at the facility 98826
prior to the establishment of the zone, the inventory that is 98827
exempt is that amount or value of inventory in excess of the 98828
amount or value of inventory required to be listed in the personal 98829
property tax return of the enterprise in the return for the tax 98830

year in which the agreement is entered into. 98831

(ii) Exemption for a specified number of years, not to exceed 98832
fifteen, of a specified portion, up to sixty per cent, of the 98833
increase in the assessed valuation of real property constituting 98834
the project site subsequent to formal approval of the agreement by 98835
the board; 98836

(iii) Provision for a specified number of years, not to 98837
exceed fifteen, of any optional services or assistance the board 98838
is authorized to provide with regard to the project site; 98839

(iv) The incentive described in division (C)(2) of section 98840
5709.62 of the Revised Code. 98841

(2) Enter into an agreement with an enterprise that plans to 98842
purchase and operate a large manufacturing facility that has 98843
ceased operation or has announced its intention to cease 98844
operation, in return for exemption for a specified number of 98845
years, not to exceed fifteen, of a specified portion, up to one 98846
hundred per cent, of tangible personal property used in business 98847
at the project site as a result of the agreement, or of real 98848
property constituting the project site, or both. 98849

(C)(1)(a) Notwithstanding divisions (B)(1)(b)(i) and (ii) of 98850
this section, the portion of the assessed value of tangible 98851
personal property or of the increase in the assessed valuation of 98852
real property exempted from taxation under those divisions may 98853
exceed sixty per cent in any year for which that portion is 98854
exempted if the average percentage exempted for all years in which 98855
the agreement is in effect does not exceed fifty per cent, or if 98856
the board of education of the city, local, or exempted village 98857
school district within the territory of which the property is or 98858
will be located approves a percentage in excess of sixty per cent. 98859

(b) Notwithstanding any provision of the Revised Code to the 98860
contrary, the exemptions described in divisions (B)(1)(b)(i), 98861

(ii), (iii), and (iv) and (B)(2) of this section may be for up to 98862
fifteen years if the board of education of the city, local, or 98863
exempted village school district within the territory of which the 98864
property is or will be located approves a number of years in 98865
excess of ten. 98866

(c) For the purpose of obtaining the approval of a city, 98867
local, or exempted village school district under division 98868
(C)(1)(a) or (b) of this section, the board of county 98869
commissioners shall deliver to the board of education a notice not 98870
later than forty-five days prior to approving the agreement, 98871
excluding Saturdays, Sundays, and legal holidays as defined in 98872
section 1.14 of the Revised Code. The notice shall state the 98873
percentage to be exempted, an estimate of the true value of the 98874
property to be exempted, and the number of years the property is 98875
to be exempted. The board of education, by resolution adopted by a 98876
majority of the board, shall approve or disapprove the agreement 98877
and certify a copy of the resolution to the board of county 98878
commissioners not later than fourteen days prior to the date 98879
stipulated by the board of county commissioners as the date upon 98880
which approval of the agreement is to be formally considered by 98881
the board of county commissioners. The board of education may 98882
include in the resolution conditions under which the board would 98883
approve the agreement, including the execution of an agreement to 98884
compensate the school district under division (B) of section 98885
5709.82 of the Revised Code. The board of county commissioners may 98886
approve the agreement at any time after the board of education 98887
certifies its resolution approving the agreement to the board of 98888
county commissioners, or, if the board of education approves the 98889
agreement conditionally, at any time after the conditions are 98890
agreed to by the board of education and the board of county 98891
commissioners. 98892

If a board of education has adopted a resolution waiving its 98893

right to approve agreements and the resolution remains in effect, 98894
approval of an agreement by the board of education is not required 98895
under division (C) of this section. If a board of education has 98896
adopted a resolution allowing a board of county commissioners to 98897
deliver the notice required under this division fewer than 98898
forty-five business days prior to approval of the agreement by the 98899
board of county commissioners, the board of county commissioners 98900
shall deliver the notice to the board of education not later than 98901
the number of days prior to such approval as prescribed by the 98902
board of education in its resolution. If a board of education 98903
adopts a resolution waiving its right to approve agreements or 98904
shortening the notification period, the board of education shall 98905
certify a copy of the resolution to the board of county 98906
commissioners. If the board of education rescinds such a 98907
resolution, it shall certify notice of the rescission to the board 98908
of county commissioners. 98909

(2) The board of county commissioners shall comply with 98910
section 5709.83 of the Revised Code unless the board of education 98911
has adopted a resolution under that section waiving its right to 98912
receive such notice. 98913

(D) This division applies to zones certified by the director 98914
of development services under this section prior to July 22, 1994. 98915

On or before October 15, ~~2015~~ 2017, and with the consent of 98916
the legislative authority of each affected municipal corporation 98917
or board of township trustees of each affected township, the board 98918
of county commissioners that designated a zone to which this 98919
division applies may enter into an agreement with an enterprise if 98920
the board finds that the enterprise satisfies one of the criteria 98921
described in divisions (D)(1) to (5) of this section: 98922

(1) The enterprise currently has no operations in this state 98923
and, subject to approval of the agreement, intends to establish 98924
operations in the zone; 98925

(2) The enterprise currently has operations in this state 98926
and, subject to approval of the agreement, intends to establish 98927
operations at a new location in the zone that would not result in 98928
a reduction in the number of employee positions at any of the 98929
enterprise's other locations in this state; 98930

(3) The enterprise, subject to approval of the agreement, 98931
intends to relocate operations, currently located in another 98932
state, to the zone; 98933

(4) The enterprise, subject to approval of the agreement, 98934
intends to expand operations at an existing site in the zone that 98935
the enterprise currently operates; 98936

(5) The enterprise, subject to approval of the agreement, 98937
intends to relocate operations, currently located in this state, 98938
to the zone, and the director of development services has issued a 98939
waiver for the enterprise under division (B) of section 5709.633 98940
of the Revised Code. 98941

The agreement shall require the enterprise to agree to 98942
establish, expand, renovate, or occupy a facility in the zone and 98943
hire new employees, or preserve employment opportunities for 98944
existing employees, in return for one or more of the incentives 98945
described in division (B) of this section. 98946

(E) All agreements entered into under this section shall be 98947
in the form prescribed under section 5709.631 of the Revised Code. 98948
After an agreement under this section is entered into, if the 98949
board of county commissioners revokes its designation of a zone, 98950
or if the director of development services revokes a zone's 98951
certification, any entitlements granted under the agreement shall 98952
continue for the number of years specified in the agreement. 98953

(F) Except as otherwise provided in this division, an 98954
agreement entered into under this section shall require that the 98955
enterprise pay an annual fee equal to the greater of one per cent 98956

of the dollar value of incentives offered under the agreement or 98957
five hundred dollars; provided, however, that if the value of the 98958
incentives exceeds two hundred fifty thousand dollars, the fee 98959
shall not exceed two thousand five hundred dollars. The fee shall 98960
be payable to the board of county commissioners once per year for 98961
each year the agreement is effective on the days and in the form 98962
specified in the agreement. Fees paid shall be deposited in a 98963
special fund created for such purpose by the board and shall be 98964
used by the board exclusively for the purpose of complying with 98965
section 5709.68 of the Revised Code and by the tax incentive 98966
review council created under section 5709.85 of the Revised Code 98967
exclusively for the purposes of performing the duties prescribed 98968
under that section. The board may waive or reduce the amount of 98969
the fee charged against an enterprise, but such waiver or 98970
reduction does not affect the obligations of the board or the tax 98971
incentive review council to comply with section 5709.68 or 5709.85 98972
of the Revised Code, respectively. 98973

(G) With the approval of the legislative authority of a 98974
municipal corporation or the board of township trustees of a 98975
township in which a zone is designated under division (A) of this 98976
section, the board of county commissioners may delegate to that 98977
legislative authority or board any powers and duties of the board 98978
of county commissioners to negotiate and administer agreements 98979
with regard to that zone under this section. 98980

(H) When an agreement is entered into pursuant to this 98981
section, the board of county commissioners authorizing the 98982
agreement or the legislative authority or board of township 98983
trustees that negotiates and administers the agreement shall 98984
forward a copy of the agreement to the director of development 98985
services and to the tax commissioner within fifteen days after the 98986
agreement is entered into. If any agreement includes terms not 98987
provided for in section 5709.631 of the Revised Code affecting the 98988

revenue of a city, local, or exempted village school district or 98989
causing revenue to be foregone by the district, including any 98990
compensation to be paid to the school district pursuant to section 98991
5709.82 of the Revised Code, those terms also shall be forwarded 98992
in writing to the director of development services along with the 98993
copy of the agreement forwarded under this division. 98994

(I) After an agreement is entered into, the enterprise shall 98995
file with each personal property tax return required to be filed, 98996
or annual report that is required to be filed under section 98997
5727.08 of the Revised Code, while the agreement is in effect, an 98998
informational return, on a form prescribed by the tax commissioner 98999
for that purpose, setting forth separately the property, and 99000
related costs and values, exempted from taxation under the 99001
agreement. 99002

(J) Enterprises may agree to give preference to residents of 99003
the zone within which the agreement applies relative to residents 99004
of this state who do not reside in the zone when hiring new 99005
employees under the agreement. 99006

(K) An agreement entered into under this section may include 99007
a provision requiring the enterprise to create one or more 99008
temporary internship positions for students enrolled in a course 99009
of study at a school or other educational institution in the 99010
vicinity, and to create a scholarship or provide another form of 99011
educational financial assistance for students holding such a 99012
position in exchange for the student's commitment to work for the 99013
enterprise at the completion of the internship. 99014

(L) The tax commissioner's authority in determining the 99015
accuracy of any exemption granted by an agreement entered into 99016
under this section is limited to divisions (B)(1)(b)(i) and (ii), 99017
(B)(2), (C), and (I) of this section, division (B)(1)(b)(iv) of 99018
this section as it pertains to divisions (C)(2)(a), (b), and (c) 99019
of section 5709.62 of the Revised Code, and divisions (B)(1) to 99020

(10) of section 5709.631 of the Revised Code and, as authorized by law, to enforcing any modification to, or revocation of, that agreement by the board of county commissioners or the director of development services or, if the board's powers and duties are delegated under division (G) of this section, by the legislative authority of a municipal corporation or board of township trustees.

Sec. 5709.632. (A)(1) The legislative authority of a municipal corporation defined by the United States office of management and budget as a principal city of a metropolitan statistical area may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in the municipal corporation as a proposed enterprise zone.

(2) With the consent of the legislative authority of each affected municipal corporation or of a board of township trustees, a board of county commissioners may, in the manner set forth in section 5709.62 of the Revised Code, designate one or more areas in one or more municipal corporations or in unincorporated areas of the county as proposed urban jobs and enterprise zones, except that a board of county commissioners may designate no more than one area within a township, or within adjacent townships, as a proposed urban jobs and enterprise zone.

(3) The legislative authority or board of county commissioners may petition the director of development services for certification of the area as having the characteristics set forth in division (A)(3) of section 5709.61 of the Revised Code. Within sixty days after receiving such a petition, the director shall determine whether the area has the characteristics set forth in that division and forward the findings to the legislative authority or board of county commissioners. If the director certifies the area as having those characteristics and thereby

certifies it as a zone, the legislative authority or board may 99052
enter into agreements with enterprises under division (B) of this 99053
section. Any enterprise wishing to enter into an agreement with a 99054
legislative authority or board of county commissioners under this 99055
section and satisfying one of the criteria described in divisions 99056
(B)(1) to (5) of this section shall submit a proposal to the 99057
legislative authority or board on the form prescribed under 99058
division (B) of section 5709.62 of the Revised Code and shall 99059
review and update the estimates and listings required by the form 99060
in the manner required under that division. The legislative 99061
authority or board may, on a separate form and at any time, 99062
require any additional information necessary to determine whether 99063
an enterprise is in compliance with an agreement and to collect 99064
the information required to be reported under section 5709.68 of 99065
the Revised Code. 99066

(B) Prior to entering into an agreement with an enterprise, 99067
the legislative authority or board of county commissioners shall 99068
determine whether the enterprise submitting the proposal is 99069
qualified by financial responsibility and business experience to 99070
create and preserve employment opportunities in the zone and to 99071
improve the economic climate of the municipal corporation or 99072
municipal corporations or the unincorporated areas in which the 99073
zone is located and to which the proposal applies, and whether the 99074
enterprise satisfies one of the following criteria: 99075

(1) The enterprise currently has no operations in this state 99076
and, subject to approval of the agreement, intends to establish 99077
operations in the zone; 99078

(2) The enterprise currently has operations in this state 99079
and, subject to approval of the agreement, intends to establish 99080
operations at a new location in the zone that would not result in 99081
a reduction in the number of employee positions at any of the 99082
enterprise's other locations in this state; 99083

(3) The enterprise, subject to approval of the agreement, 99084
intends to relocate operations, currently located in another 99085
state, to the zone; 99086

(4) The enterprise, subject to approval of the agreement, 99087
intends to expand operations at an existing site in the zone that 99088
the enterprise currently operates; 99089

(5) The enterprise, subject to approval of the agreement, 99090
intends to relocate operations, currently located in this state, 99091
to the zone, and the director of development services has issued a 99092
waiver for the enterprise under division (B) of section 5709.633 99093
of the Revised Code. 99094

(C) If the legislative authority or board determines that the 99095
enterprise is so qualified and satisfies one of the criteria 99096
described in divisions (B)(1) to (5) of this section, the 99097
legislative authority or board may, after complying with section 99098
5709.83 of the Revised Code and on or before October 15, ~~2015~~ 99099
2017, and, in the case of a board of commissioners, with the 99100
consent of the legislative authority of each affected municipal 99101
corporation or of the board of township trustees, enter into an 99102
agreement with the enterprise under which the enterprise agrees to 99103
establish, expand, renovate, or occupy a facility in the zone and 99104
hire new employees, or preserve employment opportunities for 99105
existing employees, in return for the following incentives: 99106

(1) When the facility is located in a municipal corporation, 99107
a legislative authority or board of commissioners may enter into 99108
an agreement for one or more of the incentives provided in 99109
division (C) of section 5709.62 of the Revised Code, subject to 99110
division (D) of that section; 99111

(2) When the facility is located in an unincorporated area, a 99112
board of commissioners may enter into an agreement for one or more 99113
of the incentives provided in divisions (B)(1)(b), (B)(2), and 99114

(B)(3) of section 5709.63 of the Revised Code, subject to division 99115
(C) of that section. 99116

(D) All agreements entered into under this section shall be 99117
in the form prescribed under section 5709.631 of the Revised Code. 99118
After an agreement under this section is entered into, if the 99119
legislative authority or board of county commissioners revokes its 99120
designation of the zone, or if the director of development 99121
services revokes the zone's certification, any entitlements 99122
granted under the agreement shall continue for the number of years 99123
specified in the agreement. 99124

(E) Except as otherwise provided in this division, an 99125
agreement entered into under this section shall require that the 99126
enterprise pay an annual fee equal to the greater of one per cent 99127
of the dollar value of incentives offered under the agreement or 99128
five hundred dollars; provided, however, that if the value of the 99129
incentives exceeds two hundred fifty thousand dollars, the fee 99130
shall not exceed two thousand five hundred dollars. The fee shall 99131
be payable to the legislative authority or board of commissioners 99132
once per year for each year the agreement is effective on the days 99133
and in the form specified in the agreement. Fees paid shall be 99134
deposited in a special fund created for such purpose by the 99135
legislative authority or board and shall be used by the 99136
legislative authority or board exclusively for the purpose of 99137
complying with section 5709.68 of the Revised Code and by the tax 99138
incentive review council created under section 5709.85 of the 99139
Revised Code exclusively for the purposes of performing the duties 99140
prescribed under that section. The legislative authority or board 99141
may waive or reduce the amount of the fee charged against an 99142
enterprise, but such waiver or reduction does not affect the 99143
obligations of the legislative authority or board or the tax 99144
incentive review council to comply with section 5709.68 or 5709.85 99145
of the Revised Code, respectively. 99146

(F) With the approval of the legislative authority of a 99147
municipal corporation or the board of township trustees of a 99148
township in which a zone is designated under division (A)(2) of 99149
this section, the board of county commissioners may delegate to 99150
that legislative authority or board any powers and duties of the 99151
board to negotiate and administer agreements with regard to that 99152
zone under this section. 99153

(G) When an agreement is entered into pursuant to this 99154
section, the legislative authority or board of commissioners 99155
authorizing the agreement shall forward a copy of the agreement to 99156
the director of development services and to the tax commissioner 99157
within fifteen days after the agreement is entered into. If any 99158
agreement includes terms not provided for in section 5709.631 of 99159
the Revised Code affecting the revenue of a city, local, or 99160
exempted village school district or causing revenue to be forgone 99161
by the district, including any compensation to be paid to the 99162
school district pursuant to section 5709.82 of the Revised Code, 99163
those terms also shall be forwarded in writing to the director of 99164
development services along with the copy of the agreement 99165
forwarded under this division. 99166

(H) After an agreement is entered into, the enterprise shall 99167
file with each personal property tax return required to be filed 99168
while the agreement is in effect, an informational return, on a 99169
form prescribed by the tax commissioner for that purpose, setting 99170
forth separately the property, and related costs and values, 99171
exempted from taxation under the agreement. 99172

(I) An agreement entered into under this section may include 99173
a provision requiring the enterprise to create one or more 99174
temporary internship positions for students enrolled in a course 99175
of study at a school or other educational institution in the 99176
vicinity, and to create a scholarship or provide another form of 99177
educational financial assistance for students holding such a 99178

position in exchange for the student's commitment to work for the 99179
enterprise at the completion of the internship. 99180

Sec. 5709.67. (A) Except as otherwise provided in sections 99181
5709.61 to 5709.69 of the Revised Code, the director of 99182
development shall administer those sections and shall adopt rules 99183
necessary to implement and administer the enterprise zone program. 99184
The director shall assign to each zone currently certified a 99185
unique designation by which the zone shall be identified for 99186
purposes of administering sections 5709.61 to 5709.69 of the 99187
Revised Code. The tax commissioner shall administer all other tax 99188
incentives provided under sections 5709.61 to 5709.69 of the 99189
Revised Code and shall adopt rules necessary to carry out that 99190
duty. No tax incentive qualification certificate or employee tax 99191
credit certificate shall be issued or remain in effect unless the 99192
enterprise applying for or holding the certificate complies with 99193
all such rules. The director of job and family services shall 99194
administer the incentive provided under division (B)(1) of section 99195
5709.66 of the Revised Code and shall adopt rules necessary to 99196
carry out that duty. No extension of benefits certificate shall be 99197
issued or remain in effect unless the enterprise applying for or 99198
holding the certificate complies with all such rules. 99199

(B) Not later than the first day of August each year, the 99200
director of development shall report to the general assembly on 99201
all of the following for the preceding calendar year: 99202

(1) The cost to the state of the tax and other incentives 99203
provided under sections 5709.61 to 5709.69 of the Revised Code; 99204

(2) The number of tax incentive qualification certificates, 99205
employee tax credit certificates, and extension of benefits 99206
certificates issued; 99207

(3) The names of the municipal corporations and counties that 99208
have entered agreements under sections 5709.62, 5709.63, and 99209

5709.632 of the Revised Code; 99210

(4) The number of new employees hired as a result of the tax 99211
and other incentives provided under sections 5709.61 to 5709.69 of 99212
the Revised Code; 99213

(5) Information on agreement terms concerning school district 99214
revenue that are not provided for in section 5709.631 of the 99215
Revised Code and that are forwarded to the director under division 99216
(H) of section 5709.62, division (H) of section 5709.63, or 99217
division (G) of section 5709.632 of the Revised Code. 99218

The report shall include a finding by the director as to 99219
whether the incentives provided under sections 5709.61 to 5709.69 99220
of the Revised Code have resulted in the creation of more 99221
positions in the state than would have been created without the 99222
incentives. The director shall send a copy of the report to each 99223
member of the general assembly and to the director of the 99224
legislative service commission. 99225

~~(C) All forms used in connection with the administration of 99226
sections 5709.61 to 5709.69 of the Revised Code, except forms 99227
administered directly by the tax commissioner, by the director of 99228
job and family services, or by a county or municipal corporation, 99229
are subject to review and approval by the state forms management 99230
control center under sections 125.91 to 125.98 of the Revised 99231
Code. 99232~~

Sec. 5709.73. (A) As used in this section and section 5709.74 99233
of the Revised Code: 99234

(1) "Business day" means a day of the week excluding 99235
Saturday, Sunday, and a legal holiday as defined in section 1.14 99236
of the Revised Code. 99237

(2) "Further improvements" or "improvements" means the 99238
increase in the assessed value of real property that would first 99239

appear on the tax list and duplicate of real and public utility 99240
property after the effective date of a resolution adopted under 99241
this section were it not for the exemption granted by that 99242
resolution. For purposes of division (B) of this section, 99243
"improvements" do not include any property used or to be used for 99244
residential purposes. For this purpose, "property that is used or 99245
to be used for residential purposes" means property that, as 99246
improved, is used or to be used for purposes that would cause the 99247
tax commissioner to classify the property as residential property 99248
in accordance with rules adopted by the commissioner under section 99249
5713.041 of the Revised Code. 99250

(3) "Housing renovation" means a project carried out for 99251
residential purposes. 99252

(4) "Incentive district" has the same meaning as in section 99253
5709.40 of the Revised Code, except that a blighted area is in the 99254
unincorporated area of a township. 99255

(5) "Project" and "public infrastructure improvement" have 99256
the same meanings as in section 5709.40 of the Revised Code. 99257

(B) A board of township trustees may, by unanimous vote, 99258
adopt a resolution that declares to be a public purpose any public 99259
infrastructure improvements made that are necessary for the 99260
development of certain parcels of land located in the 99261
unincorporated area of the township. Except with the approval 99262
under division (D) of this section of the board of education of 99263
each city, local, or exempted village school district within which 99264
the improvements are located, the resolution may exempt from real 99265
property taxation not more than seventy-five per cent of further 99266
improvements to a parcel of land that directly benefits from the 99267
public infrastructure improvements, for a period of not more than 99268
ten years. The resolution shall specify the percentage of the 99269
further improvements to be exempted and the life of the exemption. 99270

(C)(1) A board of township trustees may adopt, by unanimous 99271
vote, a resolution creating an incentive district and declaring 99272
improvements to parcels within the district to be a public purpose 99273
and, except as provided in division (F) of this section, exempt 99274
from taxation as provided in this section, but no board of 99275
township trustees of a township that has a population that exceeds 99276
twenty-five thousand, as shown by the most recent federal 99277
decennial census, shall adopt a resolution that creates an 99278
incentive district if the sum of the taxable value of real 99279
property in the proposed district for the preceding tax year and 99280
the taxable value of all real property in the township that would 99281
have been taxable in the preceding year were it not for the fact 99282
that the property was in an existing incentive district and 99283
therefore exempt from taxation exceeds twenty-five per cent of the 99284
taxable value of real property in the township for the preceding 99285
tax year. The district shall be located within the unincorporated 99286
area of the township and shall not include any territory that is 99287
included within a district created under division (B) of section 99288
5709.78 of the Revised Code. The resolution shall delineate the 99289
boundary of the district and specifically identify each parcel 99290
within the district. A district may not include any parcel that is 99291
or has been exempted from taxation under division (B) of this 99292
section or that is or has been within another district created 99293
under this division. A resolution may create more than one 99294
district, and more than one resolution may be adopted under 99295
division (C)(1) of this section. 99296

(2) Not later than thirty days prior to adopting a resolution 99297
under division (C)(1) of this section, if the township intends to 99298
apply for exemptions from taxation under section 5709.911 of the 99299
Revised Code on behalf of owners of real property located within 99300
the proposed incentive district, the board shall conduct a public 99301
hearing on the proposed resolution. Not later than thirty days 99302
prior to the public hearing, the board shall give notice of the 99303

public hearing and the proposed resolution by first class mail to 99304
every real property owner whose property is located within the 99305
boundaries of the proposed incentive district that is the subject 99306
of the proposed resolution. 99307

(3)(a) A resolution adopted under division (C)(1) of this 99308
section shall specify the life of the incentive district and the 99309
percentage of the improvements to be exempted, shall designate the 99310
public infrastructure improvements made, to be made, or in the 99311
process of being made, that benefit or serve, or, once made, will 99312
benefit or serve parcels in the district. The resolution also 99313
shall identify one or more specific projects being, or to be, 99314
undertaken in the district that place additional demand on the 99315
public infrastructure improvements designated in the resolution. 99316
The project identified may, but need not be, the project under 99317
division (C)(3)(b) of this section that places real property in 99318
use for commercial or industrial purposes. 99319

A resolution adopted under division (C)(1) of this section on 99320
or after March 30, 2006, shall not designate police or fire 99321
equipment as public infrastructure improvements, and no service 99322
payment provided for in section 5709.74 of the Revised Code and 99323
received by the township under the resolution shall be used for 99324
police or fire equipment. 99325

(b) A resolution adopted under division (C)(1) of this 99326
section may authorize the use of service payments provided for in 99327
section 5709.74 of the Revised Code for the purpose of housing 99328
renovations within the incentive district, provided that the 99329
resolution also designates public infrastructure improvements that 99330
benefit or serve the district, and that a project within the 99331
district places real property in use for commercial or industrial 99332
purposes. Service payments may be used to finance or support 99333
loans, deferred loans, and grants to persons for the purpose of 99334
housing renovations within the district. The resolution shall 99335

designate the parcels within the district that are eligible for 99336
housing renovations. The resolution shall state separately the 99337
amount or the percentages of the expected aggregate service 99338
payments that are designated for each public infrastructure 99339
improvement and for the purpose of housing renovations. 99340

(4) Except with the approval of the board of education of 99341
each city, local, or exempted village school district within the 99342
territory of which the incentive district is or will be located, 99343
and subject to division (E) of this section, the life of an 99344
incentive district shall not exceed ten years, and the percentage 99345
of improvements to be exempted shall not exceed seventy-five per 99346
cent. With approval of the board of education, the life of a 99347
district may be not more than thirty years, and the percentage of 99348
improvements to be exempted may be not more than one hundred per 99349
cent. The approval of a board of education shall be obtained in 99350
the manner provided in division (D) of this section. 99351

(D) Improvements with respect to a parcel may be exempted 99352
from taxation under division (B) of this section, and improvements 99353
to parcels within an incentive district may be exempted from 99354
taxation under division (C) of this section, for up to ten years 99355
or, with the approval of the board of education of the city, 99356
local, or exempted village school district within which the parcel 99357
or district is located, for up to thirty years. The percentage of 99358
the improvements exempted from taxation may, with such approval, 99359
exceed seventy-five per cent, but shall not exceed one hundred per 99360
cent. Not later than forty-five business days prior to adopting a 99361
resolution under this section declaring improvements to be a 99362
public purpose that is subject to approval by a board of education 99363
under this division, the board of township trustees shall deliver 99364
to the board of education a notice stating its intent to adopt a 99365
resolution making that declaration. The notice regarding 99366
improvements with respect to a parcel under division (B) of this 99367

section shall identify the parcels for which improvements are to 99368
be exempted from taxation, provide an estimate of the true value 99369
in money of the improvements, specify the period for which the 99370
improvements would be exempted from taxation and the percentage of 99371
the improvements that would be exempted, and indicate the date on 99372
which the board of township trustees intends to adopt the 99373
resolution. The notice regarding improvements made under division 99374
(C) of this section to parcels within an incentive district shall 99375
delineate the boundaries of the district, specifically identify 99376
each parcel within the district, identify each anticipated 99377
improvement in the district, provide an estimate of the true value 99378
in money of each such improvement, specify the life of the 99379
district and the percentage of improvements that would be 99380
exempted, and indicate the date on which the board of township 99381
trustees intends to adopt the resolution. The board of education, 99382
by resolution adopted by a majority of the board, may approve the 99383
exemption for the period or for the exemption percentage specified 99384
in the notice; may disapprove the exemption for the number of 99385
years in excess of ten, may disapprove the exemption for the 99386
percentage of the improvements to be exempted in excess of 99387
seventy-five per cent, or both; or may approve the exemption on 99388
the condition that the board of township trustees and the board of 99389
education negotiate an agreement providing for compensation to the 99390
school district equal in value to a percentage of the amount of 99391
taxes exempted in the eleventh and subsequent years of the 99392
exemption period or, in the case of exemption percentages in 99393
excess of seventy-five per cent, compensation equal in value to a 99394
percentage of the taxes that would be payable on the portion of 99395
the improvements in excess of seventy-five per cent were that 99396
portion to be subject to taxation, or other mutually agreeable 99397
compensation. 99398

The board of education shall certify its resolution to the 99399
board of township trustees not later than fourteen days prior to 99400

the date the board of township trustees intends to adopt the 99401
resolution as indicated in the notice. If the board of education 99402
and the board of township trustees negotiate a mutually acceptable 99403
compensation agreement, the resolution may declare the 99404
improvements a public purpose for the number of years specified in 99405
the resolution or, in the case of exemption percentages in excess 99406
of seventy-five per cent, for the exemption percentage specified 99407
in the resolution. In either case, if the board of education and 99408
the board of township trustees fail to negotiate a mutually 99409
acceptable compensation agreement, the resolution may declare the 99410
improvements a public purpose for not more than ten years, and 99411
shall not exempt more than seventy-five per cent of the 99412
improvements from taxation. If the board of education fails to 99413
certify a resolution to the board of township trustees within the 99414
time prescribed by this section, the board of township trustees 99415
thereupon may adopt the resolution and may declare the 99416
improvements a public purpose for up to thirty years or, in the 99417
case of exemption percentages proposed in excess of seventy-five 99418
per cent, for the exemption percentage specified in the 99419
resolution. The board of township trustees may adopt the 99420
resolution at any time after the board of education certifies its 99421
resolution approving the exemption to the board of township 99422
trustees, or, if the board of education approves the exemption on 99423
the condition that a mutually acceptable compensation agreement be 99424
negotiated, at any time after the compensation agreement is agreed 99425
to by the board of education and the board of township trustees. 99426
If a mutually acceptable compensation agreement is negotiated 99427
between the board of township trustees and the board of education, 99428
including agreements for payments in lieu of taxes under section 99429
5709.74 of the Revised Code, the board of township trustees shall 99430
compensate the joint vocational school district within which the 99431
parcel or district is located at the same rate and under the same 99432
terms received by the city, local, or exempted village school 99433

district. 99434

If a board of education has adopted a resolution waiving its 99435
right to approve exemptions from taxation under this section and 99436
the resolution remains in effect, approval of such exemptions by 99437
the board of education is not required under division (D) of this 99438
section. If a board of education has adopted a resolution allowing 99439
a board of township trustees to deliver the notice required under 99440
division (D) of this section fewer than forty-five business days 99441
prior to adoption of the resolution by the board of township 99442
trustees, the board of township trustees shall deliver the notice 99443
to the board of education not later than the number of days prior 99444
to the adoption as prescribed by the board of education in its 99445
resolution. If a board of education adopts a resolution waiving 99446
its right to approve exemptions or shortening the notification 99447
period, the board of education shall certify a copy of the 99448
resolution to the board of township trustees. If the board of 99449
education rescinds the resolution, it shall certify notice of the 99450
rescission to the board of township trustees. 99451

If the board of township trustees is not required by division 99452
(D) of this section to notify the board of education of the board 99453
of township trustees' intent to declare improvements to be a 99454
public purpose, the board of township trustees shall comply with 99455
the notice requirements imposed under section 5709.83 of the 99456
Revised Code before taking formal action to adopt the resolution 99457
making that declaration, unless the board of education has adopted 99458
a resolution under that section waiving its right to receive the 99459
notice. 99460

(E)(1) If a proposed resolution under division (C)(1) of this 99461
section exempts improvements with respect to a parcel within an 99462
incentive district for more than ten years, or the percentage of 99463
the improvement exempted from taxation exceeds seventy-five per 99464
cent, not later than forty-five business days prior to adopting 99465

the resolution the board of township trustees shall deliver to the 99466
board of county commissioners of the county within which the 99467
incentive district is or will be located a notice that states its 99468
intent to adopt a resolution creating an incentive district. The 99469
notice shall include a copy of the proposed resolution, identify 99470
the parcels for which improvements are to be exempted from 99471
taxation, provide an estimate of the true value in money of the 99472
improvements, specify the period of time for which the 99473
improvements would be exempted from taxation, specify the 99474
percentage of the improvements that would be exempted from 99475
taxation, and indicate the date on which the board of township 99476
trustees intends to adopt the resolution. 99477

(2) The board of county commissioners, by resolution adopted 99478
by a majority of the board, may object to the exemption for the 99479
number of years in excess of ten, may object to the exemption for 99480
the percentage of the improvement to be exempted in excess of 99481
seventy-five per cent, or both. If the board of county 99482
commissioners objects, the board may negotiate a mutually 99483
acceptable compensation agreement with the board of township 99484
trustees. In no case shall the compensation provided to the board 99485
of county commissioners exceed the property taxes foregone due to 99486
the exemption. If the board of county commissioners objects, and 99487
the board of county commissioners and board of township trustees 99488
fail to negotiate a mutually acceptable compensation agreement, 99489
the resolution adopted under division (C)(1) of this section shall 99490
provide to the board of county commissioners compensation in the 99491
eleventh and subsequent years of the exemption period equal in 99492
value to not more than fifty per cent of the taxes that would be 99493
payable to the county or, if the board of county commissioner's 99494
objection includes an objection to an exemption percentage in 99495
excess of seventy-five per cent, compensation equal in value to 99496
not more than fifty per cent of the taxes that would be payable to 99497
the county, on the portion of the improvement in excess of 99498

seventy-five per cent, were that portion to be subject to 99499
taxation. The board of county commissioners shall certify its 99500
resolution to the board of township trustees not later than thirty 99501
days after receipt of the notice. 99502

(3) If the board of county commissioners does not object or 99503
fails to certify its resolution objecting to an exemption within 99504
thirty days after receipt of the notice, the board of township 99505
trustees may adopt its resolution, and no compensation shall be 99506
provided to the board of county commissioners. If the board of 99507
county commissioners timely certifies its resolution objecting to 99508
the trustees' resolution, the board of township trustees may adopt 99509
its resolution at any time after a mutually acceptable 99510
compensation agreement is agreed to by the board of county 99511
commissioners and the board of township trustees, or, if no 99512
compensation agreement is negotiated, at any time after the board 99513
of township trustees agrees in the proposed resolution to provide 99514
compensation to the board of county commissioners of fifty per 99515
cent of the taxes that would be payable to the county in the 99516
eleventh and subsequent years of the exemption period or on the 99517
portion of the improvement in excess of seventy-five per cent, 99518
were that portion to be subject to taxation. 99519

(F) Service payments in lieu of taxes that are attributable 99520
to any amount by which the effective tax rate of either a renewal 99521
levy with an increase or a replacement levy exceeds the effective 99522
tax rate of the levy renewed or replaced, or that are attributable 99523
to an additional levy, for a levy authorized by the voters for any 99524
of the following purposes on or after January 1, 2006, and which 99525
are provided pursuant to a resolution creating an incentive 99526
district under division (C)(1) of this section that is adopted on 99527
or after January 1, 2006, shall be distributed to the appropriate 99528
taxing authority as required under division (C) of section 5709.74 99529
of the Revised Code in an amount equal to the amount of taxes from 99530

that additional levy or from the increase in the effective tax 99531
rate of such renewal or replacement levy that would have been 99532
payable to that taxing authority from the following levies were it 99533
not for the exemption authorized under division (C) of this 99534
section: 99535

(1) A tax levied under division (L) of section 5705.19 or 99536
section 5705.191 of the Revised Code for community mental 99537
retardation and developmental disabilities programs and services 99538
pursuant to Chapter 5126. of the Revised Code; 99539

(2) A tax levied under division (Y) of section 5705.19 of the 99540
Revised Code for providing or maintaining senior citizens services 99541
or facilities; 99542

(3) A tax levied under section 5705.22 of the Revised Code 99543
for county hospitals; 99544

(4) A tax levied by a joint-county district or by a county 99545
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 99546
for alcohol, drug addiction, and mental health services or 99547
families; 99548

(5) A tax levied under section 5705.23 of the Revised Code 99549
for library purposes; 99550

(6) A tax levied under section 5705.24 of the Revised Code 99551
for the support of children services and the placement and care of 99552
children; 99553

(7) A tax levied under division (Z) of section 5705.19 of the 99554
Revised Code for the provision and maintenance of zoological park 99555
services and facilities under section 307.76 of the Revised Code; 99556

(8) A tax levied under section 511.27 or division (H) of 99557
section 5705.19 of the Revised Code for the support of township 99558
park districts; 99559

(9) A tax levied under division (A), (F), or (H) of section 99560

5705.19 of the Revised Code for parks and recreational purposes of 99561
a joint recreation district organized pursuant to division (B) of 99562
section 755.14 of the Revised Code; 99563

(10) A tax levied under section 1545.20 or 1545.21 of the 99564
Revised Code for park district purposes; 99565

(11) A tax levied under section 5705.191 of the Revised Code 99566
for the purpose of making appropriations for public assistance; 99567
human or social services; public relief; public welfare; public 99568
health and hospitalization; and support of general hospitals; 99569

(12) A tax levied under section 3709.29 of the Revised Code 99570
for a general health district program. 99571

(G) An exemption from taxation granted under this section 99572
commences with the tax year specified in the resolution so long as 99573
the year specified in the resolution commences after the effective 99574
date of the resolution. If the resolution specifies a year 99575
commencing before the effective date of the resolution or 99576
specifies no year whatsoever, the exemption commences with the tax 99577
year in which an exempted improvement first appears on the tax 99578
list and duplicate of real and public utility property and that 99579
commences after the effective date of the resolution. In lieu of 99580
stating a specific year, the resolution may provide that the 99581
exemption commences in the tax year in which the value of an 99582
improvement exceeds a specified amount or in which the 99583
construction of one or more improvements is completed, provided 99584
that such tax year commences after the effective date of the 99585
resolution. With respect to the exemption of improvements to 99586
parcels under division (B) of this section, the resolution may 99587
allow for the exemption to commence in different tax years on a 99588
parcel-by-parcel basis, with a separate exemption term specified 99589
for each parcel. 99590

Except as otherwise provided in this division, the exemption 99591

ends on the date specified in the resolution as the date the 99592
improvement ceases to be a public purpose or the incentive 99593
district expires, or ends on the date on which the public 99594
infrastructure improvements and housing renovations are paid in 99595
full from the township public improvement tax increment equivalent 99596
fund established under section 5709.75 of the Revised Code, 99597
whichever occurs first. The exemption of an improvement with 99598
respect to a parcel or within an incentive district may end on a 99599
later date, as specified in the resolution, if the board of 99600
township trustees and the board of education of the city, local, 99601
or exempted village school district within which the parcel or 99602
district is located have entered into a compensation agreement 99603
under section 5709.82 of the Revised Code with respect to the 99604
improvement and the board of education has approved the term of 99605
the exemption under division (D) of this section, but in no case 99606
shall the improvement be exempted from taxation for more than 99607
thirty years. The board of township trustees may, by majority 99608
vote, adopt a resolution permitting the township to enter into 99609
such agreements as the board finds necessary or appropriate to 99610
provide for the construction or undertaking of public 99611
infrastructure improvements and housing renovations. Any exemption 99612
shall be claimed and allowed in the same or a similar manner as in 99613
the case of other real property exemptions. If an exemption status 99614
changes during a tax year, the procedure for the apportionment of 99615
the taxes for that year is the same as in the case of other 99616
changes in tax exemption status during the year. 99617

(H) The board of township trustees may issue the notes of the 99618
township to finance all costs pertaining to the construction or 99619
undertaking of public infrastructure improvements and housing 99620
renovations made pursuant to this section. The notes shall be 99621
signed by the board and attested by the signature of the township 99622
fiscal officer, shall bear interest not to exceed the rate 99623
provided in section 9.95 of the Revised Code, and are not subject 99624

to Chapter 133. of the Revised Code. The resolution authorizing 99625
the issuance of the notes shall pledge the funds of the township 99626
public improvement tax increment equivalent fund established 99627
pursuant to section 5709.75 of the Revised Code to pay the 99628
interest on and principal of the notes. The notes, which may 99629
contain a clause permitting prepayment at the option of the board, 99630
shall be offered for sale on the open market or given to the 99631
vendor or contractor if no sale is made. 99632

(I) The township, not later than fifteen days after the 99633
adoption of a resolution under this section, shall submit to the 99634
director of development services a copy of the resolution. On or 99635
before the thirty-first day of March of each year, the township 99636
shall submit a status report to the director of development 99637
services. The report shall indicate, in the manner prescribed by 99638
the director, the progress of the project during each year that 99639
the exemption remains in effect, including a summary of the 99640
receipts from service payments in lieu of taxes; expenditures of 99641
money from the fund created under section 5709.75 of the Revised 99642
Code; a description of the public infrastructure improvements and 99643
housing renovations financed with the expenditures; and a 99644
quantitative summary of changes in private investment resulting 99645
from each project. 99646

(J) Nothing in this section shall be construed to prohibit a 99647
board of township trustees from declaring to be a public purpose 99648
improvements with respect to more than one parcel. 99649

If a parcel is located in a new community district in which 99650
the new community authority imposes a community development charge 99651
on the basis of rentals received from leases of real property as 99652
described in division (L)(2) of section 349.01 of the Revised 99653
Code, the parcel may not be exempted from taxation under this 99654
section. 99655

(K) A board of township trustees that adopted a resolution 99656

under this section prior to July 21, 1994, may amend that 99657
resolution to include any additional public infrastructure 99658
improvement. A board of township trustees that seeks by the 99659
amendment to utilize money from its township public improvement 99660
tax increment equivalent fund for land acquisition in aid of 99661
industry, commerce, distribution, or research, demolition on 99662
private property, or stormwater and flood remediation projects may 99663
do so provided that the board currently is a party to a 99664
hold-harmless agreement with the board of education of the city, 99665
local, or exempted village school district within the territory of 99666
which are located the parcels that are subject to an exemption. 99667
For the purposes of this division, a "hold-harmless agreement" 99668
means an agreement under which the board of township trustees 99669
agrees to compensate the school district for one hundred per cent 99670
of the tax revenue that the school district would have received 99671
from further improvements to parcels designated in the resolution 99672
were it not for the exemption granted by the resolution. 99673

(L) Notwithstanding the limitation prescribed by division (D) 99674
of this section on the number of years that improvements to a 99675
parcel or parcels may be exempted from taxation, a board of 99676
trustees of a township with a population of fifteen thousand or 99677
more may amend a resolution originally adopted under this section 99678
before December 31, 1994, to extend the exemption of improvements 99679
to the parcel or parcels included in such resolution for an 99680
additional period not to exceed fifteen years. The amendment shall 99681
not increase the percentage of improvements to the parcel or 99682
parcels exempted from taxation. The board of township trustees 99683
shall comply with the notice requirements imposed under section 99684
5709.83 of the Revised Code before taking formal action to adopt 99685
an amendment authorized under this division unless the board of 99686
education has adopted a resolution under that section waiving its 99687
right to receive the notice. The board of township trustees shall 99688
deliver an identical notice to the board of county commissioners 99689

of each county in which the exempted parcels are located. 99690

Sec. 5709.92. (A) As used in this section: 99691

(1) "School district" means a city, local, or exempted village school district. 99692
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(2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code. 99694
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(3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(2)(a) of this section. 99700
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(a) The state education aid for fiscal year 2015; 99703

(b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes; 99704
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(c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges; 99710
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(d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding 99715
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taxes levied for joint vocational school district purposes or 99720
levied under section 5705.23 of the Revised Code; 99721

(e) The amount certified for fiscal year 2015 under division 99722
(A)(2) of section 3317.08 of the Revised Code; 99723

(f) Distributions received during calendar year 2014 from 99724
taxes levied under section 718.09 of the Revised Code; 99725

(g) Distributions received during fiscal year 2015 from the 99726
gross casino revenue county student fund. 99727

(4)(a) "State education aid" for a school district means the 99728
sum of state amounts computed for the district under sections 99729
3317.022 and 3317.0212 of the Revised Code after any amounts are 99730
added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of 99731
the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, 99732
LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 99733

(b) "State education aid" for a joint vocational district 99734
means the amount computed for the district under section 3317.16 99735
of the Revised Code after any amounts are added or subtracted 99736
under Section 263.250 of Am. Sub. H.B. 59 of the 130th general 99737
assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 99738
DISTRICTS." 99739

(5) "Taxes charged and payable" means taxes charged and 99740
payable after the reduction required by section 319.301 of the 99741
Revised Code but before the reductions required by sections 99742
319.302 and 323.152 of the Revised Code. 99743

(6) "Capacity quintile" means the capacity measure quintiles 99744
determined under division (B) of this section. 99745

(7) "Threshold per cent" means the following: 99746

(a) For a school district in the lowest capacity quintile, 99747
one per cent for fiscal year 2016; for fiscal year 2017 and each 99748
year thereafter, the sum of the prior year's threshold per cent 99749

plus one percentage point. 99750

(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-fourth percentage points. 99751
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and one-half percentage points. 99756
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus one and three-fourths percentage points. 99760
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016; for fiscal year 2017 and each year thereafter, the sum of the prior year's threshold per cent plus two percentage points. 99765
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(f) For a joint vocational school district, two per cent for fiscal year 2016; for fiscal year 2017 and thereafter, the sum of the prior year's threshold per cent plus two percentage points. 99769
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(8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(2)(b) of this section. 99772
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(9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division 99778
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(C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. 99781
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(10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 99788
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(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes. 99792
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(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes. 99796
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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes. 99800
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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015. 99804
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(15) "Qualifying school district" means a school district within whose territory a nuclear power plant is located and for which the ratio of current expense allocation to total resources is ten per cent or more. 99807
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(16) "Production equipment tax loss" means the amount 99811

computed for a school district or joint vocational school district 99812
under division (B)(3) of section 5727.09 of the Revised Code. 99813

(B) The department of education shall rank all school 99814
districts in the order of districts' capacity measures determined 99815
under section 3317.018 of the Revised Code from lowest to highest, 99816
and divide such ranking into quintiles, with the first quintile 99817
containing the twenty per cent of school districts having the 99818
lowest capacity measure and the fifth quintile containing the 99819
twenty per cent of school districts having the highest capacity 99820
measure. This calculation and ranking shall be performed once, in 99821
fiscal year 2016, and used for subsequent years for the purpose of 99822
division (A)(7) of this section. 99823

(C)(1) In fiscal year 2016, payments shall be made to school 99824
districts and joint vocational school districts other than 99825
qualifying school districts equal to the sum of the amounts 99826
described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this 99827
section. In fiscal year 2017 and subsequent fiscal years, payments 99828
shall be made to school districts and joint vocational school 99829
districts other than qualifying school districts equal to the 99830
amount described in division (C)(1)(a) or (b) of this section. In 99831
fiscal year 2016 and subsequent fiscal years, payments shall be 99832
made to qualifying school districts equal to the sum of the 99833
amounts described in divisions (A)(3)(b) and (c) of this section. 99834

(a) If the ratio of the current expense allocation to total 99835
resources is equal to or less than the district's threshold per 99836
cent, zero; 99837

(b) If the ratio of the current expense allocation to total 99838
resources is greater than the district's threshold per cent, the 99839
difference between the current expense allocation and the product 99840
of the threshold percentage and total resources; 99841

(c) For fiscal year 2016, the product of the non-current 99842

expense allocation multiplied by fifty per cent. 99843

(2)(a) "Total resources" used to compute payments under 99844
division (C)(1) of this section shall be reduced to the extent 99845
that payments distributed in fiscal year 2015 were attributable to 99846
levies no longer charged and payable for tax year 2014. 99847

(b) "Current expense allocation" used to compute payments 99848
under division (C)(1) of this section shall be reduced to the 99849
extent that the payments distributed in fiscal year 2015 were 99850
attributable to levies no longer charged and payable for tax year 99851
2014. 99852

(3) The department of education shall report to each school 99853
district and joint vocational school district the apportionment of 99854
the payments under division (C)(1) of this section among the 99855
district's funds based on qualifying levies. 99856

(D)(1) Except as provided in division (D)(2) of this section, 99857
payments in the following amounts shall be made to school 99858
districts and joint vocational school districts in tax years 2016 99859
through 2021: 99860

(a) In tax year 2016, the sum of the district's operating TPP 99861
fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 99862

(b) In tax year 2017, the sum of the district's operating TPP 99863
fixed-sum levy losses and eighty per cent of operating S.B. 3 99864
fixed-sum levy losses. 99865

(c) In tax year 2018, the sum of eighty per cent of the 99866
district's operating TPP fixed-sum levy losses and sixty per cent 99867
of its operating S.B. 3 fixed-sum levy losses. 99868

(d) In tax year 2019, the sum of sixty per cent of the 99869
district's operating TPP fixed-sum levy losses and forty per cent 99870
of its operating S.B. 3 fixed-sum levy losses. 99871

(e) In tax year 2020, the sum of forty per cent of the 99872

district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses. 99873
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(f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses. 99875
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No payment shall be made under division (D)(1) of this section after tax year 2021. 99877
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(2) In the case of a qualifying school district, payments shall be made in tax year 2016 and subsequent tax years equal to one hundred per cent of the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses. 99879
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(3) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 or 5705.213 of the Revised Code remains in effect for the current tax year only if a tax levied under either of those sections is charged and payable for the current tax year for an annual sum at least equal to the annual sum levied by the board of education for tax year 2004 under those sections less the amount of the payment under this division. 99883
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(E)(1) For fixed-sum levies for debt purposes, payments shall be made to school districts and joint vocational school districts equal to one hundred per cent of the district's fixed-sum levy loss determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the Revised Code as in effect before July 1, 2015, and paid in tax year 2014. No payment shall be made for qualifying levies that are no longer charged and payable. 99893
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(2) Beginning in 2016, by the thirty-first day of January of each year, the tax commissioner shall review the calculation of fixed-sum levy loss for debt purposes determined under division (E) of section 5751.20 and division (H) of section 5727.84 of the 99900
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Revised Code as in effect before July 1, 2015. If the commissioner 99904
determines that a fixed-sum levy that had been scheduled to be 99905
reimbursed in the current year is no longer charged and payable, a 99906
revised calculation for that year and all subsequent years shall 99907
be made. 99908

(F)(1) For taxes levied within the ten-mill limitation for 99909
debt purposes in tax year 1998 in the case of electric company tax 99910
value losses, and in tax year 1999 in the case of natural gas 99911
company tax value losses, payments shall be made to school 99912
districts and joint vocational school districts equal to one 99913
hundred per cent of the loss computed under division (D) of 99914
section 5727.85 of the Revised Code as in effect before July 1, 99915
2015, as if the tax were a fixed-rate levy, but those payments 99916
shall extend through fiscal year 2016. 99917

(2) For taxes levied within the ten-mill limitation for debt 99918
purposes in tax year 2005, payments shall be made to school 99919
districts and joint vocational school districts equal to one 99920
hundred per cent of the loss computed under division (D) of 99921
section 5751.21 as in effect before July 1, 2015, as if the tax 99922
were a fixed-rate levy, but those payments shall extend through 99923
fiscal year 2018. 99924

(G) If all the territory of a school district or joint 99925
vocational school district is merged with another district, or if 99926
a part of the territory of a school district or joint vocational 99927
school district is transferred to an existing or newly created 99928
district, the department of education, in consultation with the 99929
tax commissioner, shall adjust the payments made under this 99930
section and division (D) of section 5709.94 of the Revised Code as 99931
follows: 99932

(1) For a merger of two or more districts, the production 99933
equipment tax loss, fixed-sum levy losses, total resources, 99934
current expense allocation, and non-current expense allocation of 99935

the successor district shall be the sum of such items for each of 99936
the districts involved in the merger. 99937

(2) If property is transferred from one district to a 99938
previously existing district, the amount of the production 99939
equipment tax loss, total resources, current expense allocation, 99940
and non-current expense allocation that shall be transferred to 99941
the recipient district shall be an amount equal to the production 99942
equipment tax loss for the preceding tax year and the total 99943
resources, current expense allocation, and non-current expense 99944
allocation of the transferor district times a fraction, the 99945
numerator of which is the number of pupils being transferred to 99946
the recipient district, measured, in the case of a school 99947
district, by formula ADM as defined in section 3317.02 of the 99948
Revised Code or, in the case of a joint vocational school 99949
district, by formula ADM as defined for a joint vocational school 99950
district in that section, and the denominator of which is the 99951
formula ADM of the transferor district. 99952

(3) After December 31, 2010, if property is transferred from 99953
one or more districts to a district that is newly created out of 99954
the transferred property, the newly created district shall be 99955
deemed not to have any production equipment tax loss, total 99956
resources, current expense allocation, total allocation, or 99957
non-current expense allocation. 99958

(4) If the recipient district under division (G)(2) of this 99959
section or the newly created district under division (G)(3) of 99960
this section is assuming debt from one or more of the districts 99961
from which the property was transferred and any of the districts 99962
losing the property had fixed-sum levy losses or production 99963
equipment tax losses, the department of education, in consultation 99964
with the tax commissioner, shall make an equitable division of the 99965
reimbursements for those losses. 99966

(H) The payments required by divisions (C), (D), (E), and (F) 99967

of this section shall be distributed periodically to each school 99968
and joint vocational school district by the department of 99969
education unless otherwise provided for. Except as provided in 99970
division (D) of this section, if a levy that is a qualifying levy 99971
is not charged and payable in any year after 2014, payments to the 99972
school district or joint vocational school district shall be 99973
reduced to the extent that the payments distributed in fiscal year 99974
2015 were attributable to the levy loss of that levy. 99975

Sec. 5709.93. (A) As used in this section: 99976

(1) "Taxes charged and payable" means taxes charged and 99977
payable after the reduction required by section 319.301 of the 99978
Revised Code but before the reductions required by sections 99979
319.302 and 323.152 of the Revised Code. 99980

(2) "Threshold per cent" means two per cent for fiscal year 99981
2016; and, for fiscal year 2017 and thereafter, the sum of the 99982
prior year's threshold per cent plus two percentage points. 99983

(3) "Public library" means a county, municipal, school 99984
district, or township public library that receives the proceeds of 99985
a tax levied under section 5705.23 of the Revised Code. 99986

(4) "Local taxing unit" means a subdivision or taxing unit, 99987
as defined in section 5705.01 of the Revised Code, a park district 99988
created under Chapter 1545. of the Revised Code, or a township 99989
park district established under section 511.23 of the Revised 99990
Code, but excludes school districts and joint vocational school 99991
districts. 99992

(5) "Municipal current expense allocation" means the sum of 99993
the payments received by a municipal corporation in calendar year 99994
2014 for current expense levy losses under division (A)(1)(e)(ii) 99995
of section 5727.86 and division (A)(1)(c)(ii) of section 5751.22 99996
of the Revised Code as they existed at that time. 99997

<u>(6) "Current expense allocation" means the sum of the</u>	99998
<u>payments received by a local taxing unit or public library in</u>	99999
<u>calendar year 2014 for current expense levy losses under division</u>	100000
<u>(A)(1) of section 5727.86 and divisions (A)(1) and (2) of section</u>	100001
<u>5751.22 of the Revised Code as they existed at that time, less any</u>	100002
<u>reduction required under division (B)(2) of this section.</u>	100003
<u>(7) "TPP inside millage debt levy loss" means payments made</u>	100004
<u>to local taxing units in calendar year 2014 under division (A)(3)</u>	100005
<u>of section 5751.22 of the Revised Code as that section existed at</u>	100006
<u>that time.</u>	100007
<u>(8) "S.B. 3 inside millage debt levy loss" means payments</u>	100008
<u>made to local taxing units in calendar year 2014 under section</u>	100009
<u>(A)(4) of section 5727.86 of the Revised Code as that section</u>	100010
<u>existed at that time.</u>	100011
<u>(9) "Qualifying levy" means a levy for which payment was made</u>	100012
<u>in calendar year 2014 under division (A)(1) of section 5727.86 and</u>	100013
<u>divisions (A)(1) and (2) of section 5751.22 of the Revised Code as</u>	100014
<u>they existed at that time.</u>	100015
<u>(10) "Total resources," in the case of county mental health</u>	100016
<u>and disability related functions, means the sum of the amounts in</u>	100017
<u>divisions (A)(10)(a) and (b) of this section less any reduction</u>	100018
<u>required under division (B)(1) of this section.</u>	100019
<u>(a) The sum of the payments received by the county for mental</u>	100020
<u>health and developmental disability related functions in calendar</u>	100021
<u>year 2014 under division (A)(1) of section 5727.86 and division</u>	100022
<u>(A)(1) of section 5751.22 of the Revised Code as they existed at</u>	100023
<u>that time;</u>	100024
<u>(b) With respect to taxes levied by the county for mental</u>	100025
<u>health and developmental disability related purposes, the taxes</u>	100026
<u>charged and payable for such purposes against all property on the</u>	100027
<u>tax list of real and public utility property for tax year 2014.</u>	100028

(11) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(11)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100029
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(a) The sum of the payments received by the county for senior services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100033
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(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 100037
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(12) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(12)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100041
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100045
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014. 100049
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(13) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(13)(a) and (b) of this section less any reduction required under division (B)(1) of this section. 100053
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(a) The sum of the payments received by the county for public health related functions in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 100057
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<u>of the Revised Code as they existed at that time;</u>	100060
<u>(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014.</u>	100061
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<u>(14) "Total resources," in the case of all county functions not included in divisions (A)(10) to (13) of this section, means the sum of the amounts in divisions (A)(14)(a) to (e) of this section less any reduction required under division (B)(1) or (2) of this section.</u>	100065
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<u>(a) The sum of the payments received by the county for all other purposes in calendar year 2014 under division (A)(1) of section 5727.86 and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time;</u>	100070
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<u>(b) The county's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;</u>	100074
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<u>(c) With respect to taxes levied by the county for all other purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2014, excluding taxes charged and payable for the purpose of paying debt charges;</u>	100081
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<u>(d) The sum of the amounts distributed to the county in calendar year 2014 for the taxes levied pursuant to sections 5739.021 and 5741.021 of the Revised Code;</u>	100086
	100087
	100088
<u>(e) The sum of amounts distributed to the county from the gross casino revenue county fund from July 2014 through April</u>	100089
	100090

<u>2015.</u>	100091
<u>(15) "Total resources," in the case of a municipal</u>	100092
<u>corporation, means the sum of the amounts in divisions (A)(15)(a)</u>	100093
<u>to (h) of this section less any reduction required under division</u>	100094
<u>(B)(1) or (2) of this section.</u>	100095
<u>(a) The sum of the payments received by the municipal</u>	100096
<u>corporation in calendar year 2014 for current expense levy losses</u>	100097
<u>under division (A)(1) of section 5727.86 and division (A)(1) of</u>	100098
<u>section 5751.22 of the Revised Code as they existed at that time;</u>	100099
<u>(b) The municipal corporation's percentage share of county</u>	100100
<u>undivided local government fund allocations as certified to the</u>	100101
<u>tax commissioner for calendar year 2015 by the county auditor</u>	100102
<u>under division (J) of section 5747.51 of the Revised Code or</u>	100103
<u>division (F) of section 5747.53 of the Revised Code multiplied by</u>	100104
<u>the total amount actually distributed in calendar year 2014 from</u>	100105
<u>the county undivided local government fund;</u>	100106
<u>(c) The sum of the amounts distributed to the municipal</u>	100107
<u>corporation in calendar year 2014 pursuant to section 5747.50 of</u>	100108
<u>the Revised Code;</u>	100109
<u>(d) With respect to taxes levied by the municipal</u>	100110
<u>corporation, the taxes charged and payable against all property on</u>	100111
<u>the tax list of real and public utility property for municipal</u>	100112
<u>current expenses for tax year 2014;</u>	100113
<u>(e) The amount of admissions tax collected by the municipal</u>	100114
<u>corporation in calendar year 2013, or if such information has not</u>	100115
<u>yet been reported to the tax commissioner, in the most recent year</u>	100116
<u>before 2013 for which the municipal corporation has reported data</u>	100117
<u>to the commissioner;</u>	100118
<u>(f) The amount of income taxes collected by the municipal</u>	100119
<u>corporation in calendar year 2013 as certified to the tax</u>	100120
<u>commissioner under section 5747.50 of the Revised Code in 2013, or</u>	100121

<u>if such information has not yet been reported to the commissioner,</u>	100122
<u>in the most recent year before 2014 for which the municipal</u>	100123
<u>corporation has reported such data to the commissioner;</u>	100124
<u>(g) The sum of the amounts distributed to the municipal</u>	100125
<u>corporation from the gross casino revenue host city fund from July</u>	100126
<u>2014 through April 2015;</u>	100127
<u>(h) The sum of the amounts distributed to the municipal</u>	100128
<u>corporation from the gross casino revenue county fund from July</u>	100129
<u>2014 through April 2015.</u>	100130
<u>(16) "Total resources," in the case of a township, means the</u>	100131
<u>sum of the amounts in divisions (A)(16)(a) to (c) of this section</u>	100132
<u>less any reduction required under division (B)(1) or (2) of this</u>	100133
<u>section.</u>	100134
<u>(a) The sum of the payments received by the township in</u>	100135
<u>calendar year 2014 pursuant to division (A)(1) of section 5727.86</u>	100136
<u>of the Revised Code and division (A)(1) of section 5751.22 of the</u>	100137
<u>Revised Code as they existed at that time, excluding payments</u>	100138
<u>received for debt purposes;</u>	100139
<u>(b) The township's percentage share of county undivided local</u>	100140
<u>government fund allocations as certified to the tax commissioner</u>	100141
<u>for calendar year 2015 by the county auditor under division (J) of</u>	100142
<u>section 5747.51 of the Revised Code or division (F) of section</u>	100143
<u>5747.53 of the Revised Code multiplied by the total amount</u>	100144
<u>actually distributed in calendar year 2014 from the county</u>	100145
<u>undivided local government fund;</u>	100146
<u>(c) With respect to taxes levied by the township, the taxes</u>	100147
<u>charged and payable against all property on the tax list of real</u>	100148
<u>and public utility property for tax year 2014 excluding taxes</u>	100149
<u>charged and payable for the purpose of paying debt charges or from</u>	100150
<u>levies imposed under section 5705.23 of the Revised Code.</u>	100151
<u>(17) "Total resources," in the case of a local taxing unit</u>	100152

that is not a county, municipal corporation, township, or public library means the sum of the amounts in divisions (A)(17)(a) to (e) of this section less any reduction required under division (B)(1) of this section. 100153
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(a) The sum of the payments received by the local taxing unit in calendar year 2014 pursuant to division (A)(1) of section 5727.86 of the Revised Code and division (A)(1) of section 5751.22 of the Revised Code as they existed at that time; 100157
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(b) The local taxing unit's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund; 100161
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(c) With respect to taxes levied by the local taxing unit, the taxes charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding taxes charged and payable for the purpose of paying debt charges or from a levy imposed under section 5705.23 of the Revised Code; 100168
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(d) The amount received from the tax commissioner during calendar year 2014 for sales or use taxes authorized under sections 5739.023 and 5741.022 of the Revised Code; 100173
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(e) For institutions of higher education receiving tax revenue from a local levy, as identified in section 3358.02 of the Revised Code, the final state share of instruction allocation for fiscal year 2014 as calculated by the chancellor of higher education and reported to the state controlling board. 100176
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(18) "Total resources," in the case of a county, municipal corporation, school district, or township public library that receives the proceeds of a tax levied under section 5705.23 of the 100181
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Revised Code, means the sum of the amounts in divisions (A)(18)(a) to (d) of this section less any reduction required under division (B)(1) of this section.

(a) The sum of the payments received by the county, municipal corporation, school district, or township public library in calendar year 2014 pursuant to sections 5727.86 and 5751.22 of the Revised Code, as they existed at that time, for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code for the benefit of the public library;

(b) The public library's percentage share of county undivided local government fund allocations as certified to the tax commissioner for calendar year 2015 by the county auditor under division (J) of section 5747.51 of the Revised Code or division (F) of section 5747.53 of the Revised Code multiplied by the total amount actually distributed in calendar year 2014 from the county undivided local government fund;

(c) With respect to a tax levied pursuant to section 5705.23 of the Revised Code for the benefit of the public library, the amount of such tax that is charged and payable against all property on the tax list of real and public utility property for tax year 2014 excluding any tax that is charged and payable for the purpose of paying debt charges;

(d) The sum of the amounts distributed to the library district from the county public library fund in calendar year 2014, as reported to the tax commissioner by the county auditor.

(19) "Municipal current expense property tax levies" means all property tax levies of a municipality, except those with the following levy names: library; airport resurfacing; bond or any levy name including the word "bond"; capital improvement or any levy name including the word "capital"; debt or any levy name including the word "debt"; equipment or any levy name including

the word "equipment," unless the levy is for combined operating 100215
and equipment; employee termination fund; fire pension or any levy 100216
containing the word "pension," including police pensions; 100217
fireman's fund or any practically similar name; sinking fund; road 100218
improvements or any levy containing the word "road"; fire truck or 100219
apparatus; flood or any levy containing the word "flood"; 100220
conservancy district; county health; note retirement; sewage, or 100221
any levy containing the words "sewage" or "sewer"; park 100222
improvement; parkland acquisition; storm drain; street or any levy 100223
name containing the word "street"; lighting, or any levy name 100224
containing the word "lighting"; and water. 100225

(20) "Operating fixed-rate levy loss" means, in the case of 100226
local taxing units other than municipal corporations, fixed-rate 100227
levy losses of levies imposed for purposes other than paying debt 100228
charges or, in the case of municipal corporations, fixed-rate levy 100229
losses of municipal current expense property tax levies. 100230

(21) "Qualifying local taxing unit" means a local taxing 100231
unit, other than a county or municipal corporation, within whose 100232
territory a nuclear power plant is located, including a public 100233
library on behalf of which a tax is levied under section 5705.23 100234
of the Revised Code on a tax list that includes the property of a 100235
nuclear power plant. 100236

(22)(a) "Qualifying municipal corporation" means a municipal 100237
corporation in the territory of which a qualifying end user is 100238
located. 100239

(b) "Qualifying end user" means an end user of at least seven 100240
million qualifying kilowatt hours of electricity annually. 100241

(c) "Qualifying kilowatt hours" means kilowatt hours of 100242
electricity generated by a renewable energy resource, as defined 100243
in section 5727.01 of the Revised Code, using wind energy and the 100244
distribution of which is subject to the tax levied under section 100245

<u>5727.81 of the Revised Code for any measurement period beginning</u>	100246
<u>after June 30, 2015.</u>	100247
<u>(23) Any term used in this section has the same meaning as in</u>	100248
<u>section 5727.84 or 5751.20 of the Revised Code unless otherwise</u>	100249
<u>defined by this section.</u>	100250
<u>(B)(1) "Total resources" used to compute payments to be made</u>	100251
<u>under division (C) of this section shall be reduced to the extent</u>	100252
<u>that payments distributed in calendar year 2014 were attributable</u>	100253
<u>to levies no longer charged and payable.</u>	100254
<u>(2) "Current expense allocation" used to compute payments to</u>	100255
<u>be made under division (C) of this section shall be reduced to the</u>	100256
<u>extent that payments distributed in calendar year 2014 were</u>	100257
<u>attributable to levies no longer charged and payable.</u>	100258
<u>(C)(1) Except as provided in divisions (C)(2) and (D) of this</u>	100259
<u>section, the tax commissioner shall compute payments for operating</u>	100260
<u>fixed-rate levy losses of local taxing units and public libraries</u>	100261
<u>for fiscal year 2016 and each year thereafter as prescribed in</u>	100262
<u>divisions (C)(1)(a) and (b) and (2) of this section:</u>	100263
<u>(a) For public libraries and local taxing units other than</u>	100264
<u>municipal corporations:</u>	100265
<u>(i) If the ratio of current expense allocation to total</u>	100266
<u>resources is equal to or less than the threshold per cent, zero;</u>	100267
<u>(ii) If the ratio of current expense allocation to total</u>	100268
<u>resources is greater than the threshold per cent, the current</u>	100269
<u>expense allocation minus the product of total resources multiplied</u>	100270
<u>by the threshold per cent.</u>	100271
<u>(b) For municipal corporations:</u>	100272
<u>(i) If the ratio of the municipal current expense allocation</u>	100273
<u>to total resources is equal to or less than the threshold per</u>	100274
<u>cent, zero;</u>	100275

(ii) If the ratio of the municipal current expense allocation to total resources is greater than the threshold per cent, the municipal current expense allocation minus the product of total resources multiplied by the threshold per cent. 100276
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(2) In the case of a qualifying local taxing unit for which the ratio of current expense allocation to total resources is ten per cent or more, the payment to be made under division (C) of this section for fiscal year 2016 and each year thereafter, in lieu of the payment computed under division (C)(1)(a) of this section, shall equal the amount described in division (A)(16)(a) of this section if the qualifying local taxing unit is a township, division (A)(18)(a) if the qualifying local taxing unit is a public library, and division (A)(17)(a) if the qualifying local taxing unit is not a township or public library. 100280
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(3) For any local taxing unit or public library with operating fixed-rate levy losses greater than zero, the operating fixed-rate levy loss shall be allocated among all qualifying operating fixed-rate levies in proportion to each such levy's share of the payments received in tax year 2014. In fiscal year 2016 and thereafter, if a levy to which operating fixed-rate levy loss is allocated is no longer charged and payable, the payment to the local taxing unit or public library shall be reduced by the amount allocated to the levy that is no longer charged and payable. 100290
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(D)(1) Except as provided in division (D)(2) of this section, the tax commissioner shall make payments to local taxing units equal to the sum of TPP inside millage debt levy loss and S.B. 3 inside millage debt levy loss. No payment shall be made if the levy for which the levy loss is computed is not charged and payable for debt purposes in fiscal year 2016 or any year thereafter. 100300
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(2) No payment shall be made for TPP inside millage debt levy 100307

loss in calendar year 2018 or thereafter. No payment shall be made 100308
for S.B.3 inside millage debt levy loss in calendar year 2017 or 100309
thereafter. 100310

(E) For a qualifying municipal corporation, the tax 100311
commissioner shall compute payments for fiscal year 2016 and each 100312
ensuing fiscal year in an amount equal to the amount of tax 100313
imposed under section 5727.81 of the Revised Code and paid on the 100314
basis of qualifying kilowatt hours of electricity distributed 100315
through the meter of a qualifying end user located in the 100316
municipal corporation for measurement periods ending in the 100317
preceding calendar year. The payment shall be computed regardless 100318
of whether the qualifying municipal corporation qualifies for a 100319
payment under any other division of this section for the fiscal 100320
year in which the payment is computed under this division. For the 100321
purposes of this division, the commissioner may require an 100322
electric distribution company distributing qualifying kilowatt 100323
hours or, if the end user is a self-assessing purchaser, the end 100324
user, to report to the commissioner the number of qualifying 100325
kilowatt hours distributed through the meter of the qualifying end 100326
user. 100327

(F)(1) The payments required to be made under divisions (C) 100328
and (D) of this section shall be paid from local government 100329
tangible property tax replacement fund to the county undivided 100330
income tax fund in the proper county treasury. Beginning in August 100331
2015, one-half of the amount determined under each of those 100332
divisions shall be paid on or before the last day of August each 100333
year, and one-half shall be paid on or before the last day of 100334
February each year. Within thirty days after receipt of such 100335
payments, the county treasurer shall distribute amounts determined 100336
under this section to the proper local taxing unit or public 100337
library as if they had been levied and collected as taxes, and the 100338
local taxing unit or public library shall allocate the amounts so 100339

received among its funds in the same proportions as if those 100340
amounts had been levied and collected as taxes. 100341

(2) On or before the last day of August and of February of 100342
each fiscal year that follows a calendar year in which taxes are 100343
paid on the basis of qualifying kilowatt hours of electricity 100344
distributed through the meter of a qualifying end user located in 100345
a qualifying municipal corporation, one-half of the payment 100346
computed under division (E) of this section shall be paid from the 100347
local government tangible personal property tax replacement fund 100348
directly to the qualifying municipal corporation. The municipal 100349
corporation shall credit the payments to a special fund created 100350
for the purpose of providing grants or other financial assistance 100351
to the qualifying end user or to compensate the municipal 100352
corporation for municipal income tax or other tax credits or 100353
reductions as the legislative authority may grant to the 100354
qualifying end user. Such grants or other financial assistance may 100355
be provided for by ordinance or resolution of the legislative 100356
authority of the qualifying municipal corporation and may continue 100357
for as long as is provided by the ordinance or resolution. 100358

(G) If all or a part of the territories of two or more local 100359
taxing units are merged, or unincorporated territory of a township 100360
is annexed by a municipal corporation, the tax commissioner shall 100361
adjust the payments made under this section and division (E) of 100362
section 5709.94 of the Revised Code to each of the local taxing 100363
units in proportion to the square mileage of the merged or annexed 100364
territory as a percentage of the total square mileage of the 100365
jurisdiction from which the territory originated, or as otherwise 100366
provided by a written agreement between the legislative 100367
authorities of the local taxing units certified to the 100368
commissioner not later than the first day of June of the calendar 100369
year in which the payment is to be made. 100370

<u>Sec. 5709.94. (A) As used in this section:</u>	100371
<u>(1) "School district," "joint vocational school district,"</u>	100372
<u>"local taxing unit," "state education aid," and "recognized</u>	100373
<u>valuation" have the same meanings as in section 5727.84 of the</u>	100374
<u>Revised Code.</u>	100375
<u>(2) "Electric company," "energy company," and "energy</u>	100376
<u>conversion equipment" have the same meanings as in section 5727.01</u>	100377
<u>of the Revised Code.</u>	100378
<u>(3) "State education aid offset" means the amount determined</u>	100379
<u>for each school district or joint vocational school district under</u>	100380
<u>division (C) of this section.</u>	100381
<u>(B) On or before the last day of December of each year, the</u>	100382
<u>tax commissioner shall determine for each school district and</u>	100383
<u>joint vocational school district its production equipment tax</u>	100384
<u>loss, which shall equal the value of all tangible personal</u>	100385
<u>property of an electric company or energy company that is not</u>	100386
<u>transmission or distribution property or energy conversion</u>	100387
<u>equipment, as it would have been assessed by the tax commissioner</u>	100388
<u>and apportioned to the school district or joint vocational school</u>	100389
<u>district for that tax year if the property were taxable property</u>	100390
<u>and the assessment rate applicable to such property were</u>	100391
<u>twenty-four per cent.</u>	100392
<u>(C) On or before July 31, 2017, and each thirty-first day of</u>	100393
<u>July thereafter, the department of education shall determine the</u>	100394
<u>state education offset for each school district and joint</u>	100395
<u>vocational school district. The state education offset shall equal</u>	100396
<u>the difference obtained by subtracting the amount described in</u>	100397
<u>division (C)(2) of this section from the amount described in</u>	100398
<u>division (C)(1) of this section:</u>	100399
<u>(1) The state education aid computed for the school district</u>	100400

or joint vocational school district for the current fiscal year as 100401
of the thirty-first day of July; 100402

(2) The state education aid that would be computed for the 100403
school district or joint vocational school district for the 100404
current fiscal year as of the thirty-first day of July if the 100405
recognized valuation of the district included the production 100406
equipment tax value loss calculated for the district under 100407
division (B) of this section. 100408

On or before the fifth day of August of each such year, the 100409
department of education shall certify the amounts determined under 100410
division (C) of this section to the tax commissioner. 100411

(D) On or before the twenty-eighth day of February and the 100412
thirty-first day of August of each year, beginning in 2017, the 100413
tax commissioner shall make payments to each school district and 100414
joint vocational school district from the production equipment 100415
property tax replacement fund created by section 321.24 of the 100416
Revised Code. The amount paid to each district shall equal the 100417
difference obtained by subtracting the amount described in 100418
division (D)(2) of this section from the amount described in 100419
division (D)(1) of this section, provided that the difference is 100420
greater than zero: 100421

(1) One-half of the amount calculated for the school district 100422
or joint vocational school district for the preceding tax year 100423
under division (B)(1) of section 5727.09 of the Revised Code; 100424

(2) One-half of the state education aid offset calculated for 100425
the district under division (C) of this section for the fiscal 100426
year that includes the date on which the payment is to be made. 100427

(E) On or before the twenty-eighth day of February and the 100428
thirty-first day of August of each year, beginning in 2017, the 100429
tax commissioner shall make payments to each local taxing unit 100430
from the production equipment property tax replacement fund. The 100431

amount paid to each district shall equal one-half of the amount 100432
calculated for the taxing unit for the preceding tax year under 100433
division (B)(1) of section 5727.09 of the Revised Code. 100434

(F) The payments required to be made under divisions (D) and 100435
(E) of this section shall be paid from the production equipment 100436
property tax replacement fund to the county undivided income tax 100437
fund in the proper county treasury. Within thirty days after 100438
receipt of such payments, the county treasurer shall distribute 100439
amounts determined under this section to the proper school 100440
district, joint vocational school district, or local taxing unit 100441
as if they had been levied and collected as taxes, and the school 100442
district, joint vocational school district, or local taxing unit 100443
shall allocate the amounts so received among its funds in the same 100444
proportions as if those amounts had been levied and collected as 100445
taxes. 100446

(G)(1) On the first day of June of each year, beginning in 100447
2018, the director of budget and management shall transfer any 100448
balance remaining in the production equipment property tax 100449
replacement fund after the payments have been made under divisions 100450
(D) and (E) of this section to the general revenue fund. 100451

(2) If the total amount in the production equipment property 100452
tax replacement fund is insufficient to make all payments under 100453
divisions (D) and (E) of this section at the time the payments are 100454
to be made, the director of budget and management shall transfer 100455
from the general revenue fund to the production equipment property 100456
tax replacement fund the difference between the total amount to be 100457
paid and the total amount in the production equipment property tax 100458
replacement fund. 100459

Sec. 5713.031. For the purposes of section 5713.03 of the 100460
Revised Code, when determining the true value in money of a golf 100461
course property that has not been the subject of a recent arm's 100462

length sale and for which appraisal as a golf course use is 100463
justified as either the highest and best use or as a special 100464
purpose use, the county auditor shall determine the true value 100465
pursuant to division (A) or (B) of this section. 100466

(A) For golf courses that operate primarily on a for-profit, 100467
daily-fee basis, the true value in money shall be determined using 100468
the income approach as described in the uniform rules and methods 100469
of valuing and assessing real property as adopted, prescribed, and 100470
promulgated by the tax commissioner. The value of all tangible and 100471
intangible personal property that contributes to the net operating 100472
income used in the income approach shall be deducted from the 100473
resulting valuation in order to determine the true value in money 100474
of the taxable property only. The capitalization rate used shall 100475
reflect all anticipated risks of the golf course operation, 100476
including weather-related risks and competition from golf courses 100477
that are exempted from taxation. The county auditor of a county in 100478
which a golf course is located may request the owner of the golf 100479
course to provide income and expense data on a form prescribed by 100480
the tax commissioner. No document containing data provided 100481
pursuant to this division shall be deemed a public document or 100482
record, but shall be a confidential document for use only in 100483
assessing the taxable property and shall not be subject to 100484
inspection or copying as public records pursuant to section 149.43 100485
of the Revised Code. If an owner declines within thirty days of 100486
such request to provide this data and the auditor is thereafter 100487
unable to determine the true value in money of the taxable 100488
property using the income approach, the property shall be valued 100489
in accordance with division (B) of this section. 100490

(B) For all other golf courses, the true value in money shall 100491
be determined using the market data approach in combination with 100492
the cost approach. 100493

Sec. 5713.30. As used in sections 5713.31 to 5713.37 and 100494
5715.01 of the Revised Code: 100495

(A) "Land devoted exclusively to agricultural use" means: 100496

(1) Tracts, lots, or parcels of land totaling not less than 100497
ten acres to which, during the three calendar years prior to the 100498
year in which application is filed under section 5713.31 of the 100499
Revised Code, and through the last day of May of such year, one or 100500
more of the following apply: 100501

(a) The tracts, lots, or parcels of land were devoted 100502
exclusively to commercial animal or poultry husbandry, 100503
aquaculture, algaculture meaning the farming of algae, apiculture, 100504
the production for a commercial purpose of timber, field crops, 100505
tobacco, fruits, vegetables, nursery stock, ornamental trees, sod, 100506
or flowers, or the growth of timber for a noncommercial purpose, 100507
if the land on which the timber is grown is contiguous to or part 100508
of a parcel of land under common ownership that is otherwise 100509
devoted exclusively to agricultural use. 100510

(b) The tracts, lots, or parcels of land were devoted 100511
exclusively to biodiesel production, biomass energy production, 100512
electric or heat energy production, or biologically derived 100513
methane gas production if the land on which the production 100514
facility is located is contiguous to or part of a parcel of land 100515
under common ownership that is otherwise devoted exclusively to 100516
agricultural use, provided that at least fifty per cent of the 100517
feedstock used in the production was derived from parcels of land 100518
under common ownership or leasehold. 100519

(c) The tracts, lots, or parcels of land were devoted to and 100520
qualified for payments or other compensation under a land 100521
retirement or conservation program under an agreement with an 100522
agency of the federal government. 100523

(2) Tracts, lots, or parcels of land totaling less than ten acres that, during the three calendar years prior to the year in which application is filed under section 5713.31 of the Revised Code and through the last day of May of such year, were devoted exclusively to commercial animal or poultry husbandry, aquaculture, algaculture meaning the farming of algae, apiculture, the production for a commercial purpose of field crops, tobacco, fruits, vegetables, timber, nursery stock, ornamental trees, sod, or flowers where such activities produced an average yearly gross income of at least twenty-five hundred dollars during such three-year period or where there is evidence of an anticipated gross income of such amount from such activities during the tax year in which application is made, or were devoted to and qualified for payments or other compensation under a land retirement or conservation program under an agreement with an agency of the federal government;

(3) A tract, lot, or parcel of land taxed under sections 5713.22 to 5713.26 of the Revised Code is not land devoted exclusively to agricultural use;

(4) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have been designated as land devoted exclusively to agricultural use, but such land has been lying idle or fallow for up to one year and no action has occurred to such land that is either inconsistent with the return of it to agricultural production or converts the land devoted exclusively to agricultural use as defined in this section. Such land shall remain designated as land devoted exclusively to agricultural use provided that beyond one year, but less than three years, the landowner proves good cause as determined by the board of revision.

(5) Tracts, lots, or parcels of land, or portions thereof that, during the previous three consecutive calendar years have

been designated as land devoted exclusively to agricultural use, 100556
but such land has been lying idle or fallow because of dredged 100557
material being stored or deposited on such land pursuant to a 100558
contract between the land's owner and the department of natural 100559
resources or the United States army corps of engineers and no 100560
action has occurred to the land that is either inconsistent with 100561
the return of it to agricultural production or converts the land 100562
devoted exclusively to agricultural use. Such land shall remain 100563
designated as land devoted exclusively to agricultural use until 100564
the last year in which dredged material is stored or deposited on 100565
the land pursuant to such a contract, but not to exceed five 100566
years. 100567

"Land devoted exclusively to agricultural use" includes 100568
tracts, lots, or parcels of land or portions thereof that are used 100569
for conservation practices, provided that the tracts, lots, or 100570
parcels of land or portions thereof comprise twenty-five per cent 100571
or less of the total of the tracts, lots, or parcels of land that 100572
satisfy the criteria established in division (A)(1), (2), ~~or~~ (4), 100573
or (5) of this section together with the tracts, lots, or parcels 100574
of land or portions thereof that are used for conservation 100575
practices. 100576

(B) "Conversion of land devoted exclusively to agricultural 100577
use" means any of the following: 100578

(1) The failure of the owner of land devoted exclusively to 100579
agricultural use during the next preceding calendar year to file a 100580
renewal application under section 5713.31 of the Revised Code 100581
without good cause as determined by the board of revision; 100582

(2) The failure of the new owner of such land to file an 100583
initial application under that section without good cause as 100584
determined by the board of revision; 100585

(3) The failure of such land or portion thereof to qualify as 100586

land devoted exclusively to agricultural use for the current 100587
calendar year as requested by an application filed under such 100588
section; 100589

(4) The failure of the owner of the land described in 100590
division (A)(4) or (5) of this section to act on such land in a 100591
manner that is consistent with the return of the land to 100592
agricultural production after three years. 100593

The construction or installation of an energy facility, as 100594
defined in section 5727.01 of the Revised Code, on a portion of a 100595
tract, lot, or parcel of land devoted exclusively to agricultural 100596
use shall not cause the remaining portion of the tract, lot, or 100597
parcel to be regarded as a conversion of land devoted exclusively 100598
to agricultural use if the remaining portion of the tract, lot, or 100599
parcel continues to be devoted exclusively to agricultural use. 100600

(C) "Tax savings" means the difference between the dollar 100601
amount of real property taxes levied in any year on land valued 100602
and assessed in accordance with its current agricultural use value 100603
and the dollar amount of real property taxes that would have been 100604
levied upon such land if it had been valued and assessed for such 100605
year in accordance with Section 2 of Article XII, Ohio 100606
Constitution. 100607

(D) "Owner" includes, but is not limited to, any person 100608
owning a fee simple, fee tail, or life estate or a buyer on a land 100609
installment contract. 100610

(E) "Conservation practices" are practices used to abate soil 100611
erosion as required in the management of the farming operation, 100612
and include, but are not limited to, the installation, 100613
construction, development, planting, or use of grass waterways, 100614
terraces, diversions, filter strips, field borders, windbreaks, 100615
riparian buffers, wetlands, ponds, and cover crops for that 100616
purpose. 100617

(F) "Wetlands" has the same meaning as in section 6111.02 of the Revised Code. 100618
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(G) "Biodiesel" means a mono-alkyl ester combustible liquid fuel that is derived from vegetable oils or animal fats or any combination of those reagents and that meets the American society for testing and materials specification D6751-03a for biodiesel fuel (B100) blend stock distillate fuels. 100620
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(H) "Biologically derived methane gas" means gas from the anaerobic digestion of organic materials, including animal waste and agricultural crops and residues. 100625
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(I) "Biomass energy" means energy that is produced from organic material derived from plants or animals and available on a renewable basis, including, but not limited to, agricultural crops, tree crops, crop by-products, and residues. 100628
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(J) "Electric or heat energy" means electric or heat energy generated from manure, cornstalks, soybean waste, or other agricultural feedstocks. 100632
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(K) "Dredged material" means material that is excavated or dredged from waters of this state. "Dredged material" does not include material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for production of food, fiber, and forest products. 100635
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Sec. 5715.01. (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use. The uniform rules shall prescribe methods of determining the true value and taxable value of real property and 100640
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shall also prescribe the method for determining the current 100648
agricultural use value of land devoted exclusively to agricultural 100649
use, which method shall reflect standard and modern appraisal 100650
techniques that take into consideration: the productivity of the 100651
soil under normal management practices; the average price patterns 100652
of the crops and products produced to determine the income 100653
potential to be capitalized; the market value of the land for 100654
agricultural use; and other pertinent factors. The rules shall 100655
provide that in determining the true value of lands or 100656
improvements thereon for tax purposes, all facts and circumstances 100657
relating to the value of the property, its availability for the 100658
purposes for which it is constructed or being used, its obsolete 100659
character, if any, the income capacity of the property, if any, 100660
and any other factor that tends to prove its true value shall be 100661
used. In determining the true value of minerals or rights to 100662
minerals for the purpose of real property taxation, the tax 100663
commissioner shall not include in the value of the minerals or 100664
rights to minerals the value of any tangible personal property 100665
used in the recovery of those minerals. 100666

(B) The taxable value shall be that per cent of true value in 100667
money, or current agricultural use value in the case of land 100668
valued in accordance with section 5713.31 of the Revised Code, the 100669
commissioner by rule establishes, but it shall not exceed 100670
thirty-five per cent. The uniform rules shall also prescribe 100671
methods of making the appraisals set forth in section 5713.03 of 100672
the Revised Code and definitions as needed to clarify such 100673
methods. If methods and definitions are not explicitly set forth 100674
by rule, appraisals of real estate shall be made in accordance 100675
with the methods and definitions prescribed by the fourteenth 100676
edition of the appraisal of real estate and the fifth edition of 100677
the dictionary of real estate appraisal published by the appraisal 100678
institute. The rules established by the commissioner under this 100679
section shall be applied uniformly to all parcels. The taxable 100680

value of each tract, lot, or parcel of real property and 100681
improvements thereon, determined in accordance with the uniform 100682
rules and methods prescribed thereby, shall be the taxable value 100683
of the tract, lot, or parcel for all purposes of sections 5713.01 100684
to 5713.26, 5715.01 to 5715.51, and 5717.01 to 5717.06 of the 100685
Revised Code. County auditors shall, under the direction and 100686
supervision of the commissioner, be the chief assessing officers 100687
of their respective counties, and shall list and value the real 100688
property within their respective counties for taxation in 100689
accordance with this section and sections 5713.03 and 5713.31 of 100690
the Revised Code and with such rules of the commissioner. There 100691
shall also be a board in each county, known as the county board of 100692
revision, which shall hear complaints and revise assessments of 100693
real property for taxation. 100694

(C) The commissioner shall neither adopt nor enforce any rule 100695
that requires true value for any tax year to be any value other 100696
than the true value in money on the tax lien date of such tax year 100697
or that requires taxable value to be obtained in any way other 100698
than by reducing the true value, or in the case of land valued in 100699
accordance with section 5713.31 of the Revised Code, its current 100700
agricultural use value, by a specified, uniform percentage. 100701

Sec. 5715.39. (A) The tax commissioner may remit real 100702
property taxes, manufactured home taxes, penalties, and interest 100703
found by the commissioner to have been illegally assessed. The 100704
commissioner also may remit any penalty charged against any real 100705
property or manufactured or mobile home that was the subject of an 100706
application for exemption from taxation under section 5715.27 of 100707
the Revised Code if the commissioner determines that the applicant 100708
requested such exemption in good faith. The commissioner shall 100709
include notice of the remission in the commissioner's 100710
certification to the county auditor required under that section. 100711

(B) The county auditor, upon consultation with the county treasurer, shall remit a penalty for late payment of any real property taxes or manufactured home taxes when:

(1) The taxpayer could not make timely payment of the tax because of the negligence or error of the county auditor or county treasurer in the performance of a statutory duty relating to the levy or collection of such tax.

(2) In cases other than those described in division (B)(1) of this section, and except as provided in division (B)(5) of this section, the taxpayer failed to receive a tax bill or a correct tax bill, and the taxpayer made a good faith effort to obtain such bill within thirty days after the last day for payment of the tax.

(3) The tax was not timely paid because of the death or serious injury of the taxpayer, or the taxpayer's confinement in a hospital within sixty days preceding the last day for payment of the tax if, in any case, the tax was subsequently paid within sixty days after the last day for payment of such tax.

(4) The taxpayer demonstrates that the full payment was properly deposited in the mail in sufficient time for the envelope to be postmarked by the United States postal service on or before the last day for payment of such tax. A private meter postmark on an envelope is not a valid postmark for purposes of establishing the date of payment of such tax.

(5) With respect to the first payment due after a taxpayer fully satisfies a mortgage against a parcel of real property, the mortgagee failed to notify the auditor of the satisfaction of the mortgage, and the tax bill was not sent to the taxpayer.

(C) The board of revision shall remit a penalty for late payment of any real property taxes or manufactured homes taxes if, in cases other than those described in division (B)(1) to ~~(4)~~(5) of this section, the taxpayer's failure to make timely payment of

the tax is due to reasonable cause and not willful neglect. 100743

(D) The taxpayer, upon application within sixty days after 100744
the mailing of the county auditor's or board of revision's 100745
decision, may request the tax commissioner to review the denial of 100746
the remission of a penalty by the auditor or board. The 100747
application may be filed in person or by certified mail. If the 100748
application is filed by certified mail, the date of the United 100749
States postmark placed on the sender's receipt by the postal 100750
service shall be treated as the date of filing. The commissioner 100751
shall consider the application, determine whether the penalty 100752
should be remitted, and certify the determination to the taxpayer, 100753
to the county treasurer, and to the county auditor, who shall 100754
correct the tax list and duplicate accordingly. The commissioner 100755
may issue orders and instructions for the uniform implementation 100756
of this section by all county boards of revision, county auditors, 100757
and county treasurers, and such orders and instructions shall be 100758
followed by such officers and boards. 100759

(E) This section shall not provide to the taxpayer any remedy 100760
with respect to any matter that the taxpayer may be authorized to 100761
complain of under section 4503.06, 5715.19, 5717.02, or 5727.47 of 100762
the Revised Code. 100763

(F) Applications for remission, and documents of any kind 100764
related to those applications, filed with the tax commissioner 100765
under this section are public records within the meaning of 100766
section 149.43 of the Revised Code unless otherwise excepted under 100767
that section. 100768

Sec. 5725.22. (A) The treasurer of state shall maintain an 100769
intangible property tax list of taxes levied by section 5707.03 of 100770
the Revised Code and certified by the tax commissioner pursuant to 100771
sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised 100772
Code, and a separate list of taxes levied by section 5725.18 of 100773

the Revised Code and certified by the superintendent of insurance 100774
pursuant to section 5725.20 of the Revised Code. 100775

(B)(1) With respect to taxes levied under section 5725.18 of 100776
the Revised Code, the treasurer of state, upon receipt of an 100777
assessment, shall compute the taxes at the rates prescribed by law 100778
and enter the taxes on the proper tax list. The treasurer shall 100779
collect, and the taxpayer shall pay, all such taxes and any 100780
interest applicable thereto. Payments may be made by mail, in 100781
person, or by any other means authorized by the treasurer. The 100782
treasurer shall render a daily itemized statement to the 100783
superintendent of insurance of the amount of taxes collected and 100784
the name of the domestic insurance company from whom collected. 100785
The treasurer of state may adopt rules concerning the methods and 100786
timeliness of payments under this division. 100787

(2) With respect to taxes levied under section 5707.03 of the 100788
Revised Code, any assessment certified to the treasurer of state 100789
shall reflect the taxes computed at the rates prescribed by law. 100790
Upon receipt of such an assessment, the treasurer shall enter the 100791
taxes on the proper tax list. The tax commissioner shall collect, 100792
and the taxpayer shall pay, all such taxes and any interest 100793
applicable thereto. Payments may be made by mail, in person, or by 100794
any other means authorized by the commissioner. The commissioner 100795
shall immediately forward to the treasurer any payments received 100796
under this division, together with any information necessary for 100797
the treasurer to properly credit such payments. The commissioner 100798
may adopt rules concerning the method and timeliness of payments 100799
under this division. 100800

(C) Each tax bill issued pursuant to this section shall 100801
separately reflect the taxes due, interest, if any, due date, and 100802
any other information considered necessary. The With respect to 100803
taxes levied under section 5725.18 of the Revised Code, the last 100804
day on which payment may be made without penalty shall be the 100805

fifteenth day of June, unless that day is not a business day as 100806
defined in section 5709.40 of the Revised Code, in which case the 100807
payment may be made on the next business day. With respect to 100808
taxes levied under section 5707.03 of the Revised Code, the last 100809
day on which payment may be made without penalty shall be at least 100810
twenty but not more than thirty days from the date of mailing the 100811
tax bill. The treasurer of state or tax commissioner, as 100812
appropriate, shall ~~mail~~ issue the tax bill, ~~and, if the tax bill~~ 100813
is issued by mail, the mailing thereof shall be prima-facie 100814
evidence of receipt thereof by the taxpayer. 100815

The treasurer or commissioner, as appropriate, shall refund 100816
taxes as provided in this section, but no refund shall be made to 100817
a taxpayer having a delinquent claim certified pursuant to this 100818
section that remains unpaid. The treasurer or commissioner may 100819
consult the attorney general regarding such claims. Refunds shall 100820
be paid from the tax refund fund created by section 5703.052 of 100821
the Revised Code. 100822

(D)(1) Within twenty days after receipt of any preliminary 100823
assessment of taxes levied under section 5725.18 of the Revised 100824
Code, the treasurer of state shall issue a tax bill, but if such 100825
preliminary assessment reflects a late filed tax return, the 100826
treasurer of state shall add interest as provided in division (A) 100827
of section 5725.221 of the Revised Code and issue a tax bill. 100828

(2) ~~Within twenty days after~~ After receipt of any amended or 100829
final assessment of taxes levied under section 5725.18 of the 100830
Revised Code, the treasurer of state shall ascertain the 100831
difference between the total taxes computed on such assessment and 100832
the total taxes computed on the most recent assessment certified 100833
for the same tax year. If the difference is a deficiency, the 100834
treasurer of state shall add interest as provided in division 100835
(B)(1) of section 5725.221 of the Revised Code and issue a tax 100836
bill. Unless an exigency exists, the treasurer shall issue the tax 100837

bill on or before the fifteenth day of May. In the case of an 100838
exigency, the treasurer shall issue the tax bill as soon as 100839
possible after the fifteenth day of May and may extend the due 100840
date for payment of the tax prescribed by division (C) of this 100841
section. If the difference is an excess, the treasurer of state 100842
shall add interest as provided in division (B)(2) of section 100843
5725.221 of the Revised Code and certify the name of the taxpayer 100844
and the amount to be refunded to the director of budget and 100845
management for payment to the taxpayer. If the taxpayer has a 100846
deficiency for one tax year and an excess for another tax year, or 100847
any combination thereof for more than two tax years, the treasurer 100848
of state may determine the net result after adding interest, if 100849
applicable, and, depending on such result, proceed to ~~mail~~ issue a 100850
tax bill or certify a refund. 100851

(E)(1) Except as provided in division (E)(2) of this section, 100852
within twenty days after certifying to the treasurer of state an 100853
amended or final assessment, or a preliminary assessment of a 100854
dealer in intangibles that has failed to file a report or disclose 100855
taxable property, the tax commissioner shall ascertain the 100856
difference between the total taxes computed on such assessment and 100857
the total taxes computed on the most recent assessment certified 100858
for the same tax year, if any. If the difference is a deficiency, 100859
the commissioner shall add interest as provided in division (B)(1) 100860
of section 5725.221 of the Revised Code and issue a tax bill. If 100861
the difference is an excess, the commissioner shall add interest 100862
as provided in division (B)(2) of section 5725.221 of the Revised 100863
Code and certify the name of the taxpayer and the amount to be 100864
refunded to the director of budget and management for payment to 100865
the taxpayer. If the taxpayer has a deficiency for one tax year 100866
and excess for another tax year, or any combination thereof for 100867
more than two tax years, the commissioner may determine the net 100868
result after adding interest, if applicable, and, depending on 100869
such result, proceed to mail a tax bill or certify a refund. 100870

(2) The tax commissioner may issue a tax bill for any 100871
deficiency resulting from an assessment at the time the 100872
commissioner issues the assessment. 100873

(F) ~~If~~ With respect to taxes levied under section 5707.03 of 100874
the Revised Code, if a taxpayer fails to pay all taxes and 100875
interest, if any, on or before the due date shown on the tax bill 100876
but makes payment within ten calendar days of such date, the 100877
~~treasurer of state or tax commissioner, as appropriate,~~ shall add 100878
a penalty equal to five per cent of the taxes due. If payment is 100879
not made within ten days of such date, the ~~treasurer or~~ 100880
commissioner shall add a penalty equal to ten per cent of the 100881
taxes due. The ~~treasurer or~~ commissioner shall prepare a 100882
delinquent claim for each tax bill on which penalties were added 100883
and certify such claims to the attorney general for collection. 100884
~~The attorney general shall transmit a copy of each claim certified~~ 100885
~~by the treasurer to the superintendent of insurance.~~ For each 100886
claim certified by the ~~treasurer or~~ commissioner, the attorney 100887
general shall proceed to collect the delinquent taxes, penalties, 100888
and interest thereon in the manner prescribed by law. 100889

(G) With respect to taxes levied under section 5725.18 of the 100890
Revised Code, if a taxpayer fails to pay all taxes and interest, 100891
if any, on or before the due date shown on the tax bill issued by 100892
the treasurer of state, the treasurer shall add a penalty equal to 100893
five hundred dollars for each month the taxpayer fails to pay all 100894
taxes and interest due. The treasurer may add an additional 100895
penalty, not to exceed ten per cent of the taxes and interest due, 100896
if the taxpayer fails to demonstrate that the taxpayer made a good 100897
faith effort to pay all taxes and interest on or before the due 100898
date shown on the tax bill. The treasurer shall prepare a 100899
delinquent claim for each tax bill on which penalties were added 100900
and certify such claims to the attorney general for collection. 100901
The attorney general shall transmit a copy of each claim certified 100902

by the treasurer to the superintendent of insurance. For each 100903
claim certified by the treasurer, the attorney general shall 100904
proceed to collect the delinquent taxes, penalties, and interest 100905
thereon in the manner prescribed by law. 100906

Sec. 5725.33. (A) Except as otherwise provided in this 100907
section, terms used in this section have the same meaning as 100908
section 45D of the Internal Revenue Code, any related proposed, 100909
temporary or final regulations promulgated under the Internal 100910
Revenue Code, any rules or guidance of the internal revenue 100911
service or the United States department of the treasury, and any 100912
related rules or guidance issued by the community development 100913
financial institutions fund of the United States department of the 100914
treasury, as such law, regulations, rules, and guidance exist on 100915
October 16, 2009. 100916

As used in this section: 100917

(1) "Adjusted purchase price" means the amount paid for the 100918
portion of a qualified equity ~~investments multiplied by the~~ 100919
~~qualified low income community investments made by the issuer in~~ 100920
~~projects located in this state as a percentage of the total amount~~ 100921
~~of qualified low income community investments made by the issuer~~ 100922
~~in projects located in all states on the credit allowance date~~ 100923
~~during the applicable tax year, subject to divisions (B)(1) and~~ 100924
~~(2) investment approved or certified by the director of~~ 100925
development services for a qualified community development entity 100926
in accordance with rules adopted under division (E) of this 100927
section. 100928

(2) "Applicable percentage" means zero per cent for each of 100929
the first two credit allowance dates, seven per cent for the third 100930
credit allowance date, and eight per cent for the four following 100931
credit allowance dates. 100932

(3) "Credit allowance date" means the date, on or after 100933

January 1, 2010, a qualified equity investment is made and each of 100934
the six anniversary dates thereafter. For qualified equity 100935
investments made after October 16, 2009, but before January 1, 100936
2010, the initial credit allowance date is January 1, 2010, and 100937
each of the six anniversary dates thereafter is on the first day 100938
of January of each year. 100939

(4) "Qualified active low-income community business" excludes 100940
any business that derives or projects to derive fifteen per cent 100941
or more of annual revenue from the rental or sale of real 100942
property, except any business that is a special purpose entity 100943
principally owned by a principal user of that property formed 100944
solely for the purpose of renting, either directly or indirectly, 100945
or selling real property back to such principal user if such 100946
principal user does not derive fifteen per cent or more of its 100947
gross annual revenue from the rental or sale of real property. 100948

(5) "Qualified community development entity" includes only 100949
entities: 100950

(a) That have entered into an allocation agreement with the 100951
community development financial institutions fund of the United 100952
States department of the treasury with respect to credits 100953
authorized by section 45D of the Internal Revenue Code; 100954

(b) Whose service area includes any portion of this state; 100955
and 100956

(c) That will designate an equity investment in such entities 100957
as a qualified equity investment for purposes of both section 45D 100958
of the Internal Revenue Code and this section. 100959

(6) "Qualified equity investment" is limited to an equity 100960
investment in a qualified community development entity that: 100961

(a) Is acquired after October 16, 2009, at its original 100962
issuance solely in exchange for cash; 100963

(b) Has at least eighty-five per cent of its cash purchase price used by the qualified community development entity to make qualified low-income community investments in qualified active low-income community businesses in this state, provided that in the seventh year after a qualified equity investment is made, only seventy-five per cent of such cash purchase price must be used by the qualified community development entity to make qualified low-income community investments in those businesses; and

(c) Is designated by the issuer as a qualified equity investment.

"Qualified equity investment" includes any equity investment that would, but for division (A)(6)(a) of this section, be a qualified equity investment in the hands of the taxpayer if such investment was a qualified equity investment in the hands of a prior holder.

(B) There is hereby allowed a nonrefundable credit against the tax imposed by section 5725.18 of the Revised Code for an insurance company holding a qualified equity investment on the credit allowance date occurring in the calendar year for which the tax is due. The credit shall equal the applicable percentage of the adjusted purchase price ~~of qualified low-income community investments~~, subject to divisions (B)(1) and (2) of this section:

(1) For the purpose of calculating the amount of qualified low-income community investments held by a qualified community development entity, an investment shall be considered held by a qualified community development entity even if the investment has been sold or repaid, provided that, at any time before the seventh anniversary of the issuance of the qualified equity investment, the qualified community development entity reinvests an amount equal to the capital returned to or received or recovered by the qualified community development entity from the original investment, exclusive of any profits realized and costs incurred

in the sale or repayment, in another qualified low-income 100996
community investment in this state within twelve months of the 100997
receipt of such capital. If the qualified low-income community 100998
investment is sold or repaid after the sixth anniversary of the 100999
issuance of the qualified equity investment, the qualified 101000
low-income community investment shall be considered held by the 101001
qualified community development entity through the seventh 101002
anniversary of the qualified equity investment's issuance. 101003

(2) The qualified low-income community investment made in 101004
this state shall equal the sum of the qualified low-income 101005
community investments in each qualified active low-income 101006
community business in this state, not to exceed two million five 101007
hundred sixty-four thousand dollars, in which the qualified 101008
community development entity invests, including such investments 101009
in any such businesses in this state related to that qualified 101010
active low-income community business through majority ownership or 101011
control. 101012

The credit shall be claimed in the order prescribed by 101013
section 5725.98 of the Revised Code. If the amount of the credit 101014
exceeds the amount of tax otherwise due after deducting all other 101015
credits in that order, the excess may be carried forward and 101016
applied to the tax due for not more than four ensuing years. 101017

By claiming a tax credit under this section, an insurance 101018
company waives its rights under section 5725.222 of the Revised 101019
Code with respect to the time limitation for the assessment of 101020
taxes as it relates to credits claimed that later become subject 101021
to recapture under division (E) of this section. 101022

(C) The amount of qualified equity investments on the basis 101023
of which credits may be claimed under this section and sections 101024
5726.54, 5729.16, and 5733.58 of the Revised Code shall not exceed 101025
the amount, estimated by the director of development, that would 101026
cause the total amount of credits allowed each fiscal year to 101027

exceed ten million dollars, computed without regard to the 101028
potential for taxpayers to carry tax credits forward to later 101029
years. 101030

(D) If any amount of the federal tax credit allowed for a 101031
qualified equity investment for which a credit was received under 101032
this section is recaptured under section 45D of the Internal 101033
Revenue Code, or if the director of development services 101034
determines that an investment for which a tax credit is claimed 101035
under this section is not a qualified equity investment or that 101036
the proceeds of an investment for which a tax credit is claimed 101037
under this section are used to make qualified low-income community 101038
investments other than in a qualified active low-income community 101039
business in this state, all or a portion of the credit received on 101040
account of that investment shall be paid by the insurance company 101041
that received the credit to the superintendent of insurance. The 101042
amount to be recovered shall be determined by the director of 101043
development services pursuant to rules adopted under division (E) 101044
of this section. The director shall certify any amount due under 101045
this division to the superintendent of insurance, and the 101046
superintendent shall notify the treasurer of state of the amount 101047
due. Upon notification, the treasurer shall invoice the insurance 101048
company for the amount due. The amount due is payable not later 101049
than thirty days after the date the treasurer invoices the 101050
insurance company. The amount due shall be considered to be tax 101051
due under section 5725.18 of the Revised Code, and may be 101052
collected by assessment without regard to the time limitations 101053
imposed under section 5725.222 of the Revised Code for the 101054
assessment of taxes by the superintendent. All amounts collected 101055
under this division shall be credited as revenue from the tax 101056
levied under section 5725.18 of the Revised Code. 101057

(E) The tax credits authorized under this section and 101058
sections 5726.54, 5729.16, and 5733.58 of the Revised Code shall 101059

be administered by the department of development services. The 101060
director of development services, in consultation with the tax 101061
commissioner and the superintendent of insurance, pursuant to 101062
Chapter 119. of the Revised Code, shall adopt rules for the 101063
administration of this section and sections 5726.54, 5729.16, and 101064
5733.58 of the Revised Code. The rules shall provide for 101065
determining the recovery of credits under division (D) of this 101066
section and under sections 5726.54, 5729.16, and 5733.58 of the 101067
Revised Code, including prorating the amount of the credit to be 101068
recovered on any reasonable basis, the manner in which credits may 101069
be allocated among claimants, and the amount of any application or 101070
other fees to be charged in connection with a recovery. 101071

(F) There is hereby created in the state treasury the new 101072
markets tax credit operating fund. The director of development 101073
services is authorized to charge reasonable application and other 101074
fees in connection with the administration of tax credits 101075
authorized by this section and sections 5726.54, 5729.16, and 101076
5733.58 of the Revised Code. Any such fees collected shall be 101077
credited to the fund. The director of development services shall 101078
use money in the fund to pay expenses related to the 101079
administration of tax credits authorized under sections 5725.33, 101080
5726.54, 5729.16, and 5733.58 of the Revised Code. 101081

(G) Tax credits earned or allocated to a pass-through entity, 101082
as that term is defined in section 5733.04 of the Revised Code, 101083
under section 5725.33, 5726.54, 5729.16, or 5733.58 of the Revised 101084
Code may be allocated to persons having a direct or indirect 101085
ownership interest in the pass-through entity for such persons' 101086
direct use in accordance with the provisions of any mutual 101087
agreement between such persons. 101088

Sec. 5725.98. (A) To provide a uniform procedure for 101089
calculating the amount of tax imposed by section 5725.18 of the 101090

Revised Code that is due under this chapter, a taxpayer shall 101091
claim any credits and offsets against tax liability to which it is 101092
entitled in the following order: 101093

(1) The credit for an insurance company or insurance company 101094
group under section 5729.031 of the Revised Code; 101095

(2) The credit for eligible employee training costs under 101096
section 5725.31 of the Revised Code; 101097

(3) The credit for purchasers of qualified low-income 101098
community investments under section 5725.33 of the Revised Code; 101099

(4) The nonrefundable job retention credit under division 101100
(B)~~(1)~~ of section 122.171 of the Revised Code; 101101

(5) The offset of assessments by the Ohio life and health 101102
insurance guaranty association permitted by section 3956.20 of the 101103
Revised Code; 101104

(6) The refundable credit for rehabilitating a historic 101105
building under section 5725.34 of the Revised Code. 101106

(7) The refundable credit for Ohio job retention under former 101107
division (B)(2) or (3) of section 122.171 of the Revised Code as 101108
those divisions existed before the effective date of the amendment 101109
of this section by H.B. 64 of the 131st general assembly; 101110

(8) The refundable credit for Ohio job creation under section 101111
5725.32 of the Revised Code; 101112

(9) The refundable credit under section 5725.19 of the 101113
Revised Code for losses on loans made under the Ohio venture 101114
capital program under sections 150.01 to 150.10 of the Revised 101115
Code. 101116

(B) For any credit except the refundable credits enumerated 101117
in this section, the amount of the credit for a taxable year shall 101118
not exceed the tax due after allowing for any other credit that 101119

precedes it in the order required under this section. Any excess 101120
amount of a particular credit may be carried forward if authorized 101121
under the section creating that credit. Nothing in this chapter 101122
shall be construed to allow a taxpayer to claim, directly or 101123
indirectly, a credit more than once for a taxable year. 101124

Sec. 5726.01. As used in this chapter: 101125

(A) "Affiliated group" means a group of two or more persons 101126
with fifty per cent or greater of the value of each person's 101127
ownership interests owned or controlled directly, indirectly, or 101128
constructively through related interests by common owners during 101129
all or any portion of the taxable year, and the common owners. 101130
"Affiliated group" includes, but is not limited to, any person 101131
eligible to be included in a consolidated elected taxpayer group 101132
under section 5751.011 of the Revised Code or a combined taxpayer 101133
group under section 5751.012 of the Revised Code. 101134

(B) "Bank organization" means any of the following: 101135

(1) A national bank organized and operating as a national 101136
bank association pursuant to the "National Bank Act," 13 Stat. 100 101137
(1864), 12 U.S.C. 21, et seq.; 101138

(2) A federal savings association or federal savings bank 101139
chartered under 12 U.S.C. 1464; 101140

(3) A bank, banking association, trust company, savings and 101141
loan association, savings bank, or other banking institution that 101142
is organized or incorporated under the laws of the United States, 101143
any state, or a foreign country; 101144

(4) Any corporation organized and operating pursuant to 12 101145
U.S.C. 611, et seq.; 101146

(5) Any agency or branch of a foreign bank, as those terms 101147
are defined in 12 U.S.C. 3101; 101148

(6) An entity licensed as a small business investment company 101149

under the "Small Business Investment Act of 1958," 72 Stat. 689, 101150
15 U.S.C. 661, et seq.† 101151

~~(7) A company chartered under the "Farm Credit Act of 1933," 101152
48 Stat. 257, or a successor of such a company. 101153~~

"Bank organization" does not include an institution organized 101154
under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a 101155
successor of such an institution, a company chartered under the 101156
"Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a 101157
company, an association formed pursuant to 12 U.S.C. 2279c-1, an 101158
insurance company, or a credit union. 101159

(C) "Call report" means the consolidated reports of condition 101160
and income prescribed by the federal financial institutions 101161
examination council that a person is required to file with a 101162
federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 101163
324, or 12 U.S.C. 1817. 101164

(D) "Captive finance company" means a person that derived at 101165
least seventy-five per cent of its gross income for the current 101166
taxable year and the two taxable years preceding the current 101167
taxable year from one or more of the following transactions: 101168

(1) Financing transactions with members of its affiliated 101169
group; 101170

(2) Financing transactions with or for customers of products 101171
manufactured or sold by a member of its affiliated group; 101172

(3) Financing transactions with or for a distributor or 101173
franchisee that sells, leases, or services a product manufactured 101174
or sold by a member of the person's affiliated group; 101175

(4) Financing transactions with or for a supplier to a member 101176
of the person's affiliated group in connection with the member's 101177
manufacturing business; 101178

(5) Issuing bonds or other publicly traded debt instruments 101179

for the benefit of the affiliated group; 101180

(6) Short-term or long-term investments whereby the person 101181
invests the cash reserves of the affiliated group and the 101182
affiliated group utilizes the proceeds from the investments. 101183

For the purposes of division (D) of this section, "financing 101184
transaction" means making or selling loans, extending credit, 101185
leasing, earning or receiving subvention, including interest 101186
supplements and other support costs related thereto, or acquiring, 101187
selling, or servicing accounts receivable, notes, loans, leases, 101188
debt, or installment obligations that arise from the sale or lease 101189
of tangible personal property or the performance of services, and 101190
"gross income" has the same meaning as in section 61 of the 101191
Internal Revenue Code and includes income from transactions 101192
between the captive finance company and other members of its 101193
affiliated group. 101194

A person that has not been in continuous existence for the 101195
two taxable years preceding the current taxable year qualifies as 101196
a "captive finance company" for purposes of division (D) of this 101197
section if the person derived at least seventy-five per cent of 101198
its gross income for the period of its existence from one or more 101199
of the transactions described in divisions (D)(1) to (6) of this 101200
section. 101201

"Captive finance company" does not include a small dollar 101202
lender. 101203

(E) "Credit union" means a nonprofit cooperative financial 101204
institution organized or chartered under the laws of this state, 101205
any other state, or the United States. 101206

(F) "Diversified savings and loan holding company" has the 101207
same meaning as in 12 U.S.C. 1467a, as that section existed on 101208
January 1, 2012. 101209

(G) "Document of creation" means the articles of 101210

incorporation of a corporation, articles of organization of a 101211
limited liability company, registration of a foreign limited 101212
liability company, certificate of limited partnership, 101213
registration of a foreign limited partnership, registration of a 101214
domestic or foreign limited liability partnership, or registration 101215
of a trade name. 101216

(H) "Financial institution" means a bank organization, a 101217
holding company of a bank organization, or a nonbank financial 101218
organization, except when one of the following applies: 101219

(1) If two or more such entities are consolidated for the 101220
purposes of filing an FR Y-9, "financial institution" means a 101221
group consisting of all entities that are included in the FR Y-9. 101222

(2) If two or more such entities are consolidated for the 101223
purposes of filing a call report, "financial institution" means a 101224
group consisting of all entities that are included in the call 101225
report and that are not included in a group described in division 101226
(H)(1) of this section. 101227

(3) If a bank organization is owned directly by a 101228
grandfathered unitary savings and loan holding company or directly 101229
or indirectly by an entity that was a grandfathered unitary 101230
savings and loan holding company on January 1, 2012, "financial 101231
institution" means a group consisting only of that bank 101232
organization and the entities included in that bank organization's 101233
call report, notwithstanding division (H)(1) or (2) of this 101234
section. 101235

"Financial institution" does not include a diversified 101236
savings and loan holding company, a grandfathered unitary savings 101237
and loan holding company, any entity that was a grandfathered 101238
unitary savings and loan holding company on January 1, 2012, or 101239
any entity that is not a bank organization or owned by a bank 101240
organization and that is owned directly or indirectly by an entity 101241

that was a grandfathered unitary savings and loan holding company 101242
on January 1, 2012. 101243

(I) "FR Y-9" means the consolidated or parent-only financial 101244
statements that a holding company is required to file with the 101245
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 101246
holding company required to file both consolidated and parent-only 101247
financial statements, "FR Y-9" means the consolidated financial 101248
statements that the holding company is required to file. 101249

(J) "Grandfathered unitary savings and loan holding company" 101250
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 101251
section existed on December 31, 1999. 101252

(K) "Gross receipts" means all items of income, without 101253
deduction for expenses. If the reporting person for a taxpayer is 101254
a holding company, "gross receipts" includes all items of income 101255
reported on the FR Y-9 filed by the holding company. If the 101256
reporting person for a taxpayer is a bank organization, "gross 101257
receipts" includes all items of income reported on the call report 101258
filed by the bank organization. If the reporting person for a 101259
taxpayer is a nonbank financial organization, "gross receipts" 101260
includes all items of income reported in accordance with generally 101261
accepted accounting principles. 101262

(L) "Insurance company" means every corporation, association, 101263
and society engaged in the business of insurance of any character, 101264
or engaged in the business of entering into contracts 101265
substantially amounting to insurance of any character, or of 101266
indemnifying or guaranteeing against loss or damage, or acting as 101267
surety on bonds or undertakings. "Insurance company" also includes 101268
any health insuring corporation as defined in section 1751.01 of 101269
the Revised Code. 101270

(M)(1) "Nonbank financial organization" means every person 101271
that is not a bank organization or a holding company of a bank 101272

organization and that engages in business primarily as a small 101273
dollar lender. "Nonbank financial organization" does not include 101274
an institution organized under the "Federal Farm Loan Act," 39 101275
Stat. 360 (1916), or a successor of such an institution, an 101276
insurance company, a captive finance company, a credit union, an 101277
institution organized and operated exclusively for charitable 101278
purposes within the meaning of section 501(c)(3) of the Internal 101279
Revenue Code, or a person that facilitates or services one or more 101280
securitizations for a bank organization, a holding company of a 101281
bank organization, a captive finance company, or any member of the 101282
person's affiliated group. 101283

(2) A person is engaged in business primarily as a small 101284
dollar lender if the person has, for the taxable year, gross 101285
income from the activities described in division (O) of this 101286
section that exceeds the person's gross income from all other 101287
activities. As used in division (M) of this section, "gross 101288
income" has the same meaning as in section 61 of the Internal 101289
Revenue Code, and income from transactions between the person and 101290
the other members of the affiliated group shall be eliminated, and 101291
any sales, exchanges, and other dispositions of commercial paper 101292
to persons outside the affiliated group produces gross income only 101293
to the extent the proceeds from such transactions exceed the 101294
affiliated group's basis in such commercial paper. 101295

(N) "Reporting person" means one of the following: 101296

(1) In the case of a financial institution described in 101297
division (H)(1) of this section, the top-tier holding company 101298
required to file an FR Y-9. 101299

(2) In the case of a financial institution described in 101300
division (H)(2) or (3) of this section, the bank organization 101301
required to file the call report. 101302

(3) In the case of a bank organization or nonbank financial 101303

organization that is not included in a group described in division 101304
(H)(1) or (2) of this section, the bank organization or nonbank 101305
financial organization. 101306

(O) "Small dollar lender" means any person engaged primarily 101307
in the business of loaning money to individuals, provided that the 101308
loan amounts do not exceed five thousand dollars and the duration 101309
of the loans do not exceed twelve months. A "small dollar lender" 101310
does not include a bank organization, credit union, or captive 101311
finance company. 101312

(P) "Tax year" means the calendar year for which the tax 101313
levied under section 5726.02 of the Revised Code is required to be 101314
paid. 101315

(Q) "Taxable year" means the calendar year preceding the year 101316
in which an annual report is required to be filed under section 101317
5726.03 of the Revised Code. 101318

(R) "Taxpayer" means a financial institution subject to the 101319
tax levied under section 5726.02 of the Revised Code. 101320

(S) "Total equity capital" means the sum of the common stock 101321
at par value, perpetual preferred stock and related surplus, other 101322
surplus not related to perpetual preferred stock, retained 101323
earnings, accumulated other comprehensive income, treasury stock, 101324
unearned employee stock ownership plan shares, and other equity 101325
components of a financial institution. "Total equity capital" 101326
shall not include any noncontrolling (minority) interests as 101327
reported on an FR Y-9 or call report, unless such interests are in 101328
a bank organization or a bank holding company. 101329

(T) "Total Ohio equity capital" means the portion of the 101330
total equity capital of a financial institution apportioned to 101331
Ohio pursuant to section 5726.05 of the Revised Code. 101332

(U) "Holding company" does not include a diversified savings 101333
and loan holding company, a grandfathered unitary savings and loan 101334

holding company, any entity that was a grandfathered unitary 101335
savings and loan holding company on January 1, 2012, or any entity 101336
that is not a bank organization or owned by a bank organization 101337
and that is owned directly or indirectly by an entity that was a 101338
grandfathered unitary savings and loan holding company on January 101339
1, 2012. 101340

(V) "Securitization" means transferring one or more assets to 101341
one or more persons and subsequently issuing securities backed by 101342
the right to receive payment from the asset or assets so 101343
transferred. 101344

Sec. 5726.50. (A) A taxpayer may claim a refundable tax 101345
credit against the tax imposed under this chapter for each person 101346
included in the annual report of the taxpayer that is granted a 101347
credit by the tax credit authority under section 122.17 or former 101348
division (B)(2) or (3) of section 122.171 of the Revised Code as 101349
those divisions existed before the effective date of the amendment 101350
of this section by H.B. 64 of the 131st general assembly. Such a 101351
credit shall not be claimed for any tax year following the 101352
calendar year in which a relocation of employment positions occurs 101353
in violation of an agreement entered into under section 122.17 or 101354
122.171 of the Revised Code. For the purpose of making tax 101355
payments under this chapter, taxes equal to the amount of the 101356
refundable credit shall be considered to be paid on the first day 101357
of the tax year. 101358

(B) A taxpayer may claim a nonrefundable tax credit against 101359
the tax imposed under this chapter for each person included in the 101360
annual report of the taxpayer that is granted a nonrefundable 101361
credit by the tax credit authority under division (B)~~(1)~~ of 101362
section 122.171 of the Revised Code. A taxpayer may claim against 101363
the tax imposed by this chapter any unused portion of the credits 101364
authorized under division (B) of section 5733.0610 of the Revised 101365

Code. 101366

(C) The credits authorized in divisions (A) and (B) of this 101367
section shall be claimed in the order required under section 101368
5726.98 of the Revised Code. If the amount of a credit authorized 101369
in division (A) of this section exceeds the tax otherwise due 101370
under section 5726.02 of the Revised Code after deducting all 101371
other credits preceding the credit in the order prescribed in 101372
section 5726.98 of the Revised Code, the excess shall be refunded 101373
to the taxpayer. 101374

Sec. 5726.54. (A) Any term used in this section has the same 101375
meaning as in section 5725.33 of the Revised Code. 101376

(B) A taxpayer may claim a nonrefundable credit against the 101377
tax imposed by this chapter for each person included in the annual 101378
report of the taxpayer that holds a qualified equity investment on 101379
a credit allowance date occurring in the calendar year immediately 101380
preceding the tax year for which the tax is due. The credit shall 101381
be computed in the same manner prescribed for the computation of 101382
credits allowed under section 5725.33 of the Revised Code. 101383

By claiming a tax credit under this section, a taxpayer 101384
waives its rights under section 5726.20 of the Revised Code with 101385
respect to the time limitation for the assessment of taxes as it 101386
relates to credits claimed under this section that later become 101387
subject to recapture under division (D) of this section. 101388

A taxpayer may claim against the tax imposed by this chapter 101389
any unused portion of the credits authorized under sections 101390
5725.33 and 5733.58 of the Revised Code, but only to the extent of 101391
the remaining carry forward period authorized by those sections. 101392

The credit shall be claimed in the order prescribed by 101393
section 5726.98 of the Revised Code. If the amount of the credit 101394
exceeds the amount of tax otherwise due after deducting all other 101395

credits preceding the credit in the order prescribed in section 101396
5726.98 of the Revised Code, the excess may be carried forward for 101397
not more than four ensuing tax years. 101398

(C) The total amount of qualified equity investments on the 101399
basis of which credits may be claimed under this section and 101400
sections 5725.33, 5729.16, and 5733.58 of the Revised Code is 101401
subject to the limitation of division (C) of section 5725.33 of 101402
the Revised Code. 101403

(D) If any amount of a federal tax credit allowed for a 101404
qualified equity investment for which a credit was received under 101405
this section is recaptured under section 45D of the Internal 101406
Revenue Code, or if the director of development services 101407
determines that an investment for which a tax credit is claimed 101408
under this section is not a qualified equity investment or that 101409
the proceeds of an investment for which a tax credit is claimed 101410
under this section are used to make qualified low-income community 101411
investments other than in a qualified active low-income community 101412
business in this state, all or a portion of the credit received on 101413
account of that investment shall be paid by the taxpayer that 101414
received the credit to the tax commissioner. The amount to be 101415
recovered shall be determined by the director pursuant to rules 101416
adopted under section 5725.33 of the Revised Code. The director 101417
shall certify any amount due under this division to the tax 101418
commissioner, and the commissioner shall notify the taxpayer of 101419
the amount due. The amount due is payable not later than thirty 101420
days after the day the commissioner issues the notice. The amount 101421
due shall be considered to be tax due under section 5726.02 of the 101422
Revised Code, and may be collected by assessment without regard to 101423
the limitations imposed under section 5726.20 of the Revised Code 101424
for the assessment of taxes by the commissioner. All amounts 101425
collected under this division shall be credited as revenue from 101426
the tax levied under section 5726.02 of the Revised Code. 101427

~~Sec. 5727.031. (A) For tax year 2009 and each tax year~~ 101428
~~thereafter, a~~ A person that is engaged in some other primary 101429
business to which the supplying of electricity to others is 101430
incidental shall file a report under section 5727.08 of the 101431
Revised Code as an electric company but shall only report therein 101432
as taxable property the amounts required in divisions (B) and (C) 101433
of this section. All time limits and other procedural requirements 101434
of this chapter for the reporting and assessment of property of 101435
electric companies apply to persons required to file a report 101436
under this section. For the purposes of this section, "the 101437
supplying of electricity to others" shall not include donating all 101438
of the electricity a person generates to a political subdivision 101439
of the state. 101440

(B) A person subject to this section shall report the true 101441
value of the ~~boilers, machinery, equipment, and any personal~~ 101442
transmission and distribution property and energy conversion 101443
equipment used to supply electricity to others, ~~which shall be the~~ 101444
~~sum of the following:~~ 101445

~~(1) The true value of the property that is production~~ 101446
~~equipment as it would be determined for an electric company under~~ 101447
~~section 5727.11 of the Revised Code multiplied by the per cent of~~ 101448
~~the electricity generated in the preceding calendar year that was~~ 101449
~~not used by the person who generated it; plus~~ 101450

~~(2) The true value of the property that is not production~~ 101451
~~equipment~~ as it would be determined for an electric company under 101452
section 5727.11 of the Revised Code multiplied by the per cent of 101453
the electricity generated in the preceding calendar year that was 101454
not used by the person who generated it. 101455

(C) The property reported under division (B) of this section 101456
shall be listed and assessed at an amount equal to ~~the sum of the~~ 101457
~~products determined under divisions (C)(1) and (2) of this~~ 101458

section.	101459
(1) Multiply the portion of the true value determined under	101460
division (B)(1) of this section by the assessment rate in section	101461
5727.111 of the Revised Code that is applicable to the production	101462
equipment of an electric company;	101463
(2) Multiply the portion of the true value determined under	101464
division (B)(2) of this section <u>multiplied</u> by the assessment rate	101465
in section 5727.111 of the Revised Code that is applicable to the	101466
property of an electric company that is not production equipment.	101467
Sec. 5727.06. (A) Except as otherwise provided by law, the	101468
following constitutes the taxable property of a public utility,	101469
interexchange telecommunications company, or public utility	101470
property lessor that shall be assessed by the tax commissioner:	101471
(1) For tax years before tax year 2006:	101472
(a) In the case of a railroad company, all real property and	101473
tangible personal property owned or operated by the railroad	101474
company in this state on the thirty-first day of December of the	101475
preceding year;	101476
(b) In the case of a water transportation company, all	101477
tangible personal property, except watercraft, owned or operated	101478
by the water transportation company in this state on the	101479
thirty-first day of December of the preceding year and all	101480
watercraft owned or operated by the water transportation company	101481
in this state during the preceding calendar year;	101482
(c) In the case of all other public utilities and	101483
interexchange telecommunications companies, all tangible personal	101484
property that on the thirty-first day of December of the preceding	101485
year was both located in this state and:	101486
(i) Owned by the public utility or interexchange	101487
telecommunications company; or	101488

(ii) Leased by the public utility or interexchange telecommunications company under a sale and leaseback transaction.	101489 101490
(2) For tax years 2006, 2007, and 2008:	101491
(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;	101492 101493 101494 101495
(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;	101496 101497 101498 101499 101500 101501
(c) In the case of all other public utilities except telephone and telegraph companies, all tangible personal property that on the thirty-first day of December of the preceding year was both located in this state and either owned by the public utility or leased by the public utility under a sale and leaseback transaction.	101502 101503 101504 101505 101506 101507
(3) For tax year 2009 and each tax year thereafter:	101508
(a) In the case of a railroad company, all real property used in railroad operations and tangible personal property owned or operated by the railroad company in this state on the thirty-first day of December of the preceding year;	101509 101510 101511 101512
(b) In the case of a water transportation company, all tangible personal property, except watercraft, owned or operated by the water transportation company in this state on the thirty-first day of December of the preceding year and all watercraft owned or operated by the water transportation company in this state during the preceding calendar year;	101513 101514 101515 101516 101517 101518

(c) In the case of all other public utilities except 101519
telephone ~~and, telegraph, electric, and energy~~ companies, all 101520
tangible personal property that on the thirty-first day of 101521
December of the preceding year was both located in this state and 101522
either owned by the public utility or leased by the public utility 101523
under a sale and leaseback transaction, ~~and that is not exempted~~ 101524
~~from taxation under section 5727.75 of the Revised Code;~~ 101525

(d) In the case of a public utility property lessor, all 101526
personal property that on the thirty-first day of December of the 101527
preceding year was both located in this state and leased, in other 101528
than a sale and leaseback transaction, to a public utility other 101529
than a railroad, telephone, telegraph, or water transportation 101530
company, and that is not exempted from taxation under section 101531
5727.75 of the Revised Code. The assessment rate used under 101532
section 5727.111 of the Revised Code shall be based on the 101533
assessment rate that would apply if the public utility owned the 101534
property, ~~and that is not exempted from taxation under section~~ 101535
~~5727.75 of the Revised Code.~~ 101536

(4) For tax years 2005 and 2006, in the case of telephone, 101537
telegraph, or interexchange telecommunications companies, all 101538
tangible personal property that on the thirty-first day of 101539
December of the preceding year was both located in this state and 101540
either owned by the telephone, telegraph, or interexchange 101541
telecommunications company or leased by the telephone, telegraph, 101542
or interexchange telecommunications company under a sale and 101543
leaseback transaction. 101544

(5)(a) For tax year 2007 and thereafter, in the case of 101545
telephone, telegraph, or interexchange telecommunications 101546
companies, all tangible personal property shall be listed and 101547
assessed for taxation under Chapter 5711. of the Revised Code, but 101548
the tangible personal property shall be valued in accordance with 101549
this chapter using the composite annual allowances and other 101550

valuation procedures prescribed under section 5727.11 of the Revised Code by the tax commissioner for such property for tax year 2006, notwithstanding any section of Chapter 5711. of the Revised Code to the contrary.

(b) A telephone, telegraph, or interexchange telecommunications company subject to division (A)(5)(a) of this section shall file a combined return with the tax commissioner in accordance with section 5711.13 of the Revised Code even if the company has tangible personal property in only one county. Such a company also is subject to the issuance of a preliminary assessment certificate by the tax commissioner under section 5711.25 of the Revised Code. Such a company is not required to file a county supplemental return under section 5711.131 of the Revised Code.

(6) In the case of an electric company or energy company, ~~for tax year 2011 and each tax year thereafter,~~ all transmission and distribution tangible personal property and energy conversion equipment that on the thirty-first day of December of the preceding year was both located in this state and either owned by the company or leased by the company under a sale and leaseback transaction, and that is not exempted from taxation under section 5727.75 of the Revised Code.

(B) This division applies to tax years before tax year 2007.

In the case of an interexchange telecommunications company, all taxable property shall be subject to the provisions of this chapter and shall be valued by the commissioner in accordance with division (A) of section 5727.11 of the Revised Code. A person described by this division shall file the report required by section 5727.08 of the Revised Code. Persons described in this division shall not be considered taxpayers, as defined in division (B) of section 5711.01 of the Revised Code, and shall not be required to file a return and list their taxable property under

any provision of Chapter 5711. of the Revised Code. 101583

(C) The lien of the state for taxes levied each year on the 101584
real and personal property of public utilities and interexchange 101585
telecommunications companies and on the personal property of 101586
public utility property lessors shall attach thereto on the 101587
thirty-first day of December of the preceding year. 101588

(D) Property that is required by division (A)(3)(b) of this 101589
section to be assessed by the tax commissioner under this chapter 101590
shall not be listed by the owner of the property under Chapter 101591
5711. of the Revised Code. 101592

(E) The ten-thousand-dollar exemption provided for in 101593
division (C)(3) of section 5709.01 of the Revised Code does not 101594
apply to any personal property that is valued under this chapter. 101595

(F) The tax commissioner may adopt rules governing the 101596
listing of the taxable property of public utilities and 101597
interexchange telecommunications companies and the determination 101598
of true value. 101599

Sec. 5727.09. (A) As used in this section, "qualified 101600
generation equipment" means the tangible personal property of an 101601
electric company or energy company that is not transmission and 101602
distribution property or energy conversion property and that, for 101603
tax year 2015, was required by section 5727.06 of the Revised Code 101604
to be assessed by the tax commissioner. For the purpose of making 101605
the calculations required by this division, the value of qualified 101606
generation equipment shall be determined in accordance with 101607
section 5727.11 of the Revised Code as that section existed before 101608
the enactment of this section. 101609

(B) On or before October 1, 2016, and the first day of 101610
October of each year thereafter, the tax commissioner shall 101611
determine all of the following amounts: 101612

(1) For each taxing unit, the amount of taxes that would be charged and payable for the tax year on qualified generation equipment apportioned to the taxing unit under section 5727.15 of the Revised Code if such equipment were taxable property and the assessment rate applicable to such property were twenty-four per cent;

(2) The sum of the amounts determined under division (B)(1) of this section for all taxing units;

(3) The percentage that, if multiplied by the true value of all taxable property of every electric company and energy company for the tax year, would produce the amount determined under division (B)(2) of this section.

Sec. 5727.11. (A) Except as otherwise provided in this section, the true value of all taxable property, except property of a railroad company, required by section 5727.06 of the Revised Code to be assessed by the tax commissioner shall be determined by a method of valuation using cost as capitalized on the public utility's books and records less composite annual allowances as prescribed by the commissioner. If the commissioner finds that application of this method will not result in the determination of true value of the public utility's taxable property, the commissioner may use another method of valuation.

(B)(1) Except as provided in division (B)(2) of this section, the true value of current gas stored underground is the cost of that gas shown on the books and records of the public utility on the thirty-first day of December of the preceding year.

(2) For tax year 2001 and thereafter, the true value of current gas stored underground is the quotient obtained by dividing (a) the average value of the current gas stored underground, which shall be determined by adding the value of the gas on hand at the end of each calendar month in the calendar year

preceding the tax year, or, if applicable, the last day of 101644
business of each month for a partial month, divided by (b) the 101645
total number of months the natural gas company was in business 101646
during the calendar year prior to the beginning of the tax year. 101647
~~with~~ With the approval of the tax commissioner, a natural gas 101648
company may use a date other than the end of a calendar month to 101649
value its current gas stored underground. 101650

(C) The true value of noncurrent gas stored underground is 101651
thirty-five per cent of the cost of that gas shown on the books 101652
and records of the public utility on the thirty-first day of 101653
December of the preceding year. 101654

(D)(1) Except as provided in division (D)(2) of this section, 101655
the true value of ~~the production equipment of an electric company~~ 101656
~~and the true value of~~ all taxable property of a rural electric 101657
company is the equipment's or property's cost as capitalized on 101658
the company's books and records less fifty per cent of that cost 101659
as an allowance for depreciation and obsolescence. 101660

(2) The true value of the ~~production equipment or~~ energy 101661
conversion equipment of an electric company, rural electric 101662
company, or energy company purchased, transferred, or placed into 101663
service after October 5, 1999, is the purchase price of the 101664
equipment as capitalized on the company's books and records less 101665
composite annual allowances as prescribed by the tax commissioner. 101666

(E) The true value of taxable property, except property of a 101667
railroad company, required by section 5727.06 of the Revised Code 101668
to be assessed by the tax commissioner shall not include the 101669
allowance for funds used during construction or interest during 101670
construction that has been capitalized on the public utility's 101671
books and records as part of the total cost of the taxable 101672
property. This division shall not apply to the taxable property of 101673
an electric company or a rural electric company, excluding 101674
transmission and distribution property, first placed into service 101675

after December 31, 2000, or to the taxable property a person 101676
purchases, which includes transfers, if that property was used in 101677
business by the seller prior to the purchase. 101678

(F) The true value of watercraft owned or operated by a water 101679
transportation company shall be determined by multiplying the true 101680
value of the watercraft as determined under division (A) of this 101681
section by a fraction, the numerator of which is the number of 101682
revenue-earning miles traveled by the watercraft in the waters of 101683
this state and the denominator of which is the number of 101684
revenue-earning miles traveled by the watercraft in all waters. 101685

(G) The cost of property subject to a sale and leaseback 101686
transaction is the cost of the property as capitalized on the 101687
books and records of the public utility owning the property 101688
immediately prior to the sale and leaseback transaction. 101689

(H) The cost as capitalized on the books and records of a 101690
public utility includes amounts capitalized that represent 101691
regulatory assets, if such amounts previously were included on the 101692
company's books and records as capitalized costs of taxable 101693
personal property. 101694

(I) Any change in the composite annual allowances as 101695
prescribed by the commissioner on a prospective basis shall not be 101696
admissible in any judicial or administrative action or proceeding 101697
as evidence of value with regard to prior years' taxes. 101698
Information about the business, property, or transactions of any 101699
taxpayer obtained by the commissioner for the purpose of adopting 101700
or modifying the composite annual allowances shall not be subject 101701
to discovery or disclosure. 101702

Sec. 5727.111. The taxable property of each public utility, 101703
except a railroad company, and of each interexchange 101704
telecommunications company shall be assessed at the following 101705
percentages of true value: 101706

(A) In the case of a rural electric company, fifty per cent 101707
in the case of its taxable transmission and distribution property 101708
and its energy conversion equipment, and twenty-five per cent for 101709
all its other taxable property; 101710

(B) In the case of a telephone or telegraph company, 101711
twenty-five per cent for taxable property first subject to 101712
taxation in this state for tax year 1995 or thereafter for tax 101713
years before tax year 2007, and pursuant to division (H) of 101714
section 5711.22 of the Revised Code for tax year 2007 and 101715
thereafter, and the following for all other taxable property: 101716

(1) For tax years prior to 2005, eighty-eight per cent; 101717

(2) For tax year 2005, sixty-seven per cent; 101718

(3) For tax year 2006, forty-six per cent; 101719

(4) For tax year 2007 and thereafter, pursuant to division 101720
(H) of section 5711.22 of the Revised Code. 101721

(C) Twenty-five per cent in the case of a natural gas 101722
company. 101723

(D) Eighty-eight per cent in the case of a pipe-line, 101724
~~water works,~~ or heating company; 101725

(E)(1) For tax year 2005, eighty-eight per cent in the case 101726
of the taxable transmission and distribution property of an 101727
electric company, and twenty-five per cent for all its other 101728
taxable property; 101729

(2) For tax ~~year~~ years 2006 ~~and each tax year thereafter~~ 101730
through 2015, in the case of an electric company, eighty-five per 101731
cent in the case of its taxable transmission and distribution 101732
property and its energy conversion equipment, and twenty-four per 101733
cent for all its other taxable property; 101734

(3) For tax year 2016 and each tax year thereafter, in the 101735
case of an electric company, eighty-five per cent plus the 101736

percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code. 101737
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(F)(1) Twenty-five per cent in the case of an interexchange telecommunications company for tax years before tax year 2007; 101739
101740

(2) Pursuant to division (H) of section 5711.22 of the Revised Code for tax year 2007 and thereafter. 101741
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(G) Twenty-five per cent in the case of a water transportation company; 101743
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(H)(1) For tax year years 2011 and each tax year thereafter through 2015, in the case of an energy company, twenty-four per cent in the case of its taxable production equipment, and eighty-five per cent for all its other taxable property; 101745
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(2) For tax year 2016 and each tax year thereafter, in the case of an energy company, eighty-five per cent plus the percentage determined for the tax year under division (B)(3) of section 5727.09 of the Revised Code. 101749
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(I) In the case of a water-works company, twenty-five per cent for taxable property first subject to taxation in this state for tax year 2015 or thereafter, and eighty-eight per cent for all its other taxable property. 101753
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Sec. 5727.15. When all the taxable property of a public utility is located in one taxing district, the tax commissioner shall apportion the total taxable value thereof to that taxing district. 101757
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When taxable property of a public utility is located in more than one taxing district, the commissioner shall apportion the total taxable value thereof among the taxing districts as follows: 101761
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(A)(1) In the case of a telegraph, interexchange telecommunications, or telephone company that owns miles of wire in this state, the value apportioned to each taxing district shall 101764
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be the same percentage of the total value apportioned to all 101767
taxing districts as the miles of wire owned by the company within 101768
the taxing district are to the total miles of wire owned by the 101769
company within this state; 101770

(2) In the case of a telegraph, interexchange 101771
telecommunications, or telephone company that does not own miles 101772
of wire in this state, the value apportioned to each taxing 101773
district shall be the same percentage of the total value 101774
apportioned to all taxing districts as the cost of the taxable 101775
property physically located in the taxing district is of the total 101776
cost of all taxable property physically located in this state. 101777

(B) In the case of a railroad company: 101778

(1) The taxable value of real and personal property not used 101779
in railroad operations shall be apportioned according to its 101780
situs; 101781

(2) The taxable value of personal property used in railroad 101782
operations shall be apportioned to each taxing district in 101783
proportion to the miles of track and trackage rights, weighted to 101784
reflect the relative use of such personal property in each taxing 101785
district; 101786

(3) The taxable value of real property used in railroad 101787
operations shall be apportioned to each taxing district in 101788
proportion to its relative value in each taxing district. 101789

~~(C)(1) Prior to tax year 2001, in the case of an electric 101790
company: 101791~~

~~(a) Seventy per cent of the taxable value of all production 101792
equipment and of all station equipment that is not production 101793
equipment shall be apportioned to the taxing district in which 101794
such property is physically located; and 101795~~

~~(b) The remaining value of such property, together with the 101796~~

~~value of all other taxable personal property, shall be apportioned 101797
to each taxing district in the per cent that the cost of all 101798
transmission and distribution property physically located in the 101799
taxing district is of the total cost of all transmission and 101800
distribution property physically located in this state. 101801~~

~~(c) If an electric company's taxable value for the current 101802
year includes the value of any production equipment at a plant at 101803
which the initial cost of the plant's production equipment 101804
exceeded one billion dollars, then prior to making the 101805
apportionments required for that company by division (C)(1)(a) and 101806
(b) of this section, the tax commissioner shall do the following: 101807~~

~~(i) Subtract four hundred twenty million dollars from the 101808
total taxable value of the production equipment at that plant for 101809
the current tax year. 101810~~

~~(ii) Multiply the difference thus obtained by a fraction, the 101811
numerator of which is the portion of the taxable value of that 101812
plant's production equipment included in the company's total value 101813
for the current tax year, and the denominator of which is the 101814
total taxable value of such equipment included in the total 101815
taxable value of all electric companies for such year; 101816~~

~~(iii) Apportion the product thus obtained to taxing districts 101817
in the manner prescribed in division (C)(1)(b) of this section. 101818~~

~~(iv) Deduct the amounts so apportioned from the taxable value 101819
of the company's production equipment at the plant, prior to 101820
making the apportionments required by divisions (C)(1)(a) and (b) 101821
of this section. 101822~~

~~For purposes of division (C)(1)(c) of this section, "initial 101823
cost" applies only to production equipment of plants placed in 101824
commercial operation on or after January 1, 1987, and means the 101825
cost of all production equipment at a plant for the first year the 101826
plant's equipment was subject to taxation. 101827~~

~~(2) For tax year 2001 and thereafter, in~~ In the case of an 101828
electric company+ 101829

~~(a) The taxable value of all production equipment shall be~~ 101830
~~apportioned to the taxing district in which such property is~~ 101831
~~physically located; and~~ 101832

~~(b) The~~ or an energy company, the value of taxable ~~personal~~ 101833
property, including energy conversion equipment ~~but excluding~~ 101834
~~production equipment~~, shall be apportioned to each taxing district 101835
in the proportion that the cost of such ~~other~~ taxable ~~personal~~ 101836
property physically located in each taxing district is of the 101837
total cost of such ~~other~~ taxable ~~personal~~ property physically 101838
located in this state. 101839

~~(D) For tax year 2011 and thereafter, in the case of the~~ 101840
~~taxable property of an energy company:~~ 101841

~~(1) The taxable value of all production equipment shall be~~ 101842
~~apportioned to the taxing district in which such property is~~ 101843
~~physically located.~~ 101844

~~(2) The taxable value of all other taxable property,~~ 101845
~~including energy conversion equipment, shall be apportioned to~~ 101846
~~each taxing district in the proportion that the cost of such other~~ 101847
~~taxable property physically located in each taxing district is of~~ 101848
~~the total cost of such other taxable property physically located~~ 101849
~~in this state.~~ 101850

~~(E)~~ In the case of all other public utilities, the taxable 101851
value of the property to be apportioned shall be apportioned to 101852
each taxing district in proportion to the entire cost of such 101853
property within this state. 101854

Sec. 5727.75. (A) For purposes of this section: 101855

(1) "Qualified energy project" means an energy project 101856
certified by the director of development services pursuant to this 101857

section. 101858

(2) "Energy project" means a project to provide electric 101859
power through the construction, installation, and use of an energy 101860
facility. 101861

(3) "Alternative energy zone" means a county declared as such 101862
by the board of county commissioners under division (E)(1)(b) or 101863
(c) of this section. 101864

(4) "Full-time equivalent employee" means the total number of 101865
employee-hours for which compensation was paid to individuals 101866
employed at a qualified energy project for services performed at 101867
the project during the calendar year divided by two thousand 101868
eighty hours. 101869

(5) "Solar energy project" means an energy project composed 101870
of an energy facility using solar panels to generate electricity. 101871

(B)(1) Tangible personal property of a qualified energy 101872
project using renewable energy resources is exempt from taxation 101873
for tax years 2011 through ~~2016~~ 2021 if all of the following 101874
conditions are satisfied: 101875

(a) On or before December 31, ~~2015~~ 2020, the owner or a 101876
lessee pursuant to a sale and leaseback transaction of the project 101877
submits an application to the power siting board for a certificate 101878
under section 4906.20 of the Revised Code, or if that section does 101879
not apply, submits an application for any approval, consent, 101880
permit, or certificate or satisfies any condition required by a 101881
public agency or political subdivision of this state for the 101882
construction or initial operation of an energy project. 101883

(b) Construction or installation of the energy facility 101884
begins on or after January 1, 2009, and before January 1, ~~2016~~ 101885
2021. For the purposes of this division, construction begins on 101886
the earlier of the date of application for a certificate or other 101887
approval or permit described in division (B)(1)(a) of this 101888

section, or the date the contract for the construction or 101889
installation of the energy facility is entered into. 101890

(c) For a qualified energy project with a nameplate capacity 101891
of five megawatts or greater, a board of county commissioners of a 101892
county in which property of the project is located has adopted a 101893
resolution under division (E)(1)(b) or (c) of this section to 101894
approve the application submitted under division (E) of this 101895
section to exempt the property located in that county from 101896
taxation. A board's adoption of a resolution rejecting an 101897
application or its failure to adopt a resolution approving the 101898
application does not affect the tax-exempt status of the qualified 101899
energy project's property that is located in another county. 101900

(2) If tangible personal property of a qualified energy 101901
project using renewable energy resources was exempt from taxation 101902
under this section beginning in any of tax years ~~2011, 2012, 2013,~~ 101903
~~2014, 2015, or 2016~~ through 2021, and the certification under 101904
division (E)(2) of this section has not been revoked, the tangible 101905
personal property of the qualified energy project is exempt from 101906
taxation for tax year ~~2017~~ 2022 and all ensuing tax years if the 101907
property was placed into service before January 1, ~~2017~~ 2022, as 101908
certified in the construction progress report required under 101909
division (F)(2) of this section. Tangible personal property that 101910
has not been placed into service before that date is taxable 101911
property subject to taxation to the extent provided by section 101912
5727.06 of the Revised Code. An energy project for which 101913
certification has been revoked is ineligible for further exemption 101914
under this section. Revocation does not affect the tax-exempt 101915
status of the project's tangible personal property for the tax 101916
year in which revocation occurs or any prior tax year. 101917

(C) Tangible personal property of a qualified energy project 101918
using clean coal technology, advanced nuclear technology, or 101919
cogeneration technology is exempt from taxation for the first tax 101920

year that the property would be listed for taxation and all 101921
subsequent years if all of the following circumstances are met: 101922

(1) The property was placed into service before January 1, 101923
2021. Tangible personal property that has not been placed into 101924
service before that date is taxable property subject to taxation 101925
to the extent provided by section 5727.06 of the Revised Code. 101926

(2) For such a qualified energy project with a nameplate 101927
capacity of five megawatts or greater, a board of county 101928
commissioners of a county in which property of the qualified 101929
energy project is located has adopted a resolution under division 101930
(E)(1)(b) or (c) of this section to approve the application 101931
submitted under division (E) of this section to exempt the 101932
property located in that county from taxation. A board's adoption 101933
of a resolution rejecting the application or its failure to adopt 101934
a resolution approving the application does not affect the 101935
tax-exempt status of the qualified energy project's property that 101936
is located in another county. 101937

(3) The certification for the qualified energy project issued 101938
under division (E)(2) of this section has not been revoked. An 101939
energy project for which certification has been revoked is 101940
ineligible for exemption under this section. Revocation does not 101941
affect the tax-exempt status of the project's tangible personal 101942
property for the tax year in which revocation occurs or any prior 101943
tax year. 101944

(D) Except as otherwise provided in this section, real 101945
property of a qualified energy project is exempt from taxation for 101946
any tax year for which the tangible personal property of the 101947
qualified energy project is exempted under this section. 101948

(E)(1)(a) A person may apply to the director of development 101949
services for certification of an energy project as a qualified 101950
energy project on or before the following dates: 101951

(i) December 31, ~~2015~~ 2020, for an energy project using renewable energy resources; 101952
101953

(ii) December 31, 2017, for an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology. 101954
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(b) The director shall forward a copy of each application for certification of an energy project with a nameplate capacity of five megawatts or greater to the board of county commissioners of each county in which the project is located and to each taxing unit with territory located in each of the affected counties. Any board that receives from the director a copy of an application submitted under this division shall adopt a resolution approving or rejecting the application unless it has adopted a resolution under division (E)(1)(c) of this section. A resolution adopted under division (E)(1)(b) or (c) of this section may require an annual service payment to be made in addition to the service payment required under division (G) of this section. The sum of the service payment required in the resolution and the service payment required under division (G) of this section shall not exceed nine thousand dollars per megawatt of nameplate capacity located in the county. The resolution shall specify the time and manner in which the payments required by the resolution shall be paid to the county treasurer. The county treasurer shall deposit the payment to the credit of the county's general fund to be used for any purpose for which money credited to that fund may be used. 101957
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The board shall send copies of the resolution by certified mail to the owner of the facility and the director within thirty days after receipt of the application, or a longer period of time if authorized by the director. 101977
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(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of 101981
101982
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development services under this division after the adoption of the 101984
resolution, and prior to its repeal, to be approved by the board. 101985

All tangible personal property and real property of an energy 101986
project with a nameplate capacity of five megawatts or greater is 101987
taxable if it is located in a county in which the board of county 101988
commissioners adopted a resolution rejecting the application 101989
submitted under this division or failed to adopt a resolution 101990
approving the application under division (E)(1)(b) or (c) of this 101991
section. 101992

(2) The director shall certify an energy project if all of 101993
the following circumstances exist: 101994

(a) The application was timely submitted. 101995

(b) For an energy project with a nameplate capacity of five 101996
megawatts or greater, a board of county commissioners of at least 101997
one county in which the project is located has adopted a 101998
resolution approving the application under division (E)(1)(b) or 101999
(c) of this section. 102000

(c) No portion of the project's facility was used to supply 102001
electricity before December 31, 2009. 102002

(3) The director shall deny a certification application if 102003
the director determines the person has failed to comply with any 102004
requirement under this section. The director may revoke a 102005
certification if the director determines the person, or subsequent 102006
owner or lessee pursuant to a sale and leaseback transaction of 102007
the qualified energy project, has failed to comply with any 102008
requirement under this section. Upon certification or revocation, 102009
the director shall notify the person, owner, or lessee, the tax 102010
commissioner, and the county auditor of a county in which the 102011
project is located of the certification or revocation. Notice 102012
shall be provided in a manner convenient to the director. 102013

(F) The owner or a lessee pursuant to a sale and leaseback 102014

transaction of a qualified energy project shall do each of the 102015
following: 102016

(1) Comply with all applicable regulations; 102017

(2) File with the director of development services a 102018
certified construction progress report before the first day of 102019
March of each year during the energy facility's construction or 102020
installation indicating the percentage of the project completed, 102021
and the project's nameplate capacity, as of the preceding 102022
thirty-first day of December. Unless otherwise instructed by the 102023
director of development services, the owner or lessee of an energy 102024
project shall file a report with the director on or before the 102025
first day of March each year after completion of the energy 102026
facility's construction or installation indicating the project's 102027
nameplate capacity as of the preceding thirty-first day of 102028
December. Not later than sixty days after June 17, 2010, the owner 102029
or lessee of an energy project, the construction of which was 102030
completed before June 17, 2010, shall file a certificate 102031
indicating the project's nameplate capacity. 102032

(3) File with the director of development services, in a 102033
manner prescribed by the director, a report of the total number of 102034
full-time equivalent employees, and the total number of full-time 102035
equivalent employees domiciled in Ohio, who are employed in the 102036
construction or installation of the energy facility; 102037

(4) For energy projects with a nameplate capacity of five 102038
megawatts or greater, repair all roads, bridges, and culverts 102039
affected by construction as reasonably required to restore them to 102040
their preconstruction condition, as determined by the county 102041
engineer in consultation with the local jurisdiction responsible 102042
for the roads, bridges, and culverts. In the event that the county 102043
engineer deems any road, bridge, or culvert to be inadequate to 102044
support the construction or decommissioning of the energy 102045
facility, the road, bridge, or culvert shall be rebuilt or 102046

reinforced to the specifications established by the county 102047
engineer prior to the construction or decommissioning of the 102048
facility. The owner or lessee of the facility shall post a bond in 102049
an amount established by the county engineer and to be held by the 102050
board of county commissioners to ensure funding for repairs of 102051
roads, bridges, and culverts affected during the construction. The 102052
bond shall be released by the board not later than one year after 102053
the date the repairs are completed. The energy facility owner or 102054
lessee pursuant to a sale and leaseback transaction shall post a 102055
bond, as may be required by the Ohio power siting board in the 102056
certificate authorizing commencement of construction issued 102057
pursuant to section 4906.10 of the Revised Code, to ensure funding 102058
for repairs to roads, bridges, and culverts resulting from 102059
decommissioning of the facility. The energy facility owner or 102060
lessee and the county engineer may enter into an agreement 102061
regarding specific transportation plans, reinforcements, 102062
modifications, use and repair of roads, financial security to be 102063
provided, and any other relevant issue. 102064

(5) Provide or facilitate training for fire and emergency 102065
responders for response to emergency situations related to the 102066
energy project and, for energy projects with a nameplate capacity 102067
of five megawatts or greater, at the person's expense, equip the 102068
fire and emergency responders with proper equipment as reasonably 102069
required to enable them to respond to such emergency situations; 102070

(6) Maintain a ratio of Ohio-domiciled full-time equivalent 102071
employees employed in the construction or installation of the 102072
energy project to total full-time equivalent employees employed in 102073
the construction or installation of the energy project of not less 102074
than eighty per cent in the case of a solar energy project, and 102075
not less than fifty per cent in the case of any other energy 102076
project. In the case of an energy project for which certification 102077
from the power siting board is required under section 4906.20 of 102078

the Revised Code, the number of full-time equivalent employees 102079
employed in the construction or installation of the energy project 102080
equals the number actually employed or the number projected to be 102081
employed in the certificate application, if such projection is 102082
required under regulations adopted pursuant to section 4906.03 of 102083
the Revised Code, whichever is greater. For all other energy 102084
projects, the number of full-time equivalent employees employed in 102085
the construction or installation of the energy project equals the 102086
number actually employed or the number projected to be employed by 102087
the director of development services, whichever is greater. To 102088
estimate the number of employees to be employed in the 102089
construction or installation of an energy project, the director 102090
shall use a generally accepted job-estimating model in use for 102091
renewable energy projects, including but not limited to the job 102092
and economic development impact model. The director may adjust an 102093
estimate produced by a model to account for variables not 102094
accounted for by the model. 102095

(7) For energy projects with a nameplate capacity in excess 102096
of two megawatts, establish a relationship with a member of the 102097
university system of Ohio as defined in section 3345.011 of the 102098
Revised Code or with a person offering an apprenticeship program 102099
registered with the employment and training administration within 102100
the United States department of labor or with the apprenticeship 102101
council created by section 4139.02 of the Revised Code, to educate 102102
and train individuals for careers in the wind or solar energy 102103
industry. The relationship may include endowments, cooperative 102104
programs, internships, apprenticeships, research and development 102105
projects, and curriculum development. 102106

(8) Offer to sell power or renewable energy credits from the 102107
energy project to electric distribution utilities or electric 102108
service companies subject to renewable energy resource 102109
requirements under section 4928.64 of the Revised Code that have 102110

issued requests for proposal for such power or renewable energy 102111
credits. If no electric distribution utility or electric service 102112
company issues a request for proposal on or before December 31, 102113
2010, or accepts an offer for power or renewable energy credits 102114
within forty-five days after the offer is submitted, power or 102115
renewable energy credits from the energy project may be sold to 102116
other persons. Division (F)(8) of this section does not apply if: 102117

(a) The owner or lessee is a rural electric company or a 102118
municipal power agency as defined in section 3734.058 of the 102119
Revised Code. 102120

(b) The owner or lessee is a person that, before completion 102121
of the energy project, contracted for the sale of power or 102122
renewable energy credits with a rural electric company or a 102123
municipal power agency. 102124

(c) The owner or lessee contracts for the sale of power or 102125
renewable energy credits from the energy project before June 17, 102126
2010. 102127

(9) Make annual service payments as required by division (G) 102128
of this section and as may be required in a resolution adopted by 102129
a board of county commissioners under division (E) of this 102130
section. 102131

(G) The owner or a lessee pursuant to a sale and leaseback 102132
transaction of a qualified energy project shall make annual 102133
service payments in lieu of taxes to the county treasurer on or 102134
before the final dates for payments of taxes on public utility 102135
personal property on the real and public utility personal property 102136
tax list for each tax year for which property of the energy 102137
project is exempt from taxation under this section. The county 102138
treasurer shall allocate the payment on the basis of the project's 102139
physical location. Upon receipt of a payment, or if timely payment 102140
has not been received, the county treasurer shall certify such 102141

receipt or non-receipt to the director of development services and 102142
tax commissioner in a form determined by the director and 102143
commissioner, respectively. Each payment shall be in the following 102144
amount: 102145

(1) In the case of a solar energy project, seven thousand 102146
dollars per megawatt of nameplate capacity located in the county 102147
as of December 31, 2010, for tax year 2011, as of December 31, 102148
2011, for tax year 2012, as of December 31, 2012, for tax year 102149
2013, as of December 31, 2013, for tax year 2014, as of December 102150
31, 2014, for tax year 2015, as of December 31, 2015, for tax year 102151
2016, and as of December 31, 2016, for tax year 2017 and each tax 102152
year thereafter; 102153

(2) In the case of any other energy project using renewable 102154
energy resources, the following: 102155

(a) If the project maintains during the construction or 102156
installation of the energy facility a ratio of Ohio-domiciled 102157
full-time equivalent employees to total full-time equivalent 102158
employees of not less than seventy-five per cent, six thousand 102159
dollars per megawatt of nameplate capacity located in the county 102160
as of the thirty-first day of December of the preceding tax year; 102161

(b) If the project maintains during the construction or 102162
installation of the energy facility a ratio of Ohio-domiciled 102163
full-time equivalent employees to total full-time equivalent 102164
employees of less than seventy-five per cent but not less than 102165
sixty per cent, seven thousand dollars per megawatt of nameplate 102166
capacity located in the county as of the thirty-first day of 102167
December of the preceding tax year; 102168

(c) If the project maintains during the construction or 102169
installation of the energy facility a ratio of Ohio-domiciled 102170
full-time equivalent employees to total full-time equivalent 102171
employees of less than sixty per cent but not less than fifty per 102172

cent, eight thousand dollars per megawatt of nameplate capacity 102173
located in the county as of the thirty-first day of December of 102174
the preceding tax year. 102175

(3) In the case of an energy project using clean coal 102176
technology, advanced nuclear technology, or cogeneration 102177
technology, the following: 102178

(a) If the project maintains during the construction or 102179
installation of the energy facility a ratio of Ohio-domiciled 102180
full-time equivalent employees to total full-time equivalent 102181
employees of not less than seventy-five per cent, six thousand 102182
dollars per megawatt of nameplate capacity located in the county 102183
as of the thirty-first day of December of the preceding tax year; 102184

(b) If the project maintains during the construction or 102185
installation of the energy facility a ratio of Ohio-domiciled 102186
full-time equivalent employees to total full-time equivalent 102187
employees of less than seventy-five per cent but not less than 102188
sixty per cent, seven thousand dollars per megawatt of nameplate 102189
capacity located in the county as of the thirty-first day of 102190
December of the preceding tax year; 102191

(c) If the project maintains during the construction or 102192
installation of the energy facility a ratio of Ohio-domiciled 102193
full-time equivalent employees to total full-time equivalent 102194
employees of less than sixty per cent but not less than fifty per 102195
cent, eight thousand dollars per megawatt of nameplate capacity 102196
located in the county as of the thirty-first day of December of 102197
the preceding tax year. 102198

(H) The director of development services in consultation with 102199
the tax commissioner shall adopt rules pursuant to Chapter 119. of 102200
the Revised Code to implement and enforce this section. 102201

Sec. 5727.80. As used in sections 5727.80 to 5727.95 of the 102202

Revised Code: 102203

(A) "Electric distribution company" means either of the 102204
following: 102205

(1) A person who distributes electricity through a meter of 102206
an end user in this state or to an unmetered location in this 102207
state; 102208

(2) The end user of electricity in this state, if the end 102209
user obtains electricity that is not distributed or transmitted to 102210
the end user by an electric distribution company that is required 102211
to remit the tax imposed by section 5727.81 of the Revised Code. 102212
~~"Electric~~ 102213

"Electric distribution company" does not include ~~the~~ an end 102214
user of electricity in this state who self-generates electricity 102215
that is used directly by that end user on the same site that the 102216
electricity is generated or a person that donates all of the 102217
electricity the person generates to a political subdivision of the 102218
state. Division (A)(2) of this section shall not apply to a 102219
political subdivision in this state that is the end user of 102220
electricity that is donated to the political subdivision. 102221

(B) "Kilowatt hour" means one thousand watt hours of 102222
electricity. 102223

(C) For an electric distribution company, "meter of an end 102224
user in this state" means the last meter used to measure the 102225
kilowatt hours distributed by an electric distribution company to 102226
a location in this state, or the last meter located outside of 102227
this state that is used to measure the kilowatt hours consumed at 102228
a location in this state. 102229

(D) "Person" has the same meaning as in section 5701.01 of 102230
the Revised Code, but also includes a political subdivision of the 102231
state. 102232

- (E) "Municipal electric utility" means a municipal corporation that owns or operates a system for the distribution of electricity. 102233
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102235
- (F) "Qualified end user" means an end user of electricity that uses more than three million kilowatt hours of electricity at one manufacturing location in this state for a calendar day for use in a qualifying manufacturing process. 102236
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- (G) "Qualified regeneration" means a process to convert electricity to a form of stored energy by means such as using electricity to compress air for storage or to pump water to an elevated storage reservoir, if such stored energy is subsequently used to generate electricity for sale to others primarily during periods when there is peak demand for electricity. 102240
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- (H) "Qualified regeneration meter" means the last meter used to measure electricity used in a qualified regeneration process. 102246
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- (I) "Qualifying manufacturing process" means the performance of an electrochemical reaction in which electrons from direct current electricity remain a part of the product being manufactured. 102248
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- (J) "Self-assessing purchaser" means a purchaser that meets all the requirements of, and pays the excise tax in accordance with, division (C) of section 5727.81 of the Revised Code. 102252
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- (K) "Natural gas distribution company" means a natural gas company or a combined company, as defined in section 5727.01 of the Revised Code, that is subject to the excise tax imposed by section 5727.24 of the Revised Code and that distributes natural gas through a meter of an end user in this state or to an unmetered location in this state. 102255
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- (L) "MCF" means one thousand cubic feet. 102261
- (M) For a natural gas distribution company, "meter of an end 102262

user in this state" means the last meter used to measure the MCF 102263
of natural gas distributed by a natural gas distribution company 102264
to a location in this state, or the last meter located outside of 102265
this state that is used to measure the natural gas consumed at a 102266
location in this state. 102267

(N) "Flex customer" means an industrial or a commercial 102268
facility that has consumed more than one billion cubic feet of 102269
natural gas a year at a single location during any of the previous 102270
five years, or an industrial or a commercial end user of natural 102271
gas that purchases natural gas distribution services from a 102272
natural gas distribution company at discounted rates or charges 102273
established in any of the following: 102274

(1) A special arrangement subject to review and regulation by 102275
the public utilities commission under section 4905.31 of the 102276
Revised Code; 102277

(2) A special arrangement with a natural gas distribution 102278
company pursuant to a municipal ordinance; 102279

(3) A variable rate schedule that permits rates to vary 102280
between defined amounts, provided that the schedule is on file 102281
with the public utilities commission. 102282

An end user that meets this definition on January 1, 2000, or 102283
thereafter is a "flex customer" for purposes of determining the 102284
rate of taxation under division (D) of section 5727.811 of the 102285
Revised Code. 102286

Sec. 5727.81. (A) For the purpose of raising revenue ~~for~~ 102287
~~public education and to fund the needs of this state and its local~~ 102288
~~government operations governments,~~ an excise tax is hereby levied 102289
and imposed on an electric distribution company for all 102290
electricity distributed by such company at the following rates per 102291
kilowatt hour of electricity distributed in a thirty-day period by 102292

the company through a meter of an end user in this state:	102293
KILOWATT HOURS DISTRIBUTED	102294
TO AN END USER	102295
For the first 2,000	102296
For the next 2,001 to 15,000	102297
For 15,001 and above	102298
If no meter is used to measure the kilowatt hours of	102299
electricity distributed by the company, the rates shall apply to	102300
the estimated kilowatt hours of electricity distributed to an	102301
unmetered location in this state.	102302
The electric distribution company shall base the monthly tax	102303
on the kilowatt hours of electricity distributed to an end user	102304
through the meter of the end user that is not measured for a	102305
thirty-day period by dividing the days in the measurement period	102306
into the total kilowatt hours measured during the measurement	102307
period to obtain a daily average usage. The tax shall be	102308
determined by obtaining the sum of divisions (A)(1), (2), and (3)	102309
of this section and multiplying that amount by the number of days	102310
in the measurement period:	102311
(1) Multiplying \$0.00465 per kilowatt hour for the first	102312
sixty-seven kilowatt hours distributed using a daily average;	102313
(2) Multiplying \$0.00419 for the next sixty-eight to five	102314
hundred kilowatt hours distributed using a daily average;	102315
(3) Multiplying \$0.00363 for the remaining kilowatt hours	102316
distributed using a daily average.	102317
Except as provided in division (C) of this section, the	102318
electric distribution company shall pay the tax to the tax	102319
commissioner in accordance with section 5727.82 of the Revised	102320
Code, unless required to remit each tax payment by electronic	102321
funds transfer to the treasurer of state in accordance with	102322
section 5727.83 of the Revised Code.	102323

Only the distribution of electricity through a meter of an end user in this state shall be used by the electric distribution company to compute the amount or estimated amount of tax due. In the event a meter is not actually read for a measurement period, the estimated kilowatt hours distributed by an electric distribution company to bill for its distribution charges shall be used.

(B) Except as provided in division (C) of this section, each electric distribution company shall pay the tax imposed by this section in all of the following circumstances:

(1) The electricity is distributed by the company through a meter of an end user in this state;

(2) The company is distributing electricity through a meter located in another state, but the electricity is consumed in this state in the manner prescribed by the tax commissioner;

(3) The company is distributing electricity in this state without the use of a meter, but the electricity is consumed in this state as estimated and in the manner prescribed by the tax commissioner.

(C)(1) As used in division (C) of this section:

(a) "Total price of electricity" means the aggregate value in money of anything paid or transferred, or promised to be paid or transferred, to obtain electricity or electric service, including but not limited to the value paid or promised to be paid for the transmission or distribution of electricity and for transition costs as described in Chapter 4928. of the Revised Code.

(b) "Package" means the provision or the acquisition, at a combined price, of electricity with other services or products, or any combination thereof, such as natural gas or other fuels; energy management products, software, and services; machinery and equipment acquisition; and financing agreements.

(c) "Single location" means a facility located on contiguous property separated only by a roadway, railway, or waterway.

(2) Division (C) of this section applies to any commercial or industrial purchaser's receipt of electricity through a meter of an end user in this state or through more than one meter at a single location in this state in a quantity that exceeds forty-five million kilowatt hours of electricity over the course of the preceding calendar year, or any commercial or industrial purchaser that will consume more than forty-five million kilowatt hours of electricity over the course of the succeeding twelve months as estimated by the tax commissioner. The tax commissioner shall make such an estimate upon the written request by an applicant for registration as a self-assessing purchaser under this division. For the meter reading period including July 1, 2008, through the meter reading period including December 31, 2010, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00075 per kilowatt hour on the first five hundred four million kilowatt hours distributed to that meter or location during the registration year, and a percentage of the total price of all electricity distributed to that meter or location equal to three and one-half per cent. For the meter reading period including January 1, 2011, and thereafter, such a purchaser may elect to self-assess the excise tax imposed by this section at the rate of \$.00257 per kilowatt hour for the first five hundred million kilowatt hours, and \$.001832 per kilowatt hour for each kilowatt hour in excess of five hundred million kilowatt hours, distributed to that meter or location during the registration year.

A qualified end user that receives electricity through a meter of an end user in this state or through more than one meter at a single location in this state and that consumes, over the course of the previous calendar year, more than forty-five million

kilowatt hours in other than its qualifying manufacturing process, 102387
may elect to self-assess the tax as allowed by this division with 102388
respect to the electricity used in other than its qualifying 102389
manufacturing process. 102390

Payment of the tax shall be made directly to the tax 102391
commissioner in accordance with divisions (A)(4) and (5) of 102392
section 5727.82 of the Revised Code, or the treasurer of state in 102393
accordance with section 5727.83 of the Revised Code. If the 102394
electric distribution company serving the self-assessing purchaser 102395
is a municipal electric utility and the purchaser is within the 102396
municipal corporation's corporate limits, payment shall be made to 102397
such municipal corporation's general fund and reports shall be 102398
filed in accordance with divisions (A)(4) and (5) of section 102399
5727.82 of the Revised Code, except that "municipal corporation" 102400
shall be substituted for "treasurer of state" and "tax 102401
commissioner." A self-assessing purchaser that pays the excise tax 102402
as provided in this division shall not be required to pay the tax 102403
to the electric distribution company from which its electricity is 102404
distributed. If a self-assessing purchaser's receipt of 102405
electricity is not subject to the tax as measured under this 102406
division, the tax on the receipt of such electricity shall be 102407
measured and paid as provided in division (A) of this section. 102408

(3) In the case of the acquisition of a package, unless the 102409
elements of the package are separately stated isolating the total 102410
price of electricity from the price of the remaining elements of 102411
the package, the tax imposed under this section applies to the 102412
entire price of the package. If the elements of the package are 102413
separately stated, the tax imposed under this section applies to 102414
the total price of the electricity. 102415

(4) Any electric supplier that sells electricity as part of a 102416
package shall separately state to the purchaser the total price of 102417
the electricity and, upon request by the tax commissioner, the 102418

total price of each of the other elements of the package. 102419

(5) The tax commissioner may adopt rules relating to the 102420
computation of the total price of electricity with respect to 102421
self-assessing purchasers, which may include rules to establish 102422
the total price of electricity purchased as part of a package. 102423

(6) An annual application for registration as a 102424
self-assessing purchaser shall be made for each qualifying meter 102425
or location on a form prescribed by the tax commissioner. The 102426
registration year begins on the first day of May and ends on the 102427
following thirtieth day of April. Persons may apply after the 102428
first day of May for the remainder of the registration year. In 102429
the case of an applicant applying on the basis of an estimated 102430
consumption of forty-five million kilowatt hours over the course 102431
of the succeeding twelve months, the applicant shall provide such 102432
information as the tax commissioner considers to be necessary to 102433
estimate such consumption. At the time of making the application 102434
and by the first day of May of each year, a self-assessing 102435
purchaser shall pay a fee of five hundred dollars to the tax 102436
commissioner, or to the treasurer of state as provided in section 102437
5727.83 of the Revised Code, for each qualifying meter or 102438
location. The tax commissioner shall immediately pay to the 102439
treasurer of state all amounts that the tax commissioner receives 102440
under this section. The treasurer of state shall deposit such 102441
amounts into the kilowatt hour excise tax administration fund, 102442
which is hereby created in the state treasury. Money in the fund 102443
shall be used to defray the tax commissioner's cost in 102444
administering the tax owed under section 5727.81 of the Revised 102445
Code by self-assessing purchasers. After the application is 102446
approved by the tax commissioner, the registration shall remain in 102447
effect for the current registration year, or until canceled by the 102448
registrant upon written notification to the commissioner of the 102449
election to pay the tax in accordance with division (A) of this 102450

section, or until canceled by the tax commissioner for not paying 102451
the tax or fee under division (C) of this section or for not 102452
meeting the qualifications in division (C)(2) of this section. The 102453
tax commissioner shall give written notice to the electric 102454
distribution company from which electricity is delivered to a 102455
self-assessing purchaser of the purchaser's self-assessing status, 102456
and the electric distribution company is relieved of the 102457
obligation to pay the tax imposed by division (A) of this section 102458
for electricity distributed to that self-assessing purchaser until 102459
it is notified by the tax commissioner that the self-assessing 102460
purchaser's registration is canceled. Within fifteen days of 102461
notification of the canceled registration, the electric 102462
distribution company shall be responsible for payment of the tax 102463
imposed by division (A) of this section on electricity distributed 102464
to a purchaser that is no longer registered as a self-assessing 102465
purchaser. A self-assessing purchaser with a canceled registration 102466
must file a report and remit the tax imposed by division (A) of 102467
this section on all electricity it receives for any measurement 102468
period prior to the tax being reported and paid by the electric 102469
distribution company. A self-assessing purchaser whose 102470
registration is canceled by the tax commissioner is not eligible 102471
to register as a self-assessing purchaser for two years after the 102472
registration is canceled. 102473

(7) If the tax commissioner cancels the self-assessing 102474
registration of a purchaser registered on the basis of its 102475
estimated consumption because the purchaser does not consume at 102476
least forty-five million kilowatt hours of electricity over the 102477
course of the twelve-month period for which the estimate was made, 102478
the tax commissioner shall assess and collect from the purchaser 102479
the difference between (a) the amount of tax that would have been 102480
payable under division (A) of this section on the electricity 102481
distributed to the purchaser during that period and (b) the amount 102482
of tax paid by the purchaser on such electricity pursuant to 102483

division (C)(2) of this section. The assessment shall be paid 102484
within sixty days after the tax commissioner issues it, regardless 102485
of whether the purchaser files a petition for reassessment under 102486
section 5727.89 of the Revised Code covering that period. If the 102487
purchaser does not pay the assessment within the time prescribed, 102488
the amount assessed is subject to the additional charge and the 102489
interest prescribed by divisions (B) and (C) of section 5727.82 of 102490
the Revised Code, and is subject to assessment under section 102491
5727.89 of the Revised Code. If the purchaser is a qualified end 102492
user, division (C)(7) of this section applies only to electricity 102493
it consumes in other than its qualifying manufacturing process. 102494

(D) The tax imposed by this section does not apply to the 102495
distribution of any kilowatt hours of electricity to the federal 102496
government, to an end user located at a federal facility that uses 102497
electricity for the enrichment of uranium, to a qualified 102498
regeneration meter, or to an end user for any day the end user is 102499
a qualified end user. The exemption under this division for a 102500
qualified end user only applies to the manufacturing location 102501
where the qualified end user uses more than three million kilowatt 102502
hours per day in a qualifying manufacturing process. 102503

(E) All revenue arising from the tax imposed by this section 102504
shall be credited to the general revenue fund except as provided 102505
by division (C) of this section and section 5727.82 of the Revised 102506
Code. 102507

Sec. 5727.811. (A) For the purpose of raising revenue ~~for~~ 102508
~~public education and to fund the needs of this state and its local~~ 102509
~~government operations~~ governments, an excise tax is hereby levied 102510
on every natural gas distribution company for all natural gas 102511
volumes billed by, or on behalf of, the company beginning with the 102512
measurement period that includes July 1, 2001. Except as provided 102513
in divisions (C) or (D) of this section, the tax shall be levied 102514

at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state:

MCF DISTRIBUTED TO AN END USER	RATE PER MCF
For the first 100 MCF per month	\$.1593
For the next 101 to 2000 MCF per month	\$.0877
For 2001 and above MCF per month	\$.0411

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment to the treasurer of state in accordance with section 5727.83 of the Revised Code.

(C) A natural gas distribution company with seventy thousand customers or less may elect to apply the rates specified in division (A) of this section to the aggregate of the natural gas distributed by the company through the meter of all its customers in this state, and upon such election, this method shall be used to determine the amount of tax to be paid by such company.

(D) A natural gas distribution company shall pay the tax imposed by this section at the rate of \$.02 per MCF of natural gas distributed by the company through the meter of a flex customer.

The natural gas distribution company correspondingly shall reduce 102547
the per MCF rate that it charges the flex customer for natural gas 102548
distribution services by \$.02 per MCF of natural gas distributed 102549
to the flex customer. 102550

(E) Except as provided in division (F) of this section, each 102551
natural gas distribution company shall pay the tax imposed by this 102552
section in all of the following circumstances: 102553

(1) The natural gas is distributed by the company through a 102554
meter of an end user in this state; 102555

(2) The natural gas distribution company is distributing 102556
natural gas through a meter located in another state, but the 102557
natural gas is consumed in this state in the manner prescribed by 102558
the tax commissioner; 102559

(3) The natural gas distribution company is distributing 102560
natural gas in this state without the use of a meter, but the 102561
natural gas is consumed in this state as estimated and in the 102562
manner prescribed by the tax commissioner. 102563

(F) The tax levied by this section does not apply to the 102564
distribution of natural gas to the federal government, or natural 102565
gas produced by an end user in this state that is consumed by that 102566
end user or its affiliates and is not distributed through the 102567
facilities of a natural gas company. 102568

(G) All revenue arising from the tax imposed by this section 102569
shall be credited to the general revenue fund. 102570

Sec. 5727.84. ~~(A)~~ No determinations, computations, 102571
certifications, or payments shall be made under this section after 102572
June 30, 2015. 102573

(A) As used in this section and sections 5727.85, 5727.86, 102574
and 5727.87 of the Revised Code: 102575

(1) "School district" means a city, local, or exempted 102576

village school district. 102577

(2) "Joint vocational school district" means a joint 102578
vocational school district created under section 3311.16 of the 102579
Revised Code, and includes a cooperative education school district 102580
created under section 3311.52 or 3311.521 of the Revised Code and 102581
a county school financing district created under section 3311.50 102582
of the Revised Code. 102583

(3) "Local taxing unit" means a subdivision or taxing unit, 102584
as defined in section 5705.01 of the Revised Code, a park district 102585
created under Chapter 1545. of the Revised Code, or a township 102586
park district established under section 511.23 of the Revised 102587
Code, but excludes school districts and joint vocational school 102588
districts. 102589

(4) "State education aid," for a school district, means the 102590
following: 102591

(a) For fiscal years prior to fiscal year 2010, the sum of 102592
state aid amounts computed for the district under former sections 102593
3317.029, 3317.052, and 3317.053 of the Revised Code and the 102594
following provisions, as they existed for the applicable fiscal 102595
year: divisions (A), (C)(1), (C)(4), (D), (E), and (F) of section 102596
3317.022; divisions (B), (C), and (D) of section 3317.023; 102597
divisions (G), (L), and (N) of section 3317.024; and sections 102598
3317.0216, 3317.0217, 3317.04, and 3317.05 of the Revised Code; 102599
and the adjustments required by: division (C) of section 3310.08; 102600
division (C)(2) of section 3310.41; division (C) of section 102601
3314.08; division (D)(2) of section 3314.091; division (D) of 102602
former section 3314.13; divisions (E), (K), (L), (M), and (N) of 102603
section 3317.023; division (C) of section 3317.20; and sections 102604
3313.979 and 3313.981 of the Revised Code. However, when 102605
calculating state education aid for a school district for fiscal 102606
years 2008 and 2009, include the amount computed for the district 102607
under Section 269.20.80 of H.B. 119 of the 127th general assembly, 102608

as subsequently amended, instead of division (D) of section 102609
3317.022 of the Revised Code; and include amounts calculated under 102610
Section 269.30.80 of H.B. 119 of the 127th general assembly, as 102611
subsequently amended. 102612

(b) For fiscal years 2010 and 2011, the sum of the amounts 102613
computed for the district under former sections 3306.052, 3306.12, 102614
3306.13, 3306.19, 3306.191, 3306.192, 3317.052, and 3317.053 of 102615
the Revised Code and the following provisions, as they existed for 102616
the applicable fiscal year: division (G) of section 3317.024; 102617
section 3317.05 of the Revised Code; and the adjustments required 102618
by division (C) of section 3310.08; division (C)(2) of section 102619
3310.41; division (C) of section 3314.08; division (D)(2) of 102620
section 3314.091; division (D) of former section 3314.13; 102621
divisions (E), (K), (L), (M), and (N) of section 3317.023; 102622
division (C) of section 3317.20; and sections 3313.979, 3313.981, 102623
and 3326.33 of the Revised Code. 102624

(c) For fiscal years 2012 and 2013, the amount paid in 102625
accordance with the section of H.B. 153 of the 129th general 102626
assembly entitled "FUNDING FOR CITY, EXEMPTED VILLAGE, AND LOCAL 102627
SCHOOL DISTRICTS" and the adjustments required by division (C) of 102628
section 3310.08; division (C)(2) of section 3310.41; section 102629
3310.55; division (C) of section 3314.08; division (D)(2) of 102630
section 3314.091; division (D) of former section 3314.13; 102631
divisions (B), (H), (I), (J), and (K) of section 3317.023; 102632
division (C) of section 3317.20; and sections 3313.979 and 102633
3313.981 of the Revised Code; 102634

(d) For fiscal year 2014 and each fiscal year thereafter, the 102635
sum of amounts computed for and paid to the district under section 102636
3317.022 of the Revised Code; and the adjustments required by 102637
division (C) of section 3310.08, division (C)(2) of section 102638
3310.41, section 3310.55, division (C) of section 3314.08, 102639
division (D)(2) of section 3314.091, divisions (B), (H), (J), and 102640

(K) of section 3317.023, and sections 3313.978, 3313.981, 102641
3317.0212, 3317.0213, 3317.0214, and 3326.33 of the Revised Code. 102642
However, for fiscal years 2014 and 2015, the amount computed for 102643
the district under the section of this act entitled "TRANSITIONAL 102644
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS" also 102645
shall be included. 102646

(5) "State education aid," for a joint vocational school 102647
district, means the following: 102648

(a) For fiscal years prior to fiscal year 2010, the sum of 102649
the state aid amounts computed for the district under division (N) 102650
of section 3317.024 and section 3317.16 of the Revised Code. 102651
However, when calculating state education aid for a joint 102652
vocational school district for fiscal years 2008 and 2009, include 102653
the amount computed for the district under Section 269.30.90 of 102654
H.B. 119 of the 127th general assembly, as subsequently amended. 102655

(b) For fiscal years 2010 and 2011, the amount computed for 102656
the district in accordance with the section of H.B. 1 of the 128th 102657
general assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL 102658
DISTRICTS." 102659

(c) For fiscal years 2012 and 2013, the amount paid in 102660
accordance with the section of H.B. 153 of the 129th general 102661
assembly entitled "FUNDING FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 102662

(d) For fiscal year 2014 and each fiscal year thereafter, the 102663
amount computed for the district under section 3317.16 of the 102664
Revised Code; except that, for fiscal years 2014 and 2015, the 102665
amount computed for the district under the section of this act 102666
entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" 102667
shall be included. 102668

(6) "State education aid offset" means the amount determined 102669
for each school district or joint vocational school district under 102670
division (A)(1) of section 5727.85 of the Revised Code. 102671

- (7) "Recognized valuation" means the amount computed for a school district pursuant to section 3317.015 of the Revised Code. 102672
102673
- (8) "Electric company tax value loss" means the amount determined under division (D) of this section. 102674
102675
- (9) "Natural gas company tax value loss" means the amount determined under division (E) of this section. 102676
102677
- (10) "Tax value loss" means the sum of the electric company tax value loss and the natural gas company tax value loss. 102678
102679
- (11) "Fixed-rate levy" means any tax levied on property other than a fixed-sum levy. 102680
102681
- (12) "Fixed-rate levy loss" means the amount determined under division (G) of this section. 102682
102683
- (13) "Fixed-sum levy" means a tax levied on property at whatever rate is required to produce a specified amount of tax money or levied in excess of the ten-mill limitation to pay debt charges, and includes school district emergency levies charged and payable pursuant to section 5705.194 of the Revised Code. 102684
102685
102686
102687
102688
- (14) "Fixed-sum levy loss" means the amount determined under division (H) of this section. 102689
102690
- (15) "Consumer price index" means the consumer price index (all items, all urban consumers) prepared by the bureau of labor statistics of the United States department of labor. 102691
102692
102693
- (16) "Total resources" and "total library resources" have the same meanings as in section 5751.20 of the Revised Code. 102694
102695
- (17) "2011 current expense S.B. 3 allocation" means the sum of payments received by a school district or joint vocational school district in fiscal year 2011 for current expense levy losses pursuant to division (C)(2) of section 5727.85 of the Revised Code. If a fixed-rate levy eligible for reimbursement is not charged and payable in any year after tax year 2010, "2011 102696
102697
102698
102699
102700
102701

current expense S.B. 3 allocation" used to compute payments to be 102702
made under division (C)(3) of section 5727.85 of the Revised Code 102703
in the tax years following the last year the levy is charged and 102704
payable shall be reduced to the extent that those payments are 102705
attributable to the fixed-rate levy loss of that levy. 102706

(18) "2010 current expense S.B. 3 allocation" means the sum 102707
of payments received by a municipal corporation in calendar year 102708
2010 for current expense levy losses pursuant to division (A)(1) 102709
of section 5727.86 of the Revised Code, excluding any such 102710
payments received for current expense levy losses attributable to 102711
a tax levied under section 5705.23 of the Revised Code. If a 102712
fixed-rate levy eligible for reimbursement is not charged and 102713
payable in any year after tax year 2010, "2010 current expense 102714
S.B. 3 allocation" used to compute payments to be made under 102715
division (A)(1)(d) or (e) of section 5727.86 of the Revised Code 102716
in the tax years following the last year the levy is charged and 102717
payable shall be reduced to the extent that those payments are 102718
attributable to the fixed-rate levy loss of that levy. 102719

(19) "2010 S.B. 3 allocation" means the sum of payments 102720
received by a local taxing unit during calendar year 2010 pursuant 102721
to division (A)(1) of section 5727.86 of the Revised Code, 102722
excluding any such payments received for fixed-rate levy losses 102723
attributable to a tax levied under section 5705.23 of the Revised 102724
Code. If a fixed-rate levy eligible for reimbursement is not 102725
charged and payable in any year after tax year 2010, "2010 S.B. 3 102726
allocation" used to compute payments to be made under division 102727
(A)(1)(d) or (e) of section 5727.86 of the Revised Code in the tax 102728
years following the last year the levy is charged and payable 102729
shall be reduced to the extent that those payments are 102730
attributable to the fixed-rate levy loss of that levy. 102731

(20) "Total S.B. 3 allocation" means, in the case of a school 102732
district or joint vocational school district, the sum of the 102733

payments received in fiscal year 2011 pursuant to divisions (C)(2) 102734
and (D) of section 5727.85 of the Revised Code. In the case of a 102735
local taxing unit, "total S.B. 3 allocation" means the sum of 102736
payments received by the unit in calendar year 2010 pursuant to 102737
divisions (A)(1) and (4) of section 5727.86 of the Revised Code, 102738
excluding any such payments received for fixed-rate levy losses 102739
attributable to a tax levied under section 5705.23 of the Revised 102740
Code. If a fixed-rate levy eligible for reimbursement is not 102741
charged and payable in any year after tax year 2010, "total S.B. 3 102742
allocation" used to compute payments to be made under division 102743
(C)(3) of section 5727.85 or division (A)(1)(d) or (e) of section 102744
5727.86 of the Revised Code in the tax years following the last 102745
year the levy is charged and payable shall be reduced to the 102746
extent that those payments are attributable to the fixed-rate levy 102747
loss of that levy as would be computed under division (C)(2) of 102748
section 5727.85 or division (A)(1)(b) of section 5727.86 of the 102749
Revised Code. 102750

(21) "2011 non-current expense S.B. 3 allocation" means the 102751
difference of a school district's or joint vocational school 102752
district's total S.B. 3 allocation minus the sum of the school 102753
district's 2011 current expense S.B. 3 allocation and the portion 102754
of the school district's total S.B. 3 allocation constituting 102755
reimbursement for debt levies pursuant to division (D) of section 102756
5727.85 of the Revised Code. 102757

(22) "2010 non-current expense S.B. 3 allocation" means the 102758
difference of a municipal corporation's total S.B. 3 allocation 102759
minus the sum of its 2010 current expense S.B. 3 allocation and 102760
the portion of its total S.B. 3 allocation constituting 102761
reimbursement for debt levies pursuant to division (A)(4) of 102762
section 5727.86 of the Revised Code. 102763

(23) "S.B. 3 allocation for library purposes" means, in the 102764
case of a county, municipal corporation, school district, or 102765

township public library that receives the proceeds of a tax levied 102766
under section 5705.23 of the Revised Code, the sum of the payments 102767
received by the public library in calendar year 2010 pursuant to 102768
section 5727.86 of the Revised Code for fixed-rate levy losses 102769
attributable to a tax levied under section 5705.23 of the Revised 102770
Code. If a fixed-rate levy authorized under section 5705.23 of the 102771
Revised Code that is eligible for reimbursement is not charged and 102772
payable in any year after tax year 2010, "S.B. 3 allocation for 102773
library purposes" used to compute payments to be made under 102774
division (A)(1)(f) of section 5727.86 of the Revised Code in the 102775
tax years following the last year the levy is charged and payable 102776
shall be reduced to the extent that those payments are 102777
attributable to the fixed-rate levy loss of that levy as would be 102778
computed under division (A)(1)(b) of section 5727.86 of the 102779
Revised Code. 102780

(24) "Threshold per cent" means, in the case of a school 102781
district or joint vocational school district, two per cent for 102782
fiscal year 2012 and four per cent for fiscal years 2013 and 102783
thereafter. In the case of a local taxing unit or public library 102784
that receives the proceeds of a tax levied under section 5705.23 102785
of the Revised Code, "threshold per cent" means two per cent for 102786
calendar year 2011, four per cent for calendar year 2012, and six 102787
per cent for calendar years 2013 and thereafter. 102788

(B) The kilowatt-hour tax receipts fund is hereby created in 102789
the state treasury and shall consist of money arising from the tax 102790
imposed by section 5727.81 of the Revised Code. All money in the 102791
kilowatt-hour tax receipts fund shall be credited as follows: 102792

Fiscal Year	General Revenue Fund	School District Property Tax Replacement Fund	Local Government Property Tax Replacement Fund	
2001-2011	63.0%	25.4%	11.6%	102794
2012 and	88.0%	9.0%	3.0%	102795

~~thereafter~~

2012-2015

(C) The natural gas tax receipts fund is hereby created in 102796
the state treasury and shall consist of money arising from the tax 102797
imposed by section 5727.811 of the Revised Code. All money in the 102798
fund shall be credited as follows+ 102799

~~(1) For~~ for fiscal years before fiscal year 2012: 102800

~~(a)~~(1) Sixty-eight and seven-tenths per cent shall be 102801
credited to the school district property tax replacement fund for 102802
the purpose of making the payments described in section 5727.85 of 102803
the Revised Code. 102804

~~(b)~~(2) Thirty-one and three-tenths per cent shall be credited 102805
to the local government property tax replacement fund for the 102806
purpose of making the payments described in section 5727.86 of the 102807
Revised Code. 102808

~~(2) For fiscal years 2012 and thereafter, one hundred per 102809
cent to the general revenue fund.~~ 102810

(D) Not later than January 1, 2002, the tax commissioner 102811
shall determine for each taxing district its electric company tax 102812
value loss, which is the sum of the applicable amounts described 102813
in divisions (D)(1) to (4) of this section: 102814

(1) The difference obtained by subtracting the amount 102815
described in division (D)(1)(b) from the amount described in 102816
division (D)(1)(a) of this section. 102817

(a) The value of electric company and rural electric company 102818
tangible personal property as assessed by the tax commissioner for 102819
tax year 1998 on a preliminary assessment, or an amended 102820
preliminary assessment if issued prior to March 1, 1999, and as 102821
apportioned to the taxing district for tax year 1998; 102822

(b) The value of electric company and rural electric company 102823

tangible personal property as assessed by the tax commissioner for 102824
tax year 1998 had the property been apportioned to the taxing 102825
district for tax year 2001, and assessed at the rates in effect 102826
for tax year 2001. 102827

(2) The difference obtained by subtracting the amount 102828
described in division (D)(2)(b) from the amount described in 102829
division (D)(2)(a) of this section. 102830

(a) The three-year average for tax years 1996, 1997, and 1998 102831
of the assessed value from nuclear fuel materials and assemblies 102832
assessed against a person under Chapter 5711. of the Revised Code 102833
from the leasing of them to an electric company for those 102834
respective tax years, as reflected in the preliminary assessments; 102835

(b) The three-year average assessed value from nuclear fuel 102836
materials and assemblies assessed under division (D)(2)(a) of this 102837
section for tax years 1996, 1997, and 1998, as reflected in the 102838
preliminary assessments, using an assessment rate of twenty-five 102839
per cent. 102840

(3) In the case of a taxing district having a nuclear power 102841
plant within its territory, any amount, resulting in an electric 102842
company tax value loss, obtained by subtracting the amount 102843
described in division (D)(1) of this section from the difference 102844
obtained by subtracting the amount described in division (D)(3)(b) 102845
of this section from the amount described in division (D)(3)(a) of 102846
this section. 102847

(a) The value of electric company tangible personal property 102848
as assessed by the tax commissioner for tax year 2000 on a 102849
preliminary assessment, or an amended preliminary assessment if 102850
issued prior to March 1, 2001, and as apportioned to the taxing 102851
district for tax year 2000; 102852

(b) The value of electric company tangible personal property 102853
as assessed by the tax commissioner for tax year 2001 on a 102854

preliminary assessment, or an amended preliminary assessment if 102855
issued prior to March 1, 2002, and as apportioned to the taxing 102856
district for tax year 2001. 102857

(4) In the case of a taxing district having a nuclear power 102858
plant within its territory, the difference obtained by subtracting 102859
the amount described in division (D)(4)(b) of this section from 102860
the amount described in division (D)(4)(a) of this section, 102861
provided that such difference is greater than ten per cent of the 102862
amount described in division (D)(4)(a) of this section. 102863

(a) The value of electric company tangible personal property 102864
as assessed by the tax commissioner for tax year 2005 on a 102865
preliminary assessment, or an amended preliminary assessment if 102866
issued prior to March 1, 2006, and as apportioned to the taxing 102867
district for tax year 2005; 102868

(b) The value of electric company tangible personal property 102869
as assessed by the tax commissioner for tax year 2006 on a 102870
preliminary assessment, or an amended preliminary assessment if 102871
issued prior to March 1, 2007, and as apportioned to the taxing 102872
district for tax year 2006. 102873

(E) Not later than January 1, 2002, the tax commissioner 102874
shall determine for each taxing district its natural gas company 102875
tax value loss, which is the sum of the amounts described in 102876
divisions (E)(1) and (2) of this section: 102877

(1) The difference obtained by subtracting the amount 102878
described in division (E)(1)(b) from the amount described in 102879
division (E)(1)(a) of this section. 102880

(a) The value of all natural gas company tangible personal 102881
property, other than property described in division (E)(2) of this 102882
section, as assessed by the tax commissioner for tax year 1999 on 102883
a preliminary assessment, or an amended preliminary assessment if 102884
issued prior to March 1, 2000, and apportioned to the taxing 102885

district for tax year 1999; 102886

(b) The value of all natural gas company tangible personal 102887
property, other than property described in division (E)(2) of this 102888
section, as assessed by the tax commissioner for tax year 1999 had 102889
the property been apportioned to the taxing district for tax year 102890
2001, and assessed at the rates in effect for tax year 2001. 102891

(2) The difference in the value of current gas obtained by 102892
subtracting the amount described in division (E)(2)(b) from the 102893
amount described in division (E)(2)(a) of this section. 102894

(a) The three-year average assessed value of current gas as 102895
assessed by the tax commissioner for tax years 1997, 1998, and 102896
1999 on a preliminary assessment, or an amended preliminary 102897
assessment if issued prior to March 1, 2001, and as apportioned in 102898
the taxing district for those respective years; 102899

(b) The three-year average assessed value from current gas 102900
under division (E)(2)(a) of this section for tax years 1997, 1998, 102901
and 1999, as reflected in the preliminary assessment, using an 102902
assessment rate of twenty-five per cent. 102903

(F) The tax commissioner may request that natural gas 102904
companies, electric companies, and rural electric companies file a 102905
report to help determine the tax value loss under divisions (D) 102906
and (E) of this section. The report shall be filed within thirty 102907
days of the commissioner's request. A company that fails to file 102908
the report or does not timely file the report is subject to the 102909
penalty in section 5727.60 of the Revised Code. 102910

(G) Not later than January 1, 2002, the tax commissioner 102911
shall determine for each school district, joint vocational school 102912
district, and local taxing unit its fixed-rate levy loss, which is 102913
the sum of its electric company tax value loss multiplied by the 102914
tax rate in effect in tax year 1998 for fixed-rate levies and its 102915
natural gas company tax value loss multiplied by the tax rate in 102916

effect in tax year 1999 for fixed-rate levies. 102917

(H) Not later than January 1, 2002, the tax commissioner 102918
shall determine for each school district, joint vocational school 102919
district, and local taxing unit its fixed-sum levy loss, which is 102920
the amount obtained by subtracting the amount described in 102921
division (H)(2) of this section from the amount described in 102922
division (H)(1) of this section: 102923

(1) The sum of the electric company tax value loss multiplied 102924
by the tax rate in effect in tax year 1998, and the natural gas 102925
company tax value loss multiplied by the tax rate in effect in tax 102926
year 1999, for fixed-sum levies for all taxing districts within 102927
each school district, joint vocational school district, and local 102928
taxing unit. For the years 2002 through 2006, this computation 102929
shall include school district emergency levies that existed in 102930
1998 in the case of the electric company tax value loss, and 1999 102931
in the case of the natural gas company tax value loss, and all 102932
other fixed-sum levies that existed in 1998 in the case of the 102933
electric company tax value loss and 1999 in the case of the 102934
natural gas company tax value loss and continue to be charged in 102935
the tax year preceding the distribution year. For the years 2007 102936
through 2016 in the case of school district emergency levies, and 102937
for all years after 2006 in the case of all other fixed-sum 102938
levies, this computation shall exclude all fixed-sum levies that 102939
existed in 1998 in the case of the electric company tax value loss 102940
and 1999 in the case of the natural gas company tax value loss, 102941
but are no longer in effect in the tax year preceding the 102942
distribution year. For the purposes of this section, an emergency 102943
levy that existed in 1998 in the case of the electric company tax 102944
value loss, and 1999 in the case of the natural gas company tax 102945
value loss, continues to exist in a year beginning on or after 102946
January 1, 2007, but before January 1, 2017, if, in that year, the 102947
board of education levies a school district emergency levy for an 102948

annual sum at least equal to the annual sum levied by the board in 102949
tax year 1998 or 1999, respectively, less the amount of the 102950
payment certified under this division for 2002. 102951

(2) The total taxable value in tax year 1999 less the tax 102952
value loss in each school district, joint vocational school 102953
district, and local taxing unit multiplied by one-fourth of one 102954
mill. 102955

If the amount computed under division (H) of this section for 102956
any school district, joint vocational school district, or local 102957
taxing unit is greater than zero, that amount shall equal the 102958
fixed-sum levy loss reimbursed pursuant to division (F) of section 102959
5727.85 of the Revised Code or division (A)(2) of section 5727.86 102960
of the Revised Code, and the one-fourth of one mill that is 102961
subtracted under division (H)(2) of this section shall be 102962
apportioned among all contributing fixed-sum levies in the 102963
proportion of each levy to the sum of all fixed-sum levies within 102964
each school district, joint vocational school district, or local 102965
taxing unit. 102966

(I) Notwithstanding divisions (D), (E), (G), and (H) of this 102967
section, in computing the tax value loss, fixed-rate levy loss, 102968
and fixed-sum levy loss, the tax commissioner shall use the 102969
greater of the 1998 tax rate or the 1999 tax rate in the case of 102970
levy losses associated with the electric company tax value loss, 102971
but the 1999 tax rate shall not include for this purpose any tax 102972
levy approved by the voters after June 30, 1999, and the tax 102973
commissioner shall use the greater of the 1999 or the 2000 tax 102974
rate in the case of levy losses associated with the natural gas 102975
company tax value loss. 102976

(J) Not later than January 1, 2002, the tax commissioner 102977
shall certify to the department of education the tax value loss 102978
determined under divisions (D) and (E) of this section for each 102979
taxing district, the fixed-rate levy loss calculated under 102980

division (G) of this section, and the fixed-sum levy loss 102981
calculated under division (H) of this section. The calculations 102982
under divisions (G) and (H) of this section shall separately 102983
display the levy loss for each levy eligible for reimbursement. 102984

(K) Not later than September 1, 2001, the tax commissioner 102985
shall certify the amount of the fixed-sum levy loss to the county 102986
auditor of each county in which a school district with a fixed-sum 102987
levy loss has territory. 102988

Sec. 5727.85. ~~(A) No determinations, computations,~~ 102989
~~certifications, or payments shall be made under this section after~~ 102990
~~June 30, 2015.~~ 102991

~~(A)~~ By the thirty-first day of July of each year, beginning 102992
in 2002 and ending in 2010, the department of education shall 102993
determine the following for each school district and each joint 102994
vocational school district: 102995

(1) The state education aid offset, which, except as provided 102996
in division (A)(1)(c) of this section, is the difference obtained 102997
by subtracting the amount described in division (A)(1)(b) of this 102998
section from the amount described in division (A)(1)(a) of this 102999
section: 103000

(a) The state education aid computed for the school district 103001
or joint vocational school district for the current fiscal year as 103002
of the thirty-first day of July; 103003

(b) The state education aid that would be computed for the 103004
school district or joint vocational school district for the 103005
current fiscal year as of the thirty-first day of July if the 103006
recognized valuation included the tax value loss for the school 103007
district or joint vocational school district; 103008

(c) The state education aid offset for fiscal year 2010 and 103009
fiscal year 2011 equals the greater of the state education aid 103010

offset calculated for that fiscal year under divisions (A)(1)(a) 103011
and (b) of this section or the state education aid offset 103012
calculated for fiscal year 2009. 103013

(2) For fiscal years 2008 through 2011, the greater of zero 103014
or the difference obtained by subtracting the state education aid 103015
offset determined under division (A)(1) of this section from the 103016
fixed-rate levy loss certified under division (J) of section 103017
5727.84 of the Revised Code for all taxing districts in each 103018
school district and joint vocational school district. 103019

By the fifth day of August of each such year, the department 103020
of education shall certify the amount so determined under division 103021
(A)(1) of this section to the director of budget and management. 103022

(B) Not later than the thirty-first day of October of the 103023
years 2006 through 2010, the department of education shall 103024
determine all of the following for each school district: 103025

(1) The amount obtained by subtracting the district's state 103026
education aid computed for fiscal year 2002 from the district's 103027
state education aid computed for the current fiscal year as of the 103028
fifteenth day of July, by including in the definition of 103029
recognized valuation the machinery and equipment, inventory, 103030
furniture and fixtures, and telephone property tax value losses, 103031
as defined in section 5751.20 of the Revised Code, for the school 103032
district or joint vocational school district for the preceding tax 103033
year; 103034

(2) The inflation-adjusted property tax loss. The 103035
inflation-adjusted property tax loss equals the fixed-rate levy 103036
loss, excluding the tax loss from levies within the ten-mill 103037
limitation to pay debt charges, determined under division ~~(G)~~(D) 103038
of section 5727.84 of the Revised Code for all taxing districts in 103039
each school district, plus the product obtained by multiplying 103040
that loss by the cumulative percentage increase in the consumer 103041

price index from January 1, 2002, to the thirtieth day of June of 103042
the current year. 103043

(3) The difference obtained by subtracting the amount 103044
computed under division (B)(1) from the amount of the 103045
inflation-adjusted property tax loss. If this difference is zero 103046
or a negative number, no further payments shall be made under 103047
division (C) of this section to the school district from the 103048
school district property tax replacement fund. 103049

(C) Beginning in 2002 for school districts and beginning in 103050
August 2011 for joint vocational school districts, the department 103051
of education shall pay from the school district property tax 103052
replacement fund to each school district all of the following: 103053

(1) In February 2002, one-half of the fixed-rate levy loss 103054
certified under division ~~(J)~~(G) of section 5727.84 of the Revised 103055
Code between the twenty-first and twenty-eighth days of February. 103056

(2) From August 2002 through February 2011, one-half of the 103057
amount calculated for that fiscal year under division (A)(2) of 103058
this section between the twenty-first and twenty-eighth days of 103059
August and of February, provided the difference computed under 103060
division (B)(3) of this section is not less than or equal to zero. 103061

(3) For fiscal years 2012 and thereafter, the sum of the 103062
amounts in divisions (C)(3)(a) or (b) and (c) of this section 103063
shall be paid on or before the thirty-first day of August and the 103064
twenty-eighth day of February: 103065

(a) If the ratio of 2011 current expense S.B. 3 allocation to 103066
total resources is equal to or less than the threshold per cent, 103067
zero; 103068

(b) If the ratio of 2011 current expense S.B. 3 allocation to 103069
total resources is greater than the threshold per cent, fifty per 103070
cent of the difference of 2011 current expense S.B. 3 allocation 103071
minus the product of total resources multiplied by the threshold 103072

per cent; 103073

(c) Fifty per cent of the product of 2011 non-current expense 103074
S.B. 3 allocation multiplied by seventy-five per cent for fiscal 103075
year 2012 and fifty per cent for fiscal years 2013 and thereafter. 103076

The department of education shall report to each school 103077
district the apportionment of the payments among the school 103078
district's funds based on the certifications under division (J) of 103079
section 5727.84 of the Revised Code. 103080

(D) For taxes levied within the ten-mill limitation for debt 103081
purposes in tax year 1998 in the case of electric company tax 103082
value losses, and in tax year 1999 in the case of natural gas 103083
company tax value losses, payments shall be made equal to one 103084
hundred per cent of the loss computed as if the tax were a 103085
fixed-rate levy, but those payments shall extend from fiscal year 103086
2006 through fiscal year 2016. 103087

(E) Not later than January 1, 2002, for all taxing districts 103088
in each joint vocational school district, the tax commissioner 103089
shall certify to the department of education the fixed-rate levy 103090
loss determined under division (G) of section 5727.84 of the 103091
Revised Code. From February 2002 through February 2011, the 103092
department shall pay from the school district property tax 103093
replacement fund to the joint vocational school district one-half 103094
of the amount calculated for that fiscal year under division 103095
(A)(2) of this section between the twenty-first and twenty-eighth 103096
days of August and of February. 103097

(F)(1) Not later than January 1, 2002, for each fixed-sum 103098
levy levied by each school district or joint vocational school 103099
district and for each year for which a determination is made under 103100
division (H) of section 5727.84 of the Revised Code that a 103101
fixed-sum levy loss is to be reimbursed, the tax commissioner 103102
shall certify to the department of education the fixed-sum levy 103103

loss determined under that division. The certification shall cover 103104
a time period sufficient to include all fixed-sum levies for which 103105
the tax commissioner made such a determination. The department 103106
shall pay from the school district property tax replacement fund 103107
to the school district or joint vocational school district 103108
one-half of the fixed-sum levy loss so certified for each year 103109
between the twenty-first and twenty-eighth days of August and of 103110
February. 103111

(2) Beginning in 2003, by the thirty-first day of January of 103112
each year, the tax commissioner shall review the certification 103113
originally made under division (F)(1) of this section. If the 103114
commissioner determines that a debt levy that had been scheduled 103115
to be reimbursed in the current year has expired, a revised 103116
certification for that and all subsequent years shall be made to 103117
the department of education. 103118

(G) If the balance of the half-mill equalization fund created 103119
under section 3318.18 of the Revised Code is insufficient to make 103120
the full amount of payments required under division (D) of that 103121
section, the department of education, at the end of the third 103122
quarter of the fiscal year, shall certify to the director of 103123
budget and management the amount of the deficiency, and the 103124
director shall transfer an amount equal to the deficiency from the 103125
school district property tax replacement fund to the half-mill 103126
equalization fund. 103127

(H) Beginning in August 2002, and ending in May 2011, the 103128
director of budget and management shall transfer from the school 103129
district property tax replacement fund to the general revenue fund 103130
each of the following: 103131

(1) Between the twenty-eighth day of August and the fifth day 103132
of September, the lesser of one-half of the amount certified for 103133
that fiscal year under division (A)(2) of this section or the 103134
balance in the school district property tax replacement fund; 103135

(2) Between the first and fifth days of May, the lesser of 103136
one-half of the amount certified for that fiscal year under 103137
division (A)(2) of this section or the balance in the school 103138
district property tax replacement fund. 103139

(I) On the first day of June each year, the director of 103140
budget and management shall transfer any balance remaining in the 103141
school district property tax replacement fund after the payments 103142
have been made under divisions (C), (D), (E), (F), (G), and (H) of 103143
this section to the half-mill equalization fund created under 103144
section 3318.18 of the Revised Code to the extent required to make 103145
any payments in the current fiscal year under that section, and 103146
shall transfer the remaining balance to the general revenue fund. 103147

(J) After fiscal year 2002, if the total amount in the school 103148
district property tax replacement fund is insufficient to make all 103149
payments under divisions (C), (D), (E), (F), and (G) of this 103150
section at the time the payments are to be made, the director of 103151
budget and management shall transfer from the general revenue fund 103152
to the school district property tax replacement fund the 103153
difference between the total amount to be paid and the total 103154
amount in the school district property tax replacement fund, 103155
except that no transfer shall be made by reason of a deficiency to 103156
the extent that it results from the amendment of section 5727.84 103157
of the Revised Code by Amended Substitute House Bill No. 95 of the 103158
125th general assembly. 103159

(K) If all of the territory of a school district or joint 103160
vocational school district is merged with an existing district, or 103161
if a part of the territory of a school district or joint 103162
vocational school district is transferred to an existing or new 103163
district, the department of education, in consultation with the 103164
tax commissioner, shall adjust the payments made under this 103165
section as follows: 103166

(1) For the merger of all of the territory of two or more 103167

districts, the total resources, 2011 current expense S.B. 3 103168
allocation, total 2011 S.B. 3 allocation, 2011 non-current expense 103169
S.B. 3 allocation, and fixed-sum levy loss of the successor 103170
district shall be equal to the sum of the total resources, 2011 103171
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 103172
2011 non-current expense S.B. 3 allocation, and fixed-sum levy 103173
loss for each of the districts involved in the merger. 103174

(2) For the transfer of a part of one district's territory to 103175
an existing district, the amount of the total resources, 2011 103176
current expense S.B. 3 allocation, total 2011 S.B. 3 allocation, 103177
and 2011 non-current expense S.B. 3 allocation that is transferred 103178
to the recipient district shall be an amount equal to the 103179
transferring district's total resources, 2011 current expense S.B. 103180
3 allocation, total 2011 S.B. 3 allocation, and 2011 non-current 103181
expense S.B. 3 allocation times a fraction, the numerator of which 103182
is the number of pupils being transferred to the recipient 103183
district, measured, in the case of a school district, by formula 103184
ADM as that term is defined in section 3317.02 of the Revised Code 103185
or, in the case of a joint vocational school district, by formula 103186
ADM as defined for a joint vocational school district in that 103187
section, and the denominator of which is the average daily 103188
membership or formula ADM of the transferor district. Fixed-sum 103189
levy losses for both districts shall be determined under division 103190
(K)(4) of this section. 103191

(3) For the transfer of a part of the territory of one or 103192
more districts to create a new district: 103193

(a) If the new district is created on or after January 1, 103194
2000, but before January 1, 2005, the new district shall be paid 103195
its current fixed-rate levy loss through August 2009. In February 103196
2010, August 2010, and February 2011, the new district shall be 103197
paid fifty per cent of the lesser of: (i) the amount calculated 103198
under division (C)(2) of this section or (ii) an amount equal to 103199

seventy per cent of the new district's fixed-rate levy loss. 103200

Beginning in fiscal year 2012, the new district shall be paid 103201
as provided in division (C) of this section. 103202

Fixed-sum levy losses for the districts shall be determined 103203
under division (K)(4) of this section. 103204

(b) If the new district is created on or after January 1, 103205
2005, the new district shall be deemed not to have any fixed-rate 103206
levy loss or, except as provided in division (K)(4) of this 103207
section, fixed-sum levy loss. The district or districts from which 103208
the territory was transferred shall have no reduction in their 103209
fixed-rate levy loss, or, except as provided in division (K)(4) of 103210
this section, their fixed-sum levy loss. 103211

(4) If a recipient district under division (K)(2) of this 103212
section or a new district under division (K)(3)(a) or (b) of this 103213
section takes on debt from one or more of the districts from which 103214
territory was transferred, and any of the districts transferring 103215
the territory had fixed-sum levy losses, the department of 103216
education, in consultation with the tax commissioner, shall make 103217
an equitable division of the fixed-sum levy losses. 103218

Sec. 5727.86. ~~(A) No determinations, computations,~~ 103219
~~certifications, or payments shall be made under this section after~~ 103220
~~June 30, 2015.~~ 103221

(A) The tax commissioner shall compute the payments to be 103222
made to each local taxing unit, and to each public library that 103223
receives the proceeds of a tax levied under section 5705.23 of the 103224
Revised Code, for each year according to divisions (A)(1), (2), 103225
(3), and (4) and division (E) of this section, and shall 103226
distribute the payments in the manner prescribed by division (C) 103227
of this section. The calculation of the fixed-sum levy loss shall 103228
cover a time period sufficient to include all fixed-sum levies for 103229

which the tax commissioner determined, pursuant to division (H) of 103230
section 5727.84 of the Revised Code, that a fixed-sum levy loss is 103231
to be reimbursed. 103232

(1) Except as provided in divisions (A)(3) and (4) of this 103233
section, the following amounts shall be paid on or before the 103234
thirty-first day of August and the twenty-eighth day of February: 103235

(a) For years 2002 through 2006, fifty per cent of the 103236
fixed-rate levy loss computed under division (G) of section 103237
5727.84 of the Revised Code; 103238

(b) For years 2007 through 2010, forty per cent of the 103239
fixed-rate levy loss computed under division (G) of section 103240
5727.84 of the Revised Code; 103241

(c) For the payment in 2011 to be made on or before the 103242
twentieth day of February, the amount required to be paid in 2010 103243
on or before the twentieth day of February; 103244

(d) For the payment in 2011 to be made on or before the 103245
thirty-first day of August, the sum of the amounts in divisions 103246
(A)(1)(d)(i) or (ii) and (iii) of this section: 103247

(i) If the ratio of fifty per cent of the taxing unit's 2010 103248
S.B. 3 allocation to its total resources is equal to or less than 103249
the threshold per cent, zero; 103250

(ii) If the ratio of fifty per cent of the taxing unit's 2010 103251
S.B. 3 allocation to its total resources is greater than the 103252
threshold per cent, the difference of fifty per cent of the 2010 103253
S.B. 3 allocation minus the product of total resources multiplied 103254
by the threshold per cent; 103255

(iii) In the case of a municipal corporation, fifty per cent 103256
of the product of its 2010 non-current expense S.B. 3 allocation 103257
multiplied by seventy-five per cent. 103258

(e) For 2012 and each year thereafter, the sum of the amounts 103259

in divisions (A)(1)(e)(i) or (ii) and (iii) of this section: 103260

(i) If the ratio of the taxing unit's 2010 S.B. 3 allocation 103261
to its total resources is equal to or less than the threshold per 103262
cent, zero; 103263

(ii) If the ratio of the taxing unit's 2010 S.B. 3 allocation 103264
to its total resources is greater than the threshold per cent, 103265
fifty per cent of the difference of the 2010 S.B. 3 allocation 103266
minus the product of total resources multiplied by the threshold 103267
per cent; 103268

(iii) In the case of a municipal corporation, fifty per cent 103269
of the product of its 2010 non-current expense S.B. 3 allocation 103270
multiplied by fifty per cent for year 2012 and by twenty-five per 103271
cent for years 2013 and thereafter. 103272

(f) For the payment in 2012 to be made to a public library on 103273
or before the thirty-first day of August and for all such payments 103274
to be made in 2013 and thereafter, the amount in division 103275
(A)(1)(f)(i) or (ii) of this section: 103276

(i) If the ratio of S.B. 3 allocation for library purposes to 103277
total library resources is equal to or less than the threshold per 103278
cent, zero; 103279

(ii) If the ratio of S.B. 3 allocation for library purposes 103280
to total library resources is greater than the threshold per cent, 103281
fifty per cent of the difference of the S.B. 3 allocation for 103282
library purposes minus the product of total library resources 103283
multiplied by the threshold per cent. 103284

(2) For fixed-sum levy losses determined under division (H) 103285
of section 5727.84 of the Revised Code, payments shall be made in 103286
the amount of one hundred per cent of the fixed-sum levy loss for 103287
payments required to be made in 2002 and thereafter. 103288

(3) A local taxing unit in a county of less than two hundred 103289

fifty square miles that receives eighty per cent or more of its 103290
combined general fund and bond retirement fund revenues from 103291
property taxes and rollbacks based on 1997 actual revenues as 103292
presented in its 1999 tax budget, and in which electric companies 103293
and rural electric companies comprise over twenty per cent of its 103294
property valuation, shall receive one hundred per cent of its 103295
fixed-rate levy losses from electric company tax value losses 103296
certified under division (A) of this section in years 2002 to 103297
2010. Beginning in 2011, payments for such local taxing units 103298
shall be determined under division (A)(1) of this section. 103299

(4) For taxes levied within the ten-mill limitation or 103300
pursuant to a municipal charter for debt purposes in tax year 1998 103301
in the case of electric company tax value losses, and in tax year 103302
1999 in the case of natural gas company tax value losses, payments 103303
shall be made equal to one hundred per cent of the loss computed 103304
as if the tax were a fixed-rate levy, but those payments shall 103305
extend from 2011 through 2016 if the levy was charged and payable 103306
for debt purposes in tax year 2010. If the levy is not charged and 103307
payable for debt purposes in tax year 2010 or any following tax 103308
year before tax year 2016, payments for that levy shall be made 103309
under division (A)(1) of this section beginning with the first 103310
year after the year the levy is charged and payable for a purpose 103311
other than debt. For the purposes of this division, taxes levied 103312
pursuant to a municipal charter refer to taxes levied pursuant to 103313
a provision of a municipal charter that permits the tax to be 103314
levied without prior voter approval. 103315

(B) Beginning in 2003, by the thirty-first day of January of 103316
each year, the tax commissioner shall review the calculation 103317
originally made under division (A) of this section of the 103318
fixed-sum levy loss determined under division (H) of section 103319
5727.84 of the Revised Code. If the commissioner determines that a 103320
fixed-sum levy that had been scheduled to be reimbursed in the 103321

current year has expired, a revised calculation for that and all 103322
subsequent years shall be made. 103323

(C) Payments to local taxing units and public libraries 103324
required to be made under divisions (A) and (E) of this section 103325
shall be paid from the local government property tax replacement 103326
fund to the county undivided income tax fund in the proper county 103327
treasury. The county treasurer shall distribute amounts paid under 103328
division (A) of this section to the proper local taxing unit or 103329
public library as if they had been levied and collected as taxes, 103330
and the local taxing unit or public library shall apportion the 103331
amounts so received among its funds in the same proportions as if 103332
those amounts had been levied and collected as taxes. Except in 103333
the case of amounts distributed to the county as a local taxing 103334
unit, amounts distributed under division (E)(2) of this section 103335
shall be credited to the general fund of the local taxing unit 103336
that receives them. Amounts distributed to each county as a local 103337
taxing unit under division (E)(2) of this section shall be 103338
credited in the proportion that the current taxes charged and 103339
payable from each levy of or by the county bears to the total 103340
current taxes charged and payable from all levies of or by the 103341
county. 103342

(D) By February 5, 2002, the tax commissioner shall estimate 103343
the amount of money in the local government property tax 103344
replacement fund in excess of the amount necessary to make 103345
payments in that month under division (C) of this section. 103346
Notwithstanding division (A) of this section, the tax commissioner 103347
may pay any local taxing unit, from those excess funds, nine and 103348
four-tenths times the amount computed for 2002 under division 103349
(A)(1) of this section. A payment made under this division shall 103350
be in lieu of the payment to be made in February 2002 under 103351
division (A)(1) of this section. A local taxing unit receiving a 103352
payment under this division will no longer be entitled to any 103353

further payments under division (A)(1) of this section. A payment 103354
made under this division shall be paid from the local government 103355
property tax replacement fund to the county undivided income tax 103356
fund in the proper county treasury. The county treasurer shall 103357
distribute the payment to the proper local taxing unit as if it 103358
had been levied and collected as taxes, and the local taxing unit 103359
shall apportion the amounts so received among its funds in the 103360
same proportions as if those amounts had been levied and collected 103361
as taxes. 103362

(E)(1) On the thirty-first day of July of 2002, 2003, 2004, 103363
2005, and 2006, and on the thirty-first day of January and July of 103364
2007 through January 2011, if the amount credited to the local 103365
government property tax replacement fund exceeds the amount needed 103366
to be distributed from the fund under division (A) of this section 103367
in the following month, the tax commissioner shall distribute the 103368
excess to each county as follows: 103369

(a) One-half shall be distributed to each county in 103370
proportion to each county's population. 103371

(b) One-half shall be distributed to each county in the 103372
proportion that the amounts determined under divisions (G) and (H) 103373
of section 5727.84 of the Revised Code for all local taxing units 103374
in the county is of the total amounts so determined for all local 103375
taxing units in the state. 103376

(2) The amounts distributed to each county under division (E) 103377
of this section shall be distributed by the county auditor to each 103378
local taxing unit in the county in the proportion that the unit's 103379
current taxes charged and payable are of the total current taxes 103380
charged and payable of all the local taxing units in the county. 103381
If the amount that the county auditor determines to be distributed 103382
to a local taxing unit is less than five dollars, that amount 103383
shall not be distributed, and the amount not distributed shall 103384
remain credited to the county undivided income tax fund. At the 103385

time of the next distribution under division (E)(2) of this 103386
section, any amount that had not been distributed in the prior 103387
distribution shall be added to the amount available for the next 103388
distribution prior to calculation of the amount to be distributed. 103389
As used in this division, "current taxes charged and payable" 103390
means the taxes charged and payable as most recently determined 103391
for local taxing units in the county. 103392

After January 2011, any amount that exceeds the amount needed 103393
to be distributed from the fund under division (A) of this section 103394
in the following month shall be transferred to the general revenue 103395
fund. 103396

(F) If the total amount in the local government property tax 103397
replacement fund is insufficient to make all payments under 103398
division (C) of this section at the times the payments are to be 103399
made, the director of budget and management shall transfer from 103400
the general revenue fund to the local government property tax 103401
replacement fund the difference between the total amount to be 103402
paid and the amount in the local government property tax 103403
replacement fund, except that no transfer shall be made by reason 103404
of a deficiency to the extent that it results from the amendment 103405
of section 5727.84 of the Revised Code by Amended Substitute House 103406
Bill 95 of the 125th general assembly. 103407

(G) If all or a part of the territories of two or more local 103408
taxing units are merged, or unincorporated territory of a township 103409
is annexed by a municipal corporation, the tax commissioner shall 103410
adjust the payments made under this section to each of the local 103411
taxing units in proportion to the square mileage apportioned to 103412
the merged or annexed territory, or as otherwise provided by a 103413
written agreement between the legislative authorities of the local 103414
taxing units certified to the tax commissioner not later than the 103415
first day of June of the calendar year in which the payment is to 103416
be made. 103417

Sec. 5729.16. (A) Terms used in this section have the same 103418
meaning as in section 5725.33 of the Revised Code. 103419

(B) There is hereby allowed a nonrefundable credit against 103420
the tax imposed by section 5729.03 or 5729.06 of the Revised Code 103421
for a foreign insurance company holding a qualified equity 103422
investment on the credit allowance date occurring in the calendar 103423
year for which the tax is due. The credit shall be computed in the 103424
same manner prescribed for the computation of credits allowed 103425
under section 5725.33 of the Revised Code. 103426

The credit shall be claimed in the order prescribed by 103427
section 5729.98 of the Revised Code. If the amount of the credit 103428
exceeds the amount of tax otherwise due after deducting all other 103429
credits in that order, the excess may be carried forward and 103430
applied to the tax due for not more than four ensuing years. 103431

By claiming a tax credit under this section, an insurance 103432
company waives its rights under section 5729.102 of the Revised 103433
Code with respect to the time limitation for the assessment of 103434
taxes as it relates to credits claimed that later become subject 103435
to recapture under division (D) of this section. 103436

(C) The total amount of qualified equity investments on the 103437
basis of which credits may be claimed under this section, section 103438
5725.33, and section 5733.58 of the Revised Code is subject to the 103439
limitation of division (C) of section 5725.33 of the Revised Code. 103440

(D) If any amount of a federal tax credit allowed for a 103441
qualified equity investment for which a credit was received under 103442
this section is recaptured under section 45D of the Internal 103443
Revenue Code, or if the director of development services 103444
determines that an investment for which a tax credit is claimed 103445
under this section is not a qualified equity investment or that 103446
the proceeds of an investment for which a tax credit is claimed 103447
under this section are used to make qualified low-income community 103448

investments other than in a qualified active low-income community 103449
business in this state, all or a portion of the credit received on 103450
account of that investment shall be paid by the insurance company 103451
that received the credit to the superintendent of insurance. The 103452
amount to be recovered shall be determined by the director of 103453
development services pursuant to rules adopted under section 103454
5725.33 of the Revised Code. The director shall certify any amount 103455
due under this division to the superintendent of insurance, and 103456
the superintendent shall notify the treasurer of state of the 103457
amount due. Upon notification, the treasurer shall invoice the 103458
insurance company for the amount due. The amount due is payable 103459
not later than thirty days after the date the treasurer invoices 103460
the insurance company. The amount due shall be considered to be 103461
tax due under section 5729.03 or 5729.06 of the Revised Code, as 103462
applicable, and may be collected by assessment without regard to 103463
the time limitations imposed under section 5729.102 of the Revised 103464
Code for the assessment of taxes by the superintendent. All 103465
amounts collected under this division shall be credited as revenue 103466
from the tax levied under section 5729.03 of the Revised Code. 103467

Sec. 5729.98. (A) To provide a uniform procedure for 103468
calculating the amount of tax due under this chapter, a taxpayer 103469
shall claim any credits and offsets against tax liability to which 103470
it is entitled in the following order: 103471

(1) The credit for an insurance company or insurance company 103472
group under section 5729.031 of the Revised Code; 103473

(2) The credit for eligible employee training costs under 103474
section 5729.07 of the Revised Code; 103475

(3) The credit for purchases of qualified low-income 103476
community investments under section 5729.16 of the Revised Code; 103477

(4) The nonrefundable job retention credit under division 103478
(B)~~(1)~~ of section 122.171 of the Revised Code; 103479

(5) The offset of assessments by the Ohio life and health insurance guaranty association against tax liability permitted by section 3956.20 of the Revised Code; 103480
103481
103482

(6) The refundable credit for rehabilitating a historic building under section 5729.17 of the Revised Code. 103483
103484

(7) The refundable credit for Ohio job retention under former division (B)(2) or (3) of section 122.171 of the Revised Code as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly; 103485
103486
103487
103488
103489

(8) The refundable credit for Ohio job creation under section 5729.032 of the Revised Code; 103490
103491

(9) The refundable credit under section 5729.08 of the Revised Code for losses on loans made under the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code. 103492
103493
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(B) For any credit except the refundable credits enumerated in this section, the amount of the credit for a taxable year shall not exceed the tax due after allowing for any other credit that precedes it in the order required under this section. Any excess amount of a particular credit may be carried forward if authorized under the section creating that credit. Nothing in this chapter shall be construed to allow a taxpayer to claim, directly or indirectly, a credit more than once for a taxable year. 103496
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Sec. 5733.0610. (A) A refundable corporation franchise tax credit granted by the tax credit authority under section 122.17 or former division (B)(2) or (3) of section 122.171 of the Revised Code, as those divisions existed before the effective date of the amendment of this section by H.B. 64 of the 131st general assembly, may be claimed under this chapter in the order required 103504
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under section 5733.98 of the Revised Code. For purposes of making 103510
tax payments under this chapter, taxes equal to the amount of the 103511
refundable credit shall be considered to be paid to this state on 103512
the first day of the tax year. The refundable credit shall not be 103513
claimed for any tax years following the calendar year in which a 103514
relocation of employment positions occurs in violation of an 103515
agreement entered into under section 122.17 or 122.171 of the 103516
Revised Code. 103517

(B) A nonrefundable corporation franchise tax credit granted 103518
by the tax credit authority under division (B)~~(1)~~ of section 103519
122.171 of the Revised Code may be claimed under this chapter in 103520
the order required under section 5733.98 of the Revised Code. 103521

Sec. 5733.58. (A) Terms used in this section have the same 103522
meaning as in section 5725.33 of the Revised Code. 103523

(B) There is hereby allowed a nonrefundable credit against 103524
the tax imposed by section 5733.06 of the Revised Code for a 103525
financial institution holding a qualified equity investment on the 103526
credit allowance date occurring in the calendar year immediately 103527
preceding the tax year for which the tax is due. The credit shall 103528
be computed in the same manner prescribed for the computation of 103529
credits allowed under section 5725.33 of the Revised Code. 103530

By claiming a tax credit under this section, a financial 103531
institution waives its rights under section 5733.11 of the Revised 103532
Code with respect to the time limitation for the assessment of 103533
taxes as it relates to credits claimed that later become subject 103534
to recapture under division (D) of this section. 103535

The credit shall be claimed in the order prescribed by 103536
section 5733.98 of the Revised Code. If the amount of the credit 103537
exceeds the amount of tax otherwise due after deducting all other 103538
credits in that order, the excess may be carried forward and 103539
applied to the tax due for not more than four ensuing tax years. 103540

(C) The total amount of qualified equity investments on the 103541
basis of which credits may be claimed under this section and 103542
sections 5725.33 and 5729.16 of the Revised Code is subject to the 103543
limitation of division (C) of section 5725.33 of the Revised Code. 103544

(D) If any amount of a federal tax credit allowed for a 103545
qualified equity investment for which a credit was received under 103546
this section is recaptured under section 45D of the Internal 103547
Revenue Code, or if the director of development services 103548
determines that an investment for which a tax credit is claimed 103549
under this section is not a qualified equity investment or that 103550
the proceeds of an investment for which a tax credit is claimed 103551
under this section are used to make qualified low-income community 103552
investments other than in a qualified active low-income community 103553
business in this state, all or a portion of the credit received on 103554
account of that investment shall be paid by the financial 103555
institution that received the credit to the tax commissioner. The 103556
amount to be recovered shall be determined by the director of 103557
development services pursuant to rules adopted under section 103558
5725.33 of the Revised Code. The director shall certify any amount 103559
due under this division to the tax commissioner, and the 103560
commissioner shall notify the financial institution of the amount 103561
due. The amount due is payable not later than thirty days after 103562
the day the commissioner issues the notice. The amount due shall 103563
be considered to be tax due under section 5733.06 of the Revised 103564
Code, and may be collected by assessment without regard to the 103565
limitations imposed under section 5733.11 of the Revised Code for 103566
the assessment of taxes by the commissioner. All amounts collected 103567
under this division shall be credited as revenue from the tax 103568
levied under section 5733.06 of the Revised Code. 103569

Sec. 5736.01. As used in this chapter: 103570

(A) "Calendar quarter" and "person" have the same meanings as 103571

in section 5751.01 of the Revised Code. 103572

(B) "Distribution system" means a bulk transfer or terminal 103573
system for the distribution of motor fuel consisting of 103574
refineries, pipelines, marine vessels, and terminals. For the 103575
purposes of this section, motor fuel that is in a refinery, 103576
pipeline, terminal, or marine vessel or that is en route to a 103577
refinery, pipeline, or terminal via any method of transportation 103578
is in a "distribution system." Motor fuel is "outside of a 103579
distribution system" if the fuel is in a fuel storage facility, 103580
including, but not limited to, a bulk plant that is not part of a 103581
refinery or terminal, is in the fuel supply tank of an engine or 103582
motor vehicle, or is being transported by a marine vessel, tank 103583
car, rail car, trailer, truck, or other suitable equipment to a 103584
fuel storage facility that is not in a distribution system. 103585

(C) "Dyed diesel fuel," "import," "motor fuel," "public 103586
highways," "gasoline," "diesel fuel," "licensed motor fuel 103587
dealer," "licensed permissive motor fuel dealer," and "terminal" 103588
have the same meanings as in section 5735.01 of the Revised Code. 103589
"Gallons" means gross gallons as defined in section 5735.01 of the 103590
Revised Code. 103591

(D) "First sale of motor fuel within this state" means the 103592
initial sale of motor fuel to a point outside a distribution 103593
system, wherever the sale occurs, without regard to where title 103594
transfers or other conditions of sale, when sold for delivery to a 103595
location in this state as that location is shown on the bill of 103596
lading or other similar document issued by the terminal, refinery, 103597
or supplier. "First sale of motor fuel within this state" excludes 103598
the following: 103599

(1) Motor fuel exchanges; 103600

(2) The sale of motor fuel on which the petroleum activity 103601
tax imposed by this chapter was paid in a prior quarterly tax 103602

payment period and on which the supplier may claim a bad debt. As 103603
used in this division, "bad debt" has the same meaning as in 103604
section 5751.01 of the Revised Code. 103605

(E)(1) "Calculated gross receipts" means the sum of the 103606
following: 103607

~~(1)(a)~~ With respect to sales of gasoline, the product 103608
obtained by multiplying ~~(a)(i)~~ the total number of gallons of 103609
gasoline first sold within this state by a supplier during the tax 103610
period by ~~(b)(ii)~~ the average wholesale price of a gallon of 103611
unleaded regular gasoline for the calendar quarter that begins six 103612
months before the upcoming calendar quarter, as published by the 103613
tax commissioner under division (C) of section 5736.02 of the 103614
Revised Code; 103615

~~(2)(b)~~ With respect to sales of propane, the product obtained 103616
by multiplying (i) the total number of gallons of propane first 103617
sold within this state by a supplier during the tax period by (ii) 103618
the average wholesale price of a gallon of propane for the 103619
calendar quarter that begins six months before the upcoming 103620
calendar quarter, as published by the tax commissioner under 103621
division (C) of section 5736.02 of the Revised Code; 103622

(c) With respect to sales of motor fuel that is not gasoline 103623
or propane, the product obtained by multiplying ~~(a)(i)~~ the total 103624
number of gallons of motor fuel first sold within this state by a 103625
supplier during the tax period by ~~(b)(ii)~~ the average wholesale 103626
price of a gallon of diesel fuel for the calendar quarter that 103627
begins six months before the upcoming calendar quarter, as 103628
published by the tax commissioner under division (C) of section 103629
5736.02 of the Revised Code. 103630

(2) A supplier that has acquired blend stocks or additives 103631
with respect to which the tax imposed by this chapter has 103632
previously been paid may exclude the product of the following 103633

amounts from the calculation of the supplier's "calculated gross receipts" under division (E) of this section, provided that the supplier uses the blend stocks or additives for blending with motor fuel: 103634
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(a) The number of gallons of the blend stocks or additives; 103638

(b) The average wholesale price of a gallon of such blend stocks or additives for the calendar quarter in which the tax was paid on the blend stocks or additives. 103639
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The supplier may rely upon an invoice issued by the seller of the blend stocks or additives as evidence that the tax imposed by this section has been remitted with respect to the blend stocks or additives, provided that the invoice lists the tax as a separate charge, the seller is included on the list maintained by the tax commissioner under section 5736.041 of the Revised Code, and the supplier maintains the invoice in accordance with section 5736.12 of the Revised Code. 103642
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(F) "Motor fuel used to propel vehicles on public highways and waterways" includes motor fuel used for the operation of licensed motor vehicles employed in the maintenance, construction, or repair of public highways. "Motor fuel used to propel vehicles on public highways and waterways" does not include dyed diesel fuel. 103650
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(G) "Rack" means a mechanism capable of delivering motor fuel from a refinery, terminal, or marine vessel into a railroad tank car, transport truck, tank wagon, fuel supply tank, marine vessel, or other means of transport outside of a distribution system. 103656
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(H) "Refinery" means a facility used to produce motor fuel and from which motor fuel may be removed by pipeline, by vessel, or at a rack. 103660
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(I) "Supplier" means any of the following: 103663

(1) A person that sells, exchanges, transfers, or otherwise distributes motor fuel from a terminal or refinery rack to a point outside of a distribution system, if the person distributes such motor fuel at a location in this state;

(2) A person that imports or causes the importation of motor fuel for sale, exchange, transfer, or other distribution by the person to a point outside of a distribution system in this state;

(3) A person that knowingly purchases motor fuel from an unlicensed supplier.

(J) "Tax period" means the calendar quarter on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(K) "Taxpayer" means a person subject to the tax imposed by this chapter.

(L) "Waterways" means all streams, lakes, ponds, marshes, water courses, and all other bodies of surface water, natural or artificial, which are situated wholly or partially within this state or within its jurisdiction, except private impounded bodies of water.

(M) "Motor fuel exchange" means an exchange of motor fuel between two or more suppliers, licensed motor fuel dealers, or licensed permissive motor fuel dealers if delivery occurs at a refinery, terminal, pipeline, or marine vessel and if the parties agree that neither party requires monetary compensation from the other party for the exchanged fuel other than compensation for differences in product location, grade, or handling.

Sec. 5736.02. (A)(1) Beginning with the tax period that commences July 1, 2014, and continuing for every tax period thereafter, there is hereby levied an excise tax on each supplier measured by the supplier's calculated gross receipts derived from

the first sale of motor fuel within this state. The tax due shall 103694
be computed by multiplying ~~sixty five one hundredths of one per~~ 103695
~~cent~~ by the supplier's calculated gross receipts by one of the 103696
following tax rates: 103697

(a) If the calculated gross receipts are received from the 103698
sale of dyed diesel fuel and the end consumer of the dyed diesel 103699
fuel is a railroad company as described in division (D)(9) of 103700
section 5727.01 of the Revised Code, the rate established in 103701
division (A) of section 5751.03 of the Revised Code; 103702

(b) For all other calculated gross receipts, six and 103703
five-tenths mills. 103704

(2) All revenue from the tax shall be distributed as follows: 103705

~~(1)~~(a) All revenue from the tax as measured by calculated 103706
gross receipts derived from the sale of motor fuel used for 103707
propelling vehicles on public highways and waterways shall be used 103708
for the purposes of maintaining the state highway system, funding 103709
the enforcement of traffic laws, and covering the costs of 103710
hospitalization of indigent persons injured in motor vehicle 103711
accidents on the public highways. 103712

~~(2)~~(b) All revenue not distributed as required by division 103713
(A)~~(1)~~(2)(a) of this section shall be used for the purpose of 103714
funding the needs of this state and its local governments. 103715

(B) The tax imposed by this section is in addition to any 103716
other taxes or fees imposed under the Revised Code. 103717

(C) The tax commissioner shall determine and publish, on the 103718
web site of the department of taxation, the statewide average 103719
wholesale prices of a gallon of unleaded regular gasoline, of a 103720
gallon of propane, and of a gallon of diesel fuel for each 103721
calendar quarter. The commissioner's determination is presumed to 103722
be correct unless clearly erroneous. The figure shall be published 103723

at least fifteen days before the beginning of the calendar 103724
quarter. The commissioner shall base the average price on pricing 103725
information available from the United States energy information 103726
administration or, if such information is not available from that 103727
agency, from another publicly available source selected by the 103728
commissioner. The commissioner shall first make reasonable efforts 103729
to obtain data specific to this state before using national data 103730
to determine the average wholesale price. The price shall not 103731
include any federal or state excise taxes on the gasoline or 103732
diesel fuel, or the tax imposed by this chapter. The price shall 103733
be rounded up to the nearest one-tenth of one cent. 103734

(D) Nothing in this chapter prohibits a person from 103735
separately or proportionately billing or invoicing the tax imposed 103736
by this section to a purchaser of motor fuel. 103737

(E) The tax imposed by this section applies only to suppliers 103738
having a substantial nexus with this state, as that term is 103739
defined in section 5751.01 of the Revised Code. A supplier that 103740
does not have substantial nexus with the state may voluntarily 103741
obtain a license from the commissioner under section 5736.06 of 103742
the Revised Code. A supplier that voluntarily obtains a license 103743
from the commissioner is entitled to the same benefits and is 103744
subject to the same duties and requirements as are suppliers 103745
required to be licensed with the commissioner. 103746

Sec. 5736.50. (A) A taxpayer granted a credit by the tax 103747
credit authority under section 122.17 or former division (B)(2) or 103748
(3) of section 122.171 of the Revised Code, as those divisions 103749
existed before the effective date of the amendment of this section 103750
by H.B. 64 of the 131st general assembly, may claim a refundable 103751
credit against the tax imposed under this chapter. For the purpose 103752
of making tax payments under this chapter, taxes equal to the 103753
amount of the refundable credit shall be considered to be paid on 103754

the first day of the tax period. 103755

(B) A ~~taxpayer granted a nonrefundable credit granted~~ by the 103756
tax credit authority under division (B)~~(1)~~ of section 122.171 of 103757
the Revised Code may ~~claim a nonrefundable tax credit~~ be claimed 103758
against the tax imposed under this chapter. 103759

(C) Credits authorized in division (A) or (B) of this section 103760
shall not be claimed for any tax period beginning after the date 103761
on which a relocation of employment positions occurs in violation 103762
of an agreement entered into under section 122.17 or 122.171 of 103763
the Revised Code. 103764

(D) A taxpayer may claim any unused portion of the credit 103765
authorized under division (B) of section 5751.50 of the Revised 103766
Code against the tax imposed under this chapter. No credit shall 103767
be allowed under this division if the credit was available against 103768
the tax imposed under section 5751.02 of the Revised Code except 103769
to the extent the credit was not applied against that tax. 103770

(E) The amount of a credit claimed under division (B) or (D) 103771
of this section shall not exceed the tax otherwise due for the tax 103772
period. If the credit allowed under division (B) or (D) of this 103773
section exceeds the tax otherwise due, the excess may be carried 103774
forward to the extent authorized by section 122.171 of the Revised 103775
Code. 103776

If a taxpayer is authorized to claim credits under division 103777
(A) and either or both of divisions (B) and (D) of this section 103778
for the same tax period, the taxpayer shall claim the credit 103779
allowed under division (B) or (D) before the credit allowed under 103780
division (A) of this section. 103781

Sec. 5739.01. As used in this chapter: 103782

(A) "Person" includes individuals, receivers, assignees, 103783
trustees in bankruptcy, estates, firms, partnerships, 103784

associations, joint-stock companies, joint ventures, clubs, 103785
societies, corporations, the state and its political subdivisions, 103786
and combinations of individuals of any form. 103787

(B) "Sale" and "selling" include all of the following 103788
transactions for a consideration in any manner, whether absolutely 103789
or conditionally, whether for a price or rental, in money or by 103790
exchange, and by any means whatsoever: 103791

(1) All transactions by which title or possession, or both, 103792
of tangible personal property, is or is to be transferred, or a 103793
license to use or consume tangible personal property is or is to 103794
be granted; 103795

(2) All transactions by which lodging by a hotel is or is to 103796
be furnished to transient guests; 103797

(3) All transactions by which: 103798

(a) An item of tangible personal property is or is to be 103799
repaired, except property, the purchase of which would not be 103800
subject to the tax imposed by section 5739.02 of the Revised Code; 103801

(b) An item of tangible personal property is or is to be 103802
installed, except property, the purchase of which would not be 103803
subject to the tax imposed by section 5739.02 of the Revised Code 103804
or property that is or is to be incorporated into and will become 103805
a part of a production, transmission, transportation, or 103806
distribution system for the delivery of a public utility service; 103807

(c) The service of washing, cleaning, waxing, polishing, or 103808
painting a motor vehicle is or is to be furnished; 103809

(d) Until August 1, 2003, industrial laundry cleaning 103810
services are or are to be provided and, on and after August 1, 103811
2003, laundry and dry cleaning services are or are to be provided; 103812

(e) Automatic data processing, computer services, or 103813
electronic information services are or are to be provided for use 103814

in business when the true object of the transaction is the receipt 103815
by the consumer of automatic data processing, computer services, 103816
or electronic information services rather than the receipt of 103817
personal or professional services to which automatic data 103818
processing, computer services, or electronic information services 103819
are incidental or supplemental. Notwithstanding any other 103820
provision of this chapter, such transactions that occur between 103821
members of an affiliated group are not sales. An "affiliated 103822
group" means two or more persons related in such a way that one 103823
person owns or controls the business operation of another member 103824
of the group. In the case of corporations with stock, one 103825
corporation owns or controls another if it owns more than fifty 103826
per cent of the other corporation's common stock with voting 103827
rights. 103828

(f) Telecommunications service, including prepaid calling 103829
service, prepaid wireless calling service, or ancillary service, 103830
is or is to be provided, but not including coin-operated telephone 103831
service; 103832

(g) Landscaping and lawn care service is or is to be 103833
provided; 103834

(h) Private investigation and security service is or is to be 103835
provided; 103836

(i) Information services or tangible personal property is 103837
provided or ordered by means of a nine hundred telephone call; 103838

(j) Building maintenance and janitorial service is or is to 103839
be provided; 103840

(k) Employment service is or is to be provided; 103841

(l) Employment placement service is or is to be provided; 103842

(m) Exterminating service is or is to be provided; 103843

(n) Physical fitness facility service is or is to be 103844

provided; 103845

(o) Recreation and sports club service is or is to be 103846
provided; 103847

(p) On and after August 1, 2003, satellite broadcasting 103848
service is or is to be provided; 103849

(q) On and after August 1, 2003, personal care service is or 103850
is to be provided to an individual. As used in this division, 103851
"personal care service" includes skin care, the application of 103852
cosmetics, manicuring, pedicuring, hair removal, tattooing, body 103853
piercing, tanning, massage, and other similar services. "Personal 103854
care service" does not include a service provided by or on the 103855
order of a licensed physician or licensed chiropractor, or the 103856
cutting, coloring, or styling of an individual's hair. 103857

(r) On and after August 1, 2003, the transportation of 103858
persons by motor vehicle or aircraft is or is to be provided, when 103859
the transportation is entirely within this state, except for 103860
transportation provided by an ambulance service, by a transit bus, 103861
as defined in section 5735.01 of the Revised Code, and 103862
transportation provided by a citizen of the United States holding 103863
a certificate of public convenience and necessity issued under 49 103864
U.S.C. 41102; 103865

(s) On and after August 1, 2003, motor vehicle towing service 103866
is or is to be provided. As used in this division, "motor vehicle 103867
towing service" means the towing or conveyance of a wrecked, 103868
disabled, or illegally parked motor vehicle. 103869

(t) On and after August 1, 2003, snow removal service is or 103870
is to be provided. As used in this division, "snow removal 103871
service" means the removal of snow by any mechanized means, but 103872
does not include the providing of such service by a person that 103873
has less than five thousand dollars in sales of such service 103874
during the calendar year. 103875

(u) Electronic publishing service is or is to be provided to 103876
a consumer for use in business, except that such transactions 103877
occurring between members of an affiliated group, as defined in 103878
division (B)(3)(e) of this section, are not sales. 103879

(v) Hotel intermediary service is or is to be provided. 103880

(4) All transactions by which printed, imprinted, 103881
overprinted, lithographic, multilithic, blueprinted, photostatic, 103882
or other productions or reproductions of written or graphic matter 103883
are or are to be furnished or transferred; 103884

(5) The production or fabrication of tangible personal 103885
property for a consideration for consumers who furnish either 103886
directly or indirectly the materials used in the production of 103887
fabrication work; and include the furnishing, preparing, or 103888
serving for a consideration of any tangible personal property 103889
consumed on the premises of the person furnishing, preparing, or 103890
serving such tangible personal property. Except as provided in 103891
section 5739.03 of the Revised Code, a construction contract 103892
pursuant to which tangible personal property is or is to be 103893
incorporated into a structure or improvement on and becoming a 103894
part of real property is not a sale of such tangible personal 103895
property. The construction contractor is the consumer of such 103896
tangible personal property, provided that the sale and 103897
installation of carpeting, the sale and installation of 103898
agricultural land tile, the sale and erection or installation of 103899
portable grain bins, or the provision of landscaping and lawn care 103900
service and the transfer of property as part of such service is 103901
never a construction contract. 103902

As used in division (B)(5) of this section: 103903

(a) "Agricultural land tile" means fired clay or concrete 103904
tile, or flexible or rigid perforated plastic pipe or tubing, 103905
incorporated or to be incorporated into a subsurface drainage 103906

system appurtenant to land used or to be used primarily in 103907
production by farming, agriculture, horticulture, or floriculture. 103908
The term does not include such materials when they are or are to 103909
be incorporated into a drainage system appurtenant to a building 103910
or structure even if the building or structure is used or to be 103911
used in such production. 103912

(b) "Portable grain bin" means a structure that is used or to 103913
be used by a person engaged in farming or agriculture to shelter 103914
the person's grain and that is designed to be disassembled without 103915
significant damage to its component parts. 103916

(6) All transactions in which all of the shares of stock of a 103917
closely held corporation are transferred, or an ownership interest 103918
in a pass-through entity, as defined in section 5733.04 of the 103919
Revised Code, is transferred, if the corporation or pass-through 103920
entity is not engaging in business and its entire assets consist 103921
of boats, planes, motor vehicles, or other tangible personal 103922
property operated primarily for the use and enjoyment of the 103923
shareholders or owners; 103924

(7) All transactions in which a warranty, maintenance or 103925
service contract, or similar agreement by which the vendor of the 103926
warranty, contract, or agreement agrees to repair or maintain the 103927
tangible personal property of the consumer is or is to be 103928
provided; 103929

(8) The transfer of copyrighted motion picture films used 103930
solely for advertising purposes, except that the transfer of such 103931
films for exhibition purposes is not a sale; 103932

(9) On and after August 1, 2003, all transactions by which 103933
tangible personal property is or is to be stored, except such 103934
property that the consumer of the storage holds for sale in the 103935
regular course of business; 103936

(10) All transactions in which "guaranteed auto protection" 103937

is provided whereby a person promises to pay to the consumer the 103938
difference between the amount the consumer receives from motor 103939
vehicle insurance and the amount the consumer owes to a person 103940
holding title to or a lien on the consumer's motor vehicle in the 103941
event the consumer's motor vehicle suffers a total loss under the 103942
terms of the motor vehicle insurance policy or is stolen and not 103943
recovered, if the protection and its price are included in the 103944
purchase or lease agreement; 103945

(11)(a) Except as provided in division (B)(11)(b) of this 103946
section, on and after October 1, 2009, all transactions by which 103947
health care services are paid for, reimbursed, provided, 103948
delivered, arranged for, or otherwise made available by a medicaid 103949
health insuring corporation pursuant to the corporation's contract 103950
with the state. 103951

(b) If the centers for medicare and medicaid services of the 103952
United States department of health and human services determines 103953
that the taxation of transactions described in division (B)(11)(a) 103954
of this section constitutes an impermissible health care-related 103955
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 103956
1396b(w), and regulations adopted thereunder, the medicaid 103957
director shall notify the tax commissioner of that determination. 103958
Beginning with the first day of the month following that 103959
notification, the transactions described in division (B)(11)(a) of 103960
this section are not sales for the purposes of this chapter or 103961
Chapter 5741. of the Revised Code. The tax commissioner shall 103962
order that the collection of taxes under sections 5739.02, 103963
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 103964
5741.023 of the Revised Code shall cease for transactions 103965
occurring on or after that date. 103966

(12) All transactions by which a specified digital product is 103967
provided for permanent use or less than permanent use, regardless 103968
of whether continued payment is required. 103969

Except as provided in this section, "sale" and "selling" do not include transfers of interest in leased property where the original lessee and the terms of the original lease agreement remain unchanged, or professional, insurance, or personal service transactions that involve the transfer of tangible personal property as an inconsequential element, for which no separate charges are made.

(C) "Vendor" means the person providing the service or by whom the transfer effected or license given by a sale is or is to be made or given and, for sales described in division (B)(3)(i) of this section, the telecommunications service vendor that provides the nine hundred telephone service; if two or more persons are engaged in business at the same place of business under a single trade name in which all collections on account of sales by each are made, such persons shall constitute a single vendor.

Physicians, dentists, hospitals, and veterinarians who are engaged in selling tangible personal property as received from others, such as eyeglasses, mouthwashes, dentifrices, or similar articles, are vendors. Veterinarians who are engaged in transferring to others for a consideration drugs, the dispensing of which does not require an order of a licensed veterinarian or physician under federal law, are vendors.

(D)(1) "Consumer" means the person for whom the service is provided, to whom the transfer effected or license given by a sale is or is to be made or given, to whom the service described in division (B)(3)(f) or (i) of this section is charged, or to whom the admission is granted.

(2) Physicians, dentists, hospitals, and blood banks operated by nonprofit institutions and persons licensed to practice veterinary medicine, surgery, and dentistry are consumers of all tangible personal property and services purchased by them in connection with the practice of medicine, dentistry, the rendition

of hospital or blood bank service, or the practice of veterinary 104002
medicine, surgery, and dentistry. In addition to being consumers 104003
of drugs administered by them or by their assistants according to 104004
their direction, veterinarians also are consumers of drugs that 104005
under federal law may be dispensed only by or upon the order of a 104006
licensed veterinarian or physician, when transferred by them to 104007
others for a consideration to provide treatment to animals as 104008
directed by the veterinarian. 104009

(3) A person who performs a facility management, or similar 104010
service contract for a contractee is a consumer of all tangible 104011
personal property and services purchased for use in connection 104012
with the performance of such contract, regardless of whether title 104013
to any such property vests in the contractee. The purchase of such 104014
property and services is not subject to the exception for resale 104015
under division (E)(1) of this section. 104016

(4)(a) In the case of a person who purchases printed matter 104017
for the purpose of distributing it or having it distributed to the 104018
public or to a designated segment of the public, free of charge, 104019
that person is the consumer of that printed matter, and the 104020
purchase of that printed matter for that purpose is a sale. 104021

(b) In the case of a person who produces, rather than 104022
purchases, printed matter for the purpose of distributing it or 104023
having it distributed to the public or to a designated segment of 104024
the public, free of charge, that person is the consumer of all 104025
tangible personal property and services purchased for use or 104026
consumption in the production of that printed matter. That person 104027
is not entitled to claim exemption under division (B)(42)(f) of 104028
section 5739.02 of the Revised Code for any material incorporated 104029
into the printed matter or any equipment, supplies, or services 104030
primarily used to produce the printed matter. 104031

(c) The distribution of printed matter to the public or to a 104032
designated segment of the public, free of charge, is not a sale to 104033

the members of the public to whom the printed matter is 104034
distributed or to any persons who purchase space in the printed 104035
matter for advertising or other purposes. 104036

(5) A person who makes sales of any of the services listed in 104037
division (B)(3) of this section is the consumer of any tangible 104038
personal property used in performing the service. The purchase of 104039
that property is not subject to the resale exception under 104040
division (E)(1) of this section. 104041

(6) A person who engages in highway transportation for hire 104042
is the consumer of all packaging materials purchased by that 104043
person and used in performing the service, except for packaging 104044
materials sold by such person in a transaction separate from the 104045
service. 104046

(7) In the case of a transaction for health care services 104047
under division (B)(11) of this section, a medicaid health insuring 104048
corporation is the consumer of such services. The purchase of such 104049
services by a medicaid health insuring corporation is not subject 104050
to the exception for resale under division (E)(1) of this section 104051
or to the exemptions provided under divisions (B)(12), (18), (19), 104052
and (22) of section 5739.02 of the Revised Code. 104053

(E) "Retail sale" and "sales at retail" include all sales, 104054
except those in which the purpose of the consumer is to resell the 104055
thing transferred or benefit of the service provided, by a person 104056
engaging in business, in the form in which the same is, or is to 104057
be, received by the person. 104058

(F) "Business" includes any activity engaged in by any person 104059
with the object of gain, benefit, or advantage, either direct or 104060
indirect. "Business" does not include the activity of a person in 104061
managing and investing the person's own funds. 104062

(G) "Engaging in business" means commencing, conducting, or 104063
continuing in business, and liquidating a business when the 104064

liquidator thereof holds itself out to the public as conducting 104065
such business. Making a casual sale is not engaging in business. 104066

(H)(1)(a) "Price," except as provided in divisions (H)(2), 104067
(3), and (4) of this section, means the total amount of 104068
consideration, including cash, credit, property, and services, for 104069
which tangible personal property or services are sold, leased, or 104070
rented, valued in money, whether received in money or otherwise, 104071
without any deduction for any of the following: 104072

(i) The vendor's cost of the property sold; 104073

(ii) The cost of materials used, labor or service costs, 104074
interest, losses, all costs of transportation to the vendor, all 104075
taxes imposed on the vendor, including the tax imposed under 104076
Chapter 5751. of the Revised Code, and any other expense of the 104077
vendor; 104078

(iii) Charges by the vendor for any services necessary to 104079
complete the sale; 104080

(iv) On and after August 1, 2003, delivery charges. As used 104081
in this division, "delivery charges" means charges by the vendor 104082
for preparation and delivery to a location designated by the 104083
consumer of tangible personal property or a service, including 104084
transportation, shipping, postage, handling, crating, and packing. 104085

(v) Installation charges; 104086

(vi) Credit for any trade-in. 104087

(b) "Price" includes consideration received by the vendor 104088
from a third party, if the vendor actually receives the 104089
consideration from a party other than the consumer, and the 104090
consideration is directly related to a price reduction or discount 104091
on the sale; the vendor has an obligation to pass the price 104092
reduction or discount through to the consumer; the amount of the 104093
consideration attributable to the sale is fixed and determinable 104094

by the vendor at the time of the sale of the item to the consumer; 104095
and one of the following criteria is met: 104096

(i) The consumer presents a coupon, certificate, or other 104097
document to the vendor to claim a price reduction or discount 104098
where the coupon, certificate, or document is authorized, 104099
distributed, or granted by a third party with the understanding 104100
that the third party will reimburse any vendor to whom the coupon, 104101
certificate, or document is presented; 104102

(ii) The consumer identifies the consumer's self to the 104103
seller as a member of a group or organization entitled to a price 104104
reduction or discount. A preferred customer card that is available 104105
to any patron does not constitute membership in such a group or 104106
organization. 104107

(iii) The price reduction or discount is identified as a 104108
third party price reduction or discount on the invoice received by 104109
the consumer, or on a coupon, certificate, or other document 104110
presented by the consumer. 104111

(c) "Price" does not include any of the following: 104112

(i) Discounts, including cash, term, or coupons that are not 104113
reimbursed by a third party that are allowed by a vendor and taken 104114
by a consumer on a sale; 104115

(ii) Interest, financing, and carrying charges from credit 104116
extended on the sale of tangible personal property or services, if 104117
the amount is separately stated on the invoice, bill of sale, or 104118
similar document given to the purchaser; 104119

(iii) Any taxes legally imposed directly on the consumer that 104120
are separately stated on the invoice, bill of sale, or similar 104121
document given to the consumer. For the purpose of this division, 104122
the tax imposed under Chapter 5751. of the Revised Code is not a 104123
tax directly on the consumer, even if the tax or a portion thereof 104124
is separately stated. 104125

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this section, any discount allowed by an automobile manufacturer to its employee, or to the employee of a supplier, on the purchase of a new motor vehicle from a new motor vehicle dealer in this state.

(v) The dollar value of a gift card that is not sold by a vendor or purchased by a consumer and that is redeemed by the consumer in purchasing tangible personal property or services if the vendor is not reimbursed and does not receive compensation from a third party to cover all or part of the gift card value. For the purposes of this division, a gift card is not sold by a vendor or purchased by a consumer if it is distributed pursuant to an awards, loyalty, or promotional program. Past and present purchases of tangible personal property or services by the consumer shall not be treated as consideration exchanged for a gift card.

(2) In the case of a sale of any new motor vehicle by a new motor vehicle dealer, as defined in section 4517.01 of the Revised Code, in which another motor vehicle is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the motor vehicle received in trade.

(3) In the case of a sale of any watercraft or outboard motor by a watercraft dealer licensed in accordance with section 1547.543 of the Revised Code, in which another watercraft, watercraft and trailer, or outboard motor is accepted by the dealer as part of the consideration received, "price" has the same meaning as in division (H)(1) of this section, reduced by the credit afforded the consumer by the dealer for the watercraft, watercraft and trailer, or outboard motor received in trade. As used in this division, "watercraft" includes an outdrive unit attached to the watercraft.

(4) In the case of transactions for health care services 104158
under division (B)(11) of this section, "price" means the amount 104159
of managed care premiums received each month by a medicaid health 104160
insuring corporation. 104161

(I) "Receipts" means the total amount of the prices of the 104162
sales of vendors, provided that the dollar value of gift cards 104163
distributed pursuant to an awards, loyalty, or promotional 104164
program, and cash discounts allowed and taken on sales at the time 104165
they are consummated are not included, minus any amount deducted 104166
as a bad debt pursuant to section 5739.121 of the Revised Code. 104167
"Receipts" does not include the sale price of property returned or 104168
services rejected by consumers when the full sale price and tax 104169
are refunded either in cash or by credit. 104170

(J) "Place of business" means any location at which a person 104171
engages in business. 104172

(K) "Premises" includes any real property or portion thereof 104173
upon which any person engages in selling tangible personal 104174
property at retail or making retail sales and also includes any 104175
real property or portion thereof designated for, or devoted to, 104176
use in conjunction with the business engaged in by such person. 104177

(L) "Casual sale" means a sale of an item of tangible 104178
personal property that was obtained by the person making the sale, 104179
through purchase or otherwise, for the person's own use and was 104180
previously subject to any state's taxing jurisdiction on its sale 104181
or use, and includes such items acquired for the seller's use that 104182
are sold by an auctioneer employed directly by the person for such 104183
purpose, provided the location of such sales is not the 104184
auctioneer's permanent place of business. As used in this 104185
division, "permanent place of business" includes any location 104186
where such auctioneer has conducted more than two auctions during 104187
the year. 104188

(M) "Hotel" means every establishment kept, used, maintained, 104189
advertised, or held out to the public to be a place where sleeping 104190
accommodations are offered to guests, in which five or more rooms 104191
are used for the accommodation of such guests, whether the rooms 104192
are in one or several structures, except as otherwise provided in 104193
division (G) of section 5739.09 of the Revised Code. 104194

(N) "Transient guests" means persons occupying a room or 104195
rooms for sleeping accommodations for less than thirty consecutive 104196
days. 104197

(O) "Making retail sales" means the effecting of transactions 104198
wherein one party is obligated to pay the price and the other 104199
party is obligated to provide a service or to transfer title to or 104200
possession of the item sold. "Making retail sales" does not 104201
include the preliminary acts of promoting or soliciting the retail 104202
sales, other than the distribution of printed matter which 104203
displays or describes and prices the item offered for sale, nor 104204
does it include delivery of a predetermined quantity of tangible 104205
personal property or transportation of property or personnel to or 104206
from a place where a service is performed. 104207

(P) "Used directly in the rendition of a public utility 104208
service" means that property that is to be incorporated into and 104209
will become a part of the consumer's production, transmission, 104210
transportation, or distribution system and that retains its 104211
classification as tangible personal property after such 104212
incorporation; fuel or power used in the production, transmission, 104213
transportation, or distribution system; and tangible personal 104214
property used in the repair and maintenance of the production, 104215
transmission, transportation, or distribution system, including 104216
only such motor vehicles as are specially designed and equipped 104217
for such use. Tangible personal property and services used 104218
primarily in providing highway transportation for hire are not 104219
used directly in the rendition of a public utility service. In 104220

this definition, "public utility" includes a citizen of the United States holding, and required to hold, a certificate of public convenience and necessity issued under 49 U.S.C. 41102.

(Q) "Refining" means removing or separating a desirable product from raw or contaminated materials by distillation or physical, mechanical, or chemical processes.

(R) "Assembly" and "assembling" mean attaching or fitting together parts to form a product, but do not include packaging a product.

(S) "Manufacturing operation" means a process in which materials are changed, converted, or transformed into a different state or form from which they previously existed and includes refining materials, assembling parts, and preparing raw materials and parts by mixing, measuring, blending, or otherwise committing such materials or parts to the manufacturing process. "Manufacturing operation" does not include packaging.

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United

States census bureau. 104252

(V) "Legislative authority" means, with respect to a regional 104253
transit authority, the board of trustees thereof, and with respect 104254
to a county that is a transit authority, the board of county 104255
commissioners. 104256

(W) "Territory of the transit authority" means all of the 104257
area included within the territorial boundaries of a transit 104258
authority as they from time to time exist. Such territorial 104259
boundaries must at all times include all the area of a single 104260
county or all the area of the most populous county that is a part 104261
of such transit authority. County population shall be measured by 104262
the most recent census taken by the United States census bureau. 104263

(X) "Providing a service" means providing or furnishing 104264
anything described in division (B)(3) of this section for 104265
consideration. 104266

(Y)(1)(a) "Automatic data processing" means processing of 104267
others' data, including keypunching or similar data entry services 104268
together with verification thereof, or providing access to 104269
computer equipment for the purpose of processing data. 104270

(b) "Computer services" means providing services consisting 104271
of specifying computer hardware configurations and evaluating 104272
technical processing characteristics, computer programming, and 104273
training of computer programmers and operators, provided in 104274
conjunction with and to support the sale, lease, or operation of 104275
taxable computer equipment or systems. 104276

(c) "Electronic information services" means providing access 104277
to computer equipment by means of telecommunications equipment for 104278
the purpose of either of the following: 104279

(i) Examining or acquiring data stored in or accessible to 104280
the computer equipment; 104281

(ii) Placing data into the computer equipment to be retrieved 104282
by designated recipients with access to the computer equipment. 104283

For transactions occurring on or after the effective date of 104284
the amendment of this section by H.B. 157 of the 127th general 104285
assembly, December 21, 2007, "electronic information services" 104286
does not include electronic publishing as defined in division 104287
(LLL) of this section. 104288

(d) "Automatic data processing, computer services, or 104289
electronic information services" shall not include personal or 104290
professional services. 104291

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 104292
section, "personal and professional services" means all services 104293
other than automatic data processing, computer services, or 104294
electronic information services, including but not limited to: 104295

(a) Accounting and legal services such as advice on tax 104296
matters, asset management, budgetary matters, quality control, 104297
information security, and auditing and any other situation where 104298
the service provider receives data or information and studies, 104299
alters, analyzes, interprets, or adjusts such material; 104300

(b) Analyzing business policies and procedures; 104301

(c) Identifying management information needs; 104302

(d) Feasibility studies, including economic and technical 104303
analysis of existing or potential computer hardware or software 104304
needs and alternatives; 104305

(e) Designing policies, procedures, and custom software for 104306
collecting business information, and determining how data should 104307
be summarized, sequenced, formatted, processed, controlled, and 104308
reported so that it will be meaningful to management; 104309

(f) Developing policies and procedures that document how 104310
business events and transactions are to be authorized, executed, 104311

and controlled;	104312
(g) Testing of business procedures;	104313
(h) Training personnel in business procedure applications;	104314
(i) Providing credit information to users of such information	104315
by a consumer reporting agency, as defined in the "Fair Credit	104316
Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or	104317
as hereafter amended, including but not limited to gathering,	104318
organizing, analyzing, recording, and furnishing such information	104319
by any oral, written, graphic, or electronic medium;	104320
(j) Providing debt collection services by any oral, written,	104321
graphic, or electronic means.	104322
The services listed in divisions (Y)(2)(a) to (j) of this	104323
section are not automatic data processing or computer services.	104324
(Z) "Highway transportation for hire" means the	104325
transportation of personal property belonging to others for	104326
consideration by any of the following:	104327
(1) The holder of a permit or certificate issued by this	104328
state or the United States authorizing the holder to engage in	104329
transportation of personal property belonging to others for	104330
consideration over or on highways, roadways, streets, or any	104331
similar public thoroughfare;	104332
(2) A person who engages in the transportation of personal	104333
property belonging to others for consideration over or on	104334
highways, roadways, streets, or any similar public thoroughfare	104335
but who could not have engaged in such transportation on December	104336
11, 1985, unless the person was the holder of a permit or	104337
certificate of the types described in division (Z)(1) of this	104338
section;	104339
(3) A person who leases a motor vehicle to and operates it	104340
for a person described by division (Z)(1) or (2) of this section.	104341

(AA)(1) "Telecommunications service" means the electronic transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points. "Telecommunications service" includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code, or protocol of the content for purposes of transmission, conveyance, or routing without regard to whether the service is referred to as voice-over internet protocol service or is classified by the federal communications commission as enhanced or value-added. "Telecommunications service" does not include any of the following:

(a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;

(b) Installation or maintenance of wiring or equipment on a customer's premises;

(c) Tangible personal property;

(d) Advertising, including directory advertising;

(e) Billing and collection services provided to third parties;

(f) Internet access service;

(g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service

providers, as defined in 47 C.F.R. 20.3; 104373

(h) Ancillary service; 104374

(i) Digital products delivered electronically, including 104375
software, music, video, reading materials, or ring tones. 104376

(2) "Ancillary service" means a service that is associated 104377
with or incidental to the provision of telecommunications service, 104378
including conference bridging service, detailed telecommunications 104379
billing service, directory assistance, vertical service, and voice 104380
mail service. As used in this division: 104381

(a) "Conference bridging service" means an ancillary service 104382
that links two or more participants of an audio or video 104383
conference call, including providing a telephone number. 104384
"Conference bridging service" does not include telecommunications 104385
services used to reach the conference bridge. 104386

(b) "Detailed telecommunications billing service" means an 104387
ancillary service of separately stating information pertaining to 104388
individual calls on a customer's billing statement. 104389

(c) "Directory assistance" means an ancillary service of 104390
providing telephone number or address information. 104391

(d) "Vertical service" means an ancillary service that is 104392
offered in connection with one or more telecommunications 104393
services, which offers advanced calling features that allow 104394
customers to identify callers and manage multiple calls and call 104395
connections, including conference bridging service. 104396

(e) "Voice mail service" means an ancillary service that 104397
enables the customer to store, send, or receive recorded messages. 104398
"Voice mail service" does not include any vertical services that 104399
the customer may be required to have in order to utilize the voice 104400
mail service. 104401

(3) "900 service" means an inbound toll telecommunications 104402

service purchased by a subscriber that allows the subscriber's 104403
customers to call in to the subscriber's prerecorded announcement 104404
or live service, and which is typically marketed under the name 104405
"900 service" and any subsequent numbers designated by the federal 104406
communications commission. "900 service" does not include the 104407
charge for collection services provided by the seller of the 104408
telecommunications service to the subscriber, or services or 104409
products sold by the subscriber to the subscriber's customer. 104410

(4) "Prepaid calling service" means the right to access 104411
exclusively telecommunications services, which must be paid for in 104412
advance and which enables the origination of calls using an access 104413
number or authorization code, whether manually or electronically 104414
dialed, and that is sold in predetermined units or dollars of 104415
which the number declines with use in a known amount. 104416

(5) "Prepaid wireless calling service" means a 104417
telecommunications service that provides the right to utilize 104418
mobile telecommunications service as well as other 104419
non-telecommunications services, including the download of digital 104420
products delivered electronically, and content and ancillary 104421
services, that must be paid for in advance and that is sold in 104422
predetermined units or dollars of which the number declines with 104423
use in a known amount. 104424

(6) "Value-added non-voice data service" means a 104425
telecommunications service in which computer processing 104426
applications are used to act on the form, content, code, or 104427
protocol of the information or data primarily for a purpose other 104428
than transmission, conveyance, or routing. 104429

(7) "Coin-operated telephone service" means a 104430
telecommunications service paid for by inserting money into a 104431
telephone accepting direct deposits of money to operate. 104432

(8) "Customer" has the same meaning as in section 5739.034 of 104433

the Revised Code. 104434

(BB) "Laundry and dry cleaning services" means removing soil 104435
or dirt from towels, linens, articles of clothing, or other fabric 104436
items that belong to others and supplying towels, linens, articles 104437
of clothing, or other fabric items. "Laundry and dry cleaning 104438
services" does not include the provision of self-service 104439
facilities for use by consumers to remove soil or dirt from 104440
towels, linens, articles of clothing, or other fabric items. 104441

(CC) "Magazines distributed as controlled circulation 104442
publications" means magazines containing at least twenty-four 104443
pages, at least twenty-five per cent editorial content, issued at 104444
regular intervals four or more times a year, and circulated 104445
without charge to the recipient, provided that such magazines are 104446
not owned or controlled by individuals or business concerns which 104447
conduct such publications as an auxiliary to, and essentially for 104448
the advancement of the main business or calling of, those who own 104449
or control them. 104450

(DD) "Landscaping and lawn care service" means the services 104451
of planting, seeding, sodding, removing, cutting, trimming, 104452
pruning, mulching, aerating, applying chemicals, watering, 104453
fertilizing, and providing similar services to establish, promote, 104454
or control the growth of trees, shrubs, flowers, grass, ground 104455
cover, and other flora, or otherwise maintaining a lawn or 104456
landscape grown or maintained by the owner for ornamentation or 104457
other nonagricultural purpose. However, "landscaping and lawn care 104458
service" does not include the providing of such services by a 104459
person who has less than five thousand dollars in sales of such 104460
services during the calendar year. 104461

(EE) "Private investigation and security service" means the 104462
performance of any activity for which the provider of such service 104463
is required to be licensed pursuant to Chapter 4749. of the 104464
Revised Code, or would be required to be so licensed in performing 104465

such services in this state, and also includes the services of 104466
conducting polygraph examinations and of monitoring or overseeing 104467
the activities on or in, or the condition of, the consumer's home, 104468
business, or other facility by means of electronic or similar 104469
monitoring devices. "Private investigation and security service" 104470
does not include special duty services provided by off-duty police 104471
officers, deputy sheriffs, and other peace officers regularly 104472
employed by the state or a political subdivision. 104473

(FF) "Information services" means providing conversation, 104474
giving consultation or advice, playing or making a voice or other 104475
recording, making or keeping a record of the number of callers, 104476
and any other service provided to a consumer by means of a nine 104477
hundred telephone call, except when the nine hundred telephone 104478
call is the means by which the consumer makes a contribution to a 104479
recognized charity. 104480

(GG) "Research and development" means designing, creating, or 104481
formulating new or enhanced products, equipment, or manufacturing 104482
processes, and also means conducting scientific or technological 104483
inquiry and experimentation in the physical sciences with the goal 104484
of increasing scientific knowledge which may reveal the bases for 104485
new or enhanced products, equipment, or manufacturing processes. 104486

(HH) "Qualified research and development equipment" means 104487
capitalized tangible personal property, and leased personal 104488
property that would be capitalized if purchased, used by a person 104489
primarily to perform research and development. Tangible personal 104490
property primarily used in testing, as defined in division (A)(4) 104491
of section 5739.011 of the Revised Code, or used for recording or 104492
storing test results, is not qualified research and development 104493
equipment unless such property is primarily used by the consumer 104494
in testing the product, equipment, or manufacturing process being 104495
created, designed, or formulated by the consumer in the research 104496
and development activity or in recording or storing such test 104497

results. 104498

(II) "Building maintenance and janitorial service" means 104499
cleaning the interior or exterior of a building and any tangible 104500
personal property located therein or thereon, including any 104501
services incidental to such cleaning for which no separate charge 104502
is made. However, "building maintenance and janitorial service" 104503
does not include the providing of such service by a person who has 104504
less than five thousand dollars in sales of such service during 104505
the calendar year. As used in this division, "cleaning" does not 104506
include sanitation services necessary for an establishment 104507
described in 21 U.S.C. 608 to comply with rules and regulations 104508
adopted pursuant to that section. 104509

(JJ) "Employment service" means providing or supplying 104510
personnel, on a temporary or long-term basis, to perform work or 104511
labor under the supervision or control of another, when the 104512
personnel so provided or supplied receive their wages, salary, or 104513
other compensation from the provider or supplier of the employment 104514
service or from a third party that provided or supplied the 104515
personnel to the provider or supplier. "Employment service" does 104516
not include: 104517

(1) Acting as a contractor or subcontractor, where the 104518
personnel performing the work are not under the direct control of 104519
the purchaser. 104520

(2) Medical and health care services. 104521

(3) Supplying personnel to a purchaser pursuant to a contract 104522
of at least one year between the service provider and the 104523
purchaser that specifies that each employee covered under the 104524
contract is assigned to the purchaser on a permanent basis. 104525

(4) Transactions between members of an affiliated group, as 104526
defined in division (B)(3)(e) of this section. 104527

(5) Transactions where the personnel so provided or supplied 104528

by a provider or supplier to a purchaser of an employment service 104529
are then provided or supplied by that purchaser to a third party 104530
as an employment service, except "employment service" does include 104531
the transaction between that purchaser and the third party. 104532

(KK) "Employment placement service" means locating or finding 104533
employment for a person or finding or locating an employee to fill 104534
an available position. 104535

(LL) "Exterminating service" means eradicating or attempting 104536
to eradicate vermin infestations from a building or structure, or 104537
the area surrounding a building or structure, and includes 104538
activities to inspect, detect, or prevent vermin infestation of a 104539
building or structure. 104540

(MM) "Physical fitness facility service" means all 104541
transactions by which a membership is granted, maintained, or 104542
renewed, including initiation fees, membership dues, renewal fees, 104543
monthly minimum fees, and other similar fees and dues, by a 104544
physical fitness facility such as an athletic club, health spa, or 104545
gymnasium, which entitles the member to use the facility for 104546
physical exercise. 104547

(NN) "Recreation and sports club service" means all 104548
transactions by which a membership is granted, maintained, or 104549
renewed, including initiation fees, membership dues, renewal fees, 104550
monthly minimum fees, and other similar fees and dues, by a 104551
recreation and sports club, which entitles the member to use the 104552
facilities of the organization. "Recreation and sports club" means 104553
an organization that has ownership of, or controls or leases on a 104554
continuing, long-term basis, the facilities used by its members 104555
and includes an aviation club, gun or shooting club, yacht club, 104556
card club, swimming club, tennis club, golf club, country club, 104557
riding club, amateur sports club, or similar organization. 104558

(OO) "Livestock" means farm animals commonly raised for food, 104559

food production, or other agricultural purposes, including, but 104560
not limited to, cattle, sheep, goats, swine, poultry, and captive 104561
deer. "Livestock" does not include invertebrates, amphibians, 104562
reptiles, domestic pets, animals for use in laboratories or for 104563
exhibition, or other animals not commonly raised for food or food 104564
production. 104565

(PP) "Livestock structure" means a building or structure used 104566
exclusively for the housing, raising, feeding, or sheltering of 104567
livestock, and includes feed storage or handling structures and 104568
structures for livestock waste handling. 104569

(QQ) "Horticulture" means the growing, cultivation, and 104570
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 104571
and nursery stock. As used in this division, "nursery stock" has 104572
the same meaning as in section 927.51 of the Revised Code. 104573

(RR) "Horticulture structure" means a building or structure 104574
used exclusively for the commercial growing, raising, or 104575
overwintering of horticultural products, and includes the area 104576
used for stocking, storing, and packing horticultural products 104577
when done in conjunction with the production of those products. 104578

(SS) "Newspaper" means an unbound publication bearing a title 104579
or name that is regularly published, at least as frequently as 104580
biweekly, and distributed from a fixed place of business to the 104581
public in a specific geographic area, and that contains a 104582
substantial amount of news matter of international, national, or 104583
local events of interest to the general public. 104584

(TT) "Professional racing team" means a person that employs 104585
at least twenty full-time employees for the purpose of conducting 104586
a motor vehicle racing business for profit. The person must 104587
conduct the business with the purpose of racing one or more motor 104588
racing vehicles in at least ten competitive professional racing 104589
events each year that comprise all or part of a motor racing 104590

series sanctioned by one or more motor racing sanctioning 104591
organizations. A "motor racing vehicle" means a vehicle for which 104592
the chassis, engine, and parts are designed exclusively for motor 104593
racing, and does not include a stock or production model vehicle 104594
that may be modified for use in racing. For the purposes of this 104595
division: 104596

(1) A "competitive professional racing event" is a motor 104597
vehicle racing event sanctioned by one or more motor racing 104598
sanctioning organizations, at which aggregate cash prizes in 104599
excess of eight hundred thousand dollars are awarded to the 104600
competitors. 104601

(2) "Full-time employee" means an individual who is employed 104602
for consideration for thirty-five or more hours a week, or who 104603
renders any other standard of service generally accepted by custom 104604
or specified by contract as full-time employment. 104605

(UU)(1) "Lease" or "rental" means any transfer of the 104606
possession or control of tangible personal property for a fixed or 104607
indefinite term, for consideration. "Lease" or "rental" includes 104608
future options to purchase or extend, and agreements described in 104609
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 104610
the amount of consideration may be increased or decreased by 104611
reference to the amount realized upon the sale or disposition of 104612
the property. "Lease" or "rental" does not include: 104613

(a) A transfer of possession or control of tangible personal 104614
property under a security agreement or a deferred payment plan 104615
that requires the transfer of title upon completion of the 104616
required payments; 104617

(b) A transfer of possession or control of tangible personal 104618
property under an agreement that requires the transfer of title 104619
upon completion of required payments and payment of an option 104620
price that does not exceed the greater of one hundred dollars or 104621

one per cent of the total required payments; 104622

(c) Providing tangible personal property along with an 104623
operator for a fixed or indefinite period of time, if the operator 104624
is necessary for the property to perform as designed. For purposes 104625
of this division, the operator must do more than maintain, 104626
inspect, or set up the tangible personal property. 104627

(2) "Lease" and "rental," as defined in division (UU) of this 104628
section, shall not apply to leases or rentals that exist before 104629
June 26, 2003. 104630

(3) "Lease" and "rental" have the same meaning as in division 104631
(UU)(1) of this section regardless of whether a transaction is 104632
characterized as a lease or rental under generally accepted 104633
accounting principles, the Internal Revenue Code, Title XIII of 104634
the Revised Code, or other federal, state, or local laws. 104635

(VV) "Mobile telecommunications service" has the same meaning 104636
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 104637
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 104638
on and after August 1, 2003, includes related fees and ancillary 104639
services, including universal service fees, detailed billing 104640
service, directory assistance, service initiation, voice mail 104641
service, and vertical services, such as caller ID and three-way 104642
calling. 104643

(WW) "Certified service provider" has the same meaning as in 104644
section 5740.01 of the Revised Code. 104645

(XX) "Satellite broadcasting service" means the distribution 104646
or broadcasting of programming or services by satellite directly 104647
to the subscriber's receiving equipment without the use of ground 104648
receiving or distribution equipment, except the subscriber's 104649
receiving equipment or equipment used in the uplink process to the 104650
satellite, and includes all service and rental charges, premium 104651
channels or other special services, installation and repair 104652

service charges, and any other charges having any connection with 104653
the provision of the satellite broadcasting service. 104654

(YY) "Tangible personal property" means personal property 104655
that can be seen, weighed, measured, felt, or touched, or that is 104656
in any other manner perceptible to the senses. For purposes of 104657
this chapter and Chapter 5741. of the Revised Code, "tangible 104658
personal property" includes motor vehicles, electricity, water, 104659
gas, steam, and prewritten computer software. 104660

(ZZ) "Direct mail" means printed material delivered or 104661
distributed by United States mail or other delivery service to a 104662
mass audience or to addressees on a mailing list provided by the 104663
consumer or at the direction of the consumer when the cost of the 104664
items are not billed directly to the recipients. "Direct mail" 104665
includes tangible personal property supplied directly or 104666
indirectly by the consumer to the direct mail vendor for inclusion 104667
in the package containing the printed material. "Direct mail" does 104668
not include multiple items of printed material delivered to a 104669
single address. 104670

(AAA) "Computer" means an electronic device that accepts 104671
information in digital or similar form and manipulates it for a 104672
result based on a sequence of instructions. 104673

(BBB) "Computer software" means a set of coded instructions 104674
designed to cause a computer or automatic data processing 104675
equipment to perform a task. 104676

(CCC) "Delivered electronically" means delivery of computer 104677
software from the seller to the purchaser by means other than 104678
tangible storage media. 104679

(DDD) "Prewritten computer software" means computer software, 104680
including prewritten upgrades, that is not designed and developed 104681
by the author or other creator to the specifications of a specific 104682
purchaser. The combining of two or more prewritten computer 104683

software programs or prewritten portions thereof does not cause 104684
the combination to be other than prewritten computer software. 104685
"Prewritten computer software" includes software designed and 104686
developed by the author or other creator to the specifications of 104687
a specific purchaser when it is sold to a person other than the 104688
purchaser. If a person modifies or enhances computer software of 104689
which the person is not the author or creator, the person shall be 104690
deemed to be the author or creator only of such person's 104691
modifications or enhancements. Prewritten computer software or a 104692
prewritten portion thereof that is modified or enhanced to any 104693
degree, where such modification or enhancement is designed and 104694
developed to the specifications of a specific purchaser, remains 104695
prewritten computer software; provided, however, that where there 104696
is a reasonable, separately stated charge or an invoice or other 104697
statement of the price given to the purchaser for the modification 104698
or enhancement, the modification or enhancement shall not 104699
constitute prewritten computer software. 104700

(EEE)(1) "Food" means substances, whether in liquid, 104701
concentrated, solid, frozen, dried, or dehydrated form, that are 104702
sold for ingestion or chewing by humans and are consumed for their 104703
taste or nutritional value. "Food" does not include alcoholic 104704
beverages, dietary supplements, soft drinks, or tobacco. 104705

(2) As used in division (EEE)(1) of this section: 104706

(a) "Alcoholic beverages" means beverages that are suitable 104707
for human consumption and contain one-half of one per cent or more 104708
of alcohol by volume. 104709

(b) "Dietary supplements" means any product, other than 104710
tobacco, that is intended to supplement the diet and that is 104711
intended for ingestion in tablet, capsule, powder, softgel, 104712
gelcap, or liquid form, or, if not intended for ingestion in such 104713
a form, is not represented as conventional food for use as a sole 104714
item of a meal or of the diet; that is required to be labeled as a 104715

dietary supplement, identifiable by the "supplement facts" box 104716
found on the label, as required by 21 C.F.R. 101.36; and that 104717
contains one or more of the following dietary ingredients: 104718

(i) A vitamin; 104719

(ii) A mineral; 104720

(iii) An herb or other botanical; 104721

(iv) An amino acid; 104722

(v) A dietary substance for use by humans to supplement the 104723
diet by increasing the total dietary intake; 104724

(vi) A concentrate, metabolite, constituent, extract, or 104725
combination of any ingredient described in divisions 104726
(EEE)(2)(b)(i) to (v) of this section. 104727

(c) "Soft drinks" means nonalcoholic beverages that contain 104728
natural or artificial sweeteners. "Soft drinks" does not include 104729
beverages that contain milk or milk products, soy, rice, or 104730
similar milk substitutes, or that contains greater than fifty per 104731
cent vegetable or fruit juice by volume. 104732

(d) "Tobacco" means cigarettes, cigars, chewing or pipe 104733
tobacco, or any other item that contains tobacco. 104734

(FFF) "Drug" means a compound, substance, or preparation, and 104735
any component of a compound, substance, or preparation, other than 104736
food, dietary supplements, or alcoholic beverages that is 104737
recognized in the official United States pharmacopoeia, official 104738
homeopathic pharmacopoeia of the United States, or official 104739
national formulary, and supplements to them; is intended for use 104740
in the diagnosis, cure, mitigation, treatment, or prevention of 104741
disease; or is intended to affect the structure or any function of 104742
the body. 104743

(GGG) "Prescription" means an order, formula, or recipe 104744
issued in any form of oral, written, electronic, or other means of 104745

transmission by a duly licensed practitioner authorized by the 104746
laws of this state to issue a prescription. 104747

(HHH) "Durable medical equipment" means equipment, including 104748
repair and replacement parts for such equipment, that can 104749
withstand repeated use, is primarily and customarily used to serve 104750
a medical purpose, generally is not useful to a person in the 104751
absence of illness or injury, and is not worn in or on the body. 104752
"Durable medical equipment" does not include mobility enhancing 104753
equipment. 104754

(III) "Mobility enhancing equipment" means equipment, 104755
including repair and replacement parts for such equipment, that is 104756
primarily and customarily used to provide or increase the ability 104757
to move from one place to another and is appropriate for use 104758
either in a home or a motor vehicle, that is not generally used by 104759
persons with normal mobility, and that does not include any motor 104760
vehicle or equipment on a motor vehicle normally provided by a 104761
motor vehicle manufacturer. "Mobility enhancing equipment" does 104762
not include durable medical equipment. 104763

(JJJ) "Prosthetic device" means a replacement, corrective, or 104764
supportive device, including repair and replacement parts for the 104765
device, worn on or in the human body to artificially replace a 104766
missing portion of the body, prevent or correct physical deformity 104767
or malfunction, or support a weak or deformed portion of the body. 104768
As used in this division, "prosthetic device" does not include 104769
corrective eyeglasses, contact lenses, or dental prosthesis. 104770

(KKK)(1) "Fractional aircraft ownership program" means a 104771
program in which persons within an affiliated group sell and 104772
manage fractional ownership program aircraft, provided that at 104773
least one hundred airworthy aircraft are operated in the program 104774
and the program meets all of the following criteria: 104775

(a) Management services are provided by at least one program 104776

manager within an affiliated group on behalf of the fractional owners. 104777
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(b) Each program aircraft is owned or possessed by at least one fractional owner. 104779
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(c) Each fractional owner owns or possesses at least a one-sixteenth interest in at least one fixed-wing program aircraft. 104781
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(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 104784
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 104786
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(2) As used in division (KKK)(1) of this section: 104789

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 104790
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (KKK)(1)(e) of this section. 104792
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (KKK)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 104796
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (KKK)(1)(e) of this section, and offered by the program 104803
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manager to the fractional owners, including, at a minimum, the 104807
establishment and implementation of safety guidelines; the 104808
coordination of the scheduling of the program aircraft and crews; 104809
program aircraft maintenance; program aircraft insurance; crew 104810
training for crews employed, furnished, or contracted by the 104811
program manager or the fractional owner; the satisfaction of 104812
record-keeping requirements; and the development and use of an 104813
operations manual and a maintenance manual for the fractional 104814
aircraft ownership program. 104815

(e) "Program manager" means the person that offers management 104816
services to fractional owners pursuant to a management services 104817
agreement under division (KKK)(1)(e) of this section. 104818

(LLL) "Electronic publishing" means providing access to one 104819
or more of the following primarily for business customers, 104820
including the federal government or a state government or a 104821
political subdivision thereof, to conduct research: news; 104822
business, financial, legal, consumer, or credit materials; 104823
editorials, columns, reader commentary, or features; photos or 104824
images; archival or research material; legal notices, identity 104825
verification, or public records; scientific, educational, 104826
instructional, technical, professional, trade, or other literary 104827
materials; or other similar information which has been gathered 104828
and made available by the provider to the consumer in an 104829
electronic format. Providing electronic publishing includes the 104830
functions necessary for the acquisition, formatting, editing, 104831
storage, and dissemination of data or information that is the 104832
subject of a sale. 104833

(MMM) "Medicaid health insuring corporation" means a health 104834
insuring corporation that holds a certificate of authority under 104835
Chapter 1751. of the Revised Code and is under contract with the 104836
department of job and family services pursuant to section 5111.17 104837
of the Revised Code. 104838

(NNN) "Managed care premium" means any premium, capitation, 104839
or other payment a medicaid health insuring corporation receives 104840
for providing or arranging for the provision of health care 104841
services to its members or enrollees residing in this state. 104842

(OOO) "Captive deer" means deer and other cervidae that have 104843
been legally acquired, or their offspring, that are privately 104844
owned for agricultural or farming purposes. 104845

(PPP) "Gift card" means a document, card, certificate, or 104846
other record, whether tangible or intangible, that may be redeemed 104847
by a consumer for a dollar value when making a purchase of 104848
tangible personal property or services. 104849

(QQQ) "Specified digital product" means an electronically 104850
transferred digital audiovisual work, digital audio work, or 104851
digital book. 104852

As used in division (QQQ) of this section: 104853

(1) "Digital audiovisual work" means a series of related 104854
images that, when shown in succession, impart an impression of 104855
motion, together with accompanying sounds, if any. 104856

(2) "Digital audio work" means a work that results from the 104857
fixation of a series of musical, spoken, or other sounds, 104858
including digitized sound files that are downloaded onto a device 104859
and that may be used to alert the customer with respect to a 104860
communication. 104861

(3) "Digital book" means a work that is generally recognized 104862
in the ordinary and usual sense as a book. 104863

(4) "Electronically transferred" means obtained by the 104864
purchaser by means other than tangible storage media. 104865

(RRR) "Hotel intermediary service" means acting as a person, 104866
other than a hotel, that brokers, coordinates, or otherwise 104867
arranges for the purchase, sale, use, or possession of lodging at 104868

hotels to or by transient guests. 104869

Sec. 5739.02. For the purpose of providing revenue with which 104870
to meet the needs of the state, for the use of the general revenue 104871
fund of the state, for the purpose of securing a thorough and 104872
efficient system of common schools throughout the state, for the 104873
purpose of affording revenues, in addition to those from general 104874
property taxes, permitted under constitutional limitations, and 104875
from other sources, for the support of local governmental 104876
functions, and for the purpose of reimbursing the state for the 104877
expense of administering this chapter, an excise tax is hereby 104878
levied on each retail sale made in this state. 104879

(A)(1) The tax shall be collected as provided in section 104880
5739.025 of the Revised Code. The rate of the tax shall be five 104881
and three-fourths per cent. The tax applies and is collectible 104882
when the sale is made, regardless of the time when the price is 104883
paid or delivered. 104884

(2) In the case of the lease or rental, with a fixed term of 104885
more than thirty days or an indefinite term with a minimum period 104886
of more than thirty days, of any motor vehicles designed by the 104887
manufacturer to carry a load of not more than one ton, watercraft, 104888
outboard motor, or aircraft, or of any tangible personal property, 104889
other than motor vehicles designed by the manufacturer to carry a 104890
load of more than one ton, to be used by the lessee or renter 104891
primarily for business purposes, the tax shall be collected by the 104892
vendor at the time the lease or rental is consummated and shall be 104893
calculated by the vendor on the basis of the total amount to be 104894
paid by the lessee or renter under the lease agreement. If the 104895
total amount of the consideration for the lease or rental includes 104896
amounts that are not calculated at the time the lease or rental is 104897
executed, the tax shall be calculated and collected by the vendor 104898
at the time such amounts are billed to the lessee or renter. In 104899

the case of an open-end lease or rental, the tax shall be 104900
calculated by the vendor on the basis of the total amount to be 104901
paid during the initial fixed term of the lease or rental, and for 104902
each subsequent renewal period as it comes due. As used in this 104903
division, "motor vehicle" has the same meaning as in section 104904
4501.01 of the Revised Code, and "watercraft" includes an outdrive 104905
unit attached to the watercraft. 104906

A lease with a renewal clause and a termination penalty or 104907
similar provision that applies if the renewal clause is not 104908
exercised is presumed to be a sham transaction. In such a case, 104909
the tax shall be calculated and paid on the basis of the entire 104910
length of the lease period, including any renewal periods, until 104911
the termination penalty or similar provision no longer applies. 104912
The taxpayer shall bear the burden, by a preponderance of the 104913
evidence, that the transaction or series of transactions is not a 104914
sham transaction. 104915

(3) Except as provided in division (A)(2) of this section, in 104916
the case of a sale, the price of which consists in whole or in 104917
part of the lease or rental of tangible personal property, the tax 104918
shall be measured by the installments of that lease or rental. 104919

(4) In the case of a sale of a physical fitness facility 104920
service or recreation and sports club service, the price of which 104921
consists in whole or in part of a membership for the receipt of 104922
the benefit of the service, the tax applicable to the sale shall 104923
be measured by the installments thereof. 104924

(B) The tax does not apply to the following: 104925

(1) Sales to the state or any of its political subdivisions, 104926
or to any other state or its political subdivisions if the laws of 104927
that state exempt from taxation sales made to this state and its 104928
political subdivisions; 104929

(2) Sales of food for human consumption off the premises 104930

where sold;	104931
(3) Sales of food sold to students only in a cafeteria,	104932
dormitory, fraternity, or sorority maintained in a private,	104933
public, or parochial school, college, or university;	104934
(4) Sales of newspapers and sales or transfers of magazines	104935
distributed as controlled circulation publications;	104936
(5) The furnishing, preparing, or serving of meals without	104937
charge by an employer to an employee provided the employer records	104938
the meals as part compensation for services performed or work	104939
done;	104940
(6) Sales of motor fuel upon receipt, use, distribution, or	104941
sale of which in this state a tax is imposed by the law of this	104942
state, but this exemption shall not apply to the sale of motor	104943
fuel on which a refund of the tax is allowable under division (A)	104944
of section 5735.14 of the Revised Code; and the tax commissioner	104945
may deduct the amount of tax levied by this section applicable to	104946
the price of motor fuel when granting a refund of motor fuel tax	104947
pursuant to division (A) of section 5735.14 of the Revised Code	104948
and shall cause the amount deducted to be paid into the general	104949
revenue fund of this state;	104950
(7) Sales of natural gas by a natural gas company, of water	104951
by a water-works company, or of steam by a heating company, if in	104952
each case the thing sold is delivered to consumers through pipes	104953
or conduits, and all sales of communications services by a	104954
telegraph company, all terms as defined in section 5727.01 of the	104955
Revised Code, and sales of electricity delivered through wires;	104956
(8) Casual sales by a person, or auctioneer employed directly	104957
by the person to conduct such sales, except as to such sales of	104958
motor vehicles, watercraft or outboard motors required to be	104959
titled under section 1548.06 of the Revised Code, watercraft	104960
documented with the United States coast guard, snowmobiles, and	104961

all-purpose vehicles as defined in section 4519.01 of the Revised Code; 104962
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(9)(a) Sales of services or tangible personal property, other than motor vehicles, mobile homes, and manufactured homes, by churches, organizations exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986, or nonprofit organizations operated exclusively for charitable purposes as defined in division (B)(12) of this section, provided that the number of days on which such tangible personal property or services, other than items never subject to the tax, are sold does not exceed six in any calendar year, except as otherwise provided in division (B)(9)(b) of this section. If the number of days on which such sales are made exceeds six in any calendar year, the church or organization shall be considered to be engaged in business and all subsequent sales by it shall be subject to the tax. In counting the number of days, all sales by groups within a church or within an organization shall be considered to be sales of that church or organization. 104964
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(b) The limitation on the number of days on which tax-exempt sales may be made by a church or organization under division (B)(9)(a) of this section does not apply to sales made by student clubs and other groups of students of a primary or secondary school, or a parent-teacher association, booster group, or similar organization that raises money to support or fund curricular or extracurricular activities of a primary or secondary school. 104980
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(c) Divisions (B)(9)(a) and (b) of this section do not apply to sales by a noncommercial educational radio or television broadcasting station. 104987
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(10) Sales not within the taxing power of this state under the Constitution or laws of the United States or the Constitution of this state; 104990
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(11) Except for transactions that are sales under division 104993
(B)(3)(r) of section 5739.01 of the Revised Code, the 104994
transportation of persons or property, unless the transportation 104995
is by a private investigation and security service; 104996

(12) Sales of tangible personal property or services to 104997
churches, to organizations exempt from taxation under section 104998
501(c)(3) of the Internal Revenue Code of 1986, and to any other 104999
nonprofit organizations operated exclusively for charitable 105000
purposes in this state, no part of the net income of which inures 105001
to the benefit of any private shareholder or individual, and no 105002
substantial part of the activities of which consists of carrying 105003
on propaganda or otherwise attempting to influence legislation; 105004
sales to offices administering one or more homes for the aged or 105005
one or more hospital facilities exempt under section 140.08 of the 105006
Revised Code; and sales to organizations described in division (D) 105007
of section 5709.12 of the Revised Code. 105008

"Charitable purposes" means the relief of poverty; the 105009
improvement of health through the alleviation of illness, disease, 105010
or injury; the operation of an organization exclusively for the 105011
provision of professional, laundry, printing, and purchasing 105012
services to hospitals or charitable institutions; the operation of 105013
a home for the aged, as defined in section 5701.13 of the Revised 105014
Code; the operation of a radio or television broadcasting station 105015
that is licensed by the federal communications commission as a 105016
noncommercial educational radio or television station; the 105017
operation of a nonprofit animal adoption service or a county 105018
humane society; the promotion of education by an institution of 105019
learning that maintains a faculty of qualified instructors, 105020
teaches regular continuous courses of study, and confers a 105021
recognized diploma upon completion of a specific curriculum; the 105022
operation of a parent-teacher association, booster group, or 105023
similar organization primarily engaged in the promotion and 105024

support of the curricular or extracurricular activities of a 105025
primary or secondary school; the operation of a community or area 105026
center in which presentations in music, dramatics, the arts, and 105027
related fields are made in order to foster public interest and 105028
education therein; the production of performances in music, 105029
dramatics, and the arts; or the promotion of education by an 105030
organization engaged in carrying on research in, or the 105031
dissemination of, scientific and technological knowledge and 105032
information primarily for the public. 105033

Nothing in this division shall be deemed to exempt sales to 105034
any organization for use in the operation or carrying on of a 105035
trade or business, or sales to a home for the aged for use in the 105036
operation of independent living facilities as defined in division 105037
(A) of section 5709.12 of the Revised Code. 105038

(13) Building and construction materials and services sold to 105039
construction contractors for incorporation into a structure or 105040
improvement to real property under a construction contract with 105041
this state or a political subdivision of this state, or with the 105042
United States government or any of its agencies; building and 105043
construction materials and services sold to construction 105044
contractors for incorporation into a structure or improvement to 105045
real property that are accepted for ownership by this state or any 105046
of its political subdivisions, or by the United States government 105047
or any of its agencies at the time of completion of the structures 105048
or improvements; building and construction materials sold to 105049
construction contractors for incorporation into a horticulture 105050
structure or livestock structure for a person engaged in the 105051
business of horticulture or producing livestock; building 105052
materials and services sold to a construction contractor for 105053
incorporation into a house of public worship or religious 105054
education, or a building used exclusively for charitable purposes 105055
under a construction contract with an organization whose purpose 105056

is as described in division (B)(12) of this section; building 105057
materials and services sold to a construction contractor for 105058
incorporation into a building under a construction contract with 105059
an organization exempt from taxation under section 501(c)(3) of 105060
the Internal Revenue Code of 1986 when the building is to be used 105061
exclusively for the organization's exempt purposes; building and 105062
construction materials sold for incorporation into the original 105063
construction of a sports facility under section 307.696 of the 105064
Revised Code; building and construction materials and services 105065
sold to a construction contractor for incorporation into real 105066
property outside this state if such materials and services, when 105067
sold to a construction contractor in the state in which the real 105068
property is located for incorporation into real property in that 105069
state, would be exempt from a tax on sales levied by that state; 105070
building and construction materials for incorporation into a 105071
transportation facility pursuant to a public-private agreement 105072
entered into under sections 5501.70 to 5501.83 of the Revised 105073
Code; and, until one calendar year after the construction of a 105074
convention center that qualifies for property tax exemption under 105075
section 5709.084 of the Revised Code is completed, building and 105076
construction materials and services sold to a construction 105077
contractor for incorporation into the real property comprising 105078
that convention center; 105079

(14) Sales of ships or vessels or rail rolling stock used or 105080
to be used principally in interstate or foreign commerce, and 105081
repairs, alterations, fuel, and lubricants for such ships or 105082
vessels or rail rolling stock; 105083

(15) Sales to persons primarily engaged in any of the 105084
activities mentioned in division (B)(42)(a), (g), or (h) of this 105085
section, to persons engaged in making retail sales, or to persons 105086
who purchase for sale from a manufacturer tangible personal 105087
property that was produced by the manufacturer in accordance with 105088

specific designs provided by the purchaser, of packages, including 105089
material, labels, and parts for packages, and of machinery, 105090
equipment, and material for use primarily in packaging tangible 105091
personal property produced for sale, including any machinery, 105092
equipment, and supplies used to make labels or packages, to 105093
prepare packages or products for labeling, or to label packages or 105094
products, by or on the order of the person doing the packaging, or 105095
sold at retail. "Packages" includes bags, baskets, cartons, 105096
crates, boxes, cans, bottles, bindings, wrappings, and other 105097
similar devices and containers, but does not include motor 105098
vehicles or bulk tanks, trailers, or similar devices attached to 105099
motor vehicles. "Packaging" means placing in a package. Division 105100
(B)(15) of this section does not apply to persons engaged in 105101
highway transportation for hire. 105102

(16) Sales of food to persons using supplemental nutrition 105103
assistance program benefits to purchase the food. As used in this 105104
division, "food" has the same meaning as in 7 U.S.C. 2012 and 105105
federal regulations adopted pursuant to the Food and Nutrition Act 105106
of 2008. 105107

(17) Sales to persons engaged in farming, agriculture, 105108
horticulture, or floriculture, of tangible personal property for 105109
use or consumption primarily in the production by farming, 105110
agriculture, horticulture, or floriculture of other tangible 105111
personal property for use or consumption primarily in the 105112
production of tangible personal property for sale by farming, 105113
agriculture, horticulture, or floriculture; or material and parts 105114
for incorporation into any such tangible personal property for use 105115
or consumption in production; and of tangible personal property 105116
for such use or consumption in the conditioning or holding of 105117
products produced by and for such use, consumption, or sale by 105118
persons engaged in farming, agriculture, horticulture, or 105119
floriculture, except where such property is incorporated into real 105120

property;	105121
(18) Sales of drugs for a human being that may be dispensed	105122
only pursuant to a prescription; insulin as recognized in the	105123
official United States pharmacopoeia; urine and blood testing	105124
materials when used by diabetics or persons with hypoglycemia to	105125
test for glucose or acetone; hypodermic syringes and needles when	105126
used by diabetics for insulin injections; epoetin alfa when	105127
purchased for use in the treatment of persons with medical	105128
disease; hospital beds when purchased by hospitals, nursing homes,	105129
or other medical facilities; and medical oxygen and medical	105130
oxygen-dispensing equipment when purchased by hospitals, nursing	105131
homes, or other medical facilities;	105132
(19) Sales of prosthetic devices, durable medical equipment	105133
for home use, or mobility enhancing equipment, when made pursuant	105134
to a prescription and when such devices or equipment are for use	105135
by a human being.	105136
(20) Sales of emergency and fire protection vehicles and	105137
equipment to nonprofit organizations for use solely in providing	105138
fire protection and emergency services, including trauma care and	105139
emergency medical services, for political subdivisions of the	105140
state;	105141
(21) Sales of tangible personal property manufactured in this	105142
state, if sold by the manufacturer in this state to a retailer for	105143
use in the retail business of the retailer outside of this state	105144
and if possession is taken from the manufacturer by the purchaser	105145
within this state for the sole purpose of immediately removing the	105146
same from this state in a vehicle owned by the purchaser;	105147
(22) Sales of services provided by the state or any of its	105148
political subdivisions, agencies, instrumentalities, institutions,	105149
or authorities, or by governmental entities of the state or any of	105150
its political subdivisions, agencies, instrumentalities,	105151

institutions, or authorities;	105152
(23) Sales of motor vehicles to nonresidents of this state	105153
under the circumstances described in division (B) of section	105154
5739.029 of the Revised Code;	105155
(24) Sales to persons engaged in the preparation of eggs for	105156
sale of tangible personal property used or consumed directly in	105157
such preparation, including such tangible personal property used	105158
for cleaning, sanitizing, preserving, grading, sorting, and	105159
classifying by size; packages, including material and parts for	105160
packages, and machinery, equipment, and material for use in	105161
packaging eggs for sale; and handling and transportation equipment	105162
and parts therefor, except motor vehicles licensed to operate on	105163
public highways, used in intraplant or interplant transfers or	105164
shipment of eggs in the process of preparation for sale, when the	105165
plant or plants within or between which such transfers or	105166
shipments occur are operated by the same person. "Packages"	105167
includes containers, cases, baskets, flats, fillers, filler flats,	105168
cartons, closure materials, labels, and labeling materials, and	105169
"packaging" means placing therein.	105170
(25)(a) Sales of water to a consumer for residential use;	105171
(b) Sales of water by a nonprofit corporation engaged	105172
exclusively in the treatment, distribution, and sale of water to	105173
consumers, if such water is delivered to consumers through pipes	105174
or tubing.	105175
(26) Fees charged for inspection or reinspection of motor	105176
vehicles under section 3704.14 of the Revised Code;	105177
(27) Sales to persons licensed to conduct a food service	105178
operation pursuant to section 3717.43 of the Revised Code, of	105179
tangible personal property primarily used directly for the	105180
following:	105181
(a) To prepare food for human consumption for sale;	105182

(b) To preserve food that has been or will be prepared for human consumption for sale by the food service operator, not including tangible personal property used to display food for selection by the consumer;	105183 105184 105185 105186
(c) To clean tangible personal property used to prepare or serve food for human consumption for sale.	105187 105188
(28) Sales of animals by nonprofit animal adoption services or county humane societies;	105189 105190
(29) Sales of services to a corporation described in division (A) of section 5709.72 of the Revised Code, and sales of tangible personal property that qualifies for exemption from taxation under section 5709.72 of the Revised Code;	105191 105192 105193 105194
(30) Sales and installation of agricultural land tile, as defined in division (B)(5)(a) of section 5739.01 of the Revised Code;	105195 105196 105197
(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code;	105198 105199 105200
(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property;	105201 105202 105203 105204 105205 105206
(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters;	105207 105208 105209 105210 105211
(34) Sales to a telecommunications service vendor, mobile	105212

telecommunications service vendor, or satellite broadcasting 105213
service vendor of tangible personal property and services used 105214
directly and primarily in transmitting, receiving, switching, or 105215
recording any interactive, one- or two-way electromagnetic 105216
communications, including voice, image, data, and information, 105217
through the use of any medium, including, but not limited to, 105218
poles, wires, cables, switching equipment, computers, and record 105219
storage devices and media, and component parts for the tangible 105220
personal property. The exemption provided in this division shall 105221
be in lieu of all other exemptions under division (B)(42)(a) or 105222
(n) of this section to which the vendor may otherwise be entitled, 105223
based upon the use of the thing purchased in providing the 105224
telecommunications, mobile telecommunications, or satellite 105225
broadcasting service. 105226

(35)(a) Sales where the purpose of the consumer is to use or 105227
consume the things transferred in making retail sales and 105228
consisting of newspaper inserts, catalogues, coupons, flyers, gift 105229
certificates, or other advertising material that prices and 105230
describes tangible personal property offered for retail sale. 105231

(b) Sales to direct marketing vendors of preliminary 105232
materials such as photographs, artwork, and typesetting that will 105233
be used in printing advertising material; and of printed matter 105234
that offers free merchandise or chances to win sweepstake prizes 105235
and that is mailed to potential customers with advertising 105236
material described in division (B)(35)(a) of this section; 105237

(c) Sales of equipment such as telephones, computers, 105238
facsimile machines, and similar tangible personal property 105239
primarily used to accept orders for direct marketing retail sales. 105240

(d) Sales of automatic food vending machines that preserve 105241
food with a shelf life of forty-five days or less by refrigeration 105242
and dispense it to the consumer. 105243

For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary or a secondary school in this state for use by that individual in preparation for teaching elementary or secondary school students;

(38) Sales to a professional racing team of any of the following:

(a) Motor racing vehicles;

(b) Repair services for motor racing vehicles;

(c) Items of property that are attached to or incorporated in motor racing vehicles, including engines, chassis, and all other components of the vehicles, and all spare, replacement, and rebuilt parts or components of the vehicles; except not including tires, consumable fluids, paint, and accessories consisting of instrumentation sensors and related items added to the vehicle to collect and transmit data by means of telemetry and other forms of communication.

(39) Sales of used manufactured homes and used mobile homes, as defined in section 5739.0210 of the Revised Code, made on or after January 1, 2000;

(40) Sales of tangible personal property and services to a provider of electricity used or consumed directly and primarily in generating, transmitting, or distributing electricity for use by others, including property that is or is to be incorporated into and will become a part of the consumer's production, transmission, or distribution system and that retains its classification as tangible personal property after incorporation; fuel or power used in the production, transmission, or distribution of electricity; energy conversion equipment as defined in section 5727.01 of the Revised Code; and tangible personal property and services used in the repair and maintenance of the production, transmission, or distribution system, including only those motor vehicles as are specially designed and equipped for such use. The exemption provided in this division shall be in lieu of all other exemptions in division (B)(42)(a) or (n) of this section to which a provider of electricity may otherwise be entitled based on the use of the tangible personal property or service purchased in generating, transmitting, or distributing electricity.

(41) Sales to a person providing services under division (B)(3)(r) of section 5739.01 of the Revised Code of tangible personal property and services used directly and primarily in providing taxable services under that section.

(42) Sales where the purpose of the purchaser is to do any of the following:

(a) To incorporate the thing transferred as a material or a part into tangible personal property to be produced for sale by manufacturing, assembling, processing, or refining; or to use or consume the thing transferred directly in producing tangible personal property for sale by mining, including, without limitation, the extraction from the earth of all substances that are classed geologically as minerals, production of crude oil and natural gas, or directly in the rendition of a public utility

service, except that the sales tax levied by this section shall be 105307
collected upon all meals, drinks, and food for human consumption 105308
sold when transporting persons. Persons engaged in rendering 105309
services in the exploration for, and production of, crude oil and 105310
natural gas for others are deemed engaged directly in the 105311
exploration for, and production of, crude oil and natural gas. 105312
This paragraph does not exempt from "retail sale" or "sales at 105313
retail" the sale of tangible personal property that is to be 105314
incorporated into a structure or improvement to real property. 105315

(b) To hold the thing transferred as security for the 105316
performance of an obligation of the vendor; 105317

(c) To resell, hold, use, or consume the thing transferred as 105318
evidence of a contract of insurance; 105319

(d) To use or consume the thing directly in commercial 105320
fishing; 105321

(e) To incorporate the thing transferred as a material or a 105322
part into, or to use or consume the thing transferred directly in 105323
the production of, magazines distributed as controlled circulation 105324
publications; 105325

(f) To use or consume the thing transferred in the production 105326
and preparation in suitable condition for market and sale of 105327
printed, imprinted, overprinted, lithographic, multilithic, 105328
blueprinted, photostatic, or other productions or reproductions of 105329
written or graphic matter; 105330

(g) To use the thing transferred, as described in section 105331
5739.011 of the Revised Code, primarily in a manufacturing 105332
operation to produce tangible personal property for sale; 105333

(h) To use the benefit of a warranty, maintenance or service 105334
contract, or similar agreement, as described in division (B)(7) of 105335
section 5739.01 of the Revised Code, to repair or maintain 105336
tangible personal property, if all of the property that is the 105337

subject of the warranty, contract, or agreement would not be 105338
subject to the tax imposed by this section; 105339

(i) To use the thing transferred as qualified research and 105340
development equipment; 105341

(j) To use or consume the thing transferred primarily in 105342
storing, transporting, mailing, or otherwise handling purchased 105343
sales inventory in a warehouse, distribution center, or similar 105344
facility when the inventory is primarily distributed outside this 105345
state to retail stores of the person who owns or controls the 105346
warehouse, distribution center, or similar facility, to retail 105347
stores of an affiliated group of which that person is a member, or 105348
by means of direct marketing. This division does not apply to 105349
motor vehicles registered for operation on the public highways. As 105350
used in this division, "affiliated group" has the same meaning as 105351
in division (B)(3)(e) of section 5739.01 of the Revised Code and 105352
"direct marketing" has the same meaning as in division (B)(35) of 105353
this section. 105354

(k) To use or consume the thing transferred to fulfill a 105355
contractual obligation incurred by a warrantor pursuant to a 105356
warranty provided as a part of the price of the tangible personal 105357
property sold or by a vendor of a warranty, maintenance or service 105358
contract, or similar agreement the provision of which is defined 105359
as a sale under division (B)(7) of section 5739.01 of the Revised 105360
Code; 105361

(l) To use or consume the thing transferred in the production 105362
of a newspaper for distribution to the public; 105363

(m) To use tangible personal property to perform a service 105364
listed in division (B)(3) of section 5739.01 of the Revised Code, 105365
if the property is or is to be permanently transferred to the 105366
consumer of the service as an integral part of the performance of 105367
the service; 105368

(n) To use or consume the thing transferred primarily in producing tangible personal property for sale by farming, agriculture, horticulture, or floriculture. Persons engaged in rendering farming, agriculture, horticulture, or floriculture services for others are deemed engaged primarily in farming, agriculture, horticulture, or floriculture. This paragraph does not exempt from "retail sale" or "sales at retail" the sale of tangible personal property that is to be incorporated into a structure or improvement to real property.

(o) To use or consume the thing transferred in acquiring, formatting, editing, storing, and disseminating data or information by electronic publishing;

(p) To provide the thing transferred to the owner or lessee of a motor vehicle that is being repaired or serviced, if the thing transferred is a rented motor vehicle and the purchaser is reimbursed for the cost of the rented motor vehicle by a manufacturer, warrantor, or provider of a maintenance, service, or other similar contract or agreement, with respect to the motor vehicle that is being repaired or serviced.

As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.

(43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water, whether or not in combination with soap or other cleaning agents or wax, to the consumer for the consumer's use on the premises in washing, cleaning, or waxing a motor vehicle, provided no other personal property or personal service is provided as part of the transaction.

(44) Sales of replacement and modification parts for engines, airframes, instruments, and interiors in, and paint for, aircraft

used primarily in a fractional aircraft ownership program, and 105400
sales of services for the repair, modification, and maintenance of 105401
such aircraft, and machinery, equipment, and supplies primarily 105402
used to provide those services. 105403

(45) Sales of telecommunications service that is used 105404
directly and primarily to perform the functions of a call center. 105405
As used in this division, "call center" means any physical 105406
location where telephone calls are placed or received in high 105407
volume for the purpose of making sales, marketing, customer 105408
service, technical support, or other specialized business 105409
activity, and that employs at least fifty individuals that engage 105410
in call center activities on a full-time basis, or sufficient 105411
individuals to fill fifty full-time equivalent positions. 105412

(46) Sales by a telecommunications service vendor of 900 105413
service to a subscriber. This division does not apply to 105414
information services, as defined in division (FF) of section 105415
5739.01 of the Revised Code. 105416

(47) Sales of value-added non-voice data service. This 105417
division does not apply to any similar service that is not 105418
otherwise a telecommunications service. 105419

(48)(a) Sales of machinery, equipment, and software to a 105420
qualified direct selling entity for use in a warehouse or 105421
distribution center primarily for storing, transporting, or 105422
otherwise handling inventory that is held for sale to independent 105423
salespersons who operate as direct sellers and that is held 105424
primarily for distribution outside this state; 105425

(b) As used in division (B)(48)(a) of this section: 105426

(i) "Direct seller" means a person selling consumer products 105427
to individuals for personal or household use and not from a fixed 105428
retail location, including selling such product at in-home product 105429
demonstrations, parties, and other one-on-one selling. 105430

(ii) "Qualified direct selling entity" means an entity 105431
selling to direct sellers at the time the entity enters into a tax 105432
credit agreement with the tax credit authority pursuant to section 105433
122.17 of the Revised Code, provided that the agreement was 105434
entered into on or after January 1, 2007. Neither contingencies 105435
relevant to the granting of, nor later developments with respect 105436
to, the tax credit shall impair the status of the qualified direct 105437
selling entity under division (B)(48) of this section after 105438
execution of the tax credit agreement by the tax credit authority. 105439

(c) Division (B)(48) of this section is limited to machinery, 105440
equipment, and software first stored, used, or consumed in this 105441
state within the period commencing June 24, 2008, and ending on 105442
the date that is five years after that date. 105443

(49) Sales of materials, parts, equipment, or engines used in 105444
the repair or maintenance of aircraft or avionics systems of such 105445
aircraft, and sales of repair, remodeling, replacement, or 105446
maintenance services in this state performed on aircraft or on an 105447
aircraft's avionics, engine, or component materials or parts. As 105448
used in division (B)(49) of this section, "aircraft" means 105449
aircraft of more than six thousand pounds maximum certified 105450
takeoff weight or used exclusively in general aviation. 105451

(50) Sales of full flight simulators that are used for pilot 105452
or flight-crew training, sales of repair or replacement parts or 105453
components, and sales of repair or maintenance services for such 105454
full flight simulators. "Full flight simulator" means a replica of 105455
a specific type, or make, model, and series of aircraft cockpit. 105456
It includes the assemblage of equipment and computer programs 105457
necessary to represent aircraft operations in ground and flight 105458
conditions, a visual system providing an out-of-the-cockpit view, 105459
and a system that provides cues at least equivalent to those of a 105460
three-degree-of-freedom motion system, and has the full range of 105461
capabilities of the systems installed in the device as described 105462

in appendices A and B of part 60 of chapter 1 of title 14 of the Code of Federal Regulations. 105463
105464

(51) Any transfer or lease of tangible personal property between the state and JobsOhio in accordance with section 4313.02 of the Revised Code. 105465
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(52)(a) Sales to a qualifying corporation. 105468

(b) As used in division (B)(52) of this section: 105469

(i) "Qualifying corporation" means a nonprofit corporation organized in this state that leases from an eligible county land, buildings, structures, fixtures, and improvements to the land that are part of or used in a public recreational facility used by a major league professional athletic team or a class A to class AAA minor league affiliate of a major league professional athletic team for a significant portion of the team's home schedule, provided the following apply: 105470
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(I) The facility is leased from the eligible county pursuant to a lease that requires substantially all of the revenue from the operation of the business or activity conducted by the nonprofit corporation at the facility in excess of operating costs, capital expenditures, and reserves to be paid to the eligible county at least once per calendar year. 105478
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(II) Upon dissolution and liquidation of the nonprofit corporation, all of its net assets are distributable to the board of commissioners of the eligible county from which the corporation leases the facility. 105484
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(ii) "Eligible county" has the same meaning as in section 307.695 of the Revised Code. 105488
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(53) Sales to or by a cable service provider, video service provider, or radio or television broadcast station regulated by the federal government of cable service or programming, video 105490
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service or programming, audio service or programming, or 105493
electronically transferred digital audiovisual or audio work. As 105494
used in division (B)(53) of this section, "cable service" and 105495
"cable service provider" have the same meanings as in section 105496
1332.01 of the Revised Code, and "video service," "video service 105497
provider," and "video programming" have the same meanings as in 105498
section 1332.21 of the Revised Code. 105499

(54) Sales of forklifts to a qualifying business used 105500
primarily by that business for transporting completed manufactured 105501
products from the manufacturing facility in which those products 105502
were manufactured to a place from which those products will be 105503
transported from that facility. As used in division (B)(54) of 105504
this section: 105505

(a) "Qualifying business" means a person that is classified 105506
as being in the transportation and warehousing sector by the North 105507
American industrial classification system and that is primarily 105508
engaged in the business of transporting tangible personal property 105509
in trucks owned and operated by the person to destinations outside 105510
this state. 105511

(b) "Truck" has the same meaning as in section 4501.01 of the 105512
Revised Code. 105513

(c) "Completed product" and "manufacturing facility" have the 105514
same meanings as in section 5739.011 of the Revised Code. 105515

(C) For the purpose of the proper administration of this 105516
chapter, and to prevent the evasion of the tax, it is presumed 105517
that all sales made in this state are subject to the tax until the 105518
contrary is established. 105519

(D) The levy of this tax on retail sales of recreation and 105520
sports club service shall not prevent a municipal corporation from 105521
levying any tax on recreation and sports club dues or on any 105522
income generated by recreation and sports club dues. 105523

(E) The tax collected by the vendor from the consumer under 105524
this chapter is not part of the price, but is a tax collection for 105525
the benefit of the state, and of counties levying an additional 105526
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 105527
Code and of transit authorities levying an additional sales tax 105528
pursuant to section 5739.023 of the Revised Code. Except for the 105529
discount authorized under section 5739.12 of the Revised Code and 105530
the effects of any rounding pursuant to section 5703.055 of the 105531
Revised Code, no person other than the state or such a county or 105532
transit authority shall derive any benefit from the collection or 105533
payment of the tax levied by this section or section 5739.021, 105534
5739.023, or 5739.026 of the Revised Code. 105535

Sec. 5739.026. (A) A board of county commissioners may levy a 105536
tax of one-fourth or one-half of one per cent on every retail sale 105537
in the county, except sales of watercraft and outboard motors 105538
required to be titled pursuant to Chapter 1548. of the Revised 105539
Code and sales of motor vehicles, and may increase an existing 105540
rate of one-fourth of one per cent to one-half of one per cent, to 105541
pay the expenses of administering the tax and, except as provided 105542
in division (A)(6) of this section, for any one or more of the 105543
following purposes provided that the aggregate levy for all such 105544
purposes does not exceed one-half of one per cent: 105545

(1) To provide additional revenues for the payment of bonds 105546
or notes issued in anticipation of bonds issued by a convention 105547
facilities authority established by the board of county 105548
commissioners under Chapter 351. of the Revised Code and to 105549
provide additional operating revenues for the convention 105550
facilities authority; 105551

(2) To provide additional revenues for a transit authority 105552
operating in the county; 105553

(3) To provide additional revenue for the county's general 105554

fund; 105555

(4) To provide additional revenue for permanent improvements 105556
within the county to be distributed by the community improvements 105557
board in accordance with section 307.283 and to pay principal, 105558
interest, and premium on bonds issued under section 307.284 of the 105559
Revised Code; 105560

(5) To provide additional revenue for the acquisition, 105561
construction, equipping, or repair of any specific permanent 105562
improvement or any class or group of permanent improvements, which 105563
improvement or class or group of improvements shall be enumerated 105564
in the resolution required by division (D) of this section, and to 105565
pay principal, interest, premium, and other costs associated with 105566
the issuance of bonds or notes in anticipation of bonds issued 105567
pursuant to Chapter 133. of the Revised Code for the acquisition, 105568
construction, equipping, or repair of the specific permanent 105569
improvement or class or group of permanent improvements; 105570

(6) To provide revenue for the implementation and operation 105571
of a 9-1-1 system in the county. If the tax is levied or the rate 105572
increased exclusively for such purpose, the tax shall not be 105573
levied or the rate increased for more than five years. At the end 105574
of the last year the tax is levied or the rate increased, any 105575
balance remaining in the special fund established for such purpose 105576
shall remain in that fund and be used exclusively for such purpose 105577
until the fund is completely expended, and, notwithstanding 105578
section 5705.16 of the Revised Code, the board of county 105579
commissioners shall not petition for the transfer of money from 105580
such special fund, and the tax commissioner shall not approve such 105581
a petition. 105582

If the tax is levied or the rate increased for such purpose 105583
for more than five years, the board of county commissioners also 105584
shall levy the tax or increase the rate of the tax for one or more 105585
of the purposes described in divisions (A)(1) to (5) of this 105586

section and shall prescribe the method for allocating the revenues 105587
from the tax each year in the manner required by division (C) of 105588
this section. 105589

(7) To provide additional revenue for the operation or 105590
maintenance of a detention facility, as that term is defined under 105591
division (F) of section 2921.01 of the Revised Code; 105592

(8) To provide revenue to finance the construction or 105593
renovation of a sports facility, but only if the tax is levied for 105594
that purpose in the manner prescribed by section 5739.028 of the 105595
Revised Code. 105596

As used in division (A)(8) of this section: 105597

(a) "Sports facility" means a facility intended to house 105598
major league professional athletic teams. 105599

(b) "Constructing" or "construction" includes providing 105600
fixtures, furnishings, and equipment. 105601

(9) To provide additional revenue for the acquisition of 105602
agricultural easements, as defined in section 5301.67 of the 105603
Revised Code; to pay principal, interest, and premium on bonds 105604
issued under section 133.60 of the Revised Code; and for the 105605
supervision and enforcement of agricultural easements held by the 105606
county; 105607

(10) To provide revenue for the provision of ambulance, 105608
paramedic, or other emergency medical services; 105609

(11) To provide revenue for the operation of a lake 105610
facilities authority and the remediation of an impacted watershed 105611
by a lake facilities authority, as provided in Chapter 353. of the 105612
Revised Code. 105613

Pursuant to section 755.171 of the Revised Code, a board of 105614
county commissioners may pledge and contribute revenue from a tax 105615
levied for the purpose of division (A)(5) of this section to the 105616

payment of debt charges on bonds issued under section 755.17 of 105617
the Revised Code. 105618

The rate of tax shall be a multiple of one-fourth of one per 105619
cent, unless a portion of the rate of an existing tax levied under 105620
section 5739.023 of the Revised Code has been reduced, and the 105621
rate of tax levied under this section has been increased, pursuant 105622
to section 5739.028 of the Revised Code, in which case the 105623
aggregate of the rates of tax levied under this section and 105624
section 5739.023 of the Revised Code shall be a multiple of 105625
one-fourth of one per cent. The tax shall be levied and the rate 105626
increased pursuant to a resolution adopted by a majority of the 105627
members of the board. The board shall deliver a certified copy of 105628
the resolution to the tax commissioner, not later than the 105629
sixty-fifth day prior to the date on which the tax is to become 105630
effective, which shall be the first day of a calendar quarter. 105631

Prior to the adoption of any resolution to levy the tax or to 105632
increase the rate of tax exclusively for the purpose set forth in 105633
division (A)(3) of this section, the board of county commissioners 105634
shall conduct two public hearings on the resolution, the second 105635
hearing to be no fewer than three nor more than ten days after the 105636
first. Notice of the date, time, and place of the hearings shall 105637
be given by publication in a newspaper of general circulation in 105638
the county, or as provided in section 7.16 of the Revised Code, 105639
once a week on the same day of the week for two consecutive weeks. 105640
The second publication shall be no fewer than ten nor more than 105641
thirty days prior to the first hearing. Except as provided in 105642
division (E) of this section, the resolution shall be subject to a 105643
referendum as provided in sections 305.31 to 305.41 of the Revised 105644
Code. If the resolution is adopted as an emergency measure 105645
necessary for the immediate preservation of the public peace, 105646
health, or safety, it must receive an affirmative vote of all of 105647
the members of the board of county commissioners and shall state 105648

the reasons for the necessity. 105649

If the tax is for more than one of the purposes set forth in 105650
divisions (A)(1) to (7), (9), and (10) of this section, or is 105651
exclusively for one of the purposes set forth in division (A)(1), 105652
(2), (4), (5), (6), (7), (9), or (10) of this section, the 105653
resolution shall not go into effect unless it is approved by a 105654
majority of the electors voting on the question of the tax. 105655

(B) The board of county commissioners shall adopt a 105656
resolution under section 351.02 of the Revised Code creating the 105657
convention facilities authority, or under section 307.283 of the 105658
Revised Code creating the community improvements board, before 105659
adopting a resolution levying a tax for the purpose of a 105660
convention facilities authority under division (A)(1) of this 105661
section or for the purpose of a community improvements board under 105662
division (A)(4) of this section. 105663

(C)(1) If the tax is to be used for more than one of the 105664
purposes set forth in divisions (A)(1) to (7), (9), and (10) of 105665
this section, the board of county commissioners shall establish 105666
the method that will be used to determine the amount or proportion 105667
of the tax revenue received by the county during each year that 105668
will be distributed for each of those purposes, including, if 105669
applicable, provisions governing the reallocation of a convention 105670
facilities authority's allocation if the authority is dissolved 105671
while the tax is in effect. The allocation method may provide that 105672
different proportions or amounts of the tax shall be distributed 105673
among the purposes in different years, but it shall clearly 105674
describe the method that will be used for each year. Except as 105675
otherwise provided in division (C)(2) of this section, the 105676
allocation method established by the board is not subject to 105677
amendment during the life of the tax. 105678

(2) Subsequent to holding a public hearing on the proposed 105679
amendment, the board of county commissioners may amend the 105680

allocation method established under division (C)(1) of this 105681
section for any year, if the amendment is approved by the 105682
governing board of each entity whose allocation for the year would 105683
be reduced by the proposed amendment. In the case of a tax that is 105684
levied for a continuing period of time, the board may not so amend 105685
the allocation method for any year before the sixth year that the 105686
tax is in effect. 105687

(a) If the additional revenues provided to the convention 105688
facilities authority are pledged by the authority for the payment 105689
of convention facilities authority revenue bonds for as long as 105690
such bonds are outstanding, no reduction of the authority's 105691
allocation of the tax shall be made for any year except to the 105692
extent that the reduced authority allocation, when combined with 105693
the authority's other revenues pledged for that purpose, is 105694
sufficient to meet the debt service requirements for that year on 105695
such bonds. 105696

(b) If the additional revenues provided to the county are 105697
pledged by the county for the payment of bonds or notes described 105698
in division (A)(4) or (5) of this section, for as long as such 105699
bonds or notes are outstanding, no reduction of the county's or 105700
the community improvements board's allocation of the tax shall be 105701
made for any year, except to the extent that the reduced county or 105702
community improvements board allocation is sufficient to meet the 105703
debt service requirements for that year on such bonds or notes. 105704

(c) If the additional revenues provided to the transit 105705
authority are pledged by the authority for the payment of revenue 105706
bonds issued under section 306.37 of the Revised Code, for as long 105707
as such bonds are outstanding, no reduction of the authority's 105708
allocation of tax shall be made for any year, except to the extent 105709
that the authority's reduced allocation, when combined with the 105710
authority's other revenues pledged for that purpose, is sufficient 105711
to meet the debt service requirements for that year on such bonds. 105712

(d) If the additional revenues provided to the county are pledged by the county for the payment of bonds or notes issued under section 133.60 of the Revised Code, for so long as the bonds or notes are outstanding, no reduction of the county's allocation of the tax shall be made for any year, except to the extent that the reduced county allocation is sufficient to meet the debt service requirements for that year on the bonds or notes.

(D)(1) The resolution levying the tax or increasing the rate of tax shall state the rate of the tax or the rate of the increase; the purpose or purposes for which it is to be levied; the number of years for which it is to be levied or that it is for a continuing period of time; the allocation method required by division (C) of this section; and if required to be submitted to the electors of the county under division (A) of this section, the date of the election at which the proposal shall be submitted to the electors of the county, which shall be not less than ninety days after the certification of a copy of the resolution to the board of elections and, if the tax is to be levied exclusively for the purpose set forth in division (A)(3) of this section, shall not occur in ~~February~~ or August of any year. Upon certification of the resolution to the board of elections, the board of county commissioners shall notify the tax commissioner in writing of the levy question to be submitted to the electors. If approved by a majority of the electors, the tax shall become effective on the first day of a calendar quarter next following the sixty-fifth day following the date the board of county commissioners and tax commissioner receive from the board of elections the certification of the results of the election, except as provided in division (E) of this section.

(2)(a) A resolution specifying that the tax is to be used exclusively for the purpose set forth in division (A)(3) of this section that is not adopted as an emergency measure may direct the

board of elections to submit the question of levying the tax or 105745
increasing the rate of the tax to the electors of the county at a 105746
special election held on the date specified by the board of county 105747
commissioners in the resolution, provided that the election occurs 105748
not less than ninety days after the resolution is certified to the 105749
board of elections and the election is not held in ~~February or~~ 105750
August of any year. Upon certification of the resolution to the 105751
board of elections, the board of county commissioners shall notify 105752
the tax commissioner in writing of the levy question to be 105753
submitted to the electors. No resolution adopted under division 105754
(D)(2)(a) of this section shall go into effect unless approved by 105755
a majority of those voting upon it and, except as provided in 105756
division (E) of this section, not until the first day of a 105757
calendar quarter following the expiration of sixty-five days from 105758
the date the tax commissioner receives notice from the board of 105759
elections of the affirmative vote. 105760

(b) A resolution specifying that the tax is to be used 105761
exclusively for the purpose set forth in division (A)(3) of this 105762
section that is adopted as an emergency measure shall become 105763
effective as provided in division (A) of this section, but may 105764
direct the board of elections to submit the question of repealing 105765
the tax or increase in the rate of the tax to the electors of the 105766
county at the next general election in the county occurring not 105767
less than ninety days after the resolution is certified to the 105768
board of elections. Upon certification of the resolution to the 105769
board of elections, the board of county commissioners shall notify 105770
the tax commissioner in writing of the levy question to be 105771
submitted to the electors. The ballot question shall be the same 105772
as that prescribed in section 5739.022 of the Revised Code. The 105773
board of elections shall notify the board of county commissioners 105774
and the tax commissioner of the result of the election immediately 105775
after the result has been declared. If a majority of the qualified 105776
electors voting on the question of repealing the tax or increase 105777

in the rate of the tax vote for repeal of the tax or repeal of the 105778
increase, the board of county commissioners, on the first day of a 105779
calendar quarter following the expiration of sixty-five days after 105780
the date the board and tax commissioner received notice of the 105781
result of the election, shall, in the case of a repeal of the tax, 105782
cease to levy the tax, or, in the case of a repeal of an increase 105783
in the rate of the tax, cease to levy the increased rate and levy 105784
the tax at the rate at which it was imposed immediately prior to 105785
the increase in rate. 105786

(c) A board of county commissioners, by resolution, may 105787
reduce the rate of a tax levied exclusively for the purpose set 105788
forth in division (A)(3) of this section to a lower rate 105789
authorized by this section. Any such reduction shall be made 105790
effective on the first day of the calendar quarter next following 105791
the sixty-fifth day after the tax commissioner receives a 105792
certified copy of the resolution from the board. 105793

(E) If a vendor makes a sale in this state by printed catalog 105794
and the consumer computed the tax on the sale based on local rates 105795
published in the catalog, any tax levied or repealed or rate 105796
changed under this section shall not apply to such a sale until 105797
the first day of a calendar quarter following the expiration of 105798
one hundred twenty days from the date of notice by the tax 105799
commissioner pursuant to division (G) of this section. 105800

(F) The tax levied pursuant to this section shall be in 105801
addition to the tax levied by section 5739.02 of the Revised Code 105802
and any tax levied pursuant to section 5739.021 or 5739.023 of the 105803
Revised Code. 105804

A county that levies a tax pursuant to this section shall 105805
levy a tax at the same rate pursuant to section 5741.023 of the 105806
Revised Code. 105807

The additional tax levied by the county shall be collected 105808

pursuant to section 5739.025 of the Revised Code. 105809

Any tax levied pursuant to this section is subject to the 105810
exemptions provided in section 5739.02 of the Revised Code and in 105811
addition shall not be applicable to sales not within the taxing 105812
power of a county under the Constitution of the United States or 105813
the Ohio Constitution. 105814

(G) Upon receipt from a board of county commissioners of a 105815
certified copy of a resolution required by division (A) of this 105816
section, or from the board of elections a notice of the results of 105817
an election required by division (D)(1), (2)(a), (b), or (c) of 105818
this section, the tax commissioner shall provide notice of a tax 105819
rate change in a manner that is reasonably accessible to all 105820
affected vendors. The commissioner shall provide this notice at 105821
least sixty days prior to the effective date of the rate change. 105822
The commissioner, by rule, may establish the method by which 105823
notice will be provided. 105824

Sec. 5739.029. (A) Notwithstanding sections 5739.02, 105825
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 105826
5741.023 of the Revised Code, and except as otherwise provided in 105827
division (B) of this section, the tax due under this chapter on 105828
the sale of a motor vehicle required to be titled under Chapter 105829
4505. of the Revised Code by a motor vehicle dealer to a consumer 105830
that is a nonresident of this state shall be the lesser of the 105831
amount of tax that would be due under this chapter and Chapter 105832
5741. of the Revised Code if the total combined rate were six per 105833
cent, or the amount of tax that would be due to the state in which 105834
the consumer titles or registers the motor vehicle or to which the 105835
consumer removes the vehicle for use. 105836

(B) No tax is due under this section, any other section of 105837
this chapter, or Chapter 5741. of the Revised Code under any of 105838
the following circumstances: 105839

(1)(a) The consumer intends to immediately remove the motor vehicle from this state for use outside this state; 105840
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(b) Upon removal of the motor vehicle from this state, the consumer intends to title or register the vehicle in another state if such titling or registration is required; 105842
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(c) The consumer executes an affidavit as required under division (C) of this section affirming the consumer's intentions under divisions (B)(1)(a) and (b) of this section; and 105845
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(d) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use provides an exemption under circumstances substantially similar to those described in division (B)(1) of this section. 105848
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(2) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not provide a credit against its sales or use tax or similar excise tax for sales or use tax paid to this state. 105852
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(3) The state in which the consumer titles or registers the motor vehicle or to which the consumer removes the vehicle for use does not impose a sales or use tax or similar excise tax on the ownership or use of motor vehicles. 105856
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(C) Any nonresident consumer that purchases a motor vehicle from a motor vehicle dealer in this state under the circumstances described in divisions (B)(1)(a) and (b) of this section shall execute an affidavit affirming the intentions described in those divisions. The affidavit shall be executed in triplicate and in the form specified by the tax commissioner. The affidavit shall be given to the motor vehicle dealer. 105860
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A motor vehicle dealer that accepts in good faith an affidavit presented under this division by a nonresident consumer may rely upon the representations made in the affidavit. 105867
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(D) A motor vehicle dealer making a sale subject to the tax 105870
under division (A) of this section shall collect the tax due 105871
unless the sale is subject to the exception under division (B) of 105872
this section or unless the sale is not otherwise subject to taxes 105873
levied under sections 5739.02, 5739.021, 5739.023, 5739.026, 105874
5741.02, 5741.021, 5741.022, and 5741.023 of the Revised Code. In 105875
the case of a sale under the circumstances described in division 105876
(B)(1) of this section, the dealer shall retain one copy of the 105877
affidavit and file the original and the other copy with the clerk 105878
of the court of common pleas. If tax is due under division (A) of 105879
this section, the dealer shall remit the tax collected ~~to the~~ 105880
~~clerk at the time the dealer obtains the Ohio certificate of title~~ 105881
~~in the name of the consumer~~ as required under section 4505.06 of 105882
the Revised Code. The clerk shall forward the original affidavit 105883
to the tax commissioner in the manner prescribed by the 105884
commissioner. 105885

Unless a sale is excepted from taxation under division (B) of 105886
this section or the dealer makes an election under division (B)(5) 105887
of section 4505.06 of the Revised Code, upon receipt of an 105888
application for certificate of title a clerk of the court of 105889
common pleas shall collect the sales tax due under division (A) of 105890
this section. ~~The clerk shall~~ and remit the tax collected to the 105891
tax commissioner in the manner prescribed by the commissioner. 105892

(E) If a motor vehicle is purchased by a corporation 105893
described in division (B)(6) of section 5739.01 of the Revised 105894
Code, the state of residence of the consumer for the purposes of 105895
this section is the state of residence of the corporation's 105896
principal shareholder. 105897

(F) Any provision of this chapter or of Chapter 5741. of the 105898
Revised Code that is not inconsistent with this section applies to 105899
sales described in division (A) of this section. 105900

(G) As used in this section: 105901

(1) For the purposes of this section only, the sale or purchase of a motor vehicle does not include a lease or rental of a motor vehicle subject to division (A)(2) or (3) of section 5739.02 or division (A)(2) or (3) of section 5741.02 of the Revised Code;

(2) "State," except in reference to "this state," means any state, district, commonwealth, or territory of the United States and any province of Canada.

Sec. 5739.08. The levy of an excise tax on transactions by which lodging by a hotel is or is to be furnished to transient guests pursuant to section 5739.02 and division (B) of section 5739.01 of the Revised Code does not prevent any of the following:

(A) A municipal corporation or township from levying an excise tax for any lawful purpose not to exceed three per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests in addition to the tax levied by section 5739.02 of the Revised Code. If a municipal corporation or township repeals a tax imposed under division (A) of this section, and a county in which the municipal corporation or township has territory has a tax imposed under division (C) of section 5739.09 of the Revised Code in effect, the municipal corporation or township may not reimpose its tax as long as that county tax remains in effect. A municipal corporation or township in which a tax is levied under division (B)(2) of section 351.021 of the Revised Code may not increase the rate of its tax levied under division (A) of this section to any rate that would cause the total taxes levied under both of those divisions to exceed three per cent on any lodging transaction within the municipal corporation or township.

(B) A municipal corporation or a township from levying an additional excise tax not to exceed three per cent on such

transactions pursuant to division (B) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (A) of this section.

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(C) A county from levying an excise tax pursuant to division (A) of section 5739.09 of the Revised Code;

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(D) A county from levying an excise tax not to exceed three per cent of such transactions pursuant to division (C) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C) of this section.

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(E) A convention facilities authority, as defined in division (A) of section 351.01 of the Revised Code, from levying the excise taxes provided for in divisions (B) and (C) of section 351.021 of the Revised Code;

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(F) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (D) of section 5739.09 of the Revised Code. Such tax is in addition to any tax imposed under division (C) or (D) of this section.

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(G) A county from levying an excise tax not to exceed one and one-half per cent of such transactions pursuant to division (E) of section 5739.09 of the Revised Code. Such a tax is in addition to any tax imposed under division (C), (D), or (F) of this section.

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A tax levied by the legislative authority of a municipal corporation pursuant to this section on transactions by which lodging by a hotel is or is to be furnished to transient guests shall include transactions done by or through a provider of hotel intermediary services, as defined in section 5739.01 of the Revised Code, and shall be levied on the basis of the total price paid by the consumer for hotel lodging as advertised by the provider of hotel intermediary services.

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Sec. 5739.09. (A)(1) A board of county commissioners may, by

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resolution adopted by a majority of the members of the board, levy 105963
an excise tax not to exceed three per cent on transactions by 105964
which lodging by a hotel is or is to be furnished to transient 105965
guests. The board shall establish all regulations necessary to 105966
provide for the administration and allocation of the tax. The 105967
regulations may prescribe the time for payment of the tax, and may 105968
provide for the imposition of a penalty or interest, or both, for 105969
late payments, provided that the penalty does not exceed ten per 105970
cent of the amount of tax due, and the rate at which interest 105971
accrues does not exceed the rate per annum prescribed pursuant to 105972
section 5703.47 of the Revised Code. Except as provided in 105973
divisions (A)(2), (3), (4), (5), (6), ~~and (7), (8), (9), and (10)~~ 105974
of this section, the regulations shall provide, after deducting 105975
the real and actual costs of administering the tax, for the return 105976
to each municipal corporation or township that does not levy an 105977
excise tax on the transactions, a uniform percentage of the tax 105978
collected in the municipal corporation or in the unincorporated 105979
portion of the township from each transaction, not to exceed 105980
thirty-three and one-third per cent. The remainder of the revenue 105981
arising from the tax shall be deposited in a separate fund and 105982
shall be spent solely to make contributions to the convention and 105983
visitors' bureau operating within the county, including a pledge 105984
and contribution of any portion of the remainder pursuant to an 105985
agreement authorized by section 307.678 or 307.695 of the Revised 105986
Code, provided that if the board of county commissioners of an 105987
eligible county as defined in section 307.678 or 307.695 of the 105988
Revised Code adopts a resolution amending a resolution levying a 105989
tax under this division to provide that revenue from the tax shall 105990
be used by the board as described in either division (D) of 105991
section 307.678 or division (H) of section 307.695 of the Revised 105992
Code, the remainder of the revenue shall be used as described in 105993
the resolution making that amendment. Except as provided in 105994
division (A)(2), (3), (4), (5), (6), ~~or (7), (8), or (10)~~ or (H) 105995

of this section, on and after May 10, 1994, a board of county commissioners may not levy an excise tax pursuant to this division in any municipal corporation or township located wholly or partly within the county that has in effect an ordinance or resolution levying an excise tax pursuant to division (B) of this section. The board of a county that has levied a tax under division (C) of this section may, by resolution adopted within ninety days after July 15, 1985, by a majority of the members of the board, amend the resolution levying a tax under this division to provide for a portion of that tax to be pledged and contributed in accordance with an agreement entered into under section 307.695 of the Revised Code. A tax, any revenue from which is pledged pursuant to such an agreement, shall remain in effect at the rate at which it is imposed for the duration of the period for which the revenue from the tax has been so pledged.

The board of county commissioners of an eligible county as defined in section 307.695 of the Revised Code may, by resolution adopted by a majority of the members of the board, amend a resolution levying a tax under this division to provide that the revenue from the tax shall be used by the board as described in division (H) of section 307.695 of the Revised Code, in which case the tax shall remain in effect at the rate at which it was imposed for the duration of any agreement entered into by the board under section 307.695 of the Revised Code, the duration during which any securities issued by the board under that section are outstanding, or the duration of the period during which the board owns a project as defined in section 307.695 of the Revised Code, whichever duration is longest.

The board of county commissioners of an eligible county as defined in section 307.678 of the Revised Code may, by resolution, amend a resolution levying a tax under this division to provide that revenue from the tax, not to exceed five hundred thousand

dollars each year, may be used as described in division (D) of 106028
section 307.678 of the Revised Code. 106029

(2) A board of county commissioners that levies an excise tax 106030
under division (A)(1) of this section on June 30, 1997, at a rate 106031
of three per cent, and that has pledged revenue from the tax to an 106032
agreement entered into under section 307.695 of the Revised Code 106033
or, in the case of the board of county commissioners of an 106034
eligible county as defined in section 307.695 of the Revised Code, 106035
has amended a resolution levying a tax under division (C) of this 106036
section to provide that proceeds from the tax shall be used by the 106037
board as described in division (H) of section 307.695 of the 106038
Revised Code, may, at any time by a resolution adopted by a 106039
majority of the members of the board, amend the resolution levying 106040
a tax under division (A)(1) of this section to provide for an 106041
increase in the rate of that tax up to seven per cent on each 106042
transaction; to provide that revenue from the increase in the rate 106043
shall be used as described in division (H) of section 307.695 of 106044
the Revised Code or be spent solely to make contributions to the 106045
convention and visitors' bureau operating within the county to be 106046
used specifically for promotion, advertising, and marketing of the 106047
region in which the county is located; and to provide that the 106048
rate in excess of the three per cent levied under division (A)(1) 106049
of this section shall remain in effect at the rate at which it is 106050
imposed for the duration of the period during which any agreement 106051
is in effect that was entered into under section 307.695 of the 106052
Revised Code by the board of county commissioners levying a tax 106053
under division (A)(1) of this section, the duration of the period 106054
during which any securities issued by the board under division (I) 106055
of section 307.695 of the Revised Code are outstanding, or the 106056
duration of the period during which the board owns a project as 106057
defined in section 307.695 of the Revised Code, whichever duration 106058
is longest. The amendment also shall provide that no portion of 106059
that revenue need be returned to townships or municipal 106060

corporations as would otherwise be required under division (A)(1) 106061
of this section. 106062

(3) A board of county commissioners that levies a tax under 106063
division (A)(1) of this section on March 18, 1999, at a rate of 106064
three per cent may, by resolution adopted not later than 106065
forty-five days after March 18, 1999, amend the resolution levying 106066
the tax to provide for all of the following: 106067

(a) That the rate of the tax shall be increased by not more 106068
than an additional four per cent on each transaction; 106069

(b) That all of the revenue from the increase in the rate 106070
shall be pledged and contributed to a convention facilities 106071
authority established by the board of county commissioners under 106072
Chapter 351. of the Revised Code on or before November 15, 1998, 106073
and used to pay costs of constructing, maintaining, operating, and 106074
promoting a facility in the county, including paying bonds, or 106075
notes issued in anticipation of bonds, as provided by that 106076
chapter; 106077

(c) That no portion of the revenue arising from the increase 106078
in rate need be returned to municipal corporations or townships as 106079
otherwise required under division (A)(1) of this section; 106080

(d) That the increase in rate shall not be subject to 106081
diminution by initiative or referendum or by law while any bonds, 106082
or notes in anticipation of bonds, issued by the authority under 106083
Chapter 351. of the Revised Code to which the revenue is pledged, 106084
remain outstanding in accordance with their terms, unless 106085
provision is made by law or by the board of county commissioners 106086
for an adequate substitute therefor that is satisfactory to the 106087
trustee if a trust agreement secures the bonds. 106088

Division (A)(3) of this section does not apply to the board 106089
of county commissioners of any county in which a convention center 106090
or facility exists or is being constructed on November 15, 1998, 106091

or of any county in which a convention facilities authority levies 106092
a tax pursuant to section 351.021 of the Revised Code on that 106093
date. 106094

As used in division (A)(3) of this section, "cost" and 106095
"facility" have the same meanings as in section 351.01 of the 106096
Revised Code, and "convention center" has the same meaning as in 106097
section 307.695 of the Revised Code. 106098

(4)(a) A board of county commissioners that levies a tax 106099
under division (A)(1) of this section on June 30, 2002, at a rate 106100
of three per cent may, by resolution adopted not later than 106101
September 30, 2002, amend the resolution levying the tax to 106102
provide for all of the following: 106103

(i) That the rate of the tax shall be increased by not more 106104
than an additional three and one-half per cent on each 106105
transaction; 106106

(ii) That all of the revenue from the increase in rate shall 106107
be pledged and contributed to a convention facilities authority 106108
established by the board of county commissioners under Chapter 106109
351. of the Revised Code on or before May 15, 2002, and be used to 106110
pay costs of constructing, expanding, maintaining, operating, or 106111
promoting a convention center in the county, including paying 106112
bonds, or notes issued in anticipation of bonds, as provided by 106113
that chapter; 106114

(iii) That no portion of the revenue arising from the 106115
increase in rate need be returned to municipal corporations or 106116
townships as otherwise required under division (A)(1) of this 106117
section; 106118

(iv) That the increase in rate shall not be subject to 106119
diminution by initiative or referendum or by law while any bonds, 106120
or notes in anticipation of bonds, issued by the authority under 106121
Chapter 351. of the Revised Code to which the revenue is pledged, 106122

remain outstanding in accordance with their terms, unless 106123
provision is made by law or by the board of county commissioners 106124
for an adequate substitute therefor that is satisfactory to the 106125
trustee if a trust agreement secures the bonds. 106126

(b) Any board of county commissioners that, pursuant to 106127
division (A)(4)(a) of this section, has amended a resolution 106128
levying the tax authorized by division (A)(1) of this section may 106129
further amend the resolution to provide that the revenue referred 106130
to in division (A)(4)(a)(ii) of this section shall be pledged and 106131
contributed both to a convention facilities authority to pay the 106132
costs of constructing, expanding, maintaining, or operating one or 106133
more convention centers in the county, including paying bonds, or 106134
notes issued in anticipation of bonds, as provided in Chapter 351. 106135
of the Revised Code, and to a convention and visitors' bureau to 106136
pay the costs of promoting one or more convention centers in the 106137
county. 106138

As used in division (A)(4) of this section, "cost" has the 106139
same meaning as in section 351.01 of the Revised Code, and 106140
"convention center" has the same meaning as in section 307.695 of 106141
the Revised Code. 106142

(5)(a) As used in division (A)(5) of this section: 106143

(i) "Port authority" means a port authority created under 106144
Chapter 4582. of the Revised Code. 106145

(ii) "Port authority military-use facility" means port 106146
authority facilities on which or adjacent to which is located an 106147
installation of the armed forces of the United States, a reserve 106148
component thereof, or the national guard and at least part of 106149
which is made available for use, for consideration, by the armed 106150
forces of the United States, a reserve component thereof, or the 106151
national guard. 106152

(b) For the purpose of contributing revenue to pay operating 106153

expenses of a port authority that operates a port authority 106154
military-use facility, the board of county commissioners of a 106155
county that created, participated in the creation of, or has 106156
joined such a port authority may do one or both of the following: 106157

(i) Amend a resolution previously adopted under division 106158
(A)(1) of this section to designate some or all of the revenue 106159
from the tax levied under the resolution to be used for that 106160
purpose, notwithstanding that division; 106161

(ii) Amend a resolution previously adopted under division 106162
(A)(1) of this section to increase the rate of the tax by not more 106163
than an additional two per cent and use the revenue from the 106164
increase exclusively for that purpose. 106165

(c) If a board of county commissioners amends a resolution to 106166
increase the rate of a tax as authorized in division (A)(5)(b)(ii) 106167
of this section, the board also may amend the resolution to 106168
specify that the increase in rate of the tax does not apply to 106169
"hotels," as otherwise defined in section 5739.01 of the Revised 106170
Code, having fewer rooms used for the accommodation of guests than 106171
a number of rooms specified by the board. 106172

(6) A board of county commissioners of a county organized 106173
under a county charter adopted pursuant to Article X, Section 3, 106174
Ohio Constitution, and that levies an excise tax under division 106175
(A)(1) of this section at a rate of three per cent and levies an 106176
additional excise tax under division (E) of this section at a rate 106177
of one and one-half per cent may, by resolution adopted not later 106178
than January 1, 2008, by a majority of the members of the board, 106179
amend the resolution levying a tax under division (A)(1) of this 106180
section to provide for an increase in the rate of that tax by not 106181
more than an additional one per cent on transactions by which 106182
lodging by a hotel is or is to be furnished to transient guests. 106183
Notwithstanding divisions (A)(1) and (E) of this section, the 106184
resolution shall provide that all of the revenue from the increase 106185

in rate, after deducting the real and actual costs of 106186
administering the tax, shall be used to pay the costs of 106187
improving, expanding, equipping, financing, or operating a 106188
convention center by a convention and visitors' bureau in the 106189
county. The increase in rate shall remain in effect for the period 106190
specified in the resolution, not to exceed ten years. The increase 106191
in rate shall be subject to the regulations adopted under division 106192
(A)(1) of this section, except that the resolution may provide 106193
that no portion of the revenue from the increase in the rate shall 106194
be returned to townships or municipal corporations as would 106195
otherwise be required under that division. 106196

(7) Division (A)(7) of this section applies only to a county 106197
with a population greater than sixty-five thousand and less than 106198
seventy thousand according to the most recent federal decennial 106199
census and in which, on December 31, 2006, an excise tax is levied 106200
under division (A)(1) of this section at a rate not less than and 106201
not greater than three per cent, and in which the most recent 106202
increase in the rate of that tax was enacted or took effect in 106203
November 1984. 106204

The board of county commissioners of a county to which this 106205
division applies, by resolution adopted by a majority of the 106206
members of the board, may increase the rate of the tax by not more 106207
than one per cent on transactions by which lodging by a hotel is 106208
or is to be furnished to transient guests. The increase in rate 106209
shall be for the purpose of paying expenses deemed necessary by 106210
the convention and visitors' bureau operating in the county to 106211
promote travel and tourism. The increase in rate shall remain in 106212
effect for the period specified in the resolution, not to exceed 106213
twenty years, provided that the increase in rate may not continue 106214
beyond the time when the purpose for which the increase is levied 106215
ceases to exist. If revenue from the increase in rate is pledged 106216
to the payment of debt charges on securities, the increase in rate 106217

is not subject to diminution by initiative or referendum or by law 106218
for so long as the securities are outstanding, unless provision is 106219
made by law or by the board of county commissioners for an 106220
adequate substitute for that revenue that is satisfactory to the 106221
trustee if a trust agreement secures payment of the debt charges. 106222
The increase in rate shall be subject to the regulations adopted 106223
under division (A)(1) of this section, except that the resolution 106224
may provide that no portion of the revenue from the increase in 106225
the rate shall be returned to townships or municipal corporations 106226
as would otherwise be required under division (A)(1) of this 106227
section. A resolution adopted under division (A)(7) of this 106228
section is subject to referendum under sections 305.31 to 305.99 106229
of the Revised Code. 106230

(8)(a) Division (A)(8) of this section applies only to a 106231
county satisfying all of the following: 106232

(i) The population of the county is greater than one hundred 106233
seventy-five thousand and less than two hundred twenty-five 106234
thousand according to the most recent federal decennial census. 106235

(ii) An amusement park with an average yearly attendance in 106236
excess of two million guests is located in the county. 106237

(iii) On December 31, 2014, an excise tax was levied in the 106238
county under division (A)(1) of this section at a rate of three 106239
per cent. 106240

(b) The board of county commissioners of a county to which 106241
this division applies, by resolution adopted by a majority of the 106242
members of the board, may increase the rate of the tax by not more 106243
than one per cent on transactions by which lodging by a hotel is 106244
or is to be furnished to transient guests. The increase in rate 106245
shall be for the purpose of paying the costs of constructing and 106246
maintaining county-owned facilities designed to host sporting 106247
events and paying expenses deemed necessary by the convention and 106248

visitors' bureau operating in the county to promote travel and 106249
tourism with reference to the sports facilities. The increase in 106250
rate shall remain in effect for the period specified in the 106251
resolution. If revenue from the increase in rate is pledged to the 106252
payment of debt charges on securities, the increase in rate is not 106253
subject to diminution by initiative or referendum or by law for so 106254
long as the securities are outstanding, unless provision is made 106255
by law or by the board of county commissioners for an adequate 106256
substitute for that revenue that is satisfactory to the trustee if 106257
a trust agreement secures payment of the debt charges. The 106258
increase in rate shall be subject to the regulations adopted under 106259
division (A)(1) of this section, except that the resolution may 106260
provide that no portion of the revenue from the increase in the 106261
rate shall be returned to townships or municipal corporations as 106262
would otherwise be required under division (A)(1) of this section. 106263

(9) The board of county commissioners of a county with a 106264
population greater than seventy-five thousand and less than 106265
seventy-eight thousand, by resolution adopted by a majority of the 106266
members of the board not later than October 15, 2015, may increase 106267
the rate of the tax by not more than one per cent on transactions 106268
by which lodging by a hotel is or is to be furnished to transient 106269
guests. The increase in rate shall be for the purposes described 106270
in section 307.679 of the Revised Code or for the promotion of 106271
travel and tourism in the county, including travel and tourism to 106272
sports facilities. The increase in rate shall remain in effect for 106273
the period specified in the resolution and as necessary to fulfill 106274
the county's obligations under a cooperative agreement entered 106275
into under section 307.679 of the Revised Code. If the resolution 106276
is adopted by the board before the effective date of the enactment 106277
of this division but after that enactment becomes law, the 106278
increase in rate shall become effective beginning on the effective 106279
date of the enactment of this division. If revenue from the 106280
increase in rate is pledged to the payment of debt charges on 106281

securities, or to substitute for other revenues pledged to the 106282
payment of such debt, the increase in rate is not subject to 106283
diminution by initiative or referendum or by law for so long as 106284
the securities are outstanding, unless provision is made by law or 106285
by the board of county commissioners for an adequate substitute 106286
for that revenue that is satisfactory to the trustee if a trust 106287
agreement secures payment of the debt charges. The increase in 106288
rate shall be subject to the regulations adopted under division 106289
(A)(1) of this section, except that no portion of the revenue from 106290
the increase in the rate shall be returned to townships or 106291
municipal corporations as would otherwise be required under 106292
division (A)(1) of this section. 106293

(10) Division (A)(10) of this section applies only to 106294
counties satisfying either of the following: 106295

(a) A county that, on July 1, 2015, does not levy an excise 106296
tax under division (A)(1) of this section and that has a 106297
population of at least thirty-nine thousand but not more than 106298
forty thousand according to the 2010 federal decennial census; 106299

(b) A county that, on July 1, 2015, levies an excise tax 106300
under division (A)(1) of this section at a rate of three per cent 106301
and that has a population of at least seventy-one thousand but not 106302
more than seventy-five thousand according to 2010 federal 106303
decennial census. 106304

The board of county commissioners of a county to which 106305
division (A)(10) of this section applies, by resolution adopted by 106306
a majority of the members of the board, may levy an excise tax at 106307
a rate not to exceed three per cent on transactions by which 106308
lodging by a hotel is or is to be furnished to transient guests 106309
for the purpose of acquiring, constructing, equipping, or 106310
repairing permanent improvements, as defined in section 133.01 of 106311
the Revised Code. If the board does not levy a tax under division 106312
(A)(1) of this section, the board shall establish regulations 106313

necessary to provide for the administration of the tax, which may 106314
prescribe the time for payment of the tax and the imposition of 106315
penalty or interest subject to the limitations on penalty and 106316
interest provided in division (A)(1) of this section. No portion 106317
of the revenue shall be returned to townships or municipal 106318
corporations in the county unless otherwise provided by resolution 106319
of the board. The tax shall apply throughout the territory of the 106320
county, including in any township or municipal corporation levying 106321
an excise tax under division (B) of this section or division (A) 106322
of section 5739.08 of the Revised Code. The levy of the tax is 106323
subject to referendum as provided under section 305.31 of the 106324
Revised Code. 106325

The tax shall remain in effect for the period specified in 106326
the resolution. If revenue from the increase in rate is pledged to 106327
the payment of debt charges on securities, the increase in rate is 106328
not subject to diminution by initiative or referendum or by law 106329
for so long as the securities are outstanding unless provision is 106330
made by law or by the board for an adequate substitute for that 106331
revenue that is satisfactory to the trustee if a trust agreement 106332
secures payment of the debt charges. 106333

(B)(1) The legislative authority of a municipal corporation 106334
or the board of trustees of a township that is not wholly or 106335
partly located in a county that has in effect a resolution levying 106336
an excise tax pursuant to division (A)(1) of this section may, by 106337
ordinance or resolution, levy an excise tax not to exceed three 106338
per cent on transactions by which lodging by a hotel is or is to 106339
be furnished to transient guests. The legislative authority of the 106340
municipal corporation or the board of trustees of the township 106341
shall deposit at least fifty per cent of the revenue from the tax 106342
levied pursuant to this division into a separate fund, which shall 106343
be spent solely to make contributions to convention and visitors' 106344
bureaus operating within the county in which the municipal 106345

corporation or township is wholly or partly located, and the 106346
balance of that revenue shall be deposited in the general fund. 106347
The municipal corporation or township shall establish all 106348
regulations necessary to provide for the administration and 106349
allocation of the tax. The regulations may prescribe the time for 106350
payment of the tax, and may provide for the imposition of a 106351
penalty or interest, or both, for late payments, provided that the 106352
penalty does not exceed ten per cent of the amount of tax due, and 106353
the rate at which interest accrues does not exceed the rate per 106354
annum prescribed pursuant to section 5703.47 of the Revised Code. 106355
The levy of a tax under this division is in addition to any tax 106356
imposed on the same transaction by a municipal corporation or a 106357
township as authorized by division (A) of section 5739.08 of the 106358
Revised Code. 106359

(2)(a) The legislative authority of the most populous 106360
municipal corporation located wholly or partly in a county in 106361
which the board of county commissioners has levied a tax under 106362
division (A)(4) of this section may amend, on or before September 106363
30, 2002, that municipal corporation's ordinance or resolution 106364
that levies an excise tax on transactions by which lodging by a 106365
hotel is or is to be furnished to transient guests, to provide for 106366
all of the following: 106367

(i) That the rate of the tax shall be increased by not more 106368
than an additional one per cent on each transaction; 106369

(ii) That all of the revenue from the increase in rate shall 106370
be pledged and contributed to a convention facilities authority 106371
established by the board of county commissioners under Chapter 106372
351. of the Revised Code on or before May 15, 2002, and be used to 106373
pay costs of constructing, expanding, maintaining, operating, or 106374
promoting a convention center in the county, including paying 106375
bonds, or notes issued in anticipation of bonds, as provided by 106376
that chapter; 106377

(iii) That the increase in rate shall not be subject to 106378
diminution by initiative or referendum or by law while any bonds, 106379
or notes in anticipation of bonds, issued by the authority under 106380
Chapter 351. of the Revised Code to which the revenue is pledged, 106381
remain outstanding in accordance with their terms, unless 106382
provision is made by law, by the board of county commissioners, or 106383
by the legislative authority, for an adequate substitute therefor 106384
that is satisfactory to the trustee if a trust agreement secures 106385
the bonds. 106386

(b) The legislative authority of a municipal corporation 106387
that, pursuant to division (B)(2)(a) of this section, has amended 106388
its ordinance or resolution to increase the rate of the tax 106389
authorized by division (B)(1) of this section may further amend 106390
the ordinance or resolution to provide that the revenue referred 106391
to in division (B)(2)(a)(ii) of this section shall be pledged and 106392
contributed both to a convention facilities authority to pay the 106393
costs of constructing, expanding, maintaining, or operating one or 106394
more convention centers in the county, including paying bonds, or 106395
notes issued in anticipation of bonds, as provided in Chapter 351. 106396
of the Revised Code, and to a convention and visitors' bureau to 106397
pay the costs of promoting one or more convention centers in the 106398
county. 106399

As used in division (B)(2) of this section, "cost" has the 106400
same meaning as in section 351.01 of the Revised Code, and 106401
"convention center" has the same meaning as in section 307.695 of 106402
the Revised Code. 106403

(C) For the purposes described in section 307.695 of the 106404
Revised Code and to cover the costs of administering the tax, a 106405
board of county commissioners of a county where a tax imposed 106406
under division (A)(1) of this section is in effect may, by 106407
resolution adopted within ninety days after July 15, 1985, by a 106408
majority of the members of the board, levy an additional excise 106409

tax not to exceed three per cent on transactions by which lodging 106410
by a hotel is or is to be furnished to transient guests. The tax 106411
authorized by this division shall be in addition to any tax that 106412
is levied pursuant to division (A) of this section, but it shall 106413
not apply to transactions subject to a tax levied by a municipal 106414
corporation or township pursuant to the authorization granted by 106415
division (A) of section 5739.08 of the Revised Code. The board 106416
shall establish all regulations necessary to provide for the 106417
administration and allocation of the tax. The regulations may 106418
prescribe the time for payment of the tax, and may provide for the 106419
imposition of a penalty or interest, or both, for late payments, 106420
provided that the penalty does not exceed ten per cent of the 106421
amount of tax due, and the rate at which interest accrues does not 106422
exceed the rate per annum prescribed pursuant to section 5703.47 106423
of the Revised Code. All revenues arising from the tax shall be 106424
expended in accordance with section 307.695 of the Revised Code. 106425
The board of county commissioners of an eligible county as defined 106426
in section 307.695 of the Revised Code may, by resolution adopted 106427
by a majority of the members of the board, amend the resolution 106428
levying a tax under this division to provide that the revenue from 106429
the tax shall be used by the board as described in division (H) of 106430
section 307.695 of the Revised Code. A tax imposed under this 106431
division shall remain in effect at the rate at which it is imposed 106432
for the duration of the period during which any agreement entered 106433
into by the board under section 307.695 of the Revised Code is in 106434
effect, the duration of the period during which any securities 106435
issued by the board under division (I) of section 307.695 of the 106436
Revised Code are outstanding, or the duration of the period during 106437
which the board owns a project as defined in section 307.695 of 106438
the Revised Code, whichever duration is longest. 106439

(D) For the purpose of providing contributions under division 106440
(B)(1) of section 307.671 of the Revised Code to enable the 106441
acquisition, construction, and equipping of a port authority 106442

educational and cultural facility in the county and, to the extent 106443
provided for in the cooperative agreement authorized by that 106444
section, for the purpose of paying debt service charges on bonds, 106445
or notes in anticipation of bonds, described in division (B)(1)(b) 106446
of that section, a board of county commissioners, by resolution 106447
adopted within ninety days after December 22, 1992, by a majority 106448
of the members of the board, may levy an additional excise tax not 106449
to exceed one and one-half per cent on transactions by which 106450
lodging by a hotel is or is to be furnished to transient guests. 106451
The excise tax authorized by this division shall be in addition to 106452
any tax that is levied pursuant to divisions (A), (B), and (C) of 106453
this section, to any excise tax levied pursuant to section 5739.08 106454
of the Revised Code, and to any excise tax levied pursuant to 106455
section 351.021 of the Revised Code. The board of county 106456
commissioners shall establish all regulations necessary to provide 106457
for the administration and allocation of the tax that are not 106458
inconsistent with this section or section 307.671 of the Revised 106459
Code. The regulations may prescribe the time for payment of the 106460
tax, and may provide for the imposition of a penalty or interest, 106461
or both, for late payments, provided that the penalty does not 106462
exceed ten per cent of the amount of tax due, and the rate at 106463
which interest accrues does not exceed the rate per annum 106464
prescribed pursuant to section 5703.47 of the Revised Code. All 106465
revenues arising from the tax shall be expended in accordance with 106466
section 307.671 of the Revised Code and division (D) of this 106467
section. The levy of a tax imposed under this division may not 106468
commence prior to the first day of the month next following the 106469
execution of the cooperative agreement authorized by section 106470
307.671 of the Revised Code by all parties to that agreement. The 106471
tax shall remain in effect at the rate at which it is imposed for 106472
the period of time described in division (C) of section 307.671 of 106473
the Revised Code for which the revenue from the tax has been 106474
pledged by the county to the corporation pursuant to that section, 106475

but, to any extent provided for in the cooperative agreement, for 106476
no lesser period than the period of time required for payment of 106477
the debt service charges on bonds, or notes in anticipation of 106478
bonds, described in division (B)(1)(b) of that section. 106479

(E) For the purpose of paying the costs of acquiring, 106480
constructing, equipping, and improving a municipal educational and 106481
cultural facility, including debt service charges on bonds 106482
provided for in division (B) of section 307.672 of the Revised 106483
Code, and for any additional purposes determined by the county in 106484
the resolution levying the tax or amendments to the resolution, 106485
including subsequent amendments providing for paying costs of 106486
acquiring, constructing, renovating, rehabilitating, equipping, 106487
and improving a port authority educational and cultural performing 106488
arts facility, as defined in section 307.674 of the Revised Code, 106489
and including debt service charges on bonds provided for in 106490
division (B) of section 307.674 of the Revised Code, the 106491
legislative authority of a county, by resolution adopted within 106492
ninety days after June 30, 1993, by a majority of the members of 106493
the legislative authority, may levy an additional excise tax not 106494
to exceed one and one-half per cent on transactions by which 106495
lodging by a hotel is or is to be furnished to transient guests. 106496
The excise tax authorized by this division shall be in addition to 106497
any tax that is levied pursuant to divisions (A), (B), (C), and 106498
(D) of this section, to any excise tax levied pursuant to section 106499
5739.08 of the Revised Code, and to any excise tax levied pursuant 106500
to section 351.021 of the Revised Code. The legislative authority 106501
of the county shall establish all regulations necessary to provide 106502
for the administration and allocation of the tax. The regulations 106503
may prescribe the time for payment of the tax, and may provide for 106504
the imposition of a penalty or interest, or both, for late 106505
payments, provided that the penalty does not exceed ten per cent 106506
of the amount of tax due, and the rate at which interest accrues 106507
does not exceed the rate per annum prescribed pursuant to section 106508

5703.47 of the Revised Code. All revenues arising from the tax 106509
shall be expended in accordance with section 307.672 of the 106510
Revised Code and this division. The levy of a tax imposed under 106511
this division shall not commence prior to the first day of the 106512
month next following the execution of the cooperative agreement 106513
authorized by section 307.672 of the Revised Code by all parties 106514
to that agreement. The tax shall remain in effect at the rate at 106515
which it is imposed for the period of time determined by the 106516
legislative authority of the county. That period of time shall not 106517
exceed fifteen years, except that the legislative authority of a 106518
county with a population of less than two hundred fifty thousand 106519
according to the most recent federal decennial census, by 106520
resolution adopted by a majority of its members before the 106521
original tax expires, may extend the duration of the tax for an 106522
additional period of time. The additional period of time by which 106523
a legislative authority extends a tax levied under this division 106524
shall not exceed fifteen years. 106525

(F) The legislative authority of a county that has levied a 106526
tax under division (E) of this section may, by resolution adopted 106527
within one hundred eighty days after January 4, 2001, by a 106528
majority of the members of the legislative authority, amend the 106529
resolution levying a tax under that division to provide for the 106530
use of the proceeds of that tax, to the extent that it is no 106531
longer needed for its original purpose as determined by the 106532
parties to a cooperative agreement amendment pursuant to division 106533
(D) of section 307.672 of the Revised Code, to pay costs of 106534
acquiring, constructing, renovating, rehabilitating, equipping, 106535
and improving a port authority educational and cultural performing 106536
arts facility, including debt service charges on bonds provided 106537
for in division (B) of section 307.674 of the Revised Code, and to 106538
pay all obligations under any guaranty agreements, reimbursement 106539
agreements, or other credit enhancement agreements described in 106540
division (C) of section 307.674 of the Revised Code. The 106541

resolution may also provide for the extension of the tax at the 106542
same rate for the longer of the period of time determined by the 106543
legislative authority of the county, but not to exceed an 106544
additional twenty-five years, or the period of time required to 106545
pay all debt service charges on bonds provided for in division (B) 106546
of section 307.672 of the Revised Code and on port authority 106547
revenue bonds provided for in division (B) of section 307.674 of 106548
the Revised Code. All revenues arising from the amendment and 106549
extension of the tax shall be expended in accordance with section 106550
307.674 of the Revised Code, this division, and division (E) of 106551
this section. 106552

(G) For purposes of a tax levied by a county, township, or 106553
municipal corporation under this section or section 5739.08 of the 106554
Revised Code, a board of county commissioners, board of township 106555
trustees, or the legislative authority of a municipal corporation 106556
may adopt a resolution or ordinance at any time specifying that 106557
"hotel," as otherwise defined in section 5739.01 of the Revised 106558
Code, includes the following: 106559

(1) Establishments in which fewer than five rooms are used 106560
for the accommodation of guests. 106561

(2) Establishments at which rooms are used for the 106562
accommodation of guests regardless of whether each room is 106563
accessible through its own keyed entry or several rooms are 106564
accessible through the same keyed entry; and, in determining the 106565
number of rooms, all rooms are included regardless of the number 106566
of structures in which the rooms are situated or the number of 106567
parcels of land on which the structures are located if the 106568
structures are under the same ownership and the structures are not 106569
identified in advertisements of the accommodations as distinct 106570
establishments. For the purposes of division (G)(2) of this 106571
section, two or more structures are under the same ownership if 106572
they are owned by the same person, or if they are owned by two or 106573

more persons the majority of the ownership interests of which are 106574
owned by the same person. 106575

The resolution or ordinance may apply to a tax imposed 106576
pursuant to this section prior to the adoption of the resolution 106577
or ordinance if the resolution or ordinance so states, but the tax 106578
shall not apply to transactions by which lodging by such an 106579
establishment is provided to transient guests prior to the 106580
adoption of the resolution or ordinance. 106581

(H)(1) As used in this division: 106582

(a) "Convention facilities authority" has the same meaning as 106583
in section 351.01 of the Revised Code. 106584

(b) "Convention center" has the same meaning as in section 106585
307.695 of the Revised Code. 106586

(2) Notwithstanding any contrary provision of division (D) of 106587
this section, the legislative authority of a county with a 106588
population of one million or more according to the most recent 106589
federal decennial census that has levied a tax under division (D) 106590
of this section may, by resolution adopted by a majority of the 106591
members of the legislative authority, provide for the extension of 106592
such levy and may provide that the proceeds of that tax, to the 106593
extent that they are no longer needed for their original purpose 106594
as defined by a cooperative agreement entered into under section 106595
307.671 of the Revised Code, shall be deposited into the county 106596
general revenue fund. The resolution shall provide for the 106597
extension of the tax at a rate not to exceed the rate specified in 106598
division (D) of this section for a period of time determined by 106599
the legislative authority of the county, but not to exceed an 106600
additional forty years. 106601

(3) The legislative authority of a county with a population 106602
of one million or more that has levied a tax under division (A)(1) 106603
of this section may, by resolution adopted by a majority of the 106604

members of the legislative authority, increase the rate of the tax 106605
levied by such county under division (A)(1) of this section to a 106606
rate not to exceed five per cent on transactions by which lodging 106607
by a hotel is or is to be furnished to transient guests. 106608
Notwithstanding any contrary provision of division (A)(1) of this 106609
section, the resolution may provide that all collections resulting 106610
from the rate levied in excess of three per cent, after deducting 106611
the real and actual costs of administering the tax, shall be 106612
deposited in the county general fund. 106613

(4) The legislative authority of a county with a population 106614
of one million or more that has levied a tax under division (A)(1) 106615
of this section may, by resolution adopted on or before August 30, 106616
2004, by a majority of the members of the legislative authority, 106617
provide that all or a portion of the proceeds of the tax levied 106618
under division (A)(1) of this section, after deducting the real 106619
and actual costs of administering the tax and the amounts required 106620
to be returned to townships and municipal corporations with 106621
respect to the first three per cent levied under division (A)(1) 106622
of this section, shall be deposited in the county general fund, 106623
provided that such proceeds shall be used to satisfy any pledges 106624
made in connection with an agreement entered into under section 106625
307.695 of the Revised Code. 106626

(5) No amount collected from a tax levied, extended, or 106627
required to be deposited in the county general fund under division 106628
(H) of this section shall be contributed to a convention 106629
facilities authority, corporation, or other entity created after 106630
July 1, 2003, for the principal purpose of constructing, 106631
improving, expanding, equipping, financing, or operating a 106632
convention center unless the mayor of the municipal corporation in 106633
which the convention center is to be operated by that convention 106634
facilities authority, corporation, or other entity has consented 106635
to the creation of that convention facilities authority, 106636

corporation, or entity. Notwithstanding any contrary provision of 106637
section 351.04 of the Revised Code, if a tax is levied by a county 106638
under division (H) of this section, the board of county 106639
commissioners of that county may determine the manner of 106640
selection, the qualifications, the number, and terms of office of 106641
the members of the board of directors of any convention facilities 106642
authority, corporation, or other entity described in division 106643
(H)(5) of this section. 106644

(6)(a) No amount collected from a tax levied, extended, or 106645
required to be deposited in the county general fund under division 106646
(H) of this section may be used for any purpose other than paying 106647
the direct and indirect costs of constructing, improving, 106648
expanding, equipping, financing, or operating a convention center 106649
and for the real and actual costs of administering the tax, 106650
unless, prior to the adoption of the resolution of the legislative 106651
authority of the county authorizing the levy, extension, increase, 106652
or deposit, the county and the mayor of the most populous 106653
municipal corporation in that county have entered into an 106654
agreement as to the use of such amounts, provided that such 106655
agreement has been approved by a majority of the mayors of the 106656
other municipal corporations in that county. The agreement shall 106657
provide that the amounts to be used for purposes other than paying 106658
the convention center or administrative costs described in 106659
division (H)(6)(a) of this section be used only for the direct and 106660
indirect costs of capital improvements, including the financing of 106661
capital improvements. 106662

(b) If the county in which the tax is levied has an 106663
association of mayors and city managers, the approval of that 106664
association of an agreement described in division (H)(6)(a) of 106665
this section shall be considered to be the approval of the 106666
majority of the mayors of the other municipal corporations for 106667
purposes of that division. 106668

(7) Each year, the auditor of state shall conduct an audit of the uses of any amounts collected from taxes levied, extended, or deposited under division (H) of this section and shall prepare a report of the auditor of state's findings. The auditor of state shall submit the report to the legislative authority of the county that has levied, extended, or deposited the tax, the speaker of the house of representatives, the president of the senate, and the leaders of the minority parties of the house of representatives and the senate.

(I)(1) As used in this division:

(a) "Convention facilities authority" has the same meaning as in section 351.01 of the Revised Code.

(b) "Convention center" has the same meaning as in section 307.695 of the Revised Code.

(2) Notwithstanding any contrary provision of division (D) of this section, the legislative authority of a county with a population of one million two hundred thousand or more according to the most recent federal decennial census or the most recent annual population estimate published or released by the United States census bureau at the time the resolution is adopted placing the levy on the ballot, that has levied a tax under division (D) of this section may, by resolution adopted by a majority of the members of the legislative authority, provide for the extension of such levy and may provide that the proceeds of that tax, to the extent that the proceeds are no longer needed for their original purpose as defined by a cooperative agreement entered into under section 307.671 of the Revised Code and after deducting the real and actual costs of administering the tax, shall be used for paying the direct and indirect costs of constructing, improving, expanding, equipping, financing, or operating a convention center. The resolution shall provide for the extension of the tax at a rate not to exceed the rate specified in division (D) of this

section for a period of time determined by the legislative 106701
authority of the county, but not to exceed an additional forty 106702
years. 106703

(3) The legislative authority of a county with a population 106704
of one million two hundred thousand or more that has levied a tax 106705
under division (A)(1) of this section may, by resolution adopted 106706
by a majority of the members of the legislative authority, 106707
increase the rate of the tax levied by such county under division 106708
(A)(1) of this section to a rate not to exceed five per cent on 106709
transactions by which lodging by a hotel is or is to be furnished 106710
to transient guests. Notwithstanding any contrary provision of 106711
division (A)(1) of this section, the resolution shall provide that 106712
all collections resulting from the rate levied in excess of three 106713
per cent, after deducting the real and actual costs of 106714
administering the tax, shall be used for paying the direct and 106715
indirect costs of constructing, improving, expanding, equipping, 106716
financing, or operating a convention center. 106717

(4) The legislative authority of a county with a population 106718
of one million two hundred thousand or more that has levied a tax 106719
under division (A)(1) of this section may, by resolution adopted 106720
on or before July 1, 2008, by a majority of the members of the 106721
legislative authority, provide that all or a portion of the 106722
proceeds of the tax levied under division (A)(1) of this section, 106723
after deducting the real and actual costs of administering the tax 106724
and the amounts required to be returned to townships and municipal 106725
corporations with respect to the first three per cent levied under 106726
division (A)(1) of this section, shall be used to satisfy any 106727
pledges made in connection with an agreement entered into under 106728
section 307.695 of the Revised Code or shall otherwise be used for 106729
paying the direct and indirect costs of constructing, improving, 106730
expanding, equipping, financing, or operating a convention center. 106731

(5) Any amount collected from a tax levied or extended under 106732

division (I) of this section may be contributed to a convention 106733
facilities authority created before July 1, 2005, but no amount 106734
collected from a tax levied or extended under division (I) of this 106735
section may be contributed to a convention facilities authority, 106736
corporation, or other entity created after July 1, 2005, unless 106737
the mayor of the municipal corporation in which the convention 106738
center is to be operated by that convention facilities authority, 106739
corporation, or other entity has consented to the creation of that 106740
convention facilities authority, corporation, or entity. 106741

(J)(1) Except as provided in division (J)(2) of this section, 106742
money collected by a county and distributed under this section to 106743
a convention and visitors' bureau in existence as of June 30, 106744
2013, the effective date of H.B. 59 of the 130th general assembly, 106745
except for any such money pledged, as of that effective date, to 106746
the payment of debt service charges on bonds, notes, securities, 106747
or lease agreements, shall be used solely for tourism sales, 106748
marketing and promotion, and their associated costs, including, 106749
but not limited to, operational and administrative costs of the 106750
bureau, sales and marketing, and maintenance of the physical 106751
bureau structure. 106752

(2) A convention and visitors' bureau that has entered into 106753
an agreement under section 307.678 of the Revised Code may use 106754
revenue it receives from a tax levied under division (A)(1) of 106755
this section as described in division (D) of section 307.678 of 106756
the Revised Code. 106757

(K) The board of county commissioners of a county with a 106758
population between one hundred three thousand and one hundred 106759
seven thousand according to the most recent federal decennial 106760
census, by resolution adopted by a majority of the members of the 106761
board within six months after September 15, 2014, the effective 106762
date of H.B. 483 of the 130th general assembly, may levy a tax not 106763
to exceed three per cent on transactions by which a hotel is or is 106764

to be furnished to transient guests. The purpose of the tax shall 106765
be to pay the costs of expanding, maintaining, or operating a 106766
soldiers' memorial and the costs of administering the tax. All 106767
revenue arising from the tax shall be credited to one or more 106768
special funds in the county treasury and shall be spent solely for 106769
the purposes of paying those costs. The board of county 106770
commissioners shall adopt all rules necessary to provide for the 106771
administration of the tax subject to the same limitations on 106772
imposing penalty or interest under division (A)(1) of this 106773
section. 106774

As used in this division "soldiers' memorial" means a 106775
memorial constructed and funded under Chapter 345. of the Revised 106776
Code. 106777

(L) A board of county commissioners of an eligible county, by 106778
resolution adopted by a majority of the members of the board, may 106779
levy an excise tax at the rate of up to three per cent on 106780
transactions by which lodging by a hotel is or is to be furnished 106781
to transient guests for the purpose of paying the costs of 106782
permanent improvements at sites at which one or more agricultural 106783
societies conduct fairs or exhibits, paying the costs of 106784
maintaining or operating such permanent improvements, and paying 106785
the costs of administering the tax. A resolution adopted under 106786
this division shall direct the board of elections to submit the 106787
question of the proposed lodging tax to the electors of the county 106788
at a special election held on the date specified by the board in 106789
the resolution, provided that the election occurs not less than 106790
ninety days after a certified copy of the resolution is 106791
transmitted to the board of elections. A resolution submitted to 106792
the electors under this division shall not go into effect unless 106793
it is approved by a majority of those voting upon it. The 106794
resolution takes effect on the date the board of county 106795
commissioners receives notification from the board of elections of 106796

an affirmative vote. 106797

The tax shall remain in effect for the period specified in 106798
the resolution, not to exceed five years. All revenue arising from 106799
the tax shall be credited to one or more special funds in the 106800
county treasury and shall be spent solely for the purposes of 106801
paying the costs of such permanent improvements and maintaining or 106802
operating the improvements. Revenue allocated for the use of a 106803
county agricultural society may be credited to the county 106804
agricultural society fund created in section 1711.16 of the 106805
Revised Code upon appropriation by the board. If revenue is 106806
credited to that fund, it shall be expended only as provided in 106807
that section. 106808

The board of county commissioners shall adopt all rules 106809
necessary to provide for the administration of the tax. The rules 106810
may prescribe the time for payment of the tax, and may provide for 106811
the imposition or penalty or interest, or both, for late payments, 106812
provided that the penalty does not exceed ten per cent of the 106813
amount of tax due, and the rate at which interest accrues does not 106814
exceed the rate per annum prescribed in section 5703.47 of the 106815
Revised Code. 106816

As used in this division, "eligible county" means a county in 106817
which a county agricultural society or independent agricultural 106818
society is organized under section 1711.01 or 1711.02 of the 106819
Revised Code, provided the agricultural society owns a facility or 106820
site in the county at which an annual harness horse race is 106821
conducted where one-day attendance equals at least forty thousand 106822
attendees. 106823

(M) As used in this division, "eligible county" means a 106824
county in which a tax is levied under division (A) of this section 106825
at a rate of three per cent and whose territory includes a part of 106826
Lake Erie the shoreline of which represents at least fifty per 106827
cent of the linear length of the county's border with other 106828

counties of this state. 106829

The board of county commissioners of an eligible county that 106830
has entered into an agreement with a port authority in the county 106831
under section 4582.56 of the Revised Code may levy an additional 106832
lodging tax on transactions by which lodging by a hotel is or is 106833
to be furnished to transient guests for the purpose of financing 106834
lakeshore improvement projects constructed or financed by the port 106835
authority under that section. The resolution levying the tax shall 106836
specify the purpose of the tax, the rate of the tax, which shall 106837
not exceed two per cent, and the number of years the tax will be 106838
levied or that it will be levied for a continuing period of time. 106839
The tax shall be administered pursuant to the regulations adopted 106840
by the board under division (A) of this section, except that all 106841
the proceeds of the tax levied under this division shall be 106842
pledged to the payment of the costs, including debt charges, of 106843
lakeshore improvements undertaken by a port authority pursuant to 106844
the agreement under section 4582.56 of the Revised Code. No 106845
revenue from the tax may be used to pay the current expenses of 106846
the port authority. 106847

A resolution levying a tax under this division is subject to 106848
referendum under sections 305.31 to 305.41 and 305.99 of the 106849
Revised Code. 106850

(N) A tax levied by a county, township, or municipal 106851
corporation under this section on transactions by which lodging by 106852
a hotel is or is to be furnished to transient guests shall include 106853
transactions done by or through a provider of hotel intermediary 106854
services, as defined in section 5739.01 of the Revised Code, and 106855
shall be levied on the basis of the total price paid by the 106856
consumer for hotel lodging as advertised by the provider of hotel 106857
intermediary services. 106858

Sec. 5739.101. (A) The legislative authority of a municipal 106859

corporation, by ordinance or resolution, or of a township, by 106860
resolution, may declare the municipal corporation or township to 106861
be a resort area for the purposes of this section, if all of the 106862
following criteria are met: 106863

(1) According to statistics published by the federal 106864
government based on data compiled during the most recent decennial 106865
census of the United States, at least sixty-two per cent of total 106866
housing units in the municipal corporation or township are 106867
classified as "for seasonal, recreational, or occasional use"; 106868

(2) Entertainment and recreation facilities are provided 106869
within the municipal corporation or township that are primarily 106870
intended to provide seasonal leisure time activities for persons 106871
other than permanent residents of the municipal corporation or 106872
township; 106873

(3) The municipal corporation or township experiences 106874
seasonal peaks of employment and demand for government services as 106875
a direct result of the seasonal population increase. 106876

(B) For the purpose of providing revenue for its general 106877
fund, the legislative authority of a municipal corporation or 106878
township, in its ordinance or resolution declaring itself a resort 106879
area under this section, may levy a tax on the privilege of 106880
engaging in the business of either of the following: 106881

(1) Making sales in the municipal corporation or township, 106882
whether wholesale or retail, but including sales of food only to 106883
the extent such sales are subject to the tax levied under section 106884
5739.02 of the Revised Code; 106885

(2) Intrastate transportation of passengers or property 106886
primarily to or from the municipal corporation or township by a 106887
railroad, watercraft, or motor vehicle subject to regulation by 106888
the public utilities commission, except not including 106889
transportation of passengers as part of a tour or cruise in which 106890

the passengers will stay in the municipal corporation or township 106891
for no more than one hour. 106892

The tax is imposed upon and shall be paid by the person 106893
making the sales or transporting the passengers or property. The 106894
rate of the tax shall be one-half, one, or one and one-half per 106895
cent of the person's gross receipts derived from making the sales 106896
or transporting the passengers or property to or from the 106897
municipal corporation or township. 106898

(C) The tax For the purpose of fostering and developing 106899
tourism in a tourism development district designated under section 106900
503.56 or 715.014 of the Revised Code, the legislative authority 106901
of a municipal corporation or township, by ordinance or resolution 106902
adopted on or before December 31, 2018, may levy a tax on the 106903
privilege of engaging in the business of making sales in the 106904
tourism development district, whether wholesale or retail, but 106905
including sales of food only to the extent such sales are subject 106906
to the tax levied under section 5739.02 of the Revised Code. 106907

The tax is imposed upon and shall be paid by the person 106908
making the sales. The rate of the tax shall be one-half, one, one 106909
and one-half, or two per cent of the person's gross receipts 106910
derived from making the sales in the tourism development district. 106911

(D) A tax levied under division (B) or (C) of this section 106912
shall take effect on the first day of the month that begins at 106913
least sixty days after the effective date of the ordinance or 106914
resolution ~~in~~ by which it is levied. The legislative authority 106915
shall certify copies of the ordinance or resolution to the tax 106916
commissioner and treasurer of state within five days after its 106917
adoption. In addition, one time each week during the two weeks 106918
following the adoption of the ordinance or resolution, the 106919
legislative authority shall cause to be published in a newspaper 106920
of general circulation in the municipal corporation or township, 106921
or as provided in section 7.16 of the Revised Code, a notice 106922

explaining the tax and stating the rate of the tax, the date it 106923
will take effect, and that persons subject to the tax must 106924
register with the tax commissioner under section 5739.103 of the 106925
Revised Code. 106926

~~(D)~~(E) No more than once a year, and subject to the rates 106927
prescribed in division (B) or (C) of this section, the legislative 106928
authority of the municipal corporation or township, by ordinance 106929
or resolution, may increase or decrease the rate of a tax levied 106930
under this section. The legislative authority, by ordinance or 106931
resolution, at any time may repeal such a tax. The legislative 106932
authority shall certify to the tax commissioner and treasurer of 106933
state copies of the ordinance or resolution repealing or changing 106934
the rate of the tax within five days after its adoption. In 106935
addition, one time each week during the two weeks following the 106936
adoption of the ordinance or resolution, the legislative authority 106937
shall cause to be published in a newspaper of general circulation 106938
in the municipal corporation or township, or as provided in 106939
section 7.16 of the Revised Code, notice of the repeal or change. 106940

(F) A person may separately or proportionately bill or 106941
invoice a tax levied pursuant to division (B) or (C) of this 106942
section to another person. 106943

Sec. 5739.102. A person who is liable for a tax levied under 106944
section 5739.101 of the Revised Code shall file a return with the 106945
tax commissioner showing the person's taxable gross receipts from 106946
sales described under division (B)(1) or (2) or (C) of that 106947
section. The tax commissioner shall prescribe the form of the 106948
return, and the six- or twelve-month reporting period. The person 106949
shall file the return on or before the last day of the month 106950
following the end of the reporting period prescribed by the 106951
commissioner, and shall include with the return payment of the tax 106952
for the period. The remittance shall be made payable to the 106953

treasurer of state. 106954

Upon receipt of a return, the tax commissioner shall credit 106955
any money included with it to the resort area excise tax fund, 106956
which is hereby created. Within forty-five days after the end of 106957
each month, the commissioner shall provide for the distribution of 106958
all money paid during that month into the resort area excise tax 106959
fund to the appropriate municipal corporations and townships, 106960
after first subtracting and crediting to the general revenue fund 106961
one per cent to cover the costs of administering the excise tax. 106962

If a person liable for the tax fails to file a return or pay 106963
the tax as required under this section and the rules of the tax 106964
commissioner, the person shall pay an additional charge of the 106965
greater of fifty dollars or ten per cent of the tax due for the 106966
return period. The additional charge shall be considered revenue 106967
arising from the tax levied under section 5739.101 of the Revised 106968
Code, and may be collected by assessment in the manner provided in 106969
section 5739.13 of the Revised Code. The tax commissioner may 106970
remit all or a portion of the charge. 106971

Sec. 5739.103. No person shall exercise the privilege of 106972
engaging in a business described under division (B)(1) or (2) or 106973
(C) of section 5739.101 of the Revised Code in a municipal 106974
corporation or township that has imposed a tax under division (B) 106975
or (C) of that section without first registering with the tax 106976
commissioner. The tax commissioner shall prescribe the form of the 106977
registration. 106978

Sec. 5739.13. (A) If any vendor collects the tax imposed by 106979
or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106980
the Revised Code, and fails to remit the tax to the state as 106981
prescribed, or on the sale of a motor vehicle, watercraft, or 106982
outboard motor required to be titled, fails to remit payment ~~to a~~ 106983

~~clerk of a court of common pleas~~ as provided in section 1548.06 or 106984
4505.06 of the Revised Code, the vendor shall be personally liable 106985
for any tax collected and not remitted. The tax commissioner may 106986
make an assessment against such vendor based upon any information 106987
in the commissioner's possession. 106988

If any vendor fails to collect the tax or any consumer fails 106989
to pay the tax imposed by or pursuant to section 5739.02, 106990
5739.021, 5739.023, or 5739.026 of the Revised Code, on any 106991
transaction subject to the tax, the vendor or consumer shall be 106992
personally liable for the amount of the tax applicable to the 106993
transaction. The commissioner may make an assessment against 106994
either the vendor or consumer, as the facts may require, based 106995
upon any information in the commissioner's possession. 106996

An assessment against a vendor when the tax imposed by or 106997
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 106998
the Revised Code has not been collected or paid, shall not 106999
discharge the purchaser's or consumer's liability to reimburse the 107000
vendor for the tax applicable to such transaction. 107001

An assessment issued against either, pursuant to this 107002
section, shall not be considered an election of remedies, nor a 107003
bar to an assessment against the other for the tax applicable to 107004
the same transaction, provided that no assessment shall be issued 107005
against any person for the tax due on a particular transaction if 107006
the tax on that transaction actually has been paid by another. 107007

The commissioner may make an assessment against any vendor 107008
who fails to file a return or remit the proper amount of tax 107009
required by this chapter, or against any consumer who fails to pay 107010
the proper amount of tax required by this chapter. When 107011
information in the possession of the commissioner indicates that 107012
the amount required to be collected or paid under this chapter is 107013
greater than the amount remitted by the vendor or paid by the 107014
consumer, the commissioner may audit a sample of the vendor's 107015

sales or the consumer's purchases for a representative period, to 107016
ascertain the per cent of exempt or taxable transactions or the 107017
effective tax rate and may issue an assessment based on the audit. 107018
The commissioner shall make a good faith effort to reach agreement 107019
with the vendor or consumer in selecting a representative sample. 107020

The commissioner may make an assessment, based on any 107021
information in the commissioner's possession, against any person 107022
who fails to file a return or remit the proper amount of tax 107023
required by section 5739.102 of the Revised Code. 107024

The commissioner may issue an assessment on any transaction 107025
for which any tax imposed under this chapter or Chapter 5741. of 107026
the Revised Code was due and unpaid on the date the vendor or 107027
consumer was informed by an agent of the tax commissioner of an 107028
investigation or audit. If the vendor or consumer remits any 107029
payment of the tax for the period covered by the assessment after 107030
the vendor or consumer was informed of the investigation or audit, 107031
the payment shall be credited against the amount of the 107032
assessment. 107033

The commissioner shall give the party assessed written notice 107034
of the assessment in the manner provided in section 5703.37 of the 107035
Revised Code. With the notice, the commissioner shall provide 107036
instructions on how to petition for reassessment and request a 107037
hearing on the petition. 107038

(B) Unless the party assessed files with the commissioner 107039
within sixty days after service of the notice of assessment, 107040
either personally or by certified mail, a written petition for 107041
reassessment, signed by the party assessed or that party's 107042
authorized agent having knowledge of the facts, the assessment 107043
becomes final and the amount of the assessment is due from the 107044
party assessed and payable to the treasurer of state and remitted 107045
to the tax commissioner. The petition shall indicate the 107046
objections of the party assessed, but additional objections may be 107047

raised in writing if received by the commissioner prior to the 107048
date shown on the final determination. If the petition has been 107049
properly filed, the commissioner shall proceed under section 107050
5703.60 of the Revised Code. 107051

(C) After an assessment becomes final, if any portion of the 107052
assessment remains unpaid, including accrued interest, a certified 107053
copy of the commissioner's entry making the assessment final may 107054
be filed in the office of the clerk of the court of common pleas 107055
in the county in which the place of business of the party assessed 107056
is located or the county in which the party assessed resides. If 107057
the party assessed maintains no place of business in this state 107058
and is not a resident of this state, the certified copy of the 107059
entry may be filed in the office of the clerk of the court of 107060
common pleas of Franklin county. 107061

Immediately upon the filing of the entry, the clerk shall 107062
enter a judgment for the state against the party assessed in the 107063
amount shown on the entry. The judgment may be filed by the clerk 107064
in a loose-leaf book entitled "~~special judgments for state,~~ 107065
~~county, and transit authority~~ and local retail sales tax" or, if 107066
appropriate, "special judgments for resort area excise tax," and 107067
shall have the same effect as other judgments. Execution shall 107068
issue upon the judgment upon the request of the tax commissioner, 107069
and all laws applicable to sales on execution shall apply to sales 107070
made under the judgment except as otherwise provided in this 107071
chapter. 107072

If the assessment is not paid in its entirety within sixty 107073
days after the date the assessment was issued, the portion of the 107074
assessment consisting of tax due shall bear interest at the rate 107075
per annum prescribed by section 5703.47 of the Revised Code from 107076
the day the tax commissioner issues the assessment until the 107077
assessment is paid or until it is certified to the attorney 107078
general for collection under section 131.02 of the Revised Code, 107079

whichever comes first. If the unpaid portion of the assessment is 107080
certified to the attorney general for collection, the entire 107081
unpaid portion of the assessment shall bear interest at the rate 107082
per annum prescribed by section 5703.47 of the Revised Code from 107083
the date of certification until the date it is paid in its 107084
entirety. Interest shall be paid in the same manner as the tax and 107085
may be collected by issuing an assessment under this section. 107086

(D) All money collected by the tax commissioner under this 107087
section shall be paid to the treasurer of state, and when paid 107088
shall be considered as revenue arising from the taxes imposed by 107089
or pursuant to sections 5739.01 to 5739.31 of the Revised Code. 107090

Sec. 5741.01. As used in this chapter: 107091

(A) "Person" includes individuals, receivers, assignees, 107092
trustees in bankruptcy, estates, firms, partnerships, 107093
associations, joint-stock companies, joint ventures, clubs, 107094
societies, corporations, business trusts, governments, and 107095
combinations of individuals of any form. 107096

(B) "Storage" means and includes any keeping or retention in 107097
this state for use or other consumption in this state. 107098

(C) "Use" means and includes the exercise of any right or 107099
power incidental to the ownership of the thing used. A thing is 107100
also "used" in this state if its consumer gives or otherwise 107101
distributes it, without charge, to recipients in this state. 107102

(D) "Purchase" means acquired or received for a 107103
consideration, whether such acquisition or receipt was effected by 107104
a transfer of title, or of possession, or of both, or a license to 107105
use or consume; whether such transfer was absolute or conditional, 107106
and by whatever means the transfer was effected; and whether the 107107
consideration was money, credit, barter, or exchange. Purchase 107108
includes production, even though the article produced was used, 107109

stored, or consumed by the producer. The transfer of copyrighted 107110
motion picture films for exhibition purposes is not a purchase, 107111
except such films as are used solely for advertising purposes. 107112

(E) "Seller" means the person from whom a purchase is made, 107113
and includes every person engaged in this state or elsewhere in 107114
the business of selling tangible personal property or providing a 107115
service for storage, use, or other consumption or benefit in this 107116
state; and when, in the opinion of the tax commissioner, it is 107117
necessary for the efficient administration of this chapter, to 107118
regard any salesperson, representative, peddler, or canvasser as 107119
the agent of a dealer, distributor, supervisor, or employer under 107120
whom the person operates, or from whom the person obtains tangible 107121
personal property, sold by the person for storage, use, or other 107122
consumption in this state, irrespective of whether or not the 107123
person is making such sales on the person's own behalf, or on 107124
behalf of such dealer, distributor, supervisor, or employer, the 107125
commissioner may regard the person as such agent, and may regard 107126
such dealer, distributor, supervisor, or employer as the seller. 107127
"Seller" does not include any person to the extent the person 107128
provides a communications medium, such as, but not limited to, 107129
newspapers, magazines, radio, television, or cable television, by 107130
means of which sellers solicit purchases of their goods or 107131
services. 107132

(F) "Consumer" means any person who has purchased tangible 107133
personal property or has been provided a service for storage, use, 107134
or other consumption or benefit in this state. "Consumer" does not 107135
include a person who receives, without charge, tangible personal 107136
property or a service. 107137

A person who performs a facility management or similar 107138
service contract for a contractee is a consumer of all tangible 107139
personal property and services purchased for use in connection 107140
with the performance of such contract, regardless of whether title 107141

to any such property vests in the contractee. The purchase of such 107142
property and services is not subject to the exception for resale 107143
under division (E) of section 5739.01 of the Revised Code. 107144

(G)(1) "Price," except as provided in divisions (G)(2) to (6) 107145
of this section, has the same meaning as in division (H)(1) of 107146
section 5739.01 of the Revised Code. 107147

(2) In the case of watercraft, outboard motors, or new motor 107148
vehicles, "price" has the same meaning as in divisions (H)(2) and 107149
(3) of section 5739.01 of the Revised Code. 107150

(3) In the case of a nonresident business consumer that 107151
purchases and uses tangible personal property outside this state 107152
and subsequently temporarily stores, uses, or otherwise consumes 107153
such tangible personal property in the conduct of business in this 107154
state, the consumer or the tax commissioner may determine the 107155
price based on the value of the temporary storage, use, or other 107156
consumption, in lieu of determining the price pursuant to division 107157
(G)(1) of this section. A price determination made by the consumer 107158
is subject to review and redetermination by the commissioner. 107159

(4) In the case of tangible personal property held in this 107160
state as inventory for sale or lease, and that is temporarily 107161
stored, used, or otherwise consumed in a taxable manner, the price 107162
is the value of the temporary use. A price determination made by 107163
the consumer is subject to review and redetermination by the 107164
commissioner. 107165

(5) In the case of tangible personal property originally 107166
purchased and used by the consumer outside this state, and that 107167
becomes permanently stored, used, or otherwise consumed in this 107168
state more than six months after its acquisition by the consumer, 107169
the consumer or the commissioner may determine the price based on 107170
the current value of such tangible personal property, in lieu of 107171
determining the price pursuant to division (G)(1) of this section. 107172

A price determination made by the consumer is subject to review 107173
and redetermination by the commissioner. 107174

(6) If a consumer produces tangible personal property for 107175
sale and removes that property from inventory for the consumer's 107176
own use, the price is the produced cost of that tangible personal 107177
property. 107178

(H) "Nexus with this state" means that the seller engages in 107179
continuous and widespread solicitation of purchases from residents 107180
of this state or otherwise purposefully directs its business 107181
activities at residents of this state. 107182

(I)(1) "Substantial nexus with this state" means that the 107183
seller has sufficient contact with this state, in accordance with 107184
Section 8 of Article I of the Constitution of the United States, 107185
to allow the state to require the seller to collect and remit use 107186
tax on sales of tangible personal property or services made to 107187
consumers in this state. "~~Substantial~~ 107188

(2) "Substantial nexus with this state" exists is presumed to 107189
exist when the seller does any of the following: 107190

~~(1) Maintains a~~ (a) Uses an office, distribution facility, 107191
warehouse, storage facility, or similar place of business within 107192
this state, whether operated by ~~employees or agents of the seller,~~ 107193
~~by a member of an affiliated group, as defined in division~~ 107194
~~(B)(3)(e) of section 5739.01 of the Revised Code, of which the~~ 107195
~~seller is a member, or by a franchisee using a trade name of the~~ 107196
~~seller; or any other person, other than a common carrier acting in~~ 107197
its capacity as a common carrier. 107198

~~(2)(b) Regularly has~~ uses employees, agents, representatives, 107199
solicitors, installers, ~~repairmen, salesmen~~ repairers, 107200
salespersons, or other ~~individuals~~ persons in this state for the 107201
purpose of conducting the business of the seller; or either to 107202
engage in a business with the same or a similar industry 107203

classification as the seller selling a similar product or line of 107204
products as the seller, or to use trademarks, service marks, or 107205
trade names in this state that are the same or substantially 107206
similar to those used by the seller. 107207

~~(3)(c)~~ Uses a any person, other than a common carrier acting 107208
in its capacity as a common carrier, in this state for any of the 107209
purpose of receiving following purposes: 107210

(i) Receiving or processing orders of the seller's goods or 107211
services; 107212

(ii) Using that person's employees or facilities in this 107213
state to advertise, promote, or facilitate sales by the seller to 107214
customers; 107215

(iii) Delivering, installing, assembling, or performing 107216
maintenance services for the seller's customers; 107217

(iv) Facilitating the seller's delivery of tangible personal 107218
property to customers in this state by allowing the seller's 107219
customers to pick up property sold by the seller at an office, 107220
distribution facility, warehouse, storage facility, or similar 107221
place of business. 107222

~~(4)(d)~~ Makes regular deliveries of tangible personal property 107223
into this state by means other than common carrier+. 107224

~~(5)(e)~~ Has membership in an affiliated group, as described in 107225
division (B)(3)(e) of section 5739.01 of the Revised Code, at 107226
least one other member of which person that has substantial nexus 107227
with this state+. 107228

~~(6)(f)~~ Owns tangible personal property that is rented or 107229
leased to a consumer in this state, or offers tangible personal 107230
property, on approval, to consumers in this state+. 107231

~~(7)~~ Except as provided in section 5703.65 of the Revised 107232
Code, is registered with the secretary of state to do business in 107233

~~this state or is registered or licensed by any state agency, 107234
board, or commission to transact business in this state or to make 107235
sales to persons in this state; 107236~~

~~(8) Has any other contact with this state that would allow 107237
this state to require the seller to collect and remit use tax 107238
under Section 8 of Article I of the Constitution of the United 107239
States. 107240~~

(g) Enters into an agreement with one or more residents of 107241
this state under which the resident, for a commission or other 107242
consideration, directly or indirectly refers potential customers 107243
to the seller, whether by a link on a web site, an in-person oral 107244
presentation, telemarketing, or otherwise, provided the cumulative 107245
gross receipts from sales to consumers referred to the seller by 107246
all such residents exceeded ten thousand dollars during the 107247
preceding twelve months. 107248

(h) Furnishes hotel intermediary service by brokering, 107249
coordinating, or otherwise arranging for the purchase, sale, use, 107250
or possession of lodging at hotels located in this state. 107251

(3) A seller presumed to have substantial nexus with this 107252
state under divisions (I)(2)(a) to (f) of this section may rebut 107253
that presumption by demonstrating that activities described in any 107254
of those divisions that are conducted by a person in this state on 107255
the seller's behalf are not significantly associated with the 107256
seller's ability to establish or maintain a market in this state 107257
for the seller's sales. 107258

(4) A seller presumed to have substantial nexus with this 107259
state under division (I)(2)(g) of this section may rebut that 107260
presumption by submitting proof that each resident engaged by the 107261
seller as described in that division did not engage in any 107262
activity within this state during the preceding twelve months that 107263
was significantly associated with the seller's ability to 107264

establish or maintain the seller's market in this state during the 107265
preceding twelve months. Such proof may consist of sworn written 107266
statements from all the residents with whom the seller has an 107267
agreement stating that the resident did not engage in any 107268
solicitation in this state on behalf of the seller during the 107269
preceding twelve months if such statements are provided and 107270
obtained in good faith. 107271

(5) A seller that does not have substantial nexus with this 107272
state, and any affiliated person of the seller, before selling or 107273
leasing tangible personal property or services to a state agency, 107274
shall register with the tax commissioner in the same manner as a 107275
seller described in division (A)(1) of section 5741.17 of the 107276
Revised Code. 107277

(6) As used in division (I) of this section: 107278

(a) "Affiliated person" means any person that is a member of 107279
the same controlled group of corporations as the seller or any 107280
other person that, notwithstanding the form of organization, bears 107281
the same ownership relationship to the seller as a corporation 107282
that is a member of the same controlled group of corporations. 107283

(b) "Controlled group of corporations" has the same meaning 107284
as in section 1563(a) of the Internal Revenue Code. 107285

(c) "State agency" has the same meaning as in section 1.60 of 107286
the Revised Code. 107287

(J) "Fiscal officer" means, with respect to a regional 107288
transit authority, the secretary-treasurer thereof, and with 107289
respect to a county which is a transit authority, the fiscal 107290
officer of the county transit board appointed pursuant to section 107291
306.03 of the Revised Code or, if the board of county 107292
commissioners operates the county transit system, the county 107293
auditor. 107294

(K) "Territory of the transit authority" means all of the 107295

area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(L) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority which includes territory in more than one county must include all the area of the most populous county which is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(M) "Providing a service" has the same meaning as in ~~division~~ ~~(X)~~ of section 5739.01 of the Revised Code.

(N) "Other consumption" includes receiving the benefits of a service.

(O) "Lease" or "rental" has the same meaning as in ~~division~~ ~~(UU)~~ of section 5739.01 of the Revised Code.

(P) "Certified service provider" has the same meaning as in section 5740.01 of the Revised Code.

(Q) "Remote sale" means a sale for which the seller could not be legally required to pay, collect, or remit a tax imposed under this chapter or Chapter 5739. of the Revised Code, unless otherwise provided by the laws of the United States.

(R) "Remote seller" means a seller that ~~makes remote sales to one or more consumers~~ lacks substantial nexus with this state but is required to register with the tax commissioner under section

5741.17 of the Revised Code pursuant to federal law authorizing states to require such sellers to register, collect, and remit use tax. A seller that is not required to register with the commissioner under division (A) of section 5741.17 of the Revised Code but registers voluntarily under division (B) of that section is not a "remote seller." A seller that registers with the commissioner under section 5741.17 of the Revised Code after the effective date of any federal law that authorizes states to require sellers that lack substantial nexus with the state to register, collect, and remit use tax is presumed to be a "remote seller." The seller or the commissioner may rebut this presumption with evidence that the seller has substantial nexus with this state.

(S) "Remote small seller" means a remote seller that has gross annual receipts from remote sales in the United States not exceeding one million dollars for the preceding calendar year. For the purposes of determining whether a person is a small remote seller, the sales of all persons related within the meaning of subsection (b) or (c) of section 267 or section 707(b)(1) of the Internal Revenue Code shall be aggregated, and persons with one or more ownership relationships shall be aggregated if those relationships were designed with the principal purpose to qualify as a remote small seller.

(T) "Hotel intermediary service," "hotel," and "transient guest" have the same meanings as in section 5739.01 of the Revised Code.

Sec. 5741.03. (A) One hundred per cent of all money deposited into the state treasury under sections 5741.01 to 5741.22 of the Revised Code that is not required to be distributed as provided in division (B) of this section shall be credited to the general revenue fund.

(B) In any case where any county or transit authority has levied a tax or taxes pursuant to section 5741.021, 5741.022, or 5741.023 of the Revised Code, the tax commissioner shall, within forty-five days after the end of each month, determine and certify to the director of budget and management the amount of the proceeds of such tax or taxes from billings and assessments received during that month, or shown on tax returns or reports filed during that month, to be returned to the county or transit authority levying the tax or taxes, which amounts shall be determined in the manner provided in section 5739.21 of the Revised Code. The director of budget and management shall transfer, from the general revenue fund, to the permissive tax distribution fund created by division (B)(1) of section 4301.423 of the Revised Code and to the local sales tax administrative fund created by division (C) of section 5739.21 of the Revised Code, the amounts certified by the tax commissioner. The tax commissioner shall then, on or before the twentieth day of the month in which such certification is made, provide for payment of such respective amounts to the county treasurer or to the fiscal officer of the transit authority levying the tax or taxes. The amount transferred to the local sales tax administrative fund is for use by the tax commissioner in defraying costs the commissioner incurs in administering such taxes levied by a county or transit authority.

(C)(1) Not later than the first day of each January and ~~of~~ July ~~each calendar year beginning July 1, 2015 following the date remote sellers are first required to register, collect, and remit use tax under this chapter~~, the tax commissioner and the director of budget and management shall jointly determine the amount of tax imposed by section 5741.02 of the Revised Code and remitted under this chapter by remote sellers during the six-month period ending on the preceding last day of November and of May, respectively, reduced by ~~any such tax remitted by sellers pursuant to an~~

~~agreement entered into under section 5740.03 of the Revised Code~~ 107391
~~during the six month period and by any refunds issued during the~~ 107392
~~six-month period to remote sellers from the tax refund fund on~~ 107393
~~account of that tax.~~ 107394

(2) Not later than that ~~first~~ last day of each January and ~~of~~ 107395
~~July of the calendar year beginning July 1, 2015 following the~~ 107396
~~date the commissioner and the director make a determination under~~ 107397
~~division (C)(1) of this section,~~ the director of budget and 107398
management shall transfer from the general revenue fund to the 107399
income tax reduction fund the amount determined under that 107400
~~division (C)(1) of this section, less one half of the amount of~~ 107401
~~that tax remitted during fiscal year 2013 by remote sellers that~~ 107402
~~voluntarily registered under section 5741.17 of the Revised Code.~~ 107403
Amounts transferred to the income tax reduction fund under this 107404
~~section~~ division shall be included in the determination of the 107405
percentage under division (B)(2) of section 131.44 of the Revised 107406
Code required to be made by the thirty-first day of July of the 107407
calendar year in which the commissioner makes the certifications 107408
under this division. 107409

Sec. 5741.12. (A) Each seller required by section 5741.17 of 107410
the Revised Code to register with the tax commissioner, and any 107411
seller authorized by the commissioner to collect the tax imposed 107412
by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 107413
of the Revised Code is subject to the same requirements and 107414
entitled to the same deductions and discount for prompt payments 107415
as are vendors under section 5739.12 of the Revised Code, and the 107416
same monetary allowances as are vendors under section 5739.06 of 107417
the Revised Code. The powers and duties of the commissioner with 107418
respect to returns and tax remittances under this section shall be 107419
identical with those prescribed in section 5739.12 of the Revised 107420
Code. 107421

(B) Every person storing, using, or consuming tangible personal property or receiving the benefit of a service, the storage, use, consumption, or receipt of which is subject to the tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code, when such tax was not paid to a seller, shall, on or before the twenty-third day of each month, file with the tax commissioner a return for the preceding month in such form as is prescribed by the commissioner, showing such information as the commissioner deems necessary, and shall pay the tax shown on the return to be due. Remittance shall be made payable to the treasurer of state. The commissioner may require consumers to file returns and pay the tax at other than monthly intervals, if the commissioner determines that such filing is necessary for the efficient administration of the tax. If the commissioner determines that a consumer's tax liability is not such as to merit monthly filing, the commissioner may authorize the consumer to file returns and pay tax at less frequent intervals.

Any consumer required to file a return and pay the tax under this section whose payment for any year equals or exceeds the amount shown in division (A) of section 5741.121 of the Revised Code is subject to the accelerated tax payment requirements in divisions (B) and (C) of that section.

(C) Every Except as provided in division (B)(5) of section 4505.06 of the Revised Code, every person storing, using, or consuming a motor vehicle, watercraft, or outboard motor, the ownership of which must be evidenced by certificate of title, shall file the return required by this section and pay the tax due at or prior to the time of filing an application for certificate of title.

Sec. 5741.17. (A)(1) Except as otherwise provided in

divisions (A)(2), (3), and (4) of this section, every seller of 107453
tangible personal property or services who has substantial nexus 107454
with this state shall register with the tax commissioner and 107455
supply any information concerning the seller's contacts with this 107456
state that may be required by the commissioner. 107457

(2) A seller who is licensed as a vendor pursuant to section 107458
5739.17 of the Revised Code shall not be required to register with 107459
the commissioner pursuant to this section if all sales to 107460
consumers in this state are made under the authority of the 107461
seller's vendor's license. 107462

(3) A Unless the seller has substantial nexus with this state 107463
pursuant to division (I)(2)(g) of section 5741.01 of the Revised 107464
Code, a seller is not required to register under this section if 107465
the seller has no contact with this state other than an agency 107466
relationship with a person engaged in the business of 107467
telemarketing in this state and engaged by the seller exclusively 107468
for the purpose of solicitation of customers in other states. 107469

(4) A seller is not required to register under this section 107470
if the seller has no contact with this state other than the 107471
ownership of property that is located at the facility of a printer 107472
with which the seller has contracted for printing and that 107473
consists of the final printed product, property that becomes a 107474
part of the final printed product, or copy from which the final 107475
printed product is produced. 107476

(B) A seller who does not have substantial nexus with this 107477
state may voluntarily register with the commissioner. A seller who 107478
voluntarily registers with the commissioner under this section is 107479
entitled to the same benefits and is subject to the same duties 107480
and requirements as a seller required to be registered with the 107481
commissioner under this chapter. 107482

The commissioner shall maintain an alphabetical index of all 107483

sellers registered under this chapter and records of the use tax 107484
reported and paid. Upon request, this information shall be made 107485
available to the treasurer of state. 107486

(C) A remote small seller is not required to register under 107487
this section. 107488

Sec. 5743.01. As used in this chapter: 107489

(A) "Person" includes individuals, firms, partnerships, 107490
associations, joint-stock companies, corporations, combinations of 107491
individuals of any form, and the state and any of its political 107492
subdivisions. 107493

(B) "Wholesale dealer" includes only those persons: 107494

(1) Who bring in or cause to be brought into this state 107495
unstamped cigarettes purchased directly from the manufacturer, 107496
producer, or importer of cigarettes for sale in this state but 107497
does not include persons who bring in or cause to be brought into 107498
this state cigarettes with respect to which no evidence of tax 107499
payment is required thereon as provided in section 5743.04 of the 107500
Revised Code; or 107501

(2) Who are engaged in the business of selling cigarettes or 107502
tobacco products to others for the purpose of resale. 107503

"Wholesale dealer" does not include any cigarette 107504
manufacturer, export warehouse proprietor, or importer with a 107505
valid permit under 26 U.S.C. 5713 if that person sells cigarettes 107506
in this state only to wholesale dealers holding valid and current 107507
licenses under section 5743.15 of the Revised Code or to an export 107508
warehouse proprietor or another manufacturer. 107509

(C) "Retail dealer" includes: 107510

(1) In reference to dealers in cigarettes, every person other 107511
than a wholesale dealer engaged in the business of selling 107512
cigarettes in this state, regardless of whether the person is 107513

located in this state or elsewhere, and regardless of quantity, 107514
amount, or number of sales; 107515

(2) In reference to dealers in tobacco products, any person 107516
in this state engaged in the business of selling tobacco products 107517
to ultimate consumers in this state, regardless of quantity, 107518
amount, or number of sales. 107519

(D) "Sale" includes exchange, barter, gift, offer for sale, 107520
and distribution, and includes transactions in interstate or 107521
foreign commerce. 107522

(E) "Cigarettes" includes any roll for smoking made wholly or 107523
in part of tobacco, irrespective of size or shape, and whether or 107524
not such tobacco is flavored, adulterated, or mixed with any other 107525
ingredient, the wrapper or cover of which is made of paper, 107526
reconstituted cigarette tobacco, homogenized cigarette tobacco, 107527
cigarette tobacco sheet, or any similar materials other than cigar 107528
tobacco. 107529

(F) "Package" means the individual package, box, or other 107530
container in or from which retail sales of cigarettes are normally 107531
made or intended to be made. 107532

(G) "Storage" includes any keeping or retention of cigarettes 107533
or tobacco products for use or consumption in this state. 107534

(H) "Use" includes the exercise of any right or power 107535
incidental to the ownership of cigarettes or tobacco products. 107536

(I) "Tobacco product" or "other tobacco product" means any 107537
product made from tobacco, other than cigarettes, that is made for 107538
smoking or chewing, or both, and snuff. 107539

(J) "Wholesale price" means the invoice price, including all 107540
federal excise taxes, at which the manufacturer of the tobacco 107541
product sells the tobacco product to unaffiliated distributors, 107542
excluding any discounts based on the method of payment of the 107543

invoice or on time of payment of the invoice. If the taxpayer buys 107544
from other than a manufacturer, "wholesale price" means the 107545
invoice price, including all federal excise taxes and excluding 107546
any discounts based on the method of payment of the invoice or on 107547
time of payment of the invoice. 107548

(K) "Distributor" means: 107549

(1) Any manufacturer who sells, barter, exchanges, or 107550
distributes tobacco products to a retail dealer in the state, 107551
except when selling to a retail dealer that has filed with the 107552
manufacturer a signed statement agreeing to pay and be liable for 107553
the tax imposed by section 5743.51 of the Revised Code; 107554

(2) Any wholesale dealer located in the state who receives 107555
tobacco products from a manufacturer, or who receives tobacco 107556
products on which the tax imposed by this chapter has not been 107557
paid; 107558

(3) Any wholesale dealer located outside the state who sells, 107559
barter, exchanges, or distributes tobacco products to a wholesale 107560
or retail dealer in the state; or 107561

(4) Any retail dealer who receives tobacco products on which 107562
the tax has not or will not be paid by another distributor, 107563
including a retail dealer that has filed a signed statement with a 107564
manufacturer in which the retail dealer agrees to pay and be 107565
liable for the tax that would otherwise be imposed on the 107566
manufacturer by section 5743.51 of the Revised Code. 107567

(L) "Taxpayer" means any person liable for the tax imposed by 107568
section 5743.51, 5743.62, or 5743.63 of the Revised Code. 107569

(M) "Seller" means any person located outside this state 107570
engaged in the business of selling tobacco products to consumers 107571
for storage, use, or other consumption in this state. 107572

(N) "Manufacturer" means any person who manufactures and 107573

sells cigarettes or tobacco products. 107574

(O) "Importer" means any person that is authorized, under a 107575
valid permit issued under Section 5713 of the Internal Revenue 107576
Code, to import finished cigarettes into the United States, either 107577
directly or indirectly. 107578

(P) "Little cigar" means any roll for smoking, other than 107579
cigarettes, made wholly or in part of tobacco that uses an 107580
integrated cellulose acetate filter or other filter and is wrapped 107581
in any substance containing tobacco, other than natural leaf 107582
tobacco. 107583

(Q) "Premium cigar" means any roll for smoking, other than 107584
cigarettes and little cigars, that is made wholly or in part of 107585
tobacco and that has all of the following characteristics: 107586

(1) The binder and wrapper of the roll consist entirely of 107587
leaf tobacco. 107588

(2) The roll contains no filter or tip, nor any mouthpiece 107589
consisting of a material other than tobacco. 107590

(3) The weight of one thousand such rolls is at least six 107591
pounds. 107592

(R) "Maximum tax amount" means fifty cents plus the tax 107593
adjustment factor computed under this division. 107594

In April of each year beginning in 2016, the tax commissioner 107595
shall compute a tax adjustment factor by multiplying fifty cents 107596
by the cumulative percentage increase in the consumer price index 107597
(all items, all urban consumers) prepared by the bureau of labor 107598
statistics of the United States department of labor from January 107599
1, 2015, to the last day of December of the preceding year and 107600
rounding the resulting product to the nearest one cent; provided, 107601
that the tax adjustment factor for any year shall not be less than 107602
that for the immediately preceding year. The maximum tax amount 107603

resulting from the computation of the tax adjustment factor 107604
applies on and after the ensuing first day of July through the 107605
thirtieth day of June thereafter. 107606

Sec. 5743.02. To provide revenues for the general revenue 107607
fund, an excise tax on sales of cigarettes is hereby levied at the 107608
rate of ~~sixty-two~~ eighty-two and one-half mills on each cigarette. 107609

Only one sale of the same article shall be used in computing 107610
the amount of tax due. 107611

The treasurer of state shall place to the credit of the tax 107612
refund fund created by section 5703.052 of the Revised Code, out 107613
of receipts from the tax levied by this section, amounts equal to 107614
the refunds certified by the tax commissioner pursuant to section 107615
5743.05 of the Revised Code. The balance of taxes collected under 107616
such section, after the credits to the tax refund fund, shall be 107617
paid into the general revenue fund. 107618

Sec. 5743.05. The tax commissioner shall sell all stamps 107619
provided for by section 5743.03 of the Revised Code. The stamps 107620
shall be sold at their face value, except the commissioner shall, 107621
by rule, authorize the sale of stamps to wholesale dealers in this 107622
state, or to wholesale dealers outside this state, at a discount 107623
of not less than one and eight-tenths per cent or more than ten 107624
per cent of their face value, as a commission for affixing and 107625
canceling the stamps. 107626

The commissioner, by rule, shall authorize the delivery of 107627
stamps to wholesale dealers in this state and to wholesale dealers 107628
outside this state on credit. If such a dealer has not been in 107629
good credit standing with this state for five consecutive years 107630
preceding the purchase, the commissioner shall require the dealer 107631
to file with the commissioner a bond to the state in the amount 107632
and in the form prescribed by the commissioner, with surety to the 107633

satisfaction of the commissioner, conditioned on payment to the 107634
treasurer of state or the commissioner within thirty days or the 107635
following twenty-third day of June, whichever comes first for 107636
stamps delivered within that time. If such a dealer has been in 107637
good credit standing with this state for five consecutive years 107638
preceding the purchase, the commissioner shall not require that 107639
the dealer file such a bond but shall require payment for the 107640
stamps within thirty days after purchase of the stamps or the 107641
following twenty-third day of June, whichever comes first. Stamps 107642
sold to a dealer not required to file a bond shall be sold at face 107643
value. The maximum amount that may be sold on credit to a dealer 107644
not required to file a bond shall equal one hundred ten per cent 107645
of the dealer's average monthly purchases over the preceding 107646
calendar year. The maximum amount shall be adjusted to reflect any 107647
changes in the tax rate and may be adjusted, upon application to 107648
the commissioner by the dealer, to reflect changes in the business 107649
operations of the dealer. The maximum amount shall be applicable 107650
to the period ~~of~~ between the first day of July through April to 107651
the following twenty-third day of June. Payment by a dealer not 107652
required to file a bond shall be remitted by electronic funds 107653
transfer as prescribed by section 5743.051 of the Revised Code. If 107654
a dealer not required to file a bond fails to make the payment in 107655
full within the ~~thirty-day~~ required payment period, the 107656
commissioner shall not thereafter sell stamps to that dealer until 107657
the dealer pays the outstanding amount, including penalty and 107658
interest on that amount as prescribed in this chapter, and the 107659
commissioner thereafter may require the dealer to file a bond 107660
until the dealer is restored to good standing. The commissioner 107661
shall limit delivery of stamps on credit to the period running 107662
from the first day of July of the fiscal year until the ~~first~~ 107663
twenty-third day of the following ~~May~~ June. Any discount allowed 107664
as a commission for affixing and canceling stamps shall be allowed 107665
with respect to sales of stamps on credit. 107666

The commissioner shall redeem and pay for any destroyed, 107667
unused, or spoiled tax stamps at their net value, and shall refund 107668
to wholesale dealers the net amount of state and county taxes paid 107669
erroneously or paid on cigarettes that have been sold in 107670
interstate or foreign commerce or that have become unsalable, and 107671
the net amount of county taxes that were paid on cigarettes that 107672
have been sold at retail or for retail sale outside a taxing 107673
county. 107674

An application for a refund of tax shall be filed with the 107675
commissioner, on the form prescribed by the commissioner for that 107676
purpose, within three years from the date the tax stamps are 107677
destroyed or spoiled, from the date of the erroneous payment, or 107678
from the date that cigarettes on which taxes have been paid have 107679
been sold in interstate or foreign commerce or have become 107680
unsalable. 107681

On the filing of the application, the commissioner shall 107682
determine the amount of refund to which the applicant is entitled, 107683
payable from receipts of the state tax, and, if applicable, 107684
payable from receipts of a county tax. If the amount is less than 107685
that claimed, the commissioner shall certify the amount to the 107686
director of budget and management and treasurer of state for 107687
payment from the tax refund fund created by section 5703.052 of 107688
the Revised Code. If the amount is less than that claimed, the 107689
commissioner shall proceed in accordance with section 5703.70 of 107690
the Revised Code. 107691

If a refund is granted for payment of an illegal or erroneous 107692
assessment issued by the department, the refund shall include 107693
interest on the amount of the refund from the date of the 107694
overpayment. The interest shall be computed at the rate per annum 107695
prescribed by section 5703.47 of the Revised Code. 107696

Sec. 5743.32. To provide revenue for the general revenue fund 107697

of the state, an excise tax is hereby levied on the use, 107698
consumption, or storage for consumption of cigarettes by consumers 107699
in this state at the rate of ~~sixty-two~~ eighty-two and one-half 107700
mills on each cigarette. The tax shall not apply if the tax levied 107701
by section 5743.02 of the Revised Code has been paid. 107702

The money received into the state treasury from the excise 107703
tax levied by this section shall be credited to the general 107704
revenue fund. 107705

Sec. 5743.51. (A) To provide revenue for the general revenue 107706
fund of the state, an excise tax on tobacco products is hereby 107707
levied at one of the following rates: 107708

(1) For tobacco products other than little cigars or premium 107709
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107710
wholesale price of the tobacco product received by a distributor 107711
or sold by a manufacturer to a retail dealer located in this 107712
state. 107713

(2) For invoices dated October 1, 2013, or later, 107714
thirty-seven per cent of the wholesale price of little cigars 107715
received by a distributor or sold by a manufacturer to a retail 107716
dealer located in this state. 107717

(3) For premium cigars received by a distributor or sold by a 107718
manufacturer to a retail dealer located in this state, the lesser 107719
of twenty-two and one-half per cent of the wholesale price of such 107720
premium cigars or the maximum tax amount per each such premium 107721
cigar. 107722

Each distributor who brings tobacco products, or causes 107723
tobacco products to be brought, into this state for distribution 107724
within this state, or any out-of-state distributor who sells 107725
tobacco products to wholesale or retail dealers located in this 107726
state for resale by those wholesale or retail dealers is liable 107727

for the tax imposed by this section. Only one sale of the same 107728
article shall be used in computing the amount of the tax due. 107729

(B) The treasurer of state shall place to the credit of the 107730
tax refund fund created by section 5703.052 of the Revised Code, 107731
out of the receipts from the tax levied by this section, amounts 107732
equal to the refunds certified by the tax commissioner pursuant to 107733
section 5743.53 of the Revised Code. The balance of the taxes 107734
collected under this section shall be paid into the general 107735
revenue fund. 107736

(C) The commissioner may adopt rules as are necessary to 107737
assist in the enforcement and administration of sections 5743.51 107738
to 5743.66 of the Revised Code, including rules providing for the 107739
remission of penalties imposed. 107740

(D) A manufacturer is not liable for payment of the tax 107741
imposed by this section for sales of tobacco products to a retail 107742
dealer that has filed a signed statement with the manufacturer in 107743
which the retail dealer agrees to pay and be liable for the tax, 107744
as long as the manufacturer has provided a copy of the statement 107745
to the tax commissioner. 107746

Sec. 5743.62. (A) To provide revenue for the general revenue 107747
fund of the state, an excise tax is hereby levied on the seller of 107748
tobacco products in this state at one of the following rates: 107749

(1) For tobacco products other than little cigars or premium 107750
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107751
wholesale price of the tobacco product whenever the tobacco 107752
product is delivered to a consumer in this state for the storage, 107753
use, or other consumption of such tobacco products. 107754

(2) For little cigars, thirty-seven per cent of the wholesale 107755
price of the little cigars whenever the little cigars are 107756
delivered to a consumer in this state for the storage, use, or 107757

other consumption of the little cigars. 107758

(3) For premium cigars, whenever the premium cigars are 107759
delivered to a consumer in this state for the storage, use, or 107760
other consumption of the premium cigars, the lesser of twenty-two 107761
and one-half per cent of the wholesale price of such premium 107762
cigars or the maximum tax amount per each such premium cigar. 107763

The tax imposed by this section applies only to sellers 107764
having nexus in this state, as defined in section 5741.01 of the 107765
Revised Code. 107766

(B) A seller of tobacco products who has nexus in this state 107767
as defined in section 5741.01 of the Revised Code shall register 107768
with the tax commissioner and supply any information concerning 107769
the seller's contacts with this state as may be required by the 107770
tax commissioner. A seller who does not have nexus in this state 107771
may voluntarily register with the tax commissioner. A seller who 107772
voluntarily registers with the tax commissioner is entitled to the 107773
same benefits and is subject to the same duties and requirements 107774
as a seller required to be registered with the tax commissioner 107775
under this division. 107776

(C) Each seller of tobacco products subject to the tax levied 107777
by this section, on or before the last day of each month, shall 107778
file with the tax commissioner a return for the preceding month 107779
showing any information the tax commissioner finds necessary for 107780
the proper administration of sections 5743.51 to 5743.66 of the 107781
Revised Code, together with remittance of the tax due, payable to 107782
the treasurer of state. The return and payment of the tax required 107783
by this section shall be filed in such a manner that it is 107784
received by the tax commissioner on or before the last day of the 107785
month following the reporting period. If the return is filed and 107786
the amount of the tax shown on the return to be due is paid on or 107787
before the date the return is required to be filed, the seller is 107788
entitled to a discount equal to two and five-tenths per cent of 107789

the amount shown on the return to be due. 107790

(D) The tax commissioner shall immediately forward to the 107791
treasurer of state all money received from the tax levied by this 107792
section, and the treasurer shall credit the amount to the general 107793
revenue fund. 107794

(E) Each seller of tobacco products subject to the tax levied 107795
by this section shall mark on the invoices of tobacco products 107796
sold that the tax levied by that section has been paid and shall 107797
indicate the seller's account number as assigned by the tax 107798
commissioner. 107799

Sec. 5743.63. (A) To provide revenue for the general revenue 107800
fund of the state, an excise tax is hereby levied on the storage, 107801
use, or other consumption of tobacco products at one of the 107802
following rates: 107803

(1) For tobacco products other than little cigars or premium 107804
cigars, ~~seventeen~~ twenty-two and one-half per cent of the 107805
wholesale price of the tobacco product. 107806

(2) For little cigars, thirty-seven per cent of the wholesale 107807
price of the little cigars. 107808

(3) For premium cigars, the lesser of twenty-two and one-half 107809
per cent of the wholesale price of the premium cigars or the 107810
maximum tax amount per each premium cigar. 107811

The tax levied under division (A) of this section is imposed 107812
only if the tax has not been paid by the seller as provided in 107813
section 5743.62 of the Revised Code, or by the distributor as 107814
provided in section 5743.51 of the Revised Code. 107815

(B) Each person subject to the tax levied by this section, on 107816
or before the last day of each month, shall file with the tax 107817
commissioner a return for the preceding month showing any 107818
information the tax commissioner finds necessary for the proper 107819

administration of sections 5743.51 to 5743.66 of the Revised Code, 107820
together with remittance of the tax due, payable to the treasurer 107821
of state. The return and payment of the tax required by this 107822
section shall be filed in such a manner that it is received by the 107823
tax commissioner on or before the last day of the month following 107824
the reporting period. 107825

(C) The tax commissioner shall immediately forward to the 107826
treasurer of state all money received from the tax levied by this 107827
section, and the treasurer shall credit the amount to the general 107828
revenue fund. 107829

Sec. 5747.01. Except as otherwise expressly provided or 107830
clearly appearing from the context, any term used in this chapter 107831
that is not otherwise defined in this section has the same meaning 107832
as when used in a comparable context in the laws of the United 107833
States relating to federal income taxes or if not used in a 107834
comparable context in those laws, has the same meaning as in 107835
section 5733.40 of the Revised Code. Any reference in this chapter 107836
to the Internal Revenue Code includes other laws of the United 107837
States relating to federal income taxes. 107838

As used in this chapter: 107839

(A) "Adjusted gross income" or "Ohio adjusted gross income" 107840
means federal adjusted gross income, as defined and used in the 107841
Internal Revenue Code, adjusted as provided in this section: 107842

(1) Add interest or dividends on obligations or securities of 107843
any state or of any political subdivision or authority of any 107844
state, other than this state and its subdivisions and authorities. 107845

(2) Add interest or dividends on obligations of any 107846
authority, commission, instrumentality, territory, or possession 107847
of the United States to the extent that the interest or dividends 107848
are exempt from federal income taxes but not from state income 107849

taxes. 107850

(3) Deduct interest or dividends on obligations of the United States and its territories and possessions or of any authority, commission, or instrumentality of the United States to the extent that the interest or dividends are included in federal adjusted gross income but exempt from state income taxes under the laws of the United States. 107851
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(4) Deduct disability and survivor's benefits to the extent included in federal adjusted gross income. 107857
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(5) Deduct benefits under Title II of the Social Security Act and tier 1 railroad retirement benefits to the extent included in federal adjusted gross income under section 86 of the Internal Revenue Code. 107859
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(6) In the case of a taxpayer who is a beneficiary of a trust that makes an accumulation distribution as defined in section 665 of the Internal Revenue Code, add, for the beneficiary's taxable years beginning before 2002, the portion, if any, of such distribution that does not exceed the undistributed net income of the trust for the three taxable years preceding the taxable year in which the distribution is made to the extent that the portion was not included in the trust's taxable income for any of the trust's taxable years beginning in 2002 or thereafter. 107863
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"Undistributed net income of a trust" means the taxable income of the trust increased by (a)(i) the additions to adjusted gross income required under division (A) of this section and (ii) the personal exemptions allowed to the trust pursuant to section 642(b) of the Internal Revenue Code, and decreased by (b)(i) the deductions to adjusted gross income required under division (A) of this section, (ii) the amount of federal income taxes attributable to such income, and (iii) the amount of taxable income that has been included in the adjusted gross income of a beneficiary by reason of a prior accumulation distribution. Any undistributed net 107872
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income included in the adjusted gross income of a beneficiary 107882
shall reduce the undistributed net income of the trust commencing 107883
with the earliest years of the accumulation period. 107884

(7) Deduct the amount of wages and salaries, if any, not 107885
otherwise allowable as a deduction but that would have been 107886
allowable as a deduction in computing federal adjusted gross 107887
income for the taxable year, had the targeted jobs credit allowed 107888
and determined under sections 38, 51, and 52 of the Internal 107889
Revenue Code not been in effect. 107890

(8) Deduct any interest or interest equivalent on public 107891
obligations and purchase obligations to the extent that the 107892
interest or interest equivalent is included in federal adjusted 107893
gross income. 107894

(9) Add any loss or deduct any gain resulting from the sale, 107895
exchange, or other disposition of public obligations to the extent 107896
that the loss has been deducted or the gain has been included in 107897
computing federal adjusted gross income. 107898

(10) Deduct or add amounts, as provided under section 5747.70 107899
of the Revised Code, related to contributions to variable college 107900
savings program accounts made or tuition units purchased pursuant 107901
to Chapter 3334. of the Revised Code. 107902

(11)(a) Deduct, to the extent not otherwise allowable as a 107903
deduction or exclusion in computing federal or Ohio adjusted gross 107904
income for the taxable year, the amount the taxpayer paid during 107905
the taxable year for medical care insurance and qualified 107906
long-term care insurance for the taxpayer, the taxpayer's spouse, 107907
and dependents. No deduction for medical care insurance under 107908
division (A)(11) of this section shall be allowed either to any 107909
taxpayer who is eligible to participate in any subsidized health 107910
plan maintained by any employer of the taxpayer or of the 107911
taxpayer's spouse, or to any taxpayer who is entitled to, or on 107912

application would be entitled to, benefits under part A of Title 107913
XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 107914
301, as amended. For the purposes of division (A)(11)(a) of this 107915
section, "subsidized health plan" means a health plan for which 107916
the employer pays any portion of the plan's cost. The deduction 107917
allowed under division (A)(11)(a) of this section shall be the net 107918
of any related premium refunds, related premium reimbursements, or 107919
related insurance premium dividends received during the taxable 107920
year. 107921

(b) Deduct, to the extent not otherwise deducted or excluded 107922
in computing federal or Ohio adjusted gross income during the 107923
taxable year, the amount the taxpayer paid during the taxable 107924
year, not compensated for by any insurance or otherwise, for 107925
medical care of the taxpayer, the taxpayer's spouse, and 107926
dependents, to the extent the expenses exceed seven and one-half 107927
per cent of the taxpayer's federal adjusted gross income. 107928

(c) Deduct, to the extent not otherwise deducted or excluded 107929
in computing federal or Ohio adjusted gross income, any amount 107930
included in federal adjusted gross income under section 105 or not 107931
excluded under section 106 of the Internal Revenue Code solely 107932
because it relates to an accident and health plan for a person who 107933
otherwise would be a "qualifying relative" and thus a "dependent" 107934
under section 152 of the Internal Revenue Code but for the fact 107935
that the person fails to meet the income and support limitations 107936
under section 152(d)(1)(B) and (C) of the Internal Revenue Code. 107937

(d) For purposes of division (A)(11) of this section, 107938
"medical care" has the meaning given in section 213 of the 107939
Internal Revenue Code, subject to the special rules, limitations, 107940
and exclusions set forth therein, and "qualified long-term care" 107941
has the same meaning given in section 7702B(c) of the Internal 107942
Revenue Code. Solely for purposes of divisions (A)(11)(a) and (c) 107943
of this section, "dependent" includes a person who otherwise would 107944

be a "qualifying relative" and thus a "dependent" under section 107945
152 of the Internal Revenue Code but for the fact that the person 107946
fails to meet the income and support limitations under section 107947
152(d)(1)(B) and (C) of the Internal Revenue Code. 107948

(12)(a) Deduct any amount included in federal adjusted gross 107949
income solely because the amount represents a reimbursement or 107950
refund of expenses that in any year the taxpayer had deducted as 107951
an itemized deduction pursuant to section 63 of the Internal 107952
Revenue Code and applicable United States department of the 107953
treasury regulations. The deduction otherwise allowed under 107954
division (A)(12)(a) of this section shall be reduced to the extent 107955
the reimbursement is attributable to an amount the taxpayer 107956
deducted under this section in any taxable year. 107957

(b) Add any amount not otherwise included in Ohio adjusted 107958
gross income for any taxable year to the extent that the amount is 107959
attributable to the recovery during the taxable year of any amount 107960
deducted or excluded in computing federal or Ohio adjusted gross 107961
income in any taxable year. 107962

(13) Deduct any portion of the deduction described in section 107963
1341(a)(2) of the Internal Revenue Code, for repaying previously 107964
reported income received under a claim of right, that meets both 107965
of the following requirements: 107966

(a) It is allowable for repayment of an item that was 107967
included in the taxpayer's adjusted gross income for a prior 107968
taxable year and did not qualify for a credit under division (A) 107969
or (B) of section 5747.05 of the Revised Code for that year; 107970

(b) It does not otherwise reduce the taxpayer's adjusted 107971
gross income for the current or any other taxable year. 107972

(14) Deduct an amount equal to the deposits made to, and net 107973
investment earnings of, a medical savings account during the 107974
taxable year, in accordance with section 3924.66 of the Revised 107975

Code. The deduction allowed by division (A)(14) of this section 107976
does not apply to medical savings account deposits and earnings 107977
otherwise deducted or excluded for the current or any other 107978
taxable year from the taxpayer's federal adjusted gross income. 107979

(15)(a) Add an amount equal to the funds withdrawn from a 107980
medical savings account during the taxable year, and the net 107981
investment earnings on those funds, when the funds withdrawn were 107982
used for any purpose other than to reimburse an account holder 107983
for, or to pay, eligible medical expenses, in accordance with 107984
section 3924.66 of the Revised Code; 107985

(b) Add the amounts distributed from a medical savings 107986
account under division (A)(2) of section 3924.68 of the Revised 107987
Code during the taxable year. 107988

(16) Add any amount claimed as a credit under section 107989
5747.059 or 5747.65 of the Revised Code to the extent that such 107990
amount satisfies either of the following: 107991

(a) The amount was deducted or excluded from the computation 107992
of the taxpayer's federal adjusted gross income as required to be 107993
reported for the taxpayer's taxable year under the Internal 107994
Revenue Code; 107995

(b) The amount resulted in a reduction of the taxpayer's 107996
federal adjusted gross income as required to be reported for any 107997
of the taxpayer's taxable years under the Internal Revenue Code. 107998

(17) Deduct the amount contributed by the taxpayer to an 107999
individual development account program established by a county 108000
department of job and family services pursuant to sections 329.11 108001
to 329.14 of the Revised Code for the purpose of matching funds 108002
deposited by program participants. On request of the tax 108003
commissioner, the taxpayer shall provide any information that, in 108004
the tax commissioner's opinion, is necessary to establish the 108005
amount deducted under division (A)(17) of this section. 108006

(18) Beginning in taxable year 2001 but not for any taxable year beginning after December 31, 2005, if the taxpayer is married and files a joint return and the combined federal adjusted gross income of the taxpayer and the taxpayer's spouse for the taxable year does not exceed one hundred thousand dollars, or if the taxpayer is single and has a federal adjusted gross income for the taxable year not exceeding fifty thousand dollars, deduct amounts paid during the taxable year for qualified tuition and fees paid to an eligible institution for the taxpayer, the taxpayer's spouse, or any dependent of the taxpayer, who is a resident of this state and is enrolled in or attending a program that culminates in a degree or diploma at an eligible institution. The deduction may be claimed only to the extent that qualified tuition and fees are not otherwise deducted or excluded for any taxable year from federal or Ohio adjusted gross income. The deduction may not be claimed for educational expenses for which the taxpayer claims a credit under section 5747.27 of the Revised Code.

(19) Add any reimbursement received during the taxable year of any amount the taxpayer deducted under division (A)(18) of this section in any previous taxable year to the extent the amount is not otherwise included in Ohio adjusted gross income.

(20)(a)(i) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code, including the taxpayer's proportionate or distributive share of the amount of depreciation expense allowed by that subsection to a pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(ii) Subject to divisions (A)(20)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179

depreciation expense allowed to any pass-through entity in which 108039
the taxpayer has a direct or indirect ownership interest. 108040

(iii) Subject to division (A)(20)(a)(v) of this section, for 108041
taxable years beginning in 2012 or thereafter, if the increase in 108042
income taxes withheld by the taxpayer is equal to or greater than 108043
ten per cent of income taxes withheld by the taxpayer during the 108044
taxpayer's immediately preceding taxable year, "two-thirds" shall 108045
be substituted for "five-sixths" for the purpose of divisions 108046
(A)(20)(a)(i) and (ii) of this section. 108047

(iv) Subject to division (A)(20)(a)(v) of this section, for 108048
taxable years beginning in 2012 or thereafter, a taxpayer is not 108049
required to add an amount under division (A)(20) of this section 108050
if the increase in income taxes withheld by the taxpayer and by 108051
any pass-through entity in which the taxpayer has a direct or 108052
indirect ownership interest is equal to or greater than the sum of 108053
(I) the amount of qualifying section 179 depreciation expense and 108054
(II) the amount of depreciation expense allowed to the taxpayer by 108055
subsection (k) of section 168 of the Internal Revenue Code, and 108056
including the taxpayer's proportionate or distributive shares of 108057
such amounts allowed to any such pass-through entities. 108058

(v) If a taxpayer directly or indirectly incurs a net 108059
operating loss for the taxable year for federal income tax 108060
purposes, to the extent such loss resulted from depreciation 108061
expense allowed by subsection (k) of section 168 of the Internal 108062
Revenue Code and by qualifying section 179 depreciation expense, 108063
"the entire" shall be substituted for "five-sixths of the" for the 108064
purpose of divisions (A)(20)(a)(i) and (ii) of this section. 108065

The tax commissioner, under procedures established by the 108066
commissioner, may waive the add-backs related to a pass-through 108067
entity if the taxpayer owns, directly or indirectly, less than 108068
five per cent of the pass-through entity. 108069

(b) Nothing in division (A)(20) of this section shall be 108070
construed to adjust or modify the adjusted basis of any asset. 108071

(c) To the extent the add-back required under division 108072
(A)(20)(a) of this section is attributable to property generating 108073
nonbusiness income or loss allocated under section 5747.20 of the 108074
Revised Code, the add-back shall be situated to the same location 108075
as the nonbusiness income or loss generated by the property for 108076
the purpose of determining the credit under division (A) of 108077
section 5747.05 of the Revised Code. Otherwise, the add-back shall 108078
be apportioned, subject to one or more of the four alternative 108079
methods of apportionment enumerated in section 5747.21 of the 108080
Revised Code. 108081

(d) For the purposes of division (A)(20)(a)(v) of this 108082
section, net operating loss carryback and carryforward shall not 108083
include the allowance of any net operating loss deduction 108084
carryback or carryforward to the taxable year to the extent such 108085
loss resulted from depreciation allowed by section 168(k) of the 108086
Internal Revenue Code and by the qualifying section 179 108087
depreciation expense amount. 108088

(e) For the purposes of divisions (A)(20) and (21) of this 108089
section: 108090

(i) "Income taxes withheld" means the total amount withheld 108091
and remitted under sections 5747.06 and 5747.07 of the Revised 108092
Code by an employer during the employer's taxable year. 108093

(ii) "Increase in income taxes withheld" means the amount by 108094
which the amount of income taxes withheld by an employer during 108095
the employer's current taxable year exceeds the amount of income 108096
taxes withheld by that employer during the employer's immediately 108097
preceding taxable year. 108098

(iii) "Qualifying section 179 depreciation expense" means the 108099
difference between (I) the amount of depreciation expense directly 108100

or indirectly allowed to a taxpayer under section 179 of the Internal Revised Code, and (II) the amount of depreciation expense directly or indirectly allowed to the taxpayer under section 179 of the Internal Revenue Code as that section existed on December 31, 2002.

(21)(a) If the taxpayer was required to add an amount under division (A)(20)(a) of this section for a taxable year, deduct one of the following:

(i) One-fifth of the amount so added for each of the five succeeding taxable years if the amount so added was five-sixths of qualifying section 179 depreciation expense or depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code;

(ii) One-half of the amount so added for each of the two succeeding taxable years if the amount so added was two-thirds of such depreciation expense;

(iii) One-sixth of the amount so added for each of the six succeeding taxable years if the entire amount of such depreciation expense was so added.

(b) If the amount deducted under division (A)(21)(a) of this section is attributable to an add-back allocated under division (A)(20)(c) of this section, the amount deducted shall be situated to the same location. Otherwise, the add-back shall be apportioned using the apportionment factors for the taxable year in which the deduction is taken, subject to one or more of the four alternative methods of apportionment enumerated in section 5747.21 of the Revised Code.

(c) No deduction is available under division (A)(21)(a) of this section with regard to any depreciation allowed by section 168(k) of the Internal Revenue Code and by the qualifying section 179 depreciation expense amount to the extent that such

depreciation results in or increases a federal net operating loss 108132
carryback or carryforward. If no such deduction is available for a 108133
taxable year, the taxpayer may carry forward the amount not 108134
deducted in such taxable year to the next taxable year and add 108135
that amount to any deduction otherwise available under division 108136
(A)(21)(a) of this section for that next taxable year. The 108137
carryforward of amounts not so deducted shall continue until the 108138
entire addition required by division (A)(20)(a) of this section 108139
has been deducted. 108140

(d) No refund shall be allowed as a result of adjustments 108141
made by division (A)(21) of this section. 108142

(22) Deduct, to the extent not otherwise deducted or excluded 108143
in computing federal or Ohio adjusted gross income for the taxable 108144
year, the amount the taxpayer received during the taxable year as 108145
reimbursement for life insurance premiums under section 5919.31 of 108146
the Revised Code. 108147

(23) Deduct, to the extent not otherwise deducted or excluded 108148
in computing federal or Ohio adjusted gross income for the taxable 108149
year, the amount the taxpayer received during the taxable year as 108150
a death benefit paid by the adjutant general under section 5919.33 108151
of the Revised Code. 108152

(24) Deduct, to the extent included in federal adjusted gross 108153
income and not otherwise allowable as a deduction or exclusion in 108154
computing federal or Ohio adjusted gross income for the taxable 108155
year, military pay and allowances received by the taxpayer during 108156
the taxable year for active duty service in the United States 108157
~~army, air force, navy, marine corps, or coast guard~~ uniformed 108158
services or reserve components thereof or the national guard. The 108159
deduction may not be claimed for military pay and allowances 108160
received by the taxpayer while the taxpayer is stationed in this 108161
state. 108162

(25) Deduct, to the extent not otherwise allowable as a 108163
deduction or exclusion in computing federal or Ohio adjusted gross 108164
income for the taxable year and not otherwise compensated for by 108165
any other source, the amount of qualified organ donation expenses 108166
incurred by the taxpayer during the taxable year, not to exceed 108167
ten thousand dollars. A taxpayer may deduct qualified organ 108168
donation expenses only once for all taxable years beginning with 108169
taxable years beginning in 2007. 108170

For the purposes of division (A)(25) of this section: 108171

(a) "Human organ" means all or any portion of a human liver, 108172
pancreas, kidney, intestine, or lung, and any portion of human 108173
bone marrow. 108174

(b) "Qualified organ donation expenses" means travel 108175
expenses, lodging expenses, and wages and salary forgone by a 108176
taxpayer in connection with the taxpayer's donation, while living, 108177
of one or more of the taxpayer's human organs to another human 108178
being. 108179

(26) Deduct, to the extent not otherwise deducted or excluded 108180
in computing federal or Ohio adjusted gross income for the taxable 108181
year, amounts received by the taxpayer as retired personnel pay 108182
for service in the uniformed services or reserve components 108183
thereof, or the national guard, or received by the surviving 108184
spouse or former spouse of such a taxpayer under the survivor 108185
benefit plan on account of such a taxpayer's death. If the 108186
taxpayer receives income on account of retirement paid under the 108187
federal civil service retirement system or federal employees 108188
retirement system, or under any successor retirement program 108189
enacted by the congress of the United States that is established 108190
and maintained for retired employees of the United States 108191
government, and such retirement income is based, in whole or in 108192
part, on credit for the taxpayer's uniformed service, the 108193
deduction allowed under this division shall include only that 108194

portion of such retirement income that is attributable to the 108195
taxpayer's uniformed service, to the extent that portion of such 108196
retirement income is otherwise included in federal adjusted gross 108197
income and is not otherwise deducted under this section. Any 108198
amount deducted under division (A)(26) of this section is not 108199
included in a taxpayer's adjusted gross income for the purposes of 108200
section 5747.055 of the Revised Code. No amount may be deducted 108201
under division (A)(26) of this section on the basis of which a 108202
credit was claimed under section 5747.055 of the Revised Code. 108203

(27) Deduct, to the extent not otherwise deducted or excluded 108204
in computing federal or Ohio adjusted gross income for the taxable 108205
year, the amount the taxpayer received during the taxable year 108206
from the military injury relief fund created in section ~~5101.98~~ 108207
5902.05 of the Revised Code. 108208

(28) Deduct, to the extent not otherwise deducted or excluded 108209
in computing federal or Ohio adjusted gross income for the taxable 108210
year, the amount the taxpayer received as a veterans bonus during 108211
the taxable year from the Ohio department of veterans services as 108212
authorized by Section 2r of Article VIII, Ohio Constitution. 108213

(29) Deduct, to the extent not otherwise deducted or excluded 108214
in computing federal or Ohio adjusted gross income for the taxable 108215
year, any income derived from a transfer agreement or from the 108216
enterprise transferred under that agreement under section 4313.02 108217
of the Revised Code. 108218

(30) Deduct, to the extent not otherwise deducted or excluded 108219
in computing federal or Ohio adjusted gross income for the taxable 108220
year, Ohio college opportunity or federal Pell grant amounts 108221
received by the taxpayer or the taxpayer's spouse or dependent 108222
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 108223
1070a, et seq., and used to pay room or board furnished by the 108224
educational institution for which the grant was awarded at the 108225
institution's facilities, including meal plans administered by the 108226

institution. For the purposes of this division, receipt of a grant 108227
includes the distribution of a grant directly to an educational 108228
institution and the crediting of the grant to the enrollee's 108229
account with the institution. 108230

(31) ~~Deduct~~ For taxable years beginning in 2013 and 2014, 108231
~~deduct~~ one-half of the ~~taxpayer's~~ individual's Ohio small business 108232
~~investor~~ income, the deduction not to exceed sixty-two thousand 108233
five hundred dollars for each spouse if spouses file separate 108234
returns under section 5747.08 of the Revised Code or one hundred 108235
twenty-five thousand dollars for all other ~~taxpayers~~. ~~No~~ 108236
~~pass-through entity may claim a deduction under this division~~ 108237
individuals. 108238

For the purposes of this division, "Ohio small business 108239
~~investor~~ income" means the portion of a ~~taxpayer's~~ an individual's 108240
adjusted gross income, computed without regard to the deduction 108241
under division (A)(31) of this section, that is business income, 108242
reduced by deductions from business income and apportioned or 108243
allocated to this state under sections 5747.21 and 5747.22 of the 108244
Revised Code, to the extent not otherwise deducted or excluded in 108245
computing federal or Ohio adjusted gross income for the taxable 108246
year. 108247

(B) "Business income" means income, including gain or loss, 108248
arising from transactions, activities, and sources in the regular 108249
course of a trade or business and includes income, gain, or loss 108250
from real property, tangible property, and intangible property if 108251
the acquisition, rental, management, and disposition of the 108252
property constitute integral parts of the regular course of a 108253
trade or business operation. "Business income" includes income, 108254
including gain or loss, from a partial or complete liquidation of 108255
a business, including, but not limited to, gain or loss from the 108256
sale or other disposition of goodwill. 108257

(C) "Nonbusiness income" means all income other than business 108258

income and may include, but is not limited to, compensation, rents 108259
and royalties from real or tangible personal property, capital 108260
gains, interest, dividends and distributions, patent or copyright 108261
royalties, or lottery winnings, prizes, and awards. 108262

(D) "Compensation" means any form of remuneration paid to an 108263
employee for personal services. 108264

(E) "Fiduciary" means a guardian, trustee, executor, 108265
administrator, receiver, conservator, or any other person acting 108266
in any fiduciary capacity for any individual, trust, or estate. 108267

(F) "Fiscal year" means an accounting period of twelve months 108268
ending on the last day of any month other than December. 108269

(G) "Individual" means any natural person. 108270

(H) "Internal Revenue Code" means the "Internal Revenue Code 108271
of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended. 108272

(I) "Resident" means any of the following, provided that 108273
division (I)(3) of this section applies only to taxable years of a 108274
trust beginning in 2002 or thereafter: 108275

(1) An individual who is domiciled in this state, subject to 108276
section 5747.24 of the Revised Code; 108277

(2) The estate of a decedent who at the time of death was 108278
domiciled in this state. The domicile tests of section 5747.24 of 108279
the Revised Code are not controlling for purposes of division 108280
(I)(2) of this section. 108281

(3) A trust that, in whole or part, resides in this state. If 108282
only part of a trust resides in this state, the trust is a 108283
resident only with respect to that part. 108284

For the purposes of division (I)(3) of this section: 108285

(a) A trust resides in this state for the trust's current 108286
taxable year to the extent, as described in division (I)(3)(d) of 108287
this section, that the trust consists directly or indirectly, in 108288

whole or in part, of assets, net of any related liabilities, that 108289
were transferred, or caused to be transferred, directly or 108290
indirectly, to the trust by any of the following: 108291

(i) A person, a court, or a governmental entity or 108292
instrumentality on account of the death of a decedent, but only if 108293
the trust is described in division (I)(3)(e)(i) or (ii) of this 108294
section; 108295

(ii) A person who was domiciled in this state for the 108296
purposes of this chapter when the person directly or indirectly 108297
transferred assets to an irrevocable trust, but only if at least 108298
one of the trust's qualifying beneficiaries is domiciled in this 108299
state for the purposes of this chapter during all or some portion 108300
of the trust's current taxable year; 108301

(iii) A person who was domiciled in this state for the 108302
purposes of this chapter when the trust document or instrument or 108303
part of the trust document or instrument became irrevocable, but 108304
only if at least one of the trust's qualifying beneficiaries is a 108305
resident domiciled in this state for the purposes of this chapter 108306
during all or some portion of the trust's current taxable year. If 108307
a trust document or instrument became irrevocable upon the death 108308
of a person who at the time of death was domiciled in this state 108309
for purposes of this chapter, that person is a person described in 108310
division (I)(3)(a)(iii) of this section. 108311

(b) A trust is irrevocable to the extent that the transferor 108312
is not considered to be the owner of the net assets of the trust 108313
under sections 671 to 678 of the Internal Revenue Code. 108314

(c) With respect to a trust other than a charitable lead 108315
trust, "qualifying beneficiary" has the same meaning as "potential 108316
current beneficiary" as defined in section 1361(e)(2) of the 108317
Internal Revenue Code, and with respect to a charitable lead trust 108318
"qualifying beneficiary" is any current, future, or contingent 108319

beneficiary, but with respect to any trust "qualifying 108320
beneficiary" excludes a person or a governmental entity or 108321
instrumentality to any of which a contribution would qualify for 108322
the charitable deduction under section 170 of the Internal Revenue 108323
Code. 108324

(d) For the purposes of division (I)(3)(a) of this section, 108325
the extent to which a trust consists directly or indirectly, in 108326
whole or in part, of assets, net of any related liabilities, that 108327
were transferred directly or indirectly, in whole or part, to the 108328
trust by any of the sources enumerated in that division shall be 108329
ascertained by multiplying the fair market value of the trust's 108330
assets, net of related liabilities, by the qualifying ratio, which 108331
shall be computed as follows: 108332

(i) The first time the trust receives assets, the numerator 108333
of the qualifying ratio is the fair market value of those assets 108334
at that time, net of any related liabilities, from sources 108335
enumerated in division (I)(3)(a) of this section. The denominator 108336
of the qualifying ratio is the fair market value of all the 108337
trust's assets at that time, net of any related liabilities. 108338

(ii) Each subsequent time the trust receives assets, a 108339
revised qualifying ratio shall be computed. The numerator of the 108340
revised qualifying ratio is the sum of (1) the fair market value 108341
of the trust's assets immediately prior to the subsequent 108342
transfer, net of any related liabilities, multiplied by the 108343
qualifying ratio last computed without regard to the subsequent 108344
transfer, and (2) the fair market value of the subsequently 108345
transferred assets at the time transferred, net of any related 108346
liabilities, from sources enumerated in division (I)(3)(a) of this 108347
section. The denominator of the revised qualifying ratio is the 108348
fair market value of all the trust's assets immediately after the 108349
subsequent transfer, net of any related liabilities. 108350

(iii) Whether a transfer to the trust is by or from any of 108351

the sources enumerated in division (I)(3)(a) of this section shall 108352
be ascertained without regard to the domicile of the trust's 108353
beneficiaries. 108354

(e) For the purposes of division (I)(3)(a)(i) of this 108355
section: 108356

(i) A trust is described in division (I)(3)(e)(i) of this 108357
section if the trust is a testamentary trust and the testator of 108358
that testamentary trust was domiciled in this state at the time of 108359
the testator's death for purposes of the taxes levied under 108360
Chapter 5731. of the Revised Code. 108361

(ii) A trust is described in division (I)(3)(e)(ii) of this 108362
section if the transfer is a qualifying transfer described in any 108363
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 108364
irrevocable inter vivos trust, and at least one of the trust's 108365
qualifying beneficiaries is domiciled in this state for purposes 108366
of this chapter during all or some portion of the trust's current 108367
taxable year. 108368

(f) For the purposes of division (I)(3)(e)(ii) of this 108369
section, a "qualifying transfer" is a transfer of assets, net of 108370
any related liabilities, directly or indirectly to a trust, if the 108371
transfer is described in any of the following: 108372

(i) The transfer is made to a trust, created by the decedent 108373
before the decedent's death and while the decedent was domiciled 108374
in this state for the purposes of this chapter, and, prior to the 108375
death of the decedent, the trust became irrevocable while the 108376
decedent was domiciled in this state for the purposes of this 108377
chapter. 108378

(ii) The transfer is made to a trust to which the decedent, 108379
prior to the decedent's death, had directly or indirectly 108380
transferred assets, net of any related liabilities, while the 108381
decedent was domiciled in this state for the purposes of this 108382

chapter, and prior to the death of the decedent the trust became 108383
irrevocable while the decedent was domiciled in this state for the 108384
purposes of this chapter. 108385

(iii) The transfer is made on account of a contractual 108386
relationship existing directly or indirectly between the 108387
transferor and either the decedent or the estate of the decedent 108388
at any time prior to the date of the decedent's death, and the 108389
decedent was domiciled in this state at the time of death for 108390
purposes of the taxes levied under Chapter 5731. of the Revised 108391
Code. 108392

(iv) The transfer is made to a trust on account of a 108393
contractual relationship existing directly or indirectly between 108394
the transferor and another person who at the time of the 108395
decedent's death was domiciled in this state for purposes of this 108396
chapter. 108397

(v) The transfer is made to a trust on account of the will of 108398
a testator who was domiciled in this state at the time of the 108399
testator's death for purposes of the taxes levied under Chapter 108400
5731. of the Revised Code. 108401

(vi) The transfer is made to a trust created by or caused to 108402
be created by a court, and the trust was directly or indirectly 108403
created in connection with or as a result of the death of an 108404
individual who, for purposes of the taxes levied under Chapter 108405
5731. of the Revised Code, was domiciled in this state at the time 108406
of the individual's death. 108407

(g) The tax commissioner may adopt rules to ascertain the 108408
part of a trust residing in this state. 108409

(J) "Nonresident" means an individual or estate that is not a 108410
resident. An individual who is a resident for only part of a 108411
taxable year is a nonresident for the remainder of that taxable 108412
year. 108413

(K) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code.	108414 108415
(L) "Return" means the notifications and reports required to be filed pursuant to this chapter for the purpose of reporting the tax due and includes declarations of estimated tax when so required.	108416 108417 108418 108419
(M) "Taxable year" means the calendar year or the taxpayer's fiscal year ending during the calendar year, or fractional part thereof, upon which the adjusted gross income is calculated pursuant to this chapter.	108420 108421 108422 108423
(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.	108424 108425 108426 108427
(O) "Dependents" means dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.	108428 108429 108430 108431 108432
(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.	108433 108434 108435 108436 108437
(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:	108438 108439
(1) "Subdivision" means any county, municipal corporation, park district, or township.	108440 108441
(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to	108442 108443

exercise, including like functions that are exercised under a 108444
charter adopted pursuant to the Ohio Constitution. 108445

(R) "Overpayment" means any amount already paid that exceeds 108446
the figure determined to be the correct amount of the tax. 108447

(S) "Taxable income" or "Ohio taxable income" applies only to 108448
estates and trusts, and means federal taxable income, as defined 108449
and used in the Internal Revenue Code, adjusted as follows: 108450

(1) Add interest or dividends, net of ordinary, necessary, 108451
and reasonable expenses not deducted in computing federal taxable 108452
income, on obligations or securities of any state or of any 108453
political subdivision or authority of any state, other than this 108454
state and its subdivisions and authorities, but only to the extent 108455
that such net amount is not otherwise includible in Ohio taxable 108456
income and is described in either division (S)(1)(a) or (b) of 108457
this section: 108458

(a) The net amount is not attributable to the S portion of an 108459
electing small business trust and has not been distributed to 108460
beneficiaries for the taxable year; 108461

(b) The net amount is attributable to the S portion of an 108462
electing small business trust for the taxable year. 108463

(2) Add interest or dividends, net of ordinary, necessary, 108464
and reasonable expenses not deducted in computing federal taxable 108465
income, on obligations of any authority, commission, 108466
instrumentality, territory, or possession of the United States to 108467
the extent that the interest or dividends are exempt from federal 108468
income taxes but not from state income taxes, but only to the 108469
extent that such net amount is not otherwise includible in Ohio 108470
taxable income and is described in either division (S)(1)(a) or 108471
(b) of this section; 108472

(3) Add the amount of personal exemption allowed to the 108473
estate pursuant to section 642(b) of the Internal Revenue Code; 108474

(4) Deduct interest or dividends, net of related expenses 108475
deducted in computing federal taxable income, on obligations of 108476
the United States and its territories and possessions or of any 108477
authority, commission, or instrumentality of the United States to 108478
the extent that the interest or dividends are exempt from state 108479
taxes under the laws of the United States, but only to the extent 108480
that such amount is included in federal taxable income and is 108481
described in either division (S)(1)(a) or (b) of this section; 108482

(5) Deduct the amount of wages and salaries, if any, not 108483
otherwise allowable as a deduction but that would have been 108484
allowable as a deduction in computing federal taxable income for 108485
the taxable year, had the targeted jobs credit allowed under 108486
sections 38, 51, and 52 of the Internal Revenue Code not been in 108487
effect, but only to the extent such amount relates either to 108488
income included in federal taxable income for the taxable year or 108489
to income of the S portion of an electing small business trust for 108490
the taxable year; 108491

(6) Deduct any interest or interest equivalent, net of 108492
related expenses deducted in computing federal taxable income, on 108493
public obligations and purchase obligations, but only to the 108494
extent that such net amount relates either to income included in 108495
federal taxable income for the taxable year or to income of the S 108496
portion of an electing small business trust for the taxable year; 108497

(7) Add any loss or deduct any gain resulting from sale, 108498
exchange, or other disposition of public obligations to the extent 108499
that such loss has been deducted or such gain has been included in 108500
computing either federal taxable income or income of the S portion 108501
of an electing small business trust for the taxable year; 108502

(8) Except in the case of the final return of an estate, add 108503
any amount deducted by the taxpayer on both its Ohio estate tax 108504
return pursuant to section 5731.14 of the Revised Code, and on its 108505
federal income tax return in determining federal taxable income; 108506

(9)(a) Deduct any amount included in federal taxable income 108507
solely because the amount represents a reimbursement or refund of 108508
expenses that in a previous year the decedent had deducted as an 108509
itemized deduction pursuant to section 63 of the Internal Revenue 108510
Code and applicable treasury regulations. The deduction otherwise 108511
allowed under division (S)(9)(a) of this section shall be reduced 108512
to the extent the reimbursement is attributable to an amount the 108513
taxpayer or decedent deducted under this section in any taxable 108514
year. 108515

(b) Add any amount not otherwise included in Ohio taxable 108516
income for any taxable year to the extent that the amount is 108517
attributable to the recovery during the taxable year of any amount 108518
deducted or excluded in computing federal or Ohio taxable income 108519
in any taxable year, but only to the extent such amount has not 108520
been distributed to beneficiaries for the taxable year. 108521

(10) Deduct any portion of the deduction described in section 108522
1341(a)(2) of the Internal Revenue Code, for repaying previously 108523
reported income received under a claim of right, that meets both 108524
of the following requirements: 108525

(a) It is allowable for repayment of an item that was 108526
included in the taxpayer's taxable income or the decedent's 108527
adjusted gross income for a prior taxable year and did not qualify 108528
for a credit under division (A) or (B) of section 5747.05 of the 108529
Revised Code for that year. 108530

(b) It does not otherwise reduce the taxpayer's taxable 108531
income or the decedent's adjusted gross income for the current or 108532
any other taxable year. 108533

(11) Add any amount claimed as a credit under section 108534
5747.059 or 5747.65 of the Revised Code to the extent that the 108535
amount satisfies either of the following: 108536

(a) The amount was deducted or excluded from the computation 108537

of the taxpayer's federal taxable income as required to be 108538
reported for the taxpayer's taxable year under the Internal 108539
Revenue Code; 108540

(b) The amount resulted in a reduction in the taxpayer's 108541
federal taxable income as required to be reported for any of the 108542
taxpayer's taxable years under the Internal Revenue Code. 108543

(12) Deduct any amount, net of related expenses deducted in 108544
computing federal taxable income, that a trust is required to 108545
report as farm income on its federal income tax return, but only 108546
if the assets of the trust include at least ten acres of land 108547
satisfying the definition of "land devoted exclusively to 108548
agricultural use" under section 5713.30 of the Revised Code, 108549
regardless of whether the land is valued for tax purposes as such 108550
land under sections 5713.30 to 5713.38 of the Revised Code. If the 108551
trust is a pass-through entity investor, section 5747.231 of the 108552
Revised Code applies in ascertaining if the trust is eligible to 108553
claim the deduction provided by division (S)(12) of this section 108554
in connection with the pass-through entity's farm income. 108555

Except for farm income attributable to the S portion of an 108556
electing small business trust, the deduction provided by division 108557
(S)(12) of this section is allowed only to the extent that the 108558
trust has not distributed such farm income. Division (S)(12) of 108559
this section applies only to taxable years of a trust beginning in 108560
2002 or thereafter. 108561

(13) Add the net amount of income described in section 641(c) 108562
of the Internal Revenue Code to the extent that amount is not 108563
included in federal taxable income. 108564

(14) Add or deduct the amount the taxpayer would be required 108565
to add or deduct under division (A)(20) or (21) of this section if 108566
the taxpayer's Ohio taxable income were computed in the same 108567
manner as an individual's Ohio adjusted gross income is computed 108568

under this section. In the case of a trust, division (S)(14) of 108569
this section applies only to any of the trust's taxable years 108570
beginning in 2002 or thereafter. 108571

(T) "School district income" and "school district income tax" 108572
have the same meanings as in section 5748.01 of the Revised Code. 108573

(U) As used in divisions (A)(8), (A)(9), (S)(6), and (S)(7) 108574
of this section, "public obligations," "purchase obligations," and 108575
"interest or interest equivalent" have the same meanings as in 108576
section 5709.76 of the Revised Code. 108577

(V) "Limited liability company" means any limited liability 108578
company formed under Chapter 1705. of the Revised Code or under 108579
the laws of any other state. 108580

(W) "Pass-through entity investor" means any person who, 108581
during any portion of a taxable year of a pass-through entity, is 108582
a partner, member, shareholder, or equity investor in that 108583
pass-through entity. 108584

(X) "Banking day" has the same meaning as in section 1304.01 108585
of the Revised Code. 108586

(Y) "Month" means a calendar month. 108587

(Z) "Quarter" means the first three months, the second three 108588
months, the third three months, or the last three months of the 108589
taxpayer's taxable year. 108590

(AA)(1) "Eligible institution" means a state university or 108591
state institution of higher education as defined in section 108592
3345.011 of the Revised Code, or a private, nonprofit college, 108593
university, or other post-secondary institution located in this 108594
state that possesses a certificate of authorization issued by the 108595
~~Ohio board of regents~~ chancellor of higher education pursuant to 108596
Chapter 1713. of the Revised Code or a certificate of registration 108597
issued by the state board of career colleges and schools under 108598

Chapter 3332. of the Revised Code. 108599

(2) "Qualified tuition and fees" means tuition and fees 108600
imposed by an eligible institution as a condition of enrollment or 108601
attendance, not exceeding two thousand five hundred dollars in 108602
each of the individual's first two years of post-secondary 108603
education. If the individual is a part-time student, "qualified 108604
tuition and fees" includes tuition and fees paid for the academic 108605
equivalent of the first two years of post-secondary education 108606
during a maximum of five taxable years, not exceeding a total of 108607
five thousand dollars. "Qualified tuition and fees" does not 108608
include: 108609

(a) Expenses for any course or activity involving sports, 108610
games, or hobbies unless the course or activity is part of the 108611
individual's degree or diploma program; 108612

(b) The cost of books, room and board, student activity fees, 108613
athletic fees, insurance expenses, or other expenses unrelated to 108614
the individual's academic course of instruction; 108615

(c) Tuition, fees, or other expenses paid or reimbursed 108616
through an employer, scholarship, grant in aid, or other 108617
educational benefit program. 108618

(BB)(1) "Modified business income" means the business income 108619
included in a trust's Ohio taxable income after such taxable 108620
income is first reduced by the qualifying trust amount, if any. 108621

(2) "Qualifying trust amount" of a trust means capital gains 108622
and losses from the sale, exchange, or other disposition of equity 108623
or ownership interests in, or debt obligations of, a qualifying 108624
investee to the extent included in the trust's Ohio taxable 108625
income, but only if the following requirements are satisfied: 108626

(a) The book value of the qualifying investee's physical 108627
assets in this state and everywhere, as of the last day of the 108628
qualifying investee's fiscal or calendar year ending immediately 108629

prior to the date on which the trust recognizes the gain or loss, 108630
is available to the trust. 108631

(b) The requirements of section 5747.011 of the Revised Code 108632
are satisfied for the trust's taxable year in which the trust 108633
recognizes the gain or loss. 108634

Any gain or loss that is not a qualifying trust amount is 108635
modified business income, qualifying investment income, or 108636
modified nonbusiness income, as the case may be. 108637

(3) "Modified nonbusiness income" means a trust's Ohio 108638
taxable income other than modified business income, other than the 108639
qualifying trust amount, and other than qualifying investment 108640
income, as defined in section 5747.012 of the Revised Code, to the 108641
extent such qualifying investment income is not otherwise part of 108642
modified business income. 108643

(4) "Modified Ohio taxable income" applies only to trusts, 108644
and means the sum of the amounts described in divisions (BB)(4)(a) 108645
to (c) of this section: 108646

(a) The fraction, calculated under section 5747.013, and 108647
applying section 5747.231 of the Revised Code, multiplied by the 108648
sum of the following amounts: 108649

(i) The trust's modified business income; 108650

(ii) The trust's qualifying investment income, as defined in 108651
section 5747.012 of the Revised Code, but only to the extent the 108652
qualifying investment income does not otherwise constitute 108653
modified business income and does not otherwise constitute a 108654
qualifying trust amount. 108655

(b) The qualifying trust amount multiplied by a fraction, the 108656
numerator of which is the sum of the book value of the qualifying 108657
investee's physical assets in this state on the last day of the 108658
qualifying investee's fiscal or calendar year ending immediately 108659

prior to the day on which the trust recognizes the qualifying trust amount, and the denominator of which is the sum of the book value of the qualifying investee's total physical assets everywhere on the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the day on which the trust recognizes the qualifying trust amount. If, for a taxable year, the trust recognizes a qualifying trust amount with respect to more than one qualifying investee, the amount described in division (BB)(4)(b) of this section shall equal the sum of the products so computed for each such qualifying investee.

(c)(i) With respect to a trust or portion of a trust that is a resident as ascertained in accordance with division (I)(3)(d) of this section, its modified nonbusiness income.

(ii) With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the amount of its modified nonbusiness income satisfying the descriptions in divisions (B)(2) to (5) of section 5747.20 of the Revised Code, except as otherwise provided in division (BB)(4)(c)(ii) of this section. With respect to a trust or portion of a trust that is not a resident as ascertained in accordance with division (I)(3)(d) of this section, the trust's portion of modified nonbusiness income recognized from the sale, exchange, or other disposition of a debt interest in or equity interest in a section 5747.212 entity, as defined in section 5747.212 of the Revised Code, without regard to division (A) of that section, shall not be allocated to this state in accordance with section 5747.20 of the Revised Code but shall be apportioned to this state in accordance with division (B) of section 5747.212 of the Revised Code without regard to division (A) of that section.

If the allocation and apportionment of a trust's income under divisions (BB)(4)(a) and (c) of this section do not fairly

represent the modified Ohio taxable income of the trust in this 108692
state, the alternative methods described in division (C) of 108693
section 5747.21 of the Revised Code may be applied in the manner 108694
and to the same extent provided in that section. 108695

(5)(a) Except as set forth in division (BB)(5)(b) of this 108696
section, "qualifying investee" means a person in which a trust has 108697
an equity or ownership interest, or a person or unit of government 108698
the debt obligations of either of which are owned by a trust. For 108699
the purposes of division (BB)(2)(a) of this section and for the 108700
purpose of computing the fraction described in division (BB)(4)(b) 108701
of this section, all of the following apply: 108702

(i) If the qualifying investee is a member of a qualifying 108703
controlled group on the last day of the qualifying investee's 108704
fiscal or calendar year ending immediately prior to the date on 108705
which the trust recognizes the gain or loss, then "qualifying 108706
investee" includes all persons in the qualifying controlled group 108707
on such last day. 108708

(ii) If the qualifying investee, or if the qualifying 108709
investee and any members of the qualifying controlled group of 108710
which the qualifying investee is a member on the last day of the 108711
qualifying investee's fiscal or calendar year ending immediately 108712
prior to the date on which the trust recognizes the gain or loss, 108713
separately or cumulatively own, directly or indirectly, on the 108714
last day of the qualifying investee's fiscal or calendar year 108715
ending immediately prior to the date on which the trust recognizes 108716
the qualifying trust amount, more than fifty per cent of the 108717
equity of a pass-through entity, then the qualifying investee and 108718
the other members are deemed to own the proportionate share of the 108719
pass-through entity's physical assets which the pass-through 108720
entity directly or indirectly owns on the last day of the 108721
pass-through entity's calendar or fiscal year ending within or 108722
with the last day of the qualifying investee's fiscal or calendar 108723

year ending immediately prior to the date on which the trust 108724
recognizes the qualifying trust amount. 108725

(iii) For the purposes of division (BB)(5)(a)(iii) of this 108726
section, "upper level pass-through entity" means a pass-through 108727
entity directly or indirectly owning any equity of another 108728
pass-through entity, and "lower level pass-through entity" means 108729
that other pass-through entity. 108730

An upper level pass-through entity, whether or not it is also 108731
a qualifying investee, is deemed to own, on the last day of the 108732
upper level pass-through entity's calendar or fiscal year, the 108733
proportionate share of the lower level pass-through entity's 108734
physical assets that the lower level pass-through entity directly 108735
or indirectly owns on the last day of the lower level pass-through 108736
entity's calendar or fiscal year ending within or with the last 108737
day of the upper level pass-through entity's fiscal or calendar 108738
year. If the upper level pass-through entity directly and 108739
indirectly owns less than fifty per cent of the equity of the 108740
lower level pass-through entity on each day of the upper level 108741
pass-through entity's calendar or fiscal year in which or with 108742
which ends the calendar or fiscal year of the lower level 108743
pass-through entity and if, based upon clear and convincing 108744
evidence, complete information about the location and cost of the 108745
physical assets of the lower pass-through entity is not available 108746
to the upper level pass-through entity, then solely for purposes 108747
of ascertaining if a gain or loss constitutes a qualifying trust 108748
amount, the upper level pass-through entity shall be deemed as 108749
owning no equity of the lower level pass-through entity for each 108750
day during the upper level pass-through entity's calendar or 108751
fiscal year in which or with which ends the lower level 108752
pass-through entity's calendar or fiscal year. Nothing in division 108753
(BB)(5)(a)(iii) of this section shall be construed to provide for 108754
any deduction or exclusion in computing any trust's Ohio taxable 108755

income. 108756

(b) With respect to a trust that is not a resident for the 108757
taxable year and with respect to a part of a trust that is not a 108758
resident for the taxable year, "qualifying investee" for that 108759
taxable year does not include a C corporation if both of the 108760
following apply: 108761

(i) During the taxable year the trust or part of the trust 108762
recognizes a gain or loss from the sale, exchange, or other 108763
disposition of equity or ownership interests in, or debt 108764
obligations of, the C corporation. 108765

(ii) Such gain or loss constitutes nonbusiness income. 108766

(6) "Available" means information is such that a person is 108767
able to learn of the information by the due date plus extensions, 108768
if any, for filing the return for the taxable year in which the 108769
trust recognizes the gain or loss. 108770

(CC) "Qualifying controlled group" has the same meaning as in 108771
section 5733.04 of the Revised Code. 108772

(DD) "Related member" has the same meaning as in section 108773
5733.042 of the Revised Code. 108774

(EE)(1) For the purposes of division (EE) of this section: 108775

(a) "Qualifying person" means any person other than a 108776
qualifying corporation. 108777

(b) "Qualifying corporation" means any person classified for 108778
federal income tax purposes as an association taxable as a 108779
corporation, except either of the following: 108780

(i) A corporation that has made an election under subchapter 108781
S, chapter one, subtitle A, of the Internal Revenue Code for its 108782
taxable year ending within, or on the last day of, the investor's 108783
taxable year; 108784

(ii) A subsidiary that is wholly owned by any corporation 108785

that has made an election under subchapter S, chapter one, 108786
subtitle A of the Internal Revenue Code for its taxable year 108787
ending within, or on the last day of, the investor's taxable year. 108788

(2) For the purposes of this chapter, unless expressly stated 108789
otherwise, no qualifying person indirectly owns any asset directly 108790
or indirectly owned by any qualifying corporation. 108791

(FF) For purposes of this chapter and Chapter 5751. of the 108792
Revised Code: 108793

(1) "Trust" does not include a qualified pre-income tax 108794
trust. 108795

(2) A "qualified pre-income tax trust" is any pre-income tax 108796
trust that makes a qualifying pre-income tax trust election as 108797
described in division (FF)(3) of this section. 108798

(3) A "qualifying pre-income tax trust election" is an 108799
election by a pre-income tax trust to subject to the tax imposed 108800
by section 5751.02 of the Revised Code the pre-income tax trust 108801
and all pass-through entities of which the trust owns or controls, 108802
directly, indirectly, or constructively through related interests, 108803
five per cent or more of the ownership or equity interests. The 108804
trustee shall notify the tax commissioner in writing of the 108805
election on or before April 15, 2006. The election, if timely 108806
made, shall be effective on and after January 1, 2006, and shall 108807
apply for all tax periods and tax years until revoked by the 108808
trustee of the trust. 108809

(4) A "pre-income tax trust" is a trust that satisfies all of 108810
the following requirements: 108811

(a) The document or instrument creating the trust was 108812
executed by the grantor before January 1, 1972; 108813

(b) The trust became irrevocable upon the creation of the 108814
trust; and 108815

(c) The grantor was domiciled in this state at the time the trust was created. 108816
108817

(GG) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 108818
108819

Sec. 5747.02. (A) For the purpose of providing revenue for the support of schools and local government functions, to provide relief to property taxpayers, to provide revenue for the general revenue fund, and to meet the expenses of administering the tax levied by this chapter, there is hereby levied on every individual, trust, and estate residing in or earning or receiving income in this state, on every individual, trust, and estate earning or receiving lottery winnings, prizes, or awards pursuant to Chapter 3770. of the Revised Code, on every individual, trust, and estate earning or receiving winnings on casino gaming, and on every individual, trust, and estate otherwise having nexus with or in this state under the Constitution of the United States, an annual tax measured ~~in the case of individuals by Ohio adjusted gross income less an exemption for the taxpayer, the taxpayer's spouse, and each dependent as provided in section 5747.025 of the Revised Code; measured in the case of trusts by modified Ohio taxable income under division (D) of this section; and measured in the case of estates by Ohio taxable income as prescribed in divisions (A)(1) to (5) of this section.~~ 108820
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(1) In the case of trusts, the tax imposed by this section shall be measured by modified Ohio taxable income under division (D) of this section and levied at the same rates prescribed in division (A)(3) of this section for individuals. 108839
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108842

(2) In the case of estates, the tax imposed by this section shall be measured by Ohio taxable income and levied at the same rates prescribed in division (A)(3) of this section for individuals. The tax imposed ~~by this section~~ on the balance thus 108843
108844
108845
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obtained is hereby levied as follows:		108847
(1) For taxable years beginning in 2004:		108848
OHIO ADJUSTED GROSS INCOME LESS		108849
EXEMPTIONS (INDIVIDUALS)		
OR		108850
MODIFIED OHIO		108851
TAXABLE INCOME (TRUSTS)		108852
OR		108853
OHIO TAXABLE INCOME (ESTATES)	TAX	108854
\$5,000 or less	.743%	108855
More than \$5,000 but not more than \$10,000	\$37.15 plus 1.486% of the amount in excess of \$5,000	108856
More than \$10,000 but not more than \$15,000	\$111.45 plus 2.972% of the amount in excess of \$10,000	108857
More than \$15,000 but not more than \$20,000	\$260.05 plus 3.715% of the amount in excess of \$15,000	108858
More than \$20,000 but not more than \$40,000	\$445.80 plus 4.457% of the amount in excess of \$20,000	108859
More than \$40,000 but not more than \$80,000	\$1,337.20 plus 5.201% of the amount in excess of \$40,000	108860
More than \$80,000 but not more than \$100,000	\$3,417.60 plus 5.943% of the amount in excess of \$80,000	108861
More than \$100,000 but not more than \$200,000	\$4,606.20 plus 6.9% of the amount in excess of \$100,000	108862
More than \$200,000	\$11,506.20 plus 7.5% of the amount in excess of \$200,000	108863
(2) For taxable years beginning in 2005:		108864
OHIO ADJUSTED GROSS INCOME LESS		108865
EXEMPTIONS (INDIVIDUALS)		
OR		108866
MODIFIED OHIO		108867
TAXABLE INCOME (TRUSTS)		108868

	OR	108869
OHIO TAXABLE INCOME (ESTATES)	TAX	108870
\$5,000 or less	-.712%	108871
More than \$5,000 but not more than \$10,000	\$35.60 plus 1.424% of the amount in excess of \$5,000	108872
More than \$10,000 but not more than \$15,000	\$106.80 plus 2.847% of the amount in excess of \$10,000	108873
More than \$15,000 but not more than \$20,000	\$249.15 plus 3.559% of the amount in excess of \$15,000	108874
More than \$20,000 but not more than \$40,000	\$427.10 plus 4.27% of the amount in excess of \$20,000	108875
More than \$40,000 but not more than \$80,000	\$1,281.10 plus 4.983% of the amount in excess of \$40,000	108876
More than \$80,000 but not more than \$100,000	\$3,274.30 plus 5.693% of the amount in excess of \$80,000	108877
More than \$100,000 but not more than \$200,000	\$4,412.90 plus 6.61% of the amount in excess of \$100,000	108878
More than \$200,000	\$11,022.90 plus 7.185% of the amount in excess of \$200,000	108879
(3) For taxable years beginning in 2006:		108880
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		108881
OR		108882
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		108883
OR		108884
OHIO TAXABLE INCOME (ESTATES)	TAX	108885
\$5,000 or less	-.681%	108886
More than \$5,000 but not more than \$10,000	\$34.05 plus 1.361% of the amount in excess of \$5,000	108887
More than \$10,000 but not more than \$15,000	\$102.10 plus 2.722% of the amount in excess of \$10,000	108888
More than \$15,000 but not more	\$238.20 plus 3.403% of the	108889
		108890

than \$20,000	amount in excess of \$15,000	
More than \$20,000 but not more than \$40,000	\$408.35 plus 4.083% of the amount in excess of \$20,000	108891
More than \$40,000 but not more than \$80,000	\$1,224.95 plus 4.764% of the amount in excess of \$40,000	108892
More than \$80,000 but not more than \$100,000	\$3,130.55 plus 5.444% of the amount in excess of \$80,000	108893
More than \$100,000 but not more than \$200,000	\$4,219.35 plus 6.32% of the amount in excess of \$100,000	108894
More than \$200,000	\$10,539.35 plus 6.87% of the amount in excess of \$200,000	108895
(4) For taxable years beginning in 2007:		108896
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		108897
OR		108898
MODIFIED OHIO		108899
TAXABLE INCOME (TRUSTS)		108900
OR		108901
OHIO TAXABLE INCOME (ESTATES)	TAX	108902
\$5,000 or less	.649%	108903
More than \$5,000 but not more than \$10,000	\$32.45 plus 1.299% of the amount in excess of \$5,000	108904
More than \$10,000 but not more than \$15,000	\$97.40 plus 2.598% of the amount in excess of \$10,000	108905
More than \$15,000 but not more than \$20,000	\$227.30 plus 3.247% of the amount in excess of \$15,000	108906
More than \$20,000 but not more than \$40,000	\$389.65 plus 3.895% of the amount in excess of \$20,000	108907
More than \$40,000 but not more than \$80,000	\$1,168.65 plus 4.546% of the amount in excess of \$40,000	108908
More than \$80,000 but not more than \$100,000	\$2,987.05 plus 5.194% of the amount in excess of \$80,000	108909
More than \$100,000 but not more	\$4,025.85 plus 6.031% of the	108910

than \$200,000	amount in excess of \$100,000	
More than \$200,000	\$10,056.85 plus 6.555% of the amount in excess of \$200,000	108911
(5) For taxable years beginning in 2008, 2009, or 2010:		108912
OHIO ADJUSTED GROSS INCOME LESS		108913
EXEMPTIONS (INDIVIDUALS)		
OR		108914
MODIFIED OHIO		108915
TAXABLE INCOME (TRUSTS)		108916
OR		108917
OHIO TAXABLE INCOME (ESTATES)	TAX	108918
\$5,000 or less	.618%	108919
More than \$5,000 but not more than \$10,000	\$30.90 plus 1.236% of the amount in excess of \$5,000	108920
More than \$10,000 but not more than \$15,000	\$92.70 plus 2.473% of the amount in excess of \$10,000	108921
More than \$15,000 but not more than \$20,000	\$216.35 plus 3.091% of the amount in excess of \$15,000	108922
More than \$20,000 but not more than \$40,000	\$370.90 plus 3.708% of the amount in excess of \$20,000	108923
More than \$40,000 but not more than \$80,000	\$1,112.50 plus 4.327% of the amount in excess of \$40,000	108924
More than \$80,000 but not more than \$100,000	\$2,843.30 plus 4.945% of the amount in excess of \$80,000	108925
More than \$100,000 but not more than \$200,000	\$3,832.30 plus 5.741% of the amount in excess of \$100,000	108926
More than \$200,000	\$9,573.30 plus 6.24% of the amount in excess of \$200,000	108927
(6) For taxable years beginning in 2011 or 2012:		108928
OHIO ADJUSTED GROSS INCOME LESS		108929
EXEMPTIONS (INDIVIDUALS)		
OR		108930

MODIFIED OHIO		108931
TAXABLE INCOME (TRUSTS)		108932
OR		108933
OHIO TAXABLE INCOME (ESTATES)	TAX	108934
\$5,000 or less	.587%	108935
More than \$5,000 but not more than \$10,000	\$29.35 plus 1.174% of the amount in excess of \$5,000	108936
More than \$10,000 but not more than \$15,000	\$88.05 plus 2.348% of the amount in excess of \$10,000	108937
More than \$15,000 but not more than \$20,000	\$205.45 plus 2.935% of the amount in excess of \$15,000	108938
More than \$20,000 but not more than \$40,000	\$352.20 plus 3.521% of the amount in excess of \$20,000	108939
More than \$40,000 but not more than \$80,000	\$1,056.40 plus 4.109% of the amount in excess of \$40,000	108940
More than \$80,000 but not more than \$100,000	\$2,700.00 plus 4.695% of the amount in excess of \$80,000	108941
More than \$100,000 but not more than \$200,000	\$3,639.00 plus 5.451% of the amount in excess of \$100,000	108942
More than \$200,000	\$9,090.00 plus 5.925% of the amount in excess of \$200,000	108943
(7) For taxable years beginning in 2013:		108944
OHIO ADJUSTED GROSS INCOME LESS		108945
EXEMPTIONS (INDIVIDUALS)		
OR		108946
MODIFIED OHIO		108947
TAXABLE INCOME (TRUSTS)		108948
OR		108949
OHIO TAXABLE INCOME (ESTATES)	TAX	108950
\$5,000 or less	.537%	108951
More than \$5,000 but not more than \$10,000	\$26.86 plus 1.074% of the amount in excess of \$5,000	108952
More than \$10,000 but not more	\$80.57 plus 2.148% of the amount	108953

than \$15,000	in excess of \$10,000	
More than \$15,000 but not more than \$20,000	\$187.99 plus 2.686% of the amount in excess of \$15,000	108954
More than \$20,000 but not more than \$40,000	\$322.26 plus 3.222% of the amount in excess of \$20,000	108955
More than \$40,000 but not more than \$80,000	\$966.61 plus 3.760% of the amount in excess of \$40,000	108956
More than \$80,000 but not more than \$100,000	\$2,470.50 plus 4.296% of the amount in excess of \$80,000	108957
More than \$100,000 but not more than \$200,000	\$3,329.68 plus 4.988% of the amount in excess of \$100,000	108958
More than \$200,000	\$8,317.35 plus 5.421% of the amount in excess of \$200,000	108959
(8) For taxable years beginning in 2014 or thereafter:		108960
OHIO ADJUSTED GROSS INCOME LESS EXEMPTIONS (INDIVIDUALS)		108961
OR		108962
MODIFIED OHIO TAXABLE INCOME (TRUSTS)		108963
OR		108964
OHIO TAXABLE INCOME (ESTATES)	TAX	108965
\$5,000 or less	.528%	108966
More than \$5,000 but not more than \$10,000	\$26.41 plus 1.057% of the amount in excess of \$5,000	108967
More than \$10,000 but not more than \$15,000	\$79.24 plus 2.113% of the amount in excess of \$10,000	108968
More than \$15,000 but not more than \$20,000	\$184.90 plus 2.642% of the amount in excess of \$15,000	108969
More than \$20,000 but not more than \$40,000	\$316.98 plus 3.169% of the amount in excess of \$20,000	108970
More than \$40,000 but not more than \$80,000	\$950.76 plus 3.698% of the amount in excess of \$40,000	108971
More than \$80,000 but not more	\$2,430.00 plus 4.226% of the	108972
		108973

than \$100,000	amount in excess of \$80,000	
More than \$100,000 but not more than \$200,000	\$3,275.10 plus 4.906% of the amount in excess of \$100,000	108974
More than \$200,000	\$8,181.00 plus 5.333% of the amount in excess of \$200,000	108975
<u>(3) In the case of individuals, for taxable years beginning</u>		108976
<u>in 2015 or thereafter, the tax imposed by this section on income</u>		108977
<u>other than business income shall be measured by modified Ohio</u>		108978
<u>adjusted gross income less an exemption for the taxpayer, the</u>		108979
<u>taxpayer's spouse, and each dependent as provided in section</u>		108980
<u>5747.025 of the Revised Code. The tax imposed on the balance thus</u>		108981
<u>obtained is hereby levied as follows:</u>		108982
<u>MODIFIED OHIO ADJUSTED GROSS</u>		108983
<u>INCOME LESS EXEMPTIONS</u>		
<u>(INDIVIDUALS)</u>		
<u>OR</u>		108984
<u>MODIFIED OHIO</u>		108985
<u>TAXABLE INCOME (TRUSTS)</u>		108986
<u>OR</u>		108987
<u>OHIO TAXABLE INCOME (ESTATES)</u>	<u>TAX</u>	108988
<u>\$5,000 or less</u>	<u>.495%</u>	108989
<u>More than \$5,000 but not more than \$10,000</u>	<u>\$24.75 plus .990% of the amount in excess of \$5,000</u>	108990
<u>More than \$10,000 but not more than \$15,000</u>	<u>\$74.25 plus 1.980% of the amount in excess of \$10,000</u>	108991
<u>More than \$15,000 but not more than \$20,000</u>	<u>\$173.25 plus 2.476% of the amount in excess of \$15,000</u>	108992
<u>More than \$20,000 but not more than \$40,000</u>	<u>\$297.05 plus 2.969% of the amount in excess of \$20,000</u>	108993
<u>More than \$40,000 but not more than \$80,000</u>	<u>\$890.85 plus 3.465% of the amount in excess of \$40,000</u>	108994
<u>More than \$80,000 but not more than \$100,000</u>	<u>\$2,276.85 plus 3.960% of the amount in excess of \$80,000</u>	108995

<u>More than \$100,000 but not more than \$200,000</u>	<u>\$3,068.85 plus 4.597% of the amount in excess of \$100,000</u>	108996
<u>More than \$200,000</u>	<u>\$7,665.85 plus 4.997% of the amount in excess of \$200,000</u>	108997
<u>(4)(a) In the case of individuals, for taxable years beginning in 2015 or thereafter, the tax imposed by this section on business income shall equal the product of the taxpayer's modified Ohio business income and three per cent.</u>		108998 108999 109000 109001
<u>(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's modified Ohio adjusted gross income, the excess shall be deducted from modified Ohio business income before computing the tax on business income under division (A)(4) of this section.</u>		109002 109003 109004 109005 109006
Except as otherwise provided in this division, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in this <u>division (A)(3) of this section</u> by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. The rates of taxation shall not be adjusted.		109007 109008 109009 109010 109011 109012 109013 109014 109015 109016 109017 109018 109019
The adjusted amounts apply to taxable years beginning in the calendar year in which the adjustments are made and to taxable years beginning in each ensuing calendar year until a calendar year in which a new adjustment is made pursuant to this division. The tax commissioner shall not make a new adjustment in any year in which the amount resulting from the adjustment would be less		109020 109021 109022 109023 109024 109025

than the amount resulting from the adjustment in the preceding 109026
year. The commissioner shall not make a new adjustment for taxable 109027
years beginning in 2013, 2014, or 2015. 109028

(B) If the director of budget and management makes a 109029
certification to the tax commissioner under division (B) of 109030
section 131.44 of the Revised Code, the amount of tax as 109031
determined under ~~division (A)~~ divisions (A)(1) to (3) of this 109032
section shall be reduced by the percentage prescribed in that 109033
certification for taxable years beginning in the calendar year in 109034
which that certification is made. 109035

(C) The levy of this tax on income does not prevent a 109036
municipal corporation, a joint economic development zone created 109037
under section 715.691, or a joint economic development district 109038
created under section 715.70 or 715.71 or sections 715.72 to 109039
715.81 of the Revised Code from levying a tax on income. 109040

(D) This division applies only to taxable years of a trust 109041
beginning in 2002 or thereafter. 109042

(1) The tax imposed by this section on a trust shall be 109043
computed by multiplying the Ohio modified taxable income of the 109044
trust by the rates prescribed by division (A) of this section. 109045

(2) A resident trust may claim a credit against the tax 109046
computed under division (D) of this section equal to the lesser of 109047
(1) the tax paid to another state or the District of Columbia on 109048
the resident trust's modified nonbusiness income, other than the 109049
portion of the resident trust's nonbusiness income that is 109050
qualifying investment income as defined in section 5747.012 of the 109051
Revised Code, or (2) the effective tax rate, based on modified 109052
Ohio taxable income, multiplied by the resident trust's modified 109053
nonbusiness income other than the portion of the resident trust's 109054
nonbusiness income that is qualifying investment income. The 109055
credit applies before any other applicable credits. 109056

(3) The credits enumerated in divisions (A)(1) to (13) of section 5747.98 of the Revised Code do not apply to a trust subject to division (D) of this section. Any credits enumerated in other divisions of section 5747.98 of the Revised Code apply to a trust subject to division (D) of this section. To the extent that the trust distributes income for the taxable year for which a credit is available to the trust, the credit shall be shared by the trust and its beneficiaries. The tax commissioner and the trust shall be guided by applicable regulations of the United States treasury regarding the sharing of credits.

(E) For the purposes of this section, "trust" means any trust described in Subchapter J of Chapter 1 of the Internal Revenue Code, excluding trusts that are not irrevocable as defined in division (I)(3)(b) of section 5747.01 of the Revised Code and that have no modified Ohio taxable income for the taxable year, charitable remainder trusts, qualified funeral trusts and preneed funeral contract trusts established pursuant to sections 4717.31 to 4717.38 of the Revised Code that are not qualified funeral trusts, endowment and perpetual care trusts, qualified settlement trusts and funds, designated settlement trusts and funds, and trusts exempted from taxation under section 501(a) of the Internal Revenue Code.

(F) For the purposes of this section:

(1) "Modified Ohio adjusted gross income" means adjusted gross income less Ohio business income, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income for the taxable year.

(2) "Ohio business income" means business income reduced by deductions from business income and apportioned or allocated to this state under sections 5747.21 and 5747.22 of the Revised Code.

(3) "Modified Ohio business income" means Ohio business

income reduced by one hundred twenty-five thousand dollars for 109088
each spouse if spouses file separate returns under section 5747.08 109089
of the Revised Code or two hundred fifty thousand dollars for all 109090
other individuals, provided that "modified Ohio business income" 109091
shall not be less than zero. 109092

Sec. 5747.05. As used in this section, "income tax" includes 109093
both a tax on net income and a tax measured by net income. 109094

The following credits shall be allowed against the income tax 109095
imposed by section 5747.02 of the Revised Code on individuals and 109096
estates: 109097

(A)(1) The amount of tax otherwise due under section 5747.02 109098
of the Revised Code on such portion of the adjusted gross income 109099
of any nonresident taxpayer that is not allocable or apportionable 109100
to this state pursuant to sections 5747.20 to 5747.23 of the 109101
Revised Code; 109102

(2) The credit provided under this division shall not exceed 109103
the portion of the total tax due under section 5747.02 of the 109104
Revised Code that the amount of the nonresident taxpayer's 109105
adjusted gross income not allocated to this state pursuant to 109106
sections 5747.20 to 5747.23 of the Revised Code bears to the total 109107
adjusted gross income of the nonresident taxpayer derived from all 109108
sources everywhere. 109109

(3) The tax commissioner may enter into an agreement with the 109110
taxing authorities of any state or of the District of Columbia 109111
that imposes an income tax to provide that compensation paid in 109112
this state to a nonresident taxpayer shall not be subject to the 109113
tax levied in section 5747.02 of the Revised Code so long as 109114
compensation paid in such other state or in the District of 109115
Columbia to a resident taxpayer shall likewise not be subject to 109116
the income tax of such other state or of the District of Columbia. 109117

(B) The lesser of division (B)(1) or (2) of this section: 109118

(1) The amount of tax otherwise due under section 5747.02 of 109119
the Revised Code on such portion of the adjusted gross income of a 109120
resident taxpayer that in another state or in the District of 109121
Columbia is subjected to an income tax. The credit provided under 109122
division (B)(1) of this section shall not exceed the portion of 109123
the total tax due under section 5747.02 of the Revised Code that 109124
the amount of the resident taxpayer's adjusted gross income 109125
subjected to an income tax in the other state or in the District 109126
of Columbia bears to the total adjusted gross income of the 109127
resident taxpayer derived from all sources everywhere. 109128

(2) The amount of income tax liability to another state or 109129
the District of Columbia on the portion of the adjusted gross 109130
income of a resident taxpayer that in another state or in the 109131
District of Columbia is subjected to an income tax. The credit 109132
provided under division (B)(2) of this section shall not exceed 109133
the amount of tax otherwise due under section 5747.02 of the 109134
Revised Code. 109135

(3) If the credit provided under division (B) of this section 109136
is affected by a change in either the portion of adjusted gross 109137
income of a resident taxpayer subjected to an income tax in 109138
another state or the District of Columbia or the amount of income 109139
tax liability that has been paid to another state or the District 109140
of Columbia, the taxpayer shall report the change to the tax 109141
commissioner within sixty days of the change in such form as the 109142
commissioner requires. 109143

(a) In the case of an underpayment, the report shall be 109144
accompanied by payment of any additional tax due as a result of 109145
the reduction in credit together with interest on the additional 109146
tax and is a return subject to assessment under section 5747.13 of 109147
the Revised Code solely for the purpose of assessing any 109148
additional tax due under this division, together with any 109149

applicable penalty and interest. It shall not reopen the 109150
computation of the taxpayer's tax liability under this chapter 109151
from a previously filed return no longer subject to assessment 109152
except to the extent that such liability is affected by an 109153
adjustment to the credit allowed by division (B) of this section. 109154

(b) In the case of an overpayment, an application for refund 109155
may be filed under this division within the sixty-day period 109156
prescribed for filing the report even if it is beyond the period 109157
prescribed in section 5747.11 of the Revised Code if it otherwise 109158
conforms to the requirements of such section. An application filed 109159
under this division shall only claim refund of overpayments 109160
resulting from an adjustment to the credit allowed by division (B) 109161
of this section unless it is also filed within the time prescribed 109162
in section 5747.11 of the Revised Code. It shall not reopen the 109163
computation of the taxpayer's tax liability except to the extent 109164
that such liability is affected by an adjustment to the credit 109165
allowed by division (B) of this section. 109166

(4) No credit shall be allowed under division (B) of this 109167
section ~~for~~: 109168

(a) For income tax paid or accrued to another state or to the 109169
District of Columbia if the taxpayer, when computing federal 109170
adjusted gross income, has directly or indirectly deducted, or was 109171
required to directly or indirectly deduct, the amount of that 109172
income tax; 109173

(b) For compensation that is not subject to the income tax of 109174
another state or the District of Columbia as the result of an 109175
agreement entered into by the tax commissioner under division 109176
(A)(3) of this section; or 109177

(c) For income tax paid or accrued to another state or the 109178
District of Columbia if the taxpayer fails to furnish such proof 109179
as the tax commissioner shall require that such income tax 109180

liability has been paid. 109181

~~(C) For a taxpayer sixty five years of age or older during 109182
the taxable year, a credit for such year equal to fifty dollars 109183
for each return required to be filed under section 5747.08 of the 109184
Revised Code. 109185~~

~~(D) A taxpayer sixty five years of age or older during the 109186
taxable year who has received a lump sum distribution from a 109187
pension, retirement, or profit sharing plan in the taxable year 109188
may elect to receive a credit under this division in lieu of the 109189
credit to which the taxpayer is entitled under division (C) of 109190
this section. A taxpayer making such election shall receive a 109191
credit for the taxable year equal to fifty dollars times the 109192
taxpayer's expected remaining life as shown by annuity tables 109193
issued under the provisions of the Internal Revenue Code and in 109194
effect for the calendar year which includes the last day of the 109195
taxable year. A taxpayer making an election under this division is 109196
not entitled to the credit authorized under division (C) of this 109197
section in subsequent taxable years except that if such election 109198
was made prior to July 1, 1983, the taxpayer is entitled to 109199
one half the credit authorized under such division in subsequent 109200
taxable years but may not make another election under this 109201
division. 109202~~

~~(E) A taxpayer who is not sixty five years of age or older 109203
during the taxable year who has received a lump sum distribution 109204
from a pension, retirement, or profit sharing plan in a taxable 109205
year ending on or before July 31, 1991, may elect to take a credit 109206
against the tax otherwise due under this chapter for such year 109207
equal to fifty dollars times the expected remaining life of a 109208
taxpayer sixty five years of age as shown by annuity tables issued 109209
under the provisions of the Internal Revenue Code and in effect 109210
for the calendar year which includes the last day of the taxable 109211
year. A taxpayer making an election under this division is not 109212~~

~~entitled to a credit under division (C) or (D) of this section in 109213
any subsequent year except that if such election was made prior to 109214
July 1, 1983, the taxpayer is entitled to one half the credit 109215
authorized under division (C) of this section in subsequent years 109216
but may not make another election under this division. No taxpayer 109217
may make an election under this division for a taxable year ending 109218
on or after August 1, 1991. 109219~~

~~(F) A taxpayer making an election under either division (D) 109220
or (E) of this section may make only one such election in the 109221
taxpayer's lifetime. 109222~~

~~(G) An individual who is a resident for part of a taxable 109223
year and a nonresident for the remainder of the taxable year is 109224
allowed the credits under divisions (A) and (B) of this section in 109225
accordance with rules prescribed by the tax commissioner. In no 109226
event shall the same income be subject to both credits. 109227~~

~~(D) The credit allowed under division (A) of this section 109228
shall be calculated based upon the amount of tax due under section 109229
5747.02 of the Revised Code after subtracting any other credits 109230
that precede the credit under that division in the order required 109231
under section 5747.98 of the Revised Code. The credit allowed 109232
under division (B) of this section shall be calculated based upon 109233
the amount of tax due under section 5747.02 of the Revised Code 109234
after subtracting any other credits that precede the credit under 109235
that division in the order required under section 5747.98 of the 109236
Revised Code. 109237~~

~~(E)(1) On a joint return filed by a husband and wife, each of 109238
whom had adjusted gross income of at least five hundred dollars, 109239
exclusive of interest, dividends and distributions, royalties, 109240
rent, and capital gains, a credit equal to the percentage shown in 109241
the table contained in this division of the amount of tax due 109242
after allowing for any other credit that precedes the credit under 109243
this division in the order required under section 5747.98 of the 109244~~

Revised Code. 109245

(2) The credit to which a taxpayer is entitled under this 109246
division in any taxable year is the percentage shown in column B 109247
that corresponds with the taxpayer's adjusted gross income, less 109248
exemptions for the taxable year: 109249

A.	B.	
IF THE ADJUSTED GROSS INCOME,	THE CREDIT FOR THE TAXABLE	109251
LESS EXEMPTIONS, FOR THE TAX YEAR	YEAR IS:	
IS:		

\$25,000 or less	20%	109252
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More than \$25,000 but not more than \$50,000	15%	109253
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More than \$50,000 but not more than \$75,000	10%	109254
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More than \$75,000	5%	109255
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(3) The credit allowed under this division shall not exceed 109256
six hundred fifty dollars in any taxable year. 109257

(4) The credit shall be claimed in the order required under 109258
section 5747.98 of the Revised Code. 109259

~~(H)(F) No claim for credit under this section shall be 109260
allowed unless the claimant furnishes such supporting information 109261
as the tax commissioner prescribes by rules. Each credit under 109262
this section shall be claimed in the order required under section 109263
5747.98 of the Revised Code. 109264~~

~~(I) An individual who is a resident for part of a taxable 109265
year and a nonresident for the remainder of the taxable year is 109266
allowed the credits under divisions (A) and (B) of this section in 109267
accordance with rules prescribed by the tax commissioner. In no 109268
event shall the same income be subject to both credits. 109269~~

~~(J) The credit allowed under division (A) of this section 109270
shall be calculated based upon the amount of tax due under section 109271~~

~~5747.02 of the Revised Code after subtracting any other credits 109272
that precede the credit under that division in the order required 109273
under section 5747.98 of the Revised Code. The credit allowed 109274
under division (B) of this section shall be calculated based upon 109275
the amount of tax due under section 5747.02 of the Revised Code 109276
after subtracting any other credits that precede the credit under 109277
that division in the order required under section 5747.98 of the 109278
Revised Code. 109279~~

~~(K) No credit shall be allowed under division (B) of this 109280
section unless the taxpayer furnishes such proof as the tax 109281
commissioner shall require that the income tax liability has been 109282
paid to another state or the District of Columbia. 109283~~

~~(L) No credit shall be allowed under division (B) of this 109284
section for compensation that is not subject to the income tax of 109285
another state or the District of Columbia as the result of an 109286
agreement entered into by the tax commissioner under division 109287
(A)(3) of this section. 109288~~

Sec. 5747.055. (A) As used in this section "retirement 109289
income" means retirement benefits, annuities, or distributions 109290
that are made from or pursuant to a pension, retirement, or 109291
profit-sharing plan and that: 109292

(1) In the case of an individual, are received by the 109293
individual on account of retirement and are included in the 109294
individual's adjusted gross income; 109295

(2) In the case of an estate, are payable to the estate for 109296
the benefit of the surviving spouse of the decedent and are 109297
included in the estate's taxable income. 109298

(B) A credit shall be allowed against the tax imposed by 109299
section 5747.02 of the Revised Code for taxpayers who received 109300
retirement income during the taxable year and whose adjusted gross 109301

income for the taxable year, less applicable exemptions under 109302
section 5747.025 of the Revised Code, as shown on an individual or 109303
joint annual return is less than one hundred thousand dollars. 109304

Only one such credit shall be allowed for each return, and the 109305
amount of the credit shall be computed in accordance with the 109306
following schedule, ~~subject to the limitation provided in division~~ 109307
~~(F) of this section:~~ 109308

AMOUNT OF RETIREMENT INCOME RECEIVED	CREDIT FOR THE	109309
DURING THE TAXABLE YEAR	TAXABLE YEAR	109310
\$500 or less	\$ 0	109311
Over \$500 but not more than \$1,500	\$ 25	109312
Over \$1,500 but not more than \$3,000	\$ 50	109313
Over \$3,000 but not more than \$5,000	\$ 80	109314
Over \$5,000 but not more than \$8,000	\$130	109315
Over \$8,000	\$200	109316

(C) ~~At the election of a~~ A taxpayer who ~~receives~~ received a 109317
lump-sum distribution from a pension, retirement, or 109318
profit-sharing plan ~~within one~~ in the taxable year and whose 109319
adjusted gross income for the taxable year, less applicable 109320
exemptions under section 5747.025 of the Revised Code, as shown on 109321
an individual or joint annual return is less than one hundred 109322
thousand dollars, the credit allowed by this section for that year 109323
~~shall be~~ may elect to receive a credit under this division in lieu 109324
of the credit allowed under division (B) of this section. A 109325
taxpayer making such an election is not entitled to the credit 109326
authorized under this division or division (B) of this section in 109327
subsequent taxable years. A taxpayer electing the credit under 109328
this division shall receive a credit for the taxable year against 109329
the tax imposed by section 5747.02 of the Revised Code computed as 109330
follows: 109331

(1) Divide the amount of retirement income received during 109332
the taxable year by the taxpayer's expected remaining life on the 109333

last day of the taxable year, as shown by annuity tables issued 109334
under the provisions of the Internal Revenue Code and in effect 109335
for the calendar year that includes the last day of the taxable 109336
year; 109337

(2) Using the quotient thus obtained as the amount of 109338
retirement income received during the taxable year, compute the 109339
credit for the taxable year in accordance with division (B) of 109340
this section; 109341

(3) Multiply the credit thus obtained by the taxpayer's 109342
expected remaining life. The product thus obtained shall be the 109343
credit under this division for the taxable year. ~~A taxpayer who 109344
elects to receive a credit under this division is not entitled to 109345
receive a credit under this section for any subsequent year except 109346
as provided in divisions (D) and (E) of this section.~~ 109347

(D) If the credit under division (C) or (E) of this section 109348
exceeds the tax due for the taxable year after allowing for any 109349
other credit that precedes that credit in the order required under 109350
section 5747.98 of the Revised Code, the taxpayer may elect to 109351
receive a credit for each subsequent taxable year. The amount of 109352
the credit for each such year shall be computed as follows: 109353

(1) Determine the amount by which the unused credit elected 109354
under division (C) or (E) of this section exceeded the tax due for 109355
the taxable year after allowing for any preceding credit in the 109356
required order; 109357

(2) Divide the amount of such excess by one year less than 109358
the taxpayer's expected remaining life on the last day of the 109359
taxable year of the distribution for which the credit was allowed 109360
under division (C) or (E) of this section. The quotient thus 109361
obtained shall be the credit for each subsequent year. 109362

(E) If subsequent to the receipt of a lump-sum distribution 109363
and an election under division (C) of this section an individual 109364

receives another lump-sum distribution within one taxable year, 109365
and the taxpayer's adjusted gross income for the taxable year, 109366
less applicable exemptions under section 5747.025 of the Revised 109367
Code, as shown on an individual or joint annual return is less 109368
than one hundred thousand dollars, the taxpayer may elect to 109369
receive a credit for that taxable year. The credit shall equal the 109370
lesser of: 109371

(1) A credit computed in the manner prescribed in division 109372
(C) of this section; 109373

(2) The amount of credit, if any, to which the taxpayer would 109374
otherwise be entitled for the taxable year under division (D) of 109375
this section times the taxpayer's expected remaining life on the 109376
last day of the taxable year. A taxpayer who elects to receive a 109377
credit under this division is not entitled to a credit under this 109378
division or division (B) or (C) of this section for any subsequent 109379
year except as provided in division (D) of this section. 109380

~~(F) In the case of a taxpayer who elected to take an 109381
exclusion under division (A)(1) or (3) of former section 5747.01 109382
of the Revised Code based upon the taxpayer's expected remaining 109383
life, and who was entitled immediately preceding the effective 109384
date of this section under division (A)(2) or (3) of such section 109385
to a further exclusion, any credit computed in accordance with the 109386
schedule in division (B) of this section, including the credit 109387
computed under division (C)(2) of this section, shall not exceed 109388
the credit available upon an amount of retirement income received 109389
during the taxable year equal to the sum of such former exclusion 109390
plus four thousand dollars A credit equal to fifty dollars for 109391
each return required to be filed under section 5747.08 of the 109392
Revised Code shall be allowed against the tax imposed by section 109393
5747.02 of the Revised Code for taxpayers sixty-five years of age 109394
or older during the taxable year whose adjusted gross income, less 109395
applicable exemptions under section 5747.025 of the Revised Code, 109396~~

as shown on an individual or joint annual return is less than one 109397
hundred thousand dollars for that taxable year. 109398

(G) A taxpayer sixty-five years of age or older during the 109399
taxable year who has received a lump-sum distribution from a 109400
pension, retirement, or profit-sharing plan in the taxable year, 109401
and whose adjusted gross income, less applicable exemptions under 109402
section 5747.025 of the Revised Code, as shown on an individual or 109403
joint annual return is less than one hundred thousand dollars for 109404
that taxable year may elect to receive a credit under this 109405
division in lieu of the credit to which the taxpayer is entitled 109406
under division (F) of this section. A taxpayer making such an 109407
election shall receive a credit for the taxable year against the 109408
tax imposed by section 5747.02 of the Revised Code equal to fifty 109409
dollars times the taxpayer's expected remaining life as shown by 109410
annuity tables issued under the Internal Revenue Code and in 109411
effect for the calendar year that includes the last day of the 109412
taxable year. A taxpayer making an election under this division is 109413
not entitled to the credit authorized under this division or 109414
division (F) of this section in subsequent taxable years. 109415

(H) The credits allowed by this section shall be claimed in 109416
the order required under section 5747.98 of the Revised Code. The 109417
tax commissioner may require a taxpayer to furnish any information 109418
necessary to support a claim for credit under this section, and no 109419
credit shall be allowed unless such information is provided. 109420

Sec. 5747.058. (A) A refundable income tax credit granted by 109421
the tax credit authority under section 122.17 or former division 109422
(B)(2) or (3) of section 122.171 of the Revised Code, as those 109423
divisions existed before the effective date of the amendment of 109424
this section by H.B. 64 of the 131st general assembly, may be 109425
claimed under this chapter, in the order required under section 109426
5747.98 of the Revised Code. For purposes of making tax payments 109427

under this chapter, taxes equal to the amount of the refundable 109428
credit shall be considered to be paid to this state on the first 109429
day of the taxable year. The refundable credit shall not be 109430
claimed for any taxable years ending with or following the 109431
calendar year in which a relocation of employment positions occurs 109432
in violation of an agreement entered into under section 122.17 or 109433
122.171 of the Revised Code. 109434

(B) A nonrefundable income tax credit granted by the tax 109435
credit authority under division (B)~~(1)~~ of section 122.171 of the 109436
Revised Code may be claimed under this chapter, in the order 109437
required under section 5747.98 of the Revised Code. 109438

Sec. 5747.08. An annual return with respect to the tax 109439
imposed by section 5747.02 of the Revised Code and each tax 109440
imposed under Chapter 5748. of the Revised Code shall be made by 109441
every taxpayer for any taxable year for which the taxpayer is 109442
liable for the tax imposed by that section or under that chapter, 109443
unless the total credits allowed under ~~divisions~~ division (E)~~7~~ 109444
~~(F), and (G)~~ of section 5747.05 and divisions (F) and (G) of 109445
section 5747.055 of the Revised Code for the year are equal to or 109446
exceed the tax imposed by section 5747.02 of the Revised Code, in 109447
which case no return shall be required unless the taxpayer is 109448
liable for a tax imposed pursuant to Chapter 5748. of the Revised 109449
Code. 109450

(A) If an individual is deceased, any return or notice 109451
required of that individual under this chapter shall be made and 109452
filed by that decedent's executor, administrator, or other person 109453
charged with the property of that decedent. 109454

(B) If an individual is unable to make a return or notice 109455
required by this chapter, the return or notice required of that 109456
individual shall be made and filed by the individual's duly 109457
authorized agent, guardian, conservator, fiduciary, or other 109458

person charged with the care of the person or property of that individual. 109459
109460

(C) Returns or notices required of an estate or a trust shall be made and filed by the fiduciary of the estate or trust. 109461
109462

(D)(1)(a) Except as otherwise provided in division (D)(1)(b) of this section, any pass-through entity may file a single return on behalf of one or more of the entity's investors other than an investor that is a person subject to the tax imposed under section 5733.06 of the Revised Code. The single return shall set forth the name, address, and social security number or other identifying number of each of those pass-through entity investors and shall indicate the distributive share of each of those pass-through entity investor's income taxable in this state in accordance with sections 5747.20 to 5747.231 of the Revised Code. Such pass-through entity investors for whom the pass-through entity elects to file a single return are not entitled to the exemption or credit provided for by sections 5747.02 and 5747.022 of the Revised Code; shall calculate the tax before business credits at the highest rate of tax set forth in section 5747.02 of the Revised Code for the taxable year for which the return is filed; and are entitled to only their distributive share of the business credits as defined in division (D)(2) of this section. A single check drawn by the pass-through entity shall accompany the return in full payment of the tax due, as shown on the single return, for such investors, other than investors who are persons subject to the tax imposed under section 5733.06 of the Revised Code. 109463
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(b)(i) A pass-through entity shall not include in such a single return any investor that is a trust to the extent that any direct or indirect current, future, or contingent beneficiary of the trust is a person subject to the tax imposed under section 5733.06 of the Revised Code. 109485
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(ii) A pass-through entity shall not include in such a single 109490

return any investor that is itself a pass-through entity to the 109491
extent that any direct or indirect investor in the second 109492
pass-through entity is a person subject to the tax imposed under 109493
section 5733.06 of the Revised Code. 109494

(c) Nothing in division (D) of this section precludes the tax 109495
commissioner from requiring such investors to file the return and 109496
make the payment of taxes and related interest, penalty, and 109497
interest penalty required by this section or section 5747.02, 109498
5747.09, or 5747.15 of the Revised Code. Nothing in division (D) 109499
of this section precludes such an investor from filing the annual 109500
return under this section, utilizing the refundable credit equal 109501
to the investor's proportionate share of the tax paid by the 109502
pass-through entity on behalf of the investor under division (I) 109503
of this section, and making the payment of taxes imposed under 109504
section 5747.02 of the Revised Code. Nothing in division (D) of 109505
this section shall be construed to provide to such an investor or 109506
pass-through entity any additional deduction or credit, other than 109507
the credit provided by division (I) of this section, solely on 109508
account of the entity's filing a return in accordance with this 109509
section. Such a pass-through entity also shall make the filing and 109510
payment of estimated taxes on behalf of the pass-through entity 109511
investors other than an investor that is a person subject to the 109512
tax imposed under section 5733.06 of the Revised Code. 109513

(2) For the purposes of this section, "business credits" 109514
means the credits listed in section 5747.98 of the Revised Code 109515
excluding the following credits: 109516

(a) The retirement income credit under division (B) of 109517
section 5747.055 of the Revised Code; 109518

(b) The senior citizen credit under division ~~(C)~~(F) of 109519
section ~~5747.05~~ 5747.055 of the Revised Code; 109520

(c) The lump sum distribution credit under division ~~(D)~~(G) of 109521

section 5747.05 <u>5747.055</u> of the Revised Code;	109522
(d) The dependent care credit under section 5747.054 of the Revised Code;	109523 109524
(e) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;	109525 109526
(f) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;	109527 109528
(g) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;	109529 109530
(h) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	109531 109532
(i) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	109533 109534
(j) The joint filing credit under division (G) <u>(E)</u> of section 5747.05 of the Revised Code;	109535 109536
(k) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	109537 109538
(l) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	109539 109540
(m) The low-income credit under section 5747.056 of the Revised Code;	109541 109542
(n) The earned income tax credit under section 5747.71 of the Revised Code.	109543 109544
(3) The election provided for under division (D) of this section applies only to the taxable year for which the election is made by the pass-through entity. Unless the tax commissioner provides otherwise, this election, once made, is binding and irrevocable for the taxable year for which the election is made. Nothing in this division shall be construed to provide for any	109545 109546 109547 109548 109549 109550

deduction or credit that would not be allowable if a nonresident 109551
pass-through entity investor were to file an annual return. 109552

(4) If a pass-through entity makes the election provided for 109553
under division (D) of this section, the pass-through entity shall 109554
be liable for any additional taxes, interest, interest penalty, or 109555
penalties imposed by this chapter if the tax commissioner finds 109556
that the single return does not reflect the correct tax due by the 109557
pass-through entity investors covered by that return. Nothing in 109558
this division shall be construed to limit or alter the liability, 109559
if any, imposed on pass-through entity investors for unpaid or 109560
underpaid taxes, interest, interest penalty, or penalties as a 109561
result of the pass-through entity's making the election provided 109562
for under division (D) of this section. For the purposes of 109563
division (D) of this section, "correct tax due" means the tax that 109564
would have been paid by the pass-through entity had the single 109565
return been filed in a manner reflecting the commissioner's 109566
findings. Nothing in division (D) of this section shall be 109567
construed to make or hold a pass-through entity liable for tax 109568
attributable to a pass-through entity investor's income from a 109569
source other than the pass-through entity electing to file the 109570
single return. 109571

(E) If a husband and wife file a joint federal income tax 109572
return for a taxable year, they shall file a joint return under 109573
this section for that taxable year, and their liabilities are 109574
joint and several, but, if the federal income tax liability of 109575
either spouse is determined on a separate federal income tax 109576
return, they shall file separate returns under this section. 109577

If either spouse is not required to file a federal income tax 109578
return and either or both are required to file a return pursuant 109579
to this chapter, they may elect to file separate or joint returns, 109580
and, pursuant to that election, their liabilities are separate or 109581
joint and several. If a husband and wife file separate returns 109582

pursuant to this chapter, each must claim the taxpayer's own 109583
exemption, but not both, as authorized under section 5747.02 of 109584
the Revised Code on the taxpayer's own return. 109585

(F) Each return or notice required to be filed under this 109586
section shall contain the signature of the taxpayer or the 109587
taxpayer's duly authorized agent and of the person who prepared 109588
the return for the taxpayer, and shall include the taxpayer's 109589
social security number. Each return shall be verified by a 109590
declaration under the penalties of perjury. The tax commissioner 109591
shall prescribe the form that the signature and declaration shall 109592
take. 109593

(G) Each return or notice required to be filed under this 109594
section shall be made and filed as required by section 5747.04 of 109595
the Revised Code, on or before the fifteenth day of April of each 109596
year, on forms that the tax commissioner shall prescribe, together 109597
with remittance made payable to the treasurer of state in the 109598
combined amount of the state and all school district income taxes 109599
shown to be due on the form. 109600

Upon good cause shown, the commissioner may extend the period 109601
for filing any notice or return required to be filed under this 109602
section and may adopt rules relating to extensions. If the 109603
extension results in an extension of time for the payment of any 109604
state or school district income tax liability with respect to 109605
which the return is filed, the taxpayer shall pay at the time the 109606
tax liability is paid an amount of interest computed at the rate 109607
per annum prescribed by section 5703.47 of the Revised Code on 109608
that liability from the time that payment is due without extension 109609
to the time of actual payment. Except as provided in section 109610
5747.132 of the Revised Code, in addition to all other interest 109611
charges and penalties, all taxes imposed under this chapter or 109612
Chapter 5748. of the Revised Code and remaining unpaid after they 109613
become due, except combined amounts due of one dollar or less, 109614

bear interest at the rate per annum prescribed by section 5703.47 109615
of the Revised Code until paid or until the day an assessment is 109616
issued under section 5747.13 of the Revised Code, whichever occurs 109617
first. 109618

If the commissioner considers it necessary in order to ensure 109619
the payment of the tax imposed by section 5747.02 of the Revised 109620
Code or any tax imposed under Chapter 5748. of the Revised Code, 109621
the commissioner may require returns and payments to be made 109622
otherwise than as provided in this section. 109623

To the extent that any provision in this division conflicts 109624
with any provision in section 5747.026 of the Revised Code, the 109625
provision in that section prevails. 109626

(H) The amounts withheld by an employer pursuant to section 109627
5747.06 of the Revised Code, a casino operator pursuant to section 109628
5747.063 of the Revised Code, or a lottery sales agent pursuant to 109629
section 5747.064 of the Revised Code shall be allowed to the 109630
recipient of the compensation casino winnings, or lottery prize 109631
award as credits against payment of the appropriate taxes imposed 109632
on the recipient by section 5747.02 and under Chapter 5748. of the 109633
Revised Code. 109634

(I) If a pass-through entity elects to file a single return 109635
under division (D) of this section and if any investor is required 109636
to file the annual return and make the payment of taxes required 109637
by this chapter on account of the investor's other income that is 109638
not included in a single return filed by a pass-through entity or 109639
any other investor elects to file the annual return, the investor 109640
is entitled to a refundable credit equal to the investor's 109641
proportionate share of the tax paid by the pass-through entity on 109642
behalf of the investor. The investor shall claim the credit for 109643
the investor's taxable year in which or with which ends the 109644
taxable year of the pass-through entity. Nothing in this chapter 109645
shall be construed to allow any credit provided in this chapter to 109646

be claimed more than once. For the purpose of computing any 109647
interest, penalty, or interest penalty, the investor shall be 109648
deemed to have paid the refundable credit provided by this 109649
division on the day that the pass-through entity paid the 109650
estimated tax or the tax giving rise to the credit. 109651

(J) The tax commissioner shall ensure that each return 109652
required to be filed under this section includes a box that the 109653
taxpayer may check to authorize a paid tax preparer who prepared 109654
the return to communicate with the department of taxation about 109655
matters pertaining to the return. The return or instructions 109656
accompanying the return shall indicate that by checking the box 109657
the taxpayer authorizes the department of taxation to contact the 109658
preparer concerning questions that arise during the processing of 109659
the return and authorizes the preparer only to provide the 109660
department with information that is missing from the return, to 109661
contact the department for information about the processing of the 109662
return or the status of the taxpayer's refund or payments, and to 109663
respond to notices about mathematical errors, offsets, or return 109664
preparation that the taxpayer has received from the department and 109665
has shown to the preparer. 109666

(K) The tax commissioner shall permit individual taxpayers to 109667
instruct the department of taxation to cause any refund of 109668
overpaid taxes to be deposited directly into a checking account, 109669
savings account, or an individual retirement account or individual 109670
retirement annuity, or preexisting college savings plan or program 109671
account offered by the Ohio tuition trust authority under Chapter 109672
3334. of the Revised Code, as designated by the taxpayer, when the 109673
taxpayer files the annual return required by this section 109674
electronically. 109675

(L) The tax commissioner may adopt rules to administer this 109676
section. 109677

Sec. 5747.113. (A) Any taxpayer claiming a refund under 109678
section 5747.11 of the Revised Code who wishes to contribute any 109679
part of the taxpayer's refund to the natural areas and preserves 109680
fund created in section 1517.11 of the Revised Code, the nongame 109681
and endangered wildlife fund created in section 1531.26 of the 109682
Revised Code, the military injury relief fund created in section 109683
~~5101.98~~ 5902.05 of the Revised Code, the Ohio historical society 109684
income tax contribution fund created in section 149.308 of the 109685
Revised Code, the breast and cervical cancer project income tax 109686
contribution fund created in section 3701.601 of the Revised Code, 109687
the wishes for sick children income tax contribution fund created 109688
in section 3701.602 of the Revised Code, or all of those funds may 109689
designate on the taxpayer's income tax return the amount that the 109690
taxpayer wishes to contribute to the fund or funds. A designated 109691
contribution is irrevocable upon the filing of the return and 109692
shall be made in the full amount designated if the refund found 109693
due the taxpayer upon the initial processing of the taxpayer's 109694
return, after any deductions including those required by section 109695
5747.12 of the Revised Code, is greater than or equal to the 109696
designated contribution. If the refund due as initially determined 109697
is less than the designated contribution, the contribution shall 109698
be made in the full amount of the refund. The tax commissioner 109699
shall subtract the amount of the contribution from the amount of 109700
the refund initially found due the taxpayer and shall certify the 109701
difference to the director of budget and management and treasurer 109702
of state for payment to the taxpayer in accordance with section 109703
5747.11 of the Revised Code. For the purpose of any subsequent 109704
determination of the taxpayer's net tax payment, the contribution 109705
shall be considered a part of the refund paid to the taxpayer. 109706

(B) The tax commissioner shall provide a space on the income 109707
tax return form in which a taxpayer may indicate that the taxpayer 109708
wishes to make a donation in accordance with this section. The tax 109709

commissioner shall also print in the instructions accompanying the 109710
income tax return form a description of the purposes for which the 109711
natural areas and preserves fund, the nongame and endangered 109712
wildlife fund, the military injury relief fund, the Ohio 109713
historical society income tax contribution fund, ~~and~~ the breast 109714
and cervical cancer project income tax contribution fund, and the 109715
wishes for sick children income tax contribution fund were created 109716
and the use of moneys from the income tax refund contribution 109717
system established in this section. No person shall designate on 109718
the person's income tax return any part of a refund claimed under 109719
section 5747.11 of the Revised Code as a contribution to any fund 109720
other than the natural areas and preserves fund, the nongame and 109721
endangered wildlife fund, the military injury relief fund, the 109722
Ohio historical society income tax contribution fund, ~~or~~ the 109723
breast and cervical cancer project income tax contribution fund, 109724
or the wishes for sick children income tax contribution fund. 109725

(C) The money collected under the income tax refund 109726
contribution system established in this section shall be deposited 109727
by the tax commissioner into the natural areas and preserves fund, 109728
the nongame and endangered wildlife fund, the military injury 109729
relief fund, the Ohio historical society income tax contribution 109730
fund, ~~and~~ the breast and cervical cancer project income tax 109731
contribution fund, and the wishes for sick children income tax 109732
contribution fund in the amounts designated on the tax returns. 109733

(D) No later than the thirtieth day of September each year, 109734
the tax commissioner shall determine the total amount contributed 109735
to each fund under this section during the preceding eight months, 109736
any adjustments to prior months, and the cost to the department of 109737
taxation of administering the income tax refund contribution 109738
system during that eight-month period. The commissioner shall make 109739
an additional determination no later than the thirty-first day of 109740
January of each year of the total amount contributed to each fund 109741

under this section during the preceding four calendar months, any 109742
adjustments to prior years made during that four-month period, and 109743
the cost to the department of taxation of administering the income 109744
tax contribution system during that period. The cost of 109745
administering the income tax contribution system shall be 109746
certified by the tax commissioner to the director of budget and 109747
management, who shall transfer an amount equal to ~~one-fifth~~ 109748
one-sixth of such administrative costs from each of the ~~five~~ six 109749
funds to the income tax contribution fund, which is hereby 109750
created, provided that the moneys that the department receives to 109751
pay the cost of administering the income tax refund contribution 109752
system in any year shall not exceed two and one-half per cent of 109753
the total amount contributed under that system during that year. 109754

(E) If the total amount contributed to a fund under this 109755
section in each of two consecutive calendar years is less than one 109756
hundred fifty thousand dollars, no person may designate a 109757
contribution to that fund for any taxable year ending after the 109758
last day of that two-year period. In such a case, the tax 109759
commissioner shall remove the space dedicated to the fund on the 109760
income tax return and the description of the fund in the 109761
instructions accompanying the income tax return. 109762

(F) The general assembly may authorize taxpayer refund 109763
contributions to no more than six funds under the income tax 109764
refund contribution system established in this section. If the 109765
general assembly authorizes income tax refund contributions to a 109766
fund other than the natural areas and preserves fund, the nongame 109767
and endangered wildlife fund, the military injury relief fund, the 109768
Ohio historical society income tax contribution fund, ~~or~~ the 109769
breast and cervical cancer project income tax contribution fund, 109770
or the wishes for sick children income tax contribution fund, such 109771
contributions may be authorized only for a period of two calendar 109772
years. 109773

With the exception of the Ohio historical society income tax 109774
contribution fund, the general assembly may authorize income tax 109775
refund contributions to a fund only if all the money in the fund 109776
will be expended or distributed by a state agency as defined in 109777
section 1.60 of the Revised Code. 109778

(G)(1) The director of natural resources, in January of every 109779
odd-numbered year, shall report to the general assembly on the 109780
effectiveness of the income tax refund contribution system as it 109781
pertains to the natural areas and preserves fund and the nongame 109782
and endangered wildlife fund. The report shall include the amount 109783
of money contributed to each fund in each of the previous five 109784
years, the amount of money contributed directly to each fund in 109785
addition to or independently of the income tax refund contribution 109786
system in each of the previous five years, and the purposes for 109787
which the money was expended. 109788

(2) The director of ~~job and family~~ veterans services, the 109789
director of the Ohio historical society, and the director of 109790
health, in January of every odd-numbered year, each shall report 109791
to the general assembly on the effectiveness of the income tax 109792
refund contribution system as it pertains to the military injury 109793
relief fund, the Ohio historical society income tax contribution 109794
fund, ~~and~~ the breast and cervical cancer project income tax 109795
contribution fund, and the wishes for sick children income tax 109796
contribution fund respectively. The report shall include the 109797
amount of money contributed to the fund in each of the previous 109798
five years, the amount of money contributed directly to the fund 109799
in addition to or independently of the income tax refund 109800
contribution system in each of the previous five years, and the 109801
purposes for which the money was expended. 109802

Sec. 5747.50. (A) As used in this section: 109803

(1) "County's proportionate share of the calendar year 2007 109804

LGF and LGRAF distributions" means the percentage computed for the county under division (B)(1)(a) of section 5747.501 of the Revised Code.

(2) "County's proportionate share of the total amount of the local government fund additional revenue formula" means each county's proportionate share of the state's population as determined for and certified to the county for distributions to be made during the current calendar year under division (B)(2)(a) of section 5747.501 of the Revised Code. If prior to the first day of January of the current calendar year the federal government has issued a revision to the population figures reflected in the estimate produced pursuant to division (B)(2)(a) of section 5747.501 of the Revised Code, such revised population figures shall be used for making the distributions during the current calendar year.

(3) "2007 LGF and LGRAF county distribution base available in that month" means the lesser of the amounts described in division (A)(3)(a) and (b) of this section, provided that the amount shall not be less than zero:

(a) The total amount available for distribution to counties from the local government fund during the current month.

(b) The total amount distributed to counties from the local government fund and the local government revenue assistance fund to counties in calendar year 2007 less the total amount distributed to counties under division (B)(1) of this section during previous months of the current calendar year.

(4) "Local government fund additional revenue distribution base available during that month" means the total amount available for distribution to counties during the month from the local government fund, less any amounts to be distributed in that month from the local government fund under division (B)(1) of this

section, provided that the local government fund additional 109836
revenue distribution base available during that month shall not be 109837
less than zero. 109838

(5) "Total amount available for distribution to counties" 109839
means the total amount available for distribution from the local 109840
government fund during the current month less the total amount 109841
available for distribution to municipal corporations during the 109842
current month under division (C) of this section. 109843

(B) On or before the tenth day of each month, the tax 109844
commissioner shall provide for payment to each county an amount 109845
equal to the sum of: 109846

(1) The county's proportionate share of the calendar year 109847
2007 LGF and LGRAF distributions multiplied by the 2007 LGF and 109848
LGRAF county distribution base available in that month, provided 109849
that if the 2007 LGF and LGRAF county distribution base available 109850
in that month is zero, no payment shall be made under division 109851
(B)(1) of this section for the month or the remainder of the 109852
calendar year; and 109853

(2) The county's proportionate share of the total amount of 109854
the local government fund additional revenue formula multiplied by 109855
the local government fund additional revenue distribution base 109856
available during that month. 109857

Money received into the treasury of a county under this 109858
division shall be credited to the undivided local government fund 109859
in the treasury of the county on or before the fifteenth day of 109860
each month. On or before the twentieth day of each month, the 109861
county auditor shall issue warrants against all of the undivided 109862
local government fund in the county treasury in the respective 109863
amounts allowed as provided in section 5747.51 of the Revised 109864
Code, and the treasurer shall distribute and pay such sums to the 109865
subdivision therein. 109866

(C)(1) As used in division (C) of this section: 109867

(a) "Total amount available for distribution to 109868
municipalities during the current month" means the product 109869
obtained by multiplying the total amount available for 109870
distribution from the local government fund during the current 109871
month by the aggregate municipal share. 109872

(b) "Aggregate municipal share" means the quotient obtained 109873
by dividing the total amount distributed directly from the local 109874
government fund to municipal corporations during calendar year 109875
2007 by the total distributions from the local government fund and 109876
local government revenue assistance fund during calendar year 109877
2007. 109878

(2) On or before the tenth day of each month, the tax 109879
commissioner shall provide for payment from the local government 109880
fund to each municipal corporation an amount equal to the product 109881
derived by multiplying the municipal corporation's percentage of 109882
the total amount distributed to all such municipal corporations 109883
under this division during calendar year 2007 by the total amount 109884
available for distribution to municipal corporations during the 109885
current month. 109886

(3) Payments received by a municipal corporation under this 109887
division shall be paid into its general fund and may be used for 109888
any lawful purpose. 109889

(4) The amount distributed to municipal corporations under 109890
this division during any calendar year shall not exceed the amount 109891
distributed directly from the local government fund to municipal 109892
corporations during calendar year 2007. If that maximum amount is 109893
reached during any month, distributions to municipal corporations 109894
in that month shall be as provided in divisions (C)(1) and (2) of 109895
this section, but no further distributions shall be made to 109896
municipal corporations under division (C) of this section during 109897

the remainder of the calendar year. 109898

(5) Upon being informed of a municipal corporation's 109899
dissolution, the tax commissioner shall cease providing for 109900
payments to that municipal corporation under division (C) of this 109901
section. The proportionate shares of the total amount available 109902
for distribution to each of the remaining municipal corporations 109903
under this division shall be increased on a pro rata basis. 109904

The tax commissioner shall reduce payments under division (C) 109905
of this section to municipal corporations for which reduced 109906
payments are required under section 5747.502 of the Revised Code. 109907

(D) Each municipal corporation which has ineffect a tax 109908
imposed under Chapter 718. of the Revised Code shall, no later 109909
than the thirty-first day of August of each year, certify to the 109910
tax commissioner, on a form prescribed by the commissioner, the 109911
amount of income tax revenue collected and refunded by such 109912
municipal corporation pursuant to such chapter during the 109913
preceding calendar year, arranged, when possible, by the type of 109914
income from which the revenue was collected or the refund was 109915
issued. The municipal corporation shall also report the amount of 109916
income tax revenue collected and refunded on behalf of a joint 109917
economic development district or a joint economic development zone 109918
that levies an income tax administered by the municipal 109919
corporation and the amount of such revenue distributed to 109920
contracting parties during the preceding calendar year. The tax 109921
commissioner may withhold payment of local government fund moneys 109922
pursuant to division (C) of this section from any municipal 109923
corporation for failure to comply with this reporting requirement. 109924

Sec. 5747.502. (A) As used in this section: 109925

(1) "Delinquent subdivision" means a municipal corporation, 109926
township, or county that has not filed a report or signed 109927
statement under section 4511.0915 of the Revised Code, as required 109928

under that section. 109929

(2) "Noncompliant subdivision" means a municipal corporation, township, or county that files a report under division (A)(1) of section 4511.0915 of the Revised Code for the most recent calendar quarter. 109930
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(B)(1)(a) Upon receiving notification of a delinquent subdivision under division (C)(2) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109934
109935
109936

(i) If the delinquent subdivision is a municipal corporation, cease providing for payments to the municipal corporation under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment; 109937
109938
109939
109940

(ii) Immediately notify the county auditor and county treasurer required to provide for payments to the delinquent subdivision from a county undivided local government fund that such payments are to cease until the tax commissioner notifies the auditor and treasurer under division (B)(3)(a)(ii) of this section. 109941
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109946

(b) A county treasurer receiving the notice under division (B)(1)(a)(ii) of this section shall cease providing for payments to the delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 109947
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109949
109950

(2)(a) Upon receiving notification that a county, township, or municipal corporation is no longer a delinquent subdivision under division (C)(3) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109951
109952
109953
109954

(i) If the formerly delinquent subdivision is a municipal corporation, begin providing for payments to the municipal corporation as required under division (C) of section 5747.50 of the Revised Code, beginning with the next required payment. 109955
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109958

(ii) Immediately notify the county auditor and county treasurer who ceased payments to the formerly delinquent subdivision under division (B)(1)(b) of this section that the treasurer shall begin providing for payment from a county undivided local government fund to the formerly delinquent subdivision under section 5747.51 or 5747.53 of the Revised Code. 109959
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109964

(b) A county treasurer receiving notice under division (B)(2)(a)(ii) of this section shall provide for payments to the formerly delinquent subdivision from a county undivided local government fund, beginning with the next required payment. 109965
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109968

(C)(1) Upon receiving notification of a noncompliant subdivision under division (C)(1) of section 4511.0915 of the Revised Code, the tax commissioner shall do both of the following: 109969
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109971

(a) If the delinquent subdivision is a municipal corporation, reduce the amount of each of the next three local government fund payments the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code in an amount equal to one-third of the gross amount of fines reported by the noncompliant subdivision on the report filed for the calendar quarter. 109972
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(b) If the reduction described in division (C)(1)(a) of this section exceeds the amount of money the noncompliant subdivision would otherwise receive under division (C) of section 5747.50 of the Revised Code, immediately notify the county auditor and county treasurer required to provide for payments to the noncompliant subdivision from a county undivided local government fund that each of the next three such payments are to be reduced to that subdivision in an amount equal to one-third of that excess. 109979
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(2) A county treasurer receiving notice under division (C)(1)(b) of this section shall reduce the payments to the noncompliant subdivision from a county undivided local government 109987
109988
109989

fund as required by the notice. 109990

(D)(1) The tax commissioner shall provide for payment of an amount equal to amounts withheld from municipal corporations under divisions (B)(1)(a)(i) and (C)(1)(a) of this section to the undivided local government fund of the county from which the municipal corporation receives payments under section 5747.51 or 5747.53 of the Revised Code. The county treasurer shall distribute that money among subdivisions that are not delinquent or noncompliant subdivisions and that are entitled to receive distributions under those sections by increasing each such subdivision's distribution on a pro rata basis. 109991
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(2) A county treasurer shall distribute any amount withheld from a delinquent or noncompliant subdivision under division (B)(1)(b) or (C)(2) of this section among other subdivisions that are not delinquent or noncompliant subdivisions by increasing each such subdivision's distribution from the county's undivided local government fund on a pro rata basis. 110001
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(E) A county, township, or municipal corporation receiving an increased distribution under division (B) or (C) of this section shall use such money for the current operating expenses of the subdivision. 110007
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110010

Sec. 5747.51. (A) On or before the twenty-fifth day of July of each year, the tax commissioner shall make and certify to the county auditor of each county an estimate of the amount of the local government fund to be allocated to the undivided local government fund of each county for the ensuing calendar year, adjusting the total as required to account for subdivisions receiving local government funds under section 5747.502 of the Revised Code. 110011
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(B) At each annual regular session of the county budget commission convened pursuant to section 5705.27 of the Revised 110019
110020

Code, each auditor shall present to the commission the certificate 110021
of the commissioner, the annual tax budget and estimates, and the 110022
records showing the action of the commission in its last preceding 110023
regular session. The commission, after extending to the 110024
representatives of each subdivision an opportunity to be heard, 110025
under oath administered by any member of the commission, and 110026
considering all the facts and information presented to it by the 110027
auditor, shall determine the amount of the undivided local 110028
government fund needed by and to be apportioned to each 110029
subdivision for current operating expenses, as shown in the tax 110030
budget of the subdivision. This determination shall be made 110031
pursuant to divisions (C) to (I) of this section, unless the 110032
commission has provided for a formula pursuant to section 5747.53 110033
of the Revised Code. The commissioner shall reduce or increase the 110034
amount of funds from the undivided local government fund to a 110035
subdivision required to receive reduced or increased funds under 110036
section 5747.502 of the Revised Code. 110037

Nothing in this section prevents the budget commission, for 110038
the purpose of apportioning the undivided local government fund, 110039
from inquiring into the claimed needs of any subdivision as stated 110040
in its tax budget, or from adjusting claimed needs to reflect 110041
actual needs. For the purposes of this section, "current operating 110042
expenses" means the lawful expenditures of a subdivision, except 110043
those for permanent improvements and except payments for interest, 110044
sinking fund, and retirement of bonds, notes, and certificates of 110045
indebtedness of the subdivision. 110046

(C) The commission shall determine the combined total of the 110047
estimated expenditures, including transfers, from the general fund 110048
and any special funds other than special funds established for 110049
road and bridge; street construction, maintenance, and repair; 110050
state highway improvement; and gas, water, sewer, and electric 110051
public utilities operated by a subdivision, as shown in the 110052

subdivision's tax budget for the ensuing calendar year. 110053

(D) From the combined total of expenditures calculated 110054
pursuant to division (C) of this section, the commission shall 110055
deduct the following expenditures, if included in these funds in 110056
the tax budget: 110057

(1) Expenditures for permanent improvements as defined in 110058
division (E) of section 5705.01 of the Revised Code; 110059

(2) In the case of counties and townships, transfers to the 110060
road and bridge fund, and in the case of municipalities, transfers 110061
to the street construction, maintenance, and repair fund and the 110062
state highway improvement fund; 110063

(3) Expenditures for the payment of debt charges; 110064

(4) Expenditures for the payment of judgments. 110065

(E) In addition to the deductions made pursuant to division 110066
(D) of this section, revenues accruing to the general fund and any 110067
special fund considered under division (C) of this section from 110068
the following sources shall be deducted from the combined total of 110069
expenditures calculated pursuant to division (C) of this section: 110070

(1) Taxes levied within the ten-mill limitation, as defined 110071
in section 5705.02 of the Revised Code; 110072

(2) The budget commission allocation of estimated county 110073
public library fund revenues to be distributed pursuant to section 110074
5747.48 of the Revised Code; 110075

(3) Estimated unencumbered balances as shown on the tax 110076
budget as of the thirty-first day of December of the current year 110077
in the general fund, but not any estimated balance in any special 110078
fund considered in division (C) of this section; 110079

(4) Revenue, including transfers, shown in the general fund 110080
and any special funds other than special funds established for 110081
road and bridge; street construction, maintenance, and repair; 110082

state highway improvement; and gas, water, sewer, and electric 110083
public utilities, from all other sources except those that a 110084
subdivision receives from an additional tax or service charge 110085
voted by its electorate or receives from special assessment or 110086
revenue bond collection. For the purposes of this division, where 110087
the charter of a municipal corporation prohibits the levy of an 110088
income tax, an income tax levied by the legislative authority of 110089
such municipal corporation pursuant to an amendment of the charter 110090
of that municipal corporation to authorize such a levy represents 110091
an additional tax voted by the electorate of that municipal 110092
corporation. For the purposes of this division, any measure 110093
adopted by a board of county commissioners pursuant to section 110094
322.02, 324.02, 4504.02, or 5739.021 of the Revised Code, 110095
including those measures upheld by the electorate in a referendum 110096
conducted pursuant to section 322.021, 324.021, 4504.021, or 110097
5739.022 of the Revised Code, shall not be considered an 110098
additional tax voted by the electorate. 110099

Subject to division (G) of section 5705.29 of the Revised 110100
Code, money in a reserve balance account established by a county, 110101
township, or municipal corporation under section 5705.13 of the 110102
Revised Code shall not be considered an unencumbered balance or 110103
revenue under division (E)(3) or (4) of this section. Money in a 110104
reserve balance account established by a township under section 110105
5705.132 of the Revised Code shall not be considered an 110106
unencumbered balance or revenue under division (E)(3) or (4) of 110107
this section. 110108

If a county, township, or municipal corporation has created 110109
and maintains a nonexpendable trust fund under section 5705.131 of 110110
the Revised Code, the principal of the fund, and any additions to 110111
the principal arising from sources other than the reinvestment of 110112
investment earnings arising from such a fund, shall not be 110113
considered an unencumbered balance or revenue under division 110114

(E)(3) or (4) of this section. Only investment earnings arising 110115
from investment of the principal or investment of such additions 110116
to principal may be considered an unencumbered balance or revenue 110117
under those divisions. 110118

(F) The total expenditures calculated pursuant to division 110119
(C) of this section, less the deductions authorized in divisions 110120
(D) and (E) of this section, shall be known as the "relative need" 110121
of the subdivision, for the purposes of this section. 110122

(G) The budget commission shall total the relative need of 110123
all participating subdivisions in the county, and shall compute a 110124
relative need factor by dividing the total estimate of the 110125
undivided local government fund by the total relative need of all 110126
participating subdivisions. 110127

(H) The relative need of each subdivision shall be multiplied 110128
by the relative need factor to determine the proportionate share 110129
of the subdivision in the undivided local government fund of the 110130
county; provided, that the maximum proportionate share of a county 110131
shall not exceed the following maximum percentages of the total 110132
estimate of the undivided local government fund governed by the 110133
relationship of the percentage of the population of the county 110134
that resides within municipal corporations within the county to 110135
the total population of the county as reported in the reports on 110136
population in Ohio by the department of development as of the 110137
twentieth day of July of the year in which the tax budget is filed 110138
with the budget commission: 110139

Percentage of municipal	Percentage share of the county	110140
population within the county:	shall not exceed:	

110141

Less than forty-one per cent	Sixty per cent	110142
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Forty-one per cent or more but	Fifty per cent	110143
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less than eighty-one per cent

Eighty-one per cent or more	Thirty per cent	110144
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Where the proportionate share of the county exceeds the 110145
limitations established in this division, the budget commission 110146
shall adjust the proportionate shares determined pursuant to this 110147
division so that the proportionate share of the county does not 110148
exceed these limitations, and it shall increase the proportionate 110149
shares of all other subdivisions on a pro rata basis. In counties 110150
having a population of less than one hundred thousand, not less 110151
than ten per cent shall be distributed to the townships therein. 110152

(I) The proportionate share of each subdivision in the 110153
undivided local government fund determined pursuant to division 110154
(H) of this section for any calendar year shall not be less than 110155
the product of the average of the percentages of the undivided 110156
local government fund of the county as apportioned to that 110157
subdivision for the calendar years 1968, 1969, and 1970, 110158
multiplied by the total amount of the undivided local government 110159
fund of the county apportioned pursuant to former section 5735.23 110160
of the Revised Code for the calendar year 1970. For the purposes 110161
of this division, the total apportioned amount for the calendar 110162
year 1970 shall be the amount actually allocated to the county in 110163
1970 from the state collected intangible tax as levied by section 110164
5707.03 of the Revised Code and distributed pursuant to section 110165
5725.24 of the Revised Code, plus the amount received by the 110166
county in the calendar year 1970 pursuant to division (B)(1) of 110167
former section 5739.21 of the Revised Code, and distributed 110168
pursuant to former section 5739.22 of the Revised Code. If the 110169
total amount of the undivided local government fund for any 110170
calendar year is less than the amount of the undivided local 110171
government fund apportioned pursuant to former section 5739.23 of 110172
the Revised Code for the calendar year 1970, the minimum amount 110173
guaranteed to each subdivision for that calendar year pursuant to 110174
this division shall be reduced on a basis proportionate to the 110175
amount by which the amount of the undivided local government fund 110176
for that calendar year is less than the amount of the undivided 110177

local government fund apportioned for the calendar year 1970. 110178

(J) On the basis of such apportionment, the county auditor 110179
shall compute the percentage share of each such subdivision in the 110180
undivided local government fund and shall at the same time certify 110181
to the tax commissioner the percentage share of the county as a 110182
subdivision. No payment shall be made from the undivided local 110183
government fund, except in accordance with such percentage shares. 110184

Within ten days after the budget commission has made its 110185
apportionment, whether conducted pursuant to section 5747.51 or 110186
5747.53 of the Revised Code, the auditor shall publish a list of 110187
the subdivisions and the amount each is to receive from the 110188
undivided local government fund and the percentage share of each 110189
subdivision, in a newspaper or newspapers of countywide 110190
circulation, and send a copy of such allocation to the tax 110191
commissioner. 110192

The county auditor shall also send by certified mail, return 110193
receipt requested, a copy of such allocation to the fiscal officer 110194
of each subdivision entitled to participate in the allocation of 110195
the undivided local government fund of the county. This copy shall 110196
constitute the official notice of the commission action referred 110197
to in section 5705.37 of the Revised Code. 110198

All money received into the treasury of a subdivision from 110199
the undivided local government fund in a county treasury shall be 110200
paid into the general fund and used for the current operating 110201
expenses of the subdivision. 110202

If a municipal corporation maintains a municipal university, 110203
such municipal university, when the board of trustees so requests 110204
the legislative authority of the municipal corporation, shall 110205
participate in the money apportioned to such municipal corporation 110206
from the total local government fund, however created and 110207
constituted, in such amount as requested by the board of trustees, 110208

provided such sum does not exceed nine per cent of the total 110209
amount paid to the municipal corporation. 110210

If any public official fails to maintain the records required 110211
by sections 5747.50 to 5747.55 of the Revised Code or by the rules 110212
issued by the tax commissioner, the auditor of state, or the 110213
treasurer of state pursuant to such sections, or fails to comply 110214
with any law relating to the enforcement of such sections, the 110215
local government fund money allocated to the county may be 110216
withheld until such time as the public official has complied with 110217
such sections or such law or the rules issued pursuant thereto. 110218

Sec. 5747.53. (A) As used in this section: 110219

(1) "City, located wholly or partially in the county, with 110220
the greatest population" means the city, located wholly or 110221
partially in the county, with the greatest population residing in 110222
the county; however, if the county budget commission on or before 110223
January 1, 1998, adopted an alternative method of apportionment 110224
that was approved by the legislative authority of the city, 110225
located partially in the county, with the greatest population but 110226
not the greatest population residing in the county, "city, located 110227
wholly or partially in the county, with the greatest population" 110228
means the city, located wholly or partially in the county, with 110229
the greatest population whether residing in the county or not, if 110230
this alternative meaning is adopted by action of the board of 110231
county commissioners and a majority of the boards of township 110232
trustees and legislative authorities of municipal corporations 110233
located wholly or partially in the county. 110234

(2) "Participating political subdivision" means a municipal 110235
corporation or township that satisfies all of the following: 110236

(a) It is located wholly or partially in the county. 110237

(b) It is not the city, located wholly or partially in the 110238

county, with the greatest population. 110239

(c) Undivided local government fund moneys are apportioned to 110240
it under the county's alternative method or formula of 110241
apportionment in the current calendar year. 110242

(B) In lieu of the method of apportionment of the undivided 110243
local government fund of the county provided by section 5747.51 of 110244
the Revised Code, the county budget commission may provide for the 110245
apportionment of the fund under an alternative method or on a 110246
formula basis as authorized by this section. The commissioner 110247
shall reduce or increase the amount of funds from the undivided 110248
local government fund to a subdivision required to receive reduced 110249
or increased funds under section 5747.502 of the Revised Code. 110250

Except as otherwise provided in division (C) of this section, 110251
the alternative method of apportionment shall have first been 110252
approved by all of the following governmental units: the board of 110253
county commissioners; the legislative authority of the city, 110254
located wholly or partially in the county, with the greatest 110255
population; and a majority of the boards of township trustees and 110256
legislative authorities of municipal corporations, located wholly 110257
or partially in the county, excluding the legislative authority of 110258
the city, located wholly or partially in the county, with the 110259
greatest population. In granting or denying approval for an 110260
alternative method of apportionment, the board of county 110261
commissioners, boards of township trustees, and legislative 110262
authorities of municipal corporations shall act by motion. A 110263
motion to approve shall be passed upon a majority vote of the 110264
members of a board of county commissioners, board of township 110265
trustees, or legislative authority of a municipal corporation, 110266
shall take effect immediately, and need not be published. 110267

Any alternative method of apportionment adopted and approved 110268
under this division may be revised, amended, or repealed in the 110269
same manner as it may be adopted and approved. If an alternative 110270

method of apportionment adopted and approved under this division 110271
is repealed, the undivided local government fund of the county 110272
shall be apportioned among the subdivisions eligible to 110273
participate in the fund, commencing in the ensuing calendar year, 110274
under the apportionment provided in section 5747.52 of the Revised 110275
Code, unless the repeal occurs by operation of division (C) of 110276
this section or a new method for apportionment of the fund is 110277
provided in the action of repeal. 110278

(C) This division applies only in counties in which the city, 110279
located wholly or partially in the county, with the greatest 110280
population has a population of twenty thousand or less and a 110281
population that is less than fifteen per cent of the total 110282
population of the county. In such a county, the legislative 110283
authorities or boards of township trustees of two or more 110284
participating political subdivisions, which together have a 110285
population residing in the county that is a majority of the total 110286
population of the county, each may adopt a resolution to exclude 110287
the approval otherwise required of the legislative authority of 110288
the city, located wholly or partially in the county, with the 110289
greatest population. All of the resolutions to exclude that 110290
approval shall be adopted not later than the first Monday of 110291
August of the year preceding the calendar year in which 110292
distributions are to be made under an alternative method of 110293
apportionment. 110294

A motion granting or denying approval of an alternative 110295
method of apportionment under this division shall be adopted by a 110296
majority vote of the members of the board of county commissioners 110297
and by a majority vote of a majority of the boards of township 110298
trustees and legislative authorities of the municipal corporations 110299
located wholly or partially in the county, other than the city, 110300
located wholly or partially in the county, with the greatest 110301
population, shall take effect immediately, and need not be 110302

published. The alternative method of apportionment under this 110303
division shall be adopted and approved annually, not later than 110304
the first Monday of August of the year preceding the calendar year 110305
in which distributions are to be made under it. A motion granting 110306
approval of an alternative method of apportionment under this 110307
division repeals any existing alternative method of apportionment, 110308
effective with distributions to be made from the fund in the 110309
ensuing calendar year. An alternative method of apportionment 110310
under this division shall not be revised or amended after the 110311
first Monday of August of the year preceding the calendar year in 110312
which distributions are to be made under it. 110313

(D) In determining an alternative method of apportionment 110314
authorized by this section, the county budget commission may 110315
include in the method any factor considered to be appropriate and 110316
reliable, in the sole discretion of the county budget commission. 110317

(E) The limitations set forth in section 5747.51 of the 110318
Revised Code, stating the maximum amount that the county may 110319
receive from the undivided local government fund and the minimum 110320
amount the townships in counties having a population of less than 110321
one hundred thousand may receive from the fund, are applicable to 110322
any alternative method of apportionment authorized under this 110323
section. 110324

(F) On the basis of any alternative method of apportionment 110325
adopted and approved as authorized by this section, as certified 110326
by the auditor to the county treasurer, the county treasurer shall 110327
make distribution of the money in the undivided local government 110328
fund to each subdivision eligible to participate in the fund, and 110329
the auditor, when the amount of those shares is in the custody of 110330
the treasurer in the amounts so computed to be due the respective 110331
subdivisions, shall at the same time certify to the tax 110332
commissioner the percentage share of the county as a subdivision. 110333
All money received into the treasury of a subdivision from the 110334

undivided local government fund in a county treasury shall be paid 110335
into the general fund and used for the current operating expenses 110336
of the subdivision. If a municipal corporation maintains a 110337
municipal university, the university, when the board of trustees 110338
so requests the legislative authority of the municipal 110339
corporation, shall participate in the money apportioned to the 110340
municipal corporation from the total local government fund, 110341
however created and constituted, in the amount requested by the 110342
board of trustees, provided that amount does not exceed nine per 110343
cent of the total amount paid to the municipal corporation. 110344

(G) The actions of the county budget commission taken 110345
pursuant to this section are final and may not be appealed to the 110346
board of tax appeals, except on the issues of abuse of discretion 110347
and failure to comply with the formula. 110348

Sec. 5747.71. There is hereby allowed a nonrefundable credit 110349
against the tax imposed by section 5747.02 of the Revised Code for 110350
a taxpayer who is an "eligible individual" as defined in section 110351
32 of the Internal Revenue Code. The credit shall equal five per 110352
cent of the credit allowed on the taxpayer's federal income tax 110353
return pursuant to section 32 of the Internal Revenue Code for 110354
taxable years beginning in 2013, and ten per cent of the federal 110355
credit allowed for taxable years beginning in or after 2014. If 110356
the Ohio adjusted gross income of the taxpayer, or the taxpayer 110357
and the taxpayer's spouse if the taxpayer and the taxpayer's 110358
spouse file a joint return under section 5747.08 of the Revised 110359
Code, less applicable exemptions under section 5747.025 of the 110360
Revised Code, exceeds twenty thousand dollars, the credit 110361
authorized by this section shall not exceed fifty per cent of the 110362
amount of tax otherwise due under section 5747.02 of the Revised 110363
Code after deducting any other nonrefundable credits that precede 110364
the credit allowed under this section in the order prescribed by 110365
section 5747.98 of the Revised Code except for the joint filing 110366

credit authorized under division ~~(G)~~(E) of section 5747.05 of the Revised Code. In all other cases, the credit authorized by this section shall not exceed the amount of tax otherwise due under section 5747.02 of the Revised Code after deducting any other nonrefundable credits that precede the credit allowed under this section in the order prescribed by section 5747.98 of the Revised Code.

The credit shall be claimed in the order prescribed by section 5747.98 of the Revised Code.

Sec. 5747.98. (A) To provide a uniform procedure for calculating the amount of tax due under section 5747.02 of the Revised Code, a taxpayer shall claim any credits to which the taxpayer is entitled in the following order:

(1) The retirement income credit under division (B) of section 5747.055 of the Revised Code;

(2) The senior citizen credit under division ~~(C)~~(F) of section ~~5747.05~~ 5747.055 of the Revised Code;

(3) The lump sum distribution credit under division ~~(D)~~(G) of section ~~5747.05~~ 5747.055 of the Revised Code;

(4) The dependent care credit under section 5747.054 of the Revised Code;

(5) The lump sum retirement income credit under division (C) of section 5747.055 of the Revised Code;

(6) The lump sum retirement income credit under division (D) of section 5747.055 of the Revised Code;

(7) The lump sum retirement income credit under division (E) of section 5747.055 of the Revised Code;

(8) The low-income credit under section 5747.056 of the Revised Code;

(9) The credit for displaced workers who pay for job training under section 5747.27 of the Revised Code;	110396 110397
(10) The campaign contribution credit under section 5747.29 of the Revised Code;	110398 110399
(11) The twenty-dollar personal exemption credit under section 5747.022 of the Revised Code;	110400 110401
(12) The joint filing credit under division (G) of section 5747.05 of the Revised Code;	110402 110403
(13) The nonresident credit under division (A) of section 5747.05 of the Revised Code;	110404 110405
(14) The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;	110406 110407
(15) The earned income credit under section 5747.71 of the Revised Code;	110408 110409
(16) The credit for employers that reimburse employee child care expenses under section 5747.36 of the Revised Code;	110410 110411
(17) The credit for purchases of lights and reflectors under section 5747.38 of the Revised Code;	110412 110413
(18) The nonrefundable job retention credit under division (B) of section 5747.058 of the Revised Code;	110414 110415
(19) The credit for selling alternative fuel under section 5747.77 of the Revised Code;	110416 110417
(20) The second credit for purchases of new manufacturing machinery and equipment and the credit for using Ohio coal under section 5747.31 of the Revised Code;	110418 110419 110420
(21) The job training credit under section 5747.39 of the Revised Code;	110421 110422
(22) The enterprise zone credit under section 5709.66 of the Revised Code;	110423 110424

(23) The credit for the eligible costs associated with a voluntary action under section 5747.32 of the Revised Code;	110425 110426
(24) The credit for adoption of a minor child under section 5747.37 of the Revised Code;	110427 110428
(25) The credit for employers that establish on-site child day-care centers under section 5747.35 of the Revised Code;	110429 110430
(26) The ethanol plant investment credit under section 5747.75 of the Revised Code;	110431 110432
(27) The credit for purchases of qualifying grape production property under section 5747.28 of the Revised Code;	110433 110434
(28) The small business investment credit under section 5747.81 of the Revised Code;	110435 110436
(29) The enterprise zone credits under section 5709.65 of the Revised Code;	110437 110438
(30) The research and development credit under section 5747.331 of the Revised Code;	110439 110440
(31) The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	110441 110442
(32) The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;	110443 110444
(33) The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;	110445 110446
(34) The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;	110447 110448
(35) The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;	110449 110450 110451
(36) The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital	110452 110453

program under sections 150.01 to 150.10 of the Revised Code; 110454

(37) The refundable motion picture production credit under 110455
section 5747.66 of the Revised Code; 110456

(38) The refundable credit for financial institution taxes 110457
paid by a pass-through entity granted under section 5747.65 of the 110458
Revised Code. 110459

(B) For any credit, except the refundable credits enumerated 110460
in this section and the credit granted under division (H) of 110461
section 5747.08 of the Revised Code, the amount of the credit for 110462
a taxable year shall not exceed the tax due after allowing for any 110463
other credit that precedes it in the order required under this 110464
section. Any excess amount of a particular credit may be carried 110465
forward if authorized under the section creating that credit. 110466
Nothing in this chapter shall be construed to allow a taxpayer to 110467
claim, directly or indirectly, a credit more than once for a 110468
taxable year. 110469

Sec. 5751.01. As used in this chapter: 110470

(A) "Person" means, but is not limited to, individuals, 110471
combinations of individuals of any form, receivers, assignees, 110472
trustees in bankruptcy, firms, companies, joint-stock companies, 110473
business trusts, estates, partnerships, limited liability 110474
partnerships, limited liability companies, associations, joint 110475
ventures, clubs, societies, for-profit corporations, S 110476
corporations, qualified subchapter S subsidiaries, qualified 110477
subchapter S trusts, trusts, entities that are disregarded for 110478
federal income tax purposes, and any other entities. 110479

(B) "Consolidated elected taxpayer" means a group of two or 110480
more persons treated as a single taxpayer for purposes of this 110481
chapter as the result of an election made under section 5751.011 110482
of the Revised Code. 110483

(C) "Combined taxpayer" means a group of two or more persons	110484
treated as a single taxpayer for purposes of this chapter under	110485
section 5751.012 of the Revised Code.	110486
(D) "Taxpayer" means any person, or any group of persons in	110487
the case of a consolidated elected taxpayer or combined taxpayer	110488
treated as one taxpayer, required to register or pay tax under	110489
this chapter. "Taxpayer" does not include excluded persons.	110490
(E) "Excluded person" means any of the following:	110491
(1) Any person with not more than one hundred fifty thousand	110492
dollars of taxable gross receipts during the calendar year.	110493
Division (E)(1) of this section does not apply to a person that is	110494
a member of a consolidated elected taxpayer;	110495
(2) A public utility that paid the excise tax imposed by	110496
section 5727.24 or 5727.30 of the Revised Code based on one or	110497
more measurement periods that include the entire tax period under	110498
this chapter, except that a public utility that is a combined	110499
company is a taxpayer with regard to the following gross receipts:	110500
(a) Taxable gross receipts directly attributed to a public	110501
utility activity, but not directly attributed to an activity that	110502
is subject to the excise tax imposed by section 5727.24 or 5727.30	110503
of the Revised Code;	110504
(b) Taxable gross receipts that cannot be directly attributed	110505
to any activity, multiplied by a fraction whose numerator is the	110506
taxable gross receipts described in division (E)(2)(a) of this	110507
section and whose denominator is the total taxable gross receipts	110508
that can be directly attributed to any activity;	110509
(c) Except for any differences resulting from the use of an	110510
accrual basis method of accounting for purposes of determining	110511
gross receipts under this chapter and the use of the cash basis	110512
method of accounting for purposes of determining gross receipts	110513
under section 5727.24 of the Revised Code, the gross receipts	110514

directly attributed to the activity of a natural gas company shall 110515
be determined in a manner consistent with division (D) of section 110516
5727.03 of the Revised Code. 110517

As used in division (E)(2) of this section, "combined 110518
company" and "public utility" have the same meanings as in section 110519
5727.01 of the Revised Code. 110520

(3) A financial institution, as defined in section 5726.01 of 110521
the Revised Code, that paid the tax imposed by section 5726.02 of 110522
the Revised Code based on one or more taxable years that include 110523
the entire tax period under this chapter; 110524

(4) A person directly or indirectly owned by one or more 110525
financial institutions, as defined in section 5726.01 of the 110526
Revised Code, that paid the tax imposed by section 5726.02 of the 110527
Revised Code based on one or more taxable years that include the 110528
entire tax period under this chapter. 110529

For the purposes of division (E)(4) of this section, a person 110530
owns another person under the following circumstances: 110531

(a) In the case of corporations issuing capital stock, one 110532
corporation owns another corporation if it owns fifty per cent or 110533
more of the other corporation's capital stock with current voting 110534
rights; 110535

(b) In the case of a limited liability company, one person 110536
owns the company if that person's membership interest, as defined 110537
in section 1705.01 of the Revised Code, is fifty per cent or more 110538
of the combined membership interests of all persons owning such 110539
interests in the company; 110540

(c) In the case of a partnership, trust, or other 110541
unincorporated business organization other than a limited 110542
liability company, one person owns the organization if, under the 110543
articles of organization or other instrument governing the affairs 110544
of the organization, that person has a beneficial interest in the 110545

organization's profits, surpluses, losses, or distributions of 110546
fifty per cent or more of the combined beneficial interests of all 110547
persons having such an interest in the organization. 110548

(5) A domestic insurance company or foreign insurance 110549
company, as defined in section 5725.01 of the Revised Code, that 110550
paid the insurance company premiums tax imposed by section 5725.18 110551
or Chapter 5729. of the Revised Code, or an unauthorized insurance 110552
company whose gross premiums are subject to tax under section 110553
3905.36 of the Revised Code based on one or more measurement 110554
periods that include the entire tax period under this chapter; 110555

(6) A person that solely facilitates or services one or more 110556
securitizations of phase-in-recovery property pursuant to a final 110557
financing order as those terms are defined in section 4928.23 of 110558
the Revised Code. For purposes of this division, "securitization" 110559
means transferring one or more assets to one or more persons and 110560
then issuing securities backed by the right to receive payment 110561
from the asset or assets so transferred. 110562

(7) Except as otherwise provided in this division, a 110563
pre-income tax trust as defined in division (FF)(4) of section 110564
5747.01 of the Revised Code and any pass-through entity of which 110565
such pre-income tax trust owns or controls, directly, indirectly, 110566
or constructively through related interests, more than five per 110567
cent of the ownership or equity interests. If the pre-income tax 110568
trust has made a qualifying pre-income tax trust election under 110569
division (FF)(3) of section 5747.01 of the Revised Code, then the 110570
trust and the pass-through entities of which it owns or controls, 110571
directly, indirectly, or constructively through related interests, 110572
more than five per cent of the ownership or equity interests, 110573
shall not be excluded persons for purposes of the tax imposed 110574
under section 5751.02 of the Revised Code. 110575

(8) Nonprofit organizations or the state and its agencies, 110576
instrumentalities, or political subdivisions. 110577

(F) Except as otherwise provided in divisions (F)(2), (3), 110578
and (4) of this section, "gross receipts" means the total amount 110579
realized by a person, without deduction for the cost of goods sold 110580
or other expenses incurred, that contributes to the production of 110581
gross income of the person, including the fair market value of any 110582
property and any services received, and any debt transferred or 110583
forgiven as consideration. 110584

(1) The following are examples of gross receipts: 110585

(a) Amounts realized from the sale, exchange, or other 110586
disposition of the taxpayer's property to or with another; 110587

(b) Amounts realized from the taxpayer's performance of 110588
services for another; 110589

(c) Amounts realized from another's use or possession of the 110590
taxpayer's property or capital; 110591

(d) Any combination of the foregoing amounts. 110592

(2) "Gross receipts" excludes the following amounts: 110593

(a) Interest income except interest on credit sales; 110594

(b) Dividends and distributions from corporations, and 110595
distributive or proportionate shares of receipts and income from a 110596
pass-through entity as defined under section 5733.04 of the 110597
Revised Code; 110598

(c) Receipts from the sale, exchange, or other disposition of 110599
an asset described in section 1221 or 1231 of the Internal Revenue 110600
Code, without regard to the length of time the person held the 110601
asset. Notwithstanding section 1221 of the Internal Revenue Code, 110602
receipts from hedging transactions also are excluded to the extent 110603
the transactions are entered into primarily to protect a financial 110604
position, such as managing the risk of exposure to (i) foreign 110605
currency fluctuations that affect assets, liabilities, profits, 110606
losses, equity, or investments in foreign operations; (ii) 110607

interest rate fluctuations; or (iii) commodity price fluctuations. 110608
As used in division (F)(2)(c) of this section, "hedging 110609
transaction" has the same meaning as used in section 1221 of the 110610
Internal Revenue Code and also includes transactions accorded 110611
hedge accounting treatment under statement of financial accounting 110612
standards number 133 of the financial accounting standards board. 110613
For the purposes of division (F)(2)(c) of this section, the actual 110614
transfer of title of real or tangible personal property to another 110615
entity is not a hedging transaction. 110616

(d) Proceeds received attributable to the repayment, 110617
maturity, or redemption of the principal of a loan, bond, mutual 110618
fund, certificate of deposit, or marketable instrument; 110619

(e) The principal amount received under a repurchase 110620
agreement or on account of any transaction properly characterized 110621
as a loan to the person; 110622

(f) Contributions received by a trust, plan, or other 110623
arrangement, any of which is described in section 501(a) of the 110624
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 110625
1, Subchapter (D) of the Internal Revenue Code applies; 110626

(g) Compensation, whether current or deferred, and whether in 110627
cash or in kind, received or to be received by an employee, former 110628
employee, or the employee's legal successor for services rendered 110629
to or for an employer, including reimbursements received by or for 110630
an individual for medical or education expenses, health insurance 110631
premiums, or employee expenses, or on account of a dependent care 110632
spending account, legal services plan, any cafeteria plan 110633
described in section 125 of the Internal Revenue Code, or any 110634
similar employee reimbursement; 110635

(h) Proceeds received from the issuance of the taxpayer's own 110636
stock, options, warrants, puts, or calls, or from the sale of the 110637
taxpayer's treasury stock; 110638

(i) Proceeds received on the account of payments from 110639
insurance policies, except those proceeds received for the loss of 110640
business revenue; 110641

(j) Gifts or charitable contributions received; membership 110642
dues received by trade, professional, homeowners', or condominium 110643
associations; and payments received for educational courses, 110644
meetings, meals, or similar payments to a trade, professional, or 110645
other similar association; and fundraising receipts received by 110646
any person when any excess receipts are donated or used 110647
exclusively for charitable purposes; 110648

(k) Damages received as the result of litigation in excess of 110649
amounts that, if received without litigation, would be gross 110650
receipts; 110651

(l) Property, money, and other amounts received or acquired 110652
by an agent on behalf of another in excess of the agent's 110653
commission, fee, or other remuneration; 110654

(m) Tax refunds, other tax benefit recoveries, and 110655
reimbursements for the tax imposed under this chapter made by 110656
entities that are part of the same combined taxpayer or 110657
consolidated elected taxpayer group, and reimbursements made by 110658
entities that are not members of a combined taxpayer or 110659
consolidated elected taxpayer group that are required to be made 110660
for economic parity among multiple owners of an entity whose tax 110661
obligation under this chapter is required to be reported and paid 110662
entirely by one owner, pursuant to the requirements of sections 110663
5751.011 and 5751.012 of the Revised Code; 110664

(n) Pension reversions; 110665

(o) Contributions to capital; 110666

(p) Sales or use taxes collected as a vendor or an 110667
out-of-state seller on behalf of the taxing jurisdiction from a 110668
consumer or other taxes the taxpayer is required by law to collect 110669

directly from a purchaser and remit to a local, state, or federal 110670
tax authority; 110671

(q) In the case of receipts from the sale of cigarettes or 110672
tobacco products by a wholesale dealer, retail dealer, 110673
distributor, manufacturer, or seller, all as defined in section 110674
5743.01 of the Revised Code, an amount equal to the federal and 110675
state excise taxes paid by any person on or for such cigarettes or 110676
tobacco products under subtitle E of the Internal Revenue Code or 110677
Chapter 5743. of the Revised Code; 110678

(r) In the case of receipts from the sale, transfer, 110679
exchange, or other disposition of motor fuel as "motor fuel" is 110680
defined in section 5736.01 of the Revised Code, an amount equal to 110681
the value of the motor fuel, including federal and state motor 110682
fuel excise taxes and receipts from billing or invoicing the tax 110683
imposed under section 5736.02 of the Revised Code to another 110684
person; 110685

(s) In the case of receipts from the sale of beer or 110686
intoxicating liquor, as defined in section 4301.01 of the Revised 110687
Code, by a person holding a permit issued under Chapter 4301. or 110688
4303. of the Revised Code, an amount equal to federal and state 110689
excise taxes paid by any person on or for such beer or 110690
intoxicating liquor under subtitle E of the Internal Revenue Code 110691
or Chapter 4301. or 4305. of the Revised Code; 110692

(t) Receipts realized by a new motor vehicle dealer or used 110693
motor vehicle dealer, as defined in section 4517.01 of the Revised 110694
Code, from the sale or other transfer of a motor vehicle, as 110695
defined in that section, to another motor vehicle dealer for the 110696
purpose of resale by the transferee motor vehicle dealer, but only 110697
if the sale or other transfer was based upon the transferee's need 110698
to meet a specific customer's preference for a motor vehicle; 110699

(u) Receipts from a financial institution described in 110700

division (E)(3) of this section for services provided to the 110701
financial institution in connection with the issuance, processing, 110702
servicing, and management of loans or credit accounts, if such 110703
financial institution and the recipient of such receipts have at 110704
least fifty per cent of their ownership interests owned or 110705
controlled, directly or constructively through related interests, 110706
by common owners; 110707

(v) Receipts realized from administering anti-neoplastic 110708
drugs and other cancer chemotherapy, biologicals, therapeutic 110709
agents, and supportive drugs in a physician's office to patients 110710
with cancer; 110711

(w) Funds received or used by a mortgage broker that is not a 110712
dealer in intangibles, other than fees or other consideration, 110713
pursuant to a table-funding mortgage loan or warehouse-lending 110714
mortgage loan. Terms used in division (F)(2)(w) of this section 110715
have the same meanings as in section 1322.01 of the Revised Code, 110716
except "mortgage broker" means a person assisting a buyer in 110717
obtaining a mortgage loan for a fee or other consideration paid by 110718
the buyer or a lender, or a person engaged in table-funding or 110719
warehouse-lending mortgage loans that are first lien mortgage 110720
loans. 110721

(x) Property, money, and other amounts received by a 110722
professional employer organization, as defined in section 4125.01 110723
of the Revised Code, from a client employer, as defined in that 110724
section, in excess of the administrative fee charged by the 110725
professional employer organization to the client employer; 110726

(y) In the case of amounts retained as commissions by a 110727
permit holder under Chapter 3769. of the Revised Code, an amount 110728
equal to the amounts specified under that chapter that must be 110729
paid to or collected by the tax commissioner as a tax and the 110730
amounts specified under that chapter to be used as purse money; 110731

(z) Qualifying distribution center receipts. 110732

(i) For purposes of division (F)(2)(z) of this section: 110733

(I) "Qualifying distribution center receipts" means receipts 110734
of a supplier from qualified property that is delivered to a 110735
qualified distribution center, multiplied by a quantity that 110736
equals one minus the Ohio delivery percentage. If the qualified 110737
distribution center is a refining facility, "supplier" includes 110738
all dealers, brokers, processors, sellers, vendors, cosigners, and 110739
distributors of qualified property. 110740

(II) "Qualified property" means tangible personal property 110741
delivered to a qualified distribution center that is shipped to 110742
that qualified distribution center solely for further shipping by 110743
the qualified distribution center to another location in this 110744
state or elsewhere or, in the case of gold, silver, platinum, or 110745
palladium delivered to a refining facility solely for refining to 110746
a grade and fineness acceptable for delivery to a registered 110747
commodities exchange. "Further shipping" includes storing and 110748
repackaging property into smaller or larger bundles, so long as 110749
the property is not subject to further manufacturing or 110750
processing. "Refining" is limited to extracting impurities from 110751
gold, silver, platinum, or palladium through smelting or some 110752
other process at a refining facility. 110753

(III) "Qualified distribution center" means a warehouse, a 110754
facility similar to a warehouse, or a refining facility in this 110755
state that, for the qualifying year, is operated by a person that 110756
is not part of a combined taxpayer group and that has a qualifying 110757
certificate. All warehouses or facilities similar to warehouses 110758
that are operated by persons in the same taxpayer group and that 110759
are located within one mile of each other shall be treated as one 110760
qualified distribution center. All refining facilities that are 110761
operated by persons in the same taxpayer group and that are 110762
located in the same or adjacent counties may be treated as one 110763

qualified distribution center. 110764

(IV) "Qualifying year" means the calendar year to which the 110765
qualifying certificate applies. 110766

(V) "Qualifying period" means the period of the first day of 110767
July of the second year preceding the qualifying year through the 110768
thirtieth day of June of the year preceding the qualifying year. 110769

(VI) "Qualifying certificate" means the certificate issued by 110770
the tax commissioner after the operator of a distribution center 110771
files an annual application with the commissioner. The application 110772
and annual fee shall be filed and paid for each qualified 110773
distribution center on or before the first day of September before 110774
the qualifying year or within forty-five days after the 110775
distribution center opens, whichever is later. 110776

The applicant must substantiate to the commissioner's 110777
satisfaction that, for the qualifying period, all persons 110778
operating the distribution center have more than fifty per cent of 110779
the cost of the qualified property shipped to a location such that 110780
it would be situated outside this state under the provisions of 110781
division (E) of section 5751.033 of the Revised Code. The 110782
applicant must also substantiate that the distribution center 110783
cumulatively had costs from its suppliers equal to or exceeding 110784
five hundred million dollars during the qualifying period. (For 110785
purposes of division (F)(2)(z)(i)(VI) of this section, "supplier" 110786
excludes any person that is part of the consolidated elected 110787
taxpayer group, if applicable, of the operator of the qualified 110788
distribution center.) The commissioner may require the applicant 110789
to have an independent certified public accountant certify that 110790
the calculation of the minimum thresholds required for a qualified 110791
distribution center by the operator of a distribution center has 110792
been made in accordance with generally accepted accounting 110793
principles. The commissioner shall issue or deny the issuance of a 110794
certificate within sixty days after the receipt of the 110795

application. A denial is subject to appeal under section 5717.02 110796
of the Revised Code. If the operator files a timely appeal under 110797
section 5717.02 of the Revised Code, the operator shall be granted 110798
a qualifying certificate effective for the remainder of the 110799
qualifying year or until the appeal is finalized, whichever is 110800
earlier. If the operator does not prevail in the appeal, the 110801
operator shall pay the ineligible operator's supplier tax 110802
liability. 110803

(VII) "Ohio delivery percentage" means the proportion of the 110804
total property delivered to a destination inside Ohio from the 110805
qualified distribution center during the qualifying period 110806
compared with total deliveries from such distribution center 110807
everywhere during the qualifying period. 110808

(VIII) "Refining facility" means one or more buildings 110809
located in a county in the Appalachian region of this state as 110810
defined by section 107.21 of the Revised Code and utilized for 110811
refining or smelting gold, silver, platinum, or palladium to a 110812
grade and fineness acceptable for delivery to a registered 110813
commodities exchange. 110814

(IX) "Registered commodities exchange" means a board of 110815
trade, such as New York mercantile exchange, inc. or commodity 110816
exchange, inc., designated as a contract market by the commodity 110817
futures trading commission under the "Commodity Exchange Act," 7 110818
U.S.C. 1 et seq., as amended. 110819

(X) "Ineligible operator's supplier tax liability" means an 110820
amount equal to the tax liability of all suppliers of a 110821
distribution center had the distribution center not been issued a 110822
qualifying certificate for the qualifying year. Ineligible 110823
operator's supplier tax liability shall not include interest or 110824
penalties. The tax commissioner shall determine an ineligible 110825
operator's supplier tax liability based on information that the 110826
commissioner may request from the operator of the distribution 110827

center. An operator shall provide a list of all suppliers of the 110828
distribution center and the corresponding costs of qualified 110829
property for the qualifying year at issue within sixty days of a 110830
request by the commissioner under this division. 110831

(ii)(I) If the distribution center is new and was not open 110832
for the entire qualifying period, the operator of the distribution 110833
center may request that the commissioner grant a qualifying 110834
certificate. If the certificate is granted and it is later 110835
determined that more than fifty per cent of the qualified property 110836
during that year was not shipped to a location such that it would 110837
be situated outside of this state under the provisions of division 110838
(E) of section 5751.033 of the Revised Code or if it is later 110839
determined that the person that operates the distribution center 110840
had average monthly costs from its suppliers of less than forty 110841
million dollars during that year, then the operator of the 110842
distribution center shall pay the ineligible operator's supplier 110843
tax liability. (For purposes of division (F)(2)(z)(ii) of this 110844
section, "supplier" excludes any person that is part of the 110845
consolidated elected taxpayer group, if applicable, of the 110846
operator of the qualified distribution center.) 110847

(II) The commissioner may grant a qualifying certificate to a 110848
distribution center that does not qualify as a qualified 110849
distribution center for an entire qualifying period if the 110850
operator of the distribution center demonstrates that the business 110851
operations of the distribution center have changed or will change 110852
such that the distribution center will qualify as a qualified 110853
distribution center within thirty-six months after the date the 110854
operator first applies for a certificate. If, at the end of that 110855
thirty-six-month period, the business operations of the 110856
distribution center have not changed such that the distribution 110857
center qualifies as a qualified distribution center, the operator 110858
of the distribution center shall pay the ineligible operator's 110859

supplier tax liability for each year that the distribution center 110860
received a certificate but did not qualify as a qualified 110861
distribution center. For each year the distribution center 110862
receives a certificate under division (F)(2)(z)(ii)(II) of this 110863
section, the distribution center shall pay all applicable fees 110864
required under division (F)(2)(z) of this section and shall submit 110865
an updated business plan showing the progress the distribution 110866
center made toward qualifying as a qualified distribution center 110867
during the preceding year. 110868

(III) An operator may appeal a determination under division 110869
(F)(2)(z)(ii)(I) or (II) of this section that the ineligible 110870
operator is liable for the operator's supplier tax liability as a 110871
result of not qualifying as a qualified distribution center, as 110872
provided in section 5717.02 of the Revised Code. 110873

(iii) When filing an application for a qualifying certificate 110874
under division (F)(2)(z)(i)(VI) of this section, the operator of a 110875
qualified distribution center also shall provide documentation, as 110876
the commissioner requires, for the commissioner to ascertain the 110877
Ohio delivery percentage. The commissioner, upon issuing the 110878
qualifying certificate, also shall certify the Ohio delivery 110879
percentage. The operator of the qualified distribution center may 110880
appeal the commissioner's certification of the Ohio delivery 110881
percentage in the same manner as an appeal is taken from the 110882
denial of a qualifying certificate under division (F)(2)(z)(i)(VI) 110883
of this section. 110884

(iv)(I) In the case where the distribution center is new and 110885
not open for the entire qualifying period, the operator shall make 110886
a good faith estimate of an Ohio delivery percentage for use by 110887
suppliers in their reports of taxable gross receipts for the 110888
remainder of the qualifying period. The operator of the facility 110889
shall disclose to the suppliers that such Ohio delivery percentage 110890
is an estimate and is subject to recalculation. By the due date of 110891

the next application for a qualifying certificate, the operator 110892
shall determine the actual Ohio delivery percentage for the 110893
estimated qualifying period and proceed as provided in division 110894
(F)(2)(z)(iii) of this section with respect to the calculation and 110895
recalculation of the Ohio delivery percentage. The supplier is 110896
required to file, within sixty days after receiving notice from 110897
the operator of the qualified distribution center, amended reports 110898
for the impacted calendar quarter or quarters or calendar year, 110899
whichever the case may be. Any additional tax liability or tax 110900
overpayment shall be subject to interest but shall not be subject 110901
to the imposition of any penalty so long as the amended returns 110902
are timely filed. 110903

(II) The operator of a distribution center that receives a 110904
qualifying certificate under division (F)(2)(z)(ii)(II) of this 110905
section shall make a good faith estimate of the Ohio delivery 110906
percentage that the operator estimates will apply to the 110907
distribution center at the end of the thirty-six-month period 110908
after the operator first applied for a qualifying certificate 110909
under that division. The result of the estimate shall be 110910
multiplied by a factor of one and seventy-five one-hundredths. The 110911
product of that calculation shall be the Ohio delivery percentage 110912
used by suppliers in their reports of taxable gross receipts for 110913
each qualifying year that the distribution center receives a 110914
qualifying certificate under division (F)(2)(z)(ii)(II) of this 110915
section, except that, if the product is less than five per cent, 110916
the Ohio delivery percentage used shall be five per cent and that, 110917
if the product exceeds forty-nine per cent, the Ohio delivery 110918
percentage used shall be forty-nine per cent. 110919

(v) Qualifying certificates and Ohio delivery percentages 110920
issued by the commissioner shall be open to public inspection and 110921
shall be timely published by the commissioner. A supplier relying 110922
in good faith on a certificate issued under this division shall 110923

not be subject to tax on the qualifying distribution center 110924
receipts under division (F)(2)(z) of this section. An operator 110925
receiving a qualifying certificate is liable for the ineligible 110926
operator's supplier tax liability for each year the operator 110927
received a certificate but did not qualify as a qualified 110928
distribution center. 110929

(vi) The annual fee for a qualifying certificate shall be one 110930
hundred thousand dollars for each qualified distribution center. 110931
If a qualifying certificate is not issued, the annual fee is 110932
subject to refund after the exhaustion of all appeals provided for 110933
in division (F)(2)(z)(i)(VI) of this section. The first one 110934
hundred thousand dollars of the annual application fees collected 110935
each calendar year shall be credited to the revenue enhancement 110936
fund. The remainder of the annual application fees collected shall 110937
be distributed in the same manner required under section 5751.20 110938
of the Revised Code. 110939

(vii) The tax commissioner may require that adequate security 110940
be posted by the operator of the distribution center on appeal 110941
when the commissioner disagrees that the applicant has met the 110942
minimum thresholds for a qualified distribution center as set 110943
forth in division (F)(2)(z) of this section. 110944

(aa) Receipts of an employer from payroll deductions relating 110945
to the reimbursement of the employer for advancing moneys to an 110946
unrelated third party on an employee's behalf; 110947

(bb) Cash discounts allowed and taken; 110948

(cc) Returns and allowances; 110949

(dd) Bad debts from receipts on the basis of which the tax 110950
imposed by this chapter was paid in a prior quarterly tax payment 110951
period. For the purpose of this division, "bad debts" means any 110952
debts that have become worthless or uncollectible between the 110953
preceding and current quarterly tax payment periods, have been 110954

uncollected for at least six months, and that may be claimed as a deduction under section 166 of the Internal Revenue Code and the regulations adopted under that section, or that could be claimed as such if the taxpayer kept its accounts on the accrual basis. "Bad debts" does not include repossessed property, uncollectible amounts on property that remains in the possession of the taxpayer until the full purchase price is paid, or expenses in attempting to collect any account receivable or for any portion of the debt recovered;

(ee) Any amount realized from the sale of an account receivable to the extent the receipts from the underlying transaction giving rise to the account receivable were included in the gross receipts of the taxpayer;

(ff) Any receipts directly attributed to a transfer agreement or to the enterprise transferred under that agreement under section 4313.02 of the Revised Code.

(gg)(i) As used in this division:

(I) "Qualified uranium receipts" means receipts from the sale, exchange, lease, loan, production, processing, or other disposition of uranium within a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section. "Qualified uranium receipts" does not include any receipts with a situs in this state outside a uranium enrichment zone certified by the tax commissioner under division (F)(2)(gg)(ii) of this section.

(II) "Uranium enrichment zone" means all real property that is part of a uranium enrichment facility licensed by the United States nuclear regulatory commission and that was or is owned or controlled by the United States department of energy or its successor.

(ii) Any person that owns, leases, or operates real or

tangible personal property constituting or located within a 110986
uranium enrichment zone may apply to the tax commissioner to have 110987
the uranium enrichment zone certified for the purpose of excluding 110988
qualified uranium receipts under division (F)(2)(gg) of this 110989
section. The application shall include such information that the 110990
tax commissioner prescribes. Within sixty days after receiving the 110991
application, the tax commissioner shall certify the zone for that 110992
purpose if the commissioner determines that the property qualifies 110993
as a uranium enrichment zone as defined in division (F)(2)(gg) of 110994
this section, or, if the tax commissioner determines that the 110995
property does not qualify, the commissioner shall deny the 110996
application or request additional information from the applicant. 110997
If the tax commissioner denies an application, the commissioner 110998
shall state the reasons for the denial. The applicant may appeal 110999
the denial of an application to the board of tax appeals pursuant 111000
to section 5717.02 of the Revised Code. If the applicant files a 111001
timely appeal, the tax commissioner shall conditionally certify 111002
the applicant's property. The conditional certification shall 111003
expire when all of the applicant's appeals are exhausted. Until 111004
final resolution of the appeal, the applicant shall retain the 111005
applicant's records in accordance with section 5751.12 of the 111006
Revised Code, notwithstanding any time limit on the preservation 111007
of records under that section. 111008

(hh) In the case of amounts collected by a licensed casino 111009
operator from casino gaming, amounts in excess of the casino 111010
operator's gross casino revenue. In this division, "casino 111011
operator" and "casino gaming" have the meanings defined in section 111012
3772.01 of the Revised Code, and "gross casino revenue" has the 111013
meaning defined in section 5753.01 of the Revised Code. 111014

(ii) Receipts realized from the sale of agricultural 111015
commodities by an agricultural commodity handler, both as defined 111016
in section 926.01 of the Revised Code, that is licensed by the 111017

director of agriculture to handle agricultural commodities in this state. 111018
111019

(jj) Qualifying integrated supply chain receipts. 111020

As used in division (F)(2)(jj) of this section: 111021

(i) "Qualifying integrated supply chain receipts" means receipts of a qualified integrated supply chain vendor from qualified property delivered to another qualified integrated supply chain vendor or a retailer. 111022
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(ii) "Qualified property" means any of the following: 111026

(I) Component parts used to hold, contain, package, or dispense qualified products; 111027
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(II) Work-in-process inventory that will become, comprise, or form a component part of a qualified product capable of being sold at retail; 111029
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(III) Finished goods inventory that is a qualified product capable of being sold at retail in the inventory's present form. 111032
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(iii) "Qualified integrated supply chain vendor" means a person that is a member of an integrated supply chain and that provides integrated supply chain services from a location within a qualified integrated supply chain district either to another qualified integrated supply chain vendor that is located within the same such district as the person but does not share a common owner with that person, or to a retailer. 111034
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(iv) "Qualified product" means a personal care, health, or beauty product or an aromatic product, including a candle. 111041
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(v) "Integrated supply chain" means two or more qualified integrated supply chain vendors that systematically collaborate and coordinate business operations with a retailer on the flow of tangible personal property from material sourcing through manufacturing, assembly, packaging, and delivery to the retailer 111043
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to improve long-term financial performance of each vendor and the 111048
supply chain that includes the retailer. 111049

(vi) "Integrated supply chain services" means procuring raw 111050
materials or manufacturing, processing, refining, assembling, 111051
packaging, or repackaging tangible personal property that will 111052
eventually become finished goods inventory capable of being sold 111053
at retail by a retailer. 111054

(vii) "Retailer" means a person primarily engaged in making 111055
retail sales and includes any member of the retailer's 111056
consolidated elected taxpayer group or combined taxpayer group, 111057
whether or not that member is primarily engaged in making retail 111058
sales. 111059

(viii) "Qualified integrated supply chain district" means a 111060
parcel or parcels of land composed of a total of between one 111061
hundred and five hundred acres and all of which are located in a 111062
county having a population of greater than one hundred fifty 111063
thousand but less than two hundred thousand. 111064

(kk) In the case of a railroad company described in division 111065
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 111066
diesel fuel directly from a supplier as defined by section 5736.01 111067
of the Revised Code, an amount equal to the product of the number 111068
of gallons of dyed diesel purchased directly from such a supplier 111069
multiplied by the statewide average wholesale price for a gallon 111070
of diesel fuel as determined under section 5736.02 of the Revised 111071
Code for the period during which the fuel was purchased multiplied 111072
by a fraction, the numerator of which equals the rate of tax 111073
levied by section 5736.02 of the Revised Code less the rate of tax 111074
computed in section 5751.03 of the Revised Code, and the 111075
denominator of which equals the rate of tax computed in section 111076
5751.03 of the Revised Code. 111077

(ll) Any receipts for which the tax imposed by this chapter 111078

is prohibited by the constitution or laws of the United States or 111079
the constitution of this state. 111080

(3) In the case of a taxpayer when acting as a real estate 111081
broker, "gross receipts" includes only the portion of any fee for 111082
the service of a real estate broker, or service of a real estate 111083
salesperson associated with that broker, that is retained by the 111084
broker and not paid to an associated real estate salesperson or 111085
another real estate broker. For the purposes of this division, 111086
"real estate broker" and "real estate salesperson" have the same 111087
meanings as in section 4735.01 of the Revised Code. 111088

(4) A taxpayer's method of accounting for gross receipts for 111089
a tax period shall be the same as the taxpayer's method of 111090
accounting for federal income tax purposes for the taxpayer's 111091
federal taxable year that includes the tax period. If a taxpayer's 111092
method of accounting for federal income tax purposes changes, its 111093
method of accounting for gross receipts under this chapter shall 111094
be changed accordingly. 111095

(G) "Taxable gross receipts" means gross receipts situated to 111096
this state under section 5751.033 of the Revised Code. 111097

(H) A person has "substantial nexus with this state" if any 111098
of the following applies. The person: 111099

(1) Owns or uses a part or all of its capital in this state; 111100

(2) Holds a certificate of compliance with the laws of this 111101
state authorizing the person to do business in this state; 111102

(3) Has bright-line presence in this state; 111103

(4) Otherwise has nexus with this state to an extent that the 111104
person can be required to remit the tax imposed under this chapter 111105
under the Constitution of the United States. 111106

(I) A person has "bright-line presence" in this state for a 111107
reporting period and for the remaining portion of the calendar 111108

year if any of the following applies. The person: 111109

(1) Has at any time during the calendar year property in this 111110
state with an aggregate value of at least fifty thousand dollars. 111111
For the purpose of division (I)(1) of this section, owned property 111112
is valued at original cost and rented property is valued at eight 111113
times the net annual rental charge. 111114

(2) Has during the calendar year payroll in this state of at 111115
least fifty thousand dollars. Payroll in this state includes all 111116
of the following: 111117

(a) Any amount subject to withholding by the person under 111118
section 5747.06 of the Revised Code; 111119

(b) Any other amount the person pays as compensation to an 111120
individual under the supervision or control of the person for work 111121
done in this state; and 111122

(c) Any amount the person pays for services performed in this 111123
state on its behalf by another. 111124

(3) Has during the calendar year taxable gross receipts of at 111125
least five hundred thousand dollars. 111126

(4) Has at any time during the calendar year within this 111127
state at least twenty-five per cent of the person's total 111128
property, total payroll, or total gross receipts. 111129

(5) Is domiciled in this state as an individual or for 111130
corporate, commercial, or other business purposes. 111131

(J) "Tangible personal property" has the same meaning as in 111132
section 5739.01 of the Revised Code. 111133

(K) "Internal Revenue Code" means the Internal Revenue Code 111134
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 111135
this chapter that is not otherwise defined has the same meaning as 111136
when used in a comparable context in the laws of the United States 111137
relating to federal income taxes unless a different meaning is 111138

clearly required. Any reference in this chapter to the Internal Revenue Code includes other laws of the United States relating to federal income taxes.

(L) "Calendar quarter" means a three-month period ending on the thirty-first day of March, the thirtieth day of June, the thirtieth day of September, or the thirty-first day of December.

(M) "Tax period" means the calendar quarter or calendar year on the basis of which a taxpayer is required to pay the tax imposed under this chapter.

(N) "Calendar year taxpayer" means a taxpayer for which the tax period is a calendar year.

(O) "Calendar quarter taxpayer" means a taxpayer for which the tax period is a calendar quarter.

(P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:

(1) A person receiving a fee to sell financial instruments;

(2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;

(3) A person issuing licenses and permits under section 1533.13 of the Revised Code;

(4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;

(5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.

(Q) "Received" includes amounts accrued under the accrual method of accounting.

(R) "Reporting person" means a person in a consolidated

elected taxpayer or combined taxpayer group that is designated by 111168
that group to legally bind the group for all filings and tax 111169
liabilities and to receive all legal notices with respect to 111170
matters under this chapter, or, for the purposes of section 111171
5751.04 of the Revised Code, a separate taxpayer that is not a 111172
member of such a group. 111173

Sec. 5751.02. (A) For the purpose of funding the needs of 111174
this state and its local governments, there is hereby levied a 111175
commercial activity tax on each person with taxable gross receipts 111176
for the privilege of doing business in this state. For the 111177
purposes of this chapter, "doing business" means engaging in any 111178
activity, whether legal or illegal, that is conducted for, or 111179
results in, gain, profit, or income, at any time during a calendar 111180
year. Persons on which the commercial activity tax is levied 111181
include, but are not limited to, persons with substantial nexus 111182
with this state. The tax imposed under this section is not a 111183
transactional tax and is not subject to Public Law No. 86-272, 73 111184
Stat. 555. The tax imposed under this section is in addition to 111185
any other taxes or fees imposed under the Revised Code. The tax 111186
levied under this section is imposed on the person receiving the 111187
gross receipts and is not a tax imposed directly on a purchaser. 111188
The tax imposed by this section is an annual privilege tax for the 111189
calendar year that, in the case of calendar year taxpayers, is the 111190
annual tax period and, in the case of calendar quarter taxpayers, 111191
contains all quarterly tax periods in the calendar year. A 111192
taxpayer is subject to the annual privilege tax for doing business 111193
during any portion of such calendar year. 111194

(B) The tax imposed by this section is a tax on the taxpayer 111195
and shall not be billed or invoiced to another person. Even if the 111196
tax or any portion thereof is billed or invoiced and separately 111197
stated, such amounts remain part of the price for purposes of the 111198
sales and use taxes levied under Chapters 5739. and 5741. of the 111199

Revised Code. Nothing in division (B) of this section prohibits: 111200

(1) A person from including in the price charged for a good 111201
or service an amount sufficient to recover the tax imposed by this 111202
section; or 111203

(2) A lessor from including an amount sufficient to recover 111204
the tax imposed by this section in a lease payment charged, or 111205
from including such an amount on a billing or invoice pursuant to 111206
the terms of a written lease agreement providing for the recovery 111207
of the lessor's tax costs. The recovery of such costs shall be 111208
based on an estimate of the total tax cost of the lessor during 111209
the tax period, as the tax liability of the lessor cannot be 111210
calculated until the end of that period. 111211

(C)(1) The commercial activities tax receipts fund is hereby 111212
created in the state treasury and shall consist of money arising 111213
from the tax imposed under this chapter. Eighty-five 111214
one-hundredths of one per cent of the money credited to that fund 111215
shall be credited to the revenue enhancement fund and shall be 111216
used to defray the costs incurred by the department of taxation in 111217
administering the tax imposed by this chapter and in implementing 111218
tax reform measures. The remainder of the money in the commercial 111219
activities tax receipts fund shall first be credited to the 111220
commercial activity tax motor fuel receipts fund, pursuant to 111221
division (C)(2) of this section, and the remainder shall be 111222
credited in the following percentages each fiscal year to the 111223
general revenue fund, to the school district tangible property tax 111224
replacement fund, which is hereby created in the state treasury 111225
for the purpose of making the payments described in section 111226
5709.92 of the Revised Code, and to the local government tangible 111227
property tax replacement fund, which is hereby created in the 111228
state treasury for the purpose of making the payments described in 111229
section 5709.93 of the Revised Code, in the following percentages: 111230

<u>Fiscal year</u>	<u>General Revenue</u>	<u>School District</u>	<u>Local Government</u>	111231
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	<u>Fund</u>	<u>Tangible Property Tax Replacement Fund</u>	<u>Tangible Property Tax Replacement Fund</u>	
<u>2014 and 2015</u>	<u>50.0%</u>	<u>35.0%</u>	<u>15.0%</u>	111232
<u>2016 and thereafter</u>	<u>75.0%</u>	<u>20.0%</u>	<u>5.0%</u>	111233
<u>(2) Not later than the twentieth day of February, May,</u>				111234
<u>August, and November of each year, the commissioner shall provide</u>				111235
<u>for payment from the commercial activities tax receipts fund to</u>				111236
<u>the commercial activity tax motor fuel receipts fund an amount</u>				111237
<u>that bears the same ratio to the balance in the commercial</u>				111238
<u>activities tax receipts fund that (a) the taxable gross receipts</u>				111239
<u>attributed to motor fuel used for propelling vehicles on public</u>				111240
<u>highways as indicated by returns filed by the tenth day of that</u>				111241
<u>month for a liability that is due and payable on or after July 1,</u>				111242
<u>2013, for a tax period ending before July 1, 2014, bears to (b)</u>				111243
<u>all taxable gross receipts as indicated by those returns for such</u>				111244
<u>liabilities.</u>				111245
<u>(D)(1) If the total amount in the school district tangible</u>				111246
<u>property tax replacement fund is insufficient to make all payments</u>				111247
<u>under section 5709.92 of the Revised Code at the times the</u>				111248
<u>payments are to be made, the director of budget and management</u>				111249
<u>shall transfer from the general revenue fund to the school</u>				111250
<u>district tangible property tax replacement fund the difference</u>				111251
<u>between the total amount to be paid and the amount in the school</u>				111252
<u>district tangible property tax replacement fund.</u>				111253
<u>(2) If the total amount in the local government tangible</u>				111254
<u>property tax replacement fund is insufficient to make all payments</u>				111255
<u>under section 5709.93 of the Revised Code at the times the</u>				111256
<u>payments are to be made, the director of budget and management</u>				111257
<u>shall transfer from the general revenue fund to the local</u>				111258
<u>government tangible property tax replacement fund the difference</u>				111259

between the total amount to be paid and the amount in the local 111260
government tangible property tax replacement fund. 111261

(E)(1) On or after the first day of June of each year, the 111262
director of budget and management may transfer any balance in the 111263
school district tangible property tax replacement fund to the 111264
general revenue fund. 111265

(2) On or after the first day of June of each year, the 111266
director of budget and management may transfer any balance in the 111267
local government tangible property tax replacement fund to the 111268
general revenue fund. 111269

(F)(1) There is hereby created in the state treasury the 111270
commercial activity tax motor fuel receipts fund. 111271

(2) On or before the fifteenth day of June of each fiscal 111272
year beginning with fiscal year 2015, the director of the Ohio 111273
public works commission shall certify to the director of budget 111274
and management the amount of debt service paid from the general 111275
revenue fund in the current fiscal year on bonds issued to finance 111276
or assist in the financing of the cost of local subdivision public 111277
infrastructure capital improvement projects, as provided for in 111278
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 111279
are attributable to costs for construction, reconstruction, 111280
maintenance, or repair of public highways and bridges and other 111281
statutory highway purposes. That certification shall allocate the 111282
total amount of debt service paid from the general revenue fund 111283
and attributable to those costs in the current fiscal year 111284
according to the applicable section of the Ohio Constitution under 111285
which the bonds were originally issued. 111286

(3) On or before the thirtieth day of June of each fiscal 111287
year beginning with fiscal year 2015, the director of budget and 111288
management shall determine an amount up to but not exceeding the 111289
amount certified under division (F)(2) of this section and shall 111290

reserve that amount from the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund for transfer to the general revenue fund at times and in amounts to be determined by the director. The director shall transfer the cash balance in the petroleum activity tax public highways fund or the commercial activity tax motor fuel receipts fund in excess of the amount so reserved to the highway operating fund on or before the thirtieth day of June of the current fiscal year.

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Sec. 5751.20. ~~(A)~~ No determinations, computations, certifications, or payments shall be made under this section after June 30, 2015.

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(A) As used in sections 5751.20 to 5751.22 of the Revised Code:

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(1) "School district," "joint vocational school district," "local taxing unit," "recognized valuation," "fixed-rate levy," and "fixed-sum levy" have the same meanings as used in section 5727.84 of the Revised Code.

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(2) "State education aid" for a school district means the following:

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(a) For fiscal years prior to fiscal year 2010, the sum of state aid amounts computed for the district under the following provisions, as they existed for the applicable fiscal year: division (A) of section 3317.022 of the Revised Code, including the amounts calculated under former section 3317.029 and section 3317.0217 of the Revised Code; divisions (C)(1), (C)(4), (D), (E), and (F) of section 3317.022; divisions (B), (C), and (D) of section 3317.023; divisions (L) and (N) of section 3317.024; section 3317.0216; and any unit payments for gifted student services paid under section 3317.05 and former sections 3317.052 and 3317.053 of the Revised Code; except that, for fiscal years

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2008 and 2009, the amount computed for the district under Section 111322
269.20.80 of H.B. 119 of the 127th general assembly and as that 111323
section subsequently may be amended shall be substituted for the 111324
amount computed under division (D) of section 3317.022 of the 111325
Revised Code, and the amount computed under Section 269.30.80 of 111326
H.B. 119 of the 127th general assembly and as that section 111327
subsequently may be amended shall be included. 111328

(b) For fiscal years 2010 and 2011, the sum of the amounts 111329
computed under former sections 3306.052, 3306.12, 3306.13, 111330
3306.19, 3306.191, and 3306.192 of the Revised Code; 111331

(c) For fiscal years 2012 and 2013, the sum of the amounts 111332
paid under Sections 267.30.50, 267.30.53, and 267.30.56 of H.B. 111333
153 of the 129th general assembly; 111334

(d) For fiscal year 2014 and each fiscal year thereafter, the 111335
sum of state amounts computed for the district under section 111336
3317.022 of the Revised Code; except that, for fiscal years 2014 111337
and 2015, the amount computed for the district under the section 111338
of this act entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND 111339
EXEMPTED VILLAGE SCHOOL DISTRICTS" shall be included. 111340

(3) "State education aid" for a joint vocational school 111341
district means the following: 111342

(a) For fiscal years prior to fiscal year 2010, the sum of 111343
the state aid computed for the district under division (N) of 111344
section 3317.024 and former section 3317.16 of the Revised Code, 111345
except that, for fiscal years 2008 and 2009, the amount computed 111346
under Section 269.30.80 of H.B. 119 of the 127th general assembly 111347
and as that section subsequently may be amended shall be included. 111348

(b) For fiscal years 2010 and 2011, the amount paid in 111349
accordance with Section 265.30.50 of H.B. 1 of the 128th general 111350
assembly. 111351

(c) For fiscal years 2012 and 2013, the amount paid in 111352

accordance with Section 267.30.60 of H.B. 153 of the 129th general assembly. 111353
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(d) For fiscal year 2014 and each fiscal year thereafter, the amount computed for the district under section 3317.16 of the Revised Code; except that, for fiscal years 2014 and 2015, the amount computed for the district under the section of this act entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS" shall be included. 111355
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(4) "State education aid offset" means the amount determined for each school district or joint vocational school district under division (A)(1) of section 5751.21 of the Revised Code. 111361
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(5) "Machinery and equipment property tax value loss" means the amount determined under division (C)(1) of this section. 111364
111365

(6) "Inventory property tax value loss" means the amount determined under division (C)(2) of this section. 111366
111367

(7) "Furniture and fixtures property tax value loss" means the amount determined under division (C)(3) of this section. 111368
111369

(8) "Machinery and equipment fixed-rate levy loss" means the amount determined under division (D)(1) of this section. 111370
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(9) "Inventory fixed-rate levy loss" means the amount determined under division (D)(2) of this section. 111372
111373

(10) "Furniture and fixtures fixed-rate levy loss" means the amount determined under division (D)(3) of this section. 111374
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(11) "Total fixed-rate levy loss" means the sum of the machinery and equipment fixed-rate levy loss, the inventory fixed-rate levy loss, the furniture and fixtures fixed-rate levy loss, and the telephone company fixed-rate levy loss. 111376
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(12) "Fixed-sum levy loss" means the amount determined under division (E) of this section. 111380
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(13) "Machinery and equipment" means personal property 111382

subject to the assessment rate specified in division (F) of 111383
section 5711.22 of the Revised Code. 111384

(14) "Inventory" means personal property subject to the 111385
assessment rate specified in division (E) of section 5711.22 of 111386
the Revised Code. 111387

(15) "Furniture and fixtures" means personal property subject 111388
to the assessment rate specified in division (G) of section 111389
5711.22 of the Revised Code. 111390

(16) "Qualifying levies" are levies in effect for tax year 111391
2004 or applicable to tax year 2005 or approved at an election 111392
conducted before September 1, 2005. For the purpose of determining 111393
the rate of a qualifying levy authorized by section 5705.212 or 111394
5705.213 of the Revised Code, the rate shall be the rate that 111395
would be in effect for tax year 2010. 111396

(17) "Telephone property" means tangible personal property of 111397
a telephone, telegraph, or interexchange telecommunications 111398
company subject to an assessment rate specified in section 111399
5727.111 of the Revised Code in tax year 2004. 111400

(18) "Telephone property tax value loss" means the amount 111401
determined under division (C)(4) of this section. 111402

(19) "Telephone property fixed-rate levy loss" means the 111403
amount determined under division (D)(4) of this section. 111404

(20) "Taxes charged and payable" means taxes charged and 111405
payable after the reduction required by section 319.301 of the 111406
Revised Code but before the reductions required by sections 111407
319.302 and 323.152 of the Revised Code. 111408

(21) "Median estate tax collections" means, in the case of a 111409
municipal corporation to which revenue from the taxes levied in 111410
Chapter 5731. of the Revised Code was distributed in each of 111411
calendar years 2006, 2007, 2008, and 2009, the median of those 111412

distributions. In the case of a municipal corporation to which no 111413
distributions were made in one or more of those years, "median 111414
estate tax collections" means zero. 111415

(22) "Total resources," in the case of a school district, 111416
means the sum of the amounts in divisions (A)(22)(a) to (h) of 111417
this section less any reduction required under division (A)(32) or 111418
(33) of this section. 111419

(a) The state education aid for fiscal year 2010; 111420

(b) The sum of the payments received by the school district 111421
in fiscal year 2010 for current expense levy losses pursuant to 111422
division (C)(2) of section 5727.85 and divisions (C)(8) and (9) of 111423
section 5751.21 of the Revised Code, excluding the portion of such 111424
payments attributable to levies for joint vocational school 111425
district purposes; 111426

(c) The sum of fixed-sum levy loss payments received by the 111427
school district in fiscal year 2010 pursuant to division (E)(1) of 111428
section 5727.85 and division (E)(1) of section 5751.21 of the 111429
Revised Code for fixed-sum levies charged and payable for a 111430
purpose other than paying debt charges; 111431

(d) Fifty per cent of the school district's taxes charged and 111432
payable against all property on the tax list of real and public 111433
utility property for current expense purposes for tax year 2008, 111434
including taxes charged and payable from emergency levies charged 111435
and payable under section 5709.194 of the Revised Code and 111436
excluding taxes levied for joint vocational school district 111437
purposes; 111438

(e) Fifty per cent of the school district's taxes charged and 111439
payable against all property on the tax list of real and public 111440
utility property for current expenses for tax year 2009, including 111441
taxes charged and payable from emergency levies and excluding 111442
taxes levied for joint vocational school district purposes; 111443

(f) The school district's taxes charged and payable against	111444
all property on the general tax list of personal property for	111445
current expenses for tax year 2009, including taxes charged and	111446
payable from emergency levies;	111447
(g) The amount certified for fiscal year 2010 under division	111448
(A)(2) of section 3317.08 of the Revised Code;	111449
(h) Distributions received during calendar year 2009 from	111450
taxes levied under section 718.09 of the Revised Code.	111451
(23) "Total resources," in the case of a joint vocational	111452
school district, means the sum of amounts in divisions (A)(23)(a)	111453
to (g) of this section less any reduction required under division	111454
(A)(32) of this section.	111455
(a) The state education aid for fiscal year 2010;	111456
(b) The sum of the payments received by the joint vocational	111457
school district in fiscal year 2010 for current expense levy	111458
losses pursuant to division (C)(2) of section 5727.85 and	111459
divisions (C)(8) and (9) of section 5751.21 of the Revised Code;	111460
(c) Fifty per cent of the joint vocational school district's	111461
taxes charged and payable against all property on the tax list of	111462
real and public utility property for current expense purposes for	111463
tax year 2008;	111464
(d) Fifty per cent of the joint vocational school district's	111465
taxes charged and payable against all property on the tax list of	111466
real and public utility property for current expenses for tax year	111467
2009;	111468
(e) Fifty per cent of a city, local, or exempted village	111469
school district's taxes charged and payable against all property	111470
on the tax list of real and public utility property for current	111471
expenses of the joint vocational school district for tax year	111472
2008;	111473

(f) Fifty per cent of a city, local, or exempted village school district's taxes charged and payable against all property on the tax list of real and public utility property for current expenses of the joint vocational school district for tax year 2009;

(g) The joint vocational school district's taxes charged and payable against all property on the general tax list of personal property for current expenses for tax year 2009.

(24) "Total resources," in the case of county mental health and disability related functions, means the sum of the amounts in divisions (A)(24)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for mental health and developmental disability related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for mental health and developmental disability related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009.

(25) "Total resources," in the case of county senior services related functions, means the sum of the amounts in divisions (A)(25)(a) and (b) of this section less any reduction required under division (A)(32) of this section.

(a) The sum of the payments received by the county for senior services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time;

(b) With respect to taxes levied by the county for senior services related purposes, the taxes charged and payable for such

purposes against all property on the tax list of real and public utility property for tax year 2009. 111505
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(26) "Total resources," in the case of county children's services related functions, means the sum of the amounts in divisions (A)(26)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 111507
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(a) The sum of the payments received by the county for children's services related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 111511
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(b) With respect to taxes levied by the county for children's services related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 111515
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(27) "Total resources," in the case of county public health related functions, means the sum of the amounts in divisions (A)(27)(a) and (b) of this section less any reduction required under division (A)(32) of this section. 111519
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(a) The sum of the payments received by the county for public health related functions in calendar year 2010 under division (A)(1) of section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of the Revised Code as they existed at that time; 111523
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(b) With respect to taxes levied by the county for public health related purposes, the taxes charged and payable for such purposes against all property on the tax list of real and public utility property for tax year 2009. 111527
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(28) "Total resources," in the case of all county functions not included in divisions (A)(24) to (27) of this section, means the sum of the amounts in divisions (A)(28)(a) to (d) of this section less any reduction required under division (A)(32) or (33) of this section. 111531
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(a) The sum of the payments received by the county for all 111536
other purposes in calendar year 2010 under division (A)(1) of 111537
section 5727.86 and divisions (A)(1) and (2) of section 5751.22 of 111538
the Revised Code as they existed at that time; 111539

(b) The county's percentage share of county undivided local 111540
government fund allocations as certified to the tax commissioner 111541
for calendar year 2010 by the county auditor under division (J) of 111542
section 5747.51 of the Revised Code or division (F) of section 111543
5747.53 of the Revised Code multiplied by the total amount 111544
actually distributed in calendar year 2010 from the county 111545
undivided local government fund; 111546

(c) With respect to taxes levied by the county for all other 111547
purposes, the taxes charged and payable for such purposes against 111548
all property on the tax list of real and public utility property 111549
for tax year 2009, excluding taxes charged and payable for the 111550
purpose of paying debt charges; 111551

(d) The sum of the amounts distributed to the county in 111552
calendar year 2010 for the taxes levied pursuant to sections 111553
5739.021 and 5741.021 of the Revised Code. 111554

(29) "Total resources," in the case of a municipal 111555
corporation, means the sum of the amounts in divisions (A)(29)(a) 111556
to (g) of this section less any reduction required under division 111557
(A)(32) or (33) of this section. 111558

(a) The sum of the payments received by the municipal 111559
corporation in calendar year 2010 for current expense levy losses 111560
under division (A)(1) of section 5727.86 and divisions (A)(1) and 111561
(2) of section 5751.22 of the Revised Code as they existed at that 111562
time; 111563

(b) The municipal corporation's percentage share of county 111564
undivided local government fund allocations as certified to the 111565
tax commissioner for calendar year 2010 by the county auditor 111566

under division (J) of section 5747.51 of the Revised Code or 111567
division (F) of section 5747.53 of the Revised Code multiplied by 111568
the total amount actually distributed in calendar year 2010 from 111569
the county undivided local government fund; 111570

(c) The sum of the amounts distributed to the municipal 111571
corporation in calendar year 2010 pursuant to section 5747.50 of 111572
the Revised Code; 111573

(d) With respect to taxes levied by the municipal 111574
corporation, the taxes charged and payable against all property on 111575
the tax list of real and public utility property for current 111576
expenses, defined in division (A)(35) of this section, for tax 111577
year 2009; 111578

(e) The amount of admissions tax collected by the municipal 111579
corporation in calendar year 2008, or if such information has not 111580
yet been reported to the tax commissioner, in the most recent year 111581
before 2008 for which the municipal corporation has reported data 111582
to the commissioner; 111583

(f) The amount of income taxes collected by the municipal 111584
corporation in calendar year 2008, or if such information has not 111585
yet been reported to the tax commissioner, in the most recent year 111586
before 2008 for which the municipal corporation has reported data 111587
to the commissioner; 111588

(g) The municipal corporation's median estate tax 111589
collections. 111590

(30) "Total resources," in the case of a township, means the 111591
sum of the amounts in divisions (A)(30)(a) to (c) of this section 111592
less any reduction required under division (A)(32) or (33) of this 111593
section. 111594

(a) The sum of the payments received by the township in 111595
calendar year 2010 pursuant to division (A)(1) of section 5727.86 111596
of the Revised Code and divisions (A)(1) and (2) of section 111597

5751.22 of the Revised Code as they existed at that time, 111598
excluding payments received for debt purposes; 111599

(b) The township's percentage share of county undivided local 111600
government fund allocations as certified to the tax commissioner 111601
for calendar year 2010 by the county auditor under division (J) of 111602
section 5747.51 of the Revised Code or division (F) of section 111603
5747.53 of the Revised Code multiplied by the total amount 111604
actually distributed in calendar year 2010 from the county 111605
undivided local government fund; 111606

(c) With respect to taxes levied by the township, the taxes 111607
charged and payable against all property on the tax list of real 111608
and public utility property for tax year 2009 excluding taxes 111609
charged and payable for the purpose of paying debt charges. 111610

(31) "Total resources," in the case of a local taxing unit 111611
that is not a county, municipal corporation, or township, means 111612
the sum of the amounts in divisions (A)(31)(a) to (e) of this 111613
section less any reduction required under division (A)(32) of this 111614
section. 111615

(a) The sum of the payments received by the local taxing unit 111616
in calendar year 2010 pursuant to division (A)(1) of section 111617
5727.86 of the Revised Code and divisions (A)(1) and (2) of 111618
section 5751.22 of the Revised Code as they existed at that time; 111619

(b) The local taxing unit's percentage share of county 111620
undivided local government fund allocations as certified to the 111621
tax commissioner for calendar year 2010 by the county auditor 111622
under division (J) of section 5747.51 of the Revised Code or 111623
division (F) of section 5747.53 of the Revised Code multiplied by 111624
the total amount actually distributed in calendar year 2010 from 111625
the county undivided local government fund; 111626

(c) With respect to taxes levied by the local taxing unit, 111627
the taxes charged and payable against all property on the tax list 111628

of real and public utility property for tax year 2009 excluding 111629
taxes charged and payable for the purpose of paying debt charges; 111630

(d) The amount received from the tax commissioner during 111631
calendar year 2010 for sales or use taxes authorized under 111632
sections 5739.023 and 5741.022 of the Revised Code; 111633

(e) For institutions of higher education receiving tax 111634
revenue from a local levy, as identified in section 3358.02 of the 111635
Revised Code, the final state share of instruction allocation for 111636
fiscal year 2010 as calculated by the ~~board of regents~~ chancellor 111637
of higher education and reported to the state controlling board. 111638

(32) If a fixed-rate levy that is a qualifying levy is not 111639
charged and payable in any year after tax year 2010, "total 111640
resources" used to compute payments to be made under division 111641
(C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 111642
5751.22 of the Revised Code in the tax years following the last 111643
year the levy is charged and payable shall be reduced to the 111644
extent that the payments are attributable to the fixed-rate levy 111645
loss of that levy as would be computed under division (C)(2) of 111646
section 5727.85, division (A)(1) of section 5727.85, divisions 111647
(C)(8) and (9) of section 5751.21, or division (A)(1) of section 111648
5751.22 of the Revised Code. 111649

(33) In the case of a county, municipal corporation, school 111650
district, or township with fixed-rate levy losses attributable to 111651
a tax levied under section 5705.23 of the Revised Code, "total 111652
resources" used to compute payments to be made under division 111653
(C)(3) of section 5727.85, division (A)(1)(d) of section 5727.86, 111654
division (C)(12) of section 5751.21, or division (A)(1)(c) of 111655
section 5751.22 of the Revised Code shall be reduced by the 111656
amounts described in divisions (A)(34)(a) to (c) of this section 111657
to the extent that those amounts were included in calculating the 111658
"total resources" of the school district or local taxing unit 111659
under division (A)(22), (28), (29), or (30) of this section. 111660

(34) "Total library resources," in the case of a county, 111661
municipal corporation, school district, or township public library 111662
that receives the proceeds of a tax levied under section 5705.23 111663
of the Revised Code, means the sum of the amounts in divisions 111664
(A)(34)(a) to (c) of this section less any reduction required 111665
under division (A)(32) of this section. 111666

(a) The sum of the payments received by the county, municipal 111667
corporation, school district, or township public library in 111668
calendar year 2010 pursuant to sections 5727.86 and 5751.22 of the 111669
Revised Code, as they existed at that time, for fixed-rate levy 111670
losses attributable to a tax levied under section 5705.23 of the 111671
Revised Code for the benefit of the public library; 111672

(b) The public library's percentage share of county undivided 111673
local government fund allocations as certified to the tax 111674
commissioner for calendar year 2010 by the county auditor under 111675
division (J) of section 5747.51 of the Revised Code or division 111676
(F) of section 5747.53 of the Revised Code multiplied by the total 111677
amount actually distributed in calendar year 2010 from the county 111678
undivided local government fund; 111679

(c) With respect to a tax levied pursuant to section 5705.23 111680
of the Revised Code for the benefit of the public library, the 111681
amount of such tax that is charged and payable against all 111682
property on the tax list of real and public utility property for 111683
tax year 2009 excluding any tax that is charged and payable for 111684
the purpose of paying debt charges. 111685

(35) "Municipal current expense property tax levies" means 111686
all property tax levies of a municipality, except those with the 111687
following levy names: airport resurfacing; bond or any levy name 111688
including the word "bond"; capital improvement or any levy name 111689
including the word "capital"; debt or any levy name including the 111690
word "debt"; equipment or any levy name including the word 111691
"equipment," unless the levy is for combined operating and 111692

equipment; employee termination fund; fire pension or any levy 111693
containing the word "pension," including police pensions; 111694
fireman's fund or any practically similar name; sinking fund; road 111695
improvements or any levy containing the word "road"; fire truck or 111696
apparatus; flood or any levy containing the word "flood"; 111697
conservancy district; county health; note retirement; sewage, or 111698
any levy containing the words "sewage" or "sewer"; park 111699
improvement; parkland acquisition; storm drain; street or any levy 111700
name containing the word "street"; lighting, or any levy name 111701
containing the word "lighting"; and water. 111702

(36) "Current expense TPP allocation" means, in the case of a 111703
school district or joint vocational school district, the sum of 111704
the payments received by the school district in fiscal year 2011 111705
pursuant to divisions (C)(10) and (11) of section 5751.21 of the 111706
Revised Code to the extent paid for current expense levies. In the 111707
case of a municipal corporation, "current expense TPP allocation" 111708
means the sum of the payments received by the municipal 111709
corporation in calendar year 2010 pursuant to divisions (A)(1) and 111710
(2) of section 5751.22 of the Revised Code to the extent paid for 111711
municipal current expense property tax levies as defined in 111712
division (A)(35) of this section, excluding any such payments 111713
received for current expense levy losses attributable to a tax 111714
levied under section 5705.23 of the Revised Code. If a fixed-rate 111715
levy that is a qualifying levy is not charged and payable in any 111716
year after tax year 2010, "current expense TPP allocation" used to 111717
compute payments to be made under division (C)(12) of section 111718
5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the 111719
Revised Code in the tax years following the last year the levy is 111720
charged and payable shall be reduced to the extent that the 111721
payments are attributable to the fixed-rate levy loss of that levy 111722
as would be computed under divisions (C)(10) and (11) of section 111723
5751.21 or division (A)(1) of section 5751.22 of the Revised Code. 111724

(37) "TPP allocation" means the sum of payments received by a local taxing unit in calendar year 2010 pursuant to divisions (A)(1) and (2) of section 5751.22 of the Revised Code, excluding any such payments received for fixed-rate levy losses attributable to a tax levied under section 5705.23 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "TPP allocation" used to compute payments to be made under division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under division (A)(1) of that section.

(38) "Total TPP allocation" means, in the case of a school district or joint vocational school district, the sum of the amounts received in fiscal year 2011 pursuant to divisions (C)(10) and (11) and (D) of section 5751.21 of the Revised Code. In the case of a local taxing unit, "total TPP allocation" means the sum of payments received by the unit in calendar year 2010 pursuant to divisions (A)(1), (2), and (3) of section 5751.22 of the Revised Code. If a fixed-rate levy that is a qualifying levy is not charged and payable in any year after tax year 2010, "total TPP allocation" used to compute payments to be made under division (C)(12) of section 5751.21 or division (A)(1)(b) or (c) of section 5751.22 of the Revised Code in the tax years following the last year the levy is charged and payable shall be reduced to the extent that the payments are attributable to the fixed-rate levy loss of that levy as would be computed under divisions (C)(10) and (11) of section 5751.21 or division (A)(1) of section 5751.22 of the Revised Code.

(39) "Non-current expense TPP allocation" means the difference of total TPP allocation minus the sum of current

expense TPP allocation and the portion of total TPP allocation 111757
constituting reimbursement for debt levies, pursuant to division 111758
(D) of section 5751.21 of the Revised Code in the case of a school 111759
district or joint vocational school district and pursuant to 111760
division (A)(3) of section 5751.22 of the Revised Code in the case 111761
of a municipal corporation. 111762

(40) "TPP allocation for library purposes" means the sum of 111763
payments received by a county, municipal corporation, school 111764
district, or township public library in calendar year 2010 111765
pursuant to section 5751.22 of the Revised Code for fixed-rate 111766
levy losses attributable to a tax levied under section 5705.23 of 111767
the Revised Code. If a fixed-rate levy authorized under section 111768
5705.23 of the Revised Code that is a qualifying levy is not 111769
charged and payable in any year after tax year 2010, "TPP 111770
allocation for library purposes" used to compute payments to be 111771
made under division (A)(1)(d) of section 5751.22 of the Revised 111772
Code in the tax years following the last year the levy is charged 111773
and payable shall be reduced to the extent that the payments are 111774
attributable to the fixed-rate levy loss of that levy as would be 111775
computed under division (A)(1) of section 5751.22 of the Revised 111776
Code. 111777

(41) "Threshold per cent" means, in the case of a school 111778
district or joint vocational school district, two per cent for 111779
fiscal year 2012 and four per cent for fiscal years 2013 and 111780
thereafter. In the case of a local taxing unit or public library 111781
that receives the proceeds of a tax levied under section 5705.23 111782
of the Revised Code, "threshold per cent" means two per cent for 111783
tax year 2011, four per cent for tax year 2012, and six per cent 111784
for tax years 2013 and thereafter. 111785

(B)(1) The commercial activities tax receipts fund is hereby 111786
created in the state treasury and shall consist of money arising 111787
from the tax imposed under this chapter. Eighty-five 111788

one-hundredths of one per cent of the money credited to that fund 111789
shall be credited to the revenue enhancement fund and shall be 111790
used to defray the costs incurred by the department of taxation in 111791
administering the tax imposed by this chapter and in implementing 111792
tax reform measures. The remainder of the money in the commercial 111793
activities tax receipts fund shall first be credited to the 111794
commercial activity tax motor fuel receipts fund, pursuant to 111795
division (B)(2) of this section, and the remainder shall be 111796
credited in the following percentages each fiscal year to the 111797
general revenue fund, to the school district tangible property tax 111798
replacement fund, which is hereby created in the state treasury 111799
for the purpose of making the payments described in section 111800
5751.21 of the Revised Code, and to the local government tangible 111801
property tax replacement fund, which is hereby created in the 111802
state treasury for the purpose of making the payments described in 111803
section 5751.22 of the Revised Code, in the following percentages: 111804

Fiscal year	General Revenue Fund	School District Tangible Property Tax Replacement Fund	Local Government Tangible Property Tax Replacement Fund	
2006	67.7%	22.6%	9.7%	111805
2007	0%	70.0%	30.0%	111806
2008	0%	70.0%	30.0%	111807
2009	0%	70.0%	30.0%	111808
2010	0%	70.0%	30.0%	111809
2011	0%	70.0%	30.0%	111810
2012	25.0%	52.5%	22.5%	111811
2013 and thereafter	50.0%	35.0%	15.0%	111812

(2) Not later than the twentieth day of February, May, 111814
August, and November of each year, the commissioner shall provide 111815
for payment from the commercial activities tax receipts fund to 111816
the commercial activity tax motor fuel receipts fund an amount 111817

that bears the same ratio to the balance in the commercial 111818
activities tax receipts fund that (a) the taxable gross receipts 111819
attributed to motor fuel used for propelling vehicles on public 111820
highways as indicated by returns filed by the tenth day of that 111821
month for a liability that is due and payable on or after July 1, 111822
2013, for a tax period ending before July 1, 2014, bears to (b) 111823
all taxable gross receipts as indicated by those returns for such 111824
liabilities. 111825

(C) Not later than September 15, 2005, the tax commissioner 111826
shall determine for each school district, joint vocational school 111827
district, and local taxing unit its machinery and equipment, 111828
inventory property, furniture and fixtures property, and telephone 111829
property tax value losses, which are the applicable amounts 111830
described in divisions (C)(1), (2), (3), and (4) of this section, 111831
except as provided in division (C)(5) of this section: 111832

(1) Machinery and equipment property tax value loss is the 111833
taxable value of machinery and equipment property as reported by 111834
taxpayers for tax year 2004 multiplied by: 111835

(a) For tax year 2006, thirty-three and eight-tenths per 111836
cent; 111837

(b) For tax year 2007, sixty-one and three-tenths per cent; 111838

(c) For tax year 2008, eighty-three per cent; 111839

(d) For tax year 2009 and thereafter, one hundred per cent. 111840

(2) Inventory property tax value loss is the taxable value of 111841
inventory property as reported by taxpayers for tax year 2004 111842
multiplied by: 111843

(a) For tax year 2006, a fraction, the numerator of which is 111844
five and three-fourths and the denominator of which is 111845
twenty-three; 111846

(b) For tax year 2007, a fraction, the numerator of which is 111847

nine and one-half and the denominator of which is twenty-three; 111848

(c) For tax year 2008, a fraction, the numerator of which is 111849
thirteen and one-fourth and the denominator of which is 111850
twenty-three; 111851

(d) For tax year 2009 and thereafter a fraction, the 111852
numerator of which is seventeen and the denominator of which is 111853
twenty-three. 111854

(3) Furniture and fixtures property tax value loss is the 111855
taxable value of furniture and fixture property as reported by 111856
taxpayers for tax year 2004 multiplied by: 111857

(a) For tax year 2006, twenty-five per cent; 111858

(b) For tax year 2007, fifty per cent; 111859

(c) For tax year 2008, seventy-five per cent; 111860

(d) For tax year 2009 and thereafter, one hundred per cent. 111861

The taxable value of property reported by taxpayers used in 111862
divisions (C)(1), (2), and (3) of this section shall be such 111863
values as determined to be final by the tax commissioner as of 111864
August 31, 2005. Such determinations shall be final except for any 111865
correction of a clerical error that was made prior to August 31, 111866
2005, by the tax commissioner. 111867

(4) Telephone property tax value loss is the taxable value of 111868
telephone property as taxpayers would have reported that property 111869
for tax year 2004 if the assessment rate for all telephone 111870
property for that year were twenty-five per cent, multiplied by: 111871

(a) For tax year 2006, zero per cent; 111872

(b) For tax year 2007, zero per cent; 111873

(c) For tax year 2008, zero per cent; 111874

(d) For tax year 2009, sixty per cent; 111875

(e) For tax year 2010, eighty per cent; 111876

(f) For tax year 2011 and thereafter, one hundred per cent. 111877

(5) Division (C)(5) of this section applies to any school 111878
district, joint vocational school district, or local taxing unit 111879
in a county in which is located a facility currently or formerly 111880
devoted to the enrichment or commercialization of uranium or 111881
uranium products, and for which the total taxable value of 111882
property listed on the general tax list of personal property for 111883
any tax year from tax year 2001 to tax year 2004 was fifty per 111884
cent or less of the taxable value of such property listed on the 111885
general tax list of personal property for the next preceding tax 111886
year. 111887

In computing the fixed-rate levy losses under divisions 111888
(D)(1), (2), and (3) of this section for any school district, 111889
joint vocational school district, or local taxing unit to which 111890
division (C)(5) of this section applies, the taxable value of such 111891
property as listed on the general tax list of personal property 111892
for tax year 2000 shall be substituted for the taxable value of 111893
such property as reported by taxpayers for tax year 2004, in the 111894
taxing district containing the uranium facility, if the taxable 111895
value listed for tax year 2000 is greater than the taxable value 111896
reported by taxpayers for tax year 2004. For the purpose of making 111897
the computations under divisions (D)(1), (2), and (3) of this 111898
section, the tax year 2000 valuation is to be allocated to 111899
machinery and equipment, inventory, and furniture and fixtures 111900
property in the same proportions as the tax year 2004 values. For 111901
the purpose of the calculations in division (A) of section 5751.21 111902
of the Revised Code, the tax year 2004 taxable values shall be 111903
used. 111904

To facilitate the calculations required under division (C) of 111905
this section, the county auditor, upon request from the tax 111906
commissioner, shall provide by August 1, 2005, the values of 111907
machinery and equipment, inventory, and furniture and fixtures for 111908

all single-county personal property taxpayers for tax year 2004. 111909

(D) Not later than September 15, 2005, the tax commissioner 111910
shall determine for each tax year from 2006 through 2009 for each 111911
school district, joint vocational school district, and local 111912
taxing unit its machinery and equipment, inventory, and furniture 111913
and fixtures fixed-rate levy losses, and for each tax year from 111914
2006 through 2011 its telephone property fixed-rate levy loss. 111915
Except as provided in division (F) of this section, such losses 111916
are the applicable amounts described in divisions (D)(1), (2), 111917
(3), and (4) of this section: 111918

(1) The machinery and equipment fixed-rate levy loss is the 111919
machinery and equipment property tax value loss multiplied by the 111920
sum of the tax rates of fixed-rate qualifying levies. 111921

(2) The inventory fixed-rate loss is the inventory property 111922
tax value loss multiplied by the sum of the tax rates of 111923
fixed-rate qualifying levies. 111924

(3) The furniture and fixtures fixed-rate levy loss is the 111925
furniture and fixture property tax value loss multiplied by the 111926
sum of the tax rates of fixed-rate qualifying levies. 111927

(4) The telephone property fixed-rate levy loss is the 111928
telephone property tax value loss multiplied by the sum of the tax 111929
rates of fixed-rate qualifying levies. 111930

(E) Not later than September 15, 2005, the tax commissioner 111931
shall determine for each school district, joint vocational school 111932
district, and local taxing unit its fixed-sum levy loss. The 111933
fixed-sum levy loss is the amount obtained by subtracting the 111934
amount described in division (E)(2) of this section from the 111935
amount described in division (E)(1) of this section: 111936

(1) The sum of the machinery and equipment property tax value 111937
loss, the inventory property tax value loss, and the furniture and 111938
fixtures property tax value loss, and, for 2008 through 2010, the 111939

telephone property tax value loss of the district or unit 111940
multiplied by the sum of the fixed-sum tax rates of qualifying 111941
levies. For 2006 through 2010, this computation shall include all 111942
qualifying levies remaining in effect for the current tax year and 111943
any school district levies charged and payable under section 111944
5705.194 or 5705.213 of the Revised Code that are qualifying 111945
levies not remaining in effect for the current year. For 2011 111946
through 2017 in the case of school district levies charged and 111947
payable under section 5705.194 or 5705.213 of the Revised Code and 111948
for all years after 2010 in the case of other fixed-sum levies, 111949
this computation shall include only qualifying levies remaining in 111950
effect for the current year. For purposes of this computation, a 111951
qualifying school district levy charged and payable under section 111952
5705.194 or 5705.213 of the Revised Code remains in effect in a 111953
year after 2010 only if, for that year, the board of education 111954
levies a school district levy charged and payable under section 111955
5705.194, 5705.199, 5705.213, or 5705.219 of the Revised Code for 111956
an annual sum at least equal to the annual sum levied by the board 111957
in tax year 2004 less the amount of the payment certified under 111958
this division for 2006. 111959

(2) The total taxable value in tax year 2004 less the sum of 111960
the machinery and equipment, inventory, furniture and fixtures, 111961
and telephone property tax value losses in each school district, 111962
joint vocational school district, and local taxing unit multiplied 111963
by one-half of one mill per dollar. 111964

(3) For the calculations in divisions (E)(1) and (2) of this 111965
section, the tax value losses are those that would be calculated 111966
for tax year 2009 under divisions (C)(1), (2), and (3) of this 111967
section and for tax year 2011 under division (C)(4) of this 111968
section. 111969

(4) To facilitate the calculation under divisions (D) and (E) 111970
of this section, not later than September 1, 2005, any school 111971

district, joint vocational school district, or local taxing unit 111972
that has a qualifying levy that was approved at an election 111973
conducted during 2005 before September 1, 2005, shall certify to 111974
the tax commissioner a copy of the county auditor's certificate of 111975
estimated property tax millage for such levy as required under 111976
division (B) of section 5705.03 of the Revised Code, which is the 111977
rate that shall be used in the calculations under such divisions. 111978

If the amount determined under division (E) of this section 111979
for any school district, joint vocational school district, or 111980
local taxing unit is greater than zero, that amount shall equal 111981
the reimbursement to be paid pursuant to division (E) of section 111982
5751.21 or division (A)(3) of section 5751.22 of the Revised Code, 111983
and the one-half of one mill that is subtracted under division 111984
(E)(2) of this section shall be apportioned among all contributing 111985
fixed-sum levies in the proportion that each levy bears to the sum 111986
of all fixed-sum levies within each school district, joint 111987
vocational school district, or local taxing unit. 111988

(F) If a school district levies a tax under section 5705.219 111989
of the Revised Code, the fixed-rate levy loss for qualifying 111990
levies, to the extent repealed under that section, shall equal the 111991
sum of the following amounts in lieu of the amounts computed for 111992
such levies under division (D) of this section: 111993

(1) The sum of the rates of qualifying levies to the extent 111994
so repealed multiplied by the sum of the machinery and equipment, 111995
inventory, and furniture and fixtures tax value losses for 2009 as 111996
determined under that division; 111997

(2) The sum of the rates of qualifying levies to the extent 111998
so repealed multiplied by the telephone property tax value loss 111999
for 2011 as determined under that division. 112000

The fixed-rate levy losses for qualifying levies to the 112001
extent not repealed under section 5705.219 of the Revised Code 112002

shall be as determined under division (D) of this section. The 112003
revised fixed-rate levy losses determined under this division and 112004
division (D) of this section first apply in the year following the 112005
first year the district levies the tax under section 5705.219 of 112006
the Revised Code. 112007

(G) Not later than October 1, 2005, the tax commissioner 112008
shall certify to the department of education for every school 112009
district and joint vocational school district the machinery and 112010
equipment, inventory, furniture and fixtures, and telephone 112011
property tax value losses determined under division (C) of this 112012
section, the machinery and equipment, inventory, furniture and 112013
fixtures, and telephone fixed-rate levy losses determined under 112014
division (D) of this section, and the fixed-sum levy losses 112015
calculated under division (E) of this section. The calculations 112016
under divisions (D) and (E) of this section shall separately 112017
display the levy loss for each levy eligible for reimbursement. 112018

(H) Not later than October 1, 2005, the tax commissioner 112019
shall certify the amount of the fixed-sum levy losses to the 112020
county auditor of each county in which a school district, joint 112021
vocational school district, or local taxing unit with a fixed-sum 112022
levy loss reimbursement has territory. 112023

(I) Not later than the twenty-eighth day of February each 112024
year beginning in 2011 and ending in 2014, the tax commissioner 112025
shall certify to the department of education for each school 112026
district first levying a tax under section 5705.219 of the Revised 112027
Code in the preceding year the revised fixed-rate levy losses 112028
determined under divisions (D) and (F) of this section. 112029

(J)(1) There is hereby created in the state treasury the 112030
commercial activity tax motor fuel receipts fund. 112031

(2)(a) On or before June 15, 2014, the director of the Ohio 112032
public works commission shall certify to the director of budget 112033

and management the amount of debt service paid from the general 112034
revenue fund in fiscal years 2013 and 2014 on bonds issued to 112035
finance or assist in the financing of the cost of local 112036
subdivision public infrastructure capital improvement projects, as 112037
provided for in Sections 2k, 2m, and 2p of Article VIII, Ohio 112038
Constitution, that are attributable to costs for construction, 112039
reconstruction, maintenance, or repair of public highways and 112040
bridges and other statutory highway purposes. That certification 112041
shall allocate the total amount of debt service paid from the 112042
general revenue fund and attributable to those costs in each of 112043
fiscal years 2013 and 2014 according to the applicable section of 112044
the Ohio Constitution under which the bonds were originally 112045
issued. 112046

(b) On or before June 30, 2014, the director of budget and 112047
management shall determine an amount up to but not exceeding the 112048
amount certified under division (J)(2)(a) of this section and 112049
shall reserve that amount from the cash balance in the commercial 112050
activity tax motor fuel receipts fund for transfer to the general 112051
revenue fund at times and in amounts to be determined by the 112052
director. The director shall transfer the cash balance in the 112053
commercial activity tax motor fuel receipts fund in excess of the 112054
amount so reserved to the highway operating fund on or before June 112055
30, 2014. 112056

(3)(a) On or before the fifteenth day of June of each fiscal 112057
year beginning with fiscal year 2015, the director of the Ohio 112058
public works commission shall certify to the director of budget 112059
and management the amount of debt service paid from the general 112060
revenue fund in the current fiscal year on bonds issued to finance 112061
or assist in the financing of the cost of local subdivision public 112062
infrastructure capital improvement projects, as provided for in 112063
Sections 2k, 2m, and 2p of Article VIII, Ohio Constitution, that 112064
are attributable to costs for construction, reconstruction, 112065

maintenance, or repair of public highways and bridges and other 112066
statutory highway purposes. That certification shall allocate the 112067
total amount of debt service paid from the general revenue fund 112068
and attributable to those costs in the current fiscal year 112069
according to the applicable section of the Ohio Constitution under 112070
which the bonds were originally issued. 112071

(b) On or before the thirtieth day of June of each fiscal 112072
year beginning with fiscal year 2015, the director of budget and 112073
management shall determine an amount up to but not exceeding the 112074
amount certified under division (J)(3)(a) of this section and 112075
shall reserve that amount from the cash balance in the petroleum 112076
activity tax public highways fund or the commercial activity tax 112077
motor fuel receipts fund for transfer to the general revenue fund 112078
at times and in amounts to be determined by the director. The 112079
director shall transfer the cash balance in the petroleum activity 112080
tax public highways fund or the commercial activity tax motor fuel 112081
receipts fund in excess of the amount so reserved to the highway 112082
operating fund on or before the thirtieth day of June of the 112083
current fiscal year. 112084

Sec. 5751.21. ~~(A) No determinations, computations,~~ 112085
~~certifications, or payments shall be made under this section after~~ 112086
~~June 30, 2015.~~ 112087

(A) Not later than the thirtieth day of July of 2007 through 112088
2010, the department of education shall consult with the director 112089
of budget and management and determine the following for each 112090
school district and each joint vocational school district eligible 112091
for payment under division (B) of this section: 112092

(1) The state education aid offset, which, except as provided 112093
in division (A)(1)(c) of this section, is the difference obtained 112094
by subtracting the amount described in division (A)(1)(b) of this 112095
section from the amount described in division (A)(1)(a) of this 112096

section: 112097

(a) The state education aid computed for the school district 112098
or joint vocational school district for the current fiscal year as 112099
of the thirtieth day of July; 112100

(b) The state education aid that would be computed for the 112101
school district or joint vocational school district for the 112102
current fiscal year as of the thirtieth day of July if the 112103
valuation used in the calculation in division (B)(1) of section 112104
3306.13 of the Revised Code as that division existed for fiscal 112105
years 2010 and 2011 included the machinery and equipment, 112106
inventory, furniture and fixtures, and telephone property tax 112107
value losses for the school district or joint vocational school 112108
district for the second preceding tax year, and if taxes charged 112109
and payable associated with the tax value losses are accounted for 112110
in any state education aid computation dependent on taxes charged 112111
and payable. 112112

(c) The state education aid offset for fiscal year 2010 and 112113
fiscal year 2011 equals the greater of the state education aid 112114
offset calculated for that fiscal year under divisions (A)(1)(a) 112115
and (b) of this section and the state education aid offset 112116
calculated for fiscal year 2009. For fiscal ~~year~~ years 2012 and 112117
2013, the state education aid offset equals the state education 112118
aid offset for fiscal year 2011. 112119

(2) For fiscal years 2008 through 2011, the greater of zero 112120
or the difference obtained by subtracting the state education aid 112121
offset determined under division (A)(1) of this section from the 112122
sum of the machinery and equipment fixed-rate levy loss, the 112123
inventory fixed-rate levy loss, furniture and fixtures fixed-rate 112124
levy loss, and telephone property fixed-rate levy loss certified 112125
under divisions (G) and (I) of section 5751.20 of the Revised Code 112126
for all taxing districts in each school district and joint 112127
vocational school district for the second preceding tax year. 112128

By the thirtieth day of July of each such year, the 112129
department of education and the director of budget and management 112130
shall agree upon the amount to be determined under division (A)(1) 112131
of this section. 112132

(B) On or before the thirty-first day of August of 2008, 112133
2009, and 2010, the department of education shall recalculate the 112134
offset described under division (A) of this section for the 112135
previous fiscal year and recalculate the payments made under 112136
division (C) of this section in the preceding fiscal year using 112137
the offset calculated under this division. If the payments 112138
calculated under this division differ from the payments made under 112139
division (C) of this section in the preceding fiscal year, the 112140
difference shall either be paid to a school district or recaptured 112141
from a school district through an adjustment at the same times 112142
during the current fiscal year that the payments under division 112143
(C) of this section are made. In August and October of the current 112144
fiscal year, the amount of each adjustment shall be three-sevenths 112145
of the amount calculated under this division. In May of the 112146
current fiscal year, the adjustment shall be one-seventh of the 112147
amount calculated under this division. 112148

(C) The department of education shall pay from the school 112149
district tangible property tax replacement fund to each school 112150
district and joint vocational school district all of the following 112151
for fixed-rate levy losses certified under divisions (G) and (I) 112152
of section 5751.20 of the Revised Code: 112153

(1) On or before May 31, 2006, one-seventh of the total 112154
fixed-rate levy loss for tax year 2006; 112155

(2) On or before August 31, 2006, and October 31, 2006, 112156
one-half of six-sevenths of the total fixed-rate levy loss for tax 112157
year 2006; 112158

(3) On or before May 31, 2007, one-seventh of the total 112159

fixed-rate levy loss for tax year 2007; 112160

(4) On or before August 31, 2007, and October 31, 2007, 112161
forty-three per cent of the amount determined under division 112162
(A)(2) of this section for fiscal year 2008, but not less than 112163
zero, plus one-half of six-sevenths of the difference between the 112164
total fixed-rate levy loss for tax year 2007 and the total 112165
fixed-rate levy loss for tax year 2006. 112166

(5) On or before May 31, 2008, fourteen per cent of the 112167
amount determined under division (A)(2) of this section for fiscal 112168
year 2008, but not less than zero, plus one-seventh of the 112169
difference between the total fixed-rate levy loss for tax year 112170
2008 and the total fixed-rate levy loss for tax year 2006. 112171

(6) On or before August 31, 2008, and October 31, 2008, 112172
forty-three per cent of the amount determined under division 112173
(A)(2) of this section for fiscal year 2009, but not less than 112174
zero, plus one-half of six-sevenths of the difference between the 112175
total fixed-rate levy loss in tax year 2008 and the total 112176
fixed-rate levy loss in tax year 2007. 112177

(7) On or before May 31, 2009, fourteen per cent of the 112178
amount determined under division (A)(2) of this section for fiscal 112179
year 2009, but not less than zero, plus one-seventh of the 112180
difference between the total fixed-rate levy loss for tax year 112181
2009 and the total fixed-rate levy loss for tax year 2007. 112182

(8) On or before August 31, 2009, and October 31, 2009, 112183
forty-three per cent of the amount determined under division 112184
(A)(2) of this section for fiscal year 2010, but not less than 112185
zero, plus one-half of six-sevenths of the difference between the 112186
total fixed-rate levy loss in tax year 2009 and the total 112187
fixed-rate levy loss in tax year 2008. 112188

(9) On or before May 31, 2010, fourteen per cent of the 112189
amount determined under division (A)(2) of this section for fiscal 112190

year 2010, but not less than zero, plus one-seventh of the 112191
difference between the total fixed-rate levy loss in tax year 2010 112192
and the total fixed-rate levy loss in tax year 2008. 112193

(10) On or before August 31, 2010, and October 31, 2010, 112194
forty-three per cent of the amount determined under division 112195
(A)(2) of this section for fiscal year 2011, but not less than 112196
zero, plus one-half of six-sevenths of the difference between the 112197
telephone property fixed-rate levy loss for tax year 2010 and the 112198
telephone property fixed-rate levy loss for tax year 2009. 112199

(11) On or before May 31, 2011, fourteen per cent of the 112200
amount determined under division (A)(2) of this section for fiscal 112201
year 2011, but not less than zero, plus one-seventh of the 112202
difference between the telephone property fixed-rate levy loss for 112203
tax year 2011 and the telephone property fixed-rate levy loss for 112204
tax year 2009. 112205

(12) For fiscal years 2012 and thereafter, the sum of the 112206
amounts in divisions (C)(12)(a) or (b) and (c) of this section 112207
shall be paid on or before the last day of November and the last 112208
day of May: 112209

(a) If the ratio of current expense TPP allocation to total 112210
resources is equal to or less than the threshold per cent, zero; 112211

(b) If the ratio of current expense TPP allocation to total 112212
resources is greater than the threshold per cent, fifty per cent 112213
of the difference of current expense TPP allocation minus the 112214
product of total resources multiplied by the threshold per cent; 112215

(c) Fifty per cent of the product of non-current expense TPP 112216
allocation multiplied by seventy-five per cent for fiscal year 112217
2012 and fifty per cent for fiscal years 2013 and thereafter. 112218

The department of education shall report to each school 112219
district and joint vocational school district the apportionment of 112220
the payments among the school district's or joint vocational 112221

school district's funds based on the certifications under 112222
divisions (G) and (I) of section 5751.20 of the Revised Code. 112223

(D) For taxes levied within the ten-mill limitation for debt 112224
purposes in tax year 2005, payments shall be made equal to one 112225
hundred per cent of the loss computed as if the tax were a 112226
fixed-rate levy, but those payments shall extend from fiscal year 112227
2006 through fiscal year 2018, as long as the qualifying levy 112228
continues to be used for debt purposes. If the purpose of such a 112229
qualifying levy is changed, that levy becomes subject to the 112230
payments determined in division (C) of this section. 112231

(E)(1) Not later than January 1, 2006, for each fixed-sum 112232
levy of each school district or joint vocational school district 112233
and for each year for which a determination is made under division 112234
(E) of section 5751.20 of the Revised Code that a fixed-sum levy 112235
loss is to be reimbursed, the tax commissioner shall certify to 112236
the department of education the fixed-sum levy loss determined 112237
under that division. The certification shall cover a time period 112238
sufficient to include all fixed-sum levies for which the 112239
commissioner made such a determination. On or before the last day 112240
of May of the current year, the department shall pay from the 112241
school district property tax replacement fund to the school 112242
district or joint vocational school district one-third of the 112243
fixed-sum levy loss so certified, plus one-third of the amount 112244
certified under division (I) of section 5751.20 of the Revised 112245
Code, and on or before the last day of November, two-thirds of the 112246
fixed-sum levy loss so certified, plus two-thirds of the amount 112247
certified under division (I) of section 5751.20 of the Revised 112248
Code. Payments under this division of the amounts certified under 112249
division (I) of section 5751.20 of the Revised Code shall continue 112250
until the levy adopted under section 5705.219 of the Revised Code 112251
expires. 112252

(2) Beginning in 2006, by the first day of January of each 112253

year, the tax commissioner shall review the certification 112254
originally made under division (E)(1) of this section. If the 112255
commissioner determines that a debt levy that had been scheduled 112256
to be reimbursed in the current year has expired, a revised 112257
certification for that and all subsequent years shall be made to 112258
the department of education. 112259

(F) Beginning in September 2007 and through June 2013, the 112260
director of budget and management shall transfer from the school 112261
district tangible property tax replacement fund to the general 112262
revenue fund each of the following: 112263

(1) On the first day of September, one-fourth of the amount 112264
determined for that fiscal year under division (A)(1) of this 112265
section; 112266

(2) On the first day of December, one-fourth of the amount 112267
determined for that fiscal year under division (A)(1) of this 112268
section; 112269

(3) On the first day of March, one-fourth of the amount 112270
determined for that fiscal year under division (A)(1) of this 112271
section; 112272

(4) On the first day of June, one-fourth of the amount 112273
determined for that fiscal year under division (A)(1) of this 112274
section. 112275

If, when a transfer is required under division (F)(1), (2), 112276
(3), or (4) of this section, there is not sufficient money in the 112277
school district tangible property tax replacement fund to make the 112278
transfer in the required amount, the director shall transfer the 112279
balance in the fund to the general revenue fund and may make 112280
additional transfers on later dates as determined by the director 112281
in a total amount that does not exceed one-fourth of the amount 112282
determined for the fiscal year. 112283

(G) If the total amount in the school district tangible 112284

property tax replacement fund is insufficient to make all payments 112285
under divisions (C), (D), and (E) of this section at the times the 112286
payments are to be made, the director of budget and management 112287
shall transfer from the general revenue fund to the school 112288
district tangible property tax replacement fund the difference 112289
between the total amount to be paid and the amount in the school 112290
district tangible property tax replacement fund. 112291

(H) On the fifteenth day of June of each year, the director 112292
of budget and management may transfer any balance in the school 112293
district tangible property tax replacement fund to the general 112294
revenue fund. 112295

(I) If all of the territory of a school district or joint 112296
vocational school district is merged with another district, or if 112297
a part of the territory of a school district or joint vocational 112298
school district is transferred to an existing or newly created 112299
district, the department of education, in consultation with the 112300
tax commissioner, shall adjust the payments made under this 112301
section as follows: 112302

(1) For a merger of two or more districts, the fixed-sum levy 112303
losses, total resources, current expense TPP allocation, total TPP 112304
allocation, and non-current expense TPP allocation of the 112305
successor district shall be the sum of such items for each of the 112306
districts involved in the merger. 112307

(2) If property is transferred from one district to a 112308
previously existing district, the amount of total resources, 112309
current expense TPP allocation, total TPP allocation, and 112310
non-current expense TPP allocation that shall be transferred to 112311
the recipient district shall be an amount equal to total 112312
resources, current expense TPP allocation, total TPP allocation, 112313
and non-current expense TPP allocation of the transferor district 112314
times a fraction, the numerator of which is the number of pupils 112315
being transferred to the recipient district, measured, in the case 112316

of a school district, by formula ADM as that term is defined in 112317
section 3317.02 of the Revised Code or, in the case of a joint 112318
vocational school district, by formula ADM as defined for a joint 112319
vocational school district in that section, and the denominator of 112320
which is the formula ADM of the transferor district. 112321

(3) After December 31, 2010, if property is transferred from 112322
one or more districts to a district that is newly created out of 112323
the transferred property, the newly created district shall be 112324
deemed not to have any total resources, current expense TPP 112325
allocation, total TPP allocation, or non-current expense TPP 112326
allocation. 112327

(4) If the recipient district under division (I)(2) of this 112328
section or the newly created district under division (I)(3) of 112329
this section is assuming debt from one or more of the districts 112330
from which the property was transferred and any of the districts 112331
losing the property had fixed-sum levy losses, the department of 112332
education, in consultation with the tax commissioner, shall make 112333
an equitable division of the fixed-sum levy loss reimbursements. 112334

Sec. 5751.22. ~~(A)~~ No determinations, computations, 112335
certifications, or payments shall be made under this section after 112336
June 30, 2015. 112337

(A) Not later than January 1, 2006, the tax commissioner 112338
shall compute the payments to be made to each local taxing unit, 112339
and to each public library that receives the proceeds of a tax 112340
levied under section 5705.23 of the Revised Code, for each year 112341
according to divisions (A)(1), (2), (3), and (4) of this section 112342
as this section existed on that date, and shall distribute the 112343
payments in the manner prescribed by division (C) of this section. 112344
The calculation of the fixed-sum levy loss shall cover a time 112345
period sufficient to include all fixed-sum levies for which the 112346
commissioner determined, pursuant to division (E) of section 112347

5751.20 of the Revised Code, that a fixed-sum levy loss is to be reimbursed.

(1) Except as provided in division (A)(3) of this section, for fixed-rate levy losses determined under division (D) of section 5751.20 of the Revised Code, payments shall be made in an amount equal to the following:

(a) For tax years 2006 through 2010, one hundred per cent of such losses;

(b) For the payment in tax year 2011 to be made on or before the twentieth day of November, the sum of the amount in division (A)(1)(b)(i) or (ii) and division (A)(1)(b)(iii) of this section:

(i) If the ratio of six-sevenths of the TPP allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of six-sevenths of the TPP allocation to total resources is greater than the threshold per cent, the difference of six-sevenths of the TPP allocation minus the product of total resources multiplied by the threshold per cent;

(iii) In the case of a municipal corporation, six-sevenths of the product of the non-current expense TPP allocation multiplied by seventy-five per cent.

(c) For tax years 2012 and thereafter, the sum of the amount in division (A)(1)(c)(i) or (ii) and division (A)(1)(c)(iii) of this section:

(i) If the ratio of TPP allocation to total resources is equal to or less than the threshold per cent, zero;

(ii) If the ratio of TPP allocation to total resources is greater than the threshold per cent, the TPP allocation minus the product of total resources multiplied by the threshold per cent;

(iii) In the case of a municipal corporation, non-current

expense TPP allocation multiplied by fifty per cent for tax year 112378
2012 and twenty-five per cent for tax years 2013 and thereafter; 112379

(d) For tax years 2012 and thereafter, in the case of a 112380
county, school district, municipal corporation, or township public 112381
library, the amount in division (A)(1)(d)(i) or (ii) of this 112382
section: 112383

(i) If the ratio of TPP allocation for library purposes to 112384
total library resources is equal to or less than the threshold per 112385
cent, zero; 112386

(ii) If the ratio of TPP allocation for library purposes to 112387
total library resources is greater than the threshold per cent, 112388
the TPP allocation for library purposes minus the product of total 112389
library resources multiplied by the threshold per cent. 112390

(2) For fixed-sum levy losses determined under division (E) 112391
of section 5751.20 of the Revised Code, payments shall be made in 112392
the amount of one hundred per cent of the fixed-sum levy loss for 112393
payments required to be made in 2006 through 2011, except that no 112394
payments shall be made for qualifying levies that have expired. 112395
For payments required to be made in 2012 and thereafter, payments 112396
shall be made in the amount of fifty per cent of the fixed-sum 112397
levy loss until the qualifying levy has expired. 112398

(3) For taxes levied within the ten-mill limitation or 112399
pursuant to a municipal charter for debt purposes in tax year 112400
2005, payments shall be made based on the schedule in division 112401
(A)(1) of this section for each of the calendar years 2006 through 112402
2010. For each of the calendar years 2011 through 2017, the 112403
percentages for calendar year 2010 shall be used for taxes levied 112404
within the ten-mill limitation or pursuant to a municipal charter 112405
for debt purposes in tax year 2010, as long as such levies 112406
continue to be used for debt purposes. If the purpose of such a 112407
qualifying levy is changed, that levy becomes subject to the 112408

payment schedules in divisions (A)(1)(a) to (h) of this section. 112409
No payments shall be made for such levies after calendar year 112410
2017. For the purposes of this division, taxes levied pursuant to 112411
a municipal charter refer to taxes levied pursuant to a provision 112412
of a municipal charter that permits the tax to be levied without 112413
prior voter approval. 112414

(B) Beginning in 2007, by the thirty-first day of January of 112415
each year, the tax commissioner shall review the calculation 112416
originally made under division (A) of this section of the 112417
fixed-sum levy losses determined under division (E) of section 112418
5751.20 of the Revised Code. If the commissioner determines that a 112419
fixed-sum levy that had been scheduled to be reimbursed in the 112420
current year has expired, a revised calculation for that and all 112421
subsequent years shall be made. 112422

(C) Payments to local taxing units and public libraries 112423
required to be made under division (A) of this section shall be 112424
paid from the local government tangible property tax replacement 112425
fund to the county undivided income tax fund in the proper county 112426
treasury. From May 2006 through November 2010, one-seventh of the 112427
amount determined under that division shall be paid by the last 112428
day of May each year, and three-sevenths shall be paid by the last 112429
day of August and October each year. From May 2011 through 112430
November 2013, one-seventh of the amount determined under that 112431
division shall be paid on or before the last day of May each year, 112432
and six-sevenths shall be paid on or before the thirtieth day of 112433
November each year, except that in November 2011, the payment 112434
shall equal one hundred per cent of the amount calculated for that 112435
payment. Beginning in May 2014, one-half of the amount determined 112436
under that division shall be paid on or before the last day of May 112437
each year, and one-half shall be paid on or before the thirtieth 112438
day of November each year. Within thirty days after receipt of 112439
such payments, the county treasurer shall distribute amounts 112440

determined under division (A) of this section to the proper local 112441
taxing unit or public library as if they had been levied and 112442
collected as taxes, and the local taxing unit or public library 112443
shall apportion the amounts so received among its funds in the 112444
same proportions as if those amounts had been levied and collected 112445
as taxes. 112446

(D) For each of the fiscal years 2006 through 2018, if the 112447
total amount in the local government tangible property tax 112448
replacement fund is insufficient to make all payments under 112449
division (C) of this section at the times the payments are to be 112450
made, the director of budget and management shall transfer from 112451
the general revenue fund to the local government tangible property 112452
tax replacement fund the difference between the total amount to be 112453
paid and the amount in the local government tangible property tax 112454
replacement fund. For each fiscal year after 2018, at the time 112455
payments under division (A)(2) of this section are to be made, the 112456
director of budget and management shall transfer from the general 112457
revenue fund to the local government property tax replacement fund 112458
the amount necessary to make such payments. 112459

(E) On the fifteenth day of June of each year from 2006 112460
through 2018, the director of budget and management may transfer 112461
any balance in the local government tangible property tax 112462
replacement fund to the general revenue fund. 112463

(F) If all or a part of the territories of two or more local 112464
taxing units are merged, or unincorporated territory of a township 112465
is annexed by a municipal corporation, the tax commissioner shall 112466
adjust the payments made under this section to each of the local 112467
taxing units in proportion to the square mileage of the merged or 112468
annexed territory as a percentage of the total square mileage of 112469
the jurisdiction from which the territory originated, or as 112470
otherwise provided by a written agreement between the legislative 112471
authorities of the local taxing units certified to the 112472

commissioner not later than the first day of June of the calendar 112473
year in which the payment is to be made. 112474

Sec. 5751.50. (A) For tax periods beginning on or after 112475
January 1, 2008, a refundable credit granted by the tax credit 112476
authority under section 122.17 or former division (B)(2) or (3) of 112477
section 122.171 of the Revised Code, as those divisions existed 112478
before the effective date of the amendment of this section by H.B. 112479
64 of the 131st general assembly, may be claimed under this 112480
chapter in the order required under section 5751.98 of the Revised 112481
Code. For purposes of making tax payments under this chapter, 112482
taxes equal to the amount of the refundable credit shall be 112483
considered to be paid to this state on the first day of the tax 112484
period. A credit claimed in calendar year 2008 may not be applied 112485
against the tax otherwise due for a tax period beginning before 112486
July 1, 2008. The refundable credit shall not be claimed against 112487
the tax otherwise due for any tax period beginning after the date 112488
on which a relocation of employment positions occurs in violation 112489
of an agreement entered into under section 122.17 or 122.171 of 112490
the Revised Code. 112491

(B) For tax periods beginning on or after January 1, 2008, a 112492
nonrefundable credit granted by the tax credit authority under 112493
division (B)~~(1)~~ of section 122.171 of the Revised Code may be 112494
claimed under this chapter in the order required under section 112495
5751.98 of the Revised Code. A credit claimed in calendar year 112496
2008 may not be applied against the tax otherwise due under this 112497
chapter for a tax period beginning before July 1, 2008. The credit 112498
shall not be claimed against the tax otherwise due for any tax 112499
period beginning after the date on which a relocation of 112500
employment positions occurs in violation of an agreement entered 112501
into under section 122.17 or 122.171 of the Revised Code. No 112502
credit shall be allowed under this chapter if the credit was 112503
available against the tax imposed by section 5733.06 or 5747.02 of 112504

the Revised Code, except to the extent the credit was not applied 112505
against such tax. 112506

Sec. 5902.02. The duties of the director of veterans services 112507
shall include the following: 112508

(A) Furnishing the veterans service commissions of all 112509
counties of the state copies of the state laws, rules, and 112510
legislation relating to the operation of the commissions and their 112511
offices; 112512

(B) Upon application, assisting the general public in 112513
obtaining records of vital statistics pertaining to veterans or 112514
their dependents; 112515

(C) Adopting rules pursuant to Chapter 119. of the Revised 112516
Code pertaining to minimum qualifications for hiring, certifying, 112517
and accrediting county veterans service officers, pertaining to 112518
their required duties, and pertaining to revocation of the 112519
certification of county veterans service officers; 112520

(D) Adopting rules pursuant to Chapter 119. of the Revised 112521
Code for the education, training, certification, and duties of 112522
veterans service commissioners and for the revocation of the 112523
certification of a veterans service commissioner; 112524

(E) Developing and monitoring programs and agreements 112525
enhancing employment and training for veterans in single or 112526
multiple county areas; 112527

(F) Developing and monitoring programs and agreements to 112528
enable county veterans service commissions to address 112529
homelessness, indigency, and other veteran-related issues 112530
individually or jointly; 112531

(G) Developing and monitoring programs and agreements to 112532
enable state agencies, individually or jointly, that provide 112533
services to veterans, including the veterans' homes operated under 112534

Chapter 5907. of the Revised Code and the director of job and 112535
family services, to address homelessness, indigency, employment, 112536
and other veteran-related issues; 112537

(H) Establishing and providing statistical reporting formats 112538
and procedures for county veterans service commissions; 112539

(I) Publishing electronically a listing of county veterans 112540
service offices and county veterans service commissioners. The 112541
listing shall include the expiration dates of commission members' 112542
terms of office and the organizations they represent; the names, 112543
addresses, and telephone numbers of county veterans service 112544
offices; and the addresses and telephone numbers of the Ohio 112545
offices and headquarters of state and national veterans service 112546
organizations. 112547

(J) Establishing a veterans advisory committee to advise and 112548
assist the department of veterans services in its duties. Members 112549
shall include a member of the national guard association of the 112550
United States who is a resident of this state, a member of the 112551
military officers association of America who is a resident of this 112552
state, a state representative of congressionally chartered 112553
veterans organizations referred to in section 5901.02 of the 112554
Revised Code, a representative of any other congressionally 112555
chartered state veterans organization that has at least one 112556
veterans service commissioner in the state, three representatives 112557
of the Ohio state association of county veterans service 112558
commissioners, who shall have a combined vote of one, three 112559
representatives of the state association of county veterans 112560
service officers, who shall have a combined vote of one, one 112561
representative of the county commissioners association of Ohio, 112562
who shall be a county commissioner not from the same county as any 112563
of the other county representatives, a representative of the 112564
advisory committee on women veterans, a representative of a labor 112565
organization, and a representative of the office of the attorney 112566

general. The department of veterans services shall submit to the 112567
advisory committee proposed rules for the committee's operation. 112568
The committee may review and revise these proposed rules prior to 112569
submitting them to the joint committee on agency rule review. 112570

(K) Adopting, with the advice and assistance of the veterans 112571
advisory committee, policy and procedural guidelines that the 112572
veterans service commissions shall adhere to in the development 112573
and implementation of rules, policies, procedures, and guidelines 112574
for the administration of Chapter 5901. of the Revised Code. The 112575
department of veterans services shall adopt no guidelines or rules 112576
regulating the purposes, scope, duration, or amounts of financial 112577
assistance provided to applicants pursuant to sections 5901.01 to 112578
5901.15 of the Revised Code. The director of veterans services may 112579
obtain opinions from the office of the attorney general regarding 112580
rules, policies, procedures, and guidelines of the veterans 112581
service commissions and may enforce compliance with Chapter 5901. 112582
of the Revised Code. 112583

(L) Receiving copies of form DD214 filed in accordance with 112584
the director's guidelines adopted under division (L) of this 112585
section from members of veterans service commissions appointed 112586
under section 5901.02 and from county veterans service officers 112587
employed under section 5901.07 of the Revised Code; 112588

(M) Developing and maintaining and improving a resource, such 112589
as a telephone answering point or a web site, by means of which 112590
veterans and their dependents, through a single portal, can access 112591
multiple sources of information and interaction with regard to the 112592
rights of, and the benefits available to, veterans and their 112593
dependents. The director of veterans services may enter into 112594
agreements with state and federal agencies, with agencies of 112595
political subdivisions, with state and local instrumentalities, 112596
and with private entities as necessary to make the resource as 112597
complete as is possible. 112598

(N) Planning, organizing, advertising, and conducting 112599
outreach efforts, such as conferences and fairs, at which veterans 112600
and their dependents may meet, learn about the organization and 112601
operation of the department of veterans services and of veterans 112602
service commissions, and obtain information about the rights of, 112603
and the benefits and services available to, veterans and their 112604
dependents; 112605

(O) Advertising, in print, on radio and television, and 112606
otherwise, the rights of, and the benefits and services available 112607
to, veterans and their dependents; 112608

(P) Developing and advocating improved benefits and services 112609
for, and improved delivery of benefits and services to, veterans 112610
and their dependents; 112611

(Q) Searching for, identifying, and reviewing statutory and 112612
administrative policies that relate to veterans and their 112613
dependents and reporting to the general assembly statutory and 112614
administrative policies that should be consolidated in whole or in 112615
part within the organization of the department of veterans 112616
services to unify funding, delivery, and accounting of statutory 112617
and administrative policy expressions that relate particularly to 112618
veterans and their dependents; 112619

(R) Encouraging veterans service commissions to innovate and 112620
otherwise to improve efficiency in delivering benefits and 112621
services to veterans and their dependents and to report successful 112622
innovations and efficiencies to the director of veterans services; 112623

(S) Publishing and encouraging adoption of successful 112624
innovations and efficiencies veterans service commissions have 112625
achieved in delivering benefits and services to veterans and their 112626
dependents; 112627

(T) Establishing advisory committees, in addition to the 112628
veterans advisory committee established under division (K) of this 112629

section, on veterans issues; 112630

(U) Developing and maintaining a relationship with the United States department of veterans affairs, seeking optimal federal benefits and services for Ohio veterans and their dependents, and encouraging veterans service commissions to maximize the federal benefits and services to which veterans and their dependents are entitled; 112631
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(V) Developing and maintaining relationships with the several veterans organizations, encouraging the organizations in their efforts at assisting veterans and their dependents, and advocating for adequate state subsidization of the organizations; 112637
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(W) Requiring the several veterans organizations that receive funding from the state annually, not later than the thirtieth day of July, to report to the director of veterans services and prescribing the form and content of the report; 112641
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(X) Reviewing the reports submitted to the director under division (W) of this section within thirty days of receipt and informing the veterans organization of any deficiencies that exist in the organization's report and that funding will not be released until the deficiencies have been corrected and a satisfactory report submitted; 112645
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(Y) Advising the director of budget and management when a report submitted to the director under division (W) of this section has been reviewed and determined to be satisfactory; 112651
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112653

(Z) Furnishing copies of all reports that the director of veterans services has determined have been submitted satisfactorily under division (W) of this section to the chairperson of the finance committees of the general assembly; 112654
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112657

(AA) Investigating complaints against county veterans services commissioners and county veterans service officers if the director reasonably believes the investigation to be appropriate 112658
112659
112660

and necessary; 112661

(BB) Developing and maintaining a web site that is accessible 112662
by veterans and their dependents and provides a link to the web 112663
site of each state agency that issues a license, certificate, or 112664
other authorization permitting an individual to engage in an 112665
occupation or occupational activity; 112666

(CC) Encouraging state agencies to conduct outreach efforts 112667
through which veterans and their dependents can learn about 112668
available job and education benefits; 112669

(DD) Informing state agencies about changes in statutes and 112670
rules that affect veterans and their dependents; 112671

(EE) Assisting licensing agencies in adopting rules under 112672
section 5903.03 of the Revised Code; 112673

(FF) Administering the provision of grants from the military 112674
injury relief fund under section 5902.05 of the Revised Code; 112675

(GG) Taking any other actions required by this chapter. 112676

Sec. ~~5101.98~~ 5902.05. (A) There is hereby created in the 112677
state treasury the military injury relief fund, which shall 112678
consist of money contributed to it under sections 4503.535 and 112679
5747.113 of the Revised Code, ~~of incentive grants authorized by~~ 112680
~~the "Jobs for Veterans Act," 116 Stat. 2033 (2002),~~ and of 112681
contributions made directly to it. Any person or entity may 112682
contribute directly to the fund in addition to or independently of 112683
the income tax refund contribution system established in section 112684
5747.113 of the Revised Code. 112685

(B) Upon application, the director of ~~job and family~~ veterans 112686
services shall grant money in the fund to individuals injured 112687
while in active service as a member of the armed forces of the 112688
United States while serving ~~under operation Iraqi freedom,~~ 112689
~~operation new dawn, or operation enduring freedom~~ after October 7, 112690

2001, and to individuals diagnosed with post-traumatic stress 112691
disorder while serving, or after having served, ~~in operation Iraqi~~ 112692
~~freedom, operation new dawn, or operation enduring freedom~~ after 112693
October 7, 2001. 112694

(C) An individual who receives a grant under this section is 112695
precluded from receiving additional grants under this section 112696
during the same state fiscal year but is not precluded from being 112697
considered for or receiving other assistance offered by the 112698
department of ~~job and family~~ veterans services. 112699

(D) The director shall adopt rules under Chapter 119. of the 112700
Revised Code establishing: 112701

(1) Forms and procedures by which individuals may apply for a 112702
grant under this section; 112703

(2) Criteria for reviewing, evaluating, and approving or 112704
denying grant applications; 112705

(3) Criteria for determining the amount of grants awarded 112706
under this section; 112707

(4) Definitions and standards applicable to determining 112708
whether an individual meets the requirements established in 112709
division (B) of this section; 112710

(5) The process for appealing eligibility determinations; and 112711

(6) Any other rules necessary to administer the grant program 112712
established in this section. 112713

(E) An eligibility determination, a grant approval, or a 112714
grant denial made under this section may not be appealed under 112715
Chapter 119. ~~section 5101.35,~~ or any other provision of the 112716
Revised Code. 112717

Sec. 5902.09. The director of veterans services, in 112718
consultation with the Ohio recorders association, shall establish 112719

material and design standards for Ohio veterans identification 112720
cards to be issued by county recorders. The material and design 112721
standards shall be prescribed in rules adopted under Chapter 119. 112722
of the Revised Code. 112723

The rules shall require that an Ohio identification card 112724
include the name of this state, a distinguishing number assigned 112725
to the cardholder, a color photograph of the cardholder, the 112726
cardholder's name and residence address, the cardholder's branch 112727
of service, dates of service, and date of discharge, the name of 112728
the issuing county, the indexing number that has been assigned to 112729
the veteran's record of discharge, and the date of the card's 112730
issuance and expiration. 112731

An Ohio veterans identification card shall not display the 112732
cardholder's social security number unless federal law requires 112733
the cardholder's social security number to be displayed on a 112734
veterans identification card." 112735

Sec. 5902.10. (A) As used in this section: 112736

(1) "Public transportation" means publicly owned or operated 112737
transportation by bus, rail, or other conveyance, that provides to 112738
the public transit or paratransit service on a regular and 112739
continuing basis within the state, including demand responsive 112740
transportation. 112741

(2) "Eligible veteran" means a veteran of the armed forces of 112742
the United States who has a service-connected disability rated at 112743
one hundred per cent by the United States department of veterans 112744
affairs and whose commercial driver's license, driver's license, 112745
or identification card indicates that the person is such a veteran 112746
as permitted by division (A)(12) of section 4506.11, division (A) 112747
of section 4507.13, or division (A) of section 4507.52 of the 112748
Revised Code. 112749

(B) An eligible veteran, upon presentation of the veteran's commercial driver's license, driver's license, or identification card, may board any mode of public transportation and travel on the public transportation without payment of any fee, fare, or charge of any kind.

Sec. 5903.12. (A) As used in this section: 112755

"Continuing education" means continuing education required of a licensee by law and includes, but is not limited to, the continuing education required of licensees under sections 3737.881, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 4723.24, 4725.16, 4725.51, 4730.14, 4730.49, ~~4731.281~~ 4731.155, 4731.282, 4734.25, 4735.141, 4736.11, 4741.16, 4741.19, 4751.07, 4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised Code.

"Reporting period" means the period of time during which a licensee must complete the number of hours of continuing education required of the licensee by law.

(B) A licensee may submit an application to a licensing agency, stating that the licensee requires an extension of the current reporting period because the licensee has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of that active duty service. Upon receiving the application and proper documentation, the licensing agency shall extend the current reporting period by an amount of time equal to the total number of months that the licensee spent on active duty during the current reporting period. For purposes of this division, any portion of a month served on active duty shall be considered one full month.

Sec. 5904.01. (A) There is hereby created the Ohio veterans hall of fame. The department of veterans services shall serve as

the veterans hall of fame's administrative agent. The veterans 112780
hall of fame shall recognize the post-military achievements of 112781
outstanding veterans and spotlight all veterans' contributions to 112782
the civilian workplace. 112783

(B) The Ohio veterans hall of fame shall have an executive 112784
committee composed of thirteen members, all of whom shall be 112785
veterans. The director of veterans services shall be an ex officio 112786
member. The department of veterans services' veterans advisory 112787
committee, the advisory committee on women veterans, the Ohio 112788
veterans hall of fame foundation, the Veterans of Foreign Wars, 112789
the Disabled American Veterans, the AMVETS, the Vietnam Veterans 112790
of America, and the American Legion shall each appoint one member. 112791

The Ohio veterans hall of fame executive committee shall 112792
appoint its final four members, one of whom shall be from any 112793
veterans organization that is incorporated in this state and that 112794
is not otherwise represented on the executive committee, one of 112795
whom was inducted into the veterans hall of fame three years 112796
before the current fiscal year, one of whom was inducted into the 112797
veterans hall of fame two years before the current fiscal year, 112798
and one of whom was inducted into the veterans hall of fame one 112799
year before the current fiscal year. 112800

(C) Terms of office of the members of the Ohio veterans hall 112801
of fame executive committee shall be for three years. Each member 112802
shall serve subsequent to the expiration of the member's term 112803
until the member's successor is appointed, or until sixty days has 112804
elapsed, whichever occurs first. No member shall serve more than 112805
two consecutive terms. 112806

(D) All vacancies in the membership of the Ohio veterans hall 112807
of fame executive committee shall be filled in the same manner as 112808
prescribed for original appointments, and the terms of the 112809
appointees shall be limited to the unexpired terms. 112810

(E) The members of the Ohio veterans hall of fame executive committee shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties.

(F) The Ohio veterans hall of fame executive committee shall elect a chairperson and vice-chairperson from its membership. It shall meet annually to select inductees for the veterans hall of fame from the persons nominated in a manner prescribed by the executive committee. The names of selected inductees shall be submitted to the governor for final approval. The governor shall provide any final approval within thirty days after the executive committee submits the names of the selected inductees. The governor may reject any of the selected inductees for cause, but shall not make any additions to the list of those inductees.

(G) ~~Except as otherwise provided in this division, all~~ All state elected officials, members of the general assembly, members of the Ohio veterans hall of fame foundation, members of the veterans hall of fame executive committee, members of the governor's staff, members of the veterans hall of fame staff, and members of any county veterans service commission, and the director of veterans services, shall not be eligible for induction into the veterans hall of fame until two years after ~~they have left their~~ having vacated that position. The executive committee may waive the ~~two-years requirement~~ two-year moratorium for ~~nominees~~ such a person who is over the age of seventy years of age and who currently holds such a position or has vacated such a position.

(H) The Ohio veterans hall of fame executive committee is not subject to sections 101.82 to 101.87 of the Revised Code.

Sec. 5910.08. There is hereby created in the state treasury the war orphans scholarship reserve fund. ~~Not later than the first~~

~~day of July~~ As soon as possible following the end of each fiscal 112842
year, the chancellor of ~~the Ohio board of regents~~ higher education 112843
shall certify to the director of budget and management the 112844
unencumbered balance of the general revenue fund appropriations 112845
made in the immediately preceding fiscal year for purposes of the 112846
war orphans scholarship program created in Chapter 5910. of the 112847
Revised Code. Upon receipt of the certification, the director of 112848
budget and management may transfer an amount not exceeding the 112849
certified amount from the general revenue fund to the war orphans 112850
scholarship reserve fund. Moneys in the war orphans scholarship 112851
reserve fund shall be used to pay scholarship obligations in 112852
excess of the general revenue fund appropriations made for that 112853
purpose. 112854

The director of budget and management may transfer any 112855
unencumbered balance from the war orphans scholarship reserve fund 112856
to the general revenue fund. 112857

If it is determined that general revenue fund appropriations 112858
are insufficient to meet the obligations of the war orphans 112859
scholarship in a fiscal year, the director of budget and 112860
management may transfer funds from the war orphans scholarship 112861
reserve fund to the general revenue fund in order to meet those 112862
obligations. The amount transferred is hereby appropriated. If the 112863
funds transferred from the war orphans scholarship reserve fund 112864
are not needed, the director of budget and management may transfer 112865
the unexpended balance from the general revenue fund back to the 112866
war orphans scholarship reserve fund. 112867

Sec. 5919.341. There is hereby created in the state treasury 112868
the national guard scholarship reserve fund. ~~Not later than the~~ 112869
~~first day of July~~ As soon as possible following the end of each 112870
fiscal year, the chancellor of ~~the Ohio board of regents~~ higher 112871
education shall certify to the director of budget and management 112872

the unencumbered balance of the general revenue fund 112873
appropriations made in the immediately preceding fiscal year for 112874
purposes of the Ohio national guard scholarship program created 112875
under division (B) of section 5919.34 of the Revised Code. Upon 112876
receipt of the certification, the director of budget and 112877
management may transfer an amount not exceeding the certified 112878
amount from the general revenue fund to the national guard 112879
scholarship reserve fund. Moneys in the national guard scholarship 112880
reserve fund shall be used to pay scholarship obligations in 112881
excess of the general revenue fund appropriations made for that 112882
purpose. ~~Upon request of the chancellor, the director may seek~~ 112883
~~controlling board approval to establish appropriations as~~ 112884
~~necessary.~~ 112885

The director of budget and management may transfer any 112886
unencumbered balance from the national guard scholarship reserve 112887
fund to the general revenue fund. 112888

If it is determined that general revenue fund appropriations 112889
are insufficient to meet the obligations of the national guard 112890
scholarship in a fiscal year, the director of budget and 112891
management may transfer funds from the national guard scholarship 112892
reserve fund to the general revenue fund in order to meet those 112893
obligations. The amount transferred is hereby appropriated. If the 112894
funds transferred from the national guard scholarship reserve fund 112895
are not needed, the director of budget and management may transfer 112896
the unexpended balance from the general revenue fund back to the 112897
national guard scholarship reserve fund. 112898

Sec. 6101.16. When it is determined to let the work relating 112899
to the improvements for which a conservancy district was 112900
established by contract, contracts in amounts to exceed 112901
~~twenty-five~~ fifty thousand dollars shall be advertised after 112902
notice calling for bids has been published once a week for two 112903

consecutive weeks or as provided in section 7.16 of the Revised Code, with the last publication to occur at least eight days prior to the date on which bids will be accepted, in a newspaper of general circulation within the conservancy district where the work is to be done. If the bids are for a contract for the construction, demolition, alteration, repair, or reconstruction of an improvement, the board of directors of the conservancy district may let the contract to the lowest responsive and most responsible bidder who meets the requirements of section 153.54 of the Revised Code. If the bids are for a contract for any other work relating to the improvements for which a conservancy district was established, the board of directors of the district may let the contract to the lowest responsive and most responsible bidder who gives a good and approved bond, with ample security, conditioned on the carrying out of the contract. The contract shall be in writing and shall be accompanied by or refer to plans and specifications for the work to be done prepared by the chief engineer. The plans and specifications shall at all times be made and considered a part of the contract. The contract shall be approved by the board and signed by the president of the board and by the contractor and shall be executed in duplicate. In case of sudden emergency when it is necessary in order to protect the district, the advertising of contracts may be waived upon the consent of the board, with the approval of the court or a judge of the court of common pleas of the county in which the office of the district is located.

Sec. 6103.052. (A) A board of county commissioners may apply to the Ohio public works commission created by section 164.02 of the Revised Code for an advance of money from the sewer development advancement fund created by section 164.13 of the Revised Code in an amount equal to that portion of the costs of an improvement authorized under sections 6103.02 to 6103.30 of the

Revised Code that is to be financed by assessments, including 112936
assessments attributable to tap-in charges, whose collection is 112937
deferred pursuant to division (B) of this section. The application 112938
for such an advance of money shall be made in the manner 112939
prescribed in policies and procedures established by the director 112940
of the commission. 112941

(B) At any time prior to the expiration of the five-day 112942
period provided by section 6103.05 of the Revised Code for the 112943
filing of written objections, any owner of property ~~which~~ that is 112944
classified on the general tax list of the county auditor as 112945
agricultural land and has been assessed for the extension of a 112946
main water line over or along such property under sections 6103.02 112947
to 6103.30 of the Revised Code may file with the board of county 112948
commissioners a request in writing for deferment of the collection 112949
of the owner's assessment if the main water line provides water 112950
facilities to aid in the establishment of new industrial plants, 112951
the expansion of existing industrial plants, or such other 112952
industrial development, or provides water facilities to aid in the 112953
establishment of commercial and residential developments. ~~Such~~ 112954
~~request shall identify~~ The owner of property shall ensure the 112955
request does all of the following: 112956

(1) Identifies the property in connection with which the 112957
request for deferment is made, ~~shall describe its;~~ 112958

(2) Describes the property's present use and present 112959
classification on the general tax list of the county auditor, ~~7~~ 112960
~~shall state its;~~ 112961

(3) States the property's estimated market value, showing 112962
separately the value of the land and the value of the buildings 112963
thereon, ~~shall state;~~ 112964

(4) States the reasons, if any, why a portion of the benefit 112965
of the improvement will not be realized until the use of the land 112966

is changed, ~~and shall state;~~ 112967

(5) States the amount to be deferred. ~~The~~ 112968

The board shall promptly consider such request and may order 112969
the deferment of the collection of that portion of the assessment 112970
representing a benefit from the improvement that will not be 112971
realized until the use of the land is changed. The board may, upon 112972
request of an owner whose property has been assessed for the 112973
extension of a main water line over or along such property under 112974
sections 6103.02 to 6103.31 of the Revised Code, defer all or any 112975
part of the assessment on property ~~which~~ that is classified on the 112976
general tax list of the county auditor as agricultural land, by 112977
attributing the amount of such assessment or part thereof as 112978
tap-in charges, if the main water line provides water facilities 112979
to aid in the establishment of new industrial plants, the 112980
expansion of existing industrial plants, or such other industrial 112981
development, or provides water facilities to aid in the 112982
establishment of commercial and residential developments. ~~Upon A~~ 112983
deferment under this section may be conditioned on the approval of 112984
the advance of money applied for under division (A) of this 112985
section, and a maximum length of the deferment may be fixed to 112986
coincide with the maximum time within which the advance must be 112987
repaid. The decision on the request for deferment of collection of 112988
assessments shall be made pursuant to standards prescribed in 112989
policies and procedures established by the director of the 112990
commission. 112991

Upon determination and approval of final assessments, the 112992
board of county commissioners shall certify all deferred 112993
assessments and a fee equal to two per cent of the amount of the 112994
deferred assessments to the county auditor. For purposes of this 112995
section, "assessment," "deferred assessment," or "assessment 112996
deferred under this section" mean the fee and the deferred 112997
assessment certified to the county auditor. The county auditor 112998

shall record an assessment deferred under this section in the 112999
water works record. Such record shall be kept until such time as 113000
the assessments are paid in full or certified for collection in 113001
installments as provided in this section. During the time when the 113002
assessment is deferred there shall be a lien on the property 113003
assessed, which lien shall arise at the time of recordation by the 113004
county auditor and shall be in force until the assessments are 113005
paid in full or certified for collection in installments. 113006

~~(B)~~(C) The board of county commissioners shall defer the 113007
collection of an assessment, except the amount of such assessment 113008
or part thereof attributable as tap-in charges, ~~which~~ that has 113009
been deferred pursuant to division ~~(A)~~(B) of this section on or 113010
before January 1, 1987, beyond the expiration of the maximum time 113011
for the original deferment if the property owner requests in 113012
writing, no later than six months prior to the expiration of the 113013
original deferment, that the assessment be further deferred and as 113014
long as the property owner's land could qualify for placement in 113015
an agricultural district pursuant to section 929.02 of the Revised 113016
Code. 113017

The board shall regularly review the use and ownership of the 113018
property for which the collection of assessments has been deferred 113019
pursuant to this division, and upon finding that the land could no 113020
longer qualify for placement in an agricultural district pursuant 113021
to section 929.02 of the Revised Code, the board shall immediately 113022
collect, without interest unless payment is late as determined by 113023
the board, the full amount of the assessment deferred and repay 113024
the commission the amount of any money advanced by it in regard to 113025
the assessment. The board shall pay all such amounts to the 113026
commission in one annual payment or during a longer period as 113027
approved by the commission. The board shall pay, from county 113028
funds, interest annually at a rate determined by the director of 113029
the commission at the time the advance is made, not to exceed four 113030

per cent per annum, for any money not repaid to the commission 113031
pursuant to this division within one year of the date of the 113032
disqualification of the property for the continual deferment that 113033
requires such repayment. 113034

~~(C)~~(D) The board of county commissioners shall send a notice 113035
by regular or certified mail to all owners of property on which 113036
assessments have been deferred pursuant to division ~~(A)~~(B) of this 113037
section, which lists the expiration of the deferment, not later 113038
than two hundred ten days prior to the expiration of the deferment 113039
of those assessments. 113040

~~(D)~~ (E) Except as provided in this division, the board 113041
shall collect the assessments, without interest unless payment is 113042
late as determined by the board, which that have been deferred 113043
pursuant to division ~~(A)~~(B) of this section upon expiration of the 113044
maximum time for which deferments were made; ~~provided, that for~~ 113045
and repay the commission the amount of any money advanced by it in 113046
regard to such assessments. For a property owner who requests in 113047
writing, no later than six months prior to the expiration of the 113048
deferment period, that payment of the owner's deferred assessments 113049
be in installments, the board of county commissioners upon 113050
expiration of the deferment period may by resolution further 113051
certify for collection pursuant to section 6103.16 of the Revised 113052
Code, such deferred assessments in installments over not more than 113053
twenty years, as determined by the board, together with interest 113054
thereon each year on the unpaid balance at the same rate borne by 113055
bonds of the county ~~which that~~ shall be issued in anticipation 113056
thereof as provided in Chapter 133. of the Revised Code, and the 113057
proceeds of the bond issue used to repay such deferred assessments 113058
to the commission. 113059

Assessments ~~which that~~ have been deferred by attribution as 113060
tap-in charges under division ~~(A)~~(B) of this section shall be 113061
collected as deferred assessments at that time. As the board 113062

collects tap-in charges that are deferred assessments under 113063
division (B) of this section, it shall repay the commission the 113064
amount thereof that was advanced by it in regard to such 113065
assessments. An owner of property for which assessments have been 113066
deferred under division ~~(A)~~(B) of this section, in requesting a 113067
tap-in may, subject to the approval of the board, designate a part 113068
of an entire assessed tract as the part ~~which~~ that the tap-in is 113069
to serve, and the board shall collect the deferred assessment on 113070
that tract in the proportion that the part bears to the entire 113071
tract, on a front foot or other basis approved by the commission, 113072
but if in the judgment of the board the tap-in is reasonably 113073
intended to serve the entire tract or substantially all of the 113074
tract, it shall collect the deferred assessment for the entire 113075
tract. 113076

Prior to the expiration of the maximum time of deferment, the 113077
board shall regularly review the use of the property for which the 113078
collection of assessments has been deferred and upon finding, 113079
pursuant to policies and procedures established by the director of 113080
the commission, that the use of the land has changed from the use 113081
at the time of the deferment so that the benefit of the 113082
improvement can then be realized, the board shall immediately 113083
collect the full amount of the assessment for the portion of the 113084
property for which the use has so changed, without interest unless 113085
payment is late as determined by the board, and repay the 113086
commission the amount of any money advanced by it in regard to the 113087
assessment. The board shall pay all such amounts to the commission 113088
in one annual payment or during a longer period as approved by the 113089
director of the commission. The board of county commissioners 113090
shall pay, from county funds, interest annually at a rate 113091
determined by the director of the commission at the time the 113092
advance is made, not to exceed four per cent per annum, for any 113093
money not repaid to the commission pursuant to this division 113094
within one year of the date of the change in the use of property 113095

requiring such repayment, or of the date on which payment of a 113096
tap-in charge is required by law to be made, whichever date is 113097
applicable. 113098

Sec. 6109.21. (A) Except as provided in divisions (I) and (J) 113099
of this section, no person shall operate a public water system in 113100
this state without a license issued by the director of 113101
environmental protection. 113102

(B) A person who proposes to operate a new public water 113103
system, in addition to complying with section 6109.07 of the 113104
Revised Code and rules adopted under it, shall obtain an initial 113105
license from the director. The person shall submit an application 113106
for the initial license at least forty-five days prior to 113107
commencing the operation of the system. 113108

(C) A license shall expire on the thirtieth day of January in 113109
the year following its issuance. 113110

(D) A license shall be renewed annually. A person proposing 113111
to continue operating a public water system shall apply for a 113112
license renewal at least thirty days prior to the expiration date 113113
of the license. 113114

(E) Each application for a license or license renewal shall 113115
be accompanied by the appropriate fee established under division 113116
(M) of section 3745.11 of the Revised Code. However, an applicant 113117
for an initial license who is proposing to operate a new public 113118
water system shall submit a fee that equals a prorated amount of 113119
the appropriate fee established under that division for the 113120
remainder of the licensing year. 113121

(F) Not later than thirty days after receiving a completed 113122
application and the appropriate license fee for a license or 113123
license renewal for a public water system, the director shall do 113124
one of the following: 113125

(1) Issue the license or license renewal for the public water system;	113126 113127
(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;	113128 113129 113130
(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.	113131 113132 113133
(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.	113134 113135 113136 113137 113138
(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:	113139 113140 113141
(1) Information to be included on applications for licenses and license renewals issued under this section;	113142 113143
(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.	113144 113145
(I)(1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person.	113146 113147 113148 113149 113150
(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families.	113151 113152 113153 113154 113155

(J) This section does not apply to any public or nonpublic school that meets minimum standards of the state board of education that operates or maintains a public water system solely to provide water for that school.

(K) The environmental protection agency shall collect well log filing fees on behalf of the division of ~~soil and~~ water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

Sec. 6109.30. (A) There is hereby created in the state treasury the drinking water protection fund, which shall be administered by the director of environmental protection. The fund shall consist of moneys distributed to it and shall be used for all of the following purposes:

(1) Administration of this chapter and rules adopted under it;

(2) Administration in this state of the "Safe Drinking Water Act";

(3) Provision of technical assistance to public water systems in this state for the purposes of this chapter and rules adopted under it;

(4) Special studies conducted by the director for the monitoring and testing of drinking water quality in this state;

(5) Support of programs for the prevention of contamination of surface and ground water supplies in this state that are sources of drinking water.

~~Moneys in the fund shall not be used to meet any state matching requirements that are necessary to obtain federal grants.~~

(B) The director may expend not more than two hundred

thousand dollars from the fund in each fiscal year for the purpose 113186
of making loans to owners and operators of public water systems 113187
for emergency remediation of threats of contamination to public 113188
water supplies. The director shall not loan more than twenty-five 113189
thousand dollars to the owner or operator of any single public 113190
water system. The director shall adopt, and may amend and rescind, 113191
rules in accordance with Chapter 119. of the Revised Code 113192
establishing application procedures and requirements for those 113193
loans. The rules shall require that an owner or operator receiving 113194
a loan under this division repay the loan to the fund not later 113195
than twelve months after receiving it. 113196

Sec. 6109.34. The director of environmental protection or ~~his~~ 113197
the director's duly authorized representative may enter at 113198
reasonable times upon any private or public property to inspect 113199
and investigate conditions relating to the construction, 113200
maintenance, and operation of a public water system, and may take 113201
samples for analysis. If entry or inspection authorized by this 113202
section is refused, hindered, or thwarted, the director or ~~his~~ the 113203
director's authorized representative may by affidavit apply for, 113204
and any judge of a court of record may issue, an appropriate 113205
inspection warrant necessary to achieve the purposes of this 113206
chapter within the court's territorial jurisdiction. 113207

During an emergency that requires the director or the 113208
director's authorized representative to respond to protect public 113209
health or safety or the environment or during an investigation of 113210
such an emergency, the director or the director's authorized 113211
representative may share any complete records, reports, or 113212
information or any part of a record, report, or information that 113213
has been designated as containing trade secret information in 113214
accordance with section 6111.05 of the Revised Code. A person that 113215
receives such records, reports, or information or any such part 113216
shall maintain the confidentiality of the records, reports, or 113217

information or any such part and use them only for the purposes 113218
established in division (D) of that section. 113219

The sharing of complete records, reports, or information or 113220
any part of a record, report, or information that has been 113221
designated as containing trade secret information in accordance 113222
with division (D) of section 6111.05 of the Revised Code does not 113223
change the status of the records, reports, or information or any 113224
such part as being designated a trade secret pursuant to that 113225
section. In addition, the sharing does not subject the records, 113226
reports, or information or any such part to public disclosure. 113227

Sec. 6111.01. As used in this chapter: 113228

(A) "Pollution" means the placing of any sewage, sludge, 113229
sludge materials, industrial waste, or other wastes in any waters 113230
of the state. 113231

(B) "Sewage" means any liquid waste containing sludge, sludge 113232
materials, or animal or vegetable matter in suspension or 113233
solution, and may include household wastes as commonly discharged 113234
from residences and from commercial, institutional, or similar 113235
facilities. 113236

(C) "Industrial waste" means any liquid, gaseous, or solid 113237
waste substance resulting from any process of industry, 113238
manufacture, trade, or business, or from the development, 113239
processing, or recovery of any natural resource, together with 113240
such sewage as is present. "Industrial waste" does not include 113241
either of the following: 113242

(1) Shale and clay products regardless of whether they are 113243
placed on the ground, placed below grade, or used in products that 113244
come into contact with the ground or are placed below grade; 113245

(2) Slag regardless of whether it is placed on the ground, 113246
placed below grade, or used in products that come into contact 113247

with the ground or are placed below grade. 113248

(D) "Other wastes" means garbage, refuse, decayed wood, 113249
sawdust, shavings, bark, and other wood debris, lime, sand, ashes, 113250
offal, night soil, oil, tar, coal dust, dredged or fill material, 113251
or silt, other substances that are not sewage, sludge, sludge 113252
materials, or industrial waste, and any other "pollutants" or 113253
"toxic pollutants" as defined in the Federal Water Pollution 113254
Control Act that are not sewage, sludge, sludge materials, or 113255
industrial waste. 113256

(E) "Sewerage system" means pipelines or conduits, pumping 113257
stations, and force mains, and all other constructions, devices, 113258
appurtenances, and facilities used for collecting or conducting 113259
water-borne sewage, industrial waste, or other wastes to a point 113260
of disposal or treatment, but does not include plumbing fixtures, 113261
building drains and subdrains, building sewers, and building storm 113262
sewers. 113263

(F) "Treatment works" means any plant, disposal field, 113264
lagoon, dam, pumping station, building sewer connected directly to 113265
treatment works, incinerator, or other works used for the purpose 113266
of treating, stabilizing, blending, composting, or holding sewage, 113267
sludge, sludge materials, industrial waste, or other wastes, 113268
except as otherwise defined. 113269

(G) "Disposal system" means a system for disposing of sewage, 113270
sludge, sludge materials, industrial waste, or other wastes and 113271
includes sewerage systems and treatment works. 113272

(H) "Waters of the state" means all streams, lakes, ponds, 113273
marshes, watercourses, waterways, wells, springs, irrigation 113274
systems, drainage systems, and other bodies or accumulations of 113275
water, surface and underground, natural or artificial, regardless 113276
of the depth of the strata in which underground water is located, 113277
that are situated wholly or partly within, or border upon, this 113278

state, or are within its jurisdiction, except those private waters 113279
that do not combine or effect a junction with natural surface or 113280
underground waters. 113281

(I) "Person" means the state, any municipal corporation, any 113282
other political subdivision of the state, any person as defined in 113283
section 1.59 of the Revised Code, any interstate body created by 113284
compact, or the federal government or any department, agency, or 113285
instrumentality thereof. 113286

(J) "Industrial water pollution control facility" means any 113287
disposal system or any treatment works, pretreatment works, 113288
appliance, equipment, machinery, pipeline or conduit, pumping 113289
station, force main, or installation constructed, used, or placed 113290
in operation primarily for the purpose of collecting or conducting 113291
industrial waste to a point of disposal or treatment; reducing, 113292
controlling, or eliminating water pollution caused by industrial 113293
waste; or reducing, controlling, or eliminating the discharge into 113294
a disposal system of industrial waste or what would be industrial 113295
waste if discharged into the waters of the state. 113296

(K) "Schedule of compliance" means a schedule of remedial 113297
measures including an enforceable sequence of actions or 113298
operations leading to compliance with standards and rules adopted 113299
under sections 6111.041 and 6111.042 of the Revised Code or 113300
compliance with terms and conditions of permits set under division 113301
(J) of section 6111.03 of the Revised Code. 113302

(L) "Federal Water Pollution Control Act" means the "Federal 113303
Water Pollution Control Act Amendments of 1972," 86 Stat. 886, 33 113304
U.S.C.A. 1251, as amended by the "Clean Water Act of 1977," 91 113305
Stat. 1566, 33 U.S.C.A. 1251, and all other amendments to that 113306
act. 113307

(M) "Historically channelized watercourse" means the portion 113308
of a watercourse on which an improvement, as defined in divisions 113309

(C)(2) to (4) of section 6131.01 of the Revised Code, was 113310
constructed pursuant to Chapter ~~1515~~. 940., 6131., or 6133. of the 113311
Revised Code or a similar state law that preceded any of those 113312
chapters and authorized such an improvement. 113313

(N) "Sludge" means sewage sludge and a solid, semi-solid, or 113314
liquid residue that is generated from an industrial wastewater 113315
treatment process and that is applied to land for agronomic 113316
benefit. "Sludge" does not include ash generated during the firing 113317
of sludge in a sludge incinerator, grit and screening generated 113318
during preliminary treatment of sewage in a treatment works, 113319
animal manure, residue generated during treatment of animal 113320
manure, or domestic septage. 113321

(O) "Sludge materials" means solid, semi-solid, or liquid 113322
materials derived from sludge and includes products from a 113323
treatment works that result from the treatment, blending, or 113324
composting of sludge. 113325

(P) "Storage of sludge" means the placement of sludge on land 113326
on which the sludge remains for not longer than two years, but 113327
does not include the placement of sludge on land for treatment. 113328

(Q) "Sludge disposal program" means any program used by an 113329
entity that begins with the generation of sludge and includes 113330
treatment or disposal of the sludge, as "treatment" and "disposal" 113331
are defined in division (Y) of section 3745.11 of the Revised 113332
Code. 113333

(R) "Agronomic benefit" means any process that promotes or 113334
enhances plant growth and includes, but is not limited to, a 113335
process that increases soil fertility and moisture retention. 113336

(S) "Sludge management" means the use, storage, treatment, or 113337
disposal of, and management practices related to, sludge and 113338
sludge materials. 113339

(T) "Sludge management permit" means a permit for sludge 113340

management that is issued under division (J) of section 6111.03 of the Revised Code. 113341
113342

(U) "Sewage sludge" has the same meaning as in division (Y) of section 3745.11 of the Revised Code. 113343
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(V) "Shale and clay products" means nontoxic, nonhazardous, unwanted fired and unfired, glazed and unglazed, structural shale and clay products. 113345
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(W) "Slag" means nonmetallic product resulting from melting or smelting operations for iron or steel. 113348
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Sec. 6111.02. As used in this section and sections 6111.021 to 6111.028 of the Revised Code: 113350
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(A) "Category 1 wetland," "category 2 wetland," or "category 3 wetland" means a category 1 wetland, category 2 wetland, or category 3 wetland, respectively, as described in rule 3745-1-54 of the Administrative Code, as that rule existed on July 17, 2001, and as determined to be a category 1, category 2, or category 3 wetland, respectively, through application of the "Ohio rapid assessment method for wetlands version 5.0," including the Ohio rapid assessment method for wetlands version 5.0 quantitative score calibration dated August 15, 2000, unless an application for a section 401 water quality certification was submitted prior to February 28, 2001, in which case the applicant for the permit may elect to proceed in accordance with Ohio rapid assessment method for wetlands version 4.1. 113352
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(B) "Creation" means the establishment of a wetland where one did not formerly exist and that involves wetland construction on nonhydric soils. 113365
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(C) "Enhancement" means activities conducted in an existing wetland to improve or repair existing or natural wetland functions and values of that wetland. 113368
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(D) "Fill material" means any material that is used to fill an aquatic area, to replace an aquatic area with dry land, or to change the bottom elevation of a wetland for any purpose and that consists of suitable material that is free from toxic contaminants in other than trace quantities. "Fill material" does not include either of the following:

(1) Material resulting from normal farming, silviculture, and ranching activities, such as plowing, cultivating, seeding, and harvesting, for the production of food, fiber, and forest products;

(2) Material placed for the purpose of maintenance of existing structures, including emergency reconstruction of recently damaged parts of currently serviceable structures such as dikes, dams, levees, groins, riprap, breakwaters, causeways, and bridge abutments or approaches, and transportation structures.

(E) "Filling" means the addition of fill material into a wetland for the purpose of creating upland, changing the bottom elevation of the wetland, or creating impoundments of water. "Filling" includes, without limitation, the placement of the following in wetlands: fill material that is necessary for the construction of any structure; structures or impoundments requiring rock, sand, dirt, or other material for its construction; site-development fills for recreational, industrial, commercial, residential, or other uses; causeways or road fills; dams and dikes; artificial islands, property protection, or reclamation devices such as riprap, groins, seawalls, breakwalls, and bulkheads and fills; beach nourishment; levees; sanitary landfills; fill material for structures such as sewage treatment facilities, intake and outfall pipes associated with power plants, and underwater utility lines; and artificial reefs.

(F) "Isolated wetland" means a wetland that is not subject to regulation under the Federal Water Pollution Control Act.

(G) "Mitigation" means the restoration, creation, 113403
enhancement, or, in exceptional circumstances, preservation of 113404
wetlands expressly for the purpose of compensating for wetland 113405
impacts. 113406

(H) "Mitigation bank service area" means the designated area 113407
where a mitigation bank can reasonably be expected to provide 113408
appropriate compensation for impacts to wetlands and other aquatic 113409
resources and that is designated as such in accordance with the 113410
process established in 33 C.F.R. 332.8 and 40 C.F.R. 230.98. 113411

(I) "Off-site mitigation" means wetland restoration, 113412
creation, enhancement, or preservation occurring farther than one 113413
mile from a project boundary, but within the same watershed. 113414

(J) "On-site mitigation" means wetland restoration, creation, 113415
enhancement, or preservation occurring within and not more than 113416
one mile from the project boundary and within the same watershed. 113417

(K) "Practicable" means available and capable of being 113418
executed with existing technology and without significant adverse 113419
effect on the economic feasibility of the project in light of the 113420
overall project purposes and in consideration of the relative 113421
environmental benefit. 113422

(L) "Preservation" means the long-term protection of 113423
ecologically important wetlands ~~in perpetuity~~ through the 113424
implementation of appropriate legal mechanisms to prevent harm to 113425
the wetlands. "Preservation" may include protection of adjacent 113426
upland areas as necessary to ensure protection of a wetland. 113427

(M) "Restoration" means the reestablishment of a previously 113428
existing wetland at a site where it has ceased to exist. 113429

(N) "State isolated wetland permit" means a permit issued in 113430
accordance with sections 6111.02 to 6111.027 of the Revised Code 113431
authorizing the filling of an isolated wetland. 113432

(O) "Watershed" means an eight-digit hydrologic unit. 113433

(P) "Wetlands" means those areas that are inundated or 113434
saturated by surface or ground water at a frequency and duration 113435
that are sufficient to support, and that under normal 113436
circumstances do support, a prevalence of vegetation typically 113437
adapted for life in saturated soil conditions. "Wetlands" includes 113438
swamps, marshes, bogs, and similar areas that are delineated in 113439
accordance with the 1987 United States army corps of engineers 113440
wetland delineation manual and any other procedures and 113441
requirements adopted by the United States army corps of engineers 113442
for delineating wetlands. 113443

(Q) "Wetland mitigation bank" means a site where wetlands 113444
have been restored, created, enhanced, or, in exceptional 113445
circumstances, preserved expressly for the purpose of providing 113446
mitigation for impacts to wetlands and that has been approved in 113447
accordance with the process established in 33 C.F.R. 332.8 and 40 113448
C.F.R. 230.98. 113449

(R) "Eight-digit hydrologic unit" means a common surface 113450
drainage area corresponding to one from the list of thirty-seven 113451
adapted from the forty-four cataloging units as depicted on the 113452
hydrologic unit map of Ohio, United States geological survey, 113453
1988, and as described in division (F)(2) of rule 3745-1-54 of the 113454
Administrative Code or as otherwise shown on map number 1 found in 113455
rule 3745-1-54 of the Administrative Code. "Eight-digit hydrologic 113456
unit" is limited to those parts of the cataloging units that 113457
geographically lie within the borders of this state. 113458

(S) "In-lieu fee mitigation" means a payment made by an 113459
applicant to satisfy a wetland mitigation requirement established 113460
in sections 6111.02 to 6111.027 of the Revised Code. 113461

Sec. 6111.027. (A) Mitigation for impacts to isolated 113462
wetlands under sections 6111.02 to 6111.027 shall be conducted in 113463

accordance with the following ratios: 113464

(1) For category 1 and category 2 isolated wetlands, other 113465
than forested category 2 isolated wetlands, mitigation located at 113466
an approved wetland mitigation bank shall be conducted, or 113467
mitigation shall be paid for under an in-lieu fee mitigation 113468
program, at a rate of two times the size of the area of isolated 113469
wetland that is being impacted. 113470

(2) For forested category 2 isolated wetlands, mitigation 113471
located at an approved wetland mitigation bank shall be conducted, 113472
or mitigation shall be paid for under an in-lieu fee mitigation 113473
program, at a rate of two and one-half times the size of the area 113474
of isolated wetland that is being impacted. 113475

(3) All other mitigation shall be subject to mitigation 113476
ratios established in division (F) of rule 3745-1-54 of the 113477
Administrative Code. 113478

(B) Mitigation that involves the enhancement or preservation 113479
of isolated wetlands shall be calculated and performed in 113480
accordance with rule 3745-1-54 of the Administrative Code. 113481

(C) An applicant for coverage under a general state isolated 113482
wetland permit or for an individual state isolated wetland permit 113483
under sections 6111.022 to 6111.024 of the Revised Code shall 113484
demonstrate that the mitigation site will be protected ~~in~~ 113485
~~perpetuity~~ long term and that appropriate practicable management 113486
measures are, or will be, in place to restrict harmful activities 113487
that jeopardize the mitigation. 113488

Sec. 6111.03. The director of environmental protection may do 113489
any of the following: 113490

(A) Develop plans and programs for the prevention, control, 113491
and abatement of new or existing pollution of the waters of the 113492
state; 113493

(B) Advise, consult, and cooperate with other agencies of the state, the federal government, other states, and interstate agencies and with affected groups, political subdivisions, and industries in furtherance of the purposes of this chapter. Before adopting, amending, or rescinding a standard or rule pursuant to division (G) of this section or section 6111.041 or 6111.042 of the Revised Code, the director shall do all of the following:

(1) Mail notice to each statewide organization that the director determines represents persons who would be affected by the proposed standard or rule, amendment thereto, or rescission thereof at least thirty-five days before any public hearing thereon;

(2) Mail a copy of each proposed standard or rule, amendment thereto, or rescission thereof to any person who requests a copy, within five days after receipt of the request therefor;

(3) Consult with appropriate state and local government agencies or their representatives, including statewide organizations of local government officials, industrial representatives, and other interested persons.

Although the director is expected to discharge these duties diligently, failure to mail any such notice or copy or to so consult with any person shall not invalidate any proceeding or action of the director.

(C) Administer grants from the federal government and from other sources, public or private, for carrying out any of its functions, all such moneys to be deposited in the state treasury and kept by the treasurer of state in a separate fund subject to the lawful orders of the director;

(D) Administer state grants for the construction of sewage and waste collection and treatment works;

(E) Encourage, participate in, or conduct studies,

investigations, research, and demonstrations relating to water 113525
pollution, and the causes, prevention, control, and abatement 113526
thereof, that are advisable and necessary for the discharge of the 113527
director's duties under this chapter; 113528

(F) Collect and disseminate information relating to water 113529
pollution and prevention, control, and abatement thereof; 113530

(G) Adopt, amend, and rescind rules in accordance with 113531
Chapter 119. of the Revised Code governing the procedure for 113532
hearings, the filing of reports, the issuance of permits, the 113533
issuance of industrial water pollution control certificates, and 113534
all other matters relating to procedure; 113535

(H) Issue, modify, or revoke orders to prevent, control, or 113536
abate water pollution by such means as the following: 113537

(1) Prohibiting or abating discharges of sewage, industrial 113538
waste, or other wastes into the waters of the state; 113539

(2) Requiring the construction of new disposal systems or any 113540
parts thereof, or the modification, extension, or alteration of 113541
existing disposal systems or any parts thereof; 113542

(3) Prohibiting additional connections to or extensions of a 113543
sewerage system when the connections or extensions would result in 113544
an increase in the polluting properties of the effluent from the 113545
system when discharged into any waters of the state; 113546

(4) Requiring compliance with any standard or rule adopted 113547
under sections 6111.01 to 6111.05 of the Revised Code or term or 113548
condition of a permit. 113549

In the making of those orders, wherever compliance with a 113550
rule adopted under section 6111.042 of the Revised Code is not 113551
involved, consistent with the Federal Water Pollution Control Act, 113552
the director shall give consideration to, and base the 113553
determination on, evidence relating to the technical feasibility 113554

and economic reasonableness of complying with those orders and to 113555
evidence relating to conditions calculated to result from 113556
compliance with those orders, and their relation to benefits to 113557
the people of the state to be derived from such compliance in 113558
accomplishing the purposes of this chapter. 113559

(I) Review plans, specifications, or other data relative to 113560
disposal systems or any part thereof in connection with the 113561
issuance of orders, permits, and industrial water pollution 113562
control certificates under this chapter; 113563

(J)(1) Issue, revoke, modify, or deny sludge management 113564
permits and permits for the discharge of sewage, industrial waste, 113565
or other wastes into the waters of the state, and for the 113566
installation or modification of disposal systems or any parts 113567
thereof in compliance with all requirements of the Federal Water 113568
Pollution Control Act and mandatory regulations adopted 113569
thereunder, including regulations adopted under section 405 of the 113570
Federal Water Pollution Control Act, and set terms and conditions 113571
of permits, including schedules of compliance, where necessary. In 113572
issuing permits for sludge management, the director shall not 113573
allow the placement of sewage sludge on frozen ground in conflict 113574
with rules adopted under this chapter. Any person who discharges, 113575
transports, or handles storm water from an animal feeding 113576
facility, as defined in section 903.01 of the Revised Code, or 113577
pollutants from a concentrated animal feeding operation, as both 113578
terms are defined in that section, is not required to obtain a 113579
permit under division (J)(1) of this section for the installation 113580
or modification of a disposal system involving pollutants or storm 113581
water or any parts of such a system on and after the date on which 113582
the director of agriculture has finalized the program required 113583
under division (A)(1) of section 903.02 of the Revised Code. In 113584
addition, any person who discharges, transports, or handles storm 113585
water from an animal feeding facility, as defined in section 113586

903.01 of the Revised Code, or pollutants from a concentrated animal feeding operation, as both terms are defined in that section, is not required to obtain a permit under division (J)(1) of this section for the discharge of storm water from an animal feeding facility or pollutants from a concentrated animal feeding operation on and after the date on which the United States environmental protection agency approves the NPDES program submitted by the director of agriculture under section 903.08 of the Revised Code.

Any permit terms and conditions set by the director shall be designed to achieve and maintain full compliance with the national effluent limitations, national standards of performance for new sources, and national toxic and pretreatment effluent standards set under that act, and any other mandatory requirements of that act that are imposed by regulation of the administrator of the United States environmental protection agency. If an applicant for a sludge management permit also applies for a related permit for the discharge of sewage, industrial waste, or other wastes into the waters of the state, the director may combine the two permits and issue one permit to the applicant.

A sludge management permit is not required for an entity that treats or transports sewage sludge or for a sanitary landfill when all of the following apply:

(a) The entity or sanitary landfill does not generate the sewage sludge.

(b) Prior to receipt at the sanitary landfill, the entity has ensured that the sewage sludge meets the requirements established in rules adopted by the director under section 3734.02 of the Revised Code concerning disposal of municipal solid waste in a sanitary landfill.

(c) Disposal of the sewage sludge occurs at a sanitary

landfill that complies with rules adopted by the director under 113618
section 3734.02 of the Revised Code. 113619

As used in division (J)(1) of this section, "sanitary 113620
landfill" means a sanitary landfill facility, as defined in rules 113621
adopted under section 3734.02 of the Revised Code, that is 113622
licensed as a solid waste facility under section 3734.05 of the 113623
Revised Code. 113624

(2) An application for a permit or renewal thereof shall be 113625
denied if any of the following applies: 113626

(a) The secretary of the army determines in writing that 113627
anchorage or navigation would be substantially impaired thereby; 113628

(b) The director determines that the proposed discharge or 113629
source would conflict with an areawide waste treatment management 113630
plan adopted in accordance with section 208 of the Federal Water 113631
Pollution Control Act; 113632

(c) The administrator of the United States environmental 113633
protection agency objects in writing to the issuance or renewal of 113634
the permit in accordance with section 402 (d) of the Federal Water 113635
Pollution Control Act; 113636

(d) The application is for the discharge of any radiological, 113637
chemical, or biological warfare agent or high-level radioactive 113638
waste into the waters of the United States. 113639

(3) To achieve and maintain applicable standards of quality 113640
for the waters of the state adopted pursuant to section 6111.041 113641
of the Revised Code, the director shall impose, where necessary 113642
and appropriate, as conditions of each permit, water quality 113643
related effluent limitations in accordance with sections 301, 302, 113644
306, 307, and 405 of the Federal Water Pollution Control Act and, 113645
to the extent consistent with that act, shall give consideration 113646
to, and base the determination on, evidence relating to the 113647
technical feasibility and economic reasonableness of removing the 113648

polluting properties from those wastes and to evidence relating to 113649
conditions calculated to result from that action and their 113650
relation to benefits to the people of the state and to 113651
accomplishment of the purposes of this chapter. 113652

(4) Where a discharge having a thermal component from a 113653
source that is constructed or modified on or after October 18, 113654
1972, meets national or state effluent limitations or more 113655
stringent permit conditions designed to achieve and maintain 113656
compliance with applicable standards of quality for the waters of 113657
the state, which limitations or conditions will ensure protection 113658
and propagation of a balanced, indigenous population of shellfish, 113659
fish, and wildlife in or on the body of water into which the 113660
discharge is made, taking into account the interaction of the 113661
thermal component with sewage, industrial waste, or other wastes, 113662
the director shall not impose any more stringent limitation on the 113663
thermal component of the discharge, as a condition of a permit or 113664
renewal thereof for the discharge, during a ten-year period 113665
beginning on the date of completion of the construction or 113666
modification of the source, or during the period of depreciation 113667
or amortization of the source for the purpose of section 167 or 113668
169 of the Internal Revenue Code of 1954, whichever period ends 113669
first. 113670

(5) The director shall specify in permits for the discharge 113671
of sewage, industrial waste, and other wastes, the net volume, net 113672
weight, duration, frequency, and, where necessary, concentration 113673
of the sewage, industrial waste, and other wastes that may be 113674
discharged into the waters of the state. The director shall 113675
specify in those permits and in sludge management permits that the 113676
permit is conditioned upon payment of applicable fees as required 113677
by section 3745.11 of the Revised Code and upon the right of the 113678
director's authorized representatives to enter upon the premises 113679
of the person to whom the permit has been issued for the purpose 113680

of determining compliance with this chapter, rules adopted 113681
thereunder, or the terms and conditions of a permit, order, or 113682
other determination. The director shall issue or deny an 113683
application for a sludge management permit or a permit for a new 113684
discharge, for the installation or modification of a disposal 113685
system, or for the renewal of a permit, within one hundred eighty 113686
days of the date on which a complete application with all plans, 113687
specifications, construction schedules, and other pertinent 113688
information required by the director is received. 113689

(6) The director may condition permits upon the installation 113690
of discharge or water quality monitoring equipment or devices and 113691
the filing of periodic reports on the amounts and contents of 113692
discharges and the quality of receiving waters that the director 113693
prescribes. The director shall condition each permit for a 113694
government-owned disposal system or any other "treatment works" as 113695
defined in the Federal Water Pollution Control Act upon the 113696
reporting of new introductions of industrial waste or other wastes 113697
and substantial changes in volume or character thereof being 113698
introduced into those systems or works from "industrial users" as 113699
defined in section 502 of that act, as necessary to comply with 113700
section 402(b)(8) of that act; upon the identification of the 113701
character and volume of pollutants subject to pretreatment 113702
standards being introduced into the system or works; and upon the 113703
existence of a program to ensure compliance with pretreatment 113704
standards by "industrial users" of the system or works. In 113705
requiring monitoring devices and reports, the director, to the 113706
extent consistent with the Federal Water Pollution Control Act, 113707
shall give consideration to technical feasibility and economic 113708
reasonableness and shall allow reasonable time for compliance. 113709

(7) A permit may be issued for a period not to exceed five 113710
years and may be renewed upon application for renewal. In renewing 113711
a permit, the director shall consider the compliance history of 113712

the permit holder and may deny the renewal if the director 113713
determines that the permit holder has not complied with the terms 113714
and conditions of the existing permit. A permit may be modified, 113715
suspended, or revoked for cause, including, but not limited to, 113716
violation of any condition of the permit, obtaining a permit by 113717
misrepresentation or failure to disclose fully all relevant facts 113718
of the permitted discharge or of the sludge use, storage, 113719
treatment, or disposal practice, or changes in any condition that 113720
requires either a temporary or permanent reduction or elimination 113721
of the permitted activity. No application shall be denied or 113722
permit revoked or modified without a written order stating the 113723
findings upon which the denial, revocation, or modification is 113724
based. A copy of the order shall be sent to the applicant or 113725
permit holder by certified mail. 113726

(K) Institute or cause to be instituted in any court of 113727
competent jurisdiction proceedings to compel compliance with this 113728
chapter or with the orders of the director issued under this 113729
chapter, or to ensure compliance with sections 204(b), 307, 308, 113730
and 405 of the Federal Water Pollution Control Act; 113731

(L) Issue, deny, revoke, or modify industrial water pollution 113732
control certificates; 113733

(M) Certify to the government of the United States or any 113734
agency thereof that an industrial water pollution control facility 113735
is in conformity with the state program or requirements for the 113736
control of water pollution whenever the certification may be 113737
required for a taxpayer under the Internal Revenue Code of the 113738
United States, as amended; 113739

(N) Issue, modify, and revoke orders requiring any 113740
"industrial user" of any publicly owned "treatment works" as 113741
defined in sections 212(2) and 502(18) of the Federal Water 113742
Pollution Control Act to comply with pretreatment standards; 113743
establish and maintain records; make reports; install, use, and 113744

maintain monitoring equipment or methods, including, where 113745
appropriate, biological monitoring methods; sample discharges in 113746
accordance with methods, at locations, at intervals, and in a 113747
manner that the director determines; and provide other information 113748
that is necessary to ascertain whether or not there is compliance 113749
with toxic and pretreatment effluent standards. In issuing, 113750
modifying, and revoking those orders, the director, to the extent 113751
consistent with the Federal Water Pollution Control Act, shall 113752
give consideration to technical feasibility and economic 113753
reasonableness and shall allow reasonable time for compliance. 113754

(O) Exercise all incidental powers necessary to carry out the 113755
purposes of this chapter; 113756

(P) Certify or deny certification to any applicant for a 113757
federal license or permit to conduct any activity that may result 113758
in any discharge into the waters of the state that the discharge 113759
will comply with the Federal Water Pollution Control Act; 113760

(Q) Administer and enforce the publicly owned treatment works 113761
pretreatment program in accordance with the Federal Water 113762
Pollution Control Act. In the administration of that program, the 113763
director may do any of the following: 113764

(1) Apply and enforce pretreatment standards; 113765

(2) Approve and deny requests for approval of publicly owned 113766
treatment works pretreatment programs, oversee those programs, and 113767
implement, in whole or in part, those programs under any of the 113768
following conditions: 113769

(a) The director has denied a request for approval of the 113770
publicly owned treatment works pretreatment program; 113771

(b) The director has revoked the publicly owned treatment 113772
works pretreatment program; 113773

(c) There is no pretreatment program currently being 113774

implemented by the publicly owned treatment works; 113775

(d) The publicly owned treatment works has requested the 113776
director to implement, in whole or in part, the pretreatment 113777
program. 113778

(3) Require that a publicly owned treatment works 113779
pretreatment program be incorporated in a permit issued to a 113780
publicly owned treatment works as required by the Federal Water 113781
Pollution Control Act, require compliance by publicly owned 113782
treatment works with those programs, and require compliance by 113783
industrial users with pretreatment standards; 113784

(4) Approve and deny requests for authority to modify 113785
categorical pretreatment standards to reflect removal of 113786
pollutants achieved by publicly owned treatment works; 113787

(5) Deny and recommend approval of requests for fundamentally 113788
different factors variances submitted by industrial users; 113789

(6) Make determinations on categorization of industrial 113790
users; 113791

(7) Adopt, amend, or rescind rules and issue, modify, or 113792
revoke orders necessary for the administration and enforcement of 113793
the publicly owned treatment works pretreatment program. 113794

Any approval of a publicly owned treatment works pretreatment 113795
program may contain any terms and conditions, including schedules 113796
of compliance, that are necessary to achieve compliance with this 113797
chapter. 113798

(R) Except as otherwise provided in this division, adopt 113799
rules in accordance with Chapter 119. of the Revised Code 113800
establishing procedures, methods, and equipment and other 113801
requirements for equipment to prevent and contain discharges of 113802
oil and hazardous substances into the waters of the state. The 113803
rules shall be consistent with and equivalent in scope, content, 113804

and coverage to section 311(j)(1)(c) of the Federal Water
Pollution Control Act and regulations adopted under it. The
director shall not adopt rules under this division relating to
discharges of oil from oil production facilities and oil drilling
and workover facilities as those terms are defined in that act and
regulations adopted under it.

(S)(1) Administer and enforce a program for the regulation of
sludge management in this state. In administering the program, the
director, in addition to exercising the authority provided in any
other applicable sections of this chapter, may do any of the
following:

(a) Develop plans and programs for the disposal and
utilization of sludge and sludge materials;

(b) Encourage, participate in, or conduct studies,
investigations, research, and demonstrations relating to the
disposal and use of sludge and sludge materials and the impact of
sludge and sludge materials on land located in the state and on
the air and waters of the state;

(c) Collect and disseminate information relating to the
disposal and use of sludge and sludge materials and the impact of
sludge and sludge materials on land located in the state and on
the air and waters of the state;

(d) Issue, modify, or revoke orders to prevent, control, or
abate the use and disposal of sludge and sludge materials or the
effects of the use of sludge and sludge materials on land located
in the state and on the air and waters of the state;

(e) Adopt and enforce, modify, or rescind rules necessary for
the implementation of division (S) of this section. The rules
reasonably shall protect public health and the environment,
encourage the beneficial reuse of sludge and sludge materials, and
minimize the creation of nuisance odors.

The director may specify in sludge management permits the net volume, net weight, quality, and pollutant concentration of the sludge or sludge materials that may be used, stored, treated, or disposed of, and the manner and frequency of the use, storage, treatment, or disposal, to protect public health and the environment from adverse effects relating to those activities. The director shall impose other terms and conditions to protect public health and the environment, minimize the creation of nuisance odors, and achieve compliance with this chapter and rules adopted under it and, in doing so, shall consider whether the terms and conditions are consistent with the goal of encouraging the beneficial reuse of sludge and sludge materials.

The director may condition permits on the implementation of treatment, storage, disposal, distribution, or application management methods and the filing of periodic reports on the amounts, composition, and quality of sludge and sludge materials that are disposed of, used, treated, or stored.

An approval of a treatment works sludge disposal program may contain any terms and conditions, including schedules of compliance, necessary to achieve compliance with this chapter and rules adopted under it.

(2) As a part of the program established under division (S)(1) of this section, the director has exclusive authority to regulate sewage sludge management in this state. For purposes of division (S)(2) of this section, that program shall be consistent with section 405 of the Federal Water Pollution Control Act and regulations adopted under it and with this section, except that the director may adopt rules under division (S) of this section that establish requirements that are more stringent than section 405 of the Federal Water Pollution Control Act and regulations adopted under it with regard to monitoring sewage sludge and sewage sludge materials and establishing acceptable sewage sludge

management practices and pollutant levels in sewage sludge and 113868
sewage sludge materials. 113869

This chapter authorizes the state to participate in any 113870
national sludge management program and the national pollutant 113871
discharge elimination system, to administer and enforce the 113872
publicly owned treatment works pretreatment program, and to issue 113873
permits for the discharge of dredged or fill materials, in 113874
accordance with the Federal Water Pollution Control Act. This 113875
chapter shall be administered, consistent with the laws of this 113876
state and federal law, in the same manner that the Federal Water 113877
Pollution Control Act is required to be administered. 113878

(T) Develop technical guidance and offer technical 113879
assistance, upon request, for the purpose of minimizing wind or 113880
water erosion of soil, and assist in compliance with permits for 113881
storm water management issued under this chapter and rules adopted 113882
under it. 113883

(U) Study, examine, and calculate nutrient loading from point 113884
and nonpoint sources in order to determine comparative 113885
contributions by those sources and to utilize the information 113886
derived from those calculations to determine the most 113887
environmentally beneficial and cost-effective mechanisms to reduce 113888
nutrient loading to watersheds in the Lake Erie basin and the Ohio 113889
river basin. In order to evaluate nutrient loading contributions, 113890
the director or the director's designee shall conduct a study of 113891
the nutrient mass balance for both point and nonpoint sources in 113892
watersheds in the Lake Erie basin and the Ohio river basin using 113893
available data, including both of the following: 113894

(1) Data on water quality and stream flow; 113895

(2) Data on point source discharges into those watersheds. 113896

The director or the director's designee shall report and 113897
update the results of the study to coincide with the release of 113898

the Ohio integrated water quality monitoring and assessment report 113899
prepared by the director. 113900

This section does not apply to residual farm products and 113901
manure disposal systems and related management and conservation 113902
practices subject to rules adopted pursuant to division (E)(1) of 113903
section ~~1511.02~~ 939.02 of the Revised Code. For purposes of this 113904
exclusion, "residual farm products" and "manure" have the same 113905
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 113906
However, until the date on which the United States environmental 113907
protection agency approves the NPDES program submitted by the 113908
director of agriculture under section 903.08 of the Revised Code, 113909
this exclusion does not apply to animal waste treatment works 113910
having a controlled direct discharge to the waters of the state or 113911
any concentrated animal feeding operation, as defined in 40 C.F.R. 113912
122.23(b)(2). On and after the date on which the United States 113913
environmental protection agency approves the NPDES program 113914
submitted by the director of agriculture under section 903.08 of 113915
the Revised Code, this section does not apply to storm water from 113916
an animal feeding facility, as defined in section 903.01 of the 113917
Revised Code, or to pollutants discharged from a concentrated 113918
animal feeding operation, as both terms are defined in that 113919
section. Neither of these exclusions applies to the discharge of 113920
animal waste into a publicly owned treatment works. 113921

Not later than December 1, 2016, a publicly owned treatment 113922
works with a design flow of one million gallons per day or more, 113923
or designated as a major discharger by the director, shall be 113924
required to begin monthly monitoring of total and dissolved 113925
reactive phosphorus pursuant to a new NPDES permit, an NPDES 113926
permit renewal, or a director-initiated modification. The director 113927
shall include in each applicable new NPDES permit, NPDES permit 113928
renewal, or director-initiated modification a requirement that 113929
such monitoring be conducted. A director-initiated modification 113930

for that purpose shall be considered and processed as a minor 113931
modification pursuant to ~~O.A.C.~~ Ohio Administrative Code 113932
3745-33-04. In addition, not later than December 1, 2017, a 113933
publicly owned treatment works with a design flow of one million 113934
gallons per day or more that, ~~on the effective date of this~~ 113935
~~amendment~~ July 3, 2015, is not subject to a phosphorus limit shall 113936
complete and submit to the director a study that evaluates the 113937
technical and financial capability of the existing treatment 113938
facility to reduce the final effluent discharge of phosphorus to 113939
one milligram per liter using possible source reduction measures, 113940
operational procedures, and unit process configurations. 113941

Sec. 6111.04. (A) Both of the following apply except as 113942
otherwise provided in division (A) or (F) of this section: 113943

(1) No person shall cause pollution or place or cause to be 113944
placed any sewage, sludge, sludge materials, industrial waste, or 113945
other wastes in a location where they cause pollution of any 113946
waters of the state. 113947

(2) Such an action prohibited under division (A)(1) of this 113948
section is hereby declared to be a public nuisance. 113949

Divisions (A)(1) and (2) of this section do not apply if the 113950
person causing pollution or placing or causing to be placed wastes 113951
in a location in which they cause pollution of any waters of the 113952
state holds a valid, unexpired permit, or renewal of a permit, 113953
governing the causing or placement as provided in sections 6111.01 113954
to 6111.08 of the Revised Code or if the person's application for 113955
renewal of such a permit is pending. 113956

(B) If the director of environmental protection administers a 113957
sludge management program pursuant to division (S) of section 113958
6111.03 of the Revised Code, both of the following apply except as 113959
otherwise provided in division (B) or (F) of this section: 113960

(1) No person, in the course of sludge management, shall 113961
place on land located in the state or release into the air of the 113962
state any sludge or sludge materials. 113963

(2) An action prohibited under division (B)(1) of this 113964
section is hereby declared to be a public nuisance. 113965

Divisions (B)(1) and (2) of this section do not apply if the 113966
person placing or releasing the sludge or sludge materials holds a 113967
valid, unexpired permit, or renewal of a permit, governing the 113968
placement or release as provided in sections 6111.01 to 6111.08 of 113969
the Revised Code or if the person's application for renewal of 113970
such a permit is pending. 113971

(C) No person to whom a permit has been issued shall place or 113972
discharge, or cause to be placed or discharged, in any waters of 113973
the state any sewage, sludge, sludge materials, industrial waste, 113974
or other wastes in excess of the permissive discharges specified 113975
under an existing permit without first receiving a permit from the 113976
director to do so. 113977

(D) No person to whom a sludge management permit has been 113978
issued shall place on the land or release into the air of the 113979
state any sludge or sludge materials in excess of the permissive 113980
amounts specified under the existing sludge management permit 113981
without first receiving a modification of the existing sludge 113982
management permit or a new sludge management permit to do so from 113983
the director. 113984

(E) The director may require the submission of plans, 113985
specifications, and other information that the director considers 113986
relevant in connection with the issuance of permits. 113987

(F) This section does not apply to any of the following: 113988

(1) Waters used in washing sand, gravel, other aggregates, or 113989
mineral products when the washing and the ultimate disposal of the 113990
water used in the washing, including any sewage, industrial waste, 113991

or other wastes contained in the waters, are entirely confined to 113992
the land under the control of the person engaged in the recovery 113993
and processing of the sand, gravel, other aggregates, or mineral 113994
products and do not result in the pollution of waters of the 113995
state; 113996

(2) Water, gas, or other material injected into a well to 113997
facilitate, or that is incidental to, the production of oil, gas, 113998
artificial brine, or water derived in association with oil or gas 113999
production and disposed of in a well, in compliance with a permit 114000
issued under Chapter 1509. of the Revised Code, or sewage, 114001
industrial waste, or other wastes injected into a well in 114002
compliance with an injection well operating permit. Division 114003
(F)(2) of this section does not authorize, without a permit, any 114004
discharge that is prohibited by, or for which a permit is required 114005
by, regulation of the United States environmental protection 114006
agency. 114007

(3) Application of any materials to land for agricultural 114008
purposes or runoff of the materials from that application or 114009
pollution by residual farm products, manure, or soil sediment, 114010
including attached substances, resulting from farming, 114011
silvicultural, or earthmoving activities regulated by Chapter 307. 114012
or ~~1511. 939.~~ 939. of the Revised Code. Division (F)(3) of this section 114013
does not authorize, without a permit, any discharge that is 114014
prohibited by, or for which a permit is required by, the Federal 114015
Water Pollution Control Act or regulations adopted under it. As 114016
used in division (F)(3) of this section, "residual farm products" 114017
and "manure" have the same meanings as in section ~~1511.01~~ 939.01 114018
of the Revised Code. 114019

(4) The excrement of domestic and farm animals defecated on 114020
land or runoff therefrom into any waters of the state. Division 114021
(F)(4) of this section does not authorize, without a permit, any 114022
discharge that is prohibited by, or for which a permit is required 114023

by, the Federal Water Pollution Control Act or regulations adopted 114024
under it. 114025

(5) On and after the date on which the United States 114026
environmental protection agency approves the NPDES program 114027
submitted by the director of agriculture under section 903.08 of 114028
the Revised Code, any discharge that is within the scope of the 114029
approved NPDES program submitted by the director of agriculture; 114030

(6) The discharge of sewage, industrial waste, or other 114031
wastes into a sewerage system tributary to a treatment works. 114032
Division (F)(6) of this section does not authorize any discharge 114033
into a publicly owned treatment works in violation of a 114034
pretreatment program applicable to the publicly owned treatment 114035
works. 114036

(7) A household sewage treatment system or a small flow 114037
on-site sewage treatment system, as applicable, as defined in 114038
section 3718.01 of the Revised Code that is installed in 114039
compliance with Chapter 3718. of the Revised Code and rules 114040
adopted under it. Division (F)(7) of this section does not 114041
authorize, without a permit, any discharge that is prohibited by, 114042
or for which a permit is required by, regulation of the United 114043
States environmental protection agency. 114044

(8) Exceptional quality sludge generated outside of this 114045
state and contained in bags or other containers not greater than 114046
one hundred pounds in capacity. As used in division (F)(8) of this 114047
section, "exceptional quality sludge" has the same meaning as in 114048
division (Y) of section 3745.11 of the Revised Code. 114049

(G) The holder of a permit issued under section 402 (a) of 114050
the Federal Water Pollution Control Act need not obtain a permit 114051
for a discharge authorized by the permit until its expiration 114052
date. Except as otherwise provided in this division, the director 114053
of environmental protection shall administer and enforce those 114054

permits within this state and may modify their terms and 114055
conditions in accordance with division (J) of section 6111.03 of 114056
the Revised Code. On and after the date on which the United States 114057
environmental protection agency approves the NPDES program 114058
submitted by the director of agriculture under section 903.08 of 114059
the Revised Code, the director of agriculture shall administer and 114060
enforce those permits within this state that are issued for any 114061
discharge that is within the scope of the approved NPDES program 114062
submitted by the director of agriculture. 114063

Sec. 6111.044. Upon receipt of an application for an 114064
injection well drilling permit, an injection well operating 114065
permit, a renewal of an injection well operating permit, or a 114066
modification of an injection well drilling permit, operating 114067
permit, or renewal of an operating permit, the director of 114068
environmental protection shall determine whether the application 114069
is complete and demonstrates that the activities for which the 114070
permit, renewal permit, or modification is requested will comply 114071
with the Federal Water Pollution Control Act and regulations 114072
adopted under it; the "Safe Drinking Water Act," 88 Stat. 1661 114073
(1974), 42 U.S.C.A. 300(f), as amended, and regulations adopted 114074
under it; and this chapter and the rules adopted under it. If the 114075
application demonstrates that the proposed activities will not 114076
comply or will pose an unreasonable risk of inducing seismic 114077
activity, inducing geologic fracturing, or contamination of an 114078
underground source of drinking water, the director shall deny the 114079
application. If the application does not make the required 114080
demonstrations, the director shall return it to the applicant with 114081
an indication of those matters about which a required 114082
demonstration was not made. If the director determines that the 114083
application makes the required demonstrations, the director shall 114084
transmit copies of the application and all of the accompanying 114085
maps, data, samples, and information to the chief of the division 114086

of oil and gas resources management, the chief of the division of 114087
geological survey, the chief of the division of ~~soil~~ and water 114088
resources, and, if the well is or is to be located in a coal 114089
bearing township designated under section 1561.06 of the Revised 114090
Code, the chief of the division of mineral resources management in 114091
the department of natural resources. 114092

The chief of the division of geological survey shall comment 114093
upon the application if the chief determines that the proposed 114094
well or injection will present an unreasonable risk of loss or 114095
damage to valuable mineral resources. If the chief submits 114096
comments on the application, those comments shall be accompanied 114097
by an evaluation of the geological factors upon which the comments 114098
are based, including fractures, faults, earthquake potential, and 114099
the porosity and permeability of the injection zone and confining 114100
zone, and by the documentation supporting the evaluation. The 114101
director shall take into consideration the chief's comments, and 114102
the accompanying evaluation of geologic factors and supporting 114103
documentation, when considering the application. The director 114104
shall provide written notice to the chief of the director's 114105
decision on the application and, if the chief's comments are not 114106
included in the permit, renewal permit, or modification, of the 114107
director's rationale for not including them. 114108

The chief of the division of oil and gas resources management 114109
shall comment upon the application if the chief determines that 114110
the proposed well or injection will present an unreasonable risk 114111
that waste or contamination of recoverable oil or gas in the earth 114112
will occur. If the chief submits comments on the application, 114113
those comments shall be accompanied by an evaluation of the oil or 114114
gas reserves that, in the best professional judgment of the chief, 114115
are recoverable and will be adversely affected by the proposed 114116
well or injection, and by the documentation supporting the 114117
evaluation. The director shall take into consideration the chief's 114118

comments, and the accompanying evaluation and supporting 114119
documentation, when considering the application. The director 114120
shall provide written notice to the chief of the director's 114121
decision on the application and, if the chief's comments are not 114122
included in the permit, renewal permit, or modification, of the 114123
director's rationale for not including them. 114124

The chief of the division of ~~soil and~~ water resources shall 114125
assist the director in determining whether all underground sources 114126
of drinking water in the area of review of the proposed well or 114127
injection have been identified and correctly delineated in the 114128
application. If the application fails to identify or correctly 114129
delineate an underground source of drinking water, the chief shall 114130
provide written notice of that fact to the director. 114131

The chief of the division of mineral resources management 114132
shall review the application as follows: 114133

If the application concerns the drilling or conversion of a 114134
well or the injection into a well that is not or is not to be 114135
located within five thousand feet of the excavation and workings 114136
of a mine, the chief of the division of mineral resources 114137
management shall note upon the application that it has been 114138
examined by the division of mineral resources management, retain a 114139
copy of the application and map, and immediately return a copy of 114140
the application to the director. 114141

If the application concerns the drilling or conversion of a 114142
well or the injection into a well that is or is to be located 114143
within five thousand feet, but more than five hundred feet from 114144
the surface excavations and workings of a mine, the chief of the 114145
division of mineral resources management immediately shall notify 114146
the owner or lessee of the mine that the application has been 114147
filed and send to the owner or lessee a copy of the map 114148
accompanying the application setting forth the location of the 114149
well. The chief of the division of mineral resources management 114150

shall note on the application that the notice has been sent to the owner or lessee of the mine, retain a copy of the application and map, and immediately return a copy of the application to the director with the chief's notation on it.

If the application concerns the drilling or conversion of a well or the injection into a well that is or is to be located within five thousand feet of the underground excavations and workings of a mine or within five hundred feet of the surface excavations and workings of a mine, the chief of the division of mineral resources management immediately shall notify the owner or lessee of the mine that the application has been filed and send to the owner or lessee a copy of the map accompanying the application setting forth the location of the well. If the owner or lessee objects to the application, the owner or lessee shall notify the chief of the division of mineral resources management of the objection, giving the reasons, within six days after the receipt of the notice. If the chief of the division of mineral resources management receives no objections from the owner or lessee of the mine within ten days after the receipt of the notice by the owner or lessee, or if in the opinion of the chief of the division of mineral resources management the objections offered by the owner or lessee are not sufficiently well founded, the chief shall retain a copy of the application and map and return a copy of the application to the director with any applicable notes concerning it.

If the chief of the division of mineral resources management receives an objection from the owner or lessee of the mine as to the application, within ten days after receipt of the notice by the owner or lessee, and if in the opinion of the chief the objection is well founded, the chief shall disapprove the application and immediately return it to the director together with the chief's reasons for the disapproval. The director

promptly shall notify the applicant for the permit, renewal 114183
permit, or modification of the disapproval. The applicant may 114184
appeal the disapproval of the application by the chief of the 114185
division of mineral resources management to the reclamation 114186
commission created under section 1513.05 of the Revised Code, and 114187
the commission shall hear the appeal in accordance with section 114188
1513.13 of the Revised Code. The appeal shall be filed within 114189
thirty days from the date the applicant receives notice of the 114190
disapproval. No comments concerning or disapproval of an 114191
application shall be delayed by the chief of the division of 114192
mineral resources management for more than fifteen days from the 114193
date of sending of notice to the mine owner or lessee as required 114194
by this section. 114195

The director shall not approve an application for an 114196
injection well drilling permit, an injection well operating 114197
permit, a renewal of an injection well operating permit, or a 114198
modification of an injection well drilling permit, operating 114199
permit, or renewal of an operating permit for a well that is or is 114200
to be located within three hundred feet of any opening of any mine 114201
used as a means of ingress, egress, or ventilation for persons 114202
employed in the mine, nor within one hundred feet of any building 114203
or flammable structure connected with the mine and actually used 114204
as a part of the operating equipment of the mine, unless the chief 114205
of the division of mineral resources management determines that 114206
life or property will not be endangered by drilling and operating 114207
the well in that location. 114208

Upon review by the chief of the division of oil and gas 114209
resources management, the chief of the division of geological 114210
survey, and the chief of the division of ~~soil and~~ water resources, 114211
and if the chief of the division of mineral resources management 114212
has not disapproved the application, the director shall issue a 114213
permit, renewal permit, or modification with any terms and 114214

conditions that may be necessary to comply with the Federal Water 114215
Pollution Control Act and regulations adopted under it; the "Safe 114216
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f) as 114217
amended, and regulations adopted under it; and this chapter and 114218
the rules adopted under it. The director shall not issue a permit, 114219
renewal permit, or modification to an applicant if the applicant 114220
or persons associated with the applicant have engaged in or are 114221
engaging in a substantial violation of this chapter that is 114222
endangering or may endanger human health or the environment or if, 114223
in the case of an applicant for an injection well drilling permit, 114224
the applicant, at the time of applying for the permit, did not 114225
hold an injection well operating permit or renewal of an injection 114226
well drilling permit and failed to demonstrate sufficient 114227
expertise and competency to operate the well in compliance with 114228
the applicable provisions of this chapter. 114229

If the director receives a disapproval from the chief of the 114230
division of mineral resources management regarding an application 114231
for an injection well drilling or operating permit, renewal 114232
permit, or modification, if required, the director shall issue an 114233
order denying the application. 114234

The director need not issue a proposed action under section 114235
3745.07 of the Revised Code or hold an adjudication hearing under 114236
that section and Chapter 119. of the Revised Code before issuing 114237
or denying a permit, renewal permit, or modification of a permit 114238
or renewal permit. Before issuing or renewing a permit to drill or 114239
operate a class I injection well or a modification of it, the 114240
director shall propose the permit, renewal permit, or modification 114241
in draft form and shall hold a public hearing to receive public 114242
comment on the draft permit, renewal permit, or modification. At 114243
least fifteen days before the public hearing on a draft permit, 114244
renewal permit, or modification, the director shall publish notice 114245
of the date, time, and location of the public hearing in at least 114246

one newspaper of general circulation serving the area where the 114247
well is or is to be located. The proposing of such a draft permit, 114248
renewal permit, or modification does not constitute the issuance 114249
of a proposed action under section 3745.07 of the Revised Code, 114250
and the holding of the public hearing on such a draft permit, 114251
renewal permit, or modification does not constitute the holding of 114252
an adjudication hearing under that section and Chapter 119. of the 114253
Revised Code. Appeals of orders other than orders of the chief of 114254
the division of mineral resources management shall be taken under 114255
sections 3745.04 to 3745.08 of the Revised Code. 114256

The director may order that an injection well drilling permit 114257
or an injection well operating permit or renewal permit be 114258
suspended and that activities under it cease after determining 114259
that those activities are occurring in violation of law, rule, 114260
order, or term or condition of the permit. Upon service of a copy 114261
of the order upon the permit holder or the permit holder's 114262
authorized agent or assignee, the permit and activities under it 114263
shall be suspended immediately without prior hearing and shall 114264
remain suspended until the violation is corrected and the order of 114265
suspension is lifted. If a violation is the second within a 114266
one-year period, the director, after a hearing, may revoke the 114267
permit. 114268

The director may order that an injection well drilling permit 114269
or an injection well operating permit or renewal permit be 114270
suspended and that activities under it cease if the director has 114271
reasonable cause to believe that the permit would not have been 114272
issued if the information available at the time of suspension had 114273
been available at the time a determination was made by one of the 114274
agencies acting under authority of this section. Upon service of a 114275
copy of the order upon the permit holder or the permit holder's 114276
authorized agent or assignee, the permit and activities under it 114277
shall be suspended immediately without prior hearing, but a permit 114278

may not be suspended for that reason without prior hearing unless 114279
immediate suspension is necessary to prevent waste or 114280
contamination of oil or gas, comply with the Federal Water 114281
Pollution Control Act and regulations adopted under it; the "Safe 114282
Drinking Water Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as 114283
amended, and regulations adopted under it; and this chapter and 114284
the rules adopted under it, or prevent damage to valuable mineral 114285
resources, prevent contamination of an underground source of 114286
drinking water, or prevent danger to human life or health. If 114287
after a hearing the director determines that the permit would not 114288
have been issued if the information available at the time of the 114289
hearing had been available at the time a determination was made by 114290
one of the agencies acting under authority of this section, the 114291
director shall revoke the permit. 114292

When a permit has been revoked, the permit holder or other 114293
person responsible for it immediately shall plug the well in the 114294
manner required by the director. 114295

The director may issue orders to prevent or require cessation 114296
of violations of this section, section 6111.043, 6111.045, 114297
6111.046, or 6111.047 of the Revised Code, rules adopted under any 114298
of those sections, and terms or conditions of permits issued under 114299
any of them. The orders may require the elimination of conditions 114300
caused by the violation. 114301

Sec. 6111.05. (A) The director of environmental protection, 114302
on the director's own initiative, may investigate or make 114303
inquiries into any alleged act of pollution or failure to comply 114304
with this chapter or any order, any rule, the terms and conditions 114305
of a permit, or any other determination pursuant thereto. However, 114306
upon written complaint by any person, the director shall conduct 114307
any investigations and make any inquiries that are required. 114308

The director or the director's duly authorized representative 114309

may enter at reasonable times upon any private or public property 114310
to inspect and investigate conditions relating to pollution of any 114311
air of the state or land located in the state related to the use, 114312
storage, treatment, or disposal of sludge or sludge materials or 114313
pollution of any waters of the state, inspect any monitoring 114314
equipment, inspect the drilling, conversion, or operation of any 114315
injection well, and sample any discharges, including discharges by 114316
"industrial users" into a publicly owned "treatment works" as 114317
those terms are defined in sections 212 and 502 of the Federal 114318
Water Pollution Control Act, and may apply to the court of common 114319
pleas having jurisdiction for a warrant permitting the entrance 114320
and inspection. 114321

(B) Any authorized representative of the director at 114322
reasonable times may examine any records or memoranda pertaining 114323
to sludge management, the operation of disposal systems, the 114324
drilling, conversion, or operation of injection wells, or 114325
discharges by "industrial users" into publicly owned "treatment 114326
works" as defined in sections 212 and 501 of the Federal Water 114327
Pollution Control Act. The director may require the maintenance of 114328
records relating to sludge management, discharges, or the 114329
operation of disposal systems or injection wells. The director may 114330
make copies of the records. Any authorized representative of a 114331
publicly owned "treatment works" may enter at reasonable times 114332
upon the premises of any "industrial user" that discharges into 114333
the works to inspect any monitoring equipment or method of the 114334
user, to sample any discharges of the user into the works, or to 114335
inspect any records or memoranda pertaining to discharges by the 114336
user into the works, in order to ascertain compliance by the user 114337
with applicable pretreatment standards. The representative may 114338
make copies of the records. ~~Any~~ 114339

(C) If an emergency requires the director or the director's 114340
authorized representative to respond to protect public health or 114341

safety or the environment, the director or the director's 114342
authorized representative may request any person that is 114343
responsible for causing or allowing a spill, release, or discharge 114344
of a pollutant or contaminant into or on the environment or any 114345
person having knowledge of the components or chemical identity of 114346
the pollutant or contaminant spilled, released, or discharged to 114347
disclose records, reports, or information necessary to respond to 114348
or investigate the spill, release, or discharge. Upon receiving 114349
the request, the person shall submit the records, reports, or 114350
information without undue delay. If the person disclosing the 114351
records, reports, or information designates any portion of the 114352
records, reports, or information as containing trade secret 114353
information, the person shall submit both a complete and a 114354
redacted version of the records, reports, or information. The 114355
person shall mark the redacted version "public version" and redact 114356
any trade secret information. 114357

(D) Any records, reports, or information obtained under this 114358
chapter shall be available for public inspection, except that: 114359

~~(A) Upon a showing satisfactory to the director by any person~~ 114360
~~that the~~ (1) Any records, reports, or information, or any 114361
particular part thereof designated as a trade secret by the person 114362
submitting the records, reports, or information, other than data 114363
concerning the amounts or contents of discharges or the quality of 114364
the receiving waters, to which the director has access under this 114365
chapter, if made public would divulge information entitled to 114366
~~protection as trade secrets of the person, the director shall~~ 114367
~~consider the record, report, or information or particular portion~~ 114368
~~thereof confidential. Prior to divulging any alleged trade secret~~ 114369
~~information pursuant to this division, the director shall give ten~~ 114370
~~days' written notice to the person claiming trade secrecy shall be~~ 114371
considered by the director to be a trade secret and managed by the 114372
director as confidential. The director or the director's 114373

authorized representative shall not disclose any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section. However, during an emergency that requires the director or the director's authorized representative to respond to protect public health or safety or the environment or during an investigation of such an emergency, the director or the director's authorized representative may share any of the complete records, reports, or information or any such part with the owner or operator of a public or private water system that needs the records, reports, or information or any such part for any of the following purposes:

(a) Assessing exposure or potential exposure of persons or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(b) Conducting or assessing sampling to determine exposure levels of various population groups or aquatic organisms to any component of or chemical in a pollutant or contaminant spilled, released, or discharged;

(c) Testing for any component of or chemical in a pollutant or contaminant spilled, released, or discharged.

~~(B)~~ Prior to sharing any complete records, reports, or information or any part of a record, report, or information that has been designated as containing trade secret information in accordance with this section, the director or the director's authorized representative shall label and identify, to the extent practicable, any of those records, reports, or information or any such part designated as a trade secret. If the director or the director's authorized representative shares any such records, reports, or information or any such part, the director shall notify the person that designated the trade secret information in accordance with division (C) of this section of that sharing as

soon as practicable. Nothing in this section precludes a person 114406
that designated trade secret information in accordance with 114407
division (C) of this section from requesting a confidentiality 114408
agreement with a recipient of the records, reports, or information 114409
or any such part. 114410

During an emergency action taken to protect public health or 114411
safety or the environment, the owner or operator of a public or 114412
private water system may share complete records, reports, or 114413
information or any part of a record, report, or information 114414
received under this division that has been designated as 114415
containing trade secret information in accordance with this 114416
section with an agent, consultant, or representative of the owner 114417
or operator. The owner or operator of a public or private water 114418
system, including an agent, consultant, or representative of the 114419
owner or operator, that receives the records, reports, or 114420
information or any such part shall maintain the confidentiality of 114421
the records, reports, or information or any such part and may use 114422
the information only for the purposes specified in this division. 114423

The sharing of complete records, reports, or information or 114424
any part of a record, report, or information that has been 114425
designated as containing trade secret information in accordance 114426
with this section does not change the status of the records, 114427
reports, or information or any such part as being designated a 114428
trade secret pursuant to this section. In addition, the sharing 114429
does not subject the records, reports, or information or any such 114430
part to public disclosure. 114431

The director or the director's authorized representative may 114432
disclose to a person that seeks to obtain records, reports, or 114433
information or any part of a record, report, or information that 114434
has been designated as containing trade secret information in 114435
accordance with this section the identity of the person that has 114436
designated those records, reports, or information or any such part 114437

as containing trade secret information. The person to whom the 114438
director or the director's authorized representative discloses 114439
that identity may contact the person that designated the trade 114440
secret information. 114441

(2) The record, report, or information may be disclosed to 114442
other officers, employees, or authorized representatives of the 114443
state, another state, or the United States when necessary to 114444
sustain an action brought pursuant to this chapter or during an 114445
adjudication hearing or when otherwise necessary to fulfill any 114446
requirement of the Federal Water Pollution Control Act. 114447

(E) No person to whom a permit has been issued shall refuse 114448
entry to any authorized representative of the director or 114449
willfully hinder or thwart the representative in the exercise of 114450
any authority granted by this section. 114451

(F) The director or the director's authorized representative, 114452
or, where necessary to monitor compliance with pretreatment 114453
standards, the authorized representative of a publicly owned 114454
"treatment works," may apply for, and any judge of a court of 114455
common pleas may issue, a warrant necessary to achieve the 114456
purposes of this chapter. 114457

(G) As used in this section: 114458

(1) "Private water system" has the same meaning as in section 114459
3701.344 of the Revised Code. 114460

(2) "Public water system" has the same meaning as in section 114461
6109.01 of the Revised Code. 114462

(3) "Trade secret" has the same meaning as in section 1333.61 114463
of the Revised Code. 114464

Sec. 6111.12. (A) The director of environmental protection 114465
shall establish an antidegradation policy applicable to surface 114466
waters of the state pursuant to applicable federal laws and 114467

regulations. The purpose of the policy shall be to maintain levels 114468
of water quality that are currently better than prescribed by 114469
applicable standards except in situations when a need to allow a 114470
lower level of water quality is demonstrated based on technical, 114471
social, and economic criteria. Not later than March 31, 1994, the 114472
director shall revise the existing antidegradation policy 114473
established in rules adopted under section 6111.041 of the Revised 114474
Code and revise any necessary implementation procedures to conform 114475
them to the following principles and any mandatory regulations 114476
adopted under the Federal Water Pollution Control Act: 114477

(1) The use of existing effluent quality as a method of 114478
calculating antidegradation-based limits shall be imposed only to 114479
the extent that the use is explicitly required by federal law or 114480
regulation as the only means available to implement 114481
antidegradation. 114482

(2) No degradation shall be allowed in waters for any 114483
pollutant that currently does not meet applicable standards. For 114484
all remaining waters, there shall be provisions requiring federal 114485
antidegradation requirements to be met and provisions ensuring 114486
that waters of exceptional recreational or ecological value are 114487
maintained as high quality resources for future generations. There 114488
shall be at least two categories of surface waters identified in 114489
the state for that purpose and for the purpose of establishing 114490
priorities for the administrative and technical resources expended 114491
on antidegradation reviews. 114492

(3) Whenever current ambient water quality is determined to 114493
be of a higher quality than prescribed in the standards, on a 114494
pollutant-by-pollutant basis, and the water body lacks exceptional 114495
recreational or ecological value, the director may allocate to 114496
existing sources eighty per cent of the pollutant assimilative 114497
capacity as determined by appropriate total maximum daily load 114498
procedures without further antidegradation review. The permittee 114499

for any existing source may receive an effluent limitation based 114500
on not more than one hundred per cent of the mass or concentration 114501
levels necessary to meet applicable water quality in the receiving 114502
water body as determined by appropriate total maximum daily load 114503
procedures, provided that there has been a satisfactory 114504
demonstration of the need to allow lower water quality based on 114505
technical, social, and economic criteria and the action is 114506
preceded by a public notice. Sources other than existing sources 114507
that result in ten per cent or greater change, that is, 114508
degradation, of ambient chemical water quality shall require a 114509
demonstration of technical, social, and economic need and shall be 114510
the subject of a public notice. 114511

(4) Degradation of waters identified as possessing 114512
exceptional recreational or ecological value shall be determined 114513
through an analysis of the expected perceptible change in ambient 114514
concentrations of pollutant or alternatively through an analysis 114515
of the expected change in the biological condition of the water 114516
body. Either determination shall constitute a lowering of water 114517
quality and shall require an antidegradation review. The director 114518
shall establish, by rules adopted in accordance with Chapter 119. 114519
of the Revised Code, a definition of perceptible change that shall 114520
be applicable to those waters identified in rule as possessing 114521
exceptional recreational or ecological value. Antidegradation 114522
reviews shall be required for any activity resulting in a 114523
perceptible change in ambient chemical or biological quality on 114524
waters identified as possessing exceptional recreational or 114525
ecological value. Allowances shall be made for existing sources to 114526
retain their current permit limits with no requirement to 114527
demonstrate technical, social, and economic need. 114528

(5) The director shall establish reasonable protocols for 114529
completing technical, social, and economic need demonstrations 114530
based on existing federal guidance and on input from the 114531

department of development, the regulated community, and the 114532
general public. 114533

(B) Effluent limitations established by the director for any 114534
existing source in any permit issued under division (J) of section 114535
6111.03 of the Revised Code prior to July 1, 1993, shall continue 114536
in effect unless the permit is modified by the director. A 114537
discharger seeking modification of antidegradation-based 114538
limitations that were based on existing quality of discharge when 114539
the permit was issued shall apply to the director for modification 114540
of the permit, consistent with rules adopted under division (A) of 114541
this section, not later than one hundred eighty days after July 1, 114542
1993. If the permittee has filed such a timely application for 114543
modification, the director shall not pursue administrative or 114544
judicial enforcement actions for violations of 114545
antidegradation-based limitations based on the existing quality of 114546
effluent that occur after July 1, 1993. 114547

(C) A historically channelized watercourse provides 114548
technical, social, and economic benefits. Therefore, with regard 114549
to a historically channelized watercourse, the director shall not 114550
require further antidegradation review during the review of an 114551
application for and the issuance or denial of a permit under this 114552
chapter or a water quality certification under section 401 of the 114553
Federal Water Pollution Control Act if the director finds, after 114554
public notice and opportunity for comment, and a public hearing if 114555
significant public interest is shown, that all of the following 114556
apply: 114557

(1) Work is necessary to restore or maintain a drainage or 114558
other improvement provided by a historically channelized 114559
watercourse. 114560

(2) The work is performed pursuant to section ~~1515.08~~ 940.06 114561
of the Revised Code or a petition filed under section 6131.04 or 114562
6133.02 of the Revised Code. 114563

(3) Without the work, flooding threatens public health and safety or may result in significant damage to public or private property. 114564
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(4) The work will not result in the loss of designated or existing beneficial uses as those uses are described in rules adopted under section 6111.041 of the Revised Code. 114567
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(5) The work will not harm or interfere with the protection of federal or state designated endangered or threatened species. 114570
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(6) The historically channelized watercourse is not designated as coldwater habitat, exceptional warmwater habitat, or a state resource water in rules adopted under section 6111.041 of the Revised Code. 114572
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(7) If information is available concerning resident fishery or macroinvertebrate communities, or both, in the historically channelized watercourse, the historically channelized watercourse does not support a particularly diverse or unique warmwater habitat as that term is defined in rules adopted under section 6111.041 of the Revised Code. 114576
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(8) Plans for the work have been submitted to the applicable soil and water conservation district organized under Chapter ~~1515-~~ 940. of the Revised Code. 114582
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(9) A storm water runoff plan has been developed for the watershed prior to or during planning and design of the work and the work is consistent with the plan. 114585
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(D) As used in this section: 114588

(1) "Existing sources" means any treatment works that were built and operational under the terms of an NPDES permit prior to July 1, 1993, but does not include expansions or upgrades of existing treatment works authorized in rules adopted under section 6111.03 of the Revised Code after that date. 114589
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(2) "Appropriate total maximum daily load procedures" means 114594
the procedures, policies, and guidelines used by the director 114595
prior to July 1, 1993, or subsequent revisions to those procedures 114596
established in rules adopted in accordance with Chapter 119. of 114597
the Revised Code. 114598

(3) "Antidegradation review" means the consideration by the 114599
director of the technical, social, and economic need demonstration 114600
completed by any person requesting to lower water quality as 114601
provided in this section, including the public notice of the 114602
application and, at the discretion of the director, a public 114603
hearing on it. 114604

Sec. 6111.30. (A) Applications for a section 401 water 114605
quality certification required under division (P) of section 114606
6111.03 of the Revised Code shall be submitted on forms provided 114607
by the director of environmental protection and shall include all 114608
information required on those forms as well as all of the 114609
following: 114610

(1) A copy of a letter from the United States army corps of 114611
engineers documenting its jurisdiction over the wetlands, streams, 114612
or other waters of the state that are the subject of the section 114613
401 water quality certification application; 114614

(2) If the project involves impacts to a wetland, a wetland 114615
characterization analysis consistent with the Ohio rapid 114616
assessment method; 114617

(3) If the project involves a stream for which a specific 114618
aquatic life use designation has not been made, ~~a use~~ 114619
~~attainability analysis~~ data sufficient to determine the existing 114620
aquatic life use; 114621

(4) A specific and detailed mitigation proposal, including 114622
the location and proposed ~~legal~~ real estate instrument or other 114623

<u>available</u> mechanism for protecting the property in perpetuity <u>long</u>	114624
<u>term</u> ;	114625
(5) Applicable fees;	114626
(6) Site photographs;	114627
(7) Adequate documentation confirming that the applicant has	114628
requested comments from the department of natural resources and	114629
the United States fish and wildlife service regarding threatened	114630
and endangered species, including the presence or absence of	114631
critical habitat;	114632
(8) Descriptions, schematics, and appropriate economic	114633
information concerning the applicant's preferred alternative,	114634
nondegradation alternatives, and minimum degradation alternatives	114635
for the design and operation of the project;	114636
(9) The applicant's investigation report of the waters of the	114637
United States in support of a section 404 permit application	114638
concerning the project;	114639
(10) A copy of the United States army corps of engineers'	114640
public notice regarding the section 404 permit application	114641
concerning the project.	114642
(B) Not later than fifteen business days after the receipt of	114643
an application for a section 401 water quality certification, the	114644
director shall review the application to determine if it is	114645
complete and shall notify the applicant in writing as to whether	114646
the application is complete. If the director fails to notify the	114647
applicant within fifteen business days regarding the completeness	114648
of the application, the application is considered complete. If the	114649
director determines that the application is not complete, the	114650
director shall include with the written notification an itemized	114651
list of the information or materials that are necessary to	114652
complete the application. If the applicant fails to provide the	114653
information or materials within sixty days after the director's	114654

receipt of the application, the director may return the incomplete 114655
application to the applicant and take no further action on the 114656
application. If the application is returned to the applicant 114657
because it is incomplete, the director shall return the review fee 114658
levied under division (A)(1), (2), or (3) of section 3745.114 of 114659
the Revised Code to the applicant, but shall retain the 114660
application fee levied under that section. 114661

(C) Not later than twenty-one days after a determination that 114662
an application is complete under division (B) of this section, the 114663
applicant shall publish public notice of the director's receipt of 114664
the complete application in a newspaper of general circulation in 114665
the county in which the project that is the subject of the 114666
application is located. The public notice shall be in a form 114667
acceptable to the director. The applicant shall promptly provide 114668
the director with proof of publication. The applicant may choose, 114669
subject to review by and approval of the director, to include in 114670
the public notice an advertisement for an antidegradation public 114671
hearing on the application pursuant to section 6111.12 of the 114672
Revised Code. There shall be a public comment period of thirty 114673
days following the publication of the public notice. 114674

(D) If the director determines that there is significant 114675
public interest in a public hearing as evidenced by the public 114676
comments received concerning the application and by other requests 114677
for a public hearing on the application, the director or the 114678
director's representative shall conduct a public hearing 114679
concerning the application. Notice of the public hearing shall be 114680
published by the applicant, subject to review and approval by the 114681
director, at least thirty days prior to the date of the hearing in 114682
a newspaper of general circulation in the county in which the 114683
project that is the subject of the application is to take place. 114684
If a public hearing is requested concerning an application, the 114685
director shall accept comments concerning the application until 114686

five business days after the public hearing. A public hearing 114687
conducted under this division shall take place not later than one 114688
hundred days after the application is determined to be complete. 114689

(E) The director shall forward all public comments concerning 114690
an application submitted under this section that are received 114691
through the public involvement process required by rules adopted 114692
under this chapter to the applicant not later than five business 114693
days after receipt of the comments by the director. 114694

(F) The applicant shall respond in writing to written 114695
comments or to deficiencies identified by the director during the 114696
course of reviewing the application not later than fifteen days 114697
after receiving or being notified of them. 114698

(G) The director shall issue or deny a section 401 water 114699
quality certification not later than one hundred eighty days after 114700
the complete application for the certification is received. The 114701
director shall provide an applicant for a section 401 water 114702
quality certification with an opportunity to review the 114703
certification prior to its issuance. 114704

(H) The director shall maintain an accessible database that 114705
includes environmentally beneficial water restoration and 114706
protection projects that may serve as potential mitigation 114707
projects for projects in the state for which a section 401 water 114708
quality certification is required. A project's inclusion in the 114709
database does not constitute an approval of the project. 114710

(I) Mitigation required by a section 401 water quality 114711
certification may be accomplished by any of the following: 114712

(1) Purchasing credits at a mitigation bank approved in 114713
accordance with 33 C.F.R. 332.8; 114714

(2) Participating in an in-lieu fee mitigation program 114715
approved in accordance with 33 C.F.R. 332.8; 114716

(3) Constructing individual mitigation projects. 114717

Notwithstanding the mitigation hierarchy specified in section 114718
3745-1-54 of the Administrative Code, mitigation projects shall be 114719
approved in accordance with the hierarchy specified in 33 C.F.R. 114720
332.3 unless the director determines that the size or quality of 114721
the impacted resource necessitates reasonably identifiable, 114722
available, and practicable mitigation conducted by the applicant. 114723
The director shall adopt rules in accordance with Chapter 119. of 114724
the Revised Code consistent with the mitigation hierarchy 114725
specified in 33 C.F.R. 332.3. 114726

(J) The director may establish a program and adopt rules in 114727
accordance with Chapter 119. of the Revised Code for the purpose 114728
of certifying water quality professionals to assess streams to 114729
determine existing aquatic life use and to categorize wetlands in 114730
support of applications for section 401 water quality 114731
certification under divisions (A)(2) and (3) of this section and 114732
isolated wetland permits under sections 6111.022 to 6111.024 of 114733
the Revised Code. The director shall use information submitted by 114734
certified water quality professionals in the review of those 114735
applications. 114736

Rules adopted under this division shall do all of the 114737
following: 114738

(1) Provide for the certification of water quality 114739
professionals to conduct activities in support of applications for 114740
section 401 water quality certification and isolated wetland 114741
permits, including work necessary to determine existing aquatic 114742
life use of streams and categorize wetlands. Rules adopted under 114743
division (J)(1) of this section shall do at least all of the 114744
following: 114745

(a) Authorize the director to require an applicant for water 114746
quality professional certification to submit information 114747

considered necessary by the director to assess a water quality professional's experience in conducting stream assessments and wetlands categorizations; 114748
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(b) Authorize the director to establish experience requirements and to use tests to determine the competency of applicants for water quality professional certification; 114751
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(c) Authorize the director to approve applicants for water quality professional certification who comply with the requirements established in rules and deny applicants that do not comply with those requirements; 114754
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(d) Require the director to revoke the certification of a water quality professional if the director finds that the professional falsified any information on the professional's application for certification regarding the professional's credentials; 114758
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(e) Require periodic renewal of a water quality professional's certification and establish continuing education requirements for purposes of that renewal. 114763
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(2) Establish an annual fee to be paid by water quality professionals certified under rules adopted under division (J)(1) of this section in an amount calculated to defray the costs incurred by the environmental protection agency for reviewing applications for water quality professional certification and for issuing those certifications; 114766
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(3) Authorize the director to suspend or revoke the certification of a water quality professional if the director finds that the professional's performance has resulted in submission of documentation that is inconsistent with standards established in rules adopted under division (J)(7) of this section; 114772
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(4) Authorize the director to review documentation submitted 114778

by a certified water quality professional to ensure compliance 114779
with requirements established in rules adopted under division 114780
(J)(7) of this section; 114781

(5) Require a certified water quality professional to submit 114782
any documentation developed in support of an application for a 114783
section 401 water quality certification or an isolated wetland 114784
permit upon the request of the director; 114785

(6) Authorize random audits by the director of documentation 114786
developed or submitted by certified water quality professionals to 114787
ensure compliance with requirements established in rules adopted 114788
under division (J)(7) of this section; 114789

(7) Establish technical standards to be used by certified 114790
water quality professionals in conducting stream assessments and 114791
wetlands categorizations. 114792

(K) As used in this section and section 6111.31 of the 114793
Revised Code, "section 401 water quality certification" means 114794
certification pursuant to section 401 of the Federal Water 114795
Pollution Control Act and this chapter and rules adopted under it 114796
that any discharge, as set forth in section 401, will comply with 114797
sections 301, 302, 303, 306, and 307 of the Federal Water 114798
Pollution Control Act. 114799

Sec. 6111.44. (A) Except as otherwise provided in division 114800
(B) of this section, in section 6111.14 of the Revised Code, or in 114801
rules adopted under division (G) of section 6111.03 of the Revised 114802
Code, no municipal corporation, county, public institution, 114803
corporation, or officer or employee thereof or other person shall 114804
provide or install sewerage or treatment works for sewage, sludge, 114805
or sludge materials disposal or treatment or make a change in any 114806
sewerage or treatment works until the plans therefor have been 114807
submitted to and approved by the director of environmental 114808
protection. Sections 6111.44 to 6111.46 of the Revised Code apply 114809

to sewerage and treatment works of a municipal corporation or part 114810
thereof, an unincorporated community, a county sewer district, or 114811
other land outside of a municipal corporation or any publicly or 114812
privately owned building or group of buildings or place, used for 114813
the assemblage, entertainment, recreation, education, correction, 114814
hospitalization, housing, or employment of persons. 114815

In granting an approval, the director may stipulate 114816
modifications, conditions, and rules that the public health and 114817
prevention of pollution may require. Any action taken by the 114818
director shall be a matter of public record and shall be entered 114819
in the director's journal. Each period of thirty days that a 114820
violation of this section continues, after a conviction for the 114821
violation, constitutes a separate offense. 114822

(B) Sections 6111.45 and 6111.46 of the Revised Code and 114823
division (A) of this section do not apply to any of the following: 114824

(1) Sewerage or treatment works for sewage installed or to be 114825
installed for the use of a private residence or dwelling; 114826

(2) Sewerage systems, treatment works, or disposal systems 114827
for storm water from an animal feeding facility or manure, as 114828
"animal feeding facility" and "manure" are defined in section 114829
903.01 of the Revised Code; 114830

(3) Residual farm products and manure treatment or disposal 114831
works and related management and conservation practices that are 114832
subject to rules adopted under division (E)(1) of section ~~1511.02~~ 114833
939.02 of the Revised Code. As used in division (B)(3) of this 114834
section, "residual farm products" and "manure" have the same 114835
meanings as in section ~~1511.01~~ 939.01 of the Revised Code. 114836

(4) Sewerage or treatment works for the on-lot disposal or 114837
treatment of sewage from a small flow on-site sewage treatment 114838
system, as defined in section 3718.01 of the Revised Code, if the 114839
board of health of a city or general health district has notified 114840

the director of health and the director of environmental 114841
protection under section 3718.021 of the Revised Code that the 114842
board has chosen to regulate the system, provided that the board 114843
remains in compliance with the rules adopted under division 114844
(A)(13) of section 3718.02 of the Revised Code. 114845

The exclusions established in divisions (B)(2) and (3) of 114846
this section do not apply to the construction or installation of 114847
disposal systems, as defined in section 6111.01 of the Revised 114848
Code, that are located at an animal feeding facility and that 114849
store, treat, or discharge wastewaters that do not include storm 114850
water or manure or that discharge to a publicly owned treatment 114851
works. 114852

Sec. 6111.99. (A) Whoever purposely violates section 6111.04, 114853
6111.042, 6111.05, or division (A) or (C) of section 6111.07 of 114854
the Revised Code is guilty of a felony and shall be fined not more 114855
than twenty-five thousand dollars or imprisoned not more than ~~one~~ 114856
~~year~~ four years, or both. Each day of violation is a separate 114857
offense. 114858

(B) Whoever knowingly violates section 6111.04, 6111.042, 114859
6111.045 ~~or,~~ 6111.047, 6111.05, 6111.45, or division (A) or (C) of 114860
section 6111.07 of the Revised Code is guilty of a misdemeanor and 114861
shall be fined not more than ten thousand dollars or imprisoned 114862
not more than one year, or both. Each day of violation is a 114863
separate offense. 114864

(C) Whoever violates section ~~6111.45 or~~ 6111.46 of the 114865
Revised Code shall be fined not more than five hundred dollars. 114866

(D) ~~Whoever violates division (C) of section 6111.07 of the~~ 114867
~~Revised Code shall be fined not more than twenty five thousand~~ 114868
~~dollars.~~ 114869

~~(E)~~ Whoever violates section 6111.42 of the Revised Code 114870

shall be fined not more than one hundred dollars for a first 114871
offense; for each subsequent offense, the person shall be fined 114872
not more than one hundred fifty dollars. 114873

~~(F)~~(E) Whoever violates section 6111.44 of the Revised Code 114874
shall be fined not more than ~~one hundred~~ ten thousand dollars. 114875
Each day of violation is a separate offense. 114876

(F) If a person is convicted of or pleads guilty to a 114877
violation of any section of this chapter, in addition to the 114878
financial sanctions authorized by this chapter or section 2929.18 114879
or 2929.28 or any other section of the Revised Code, the court 114880
imposing the sentence on the person may order the person to 114881
reimburse the state agency or a political subdivision for any 114882
actual costs that it incurred in responding to the violation, 114883
including the cost of restoring affected aquatic resources or 114884
otherwise compensating for adverse impact to aquatic resources 114885
directly caused by the violation, but not including the costs of 114886
prosecution. 114887

Sec. 6112.01. As used in ~~sections 6112.01 to 6112.05,~~ 114888
~~inclusive, of the Revised Code~~ this chapter: 114889

(A) "Sewage" means any substance that contains any of the 114890
waste products or excrementitious or other discharge from the 114891
bodies of human beings or animals, which pollutes the waters of 114892
the state. 114893

(B) "Industrial waste" means any liquid, gaseous, or solid 114894
waste substance resulting from any process of industry, 114895
manufacture, trade, or business, or from the development, 114896
processing, or recovery of any natural resource, together with 114897
such sewage as is present, which pollutes the waters of the state. 114898

(C) "Other wastes" means garbage, refuse, decayed wood, 114899
sawdust shavings, bark, and other wood debris, lime (except 114900

hydrated or dehydrated lime), sand, ashes, offal, night soil, oil, 114901
tar, coal dust, or silt, and other substances ~~which~~ that are not 114902
~~included within the definitions of sewage and or~~ industrial waste 114903
~~set forth in this section~~, which pollute the waters of the state. 114904

(D) "Sewerage system" means ~~pipe lines~~ pipelines or conduits, 114905
pumping stations, and force mains, and all other constructions, 114906
devices, appurtenances, and facilities that are used for 114907
collecting or conducting water-borne sewage, industrial waste, or 114908
other wastes to a point of disposal or treatment. 114909

(E) "Treatment works" means any plant, disposal field, 114910
lagoon, dam, pumping station, incinerator, or other works used for 114911
the purpose of treating, stabilizing, or holding sewage, 114912
industrial waste, or other wastes. 114913

(F) "Disposal system" means a system for disposing of sewage, 114914
industrial waste, or other wastes, and includes sewerage systems 114915
and treatment works. 114916

(G) "Waters of the state" mean all streams, lakes, ponds, 114917
marshes, watercourses, waterways, wells, springs, irrigation 114918
systems, drainage systems, and all other bodies or accumulations 114919
of water, surface and underground, natural or artificial, ~~which~~ 114920
that are situated wholly or partly within, or border upon, this 114921
state, or are within its jurisdiction, except those private waters 114922
~~which~~ that do not combine or effect a junction with natural 114923
surface or underground waters. 114924

~~(H) "Person" means a person, firm, partnership, association,~~ 114925
~~or corporation, other than a county, township, municipal~~ 114926
~~corporation, or other political subdivision.~~ 114927

Sec. 6112.03. Applications for approval of plans for the 114928
construction and installation of facilities under this chapter 114929
shall be made in the manner and form prescribed by the director of 114930

environmental protection and shall be accompanied by plans, 114931
specifications, and other data that the director may require 114932
relative to the facilities for which approval of plans is 114933
requested. Thereafter, the director shall review and act upon the 114934
application in accordance with law and the rules adopted ~~pursuant~~ 114935
~~thereto~~ under section 6111.03 of the Revised Code. 114936

Sec. 6112.06. (A) As used in this section: 114937

(1) "Health district" means a city or general health district 114938
as created by or under authority of Chapter 3709. of the Revised 114939
Code. 114940

(2) "Household sewage treatment system" has the same meaning 114941
as in section 3718.01 of the Revised Code and includes a household 114942
sewage disposal system as defined in rule 3701-29-01 of the 114943
Administrative Code. 114944

(3) "Property owner" means a person who owns property that is 114945
served by a household sewage treatment system. 114946

(4) "Repair" has the same meaning as in rules adopted under 114947
Chapter 3718. of the Revised Code. 114948

(B) A person that intends to design and install a sewerage 114949
system under section 6112.03 of the Revised Code simultaneously 114950
shall notify by certified mail each property owner and the board 114951
of health of the health district in which the property owner's 114952
parcel of property is located of the person's intention to design 114953
and install a sewerage system if the owner or operator of the 114954
sewerage system has determined that the parcel of property is 114955
reasonably accessible to the sewerage system and the property 114956
owner may be required to connect to it. The notice shall be sent 114957
not later than two hundred seventy days before the person submits 114958
an application for a permit to install for the sewerage system in 114959
accordance with Chapter 6111. of the Revised Code and rules 114960

adopted under it. The notice shall include a statement indicating 114961
that if the property owner chooses to postpone connection to the 114962
sewerage system after receiving the notice, the cost of connecting 114963
to the sewerage system in the future may be higher. 114964

(C) Except as provided in division (E) of this section, a 114965
property owner who receives a notice under division (B) of this 114966
section may elect to postpone connection to the sewerage system 114967
specified in the notice for a period of not more than fifteen 114968
years from the date on which the property owner receives a notice 114969
from the owner or operator of the sewerage system that the 114970
sewerage system is substantially complete in accordance with 114971
division (G) of this section if both of the following apply: 114972

(1) The property owner notifies the owner or operator of the 114973
sewerage system and the board of health of the health district in 114974
which the affected parcel of property is located that the property 114975
owner elects to postpone connection to the specified sewerage 114976
system. The notice shall be in writing and shall be sent by 114977
certified mail not later than sixty days after the property owner 114978
has received a notice under division (B) of this section. Not 114979
later than one hundred eighty days after the board of health 114980
receives the notice, the board shall evaluate the household sewage 114981
treatment system serving the affected parcel of property to 114982
determine if the system operates and is maintained in accordance 114983
with Chapter 3718. of the Revised Code and with rules adopted 114984
under that chapter by the director of health and by the board, if 114985
any. The property owner is responsible for reasonable costs of the 114986
evaluation. 114987

If the property owner is aware that the property will be 114988
vacant at any time during the one-hundred-eighty-day period, the 114989
property owner shall notify the board of health of the dates 114990
during which the property will be vacant. In order for the 114991
required inspection to occur, the property owner shall ensure that 114992

the property is occupied for at least ninety consecutive days 114993
within the one-hundred-eighty-day period and shall notify the 114994
board of health of the dates of occupancy. Failure to so notify 114995
the board or so occupy the property constitutes termination of the 114996
authorization under this section for the property owner to elect 114997
to postpone connection to the sewerage system. 114998

(2) The applicable board of health determines under division 114999
(C)(1) of this section that the household sewage treatment system 115000
operates and is maintained in accordance with Chapter 3718. of the 115001
Revised Code and with rules adopted under that chapter by the 115002
director and by the board, if any. The board shall so notify the 115003
property owner and the owner or operator of the sewerage system. 115004
However, if the board determines that a nuisance exists under 115005
section 3718.011 of the Revised Code, the board shall so notify 115006
the property owner. If the board determines that repairs will 115007
eliminate the nuisance, the person may make those repairs to the 115008
system, but shall do so within sixty days after receiving the 115009
notice. The board shall extend the sixty-day period if weather 115010
conditions prevent the repair from being made. 115011

The property owner shall connect to the sewerage system if 115012
the board of health determines either that repairs will not 115013
eliminate the nuisance or that, after repairs have been made, the 115014
nuisance has not been eliminated. 115015

(D)(1) Division (C) of this section does not apply to a 115016
household sewage treatment system that is either a discharging 115017
system or within an area subject to final findings and orders 115018
issued by the director of environmental protection under Chapter 115019
6111. or 6117. of the Revised Code. The notification required by 115020
division (B) of this section shall be issued to an applicable 115021
property owner regardless of whether the property owner's system 115022
is a discharging system or inside such an area. 115023

(2) For purposes of this section, a discharging system is one 115024

of the following: 115025

(a) A household sewage treatment system for which coverage 115026
under an NPDES permit has been issued or granted under Chapter 115027
6111. of the Revised Code and rules adopted under it; 115028

(b) A household sewage treatment system for which coverage 115029
under an NPDES permit would be required, but that has not been 115030
issued or granted such a permit. 115031

(E) A property owner that has elected to postpone connection 115032
to a sewerage system in accordance with division (C) of this 115033
section shall ensure that the household sewage treatment system 115034
serving the property is maintained and operated in accordance with 115035
Chapter 3718. of the Revised Code and rules adopted under it for 115036
fifteen years from the date on which the property owner receives 115037
notice from the owner or operator of the sewerage system that the 115038
sewerage system is substantially complete in accordance with 115039
division (G) of this section. A property owner that elects to 115040
postpone connection to a sewerage system in accordance with 115041
division (B) of this section subsequently shall abandon the 115042
household sewage treatment system serving the property in 115043
accordance with rules adopted under Chapter 3718. of the Revised 115044
Code and connect to the sewerage system not later than fifteen 115045
years from the date on which the property owner receives notice 115046
that the sewerage system is substantially complete in accordance 115047
with division (G) of this section. However, if at any time during 115048
the fifteen-year period the system is not operating in accordance 115049
with Chapter 3718. of the Revised Code or rules adopted or orders 115050
issued under that chapter, the board of health shall notify the 115051
property owner. If the system cannot be brought into compliance 115052
with the chapter, rules, or orders through a repair made within 115053
sixty days after the property owner receives the notice, the 115054
property owner shall abandon the system and connect to the 115055
sewerage system. The board shall extend the sixty-day period if 115056

weather conditions prevent the repair from being made. 115057

If the property owner transfers ownership of the affected 115058
parcel of property during the fifteen-year period and the parcel 115059
of property has not yet been connected to the sewerage system, the 115060
transferor shall notify the transferee of the requirement to 115061
connect to the sewerage system and of the date by which connection 115062
must occur. The notice shall be a written affidavit. The county 115063
recorder shall index and record a copy of the affidavit in 115064
accordance with section 317.08 of the Revised Code and in the same 115065
manner and receive the same fees as for deeds. The transferee is 115066
subject to the connection requirement established in this 115067
division. 115068

A person that fails to comply with this division is subject 115069
to the same enforcement procedures and penalties as if the person 115070
violated Chapter 3718. of the Revised Code or rules adopted or 115071
orders issued under it. 115072

(F) If a connection tap to a sewerage system is installed at 115073
a parcel of property at the time of construction of the sewerage 115074
system, the property owner, regardless of whether the property 115075
owner has elected to postpone connection to the sewerage system 115076
under this section, shall pay the costs of the installation of the 115077
connection tap in accordance with one of the following: 115078

(1) Pay the total amount at the time of the installation of 115079
the connection tap; 115080

(2) Make incremental payments in accordance with a payment 115081
plan agreed to by the applicable political subdivision that has 115082
acquired or will acquire the sewerage system; 115083

(3) Pay the total amount at any time the parcel of property 115084
is required to connect to the sewerage system under this section. 115085

(G) When a sewerage system has been substantially completed, 115086
the owner or operator of the sewerage system shall send a notice 115087

of the substantial completion to all property owners who elect to 115088
postpone connection to the sewerage system under this section. 115089

Sec. 6117.021. At any time after the formation of a county 115090
sewer district, the board of county commissioners may enter into a 115091
contract, on terms and for the period of time that are mutually 115092
agreed on, with any other public agency under which the public 115093
agency will conduct projects and activities for the purpose of 115094
complying with the requirements of phase II of the storm water 115095
program of the national pollutant discharge elimination system 115096
established in 40 C.F.R. part 122. 115097

Sec. 6117.062. (A)(1) A board of county commissioners may 115098
apply to the Ohio public works commission created by section 115099
164.02 of the Revised Code for an advance of money from the sewer 115100
development advancement fund created by section 164.13 of the 115101
Revised Code in an amount equal to that portion of the costs of an 115102
improvement authorized under sections 6117.01 to 6117.45 of the 115103
Revised Code that is to be financed by assessments whose 115104
collection is deferred pursuant to division (B) of this section. 115105
The application for such an advance of moneys shall be made in the 115106
manner prescribed in policies and procedures established by the 115107
director of the commission. 115108

(2) As used in this section, "assessments" includes 115109
assessments attributable to tap-in charges under this section and 115110
other tap-in fees and any combination of such assessments, fees, 115111
and charges authorized under section 6117.02 or 6117.06 of the 115112
Revised Code. 115113

(B) At any time prior to the expiration of the five-day 115114
period provided by section 6117.06 of the Revised Code for the 115115
filing of written objections, any owner of property ~~which~~ that is 115116
classified on the general tax list of the county auditor as 115117

agricultural land and has been assessed for the extension of a 115118
trunk sewer line over or along such property under sections 115119
6117.01 to 6117.45 of the Revised Code may file with the board of 115120
county commissioners a request in writing for deferment of the 115121
collection of the assessment if the trunk sewer line provides 115122
sewer facilities to aid in the establishment of new industrial 115123
plants, the expansion of existing industrial plants, or such other 115124
industrial development, or provides sewer facilities to aid in the 115125
establishment of commercial and residential developments. ~~Such~~ 115126
~~request shall identify~~ The owner of property shall ensure the 115127
request does all of the following: 115128

(1) Identifies the property in connection with which the 115129
request for deferment is made, ~~shall describe its;~~ 115130

(2) Describes the property's present use and present 115131
classification on the general tax list of the county auditor, ~~shall state its;~~ 115132
115133

(3) States the property's estimated market value, showing 115134
separately the value of the land and the value of the buildings 115135
thereon, ~~shall state;~~ 115136

(4) States the reasons, if any, why a portion of the benefit 115137
of the improvement will not be realized until the use of the land 115138
is changed, ~~and shall state;~~ 115139

(5) States the amount to be deferred. ~~The~~ 115140

The board shall promptly consider such request and may order 115141
the deferment of the collection of that portion of the assessment 115142
representing a benefit from the improvement which will not be 115143
realized until the use of the land is changed. The board may, upon 115144
request of an owner whose property has been assessed for the 115145
extension of a trunk sewer line over or along such property under 115146
sections 6117.01 to 6117.45 of the Revised Code, defer all or any 115147
part of the assessment on property ~~which~~ that is classified on the 115148

general tax list as agricultural land, by attributing the amount 115149
of such assessment or part thereof as tap-in charges, if the trunk 115150
sewer line provides sewer facilities to aid in the establishment 115151
of new industrial plants, the expansion of existing industrial 115152
plants, or such other industrial development, or provides sewer 115153
facilities to aid in the establishment of commercial and 115154
residential developments. ~~Upon~~ A deferment under this section may 115155
be conditioned on the approval of the advance of money applied for 115156
under division (A) of this section, and a maximum length of the 115157
deferment may be fixed to coincide with the maximum time within 115158
which the advance must be repaid. The decision on the request for 115159
deferment of collection of assessments shall be made pursuant to 115160
standards prescribed in policies and procedures established by the 115161
director of the commission. 115162

Upon determination and approval of final assessments, the 115163
board of county commissioners shall certify all deferred 115164
assessments and a fee equal to two per cent of the amount of the 115165
deferred assessments to the county auditor. For purposes of this 115166
section, "assessment," "deferred assessment," or "assessment 115167
deferred under this section" mean the fee and the deferred 115168
assessment certified to the county auditor. The county auditor 115169
shall record an assessment deferred under this section in the 115170
sewer improvement record. Such record shall be kept until such 115171
time as the assessments are paid in full or certified for 115172
collection in installments as provided in this section. During the 115173
time when the assessment is deferred there shall be a lien on the 115174
property assessed, which lien shall arise at the time of 115175
recordation by the county auditor and which shall be in force 115176
until the assessments are paid in full or certified for collection 115177
in installments. 115178

~~(B)~~(C) The board of county commissioners shall defer the 115179
collection of an assessment, except the amount of such assessment 115180

or part thereof attributable as tap-in charges, ~~which~~ that has 115181
been deferred pursuant to division ~~(A)~~(B) of this section on or 115182
before January 1, 1987, beyond the expiration of the maximum time 115183
for the original deferment if the property owner requests in 115184
writing, no later than six months prior to the expiration of the 115185
original deferment, that the assessment be further deferred and as 115186
long as the property owner's land could qualify for placement in 115187
an agricultural district pursuant to section 929.02 of the Revised 115188
Code. 115189

The board shall regularly review the use and ownership of the 115190
property for which the collection of assessments has been deferred 115191
pursuant to this division, and upon finding that the land could no 115192
longer qualify for placement in an agricultural district pursuant 115193
to section 929.02 of the Revised Code, the board shall immediately 115194
collect, without interest unless payment is late as determined by 115195
the board, the full amount of the assessment deferred and repay 115196
the commission the amount of any money advanced by it in regard to 115197
the assessment. The board shall pay all such amounts to the 115198
commission in one annual payment or during a longer period as 115199
approved by the director of the commission. The board shall pay, 115200
from county funds, interest annually at a rate determined by the 115201
director of the commission at the time the advance is made, not to 115202
exceed four per cent per annum, for any money not repaid to the 115203
commission pursuant to this division within one year of the date 115204
of the disqualification of the property for the continual 115205
deferment that requires such repayment. 115206

~~(C)~~(D) The board of county commissioners shall send a notice 115207
by regular or certified mail to all owners of property on which 115208
assessments have been deferred pursuant to division ~~(A)~~(B) of this 115209
section, which lists the expiration of the deferment, not later 115210
than two hundred ten days prior to the expiration of the deferment 115211
of those assessments. 115212

~~(D)~~ (E) Except as provided in this division, the board 115213
shall collect assessments, without interest unless payment is late 115214
as determined by the board, which that have been deferred pursuant 115215
to division ~~(A)~~(B) of this section upon expiration of the maximum 115216
time for which deferments were made; ~~provided that for and repay~~ 115217
the commission the amount of any money advanced by it in regard to 115218
such assessments. For a property owner who requests in writing, no 115219
later than six months prior to the expiration of the deferment 115220
period, that payment of the deferred assessments be in 115221
installments, the board of county commissioners upon expiration of 115222
the deferment period may by resolution further certify for 115223
collection pursuant to section 6117.33 of the Revised Code, such 115224
deferred assessments in installments over not more than twenty 115225
years, as determined by the board, together with interest thereon 115226
each year on the unpaid balance at the same rate borne by bonds of 115227
the county ~~which that~~ shall be issued in anticipation thereof as 115228
provided in Chapter 133. of the Revised Code, and the proceeds of 115229
the bond issue used to repay such deferred assessments to the 115230
commission. Prior to the expiration of the maximum time of 115231
deferment, the board shall regularly review the use of the 115232
property for which the collection of assessments has been deferred 115233
and upon finding, pursuant to policies and procedures established 115234
by the director of the commission, that the use of the land has 115235
changed from the use at the time of the deferment so that the 115236
benefit of the improvement can then be realized, the board shall 115237
immediately collect the full amount of the assessment for the 115238
portion of the property for which the use has so changed, without 115239
interest unless payment is late as determined by the board, and 115240
repay the commission the amount of any money advanced by it in 115241
regard to the assessment. The board shall pay all such amounts to 115242
the commission in one annual payment or during a longer period as 115243
approved by the commission. The board shall pay, from county 115244
funds, interest annually at a rate determined by the director of 115245

the commission at the time the advance is made, not to exceed four 115246
per cent per annum, for any money not repaid to the commission 115247
pursuant to this division within one year of the date of the 115248
change in the use of property requiring such repayment, or of the 115249
date on which payment of a tap-in charge is required by law to be 115250
made, whichever date is applicable. 115251

Sec. 6117.51. If the board of health of the health district 115252
within which a new public sewer construction project is proposed 115253
or located passes a resolution stating that the reason for the 115254
project is to reduce or eliminate an existing health problem or a 115255
hazard of water pollution, the board of county commissioners of 115256
the county, by resolution, may order the owner of any premises 115257
located in a sewer district in the county, the owner's agent, 115258
lessee, or tenant, or any other occupant of the premises to 115259
connect the premises to the sewer for the purpose of discharging 115260
sewage or other waste that the board determines is originating on 115261
the premises, to make use of the connection, and to cease the 115262
discharge of the sewage or other waste into a cesspool, ditch, 115263
private sewer, privy, septic tank, semipublic disposal system as 115264
defined in division (B)(1)(a) of section 3709.085 of the Revised 115265
Code, or other outlet if the board finds that the sewer is 115266
available for use and is accessible to the premises following a 115267
determination and certification to the board by a registered 115268
professional engineer designated by it as to the availability and 115269
accessibility of the sewer. This section does not apply to any of 115270
the following: 115271

(A) Any discharge authorized by a permit issued under 115272
division (J) of section 6111.03 of the Revised Code other than a 115273
discharge to or from a semipublic disposal system as defined in 115274
division (B)(1)(a) of section 3709.085 of the Revised Code; 115275

(B) Wastes resulting from the keeping of animals; 115276

(C) Any premises that are not served by a common sewage collection system when the foundation wall of the structure from which sewage or other waste originates is more than two hundred feet from the nearest boundary of the right-of-way within which the sewer is located;

(D) Any premises that are served by a common sewage collection system when both the foundation wall of the structure from which the sewage or other waste originates and the common sewage collection system are more than two hundred feet from the nearest boundary of the right-of-way within which the public sewer is located;

(E) Any dwelling house located on property that is listed on the county's agricultural land tax list as being valued for tax purposes as land devoted exclusively to agricultural use under section 5713.31 of the Revised Code, when the foundation wall of the dwelling house is two hundred feet or less from the nearest boundary of the right-of-way within which the sewer is located, if both of the following also apply:

(1) The sewer right-of-way for the property on which the dwelling house is located was obtained by appropriation due to a public exigency pursuant to division (B) of section 307.08, 6101.181, 6115.211, 6117.39, or 6119.11 of the Revised Code.

(2) The local health department has certified that the household sewage disposal system is functioning properly.

The board shall not direct an order under this section to a resident tenant unless it determines that the terms of the tenancy are such that the owner lacks sufficient rights of access to permit the owner to comply with the terms of the order.

~~An~~ Except as provided in section 6117.52 of the Revised Code, an owner, agent, lessee, tenant, or occupant shall comply with the order of the board within ninety days after the completion of

service of the order upon that person as provided in this section. 115308
The board, upon written application filed prior to the expiration 115309
of the ninety-day period, may waive compliance with any order 115310
either temporarily or permanently and conditionally or 115311
unconditionally. 115312

The order shall include a statement indicating that if after 115313
receiving the order a person chooses to postpone connection to the 115314
public sewer in accordance with section 6117.52 of the Revised 115315
Code, the cost of connecting to the public sewer in the future may 115316
be higher. 115317

In its resolution, the board shall direct its clerk, or the 115318
clerk's designee, to serve its order upon the owner, agent, 115319
lessee, tenant, or occupant. Service of the order shall be made 115320
personally, by leaving the order at the usual place of residence 115321
with a person of suitable age and discretion then residing 115322
therein, or by certified mail addressed to the owner, agent, 115323
lessee, tenant, or occupant at that person's last known address or 115324
to the address to which tax bills are sent. If it appears by the 115325
return of service or the return of the order forwarded by 115326
certified mail that the owner, agent, lessee, tenant, or occupant 115327
cannot be found, that person shall be served by publication of the 115328
order once in a newspaper of general circulation within the 115329
county, or if that person refuses service, that person shall be 115330
served by ordinary mail addressed to that person's last known 115331
address or to the address to which tax bills are sent. The return 115332
of the person serving the order or a certified copy of the return, 115333
or a returned receipt for the order forwarded by certified mail 115334
accepted by the addressee or anyone purporting to act for the 115335
addressee, is prima-facie evidence of the service of the order 115336
under this section. The return of the person attempting to serve 115337
the order, or the return to the sender of the order forwarded by 115338
certified mail with an indication on the return of the refusal of 115339

the addressee to accept delivery, is prima-facie evidence of the 115340
refusal of service. 115341

No owner, agent, lessee, tenant, or occupant shall violate an 115342
order issued under this section. Upon request of the board, the 115343
prosecuting attorney shall prosecute in a court of competent 115344
jurisdiction any owner, agent, lessee, tenant, or occupant who 115345
violates an order issued under this section. Each day that a 115346
violation continues after conviction for the violation of an order 115347
issued under this section and the final determination thereof is a 115348
separate offense. The court, for good cause shown, may grant a 115349
reasonable additional period of time for compliance after 115350
conviction. 115351

Any owner, agent, lessee, tenant, or occupant violating an 115352
order issued under this section also may be enjoined from 115353
continuing in violation. Upon request of the board, the 115354
prosecuting attorney shall bring an action in a court of competent 115355
jurisdiction for an injunction against the owner, agent, lessee, 115356
tenant, or occupant violating an order. 115357

The Ohio water development authority created under section 115358
6121.02 of the Revised Code, in addition to its other powers, has 115359
the same power and shall be governed by the same procedures in a 115360
waste water facilities service area, or in any area adjacent to a 115361
public sewer operated by the authority, as a board of county 115362
commissioners in a county sewer district under this section, 115363
except that the authority shall act by order, and the attorney 115364
general, upon request of the authority, shall prosecute any person 115365
who violates an order of the authority issued under this section. 115366

Sec. 6117.52. (A) As used in this section: 115367

(1) "Household sewage treatment system" has the same meaning 115368
as in section 3718.01 of the Revised Code and includes a household 115369
sewage disposal system as defined in rule 3701-29-01 of the 115370

Administrative Code. 115371

(2) "Property owner" means a person who owns property that is served by a household sewage treatment system. 115372
115373

(3) "Repair" has the same meaning as in rules adopted under Chapter 3718. of the Revised Code. 115374
115375

(B) Except as provided in division (D) of this section, a property owner who receives an order issued under section 6117.51 of the Revised Code may elect to postpone connection to the public sewer specified in the order for a period of not more than fifteen years from the date on which the property owner receives a notice from the board of county commissioners that the public sewer is substantially complete in accordance with division (F) of this section if both of the following apply: 115376
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(1) The property owner notifies the board of county commissioners and the board of health of the health district in which the property owner's parcel of property is located that the property owner elects to postpone connection to the specified public sewer. The notice shall be in writing and shall be sent by certified mail not later than sixty days after the property owner has received an order issued under section 6117.51 of the Revised Code. Not later than one hundred eighty days after the board of health receives the notice, the board shall evaluate the household sewage treatment system serving the affected parcel of property to determine if the system operates and is maintained in accordance with Chapter 3718. of the Revised Code and with rules adopted under that chapter by the director of health and by the board, if any. The property owner is responsible for reasonable costs of the evaluation. 115384
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If the property owner is aware that the property will be vacant at any time during the one-hundred-eighty-day period, the property owner shall notify the board of health of the dates 115399
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during which the property will be vacant. In order for the 115402
required inspection to occur, the property owner shall ensure that 115403
the property is occupied for at least ninety consecutive days 115404
within the one-hundred-eighty-day period and shall notify the 115405
board of health of the dates of occupancy. Failure to so notify 115406
the board or so occupy the property constitutes termination of the 115407
authorization under this section for the property owner to elect 115408
to postpone connection to the public sewer. 115409

(2) The applicable board of health determines under division 115410
(B)(1) of this section that the household sewage treatment system 115411
operates and is maintained in accordance with Chapter 3718. of the 115412
Revised Code and with rules adopted under that chapter by the 115413
director and by the board, if any. The board shall so notify the 115414
property owner and the board of county commissioners. However, if 115415
the board of health determines that a nuisance exists under 115416
section 3718.011 of the Revised Code, the board shall so notify 115417
the property owner. If the board determines that repairs will 115418
eliminate the nuisance, the property owner may make those repairs 115419
to the system, but shall do so within sixty days after receiving 115420
the notice. The board shall extend the sixty-day period if weather 115421
conditions prevent the repair from being made. 115422

The property owner shall connect to the public sewer if the 115423
board of health determines either that repairs will not eliminate 115424
the nuisance or that, after repairs have been made, the nuisance 115425
has not been eliminated. 115426

(C)(1) Division (B) of this section does not apply to a 115427
household sewage treatment system that is either a discharging 115428
system or within an area subject to final findings and orders 115429
issued by the director of environmental protection under this 115430
chapter or Chapter 6111. of the Revised Code. 115431

(2) For purposes of this section, a discharging system is one 115432
of the following: 115433

(a) A household sewage treatment system for which coverage under an NPDES permit has been issued or granted under Chapter 6111. of the Revised Code and rules adopted under it; 115434
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(b) A household sewage treatment system for which coverage under an NPDES permit would be required, but that has not been issued or granted such a permit. 115437
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(D) A property owner that has elected to postpone connection to a public sewer in accordance with division (B) of this section shall ensure that the household sewage treatment system serving the property is maintained and operated in accordance with Chapter 3718. of the Revised Code and rules adopted under it for fifteen years from the date on which the property owner receives notice from the board of county commissioners that the public sewer is substantially complete in accordance with division (F) of this section. A property owner that elects to postpone connection to a public sewer in accordance with division (B) of this section subsequently shall abandon the household sewage treatment system serving the property in accordance with rules adopted under Chapter 3718. of the Revised Code and connect to the public sewer not later than fifteen years from the date on which the property owner receives notice that the public sewer is substantially complete in accordance with division (F) of this section. However, if at any time during the fifteen-year period the system is not operating in accordance with Chapter 3718. of the Revised Code or rules adopted or orders issued under that chapter, the board of health shall so notify the property owner. If the system cannot be brought into compliance with the chapter, rules, or orders through a repair made within sixty days after the property owner receives the notice, the property owner shall abandon the system and connect to the public sewer. The board shall extend the sixty-day period if weather conditions prevent the repair from being made. 115440
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If the property owner transfers ownership of the affected 115465

parcel of property during the fifteen-year period and the parcel 115466
of property has not yet been connected to the public sewer, the 115467
transferor shall notify the transferee of the requirement to 115468
connect to the public sewer and of the date by which connection 115469
must occur. The notice shall be a written affidavit. The county 115470
recorder shall index and record a copy of the affidavit in 115471
accordance with section 317.08 of the Revised Code and in the same 115472
manner and receive the same fees as for deeds. The transferee is 115473
subject to the connection requirement established in this 115474
division. 115475

A person that fails to comply with this division is subject 115476
to the same enforcement procedures and penalties as if the person 115477
violated Chapter 3718. of the Revised Code or rules adopted or 115478
orders issued under it. 115479

(E) If a connection tap to a public sewer is installed at a 115480
parcel of property at the time of construction of the public 115481
sewer, the property owner, regardless of whether the owner has 115482
elected to postpone connection to the public sewer under this 115483
section, shall pay the costs of the installation of the connection 115484
tap in accordance with one of the following: 115485

(1) Pay the total amount at the time of the installation of 115486
the connection tap; 115487

(2) Make incremental payments in accordance with a payment 115488
plan agreed to by the board of county commissioners; 115489

(3) Pay the total amount at any time the parcel of property 115490
is required to connect to the public sewer under this section. 115491

(F) When a public sewer has been substantially completed, the 115492
applicable board of county commissioners shall send a notice of 115493
the substantial completion to all property owners who elect to 115494
postpone connection to the public sewer under this section. 115495

Sec. 6117.521. (A)(1) A board of county commissioners may 115496
apply to the Ohio public works commission created by section 115497
164.02 of the Revised Code for an advance of money from the sewer 115498
development advancement fund created by section 164.13 of the 115499
Revised Code in an amount equal to that portion of the costs of an 115500
improvement authorized under this chapter that is to be financed 115501
by assessments whose collection is deferred because an owner of a 115502
parcel of property has elected to postpone connection to a public 115503
sewer and is authorized to do so in accordance with section 115504
6117.52 of the Revised Code. The application for such an advance 115505
of money shall be made in the manner prescribed in policies and 115506
procedures established by the director of the commission. 115507

(2) As used in this section, "assessments" includes 115508
assessments attributable to tap-in charges under section 6117.062 115509
of the Revised Code and other tap-in charges or fees and any 115510
combination of such assessments, fees, and charges authorized 115511
under section 6117.06 of the Revised Code. 115512

(B) The county auditor shall record an assessment deferred as 115513
described in division (A) of this section in the sewer improvement 115514
record. The record shall be kept until such time as the 115515
assessments are paid in full. During the time when an assessment 115516
is deferred, there shall be a lien on the property assessed, which 115517
shall arise at the time of recording by the county auditor and 115518
shall be in force until the assessments are paid in full. 115519

(C) The board of county commissioners regularly shall review 115520
whether property for which the collection of assessments has been 115521
deferred as described in division (A) of this section is connected 115522
to a public sewer. Upon finding that the owner of a parcel of 115523
property is required to connect to a public sewer for any reason, 115524
the board immediately shall collect, without interest unless 115525
payment is late as determined by the board, the full amount of the 115526

deferred assessment. The board shall repay the amount of any money 115527
advanced by the commission in the full amount within thirty years 115528
of the date of the advance in one lump sum. No interest shall 115529
accrue for the first fifteen years after the date of the advance. 115530
Beginning on the first day of the sixteenth year after the date of 115531
the advance, interest shall be assessed on the amount not repaid 115532
to the commission at an interest rate determined by the director 115533
of the commission at the time the advance is made, not to exceed 115534
four per cent per annum. 115535

(D) Unless an owner of a parcel of property is required to 115536
connect to a public sewer because either the applicable board of 115537
health determines that a nuisance exists under section 3718.011 of 115538
the Revised Code or the owner voluntarily elects to connect to the 115539
public sewer before the end of the fifteen-year period established 115540
in division (D) of section 6117.52 of the Revised Code, the board 115541
of county commissioners, not later than two hundred ten days prior 115542
to the expiration of the deferment of assessments on that 115543
property, shall send a notice by regular or certified mail to the 115544
owner of the property that specifies the expiration date of the 115545
deferment. 115546

Sec. 6117.522. A public entity with authority to levy special 115547
assessments, tap-in charges or fees, or a combination thereof on 115548
real property shall not collect an assessment, tap-in charge or 115549
fee, or combination thereof for purposes of sewer service on real 115550
property concerning which the owner of the property has elected to 115551
postpone connection to a public sewer in accordance with section 115552
6117.52 of the Revised Code until the property owner is required 115553
to connect to the public sewer under that section. 115554

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Sec. 6119.60. (A) As used in this section: 115556

(1) "Health district" means a city or general health district as created by or under authority of Chapter 3709. of the Revised Code. 115557
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(2) "Household sewage treatment system" has the same meaning as in section 3718.01 of the Revised Code and includes a household sewage disposal system as defined in rule 3701-29-01 of the Administrative Code. 115560
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(3) "Property owner" means a person who owns property that is served by a household sewage treatment system. 115564
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(4) "Repair" has the same meaning as in rules adopted under Chapter 3718. of the Revised Code. 115566
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(B) The board of trustees of a regional water and sewer district that orders the preparation of design plans for a sewerage system under this chapter simultaneously shall notify by certified mail each property owner and the board of health of the health district in which the property owner's parcel of property is located of the intention of the board of trustees to install the sewerage system if the board of trustees has determined that the parcel of property is reasonably accessible to the sewerage system and the property owner may be required to connect to it. The notice shall include a statement indicating that if the property owner chooses to postpone connection to the sewerage system after receiving the notice, the cost of connecting to the sewerage system in the future may be higher. 115568
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(C) Except as provided in division (E) of this section, a property owner who receives a notice under division (B) of this section may elect to postpone connection to the sewerage system specified in the notice for a period of not more than fifteen years from the date on which the property owner receives a notice from the board of trustees of the regional water and sewer district that the sewerage system is substantially complete in 115581
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accordance with division (G) of this section if both of the 115588
following apply: 115589

(1) The property owner notifies the board of trustees of the 115590
regional water and sewer district and the board of health of the 115591
health district in which the affected parcel of property is 115592
located that the property owner elects to postpone connection to 115593
the specified sewerage system. The notice shall be in writing and 115594
shall be sent by certified mail not later than sixty days after 115595
the property owner has received a notice under division (B) of 115596
this section. Not later than one hundred eighty days after the 115597
board of health receives the notice, the board shall evaluate the 115598
household sewage treatment system serving the affected parcel of 115599
property to determine if the system operates and is maintained in 115600
accordance with Chapter 3718. of the Revised Code and with rules 115601
adopted under that chapter by the director of health and by the 115602
board, if any. The property owner is responsible for reasonable 115603
costs of the evaluation. 115604

If the property owner is aware that the property will be 115605
vacant at any time during the one-hundred-eighty-day period, the 115606
property owner shall notify the board of health of the dates 115607
during which the property will be vacant. In order for the 115608
required inspection to occur, the property owner shall ensure that 115609
the property is occupied for at least ninety consecutive days 115610
within the one-hundred-eighty-day period and shall notify the 115611
board of health of the dates of occupancy. Failure to so notify 115612
the board or so occupy the property constitutes termination of the 115613
authorization under this section for the property owner to elect 115614
to postpone connection to the sewerage system. 115615

(2) The applicable board of health determines under division 115616
(C)(1) of this section that the household sewage treatment system 115617
operates and is maintained in accordance with Chapter 3718. of the 115618
Revised Code and with rules adopted under that chapter by the 115619

director and by the board, if any. The board shall so notify the 115620
property owner and the board of trustees of the regional water and 115621
sewer district. However, if the board of health determines that a 115622
nuisance exists under section 3718.011 of the Revised Code, the 115623
board shall so notify the property owner. If the board determines 115624
that repairs will eliminate the nuisance, the person may make 115625
those repairs to the system, but shall do so within sixty days 115626
after receiving the notice. The board shall extend the sixty-day 115627
period if weather conditions prevent the repair from being made. 115628

The property owner shall connect to the sewerage system if 115629
the board of health determines either that repairs will not 115630
eliminate the nuisance or that, after repairs have been made, the 115631
nuisance has not been eliminated. 115632

(D)(1) Division (C) of this section does not apply to a 115633
household sewage treatment system that is either a discharging 115634
system or within an area subject to final findings and orders 115635
issued by the director of environmental protection under Chapter 115636
6111. or 6117. of the Revised Code. The notification required by 115637
division (B) of this section shall be issued to an applicable 115638
property owner regardless of whether the property owner's system 115639
is a discharging system or inside such an area. 115640

(2) For purposes of this section, a discharging system is one 115641
of the following: 115642

(a) A household sewage treatment system for which coverage 115643
under an NPDES permit has been issued or granted under Chapter 115644
6111. of the Revised Code and rules adopted under it; 115645

(b) A household sewage treatment system for which coverage 115646
under an NPDES permit would be required, but that has not been 115647
issued or granted such a permit. 115648

(E) A property owner that has elected to postpone connection 115649
to a sewerage system in accordance with division (C) of this 115650

section shall ensure that the household sewage treatment system 115651
serving the property is maintained and operated in accordance with 115652
Chapter 3718. of the Revised Code and rules adopted under it for 115653
fifteen years from the date on which the property owner receives 115654
notice from the board of trustees of the regional water and sewer 115655
district that the sewerage system is substantially complete in 115656
accordance with division (G) of this section. A property owner 115657
that elects to postpone connection to a sewerage system in 115658
accordance with division (C) of this section subsequently shall 115659
abandon the household sewage treatment system serving the property 115660
in accordance with rules adopted under Chapter 3718. of the 115661
Revised Code and connect to the sewerage system not later than 115662
fifteen years from the date on which the property owner receives 115663
notice that the sewerage system is substantially complete in 115664
accordance with division (G) of this section. However, if at any 115665
time during the fifteen-year period the system is not operating in 115666
accordance with Chapter 3718. of the Revised Code or rules adopted 115667
or orders issued under that chapter, the board of health shall so 115668
notify the property owner. If the system cannot be brought into 115669
compliance with the chapter, rules, or orders through a repair 115670
made within sixty days after the property owner receives the 115671
notice, the property owner shall abandon the system and connect to 115672
the sewerage system. The board shall extend the sixty-day period 115673
if weather conditions prevent the repair from being made. 115674

If the property owner transfers ownership of the affected 115675
parcel of property during the fifteen-year period and the parcel 115676
of property has not yet been connected to the sewerage system, the 115677
transferor shall notify the transferee of the requirement to 115678
connect to the sewerage system and of the date by which connection 115679
must occur. The notice shall be a written affidavit. The county 115680
recorder shall index and record a copy of the affidavit in 115681
accordance with section 317.08 of the Revised Code and in the same 115682
manner and receive the same fees as for deeds. The transferee is 115683

subject to the connection requirement established in this 115684
division. 115685

A person that fails to comply with this division is subject 115686
to the same enforcement procedures and penalties as if the person 115687
violated Chapter 3718. of the Revised Code or rules adopted or 115688
orders issued under it. 115689

(F) If a connection tap to a sewerage system is installed at 115690
a parcel of property at the time of construction of the sewerage 115691
system, the property owner, regardless of whether the owner has 115692
elected to postpone connection to the sewerage system under this 115693
section, shall pay the costs of the installation of the connection 115694
tap in accordance with one of the following: 115695

(1) Pay the total amount at the time of the installation of 115696
the connection tap; 115697

(2) Make incremental payments in accordance with a payment 115698
plan agreed to by the board of trustees of the regional water and 115699
sewer district; 115700

(3) Pay the total amount at any time the parcel of property 115701
is required to connect to the sewerage system under this section. 115702

(G) When a sewerage system has been substantially completed, 115703
the board of trustees of the applicable regional water and sewer 115704
district shall send a notice of the substantial completion to all 115705
property owners who elect to postpone connection to the sewerage 115706
system under this section. 115707

Sec. 6119.601. (A)(1) The board of trustees of a regional 115708
water and sewer district may apply to the Ohio public works 115709
commission created by section 164.02 of the Revised Code for an 115710
advance of money from the sewer development advancement fund 115711
created by section 164.13 of the Revised Code in an amount equal 115712
to that portion of the costs of an improvement authorized under 115713

this chapter that is to be financed by assessments whose 115714
collection is deferred because an owner of a parcel of property 115715
has elected to postpone connection to a sewerage system and is 115716
authorized to do so in accordance with section 6119.60 of the 115717
Revised Code. The application for such an advance of money shall 115718
be made in the manner prescribed in policies and procedures 115719
established by the director of the commission. 115720

(2) As used in this section, "assessments" includes rentals 115721
or other charges and any combination of such rentals or charges 115722
authorized under section 6119.06 or 6119.09 of the Revised Code. 115723

(B) The county auditor shall record an assessment deferred as 115724
described in division (A) of this section in the sewer improvement 115725
record. The record shall be kept until such time as the 115726
assessments are paid in full. During the time when an assessment 115727
is deferred, there shall be a lien on the property assessed, which 115728
shall arise at the time of recording by the county auditor and 115729
shall be in force until the assessments are paid in full. 115730

(C) The board of trustees of a regional water and sewer 115731
district regularly shall review whether property for which the 115732
collection of assessments has been deferred as described in 115733
division (A) of this section is connected to a sewerage system. 115734
Upon finding that the owner of a parcel of property is required to 115735
connect to a sewerage system for any reason, the board immediately 115736
shall collect, without interest unless payment is late as 115737
determined by the board, the full amount of the deferred 115738
assessment. The board shall repay the amount of any money advanced 115739
by the commission in the full amount within thirty years of the 115740
date of the advance in one lump sum. No interest shall accrue for 115741
the first fifteen years after the date of the advance. Beginning 115742
on the first day of the sixteenth year after the date of the 115743
advance, interest shall be assessed on the amount not repaid to 115744

the commission at an interest rate determined by the director of 115745
the commission at the time the advance is made, not to exceed four 115746
per cent per annum. 115747

(D) Unless an owner of a parcel of property is required to 115748
connect to a sewerage system because either the applicable board 115749
of health determines that a nuisance exists under section 3718.011 115750
of the Revised Code or the owner voluntarily elects to connect to 115751
the sewerage system before the end of the fifteen-year period 115752
established in division (E) of section 6119.60 of the Revised 115753
Code, the board of trustees of a regional water and sewer 115754
district, not later than two hundred ten days prior to the 115755
expiration of the deferment of assessments on that property, shall 115756
send a notice by regular or certified mail to the owner of the 115757
property that specifies the expiration date of the deferment. 115758

Sec. 6119.602. A public entity with authority to levy special 115759
assessments, rentals, charges, or a combination thereof on real 115760
property shall not collect an assessment, rental, charge, or 115761
combination thereof for purposes of sewer service on real property 115762
concerning which the owner of the property has elected to postpone 115763
connection to a sewerage system in accordance with section 6119.60 115764
of the Revised Code until the property owner is required to 115765
connect to the sewerage system under that section. 115766

Sec. 6131.23. The assessments estimated in accordance with 115767
section 6131.14 of the Revised Code shall be payable in not less 115768
than two semiannual installments. At the time of the final 115769
hearing, in the order approving the levying of the assessments, 115770
the board of county commissioners shall determine how long a 115771
period of time, in semiannual installments, as taxes are paid, 115772
shall be given the owners of land benefited to pay the assessments 115773
that are made for an improvement and whether or not bonds or notes 115774
shall be issued and sold in anticipation of such payments. If 115775

bonds or notes are to be issued, the interest shall be added to 115776
the assessments. If the estimated cost of the improvement does not 115777
exceed five hundred dollars, not more than two semiannual 115778
installments, as taxes are paid, shall be given to owners of lands 115779
benefited to pay the assessments that are made for the 115780
improvement. If the estimated cost of the improvement exceeds five 115781
hundred dollars, the board may determine the number of 115782
installments in which the assessments are to be paid. If any such 115783
assessment is twenty-five dollars or less, or whenever the unpaid 115784
balance of any such assessment is twenty-five dollars or less, the 115785
same shall be paid in full, and not in installments, at the time 115786
the first or next installment would otherwise become due. 115787

When assessments are payable in installments and county 115788
general funds are used to pay for the improvement, the assessment 115789
shall not exceed thirty semiannual installments, as computed by 115790
the county auditor pursuant to section 6131.49 of the Revised 115791
Code, and shall be payable upon completion of the contract. 115792

When assessments are made payable in installments and bonds 115793
or notes have been sold to pay for the improvement, interest shall 115794
be added to the installments of assessments at the same rate as is 115795
drawn by the bonds or notes issued to pay for the improvements. 115796
Any owner may pay the estimated assessments on the owner's land in 115797
cash within thirty days after the final hearing without paying any 115798
interest thereon. If the legislative authority of a political 115799
subdivision chooses to pay the assessments on all parcels within 115800
the subdivision, both public and private, in one installment, it 115801
shall pass a resolution so stating and shall send the resolution, 115802
or a copy thereof, to the board of county commissioners before 115803
making the payment. The legislative authority shall pay all 115804
subsequent maintenance assessments levied under section 6137.03 of 115805
the Revised Code if it chooses to pay the construction assessments 115806
on all parcels within the subdivision. 115807

Bonds may be sold for any repayment period that the board of county commissioners may determine proper, not to exceed thirty semiannual installments, except that for bonds sold by a board of county commissioners for soil and water conservation district improvements pursuant to section ~~1515.24~~ 940.33 of the Revised Code, the repayment period shall not exceed thirty semiannual installments.

Sec. 6301.16. (A) Beginning January 1, 2016, each participant in an adult training or education program funded under the "Workforce Innovation and Opportunity Act," 29 U.S.C. 3101, shall create an account with OhioMeansJobs at the time of enrollment in the program.

(B) Division (A) of this section does not apply to any individual who is legally prohibited from using a computer, has a physical or visual impairment that makes the individual unable to use a computer, or has a limited ability to read, write, speak, or understand a language in which OhioMeansJobs is available.

Section 101.02. That existing sections 1.05, 9.312, 9.333, 9.83, 9.833, 9.90, 9.901, 102.02, 102.022, 103.412, 109.57, 109.572, 109.77, 109.79, 113.06, 113.07, 118.023, 118.04, 119.04, 119.12, 120.33, 121.03, 121.04, 121.22, 121.372, 121.40, 122.17, 122.171, 122.174, 122.175, 122.177, 122.64, 122.85, 122.87, 122.942, 122.95, 122.951, 123.10, 123.28, 123.281, 124.14, 124.15, 124.181, 124.392, 125.02, 125.04, 125.041, 125.05, 125.07, 125.08, 125.081, 125.082, 125.10, 125.11, 125.112, 125.13, 125.22, 125.27, 125.28, 125.31, 125.36, 125.38, 125.39, 125.42, 125.43, 125.45, 125.49, 125.51, 125.58, 125.601, 125.607, 125.609, 125.76, 125.901, 128.40, 128.54, 128.55, 128.57, 131.09, 131.15, 131.34, 131.35, 131.43, 131.44, 133.01, 133.04, 133.05, 133.07, 133.34, 135.01, 135.04, 135.14, 135.144, 135.145, 135.18, 135.181, 135.35, 135.353, 135.354, 135.37, 135.74, 140.01, 141.04, 145.012,

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6112.01, 6112.03, 6117.062, 6117.51, and 6131.23 of the Revised 115984
Code are hereby repealed. 115985

Section 105.01. That sections 103.132, 111.181, 121.36, 115986
122.26, 122.952, 125.021, 125.022, 125.023, 125.03, 125.051, 115987
125.06, 125.17, 125.32, 125.37, 125.47, 125.48, 125.50, 125.52, 115988
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5165.26, 5168.12, and 5739.212 of the Revised Code are hereby 116005
repealed. 116006

Section 106.01. That section 125.833 of the Revised Code is 116007
hereby repealed, effectively January 1, 2016. 116008

Section 110.10. That the versions of sections 340.01, 340.03, 116009
340.15, and 5119.21 of the Revised Code that are scheduled to take 116010
effect September 15, 2016, be amended to read as follows: 116011

Sec. 340.01. (A) As used in this chapter: 116012

(1) "Addiction," "addiction services," "alcohol and drug 116013
addiction services," "alcoholism," "community addiction services 116014
provider," "community mental health services provider," "drug 116015
addiction," "gambling addiction services," "mental health 116016
services," and "mental illness" have the same meanings as in 116017
section 5119.01 of the Revised Code. 116018

(2) "Medication-assisted treatment" means alcohol and drug 116019
addiction services that are accompanied by medication approved by 116020
the United States food and drug administration for the treatment 116021
of drug addiction, prevention of relapse of drug addiction, or 116022
both. 116023

(3) "Recovery housing" means housing for individuals 116024
recovering from alcoholism or drug addiction that provides an 116025
alcohol and drug-free living environment, peer support, assistance 116026

with obtaining alcohol and drug addiction services, and other 116027
alcoholism and drug addiction recovery assistance. 116028

(B) An alcohol, drug addiction, and mental health service 116029
district shall be established in any county or combination of 116030
counties having a population of at least fifty thousand to provide 116031
addiction services and mental health services. With the approval 116032
of the director of mental health and addiction services, any 116033
county or combination of counties having a population of less than 116034
fifty thousand may establish such a district. Districts comprising 116035
more than one county shall be known as joint-county districts. 116036

The board of county commissioners of any county participating 116037
in a joint-county district may submit a resolution requesting 116038
withdrawal from the district together with a comprehensive plan or 116039
plans that are in compliance with rules adopted by the director of 116040
mental health and addiction services under section 5119.22 of the 116041
Revised Code, and that provide for the equitable adjustment and 116042
division of all services, assets, property, debts, and 116043
obligations, if any, of the joint-county district to the board of 116044
alcohol, drug addiction, and mental health services, to the boards 116045
of county commissioners of each county in the district, and to the 116046
director. No county participating in a joint-county service 116047
district may withdraw from the district without the consent of the 116048
director of mental health and addiction services nor earlier than 116049
one year after the submission of such resolution unless all of the 116050
participating counties agree to an earlier withdrawal. Any county 116051
withdrawing from a joint-county district shall continue to have 116052
levied against its tax list and duplicate any tax levied by the 116053
district during the period in which the county was a member of the 116054
district until such time as the levy expires or is renewed or 116055
replaced. 116056

Sec. 340.03. (A) Subject to rules issued by the director of 116057

mental health and addiction services after consultation with 116058
relevant constituencies as required by division (A)(10) of section 116059
5119.21 of the Revised Code, the board of alcohol, drug addiction, 116060
and mental health services shall: 116061

(1) Serve as the community addiction and mental health 116062
services planning agency for the county or counties under its 116063
jurisdiction, and in so doing it shall: 116064

(a) Evaluate the need for facilities and community addiction 116065
and mental health services; 116066

(b) In cooperation with other local and regional planning and 116067
funding bodies and with relevant ethnic organizations, assess the 116068
community addiction and mental health needs, evaluate strengths 116069
and challenges, and set priorities for community addiction and 116070
mental health services, including treatment and prevention. When 116071
the board sets priorities for the operation of addiction services, 116072
the board shall consult with the county commissioners of the 116073
counties in the board's service district regarding the services 116074
described in section 340.15 of the Revised Code and shall give 116075
priority to those services, except that those services shall not 116076
have a priority over services provided to pregnant women under 116077
programs developed in relation to the mandate established in 116078
section 5119.17 of the Revised Code; 116079

(c) In accordance with guidelines issued by the director of 116080
mental health and addiction services after consultation with board 116081
representatives, annually develop and submit to the department of 116082
mental health and addiction services a community addiction and 116083
mental health services plan listing community addiction and mental 116084
health services needs, including the needs of all residents of the 116085
district currently receiving inpatient services in state-operated 116086
hospitals, the needs of other populations as required by state or 116087
federal law or programs, and the needs of all children subject to 116088
a determination made pursuant to section 121.38 of the Revised 116089

Code, and priorities for facilities and community addiction and 116090
mental health services during the period for which the plan will 116091
be in effect. 116092

In alcohol, drug addiction, and mental health service 116093
districts that have separate alcohol and drug addiction services 116094
and community mental health boards, the alcohol and drug addiction 116095
services board shall submit a community addiction services plan 116096
and the community mental health board shall submit a community 116097
mental health services plan. Each board shall consult with its 116098
counterpart in developing its plan and address the interaction 116099
between the local addiction services and mental health services 116100
systems and populations with regard to needs and priorities in 116101
developing its plan. 116102

The department shall approve or disapprove the plan, in whole 116103
or in part, according to the criteria developed pursuant to 116104
section 5119.22 of the Revised Code. Eligibility for state and 116105
federal funding shall be contingent upon an approved plan or 116106
relevant part of a plan. 116107

If a board determines that it is necessary to amend a plan 116108
that has been approved under this division, the board shall submit 116109
a proposed amendment to the director. The director may approve or 116110
disapprove all or part of the amendment. The director shall inform 116111
the board of the reasons for disapproval of all or part of an 116112
amendment and of the criteria that must be met before the 116113
amendment may be approved. The director shall provide the board an 116114
opportunity to present its case on behalf of the amendment. The 116115
director shall give the board a reasonable time in which to meet 116116
the criteria, and shall offer the board technical assistance to 116117
help it meet the criteria. 116118

The board shall operate in accordance with the plan approved 116119
by the department. 116120

(d) Promote, arrange, and implement working agreements with social agencies, both public and private, and with judicial agencies. 116121
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(2) Investigate, or request another agency to investigate, any complaint alleging abuse or neglect of any person receiving services from a community addiction or mental health services provider ~~certified under section 5119.36 of the Revised Code~~ or alleging abuse or neglect of a resident receiving addiction services or with mental illness or severe mental disability residing in a residential facility licensed under section 5119.34 of the Revised Code. If the investigation substantiates the charge of abuse or neglect, the board shall take whatever action it determines is necessary to correct the situation, including notification of the appropriate authorities. Upon request, the board shall provide information about such investigations to the department. 116124
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(3) For the purpose of section 5119.36 of the Revised Code, cooperate with the director of mental health and addiction services in visiting and evaluating whether the addiction or mental health services of a community addiction or mental health services provider satisfy the certification standards established by rules adopted under that section; 116137
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(4) In accordance with criteria established under division (E) of section 5119.22 of the Revised Code, conduct program audits that review and evaluate the quality, effectiveness, and efficiency of addiction and mental health services provided through its community addiction and mental health ~~contracted~~ services providers and submit its findings and recommendations to the department of mental health and addiction services; 116143
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(5) In accordance with section 5119.34 of the Revised Code, review an application for a residential facility license and provide to the department of mental health and addiction services 116150
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any information about the applicant or facility that the board 116153
would like the department to consider in reviewing the 116154
application; 116155

(6) Audit, in accordance with rules adopted by the auditor of 116156
state pursuant to section 117.20 of the Revised Code, at least 116157
annually all programs and services provided under contract with 116158
the board. In so doing, the board may contract for or employ the 116159
services of private auditors. A copy of the fiscal audit report 116160
shall be provided to the director of mental health and addiction 116161
services, the auditor of state, and the county auditor of each 116162
county in the board's district. 116163

(7) Recruit and promote local financial support for addiction 116164
and mental health services from private and public sources; 116165

(8)(a) Enter into contracts with public and private 116166
facilities for the operation of facility services and enter into 116167
contracts with public and private community addiction and mental 116168
health ~~service~~ services providers for the provision of ~~community~~ 116169
addiction and mental health services. The board may not contract 116170
with a residential facility subject to section 5119.34 of the 116171
Revised Code unless the facility is licensed by the director of 116172
mental health and addiction services ~~and~~. The board may not 116173
contract with a community addiction or mental health services 116174
provider to provide ~~community~~ addiction or mental health services 116175
unless the services are certified by the director of mental health 116176
and addiction services under section 5119.36 of the Revised Code. 116177
Section 307.86 of the Revised Code does not apply to contracts 116178
entered into under this division. In contracting with a community 116179
addiction or mental health services provider, a board shall 116180
consider the cost effectiveness of addiction or mental health 116181
services provided by that provider and the quality and continuity 116182
of care, and may review cost elements, including salary costs, of 116183
the services to be provided. A utilization review process may be 116184

established as part of the contract for services entered into 116185
between a board and a community addiction or mental health 116186
services provider. The board may establish this process in a way 116187
that is most effective and efficient in meeting local needs. 116188

If either the board or a facility or community addiction or 116189
mental health services provider with which the board contracts 116190
under this division proposes not to renew the contract or proposes 116191
substantial changes in contract terms, the other party shall be 116192
given written notice at least one hundred twenty days before the 116193
expiration date of the contract. During the first sixty days of 116194
this one hundred twenty-day period, both parties shall attempt to 116195
resolve any dispute through good faith collaboration and 116196
negotiation in order to continue to provide services to persons in 116197
need. If the dispute has not been resolved sixty days before the 116198
expiration date of the contract, either party may notify the 116199
department of mental health and addiction services of the 116200
unresolved dispute. The director may require both parties to 116201
submit the dispute to a third party with the cost to be shared by 116202
the board and the facility or provider. The third party shall 116203
issue to the board, the facility or provider, and the department 116204
recommendations on how the dispute may be resolved twenty days 116205
prior to the expiration date of the contract, unless both parties 116206
agree to a time extension. The director shall adopt rules 116207
establishing the procedures of this dispute resolution process. 116208

(b) With the prior approval of the director of mental health 116209
and addiction services, a board may operate a facility or provide 116210
~~a community~~ an addiction or mental health service as follows, if 116211
there is no other qualified private or public facility or 116212
community addiction or mental health services provider that is 116213
immediately available and willing to operate such a facility or 116214
provide the service: 116215

(i) In an emergency situation, any board may operate a 116216

facility or provide a ~~community~~ an addiction or mental health 116217
service in order to provide essential services for the duration of 116218
the emergency~~+~~. 116219

(ii) In a service district with a population of at least one 116220
hundred thousand but less than five hundred thousand, a board may 116221
operate a facility or provide a ~~community~~ an addiction or mental 116222
health service for no longer than one year~~+~~. 116223

(iii) In a service district with a population of less than 116224
one hundred thousand, a board may operate a facility or provide a 116225
~~community~~ an addiction or mental health service for no longer than 116226
one year, except that such a board may operate a facility or 116227
provide a ~~community~~ an addiction or mental health service for more 116228
than one year with the prior approval of the director and the 116229
prior approval of the board of county commissioners, or of a 116230
majority of the boards of county commissioners if the district is 116231
a joint-county district. 116232

The director shall not give a board approval to operate a 116233
facility or provide a ~~community~~ an addiction or mental health 116234
service under division (A)(8)(b)(ii) or (iii) of this section 116235
unless the director determines that it is not feasible to have the 116236
department operate the facility or provide the service. 116237

The director shall not give a board approval to operate a 116238
facility or provide a ~~community~~ an addiction or mental health 116239
service under division (A)(8)(b)(iii) of this section unless the 116240
director determines that the board will provide greater 116241
administrative efficiency and more or better services than would 116242
be available if the board contracted with a private or public 116243
facility or community addiction or mental health services 116244
provider. 116245

The director shall not give a board approval to operate a 116246
facility previously operated by a person or other government 116247

entity unless the board has established to the director's 116248
satisfaction that the person or other government entity cannot 116249
effectively operate the facility or that the person or other 116250
government entity has requested the board to take over operation 116251
of the facility. The director shall not give a board approval to 116252
provide ~~a community~~ an addiction or mental health service 116253
previously provided by a community addiction or mental health 116254
services provider unless the board has established to the 116255
director's satisfaction that the provider cannot effectively 116256
provide the service or that the provider has requested the board 116257
take over providing the service. 116258

The director shall review and evaluate a board's operation of 116259
a facility and provision of ~~community~~ addiction or mental health 116260
~~service~~ services under division (A)(8)(b) of this section. 116261

Nothing in division (A)(8)(b) of this section authorizes a 116262
board to administer or direct the daily operation of any facility 116263
or community addiction or mental health services provider, but a 116264
facility or provider may contract with a board to receive 116265
administrative services or staff direction from the board under 116266
the direction of the governing body of the facility or provider. 116267

(9) Approve fee schedules and related charges or adopt a unit 116268
cost schedule or other methods of payment for contract services 116269
provided by community addiction or mental health services 116270
providers in accordance with guidelines issued by the department 116271
as necessary to comply with state and federal laws pertaining to 116272
financial assistance; 116273

(10) Submit to the director and the county commissioners of 116274
the county or counties served by the board, and make available to 116275
the public, an annual report of the services under the 116276
jurisdiction of the board, including a fiscal accounting; 116277

(11) Establish, to the extent resources are available, a 116278

continuum of care that provides for prevention, treatment, 116279
support, and rehabilitation services and opportunities. The 116280
essential elements of the continuum of care shall include the 116281
following components: 116282

(a) To locate persons in need of addiction or mental health 116283
services to inform them of available services and benefits; 116284

(b) Assistance for persons receiving addiction or mental 116285
health services to obtain services necessary to meet basic human 116286
needs for food, clothing, shelter, medical care, personal safety, 116287
and income; 116288

(c) Addiction and mental health services, including all of 116289
the following: 116290

(i) Outpatient; 116291

(ii) Residential; 116292

(iii) Partial hospitalization; 116293

(iv) Where appropriate, inpatient care; 116294

(v) Sub-acute detoxification; 116295

(vi) Intensive and other supports; 116296

(vii) Recovery support; 116297

(viii) Prevention and wellness management; 116298

(ix) In accordance with section 340.033 of the Revised Code, 116299
an array of treatment and support services for all levels of 116300
opioid and co-occurring drug addiction. 116301

(d) Emergency services and crisis intervention; 116302

(e) Assistance for persons receiving services to obtain 116303
vocational services and opportunities for jobs; 116304

(f) The provision of services designed to develop social, 116305
community, and personal living skills; 116306

(g) Access to a wide range of housing and the provision of residential treatment and support; 116307
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(h) Support, assistance, consultation, and education for families, friends, persons receiving addiction or mental health services, and others; 116309
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(i) Recognition and encouragement of families, friends, neighborhood networks, especially networks that include racial and ethnic minorities, churches, community organizations, and community employment as natural supports for persons receiving addiction or mental health services; 116312
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(j) Grievance procedures and protection of the rights of persons receiving addiction or mental health services; 116317
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(k) Community psychiatric supportive treatment services, which includes continual individualized assistance and advocacy to ensure that needed services are offered and procured; 116319
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(l) Any additional component the department, pursuant to section 5119.21 of the Revised Code, determines is necessary to establish the continuum of care. 116322
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(12) Establish a method for evaluating referrals for ~~involuntary commitment~~ court-ordered treatment and affidavits filed pursuant to section 5122.11 of the Revised Code in order to assist the probate division of the court of common pleas in determining whether there is probable cause that a respondent is subject to ~~involuntary hospitalization~~ court-ordered treatment and ~~what alternative treatment is~~ whether alternatives to hospitalization are available and appropriate, if any; 116325
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(13) Designate the treatment services, provider, facility, or other placement for each person involuntarily committed to the board pursuant to Chapter 5122. of the Revised Code. The board shall provide the least restrictive and most appropriate alternative that is available for any person involuntarily 116333
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committed to it and shall assure that the listed services 116338
submitted and approved in accordance with division (B) of section 116339
340.08 of the Revised Code are available to severely mentally 116340
disabled persons residing within its service district. The board 116341
shall establish the procedure for authorizing payment for 116342
services, which may include prior authorization in appropriate 116343
circumstances. ~~The~~ In accordance with division (A)(8)(b) of this 116344
section, the board may provide for services directly to a severely 116345
mentally disabled person when life or safety is endangered and 116346
when no community mental health services provider is available to 116347
provide the service. 116348

(14) Ensure that ~~apartments or rooms~~ housing built, 116349
subsidized, renovated, rented, owned, or leased by the board or a 116350
community addiction or mental health services provider ~~have~~ has 116351
been approved as meeting minimum fire safety standards and that 116352
persons residing in the ~~rooms or apartments are receiving~~ housing 116353
have access to appropriate and necessary services, including 116354
culturally relevant services, from a community addiction or mental 116355
health services provider. This division does not apply to 116356
residential facilities licensed pursuant to section 5119.34 of the 116357
Revised Code. 116358

(15) Establish a mechanism for obtaining advice and 116359
involvement of persons receiving ~~publicly funded~~ addiction or 116360
mental health services on matters pertaining to addiction and 116361
mental health services in the alcohol, drug addiction, and mental 116362
health service district; 116363

(16) Perform the duties required by rules adopted under 116364
section 5119.22 of the Revised Code regarding referrals by the 116365
board or mental health services providers under contract with the 116366
board of individuals with mental illness or severe mental 116367
disability to residential facilities ~~as defined in division~~ 116368
~~(A)(9)(b)(iii) of~~ licensed under section 5119.34 of the Revised 116369

Code and effective arrangements for ongoing mental health services 116370
for the individuals. The board is accountable in the manner 116371
specified in the rules for ensuring that the ongoing mental health 116372
services are effectively arranged for the individuals. 116373

(B) The board shall establish such rules, operating 116374
procedures, standards, and bylaws, and perform such other duties 116375
as may be necessary or proper to carry out the purposes of this 116376
chapter. 116377

(C) A board of alcohol, drug addiction, and mental health 116378
services may receive by gift, grant, devise, or bequest any 116379
moneys, lands, or property for the benefit of the purposes for 116380
which the board is established, and may hold and apply it 116381
according to the terms of the gift, grant, or bequest. All money 116382
received, including accrued interest, by gift, grant, or bequest 116383
shall be deposited in the treasury of the county, the treasurer of 116384
which is custodian of the alcohol, drug addiction, and mental 116385
health services funds to the credit of the board and shall be 116386
available for use by the board for purposes stated by the donor or 116387
grantor. 116388

(D) No board member or employee of a board of alcohol, drug 116389
addiction, and mental health services shall be liable for injury 116390
or damages caused by any action or inaction taken within the scope 116391
of the board member's official duties or the employee's 116392
employment, whether or not such action or inaction is expressly 116393
authorized by this section or any other section of the Revised 116394
Code, unless such action or inaction constitutes willful or wanton 116395
misconduct. Chapter 2744. of the Revised Code applies to any 116396
action or inaction by a board member or employee of a board taken 116397
within the scope of the board member's official duties or 116398
employee's employment. For the purposes of this division, the 116399
conduct of a board member or employee shall not be considered 116400
willful or wanton misconduct if the board member or employee acted 116401

in good faith and in a manner that the board member or employee 116402
reasonably believed was in or was not opposed to the best 116403
interests of the board and, with respect to any criminal action or 116404
proceeding, had no reasonable cause to believe the conduct was 116405
unlawful. 116406

(E) The meetings held by any committee established by a board 116407
of alcohol, drug addiction, and mental health services shall be 116408
considered to be meetings of a public body subject to section 116409
121.22 of the Revised Code. 116410

Sec. 340.15. (A) A public children services agency that 116411
identifies a child by a risk assessment conducted pursuant to 116412
section 5153.16 of the Revised Code as being at imminent risk of 116413
being abused or neglected because of an addiction of a parent, 116414
guardian, or custodian of the child to a drug of abuse or alcohol 116415
shall refer the child's addicted parent, guardian, or custodian 116416
and, if the agency determines that the child needs alcohol or 116417
other drug addiction services, the child to a community addiction 116418
services provider ~~certified by the department of mental health and~~ 116419
~~addiction services under section 5119.36 of the Revised Code.~~ A 116420
public children services agency that is sent a court order issued 116421
pursuant to division (B) of section 2151.3514 of the Revised Code 116422
shall refer the addicted parent or other caregiver of the child 116423
identified in the court order to a community addiction services 116424
provider ~~certified by the department of mental health and~~ 116425
~~addiction services under section 5119.36 of the Revised Code.~~ On 116426
receipt of a referral under this division and to the extent 116427
funding identified under division (A)(2) of section 340.08 of the 116428
Revised Code is available, the provider shall provide the 116429
following services to the addicted parent, guardian, custodian, or 116430
caregiver and child in need of addiction services: 116431

(1) If it is determined pursuant to an initial screening to 116432

be needed, assessment and appropriate treatment; 116433

(2) Documentation of progress in accordance with a treatment 116434
plan developed for the addicted parent, guardian, custodian, 116435
caregiver, or child; 116436

(3) If the referral is based on a court order issued pursuant 116437
to division (B) of section 2151.3514 of the Revised Code and the 116438
order requires the specified parent or other caregiver of the 116439
child to submit to alcohol or other drug testing during, after, or 116440
both during and after, treatment, testing in accordance with the 116441
court order. 116442

(B) The services described in division (A) of this section 116443
shall have a priority as provided in the addiction and mental 116444
health services plan and budget established pursuant to sections 116445
340.03 and 340.08 of the Revised Code. Once a referral has been 116446
received pursuant to this section, the public children services 116447
agency and the addiction services provider shall, in accordance 116448
with 42 C.F.R. Part 2, share with each other any information 116449
concerning the persons and services described in that division 116450
that the agency and provider determine are necessary to share. If 116451
the referral is based on a court order issued pursuant to division 116452
(B) of section 2151.3514 of the Revised Code, the results and 116453
recommendations of the addiction services provider also shall be 116454
provided and used as described in division (D) of that section. 116455
Information obtained or maintained by the agency or provider 116456
pursuant to this section that could enable the identification of 116457
any person described in division (A) of this section is not a 116458
public record subject to inspection or copying under section 116459
149.43 of the Revised Code. 116460

Sec. 5119.21. (A) The department of mental health and 116461
addiction services shall: 116462

(1) To the extent the department has available resources and 116463

in consultation with boards of alcohol, drug addiction, and mental health services, support the continuum of care that the boards are required by division (A)(11) of section 340.03 of the Revised Code to establish. The department shall provide the support on a district or multi-district basis. The department shall assist in identifying resources, and may prioritize support, for one or more of the elements of the continuum of care. For the purpose of division (A)(11)~~(1)~~ of section 340.03 of the Revised Code and to the extent the department determines is necessary, the department shall define additional components to be included in the essential elements of the continuum of care.

(2) Provide training, consultation, and technical assistance regarding ~~mental health and~~ addiction and mental health services and appropriate prevention, recovery, and mental health promotion activities, including those that are culturally competent, to employees of the department, community mental health and addiction services providers, boards of alcohol, drug addiction, and mental health services, and other agencies providing ~~mental health and~~ addiction and mental health services;

(3) To the extent the department has available resources, promote and support a full range of ~~mental health and~~ addiction and mental health services that are available and accessible to all residents of this state, especially for severely ~~mentally disabled~~ emotionally disturbed children, and adolescents, severely mentally disabled adults, pregnant women, parents, guardians or custodians of children at risk of abuse or neglect, and other special target populations, including racial and ethnic minorities, as determined by the department;

(4) Develop standards and measures for evaluating the effectiveness of ~~mental health and~~ addiction and mental health services, including services that use methadone treatment, of gambling addiction services, and for increasing the accountability

of community mental health and ~~alcohol and~~ addiction services 116496
providers and ~~of gambling addiction services providers;~~ 116497

(5) Design and set criteria for the determination of priority 116498
populations; 116499

(6) Promote, direct, conduct, and coordinate scientific 116500
research, taking ethnic and racial differences into consideration, 116501
concerning the causes and prevention of mental illness and 116502
addiction, methods of providing effective services and treatment, 116503
and means of enhancing the mental health of and recovery from 116504
addiction of all residents of this state; 116505

(7) Foster the establishment and availability of vocational 116506
rehabilitation services and the creation of employment 116507
opportunities for ~~consumers of mental health and~~ individuals with 116508
~~addiction services~~ and mental health needs, including members of 116509
racial and ethnic minorities; 116510

(8) Establish a program to protect and promote the rights of 116511
persons receiving ~~mental health and~~ addiction and mental health 116512
services, including the issuance of guidelines on informed consent 116513
and other rights; 116514

(9) Promote the involvement of persons who are receiving or 116515
have received ~~mental health and~~ addiction and mental health 116516
services, including families and other persons having a close 116517
relationship to a person receiving those services, in the 116518
planning, evaluation, delivery, and operation of ~~mental health and~~ 116519
addiction and mental health services; 116520

(10) Notify and consult with the relevant constituencies that 116521
may be affected by rules, standards, and guidelines issued by the 116522
department of mental health and addiction services. These 116523
constituencies shall include consumers of ~~mental health and~~ 116524
addiction and mental health services and their families, and may 116525
include public and private providers, employee organizations, and 116526

others when appropriate. Whenever the department proposes the 116527
adoption, amendment, or rescission of rules under Chapter 119. of 116528
the Revised Code, the notification and consultation required by 116529
this division shall occur prior to the commencement of proceedings 116530
under Chapter 119. The department shall adopt rules under Chapter 116531
119. of the Revised Code that establish procedures for the 116532
notification and consultation required by this division. 116533

(11) Provide consultation to the department of rehabilitation 116534
and correction concerning the delivery of ~~mental health and~~ 116535
addiction and mental health services in state correctional 116536
institutions-; 116537

(12) Promote and coordinate efforts in the provision of 116538
alcohol and drug addiction services and of gambling addiction 116539
services by other state agencies, as defined in section 1.60 of 116540
the Revised Code; courts; hospitals; clinics; physicians in 116541
private practice; public health authorities; boards of alcohol, 116542
drug addiction, and mental health services; ~~alcohol and drug~~ 116543
community addiction services providers; law enforcement agencies; 116544
~~gambling addiction services providers;~~ and related groups; 116545

(13) Provide to each court of record, and biennially update, 116546
a list of the treatment and education programs within that court's 116547
jurisdiction that the court may require an offender, sentenced 116548
pursuant to section 4511.19 of the Revised Code, to attend; 116549

(14) Make the warning sign described in sections 3313.752, 116550
3345.41, and 3707.50 of the Revised Code available on the 116551
department's internet web site; 116552

(15) Provide a program of gambling addiction services on 116553
behalf of the state lottery commission, pursuant to an agreement 116554
entered into with the director of the commission under division 116555
(K) of section 3770.02 of the Revised Code, and provide a program 116556
of gambling addiction services on behalf of the Ohio casino 116557

control commission, under an agreement entered into with the 116558
executive director of the commission under section 3772.062 of the 116559
Revised Code. Under Section 6(C)(3) of Article XV, Ohio 116560
Constitution, the department may enter into agreements with boards 116561
of alcohol, drug addiction, and mental health services, including 116562
boards with districts in which a casino facility is not located, 116563
and nonprofit organizations to provide gambling addiction services 116564
and ~~substance abuse~~ alcohol and drug addiction services, and with 116565
state institutions of higher education or private nonprofit 116566
institutions that possess a certificate of authorization issued 116567
under Chapter 1713. of the Revised Code to perform related 116568
research. 116569

(B) The department may accept and administer grants from 116570
public or private sources for carrying out any of the duties 116571
enumerated in this section. 116572

~~(C) Pursuant to Chapter 119. of the Revised Code, the~~ 116573
~~department shall adopt a rule defining the term "intervention" as~~ 116574
~~it is used in this chapter in connection with alcohol and drug~~ 116575
~~addiction services and in connection with gambling addiction~~ 116576
~~services.~~ The department may adopt ~~other~~ rules in accordance with 116577
Chapter 119. of the Revised Code as necessary to implement the 116578
requirements of this chapter. 116579

Section 110.11. That the existing versions of sections 116580
340.01, 340.03, 340.15, and 5119.21 of the Revised Code that are 116581
scheduled to take effect September 15, 2016, are hereby repealed. 116582

Section 110.12. Sections 110.10 and 110.11 of this act shall 116583
take effect September 15, 2016. 116584

Section 110.20. That the version of section 4501.01 of the 116585
Revised Code that is scheduled to take effect January 1, 2017, be 116586
amended to read as follows: 116587

Sec. 4501.01. As used in this chapter and Chapters 4503., 116588
4505., 4507., 4509., 4510., 4511., 4513., 4515., and 4517. of the 116589
Revised Code, and in the penal laws, except as otherwise provided: 116590

(A) "Vehicles" means everything on wheels or runners, 116591
including motorized bicycles, but does not mean electric personal 116592
assistive mobility devices, vehicles that are operated exclusively 116593
on rails or tracks or from overhead electric trolley wires, and 116594
vehicles that belong to any police department, municipal fire 116595
department, or volunteer fire department, or that are used by such 116596
a department in the discharge of its functions. 116597

(B) "Motor vehicle" means any vehicle, including mobile homes 116598
and recreational vehicles, that is propelled or drawn by power 116599
other than muscular power or power collected from overhead 116600
electric trolley wires. "Motor vehicle" does not include utility 116601
vehicles as defined in division (VV) of this section, under-speed 116602
vehicles as defined in division (XX) of this section, mini-trucks 116603
as defined in division (BBB) of this section, motorized bicycles, 116604
road rollers, traction engines, power shovels, power cranes, and 116605
other equipment used in construction work and not designed for or 116606
employed in general highway transportation, well-drilling 116607
machinery, ditch-digging machinery, farm machinery, and trailers 116608
that are designed and used exclusively to transport a boat between 116609
a place of storage and a marina, or in and around a marina, when 116610
drawn or towed on a public road or highway for a distance of no 116611
more than ten miles and at a speed of twenty-five miles per hour 116612
or less. 116613

(C) "Agricultural tractor" and "traction engine" mean any 116614
self-propelling vehicle that is designed or used for drawing other 116615
vehicles or wheeled machinery, but has no provisions for carrying 116616
loads independently of such other vehicles, and that is used 116617
principally for agricultural purposes. 116618

(D) "Commercial tractor," except as defined in division (C) 116619
of this section, means any motor vehicle that has motive power and 116620
either is designed or used for drawing other motor vehicles, or is 116621
designed or used for drawing another motor vehicle while carrying 116622
a portion of the other motor vehicle or its load, or both. 116623

(E) "Passenger car" means any motor vehicle that is designed 116624
and used for carrying not more than nine persons and includes any 116625
motor vehicle that is designed and used for carrying not more than 116626
fifteen persons in a ridesharing arrangement. 116627

(F) "Collector's vehicle" means any motor vehicle or 116628
agricultural tractor or traction engine that is of special 116629
interest, that has a fair market value of one hundred dollars or 116630
more, whether operable or not, and that is owned, operated, 116631
collected, preserved, restored, maintained, or used essentially as 116632
a collector's item, leisure pursuit, or investment, but not as the 116633
owner's principal means of transportation. "Licensed collector's 116634
vehicle" means a collector's vehicle, other than an agricultural 116635
tractor or traction engine, that displays current, valid license 116636
tags issued under section 4503.45 of the Revised Code, or a 116637
similar type of motor vehicle that displays current, valid license 116638
tags issued under substantially equivalent provisions in the laws 116639
of other states. 116640

(G) "Historical motor vehicle" means any motor vehicle that 116641
is over twenty-five years old and is owned solely as a collector's 116642
item and for participation in club activities, exhibitions, tours, 116643
parades, and similar uses, but that in no event is used for 116644
general transportation. 116645

(H) "Noncommercial motor vehicle" means any motor vehicle, 116646
including a farm truck as defined in section 4503.04 of the 116647
Revised Code, that is designed by the manufacturer to carry a load 116648
of no more than one ton and is used exclusively for purposes other 116649
than engaging in business for profit. 116650

(I) "Bus" means any motor vehicle that has motor power and is 116651
designed and used for carrying more than nine passengers, except 116652
any motor vehicle that is designed and used for carrying not more 116653
than fifteen passengers in a ridesharing arrangement. 116654

(J) "Commercial car" or "truck" means any motor vehicle that 116655
has motor power and is designed and used for carrying merchandise 116656
or freight, or that is used as a commercial tractor. 116657

(K) "Bicycle" means every device, other than a device that is 116658
designed solely for use as a play vehicle by a child, that is 116659
propelled solely by human power upon which a person may ride, and 116660
that has two or more wheels, any of which is more than fourteen 116661
inches in diameter. 116662

(L) "Motorized bicycle" or "moped" means any vehicle that 116663
either has two tandem wheels or one wheel in the front and two 116664
wheels in the rear, that may be pedaled, and that is equipped with 116665
a helper motor of not more than fifty cubic centimeters piston 116666
displacement that produces no more than one brake horsepower and 116667
is capable of propelling the vehicle at a speed of no greater than 116668
twenty miles per hour on a level surface. 116669

(M) "Trailer" means any vehicle without motive power that is 116670
designed or used for carrying property or persons wholly on its 116671
own structure and for being drawn by a motor vehicle, and includes 116672
any such vehicle that is formed by or operated as a combination of 116673
a semitrailer and a vehicle of the dolly type such as that 116674
commonly known as a trailer dolly, a vehicle used to transport 116675
agricultural produce or agricultural production materials between 116676
a local place of storage or supply and the farm when drawn or 116677
towed on a public road or highway at a speed greater than 116678
twenty-five miles per hour, and a vehicle that is designed and 116679
used exclusively to transport a boat between a place of storage 116680
and a marina, or in and around a marina, when drawn or towed on a 116681
public road or highway for a distance of more than ten miles or at 116682

a speed of more than twenty-five miles per hour. "Trailer" does 116683
not include a manufactured home or travel trailer. 116684

(N) "Noncommercial trailer" means any trailer, except a 116685
travel trailer or trailer that is used to transport a boat as 116686
described in division (B) of this section, but, where applicable, 116687
includes a vehicle that is used to transport a boat as described 116688
in division (M) of this section, that has a gross weight of no 116689
more than ten thousand pounds, and that is used exclusively for 116690
purposes other than engaging in business for a profit, such as the 116691
transportation of personal items for personal or recreational 116692
purposes. 116693

(O) "Mobile home" means a building unit or assembly of closed 116694
construction that is fabricated in an off-site facility, is more 116695
than thirty-five body feet in length or, when erected on site, is 116696
three hundred twenty or more square feet, is built on a permanent 116697
chassis, is transportable in one or more sections, and does not 116698
qualify as a manufactured home as defined in division (C)(4) of 116699
section 3781.06 of the Revised Code or as an industrialized unit 116700
as defined in division (C)(3) of section 3781.06 of the Revised 116701
Code. 116702

(P) "Semitrailer" means any vehicle of the trailer type that 116703
does not have motive power and is so designed or used with another 116704
and separate motor vehicle that in operation a part of its own 116705
weight or that of its load, or both, rests upon and is carried by 116706
the other vehicle furnishing the motive power for propelling 116707
itself and the vehicle referred to in this division, and includes, 116708
for the purpose only of registration and taxation under those 116709
chapters, any vehicle of the dolly type, such as a trailer dolly, 116710
that is designed or used for the conversion of a semitrailer into 116711
a trailer. 116712

(Q) "Recreational vehicle" means a vehicular portable 116713
structure that meets all of the following conditions: 116714

- (1) It is designed for the sole purpose of recreational travel. 116715
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- (2) It is not used for the purpose of engaging in business for profit. 116717
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- (3) It is not used for the purpose of engaging in intrastate commerce. 116719
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- (4) It is not used for the purpose of commerce as defined in 49 C.F.R. 383.5, as amended. 116721
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- (5) It is not regulated by the public utilities commission pursuant to Chapter 4905., 4921., or 4923. of the Revised Code. 116723
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- (6) It is classed as one of the following: 116725
- (a) "Travel trailer" or "house vehicle" means a nonself-propelled recreational vehicle that does not exceed an overall length of forty feet, exclusive of bumper and tongue or coupling. "Travel trailer" includes a tent-type fold-out camping trailer as defined in section 4517.01 of the Revised Code. 116726
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- (b) "Motor home" means a self-propelled recreational vehicle that has no fifth wheel and is constructed with permanently installed facilities for cold storage, cooking and consuming of food, and for sleeping. 116731
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- (c) "Truck camper" means a nonself-propelled recreational vehicle that does not have wheels for road use and is designed to be placed upon and attached to a motor vehicle. "Truck camper" does not include truck covers that consist of walls and a roof, but do not have floors and facilities enabling them to be used as a dwelling. 116735
116736
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116740
- (d) "Fifth wheel trailer" means a vehicle that is of such size and weight as to be movable without a special highway permit, that is constructed with a raised forward section that allows a bi-level floor plan, and that is designed to be towed by a vehicle 116741
116742
116743
116744

equipped with a fifth-wheel hitch ordinarily installed in the bed 116745
of a truck. 116746

(e) "Park trailer" means a vehicle that is commonly known as 116747
a park model recreational vehicle, meets the American national 116748
standard institute standard A119.5 (1988) for park trailers, is 116749
built on a single chassis, has a gross trailer area of four 116750
hundred square feet or less when set up, is designed for seasonal 116751
or temporary living quarters, and may be connected to utilities 116752
necessary for the operation of installed features and appliances. 116753

(R) "Pneumatic tires" means tires of rubber and fabric or 116754
tires of similar material, that are inflated with air. 116755

(S) "Solid tires" means tires of rubber or similar elastic 116756
material that are not dependent upon confined air for support of 116757
the load. 116758

(T) "Solid tire vehicle" means any vehicle that is equipped 116759
with two or more solid tires. 116760

(U) "Farm machinery" means all machines and tools that are 116761
used in the production, harvesting, and care of farm products, and 116762
includes trailers that are used to transport agricultural produce 116763
or agricultural production materials between a local place of 116764
storage or supply and the farm, agricultural tractors, threshing 116765
machinery, hay-baling machinery, corn shellers, hammermills, and 116766
machinery used in the production of horticultural, agricultural, 116767
and vegetable products. 116768

(V) "Owner" includes any person or firm, other than a 116769
manufacturer or dealer, that has title to a motor vehicle, except 116770
that, in sections 4505.01 to 4505.19 of the Revised Code, "owner" 116771
includes in addition manufacturers and dealers. 116772

(W) "Manufacturer" and "dealer" include all persons and firms 116773
that are regularly engaged in the business of manufacturing, 116774
selling, displaying, offering for sale, or dealing in motor 116775

vehicles, at an established place of business that is used 116776
exclusively for the purpose of manufacturing, selling, displaying, 116777
offering for sale, or dealing in motor vehicles. A place of 116778
business that is used for manufacturing, selling, displaying, 116779
offering for sale, or dealing in motor vehicles shall be deemed to 116780
be used exclusively for those purposes even though snowmobiles or 116781
all-purpose vehicles are sold or displayed for sale thereat, even 116782
though farm machinery is sold or displayed for sale thereat, or 116783
even though repair, accessory, gasoline and oil, storage, parts, 116784
service, or paint departments are maintained thereat, or, in any 116785
county having a population of less than seventy-five thousand at 116786
the last federal census, even though a department in a place of 116787
business is used to dismantle, salvage, or rebuild motor vehicles 116788
by means of used parts, if such departments are operated for the 116789
purpose of furthering and assisting in the business of 116790
manufacturing, selling, displaying, offering for sale, or dealing 116791
in motor vehicles. Places of business or departments in a place of 116792
business used to dismantle, salvage, or rebuild motor vehicles by 116793
means of using used parts are not considered as being maintained 116794
for the purpose of assisting or furthering the manufacturing, 116795
selling, displaying, and offering for sale or dealing in motor 116796
vehicles. 116797

(X) "Operator" includes any person who drives or operates a 116798
motor vehicle upon the public highways. 116799

(Y) "Chauffeur" means any operator who operates a motor 116800
vehicle, other than a taxicab, as an employee for hire; or any 116801
operator whether or not the owner of a motor vehicle, other than a 116802
taxicab, who operates such vehicle for transporting, for gain, 116803
compensation, or profit, either persons or property owned by 116804
another. Any operator of a motor vehicle who is voluntarily 116805
involved in a ridesharing arrangement is not considered an 116806
employee for hire or operating such vehicle for gain, 116807

compensation, or profit. 116808

(Z) "State" includes the territories and federal districts of 116809
the United States, and the provinces of Canada. 116810

(AA) "Public roads and highways" for vehicles includes all 116811
public thoroughfares, bridges, and culverts. 116812

(BB) "Manufacturer's number" means the manufacturer's 116813
original serial number that is affixed to or imprinted upon the 116814
chassis or other part of the motor vehicle. 116815

(CC) "Motor number" means the manufacturer's original number 116816
that is affixed to or imprinted upon the engine or motor of the 116817
vehicle. 116818

(DD) "Distributor" means any person who is authorized by a 116819
motor vehicle manufacturer to distribute new motor vehicles to 116820
licensed motor vehicle dealers at an established place of business 116821
that is used exclusively for the purpose of distributing new motor 116822
vehicles to licensed motor vehicle dealers, except when the 116823
distributor also is a new motor vehicle dealer, in which case the 116824
distributor may distribute at the location of the distributor's 116825
licensed dealership. 116826

(EE) "Ridesharing arrangement" means the transportation of 116827
persons in a motor vehicle where the transportation is incidental 116828
to another purpose of a volunteer driver and includes ridesharing 116829
arrangements known as carpools, vanpools, and buspools. 116830

(FF) "Apportionable vehicle" means any vehicle that is used 116831
or intended for use in two or more international registration plan 116832
member jurisdictions that allocate or proportionally register 116833
vehicles, that is used for the transportation of persons for hire 116834
or designed, used, or maintained primarily for the transportation 116835
of property, and that meets any of the following qualifications: 116836

(1) Is a power unit having a gross vehicle weight in excess 116837

of twenty-six thousand pounds; 116838

(2) Is a power unit having three or more axles, regardless of 116839
the gross vehicle weight; 116840

(3) Is a combination vehicle with a gross vehicle weight in 116841
excess of twenty-six thousand pounds. 116842

"Apportionable vehicle" does not include recreational 116843
vehicles, vehicles displaying restricted plates, city pick-up and 116844
delivery vehicles, ~~buses used for the transportation of chartered~~ 116845
~~parties~~, or vehicles owned and operated by the United States, this 116846
state, or any political subdivisions thereof. 116847

(GG) "Chartered party" means a group of persons who contract 116848
as a group to acquire the exclusive use of a passenger-carrying 116849
motor vehicle at a fixed charge for the vehicle in accordance with 116850
the carrier's tariff, lawfully on file with the United States 116851
department of transportation, for the purpose of group travel to a 116852
specified destination or for a particular itinerary, either agreed 116853
upon in advance or modified by the chartered group after having 116854
left the place of origin. 116855

(HH) "International registration plan" means a reciprocal 116856
agreement of member jurisdictions that is endorsed by the American 116857
association of motor vehicle administrators, and that promotes and 116858
encourages the fullest possible use of the highway system by 116859
authorizing apportioned registration of fleets of vehicles and 116860
recognizing registration of vehicles apportioned in member 116861
jurisdictions. 116862

(II) "Restricted plate" means a license plate that has a 116863
restriction of time, geographic area, mileage, or commodity, and 116864
includes license plates issued to farm trucks under division (J) 116865
of section 4503.04 of the Revised Code. 116866

(JJ) "Gross vehicle weight," with regard to any commercial 116867
car, trailer, semitrailer, or bus that is taxed at the rates 116868

established under section 4503.042 or 4503.65 of the Revised Code, 116869
means the unladen weight of the vehicle fully equipped plus the 116870
maximum weight of the load to be carried on the vehicle. 116871

(KK) "Combined gross vehicle weight" with regard to any 116872
combination of a commercial car, trailer, and semitrailer, that is 116873
taxed at the rates established under section 4503.042 or 4503.65 116874
of the Revised Code, means the total unladen weight of the 116875
combination of vehicles fully equipped plus the maximum weight of 116876
the load to be carried on that combination of vehicles. 116877

(LL) "Chauffeured limousine" means a motor vehicle that is 116878
designed to carry nine or fewer passengers and is operated for 116879
hire pursuant to a prearranged contract for the transportation of 116880
passengers on public roads and highways along a route under the 116881
control of the person hiring the vehicle and not over a defined 116882
and regular route. "Prearranged contract" means an agreement, made 116883
in advance of boarding, to provide transportation from a specific 116884
location in a chauffeured limousine. "Chauffeured limousine" does 116885
not include any vehicle that is used exclusively in the business 116886
of funeral directing. 116887

(MM) "Manufactured home" has the same meaning as in division 116888
(C)(4) of section 3781.06 of the Revised Code. 116889

(NN) "Acquired situs," with respect to a manufactured home or 116890
a mobile home, means to become located in this state by the 116891
placement of the home on real property, but does not include the 116892
placement of a manufactured home or a mobile home in the inventory 116893
of a new motor vehicle dealer or the inventory of a manufacturer, 116894
remanufacturer, or distributor of manufactured or mobile homes. 116895

(OO) "Electronic" includes electrical, digital, magnetic, 116896
optical, electromagnetic, or any other form of technology that 116897
entails capabilities similar to these technologies. 116898

(PP) "Electronic record" means a record generated, 116899

communicated, received, or stored by electronic means for use in 116900
an information system or for transmission from one information 116901
system to another. 116902

(QQ) "Electronic signature" means a signature in electronic 116903
form attached to or logically associated with an electronic 116904
record. 116905

(RR) "Financial transaction device" has the same meaning as 116906
in division (A) of section 113.40 of the Revised Code. 116907

(SS) "Electronic motor vehicle dealer" means a motor vehicle 116908
dealer licensed under Chapter 4517. of the Revised Code whom the 116909
registrar of motor vehicles determines meets the criteria 116910
designated in section 4503.035 of the Revised Code for electronic 116911
motor vehicle dealers and designates as an electronic motor 116912
vehicle dealer under that section. 116913

(TT) "Electric personal assistive mobility device" means a 116914
self-balancing two non-tandem wheeled device that is designed to 116915
transport only one person, has an electric propulsion system of an 116916
average of seven hundred fifty watts, and when ridden on a paved 116917
level surface by an operator who weighs one hundred seventy pounds 116918
has a maximum speed of less than twenty miles per hour. 116919

(UU) "Limited driving privileges" means the privilege to 116920
operate a motor vehicle that a court grants under section 4510.021 116921
of the Revised Code to a person whose driver's or commercial 116922
driver's license or permit or nonresident operating privilege has 116923
been suspended. 116924

(VV) "Utility vehicle" means a self-propelled vehicle 116925
designed with a bed, principally for the purpose of transporting 116926
material or cargo in connection with construction, agricultural, 116927
forestry, grounds maintenance, lawn and garden, materials 116928
handling, or similar activities. 116929

(WW) "Low-speed vehicle" means a three- or four-wheeled motor 116930

vehicle with an attainable speed in one mile on a paved level 116931
surface of more than twenty miles per hour but not more than 116932
twenty-five miles per hour and with a gross vehicle weight rating 116933
less than three thousand pounds. 116934

(XX) "Under-speed vehicle" means a three- or four-wheeled 116935
vehicle, including a vehicle commonly known as a golf cart, with 116936
an attainable speed on a paved level surface of not more than 116937
twenty miles per hour and with a gross vehicle weight rating less 116938
than three thousand pounds. 116939

(YY) "Motor-driven cycle or motor scooter" means any vehicle 116940
designed to travel on not more than three wheels in contact with 116941
the ground, with a seat for the driver and floor pad for the 116942
driver's feet, and is equipped with a motor with a piston 116943
displacement between fifty and one hundred fifty cubic centimeters 116944
piston displacement that produces not more than five brake 116945
horsepower and is capable of propelling the vehicle at a speed 116946
greater than twenty miles per hour on a level surface. 116947

(ZZ) "Motorcycle" means a motor vehicle with motive power 116948
having a seat or saddle for the use of the operator, designed to 116949
travel on not more than three wheels in contact with the ground, 116950
and having no occupant compartment top or occupant compartment top 116951
that can be installed or removed by the user. 116952

(AAA) "Cab-enclosed motorcycle" means a motor vehicle with 116953
motive power having a seat or saddle for the use of the operator, 116954
designed to travel on not more than three wheels in contact with 116955
the ground, and having an occupant compartment top or an occupant 116956
compartment top that can be installed or removed by the user. 116957

(BBB) "Mini-truck" means a vehicle that has four wheels, is 116958
propelled by an electric motor with a rated power of seven 116959
thousand five hundred watts or less or an internal combustion 116960
engine with a piston displacement capacity of six hundred sixty 116961

cubic centimeters or less, has a total dry weight of nine hundred 116962
to two thousand two hundred pounds, contains an enclosed cabin and 116963
a seat for the vehicle operator, resembles a pickup truck or van 116964
with a cargo area or bed located at the rear of the vehicle, and 116965
was not originally manufactured to meet federal motor vehicle 116966
safety standards. 116967

Section 110.21. That the existing version of section 4501.01 116968
of the Revised Code that is scheduled to take effect January 1, 116969
2017, is hereby repealed. 116970

Section 110.22. Sections 110.20 and 110.21 of this act shall 116971
take effect January 1, 2017. 116972

Section 115.10. That section 118.023 of the Revised Code as 116973
it results from Section 101.01 of this act be amended to read as 116974
follows: 116975

Sec. 118.023. (A) Upon determining that one or more of the 116976
conditions described in section 118.022 of the Revised Code are 116977
present, the auditor of state shall issue a written declaration of 116978
the existence of a fiscal watch to the municipal corporation, 116979
county, or township and the county budget commission. The fiscal 116980
watch shall be in effect until the auditor of state determines 116981
that none of the conditions are any longer present and cancels the 116982
watch, or until the auditor of state determines that a state of 116983
fiscal emergency exists. The auditor of state, or a designee, 116984
shall provide such technical and support services to the municipal 116985
corporation, county, or township after a fiscal watch has been 116986
declared to exist as the auditor of state considers necessary. 116987

(B) Within ninety days after the day a written declaration of 116988
the existence of a fiscal watch is issued under division (A) of 116989
this section, the mayor of the municipal corporation, the board of 116990

county commissioners of the county, or the board of township 116991
trustees of the township for which a fiscal watch was declared 116992
shall submit to the auditor of state a financial recovery plan 116993
that shall identify actions to be taken to eliminate all of the 116994
conditions described in section 118.022 of the Revised Code, and 116995
shall include a schedule detailing the approximate dates for 116996
beginning and completing the actions and a five-year forecast 116997
reflecting the effects of the actions. The financial recovery plan 116998
also shall evaluate the feasibility of entering into shared 116999
services agreements with other political subdivisions for the 117000
joint exercise of any power, performance of any function, or 117001
rendering of any service, if so authorized by statute. The 117002
financial recovery plan is subject to review and approval by the 117003
auditor of state. The auditor of state may extend the amount of 117004
time by which a financial recovery plan is required to be filed, 117005
for good cause shown. 117006

(C) The If a feasible financial recovery plan for a municipal 117007
corporation, county, or township for which a fiscal watch was 117008
declared is not submitted within the time period prescribed by 117009
division (B) of this section, or within any extension of time 117010
thereof, the auditor of state shall declare that a fiscal 117011
emergency condition exists under section 118.04 of the Revised 117012
Code in the municipal corporation, county, or township ~~if either 117013~~
~~of the following applies:~~ 117014

~~(1) A feasible financial recovery plan for a municipal 117015~~
~~corporation, county, or township for which a fiscal watch was 117016~~
~~declared is not submitted within the time period prescribed by 117017~~
~~division (B) of this section, or within any extension of time 117018~~
~~thereof; or 117019~~

~~(2) The auditor of state finds that a municipal corporation, 117020~~
~~county, or township for which a fiscal watch has been declared has 117021~~
~~not made reasonable proposals or otherwise taken action to 117022~~

~~discontinue or correct the fiscal practices or budgetary 117023
conditions that prompted the declaration of fiscal watch, and the 117024
auditor determines a fiscal emergency declaration is necessary to 117025
prevent further decline. 117026~~

Section 115.11. That existing section 118.023 of the Revised 117027
Code as it results from Section 101.01 of this act is hereby 117028
repealed. 117029

Section 115.12. That Sections 115.10 and 115.11 of this act 117030
take effect two years after the effective date of the amendment to 117031
section 118.023 of the Revised Code by Section 101.01 of this act. 117032

Section 125.10. That section 102.01 of the Revised Code be 117033
amended to read as follows: 117034

Sec. 102.01. As used in this chapter: 117035

(A) "Compensation" means money, thing of value, or financial 117036
benefit. "Compensation" does not include reimbursement for actual 117037
and necessary expenses incurred in the performance of official 117038
duties. 117039

(B) "Public official or employee" means any person who is 117040
elected or appointed to an office or is an employee of any public 117041
agency. "Public official or employee" does not include a person 117042
elected or appointed to the office of precinct, ward, or district 117043
committee member under section 3517.03 of the Revised Code, any 117044
presidential elector, or any delegate to a national convention. 117045
"Public official or employee" does not include a person who is a 117046
teacher, instructor, professor, or other kind of educator whose 117047
position does not involve the performance of, or authority to 117048
perform, administrative or supervisory functions. 117049

(C) "Public agency" means the general assembly, all courts, 117050

any department, division, institution, board, commission, 117051
authority, bureau or other instrumentality of the state, a county, 117052
city, village, or township, the five state retirement systems, or 117053
any other governmental entity. "Public agency" does not include a 117054
department, division, institution, board, commission, authority, 117055
or other instrumentality of the state or a county, municipal 117056
corporation, township, or other governmental entity that functions 117057
exclusively for cultural, educational, historical, humanitarian, 117058
advisory, or research purposes; that does not expend more than ten 117059
thousand dollars per calendar year, excluding salaries and wages 117060
of employees; and whose members are uncompensated. "Public agency" 117061
does not include the nonprofit corporation formed under section 117062
187.01 of the Revised Code. 117063

(D) "Immediate family" means a spouse residing in the 117064
person's household and any dependent child. 117065

(E) "Income" includes gross income as defined and used in the 117066
"Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as 117067
amended, interest and dividends on obligations or securities of 117068
any state or of any political subdivision or authority of any 117069
state or political subdivision, and interest or dividends on 117070
obligations of any authority, commission, or instrumentality of 117071
the United States. 117072

(F) Except as otherwise provided in division (A) of section 117073
102.08 of the Revised Code, "appropriate ethics commission" means: 117074

(1) For matters relating to members of the general assembly, 117075
employees of the general assembly, employees of the legislative 117076
service commission, and candidates for the office of member of the 117077
general assembly, ~~and public members appointed to the Ohio~~ 117078
~~constitutional modernization commission under section 103.63 of~~ 117079
~~the Revised Code~~, the joint legislative ethics committee; 117080

(2) For matters relating to judicial officers and employees, 117081

and candidates for judicial office, the board of commissioners on 117082
grievances and discipline of the supreme court; 117083

(3) For matters relating to all other persons, the Ohio 117084
ethics commission. 117085

(G) "Anything of value" has the same meaning as provided in 117086
section 1.03 of the Revised Code and includes, but is not limited 117087
to, a contribution as defined in section 3517.01 of the Revised 117088
Code. 117089

(H) "Honorarium" means any payment made in consideration for 117090
any speech given, article published, or attendance at any public 117091
or private conference, convention, meeting, social event, meal, or 117092
similar gathering. "Honorarium" does not include ceremonial gifts 117093
or awards that have insignificant monetary value; unsolicited 117094
gifts of nominal value or trivial items of informational value; or 117095
earned income from any person, other than a legislative agent, for 117096
personal services that are customarily provided in connection with 117097
the practice of a bona fide business, if that business initially 117098
began before the public official or employee conducting that 117099
business was elected or appointed to the public official's or 117100
employee's office or position of employment. 117101

(I) "Employer" means any person who, directly or indirectly, 117102
engages an executive agency lobbyist or legislative agent. 117103

(J) "Executive agency decision," "executive agency lobbyist," 117104
and "executive agency lobbying activity" have the same meanings as 117105
in section 121.60 of the Revised Code. 117106

(K) "Legislation," "legislative agent," "financial 117107
transaction," and "actively advocate" have the same meanings as in 117108
section 101.70 of the Revised Code. 117109

(L) "Expenditure" has the same meaning as in section 101.70 117110
of the Revised Code when used in relation to activities of a 117111
legislative agent, and the same meaning as in section 121.60 of 117112

the Revised Code when used in relation to activities of an 117113
executive agency lobbyist. 117114

Section 125.11. That existing section 102.01 of the Revised 117115
Code is hereby repealed. 117116

Section 125.12. That sections 103.61, 103.62, 103.63, 103.64, 117117
103.65, 103.66, and 103.67 of the Revised Code are hereby 117118
repealed. 117119

Section 125.13. Sections 125.10, 125.11, and 125.12 of this 117120
act take effect January 1, 2016. 117121

Section 201.10. Except as otherwise provided in this act, all 117122
appropriation items in this act are appropriated out of any moneys 117123
in the state treasury to the credit of the designated fund that 117124
are not otherwise appropriated. For all appropriations made in 117125
this act, the amounts in the first column are for fiscal year 2016 117126
and the amounts in the second column are for fiscal year 2017. 117127
117128

Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO 117129

Dedicated Purpose Fund Group 117130

4J80 889601 CPA Education	\$	325,000	\$	325,000	117131
Assistance					
4K90 889609 Operating Expenses	\$	1,052,714	\$	1,074,173	117132
TOTAL DPF Dedicated Purpose Fund					117133
Group	\$	1,377,714	\$	1,399,173	117134
TOTAL ALL BUDGET FUND GROUPS	\$	1,377,714	\$	1,399,173	117135

Section 205.10. ADJ ADJUTANT GENERAL 117137

General Revenue Fund 117138

GRF 745401 Ohio Military Reserve	\$	12,308	\$	12,308	117139
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GRF	745404	Air National Guard	\$	3,095,606	\$	3,095,606	117140
GRF	745407	National Guard	\$	400,000	\$	400,000	117141
		Benefits					
GRF	745409	Central	\$	2,682,098	\$	2,682,098	117142
		Administration					
GRF	745499	Army National Guard	\$	3,689,871	\$	3,689,871	117143
TOTAL GRF		General Revenue Fund	\$	9,879,883	\$	9,879,883	117144
		Dedicated Purpose Fund Group					117145
5340	745612	Property Operations	\$	534,304	\$	534,304	117146
		Management					
5360	745605	Marksmanship	\$	128,600	\$	128,600	117147
		Activities					
5360	745620	Camp Perry and	\$	978,846	\$	978,846	117148
		Buckeye Inn					
		Operations					
5370	745604	Ohio National Guard	\$	62,000	\$	62,000	117149
		Facilities					
		Maintenance					
5LY0	745626	Military Medal of	\$	5,000	\$	5,000	117150
		Distinction					
5QP0	745629	Patriot Inn Lodging	\$	200,000	\$	200,000	117151
		Operations					
5U80	745613	Community Match	\$	350,000	\$	350,000	117152
		Armories					
TOTAL DPF		Dedicated Purpose Fund	\$	2,258,750	\$	2,258,750	117153
		Group					
		Federal Fund Group					117154
3420	745616	Army National Guard	\$	26,000,000	\$	26,000,000	117155
		Service Agreement					
3E80	745628	Air National Guard	\$	15,642,000	\$	15,642,000	117156
		Operations and					
		Maintenance					

3R80 745603 Counter Drug \$ 15,000 \$ 15,000 117157
Operations

TOTAL FED Federal Fund Group \$ 41,657,000 \$ 41,657,000 117158

TOTAL ALL BUDGET FUND GROUPS \$ 53,795,633 \$ 53,795,633 117159

NATIONAL GUARD BENEFITS 117160

The foregoing appropriation item 745407, National Guard 117161
Benefits, shall be used for purposes of sections 5919.31 and 117162
5919.33 of the Revised Code, and for administrative costs of the 117163
associated programs. 117164

If necessary, in order to pay benefits in a timely manner 117165
pursuant to sections 5919.31 and 5919.33 of the Revised Code, the 117166
Adjutant General may request the Director of Budget and Management 117167
transfer appropriation from any appropriation item used by the 117168
Adjutant General to appropriation item 745407, National Guard 117169
Benefits. The Adjutant General may subsequently seek Controlling 117170
Board approval to restore the appropriation in the appropriation 117171
item from which such a transfer was made. 117172

For active duty members of the Ohio National Guard who died 117173
after October 7, 2001, while performing active duty, the death 117174
benefit, pursuant to section 5919.33 of the Revised Code, shall be 117175
paid to the beneficiary or beneficiaries designated on the 117176
member's Servicemembers' Group Life Insurance Policy. 117177

STATE ACTIVE DUTY COSTS 117178

Of the foregoing appropriation item 745409, Central 117179
Administration, \$50,000 in each fiscal year shall be used for the 117180
purpose of paying expenses related to state active duty of members 117181
of the Ohio organized militia, in accordance with a proclamation 117182
of the Governor. Expenses include, but are not limited to, the 117183
cost of equipment, supplies, and services, as determined by the 117184
Adjutant General's Department. 117185

Section 207.10.				DAS DEPARTMENT OF ADMINISTRATIVE SERVICES	117186
General Revenue Fund					117187
GRF	100413	Enterprise Data Center Solutions Lease Rental Payments	\$ 4,252,900	\$ 4,256,500	117188
GRF	100414	MARCS Lease Rental Payments	\$ 6,769,700	\$ 6,764,600	117189
GRF	100415	OAKS Lease Rental Payments	\$ 22,244,800	\$ 22,223,800	117190
GRF	100416	STARS Lease Rental Payments	\$ 5,393,700	\$ 7,437,400	117191
GRF	100447	Administrative Buildings Lease Rental Bond Payments	\$ 99,641,900	\$ 96,716,600	117192
GRF	100452	Lean Ohio	\$ 1,059,624	\$ 1,059,624	117193
GRF	100456	State IT Services	\$ 1,772,416	\$ 1,772,416	117194
GRF	100457	Equal Opportunity Services	\$ 2,174,661	\$ 2,174,661	117195
GRF	100459	Ohio Business Gateway	\$ 4,049,094	\$ 4,049,094	117196
GRF	130321	State Agency Support Services	\$ 18,768,016	\$ 18,878,171	117197
TOTAL GRF	General Revenue Fund		\$ 166,126,811	\$ 165,332,866	117198
Dedicated Purpose Fund Group					117199
5L70	100610	Professional Development	\$ 2,100,000	\$ 2,100,000	117200
5MV0	100662	Theater Equipment Maintenance	\$ 80,891	\$ 80,891	117201
5NM0	100663	911 Program	\$ 290,000	\$ 290,000	117202
5RT0	100668	Electronic Pollbooks	\$ 12,750,000	\$ 0	117203
5V60	100619	Employee Educational Development	\$ 800,000	\$ 800,000	117204

TOTAL DPF Dedicated Purpose Fund	\$	16,020,891	\$	3,270,891	117205
Group					
Internal Service Activity Fund Group					117206
1120 100616 DAS Administration	\$	7,388,356	\$	7,071,978	117207
1150 100632 Central Service Agency	\$	1,096,906	\$	1,111,099	117208
1170 100644 General Services	\$	12,493,870	\$	12,493,870	117209
Division - Operating					
1220 100637 Fleet Management	\$	5,182,000	\$	5,182,000	117210
1250 100622 Human Resources	\$	17,249,839	\$	17,249,839	117211
Division - Operating					
1250 100657 Benefits Communication	\$	612,316	\$	612,316	117212
1280 100620 Office of Collective Bargaining	\$	3,479,507	\$	3,379,507	117213
1300 100606 Risk Management	\$	6,635,784	\$	12,741,616	117214
Reserve					
1320 100631 DAS Building Management	\$	51,157,818	\$	51,157,818	117215
1330 100607 IT Services Delivery	\$	121,336,868	\$	121,336,868	117216
1880 100649 Equal Opportunity	\$	991,613	\$	953,613	117217
Division - Operating					
2100 100612 State Printing	\$	21,568,075	\$	21,688,106	117218
2290 100630 IT Governance	\$	28,212,195	\$	29,134,695	117219
2290 100640 Consolidated IT Purchases	\$	6,565,639	\$	6,565,639	117220
4270 100602 Investment Recovery	\$	1,638,515	\$	1,638,515	117221
4N60 100617 Major IT Purchases	\$	56,888,635	\$	56,888,635	117222
5C20 100605 MARCS Administration	\$	14,940,712	\$	14,953,307	117223
5C30 100608 Minor Construction Project Management	\$	4,004,375	\$	4,004,375	117224
5EB0 100635 OAKS Support Organization	\$	19,813,077	\$	19,813,077	117225
5EB0 100656 OAKS Updates and Developments	\$	10,400,000	\$	6,300,000	117226

5JQ0 100658	Professionals	\$	990,000	\$	990,000	117227
	Licensing System					
5KZ0 100659	Building Improvement	\$	6,148,000	\$	1,289,000	117228
5LJ0 100661	IT Development	\$	13,200,000	\$	13,200,000	117229
5PC0 100665	Ohio Benefits	\$	80,475,949	\$	80,475,949	117230
	Operations					
TOTAL ISA	Internal Service Activity					117231
Fund Group		\$	492,470,049	\$	490,231,822	117232
Federal Fund Group						117233
3AJ0 100623	Information Technology	\$	1,237,909	\$	1,237,909	117234
	Grants					
TOTAL FED	Federal Fund Group	\$	1,237,909	\$	1,237,909	117235
TOTAL ALL BUDGET	FUND GROUPS	\$	675,855,660	\$	660,073,488	117236

Section 207.20. OHIO ADMINISTRATIVE KNOWLEDGE SYSTEM LEASE 117238

RENTAL PAYMENTS 117239

The foregoing appropriation item 100415, OAKS Lease Rental 117240
 Payments, shall be used for payments during the period from July 117241
 1, 2015, through June 30, 2017, pursuant to leases and agreements 117242
 entered into under Chapter 125. of the Revised Code, as 117243
 supplemented by Section 281.10 of Am. Sub. H.B. 562 of the 127th 117244
 General Assembly and other prior acts of the General Assembly, 117245
 with respect to financing the costs associated with the 117246
 acquisition, development, installation, and implementation of the 117247
 Ohio Administrative Knowledge System. If it is determined that 117248
 additional appropriations are necessary for this purpose, the 117249
 amounts are hereby appropriated. 117250

Section 207.30. STATE TAXATION ACCOUNTING AND REVENUE SYSTEM 117251

LEASE RENTAL PAYMENTS 117252

The foregoing appropriation item 100416, STARS Lease Rental 117253
 Payments, shall be used for payments during the period from July 117254

1, 2015, through June 30, 2017, pursuant to leases and agreements 117255
entered into under Chapter 125. of the Revised Code, as 117256
supplemented by Section 701.40 of Am. Sub. H.B. 497 of the 130th 117257
General Assembly and other prior acts of the General Assembly, 117258
with respect to financing the cost for the acquisition, 117259
development, installation, and implementation of the State 117260
Taxation Accounting and Revenue System (STARS). If it is 117261
determined that additional appropriations are necessary for this 117262
purpose, the amounts are hereby appropriated. 117263

Section 207.40. MULTI-AGENCY RADIO COMMUNICATION SYSTEM LEASE 117264
RENTAL PAYMENTS 117265

The foregoing appropriation item 100414, MARCS Lease Rental 117266
Payments, shall be used for payments during the period from July 117267
1, 2015, through June 30, 2017, pursuant to leases and agreements 117268
entered into under Chapter 125. of the Revised Code, as 117269
supplemented by Section 701.10 of Sub. H.B. 497 of the 130th 117270
General Assembly, with respect to financing the cost for the 117271
acquisition, development, installation, and implementation of the 117272
Multi-Agency Radio Communications System (MARCS) upgrade. If it is 117273
determined that additional appropriations are necessary for this 117274
purpose, the amounts are hereby appropriated. 117275

Section 207.50. ENTERPRISE DATA CENTER SOLUTIONS LEASE RENTAL 117276
PAYMENTS 117277

The foregoing appropriation item 100413, EDCS Lease Rental 117278
Payments, shall be used for payments during the period from July 117279
1, 2015, through June 30, 2017, pursuant to leases and agreements 117280
entered into under Chapter 125. of the Revised Code, as 117281
supplemented by Section 701.30 of Am. Sub. H.B. 497 of the 130th 117282
General Assembly, with respect to financing the costs associated 117283
with the acquisition, development, installation, and 117284

implementation of the Enterprise Data Center Solutions initiative. 117285
If it is determined that additional appropriations are necessary 117286
for this purpose, the amounts are hereby appropriated. 117287

Section 207.60. ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND 117288
PAYMENTS 117289

The foregoing appropriation item 100447, Administrative 117290
Buildings Lease Rental Bond Payments, shall be used to meet all 117291
payments during the period from July 1, 2015, through June 30, 117292
2017, by the Department of Administrative Services pursuant to 117293
leases and agreements under Chapters 152. and 154. of the Revised 117294
Code. These appropriations are the source of funds pledged for 117295
bond service charges on related obligations issued under Chapters 117296
152. and 154. of the Revised Code. 117297

Section 207.63. ELECTRONIC POLLBOOKS 117298

The foregoing appropriation item 100668, Electronic 117299
Pollbooks, shall be used by the Office of Procurement Services 117300
within the Department of Administrative Services to pay 117301
eighty-five per cent of the calculated allocation cost of 117302
acquiring electronic pollbooks for each county, as defined in 117303
section 3506.05 of the Revised Code, for county boards of 117304
elections in accordance with this section. The source of funding 117305
for these acquisitions shall be a cash transfer from the General 117306
Revenue Fund under Section 512.30 of this act into the Electronic 117307
Pollbook Fund (Fund 5RT0), which is hereby created. 117308

The Director of Administrative Services, in consultation with 117309
the Secretary of State, shall calculate a portion of appropriation 117310
item 100668, Electronic Pollbooks, to be allocated to each county 117311
board of elections in proportion to the number of registered 117312
voters in each county as recorded in the statewide voter 117313
registration database as of July 1, 2015. The Office of 117314

Procurement Services shall use the funding allocated to each board 117315
for the purchase of electronic pollbooks in accordance with either 117316
of the following: 117317

(A) For electronic pollbooks to be purchased after the 117318
effective date of this section, upon request by a county board of 117319
elections, the Secretary of State shall provide a list of the 117320
vendors and electronic pollbooks certified in accordance with 117321
section 3506.05 of the Revised Code. The board shall select 117322
electronic pollbooks from this list and notify the Office of 117323
Procurement Services of its selection. The Office shall purchase 117324
the selected electronic pollbooks and any other necessary 117325
equipment on behalf of the board and shall transfer those 117326
pollbooks and equipment to the board. The board shall enter into a 117327
memorandum of understanding with the county commissioners and the 117328
Department of Administrative Services concerning those purchases 117329
and is responsible for fifteen per cent of the purchase costs of 117330
those pollbooks as determined by the Director of Administrative 117331
Services and Secretary of State under this section. 117332

(B) If, prior to the effective date of this section, a county 117333
board of elections purchased electronic pollbooks, the Office of 117334
Procurement Services shall reimburse the board for eighty-five per 117335
cent of that purchase up to the amount of the allocation as 117336
determined by the Director of Administrative Services and 117337
Secretary of State under division (A) of this section. 117338
Reimbursement shall be paid to the county's general fund. 117339

An amount equal to the unexpended, unencumbered portion of 117340
the foregoing appropriation item 100668, Electronic Pollbooks, at 117341
the end of fiscal year 2016 is hereby reappropriated for the same 117342
purpose in fiscal year 2017. 117343

Section 207.70. DAS - BUILDING OPERATING PAYMENTS AND 117344
BUILDING MANAGEMENT FUND 117345

Following the Director of Budget and Management's approval of 117346
FY 2016 rental rates for buildings managed by the Department of 117347
Administrative Services, the Director of Budget and Management may 117348
adjust FY 2016 and FY 2017 General Revenue Fund appropriations of 117349
the Department of Administrative Services and other state agencies 117350
to reflect accurately the rental amounts agencies will pay for 117351
occupied, vacant, or other space that is supported by the General 117352
Revenue Fund. Total General Revenue Fund appropriations may 117353
decrease but may not increase as a result of the appropriation 117354
adjustments made under this section. The foregoing appropriation 117355
item 130321, State Agency Support Services, shall be used to pay 117356
the rent expenses of veterans organizations pursuant to section 117357
123.024 of the Revised Code in fiscal years 2016 and 2017. 117358

The foregoing appropriation item, 130321, State Agency 117359
Support Services, also may be used to provide funding for the cost 117360
of property appraisals or building studies that the Department of 117361
Administrative Services may be required to obtain for property 117362
that is being sold by the state or property under consideration to 117363
be renovated or purchased by the state. 117364

Notwithstanding section 125.28 of the Revised Code, the 117365
foregoing appropriation item 130321, State Agency Support 117366
Services, also may be used to pay the operating expenses of state 117367
facilities maintained by the Department of Administrative Services 117368
that are not billed to building tenants, or other costs associated 117369
with the Voinovich Center in Youngstown, Ohio. These expenses may 117370
include, but are not limited to, the costs for vacant space and 117371
space undergoing renovation, and the rent expenses of tenants that 117372
are relocated because of building renovations. These payments may 117373
be processed by the Department of Administrative Services through 117374
intrastate transfer vouchers and placed into the Building 117375
Management Fund (Fund 1320). 117376

At least once per year, the portion of appropriation item 117377

130321, State Agency Support Services, that is not used for the 117378
regular expenses of the appropriation item shall be processed by 117379
the Department of Administrative Services through intrastate 117380
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 117381

Section 207.80. PROFESSIONAL DEVELOPMENT FUND 117382

The foregoing appropriation item 100610, Professional 117383
Development, shall be used to make payments from the Professional 117384
Development Fund (Fund 5L70) under section 124.182 of the Revised 117385
Code. If it is determined by the Director of Administrative 117386
Services that additional amounts are necessary, the Director of 117387
Administrative Services may request that the Director of Budget 117388
and Management approve additional amounts. Such approved 117389
additional amounts are hereby appropriated. 117390

Section 207.90. 911 PROGRAM 117391

The foregoing appropriation item 100663, 911 Program, shall 117392
be used by the Department of Administrative Services to pay the 117393
administrative costs of the Statewide Emergency Services Internet 117394
Protocol Network Steering Committee. 117395

Section 207.100. EMPLOYEE EDUCATIONAL DEVELOPMENT 117396

The foregoing appropriation item 100619, Employee Educational 117397
Development, shall be used to make payments from the Employee 117398
Educational Development Fund (Fund 5V60) under section 124.86 of 117399
the Revised Code. The fund shall be used to pay the costs of 117400
administering educational programs under existing collective 117401
bargaining agreements with District 1199, the Health Care and 117402
Social Service Union; State Council of Professional Educators; 117403
Ohio Education Association and National Education Association; the 117404
Fraternal Order of Police Ohio Labor Council, Unit 2; and the Ohio 117405
State Troopers Association, Units 1 and 15. 117406

If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management approve additional amounts. Such approved additional amounts are hereby appropriated.

Section 207.110. CENTRAL SERVICE AGENCY FUND

The foregoing appropriation item 100632, Central Service Agency, shall be used to purchase the equipment, products, and services that are needed to maintain existing automated applications for the professional licensing boards and the Casino Control Commission to support board licensing functions in fiscal years 2016 and 2017 until these functions are replaced by the Ohio Professionals Licensing System. The Department of Administrative Services shall establish charges for recovering the costs of carrying out these functions. The charges shall be billed to the professional licensing boards and the Casino Control Commission, and deposited via intrastate transfer vouchers to the credit of the Central Service Agency Fund (Fund 1150).

Upon implementation of the replacement Ohio Professionals Licensing System and the decommissioning of the existing automated applications, the Director of Budget and Management may transfer any cash balances that remain in the Central Service Agency Fund (Fund 1150) and that are attributable to the operation of the existing automated applications to the Professions Licensing System Fund (Fund 5JQ0).

Section 207.120. GENERAL SERVICE CHARGES

The Department of Administrative Services, with the approval of the Director of Budget and Management, shall establish charges for recovering the costs of administering the programs funded by the General Services Fund (Fund 1170) and the State Printing Fund

(Fund 2100). The charges may be used to recover the cost of paying 117437
a vendor to establish reduced pricing for contracted supplies or 117438
services. 117439

If the Director of Administrative Services determines that 117440
additional amounts are necessary to pay for consulting and 117441
administrative costs related to securing lower pricing, the 117442
Director of Administrative Services may request that the Director 117443
of Budget and Management approve additional expenditures. Such 117444
approved additional amounts are appropriated to appropriation item 117445
100644, General Services Division-Operating. 117446

Section 207.130. COLLECTIVE BARGAINING ARBITRATION EXPENSES 117447

With approval of the Director of Budget and Management, the 117448
Department of Administrative Services may seek reimbursement from 117449
state agencies for the actual costs and expenses the Department 117450
incurs in the collective bargaining arbitration process. The 117451
reimbursements shall be processed through intrastate transfer 117452
vouchers and credited to the Collective Bargaining Fund (Fund 117453
1280). 117454

Section 207.140. EQUAL OPPORTUNITY PROGRAM 117455

The Department of Administrative Services, with the approval 117456
of the Director of Budget and Management, shall establish charges 117457
for recovering the costs of administering the activities supported 117458
by the State EEO Fund (Fund 1880). These charges shall be 117459
deposited to the credit of Fund 1880 upon payment made by state 117460
agencies, state-supported or state-assisted institutions of higher 117461
education, and tax-supported agencies, municipal corporations, and 117462
other political subdivisions of the state, for services rendered. 117463

Section 207.150. CONSOLIDATED IT PURCHASES 117464

The foregoing appropriation item 100640, Consolidated IT 117465

Purchases, shall be used by the Department of Administrative Services acting as the purchasing agent for one or more government entities under the authority of division (G) of section 125.18 of the Revised Code to make information technology purchases at a lower aggregate cost than each individual government entity could have obtained independently for that information technology purchase. If the Director of Administrative Services determines that additional amounts are necessary to pay for pass-through information technology purchases that will be billed to one or more state agencies, the Director shall seek Controlling Board approval for an increase in appropriation sufficient to pay for the requested purchase.

Section 207.160. INVESTMENT RECOVERY FUND

Notwithstanding division (B) of section 125.14 of the Revised Code, cash balances in the Investment Recovery Fund (Fund 4270) may be used to support the operating expenses of the Federal Surplus Operating Program created in sections 125.84 to 125.90 of the Revised Code.

The Director of Administrative Services shall use the foregoing appropriation item 100602, Investment Recovery, to pay the operating expenses of the State Surplus Property Program and the Surplus Federal Property Program, under Chapter 125. of the Revised Code and this section. If additional appropriations are necessary for the operations of these programs, the Director of Administrative Services shall seek increased appropriations from the Controlling Board under section 131.35 of the Revised Code.

The Director of Administrative Services shall transfer proceeds from the sale of surplus property from the Investment Recovery Fund to non-General Revenue Funds under division (A)(2) of section 125.14 of the Revised Code.

Section 207.170. MAJOR IT PURCHASES CHARGES 117496

The Department of Administrative Services may bill agencies 117497
for actual expenditures made for major IT purchases if those 117498
expenditures are not recovered as part of the information 117499
technology services rates the Department charges and deposits into 117500
the Information Technology Fund (Fund 1330) created in section 117501
125.15 of the Revised Code. These charges shall be deposited to 117502
the credit of the Major IT Purchases Fund (Fund 4N60). 117503

Section 207.180. CASH TRANSFER TO THE MARCS ADMINISTRATION 117504
FUND FROM THE GRF 117505

Upon the request of the Director of Administrative Services, 117506
the Director of Budget and Management shall transfer up to 117507
\$2,000,000 in cash in each fiscal year from the General Revenue 117508
Fund to the MARCS Administration Fund (Fund 5C20) to reduce or 117509
eliminate MARCS subscriber fees paid by villages, townships, 117510
municipal corporations, counties, and regional public safety and 117511
first response agencies classified as Tier 1 subscribers by the 117512
MARCS Steering Committee. 117513

Section 207.190. PROFESSIONS LICENSING SYSTEM 117514

The foregoing appropriation item, 100658, Ohio Professionals 117515
Licensing System, shall be used to purchase the equipment, 117516
products, and services necessary to develop and maintain a 117517
replacement automated licensing system for the professional 117518
licensing boards. 117519

Upon request by the Director of Administrative Services, the 117520
Director of Budget and Management may transfer up to \$6,037,000 in 117521
cash during the FY 2016-FY 2017 biennium from the Occupational 117522
Licensing and Regulatory Fund (Fund 4K90), the State Medical Board 117523
Operating Fund (Fund 5C60), and the Casino Control Commission - 117524

Operating Fund (Fund 5HS0), to the Professions Licensing System 117525
Fund (Fund 5JQ0). The amount transferred from each fund shall be 117526
in proportion to the number of current licenses issued by the 117527
licensing boards and commissions that use each fund, and for the 117528
Casino Control Commission, the number of current and anticipated 117529
licenses. The transferred amounts shall be used by the Director of 117530
Administrative Services for the initial acquisition and 117531
development of the Professions Licensing System. The transferred 117532
amounts are hereby appropriated to appropriation item 100658, 117533
Professionals Licensing System. The unobligated, unexpended amount 117534
of the cash transferred in FY 2016 is hereby reappropriated for 117535
the same purpose in FY 2017. 117536

Effective with the implementation of the replacement 117537
licensing system, the Department of Administrative Services shall 117538
establish charges for recovering the costs of ongoing maintenance 117539
of the system. The charges shall be billed to the professional 117540
licensing boards and the Casino Control Commission, and deposited 117541
via intrastate transfer vouchers to the credit of the Professions 117542
Licensing System Fund (Fund 5JQ0), which is hereby created in the 117543
state treasury. 117544

Section 207.200. BUILDING IMPROVEMENT FUND 117545

The foregoing appropriation item 100659, Building 117546
Improvement, shall be used to make payments from the Building 117547
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 117548
required in facilities maintained by the Department of 117549
Administrative Services. The Department of Administrative Services 117550
shall conduct or contract for regular assessments of these 117551
buildings and shall maintain a cash balance in Fund 5KZ0 equal to 117552
the cost of the repairs and improvements that are recommended to 117553
occur within the next five years, with the following exception 117554
described below. 117555

Upon request of the Director of Administrative Services, the 117556
Director of Budget and Management may permit a cash transfer from 117557
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 117558
of operating and maintaining facilities managed by the Department 117559
of Administrative Services that are not charged to tenants during 117560
the same fiscal year. 117561

Should the cash balance in Fund 1320 be determined to be 117562
sufficient, the Director of Administrative Services may request 117563
that the Director of Budget and Management transfer cash from Fund 117564
1320 to 5KZ0 in an amount equal to the initial cash transfer made 117565
under this section plus applicable interest. 117566

On July 1, 2015, or as soon as possible thereafter, the 117567
Director of Budget and Management shall transfer \$1,000,000 cash 117568
from the General Revenue Fund to Fund 5KZ0. The cash transferred 117569
is hereby appropriated for use under appropriation item 100659, 117570
Building Improvement. 117571

Section 207.210. INFORMATION TECHNOLOGY DEVELOPMENT 117572

The foregoing appropriation item 100661, IT Development, 117573
shall be used by the Department of Administrative Services to pay 117574
the costs of modernizing the state's information technology 117575
management and investment practices away from a limited, 117576
agency-specific focus in favor of a statewide methodology 117577
supporting development of enterprise solutions. 117578

The Department of Administrative Services, with the approval 117579
of the Director of Budget and Management, may charge state 117580
agencies an information technology development assessment based on 117581
state agencies' information technology expenditures or other 117582
methodology. The revenue from this assessment shall be deposited 117583
in the Information Technology Development Fund (Fund 5LJ0), which 117584
is hereby created. 117585

Section 207.220. MULTI-AGENCY RADIO COMMUNICATION SYSTEM DEBT 117586
SERVICE PAYMENTS 117587

The Director of Administrative Services, in consultation with 117588
the Multi-Agency Radio Communication System (MARCS) Steering 117589
Committee and the Director of Budget and Management, shall 117590
determine the share of debt service payments attributable to 117591
spending for MARCS components that are not specific to any one 117592
agency and that shall be charged to the Highway Safety Fund (Fund 117593
7036). Such share of debt service payments shall be calculated for 117594
MARCS capital disbursements made beginning July 1, 1997. Within 117595
thirty days of any payment made from appropriation item 100447, 117596
Administrative Buildings Lease Rental Bond Payments, the Director 117597
of Administrative Services shall certify to the Director of Budget 117598
and Management the amount of this share. The Director of Budget 117599
and Management shall transfer such amounts to the General Revenue 117600
Fund from the State Highway Safety Fund (Fund 7036) established in 117601
section 4501.06 of the Revised Code. 117602

The Director of Administrative Services shall consider 117603
renting or leasing existing tower sites at reasonable or current 117604
market rates, so long as these existing sites are equipped with 117605
the technical capabilities to support the MARCS project. 117606

Section 207.230. ENTERPRISE IT STRATEGY IMPLEMENTATION 117607

The Director of Administrative Services shall determine and 117608
implement strategies that benefit the enterprise by improving 117609
efficiency, reducing costs or enhancing capacity of information 117610
technology (IT) services. Such improvements and efficiencies may 117611
result in the consolidation and transfer of such services. As 117612
determined to be necessary for successful implementation of this 117613
section and notwithstanding any provision of law to the contrary, 117614
the Director of Administrative Services may request the Director 117615

of Budget and Management to consolidate or transfer IT-specific 117616
budget authority between agencies or within an agency as necessary 117617
to implement enterprise IT cost containment strategies and related 117618
efficiencies. Once the Director of Budget and Management is 117619
satisfied that the proposed initiative is cost advantageous to the 117620
enterprise, the Director of Budget and Management may transfer 117621
appropriations, funds and cash as needed to implement the proposed 117622
initiative. The establishment of any new fund or additional 117623
appropriation as a result of this section will be subject to 117624
Controlling Board approval. 117625

The Director of Budget and Management and the Director of 117626
Administrative Services may transfer any employees, assets, and 117627
liabilities, including, but not limited to, records, contracts, 117628
and agreements in order to facilitate the improvements determined 117629
in accordance with this section. 117630

Section 209.10. AGE DEPARTMENT OF AGING 117631

General Revenue Fund 117632

GRF	490321	Operating Expenses	\$	1,487,418	\$	1,487,418	117633
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GRF	490410	Long-Term Care	\$	477,448	\$	477,448	117634
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Ombudsman

GRF	490411	Senior Community	\$	7,060,844	\$	7,060,844	117635
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Services

GRF	490414	Alzheimer's Respite	\$	2,495,245	\$	2,495,245	117636
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GRF	490506	National Senior	\$	241,413	\$	241,413	117637
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Service Corps

GRF	656423	Long-Term Care	\$	3,385,057	\$	3,385,057	117638
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Program Support -

State

TOTAL GRF	General Revenue Fund	\$	15,147,425	\$	15,147,425	117639
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Dedicated Purpose Fund Group 117640

4800	490606	Senior Community	\$	372,523	\$	372,523	117641
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		Outreach and Education					
4C40	490609	Regional Long-Term Care Ombudsman Program	\$	935,000	\$	935,000	117642
5BA0	490620	Ombudsman Support	\$	1,250,000	\$	1,250,000	117643
5K90	490613	Long-Term Care Consumers Guide	\$	1,059,400	\$	1,059,400	117644
5MT0	490627	Board of Executives of LTSS	\$	800,000	\$	800,000	117645
5W10	490616	Resident Services Coordinator Program	\$	344,700	\$	344,700	117646
TOTAL DPF	Dedicated Purpose						117647
Fund Group			\$	4,761,623	\$	4,761,623	117648
Federal Fund Group							117649
3220	490618	Federal Aging Grants	\$	8,700,000	\$	8,700,000	117650
3C40	656623	Long-Term Care Program Support - Federal	\$	3,385,057	\$	3,385,057	117651
3M40	490612	Federal Independence Services	\$	58,655,080	\$	58,655,080	117652
TOTAL FED	Federal Fund Group		\$	70,740,137	\$	70,740,137	117653
TOTAL ALL BUDGET	FUND GROUPS		\$	90,649,185	\$	90,649,185	117654

Section 209.20. LONG-TERM CARE 117656

Pursuant to an interagency agreement, the Department of 117657
 Medicaid may designate the Department of Aging to perform 117658
 assessments under section 5165.04 of the Revised Code. The 117659
 Department of Aging shall provide long-term care consultations 117660
 under section 173.42 of the Revised Code to assist individuals in 117661
 planning for their long-term health care needs. 117662

The Department of Aging shall administer the Medicaid 117663

waiver-funded PASSPORT Home Care Program, the Assisted Living 117664
Program, and PACE as delegated by the Department of Medicaid in an 117665
interagency agreement. The foregoing appropriation items 656423, 117666
Long-Term Care Program Support - State, and 656623, Long-Term Care 117667
Program Support - Federal, may be used to support the Department 117668
of Aging's administrative costs associated with operating the 117669
PASSPORT, Assisted Living, and PACE programs. 117670

PERFORMANCE-BASED REIMBURSEMENT 117671

The Department of Aging may design and utilize a payment 117672
method for PASSPORT administrative agency operations that includes 117673
a pay-for-performance incentive component that is earned by a 117674
PASSPORT administrative agency when defined consumer and policy 117675
outcomes are achieved. 117676

Section 209.30. LONG-TERM CARE OMBUDSMAN 117677

The State Ombudsman may explore the design of a payment 117678
method for the Ombudsman Program that includes a 117679
pay-for-performance incentive component that is earned by 117680
designated regional long-term care ombudsman programs. 117681

MYCARE OHIO 117682

The foregoing appropriation items 490410, Long-Term Care 117683
Ombudsman, 490618, Federal Aging Grants, 490612, Federal 117684
Independence Services, 490609, Regional Long-Term Care Ombudsman 117685
Program, and 490620, Ombudsman Support, may be used by the Office 117686
of the State Long-Term Care Ombudsman to provide ombudsman program 117687
activities as described in sections 173.14 to 173.27 and section 117688
173.99 of the Revised Code to consumers participating in MyCare 117689
Ohio. 117690

SENIOR COMMUNITY SERVICES 117691

The foregoing appropriation item 490411, Senior Community 117692
Services, shall be used for services designated by the Department 117693

of Aging, including, but not limited to, home-delivered and 117694
congregate meals, transportation services, personal care services, 117695
respite services, adult day services, home repair, care 117696
coordination, prevention and disease self-management, and decision 117697
support systems. Service priority shall be given to low income, 117698
frail, and cognitively impaired persons 60 years of age and over. 117699
The department shall promote cost sharing by service recipients 117700
for those services funded with senior community services funds, 117701
including, when possible, sliding-fee scale payment systems based 117702
on the income of service recipients 117703

NATIONAL SENIOR SERVICE CORPS 117704

The foregoing appropriation item 490506, National Senior 117705
Service Corps, shall be used by the Department of Aging to fund 117706
grants for three Corporation for National and Community 117707
Service/Senior Corps programs: the Foster Grandparents Program, 117708
the Senior Companion Program, and the Retired Senior Volunteer 117709
Program. A recipient of these grant funds shall use the funds to 117710
support priorities established by the Department and the Ohio 117711
State Office of the Corporation for National and Community 117712
Service. The expenditure of these funds by any grant recipient 117713
shall be in accordance with Senior Corps policies and procedures, 117714
as stated in the Domestic Volunteer Service Act of 1973, as 117715
amended. Neither the Department nor any area agencies on aging 117716
that are involved in the distribution of these funds to 117717
lower-tiered grant recipients may use any portion of these funds 117718
to cover administrative costs. 117719

TRANSFER OF RESIDENT PROTECTION FUNDS 117720

In each fiscal year, the Director of Budget and Management 117721
may transfer up to \$1,250,000 cash from the Resident Protection 117722
Fund (Fund 4E30), which is used by the Department of Medicaid, to 117723
the Ombudsman Support Fund (Fund 5BA0), which is used by the 117724
Department of Aging. 117725

The Director of Aging and the Office of the State Long-Term Care Ombudsman may use moneys in the Ombudsman Support Fund (Fund 5BA0) to implement a nursing home quality initiative as specified in section 173.60 of the Revised Code.

TRANSFER OF APPROPRIATIONS - FEDERAL INDEPENDENCE SERVICES AND FEDERAL AGING GRANTS

At the request of the Director of Aging, the Director of Budget and Management may transfer appropriation between appropriation items 490612, Federal Independence Services, and 490618, Federal Aging Grants. The amounts transferred shall not exceed 30 per cent of the appropriation from which the transfer is made. Any transfers shall be reported by the Department of Aging to the Controlling Board at the next scheduled meeting of the board.

Section 209.40. UPDATING AUTHORIZING STATUTE CITATIONS

As used in this section, "authorizing statute" means a Revised Code section or provision of a Revised Code section that is cited in the Ohio Administrative Code as the statute that authorizes the adoption of a rule.

The Director of Aging is not required to amend any rule for the sole purpose of updating the citation in the Ohio Administrative Code to the rule's authorizing statute to reflect that this act renumbers the authorizing statute or relocates it to another Revised Code section. Such citations shall be updated as the Director amends the rules for other purposes.

Section 209.50. BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS

The Board of Executives of Long-Term Services and Supports may develop and conduct, or contract with a government or private entity to develop and conduct, opportunities for education,

training, and credentialing of nursing home administrators, 117756
including persons interested in becoming licensed as nursing home 117757
administrators, and others in leadership positions who practice in 117758
long-term services and supports settings or who direct the 117759
practices of others in those settings. 117760

All fees paid to the Board of Executives of Long-Term 117761
Services and Support by an applicant for education or training 117762
shall be used solely for the administration of the training 117763
program in division (A)(10) of section 4751.04 of the Revised 117764
Code. The fees may be used to support the education and training 117765
programs by paying for items including, but not limited to, 117766
instructor fees, venues where the education or training is 117767
conducted, books, materials and printing. 117768

Training or education programs may be conducted in person or 117769
through electronic media. If the Board contracts with a government 117770
or private entity to administer the education or training 117771
programs, the contract may authorize the entity to pay any or all 117772
costs associated with the education or training programs and to 117773
collect and keep, as all or part of the entity's compensation 117774
under the contract, any fee an applicant for education or training 117775
pays to take the education or training program. 117776

Section 211.10. AGR DEPARTMENT OF AGRICULTURE 117777

General Revenue Fund 117778

GRF 700401 Animal Health Programs \$ 3,686,687 \$ 3,686,687 117779

GRF 700403 Dairy Division \$ 1,088,115 \$ 1,088,115 117780

GRF 700404 Ohio Proud \$ 50,000 \$ 50,000 117781

GRF 700406 Consumer Protection \$ 1,287,556 \$ 1,287,556 117782

Lab

GRF 700407 Food Safety \$ 1,000,000 \$ 1,000,000 117783

GRF 700409 Farmland Preservation \$ 72,750 \$ 72,750 117784

GRF 700410 Plant Industry \$ 150,000 \$ 150,000 117785

GRF 700412	Weights and Measures	\$	600,000	\$	600,000	117786
GRF 700415	Poultry Inspection	\$	592,978	\$	592,978	117787
GRF 700418	Livestock Regulation Program	\$	1,108,071	\$	1,108,071	117788
GRF 700424	Livestock Testing and Inspections	\$	92,493	\$	92,493	117789
GRF 700426	Dangerous and Restricted Animals	\$	800,000	\$	800,000	117790
GRF 700427	High Volume Breeder Kennel Control	\$	350,000	\$	350,000	117791
GRF 700428	Soil and Water Division	\$	1,807,700	\$	3,619,000	117792
GRF 700499	Meat Inspection Program - State Share	\$	4,425,097	\$	4,425,097	117793
GRF 700501	County Agricultural Societies	\$	391,415	\$	391,415	117794
GRF 700509	Soil and Water District Support	\$	0	\$	3,250,000	117795
TOTAL GRF	General Revenue Fund	\$	17,502,862	\$	22,564,162	117796
Dedicated Purpose Fund Group						117797
4900 700651	License Plates - Sustainable Agriculture	\$	7,000	\$	7,000	117798
4940 700612	Agricultural Commodity Marketing Program	\$	213,000	\$	213,000	117799
4960 700626	Ohio Grape Industries	\$	970,000	\$	970,000	117800
4970 700627	Grain Warehouse Program	\$	332,672	\$	332,672	117801
4C90 700605	Commercial Feed and Seed	\$	1,760,000	\$	1,760,000	117802
4D20 700609	Auction Education	\$	35,000	\$	35,000	117803
4E40 700606	Utility Radiological	\$	125,000	\$	125,000	117804

		Safety					
4P70	700610	Food Safety	\$	957,328	\$	957,328	117805
		Inspection					
4R00	700636	Ohio Proud Marketing	\$	35,500	\$	35,500	117806
4R20	700637	Dairy Industry	\$	1,658,247	\$	1,658,247	117807
		Inspection					
4T60	700611	Poultry and Meat	\$	120,000	\$	120,000	117808
		Inspection					
5780	700620	Ride Inspection	\$	1,215,142	\$	1,215,142	117809
5880	700633	Brand Registration	\$	5,000	\$	5,000	117810
5B80	700629	Auctioneers	\$	340,000	\$	340,000	117811
5BV0	700660	Heidelberg Water	\$	125,000	\$	250,000	117812
		Quality Lab					
5BV0	700661	Soil and Water	\$	4,000,000	\$	8,000,000	117813
		Districts					
5CP0	700652	License Plate	\$	10,000	\$	10,000	117814
		Scholarships					
5FC0	700648	Plant Pest Program	\$	1,190,000	\$	1,190,000	117815
5H20	700608	Metrology Lab and	\$	552,000	\$	552,000	117816
		Scale Certification					
5L80	700604	Livestock Management	\$	135,000	\$	135,000	117817
		Program					
5MA0	700657	Dangerous and	\$	50,000	\$	50,000	117818
		Restricted Animals					
5MR0	700658	High Volume Breeders	\$	174,000	\$	174,000	117819
		and Kennels					
5QW0	700653	Watershed Assistance	\$	557,500	\$	515,000	117820
6520	700634	Animal, Consumer, and	\$	4,966,383	\$	4,966,383	117821
		ATL Labs					
6690	700635	Pesticide,	\$	4,418,041	\$	4,418,041	117822
		Fertilizer, and Lime					
		Inspection Program					
TOTAL	DPF	Dedicated Purpose					117823

Fund Group		\$	23,951,813	\$	28,034,313	117824
Internal Service Activity Fund Group						117825
5DA0 700644	Laboratory	\$	1,164,000	\$	1,164,000	117826
	Administration					
	Support					
5GH0 700655	Administrative	\$	4,404,073	\$	4,404,073	117827
	Support					
TOTAL ISA Internal Service Activity						117828
Fund Group		\$	5,568,073		5,568,073	117829
Capital Projects Fund Group						117830
7057 700632	Clean Ohio	\$	310,000	\$	310,000	117831
	Agricultural Easement					
	Operating					
TOTAL CPF Capital Projects Fund		\$	310,000	\$	310,000	117832
Group						
Federal Fund Group						117833
3260 700618	Meat Inspection	\$	4,450,000	\$	4,450,000	117834
	Program - Federal					
	Share					
3360 700617	Ohio Farm Loan -	\$	101,000	\$	101,000	117835
	Revolving					
3820 700601	Federal Cooperative	\$	4,827,900	\$	5,131,500	117836
	Contracts					
3AB0 700641	Agricultural Easement	\$	150,000	\$	150,000	117837
3J40 700607	Federal	\$	1,200,000	\$	1,200,000	117838
	Administrative					
	Programs					
3R20 700614	Federal Plant	\$	6,000,000	\$	6,000,000	117839
	Industry					
TOTAL FED Federal Fund Group		\$	16,728,900	\$	17,032,500	117840
TOTAL ALL BUDGET FUND GROUPS		\$	64,061,648	\$	73,509,048	117841
DANGEROUS AND RESTRICTED WILD ANIMALS						117842

The foregoing appropriation item 700426, Dangerous and Restricted Animals, shall be used to administer the Dangerous and Restricted Wild Animal Permitting Program.

COUNTY AGRICULTURAL SOCIETIES

The foregoing appropriation item 700501, County Agricultural Societies, shall be used to reimburse county and independent agricultural societies for expenses related to Junior Fair activities.

SUPPORT FOR SOIL AND WATER DISTRICTS IN THE WESTERN LAKE ERIE BASIN

Of the foregoing appropriation item 700509, Soil and Water District Support, \$350,000 in fiscal year 2017 shall be used by the Department of Agriculture for a program to support soil and water conservation districts in the Western Lake Erie Basin to comply with provisions of Sub. S.B. 1 of the 131st General Assembly. The Department shall approve a soil and water district's application for funding under the program if the application demonstrates that funding will be used for, but not limited to, providing technical assistance, developing applicable nutrient or manure management plans, hiring and training of soil and water conservation district staff on best conservation practices, or other activities the Director determines is appropriate to assist farmers in the Western Lake Erie Basin in complying with the provisions of Sub. S.B. 1 of the 131st General Assembly.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.08 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the

Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.08 of the Revised Code for the local soil and water conservation district. Moneys received by each district shall be expended for the purposes of the district.

CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

Section 211.20. TRANSFER OF SOIL AND WATER CONSERVATION PROGRAM

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725502, Soil and Water Districts, used by the Department of Natural Resources, and reestablish them against appropriation item 700509, Soil and Water District Support, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725658, Heidelberg Water Quality Lab, used by the Department of Natural Resources, and reestablish them against appropriation item 700660, Heidelberg Water Quality Lab, used by the Department of Agriculture. The reestablished encumbrance amounts are hereby appropriated.

On January 1, 2016, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing encumbrances against appropriation item 725683, Soil and Water

Districts, used by the Department of Natural Resources, and 117904
 reestablish them against appropriation item 700661, Soil and Water 117905
 Districts, used by the Department of Agriculture. The 117906
 reestablished encumbrance amounts are hereby appropriated. 117907

On January 1, 2016, or as soon as possible thereafter, the 117908
 Director of Budget and Management shall cancel any existing 117909
 encumbrances against appropriation item 725699, Healthy Lake Erie 117910
 Fund, used by the Department of Natural Resources, and reestablish 117911
 them against appropriation item 700653, Watershed Assistance, used 117912
 by the Department of Agriculture. The reestablished encumbrance 117913
 amounts are hereby appropriated. 117914

Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY 117915

Dedicated Purpose Fund Group 117916

4Z90 898602 Small Business \$ 288,232 \$ 288,232 117917
 Ombudsman

5700 898601 Operating Expenses \$ 186,568 \$ 189,590 117918

5A00 898603 Small Business \$ 450,000 \$ 450,000 117919
 Assistance

5EG0 898608 Energy Strategy \$ 193,184 \$ 176,394 117920
 Development

TOTAL DPF Dedicated Purpose Fund \$ 1,117,984 \$ 1,104,216 117921
 Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,117,984 \$ 1,104,216 117922

Section 213.20. ENERGY STRATEGY DEVELOPMENT 117924

(A) There is hereby created in the state treasury the Energy 117925
 Strategy Development Fund (Fund 5EG0). The fund shall consist of 117926
 money credited to it and money obtained for advanced energy 117927
 projects from federal or private grants, loans, or other sources. 117928
 Money in the fund shall be used to carry out the purposes of the 117929
 Energy Strategy Development Program. Interest earned on the money 117930

in the fund shall be credited to the General Revenue Fund. 117931

(B) The Energy Strategy Development Program shall develop 117932
energy initiatives, projects, and policy that align with the 117933
energy policy for the state. Issues addressed by such initiatives, 117934
projects, and policy shall not be limited to those governed by 117935
Chapter 3706. of the Revised Code. The program also pays for costs 117936
associated with the administration of the outstanding loans and 117937
working with the outside parties associated with the loans. The 117938
Ohio Air Quality Development Authority shall be responsible for 117939
the monitoring of the program. 117940

(C) On July 1 of each fiscal year, or as soon as possible 117941
thereafter, the Director of Budget and Management may transfer 117942
cash from the funds specified below, up to the amounts specified 117943
below, to the Energy Strategy Development Fund. Fund 5EG0 may 117944
accept contributions and transfers made to the fund. On July 1, 117945
2017, or as soon as possible thereafter, the Director shall 117946
transfer to the General Revenue Fund all cash credited to Fund 117947
5EG0. Upon completion of the transfer, Fund 5EG0 is abolished. 117948

<u>Fund</u>	<u>Fund Name</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>	
1310	State Agency	Ohio Facilities	\$27,405	\$27,439	117949
	Construction	Construction			117950
	Project Service	Commission			
5GH0	Central Support	Department of	\$27,405	\$27,439	117951
	Indirect Cost	Agriculture			
1350	Supportive	Development	\$27,405	\$27,439	117952
	Services	Services Agency			
2190	Central Support	Environmental	\$27,405	\$27,439	117953
	Indirect Cost	Protection Agency			
1570	Central Support	Department of	\$27,405	\$27,439	117954
	Indirect	Natural Resources			
	Chargeback				
7002	Highway Operating	Department of	\$39,150	\$39,199	117955

Transportation

Section 213.30.	REIMBURSEMENT TO AIR QUALITY DEVELOPMENT				117956
	AUTHORITY TRUST ACCOUNT				117957
	Notwithstanding any other provision of law to the contrary,				117958
	the Air Quality Development Authority may reimburse the Air				117959
	Quality Development Authority trust account established under				117960
	section 3706.10 of the Revised Code from all operating funds of				117961
	the agency for expenses pertaining to the administration and				117962
	shared costs incurred by the Air Quality Development Authority in				117963
	the execution of responsibilities as prescribed in Chapter 3706.				117964
	of the Revised Code. The reimbursement shall be made by voucher				117965
	and completed in accordance with the administrative indirect costs				117966
	allocation plan approved by the Office of Budget and Management.				117967
Section 215.10.	ARC ARCHITECTS BOARDS				117968
	Dedicated Purpose Fund Group				117969
	4K90 891609 Operating	\$	507,614	\$	517,912 117970
	TOTAL DPF Dedicated Purpose Fund				117971
	Group	\$	507,614	\$	517,912 117972
	TOTAL ALL BUDGET FUND GROUPS	\$	507,614	\$	517,912 117973
Section 217.10.	ART OHIO ARTS COUNCIL				117975
	General Revenue Fund				117976
	GRF 370321 Operating Expenses	\$	1,772,050	\$	1,772,050 117977
	GRF 370502 State Program	\$	12,450,000	\$	12,950,000 117978
	Subsidies				
	TOTAL GRF General Revenue Fund	\$	14,222,050	\$	14,722,050 117979
	Dedicated Purpose Fund Group				117980
	4600 370602 Management Expenses	\$	300,000	\$	300,000 117981
	and Donations				
	4B70 370603 Percent for Art	\$	225,000	\$	225,000 117982

Acquisitions

TOTAL DPF Dedicated Purpose Fund Group	\$	525,000	\$	525,000	117983
Federal Fund Group					117984
3140 370601 Federal Support	\$	1,000,000	\$	1,000,000	117985
TOTAL FED Federal Fund Group	\$	1,000,000	\$	1,000,000	117986
TOTAL ALL BUDGET FUND GROUPS	\$	15,747,050	\$	16,247,050	117987

FEDERAL SUPPORT 117988

Notwithstanding any provision of law to the contrary, the 117989
foregoing appropriation item 370601, Federal Support, shall be 117990
used by the Ohio Arts Council for subsidies only, and not for its 117991
administrative costs, unless the Council is required to use a 117992
portion of the funds for administrative costs under conditions of 117993
the federal grant. 117994

Section 219.10. ATH ATHLETIC COMMISSION 117995

Dedicated Purpose Fund Group					117996
4K90 175609 Operating Expenses	\$	320,000	\$	320,000	117997
TOTAL DPF Dedicated Purpose Fund Group	\$	320,000	\$	320,000	117998
TOTAL ALL BUDGET FUND GROUPS	\$	320,000	\$	320,000	117999

Section 221.10. AGO ATTORNEY GENERAL 118001

General Revenue Fund					118002
GRF 055321 Operating Expenses	\$	43,114,169	\$	43,114,169	118003
GRF 055405 Law-Related Education	\$	70,000	\$	70,000	118004
GRF 055411 County Sheriffs' Pay Supplement	\$	757,921	\$	801,808	118005
GRF 055415 County Prosecutors' Pay Supplement	\$	831,499	\$	893,378	118006
GRF 055501 Rape Crisis Centers	\$	1,500,000	\$	1,500,000	118007
TOTAL GRF General Revenue Fund	\$	46,273,589	\$	46,379,355	118008

		Dedicated Purpose Fund Group					118009
1060	055612	Attorney General	\$	64,008,182	\$	64,818,182	118010
		Operating					
4020	055616	Victims of Crime	\$	20,301,769	\$	20,301,769	118011
4180	055615	Charitable	\$	8,286,000	\$	8,286,000	118012
		Foundations					
4190	055623	Claims Section	\$	58,437,133	\$	59,439,892	118013
4200	055603	Attorney General	\$	2,392,074	\$	2,392,074	118014
		Antitrust					
4210	055617	Police Officers'	\$	1,701,545	\$	1,701,545	118015
		Training Academy Fee					
4L60	055606	DARE Programs	\$	3,811,209	\$	3,811,209	118016
4Y70	055608	Title Defect Recision	\$	600,000	\$	600,000	118017
4Z20	055609	BCI Asset Forfeiture	\$	1,000,000	\$	1,000,000	118018
		and Cost					
		Reimbursement					
5900	055633	Peace Officer Private	\$	95,325	\$	95,325	118019
		Security Training					
5A90	055618	Telemarketing Fraud	\$	10,000	\$	10,000	118020
		Enforcement					
5L50	055619	Law Enforcement	\$	7,800,000	\$	12,800,000	118021
		Assistance Program					
5LR0	055655	Peace Officer	\$	4,629,409	\$	4,629,409	118022
		Training - Casino					
5MP0	055657	Peace Officer	\$	250,000	\$	325,000	118023
		Training Commission					
6310	055637	Consumer Protection	\$	8,834,000	\$	8,976,000	118024
		Enforcement					
6590	055641	Solid and Hazardous	\$	310,730	\$	310,730	118025
		Waste Background					
		Investigations					
U087	055402	Tobacco Settlement	\$	2,550,000	\$	2,650,000	118026
		Oversight,					

		Administration, and				
		Enforcement				
TOTAL DPF Dedicated Purpose Fund						118027
Group	\$	185,017,376	\$	192,147,135		118028
Internal Service Activity Fund Group						118029
1950 055660 Workers' Compensation	\$	8,415,504	\$	8,415,504		118030
		Section				
TOTAL ISA Internal Service Activity	\$	8,415,504	\$	8,415,504		118031
Fund Group						
Holding Account Fund Group						118032
R004 055631 General Holding	\$	1,000,000	\$	1,000,000		118033
		Account				
R005 055632 Antitrust Settlements	\$	1,000	\$	1,000		118034
R018 055630 Consumer Frauds	\$	750,000	\$	750,000		118035
R042 055601 Organized Crime	\$	25,025	\$	25,025		118036
		Commission				
		Distributions				
R054 055650 Collection Payment	\$	4,500,000	\$	4,500,000		118037
		Redistribution				
TOTAL HLD Holding Account						118038
Fund Group	\$	6,276,025	\$	6,276,025		118039
Federal Fund Group						118040
3060 055620 Medicaid Fraud	\$	8,461,419	\$	8,961,419		118041
		Control				
3830 055634 Crime Victims	\$	16,500,000	\$	16,500,000		118042
		Assistance				
3E50 055638 Attorney General	\$	2,320,999	\$	2,320,999		118043
		Pass-Through Funds				
3FV0 055656 Crime Victim	\$	3,155,000	\$	3,155,000		118044
		Compensation				
3R60 055613 Attorney General	\$	2,799,999	\$	2,799,999		118045
		Federal Funds				

TOTAL FED Federal Fund Group	\$	33,237,417	\$	33,737,417	118046
TOTAL ALL BUDGET FUND GROUPS	\$	279,219,911	\$	286,955,436	118047

OHIO CENTER FOR THE FUTURE OF FORENSIC SCIENCE 118048

Of the foregoing appropriation item 055321, Operating 118049
Expenses, \$600,000 in each fiscal year shall be used for the Ohio 118050
Center for the Future of Forensic Science at Bowling Green State 118051
University. The purpose of the Center shall be to foster forensic 118052
science research techniques (BCI Eminent Scholar) and to create 118053
professional training opportunities to students (BCI Scholars) in 118054
the forensic science fields. 118055

COUNTY SHERIFFS' PAY SUPPLEMENT 118056

The foregoing appropriation item 055411, County Sheriffs' Pay 118057
Supplement, shall be used for the purpose of supplementing the 118058
annual compensation of county sheriffs as required by section 118059
325.06 of the Revised Code. 118060

At the request of the Attorney General, the Director of 118061
Budget and Management may transfer appropriation from 118062
appropriation item 055321, Operating Expenses, to appropriation 118063
item 055411, County Sheriffs' Pay Supplement. Any appropriation so 118064
transferred shall be used to supplement the annual compensation of 118065
county sheriffs as required by section 325.06 of the Revised Code. 118066

COUNTY PROSECUTORS' PAY SUPPLEMENT 118067

The foregoing appropriation item 055415, County Prosecutors' 118068
Pay Supplement, shall be used for the purpose of supplementing the 118069
annual compensation of certain county prosecutors as required by 118070
section 325.111 of the Revised Code. 118071

At the request of the Attorney General, the Director of 118072
Budget and Management may transfer appropriation from 118073
appropriation item 055321, Operating Expenses, to appropriation 118074
item 055415, County Prosecutors' Pay Supplement. Any appropriation 118075
so transferred shall be used to supplement the annual compensation 118076

of county prosecutors as required by section 325.111 of the Revised Code. 118077
118078

WORKERS' COMPENSATION SECTION 118079

The Workers' Compensation Fund (Fund 1950) is entitled to receive payments from the Bureau of Workers' Compensation and the Ohio Industrial Commission at the beginning of each quarter of each fiscal year to fund legal services to be provided to the Bureau of Workers' Compensation and the Ohio Industrial Commission during the ensuing quarter. The advance payment shall be subject to adjustment. 118080
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In addition, the Bureau of Workers' Compensation shall transfer payments at the beginning of each quarter for the support of the Workers' Compensation Fraud Unit. 118087
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All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 118090
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LAW ENFORCEMENT ASSISTANCE FUND 118093

Notwithstanding the requirement in division (C) of section 5747.50 of the Revised Code that the Tax Commissioner provide for payment from the Local Government Fund to each municipal corporation of an amount calculated using the total amount available for distribution to municipal corporations during the current month, as defined in that division, the Tax Commissioner shall reduce the total amount available for distribution to municipal corporations during the current month by \$416,666.67 in each month of fiscal year 2016 and by \$833,333.33 in each month of fiscal year 2017, before calculating the amount to be distributed to each municipal corporation. The amounts not distributed to municipal corporations, \$416,666.67 in each month of fiscal year 2016 and \$833,333.33 in each month of fiscal year 2017, shall be deposited in the state treasury to the credit of the Law 118094
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Enforcement Assistance Fund (Fund 5L50). 118108

In accordance with the provisions of section 109.803 of the 118109
Revised Code, the Ohio Peace Officer Training Commission shall 118110
direct every appointing authority to require each of its appointed 118111
peace officers and troopers to complete a total of eleven hours of 118112
continuing professional training in calendar year 2016, and a 118113
total of twenty hours of continuing professional training in 118114
calendar year 2017. 118115

Notwithstanding any provision of section 109.802 of the 118116
Revised Code, in fiscal year 2017 each public appointing authority 118117
entitled to reimbursement for the cost of continuing professional 118118
training shall receive one hundred per cent reimbursement from the 118119
state for eleven of the required twenty hours of training. Of the 118120
remaining nine hours of required training, each eligible public 118121
appointing authority shall receive state reimbursement at the rate 118122
of: (a) one hundred per cent for the first fifty full-time 118123
officers or troopers trained, and (b) eighty per cent for any 118124
full-time officers or troopers trained after the first fifty 118125
full-time officers or troopers are trained. 118126

GENERAL HOLDING ACCOUNT 118127

The foregoing appropriation item 055631, General Holding 118128
Account, shall be used to distribute moneys under the terms of 118129
relevant court orders or other settlements received in a variety 118130
of cases involving the Office of the Attorney General. If it is 118131
determined that additional amounts are necessary for this purpose, 118132
the amounts are hereby appropriated. 118133

ANTITRUST SETTLEMENTS 118134

The foregoing appropriation item 055632, Antitrust 118135
Settlements, shall be used to distribute moneys under the terms of 118136
relevant court orders or other out of court settlements in 118137
antitrust cases or antitrust matters involving the Office of the 118138

Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

CONSUMER FRAUDS

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ORGANIZED CRIME COMMISSION DISTRIBUTIONS

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime Investigations Commission, as provided by section 177.011 of the Revised Code, to reimburse political subdivisions for the expenses the political subdivisions incur when their law enforcement officers participate in an organized crime task force. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

COLLECTION PAYMENT REDISTRIBUTION

The foregoing appropriation item 055650, Collection Payment Redistribution, shall be used for the purpose of allocating the revenue where debtors mistakenly paid the client agencies instead of the Attorney General's Collections Enforcement Section. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated.

ATTORNEY GENERAL PASS-THROUGH FUNDS

The foregoing appropriation item 055638, Attorney General

Pass-Through Funds, shall be used to receive federal grant funds 118169
provided to the Attorney General by other state agencies, 118170
including, but not limited to, the Department of Youth Services 118171
and the Department of Public Safety. 118172

Section 223.10. AUD AUDITOR OF STATE 118173

General Revenue Fund 118174

GRF 070321 Operating Expenses \$ 27,598,047 \$ 27,597,867 118175

GRF 070403 Fiscal \$ 800,000 \$ 800,000 118176

Watch/Emergency

Technical Assistance

TOTAL GRF General Revenue Fund \$ 28,398,047 \$ 28,397,867 118177

Dedicated Purpose Fund Group 118178

1090 070601 Public Audit Expense \$ 9,396,081 \$ 9,396,081 118179

- Intra-State

4220 070602 Public Audit Expense \$ 32,937,044 \$ 33,143,044 118180

- Local Government

5840 070603 Training Program \$ 403,750 \$ 403,750 118181

5JZ0 070606 LEAP Revolving Loans \$ 400,000 \$ 400,000 118182

6750 070605 Uniform Accounting \$ 3,160,637 \$ 3,160,637 118183

Network

TOTAL DPF Dedicated Purpose Fund 118184

Group \$ 46,297,512 \$ 46,503,512 118185

TOTAL ALL BUDGET FUND GROUPS \$ 74,695,559 \$ 74,901,379 118186

DAYTON EARLY COLLEGE ACADEMY PREP, INC. PILOT PROJECT 118187

Of the foregoing appropriation item 070602, Public Audit 118188

Expense - Local Government, up to \$100,000 in each fiscal year 118189

shall be used to fund a pilot project for the Dayton Early College 118190

Academy Prep, Inc. (DECA Prep, Inc.). The pilot project shall 118191

examine the effect of mandated parental engagement for lower 118192

performing students. The Auditor of State, in conjunction with the 118193

Superintendent of Public Instruction and DECA Prep, Inc., shall 118194

develop the parameters of the pilot project and conditions					118195	
necessary for the disbursement of funds.					118196	
Section 227.10. OBM OFFICE OF BUDGET AND MANAGEMENT					118197	
General Revenue Fund					118198	
GRF 042321	Budget Development	\$	2,981,898	\$	2,933,175	118199
	and Implementation					
GRF 042416	Office of Health	\$	430,000	\$	438,723	118200
	Transformation					
GRF 042425	Shared Services	\$	1,385,000	\$	1,425,000	118201
	Development					
TOTAL GRF General Revenue Fund		\$	4,796,898	\$	4,796,898	118202
Internal Service Activity Fund Group					118203	
1050 042603	Financial Management	\$	14,676,746	\$	14,593,851	118204
1050 042620	Shared Services	\$	8,699,170	\$	8,782,065	118205
	Operating					
TOTAL ISA Internal Service Activity						118206
Fund Group		\$	23,375,916	\$	23,375,916	118207
Fiduciary Fund Group					118208	
5EH0 042604	Forgery Recovery	\$	40,000	\$	40,000	118209
TOTAL FID Fiduciary Fund Group		\$	40,000	\$	40,000	118210
Federal Fund Group					118211	
3CM0 042606	Office of Health	\$	430,000	\$	438,723	118212
	Transformation -					
	Federal					
TOTAL FED Federal Fund Group		\$	430,000	\$	438,723	118213
TOTAL ALL BUDGET FUND GROUPS		\$	28,642,814	\$	28,651,537	118214
AUDIT COSTS AND DUES					118215	
All centralized audit costs associated with either Single					118216	
Audit Schedules or financial statements prepared in conformance					118217	
with generally accepted accounting principles for the state shall					118218	

be paid from the foregoing appropriation item 042603, Financial Management. 118219
118220

Costs associated with the audit of the Auditor of State and national association dues shall be paid from the foregoing appropriation item 042321, Budget Development and Implementation. 118221
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118223

SHARED SERVICES CENTER 118224

The foregoing appropriation items 042425, Shared Services Development, and 042620, Shared Services Operating, shall be used by the Director of Budget and Management to support a Shared Services Center within the Office of Budget and Management for the purpose of consolidating statewide business functions and common transactional processes. 118225
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The Director of Budget and Management shall include the recovery of costs to operate the Shared Services Center in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies for services rendered. The Director of Budget and Management shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of the Accounting and Budgeting Fund (Fund 1050). 118231
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INTERNAL AUDIT 118239

The Director of Budget and Management shall include the recovery of costs to operate the Internal Audit Program in the accounting and budgeting services payroll rate and through direct charges using intrastate transfer vouchers to agencies reviewed by the program. The Director of Budget and Management, with advice from the Internal Audit Advisory Council, shall determine the cost recovery methodology. Such cost recovery revenues shall be deposited to the credit of Fund 1050. 118240
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FORGERY RECOVERY 118248

The foregoing appropriation item 042604, Forgery Recovery, 118249
shall be used to reissue warrants that have been certified as 118250
forgeries by the rightful recipient as determined by the Bureau of 118251
Criminal Identification and Investigation and the Treasurer of 118252
State. Upon receipt of funds to cover the reissuance of the 118253
warrant, the Director of Budget and Management shall reissue a 118254
state warrant of the same amount. Any additional amounts needed to 118255
reissue warrants backed by the receipt of funds are hereby 118256
appropriated. 118257

Section 229.10. CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 118258

General Revenue Fund 118259

GRF 874100	Personal Services	\$	2,417,467	\$	2,417,467	118260
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GRF 874320	Maintenance and	\$	1,161,098	\$	1,161,098	118261
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Equipment

TOTAL GRF General Revenue Fund	\$	3,578,565	\$	3,578,565	118262
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Dedicated Purpose Fund Group 118263

2080 874601	Underground Parking	\$	3,496,740	\$	3,496,740	118264
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Garage Operations

4G50 874603	Capitol Square	\$	6,000	\$	6,000	118265
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Education Center and

Arts

TOTAL DPF Dedicated Purpose					118266
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Fund Group	\$	3,502,740	\$	3,502,740	118267
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Internal Service Activity Fund Group 118268

4S70 874602	Statehouse Gift	\$	700,000	\$	700,000	118269
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Shop/Events

TOTAL ISA Internal Service Activity					118270
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Fund Group	\$	700,000	\$	700,000	118271
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TOTAL ALL BUDGET FUND GROUPS	\$	7,781,305	\$	7,781,305	118272
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UNDERGROUND PARKING GARAGE FUND 118273

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

HOUSE AND SENATE PARKING REIMBURSEMENT

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$500,000 cash from the General Revenue Fund to the Underground Parking Garage Fund (Fund 2080). The amounts transferred under this section shall be used to reimburse the Capitol Square Review and Advisory Board for legislative parking costs.

Section 231.10. SCR STATE BOARD OF CAREER COLLEGES AND SCHOOLS

Dedicated Purpose Fund Group					118288
4K90 233601 Operating Expenses	\$	579,328	\$	579,328	118289
TOTAL DPF Dedicated Purpose Fund Group	\$	579,328	\$	579,328	118290
TOTAL ALL BUDGET FUND GROUPS	\$	579,328	\$	579,328	118291

Section 233.10. CAC CASINO CONTROL COMMISSION

Dedicated Purpose Fund Group					118294
5HS0 955321 Operating Expenses	\$	12,415,000	\$	12,415,000	118295
5NU0 955601 Casino Commission Enforcement	\$	50,000	\$	50,000	118296
TOTAL DPF Dedicated Purpose Fund Group	\$	12,465,000	\$	12,465,000	118297
TOTAL ALL BUDGET FUND GROUPS	\$	12,465,000	\$	12,465,000	118298

Section 235.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD

Dedicated Purpose Fund Group					118301
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4K90 930609	Operating Expenses	\$	490,644	\$	489,666	118302
TOTAL DPF	Dedicated Purpose Fund	\$	490,644	\$	489,666	118303
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	490,644	\$	489,666	118304

Section 237.10. CHR STATE CHIROPRACTIC BOARD 118306

Dedicated Purpose Fund Group 118307						
4K90 878609	Operating Expenses	\$	648,734	\$	663,521	118308
TOTAL DPF	Dedicated Purpose Fund	\$	648,734	\$	663,521	118309
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	648,734	\$	663,521	118310

Section 239.10. CIV OHIO CIVIL RIGHTS COMMISSION 118312

General Revenue Fund 118313						
GRF 876321	Operating Expenses	\$	5,406,444	\$	5,406,444	118314
TOTAL GRF	General Revenue Fund	\$	5,406,444	\$	5,406,444	118315
Internal Service Activity Fund Group 118316						
2170 876604	Operations Support	\$	4,000	\$	4,000	118317
TOTAL ISA	Internal Service Activity					118318
Fund Group		\$	4,000	\$	4,000	118319
Federal Fund Group 118320						
3340 876601	Federal Programs	\$	2,802,760	\$	2,947,982	118321
TOTAL FED	Federal Special Revenue					118322
Fund Group		\$	2,802,760	\$	2,947,982	118323
TOTAL ALL BUDGET FUND GROUPS		\$	8,213,204	\$	8,358,426	118324

Section 241.10. COM DEPARTMENT OF COMMERCE 118326

Dedicated Purpose Fund Group 118327						
4B20 800631	Real Estate Appraisal	\$	35,000	\$	35,000	118328
Recovery						
4H90 800608	Cemeteries	\$	274,080	\$	278,352	118329
4X20 800619	Financial Institutions	\$	1,854,298	\$	1,854,298	118330

5430	800602	Unclaimed	\$	7,764,160	\$	7,779,076	118331
		Funds-Operating					
5430	800625	Unclaimed Funds-Claims	\$	64,000,000	\$	64,000,000	118332
5440	800612	Banks	\$	6,867,039	\$	6,885,074	118333
5450	800613	Savings Institutions	\$	2,464,495	\$	2,533,005	118334
5460	800610	Fire Marshal	\$	17,153,766	\$	16,746,648	118335
5460	800639	Fire Department Grants	\$	5,200,000	\$	5,200,000	118336
5470	800603	Real Estate	\$	69,655	\$	69,655	118337
		Education/Research					
5480	800611	Real Estate Recovery	\$	50,000	\$	50,000	118338
5490	800614	Real Estate	\$	3,374,714	\$	3,409,090	118339
5500	800617	Securities	\$	4,421,403	\$	4,577,915	118340
5520	800604	Credit Union	\$	3,343,696	\$	3,374,104	118341
5530	800607	Consumer Finance	\$	3,946,050	\$	4,138,634	118342
5560	800615	Industrial Compliance	\$	27,882,765	\$	28,318,049	118343
5F10	800635	Small Government Fire	\$	300,000	\$	300,000	118344
		Departments					
5FW0	800616	Financial Literacy	\$	190,000	\$	190,000	118345
		Education					
5GK0	800609	Securities Investor	\$	432,150	\$	432,150	118346
		Education/Enforcement					
5HV0	800641	Cigarette Enforcement	\$	70,000	\$	70,000	118347
5LC0	800644	Liquor JobsOhio	\$	288,818	\$	276,817	118348
		Extraordinary Allowance					
5LN0	800645	Liquor Operating	\$	7,220,460	\$	6,920,435	118349
		Services					
5LP0	800646	Liquor Regulatory	\$	9,565,654	\$	8,664,644	118350
		Operating Expenses					
5PA0	800647	BUSTR Revolving Loan	\$	1,500,000	\$	1,500,000	118351
		Program					
5X60	800623	Video Service	\$	383,792	\$	389,110	118352
6530	800629	UST Registration/Permit	\$	2,201,943	\$	2,245,208	118353
		Fee					

6A40	800630	Real Estate	\$	684,978	\$	692,170	118354
		Appraiser-Operating					
TOTAL DPF	Dedicated Purpose						118355
Fund Group			\$	171,538,916	\$	170,929,434	118356
Internal Service Activity	Fund Group						118357
1630	800620	Division of	\$	7,700,000	\$	7,700,000	118358
		Administration					
1630	800637	Information Technology	\$	7,792,763	\$	9,493,259	118359
TOTAL ISA	Internal Service Activity						118360
Fund Group			\$	15,492,763	\$	17,193,259	118361
Federal Fund Group							118362
3480	800622	Underground Storage	\$	1,129,518	\$	1,129,518	118363
		Tanks					
3480	800624	Leaking Underground	\$	1,795,481	\$	1,795,481	118364
		Storage Tanks					
TOTAL FED	Federal Fund Group		\$	2,924,999	\$	2,924,999	118365
TOTAL ALL BUDGET FUND GROUPS			\$	189,956,678	\$	191,047,692	118366
		UNCLAIMED FUNDS PAYMENTS					118367
		The foregoing appropriation item 800625, Unclaimed					118368
		Funds-Claims, shall be used to pay claims under section 169.08 of					118369
		the Revised Code. If it is determined by the Director of Commerce					118370
		that additional appropriation amounts are necessary to make such					118371
		payments, the Director of Commerce may request that the Director					118372
		of Budget and Management increase such amounts. Such amounts are					118373
		hereby appropriated.					118374
		DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING					118375
		The foregoing appropriation item 800631, Real Estate					118376
		Appraiser Recovery, shall be used to pay settlements, judgments,					118377
		and court orders under section 4763.16 of the Revised Code. If it					118378
		is determined by the Director of Commerce that additional					118379
		appropriation amounts are necessary to make such payments, the					118380

Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

The foregoing appropriation item 800611, Real Estate Recovery, shall be used to pay settlements, judgments, and court orders under section 4735.12 of the Revised Code. If it is determined by the Director of Commerce that additional appropriation amounts are necessary to make such payments, the Director of Commerce may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

FIRE DEPARTMENT GRANTS

Of the foregoing appropriation item 800639, Fire Department Grants, up to \$5,200,000 in fiscal year 2016 and \$5,200,000 in fiscal year 2017 shall be used to make annual grants to the following eligible recipients: volunteer fire departments, fire departments that serve one or more small municipalities or small townships, joint fire districts comprised of fire departments that primarily serve small municipalities or small townships, local units of government responsible for such fire departments, and local units of government responsible for the provision of fire protection services for small municipalities or small townships. For the purposes of these grants, a private fire company, as that phrase is defined in section 9.60 of the Revised Code, that is providing fire protection services under a contract to a political subdivision of the state, is an additional eligible recipient for a training grant.

Eligible recipients that consist of small municipalities or small townships that all intend to contract with the same fire department or private fire company for fire protection services may jointly apply and be considered for a grant. If a joint applicant is awarded a grant, the State Fire Marshal shall, if

feasible, proportionately award the grant and any equipment 118413
purchased with grant funds to each of the joint applicants based 118414
upon each applicant's contribution to and demonstrated need for 118415
fire protection services. 118416

If the grant awarded to joint applicants is an equipment 118417
grant and the equipment to be purchased cannot be readily 118418
distributed or possessed by multiple recipients, each of the joint 118419
applicants shall be awarded by the State Fire Marshal an ownership 118420
interest in the equipment so purchased in proportion to each 118421
applicant's contribution to and demonstrated need for fire 118422
protection services. The joint applicants shall then mutually 118423
agree on how the equipment is to be maintained, operated, stored, 118424
or disposed of. If, for any reason, the joint applicants cannot 118425
agree as to how jointly owned equipment is to be maintained, 118426
operated, stored, or disposed of or any of the joint applicants no 118427
longer maintain a contract with the same fire protection service 118428
provider as the other applicants, then the joint applicants shall, 118429
with the assistance of the State Fire Marshal, mutually agree as 118430
to how the jointly owned equipment is to be maintained, operated, 118431
stored, disposed of, or owned. If the joint applicants cannot 118432
agree how the grant equipment is to be maintained, operated, 118433
stored, disposed of, or owned, the State Fire Marshal may, in its 118434
discretion, require all of the equipment acquired by the joint 118435
applicants with grant funds to be returned to the State Fire 118436
Marshal. The State Fire Marshal may then award the returned 118437
equipment to any eligible recipients. For this paragraph only, an 118438
"equipment grant" also includes a MARCS Grant. 118439

Except as otherwise provided in this section, the grants 118440
shall be used by recipients to purchase firefighting or rescue 118441
equipment or gear or similar items, to provide full or partial 118442
reimbursement for the documented costs of firefighter training, 118443
or, at the discretion of the State Fire Marshal, to cover fire 118444

department costs for providing fire protection services in that 118445
grant recipient's jurisdiction. 118446

Of the foregoing appropriation item 800639, Fire Department 118447
Grants, up to \$500,000 per fiscal year may be used to pay for the 118448
State Fire Marshal's costs of providing firefighter I 118449
certification classes or other firefighter classes approved by the 118450
Department of Public Safety in accordance with section 4765.55 of 118451
the Revised Code at no cost to selected students attending the 118452
Ohio Fire Academy or other class providers approved by the State 118453
Fire Marshal. The State Fire Marshal may establish the 118454
qualifications and selection processes for students to attend such 118455
classes by written policy, and such students shall be considered 118456
eligible recipients of fire department grants for the purposes of 118457
this portion of the grant program. 118458

For purposes of this section, a MARCS Grant is a grant for 118459
systems, equipment, or services that are a part of, integrated 118460
into, or otherwise interoperable with the Multi-Agency Radio 118461
Communication System (MARCS) operated by the state. 118462

Of the foregoing appropriation item 800639, Fire Department 118463
Grants, up to \$3,000,000 in each fiscal year may be used for MARCS 118464
Grants. MARCS Grants may be used for the payment of user access 118465
fees by the eligible recipient to access MARCS. 118466

MARCS Grant awards may be up to \$50,000 in each fiscal year 118467
per eligible recipient. Each eligible recipient may only apply, as 118468
a separate entity or as a part of a joint application, for one 118469
MARCS Grant per fiscal year. The State Fire Marshal may give a 118470
preference in the awarding of MARCS Grants to grants that will 118471
enhance the overall interoperability and effectiveness of 118472
emergency communication networks in the geographic region that 118473
includes and that is adjacent to the applicant. Eligible 118474
recipients that are or were awarded fire department grants that 118475
are not MARCS Grants may also apply for and receive MARCS Grants 118476

in accordance with criteria for the awarding of grant funds 118477
established by the State Fire Marshal. 118478

Grant awards for firefighting or rescue equipment or gear or 118479
for fire department costs of providing fire protection services 118480
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 118481
fiscal year if an eligible entity serves a jurisdiction in which 118482
the Governor declared a natural disaster during the preceding or 118483
current fiscal year in which the grant was awarded. In addition to 118484
any grant funds awarded for rescue equipment or gear, or for fire 118485
department costs associated with the provision of fire protection 118486
services, an eligible entity may receive a grant for up to \$15,000 118487
per fiscal year for full or partial reimbursement of the 118488
documented costs of firefighter training. For each fiscal year, 118489
the State Fire Marshal shall determine the total amounts to be 118490
allocated for each eligible purpose. 118491

The grant program shall be administered by the State Fire 118492
Marshal in accordance with rules the State Fire Marshal adopts as 118493
part of the state fire code adopted pursuant to section 3737.82 of 118494
the Revised Code that are necessary for the administration and 118495
operation of the grant program. The rules may further define the 118496
entities eligible to receive grants and establish criteria for the 118497
awarding and expenditure of grant funds, including methods the 118498
State Fire Marshal may use to verify the proper use of grant funds 118499
or to obtain reimbursement for or the return of equipment for 118500
improperly used grant funds. To the extent consistent with this 118501
section and until such time as the rules are updated, the existing 118502
rules in the state fire code adopted pursuant to section 3737.82 118503
of the Revised Code for fire department grants under this section 118504
apply to MARCS Grants. Any amounts in appropriation item 800639, 118505
Fire Department Grants, in excess of the amount allocated for 118506
these grants may be used for the administration of the grant 118507
program. 118508

CASH TRANSFERS TO DIVISION OF REAL ESTATE OPERATING FUND				118509	
Upon the written request of the Director of Commerce, the				118510	
Director of Budget and Management may transfer up to \$500,000 in				118511	
cash from the Real Estate Recovery Fund (Fund 5480) and up to				118512	
\$250,000 in cash from the Real Estate Appraiser Recovery Fund				118513	
(Fund 4B20) to the Division of Real Estate Operating Fund (Fund				118514	
5490) during the biennium ending June 30, 2017.				118515	
CASH TRANSFER TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES				118516	
REVOLVING LOAN FUND				118517	
Upon the written request of the Director of Commerce, the				118518	
Director of Budget and Management may transfer up to \$300,000 in				118519	
cash from the State Fire Marshal Fund (Fund 5460) to the Small				118520	
Government Fire Department Services Revolving Loan Fund (Fund				118521	
5F10) during the biennium ending June 30, 2017.				118522	
ADMINISTRATIVE ASSESSMENTS				118523	
Notwithstanding any other provision of law to the contrary,				118524	
the Division of Administration Fund (Fund 1630) is entitled to				118525	
receive assessments from all operating funds of the Department in				118526	
accordance with procedures prescribed by the Director of Commerce				118527	
and approved by the Director of Budget and Management.				118528	
Section 243.10. OCC OFFICE OF CONSUMERS' COUNSEL				118529	
Dedicated Purpose Fund Group				118530	
5F50 053601 Operating Expenses	\$	5,641,093	\$	5,641,093	118531
TOTAL DPF Dedicated Purpose Fund	\$	5,641,093	\$	5,641,093	118532
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	5,641,093	\$	5,641,093	118533
Section 245.10. CEB CONTROLLING BOARD				118535	
General Revenue Fund				118536	
GRF 911441 Ballot Advertising	\$	475,000	\$	475,000	118537

Costs

TOTAL GRF General Revenue Fund	\$	475,000	\$	475,000	118538
Dedicated Purpose Fund Group					118539
5RU0 911617 Absent Voter's Ballot	\$	0	\$	1,250,000	118540
Mailings					
TOTAL DPF Dedicated Purpose Fund Group	\$	0	\$	1,250,000	118541
Internal Service Activity Fund Group					118542
5KM0 911614 CB Emergency Purposes	\$	10,000,000	\$	10,000,000	118543
TOTAL ISA Internal Service Activity Fund Group	\$	10,000,000	\$	10,000,000	118544
TOTAL ALL BUDGET FUND GROUPS	\$	10,475,000	\$	11,725,000	118546

FEDERAL SHARE 118547

In transferring appropriations to or from appropriation items 118548
that have federal shares identified in this act, the Controlling 118549
Board shall add or subtract corresponding amounts of federal 118550
matching funds at the percentages indicated by the state and 118551
federal division of the appropriations in this act. Such changes 118552
are hereby appropriated. 118553

ABSENT VOTER'S BALLOT APPLICATION MAILING 118554

Pursuant to section 111.31 of the Revised Code and upon the 118555
request of the Secretary of State, the Controlling Board shall 118556
approve cash transfers from the Absent Voter's Ballot Fund (Fund 118557
5RU0), which is hereby created, under the foregoing appropriation 118558
item 911617, Absent Voter's Ballot Mailings, to the Absent Voter's 118559
Ballot Application Mailing Fund (Fund 5RG0) used by the Secretary 118560
of State to pay the cost of printing and mailing unsolicited 118561
applications for absent voters' ballots for the general election 118562
to be held on November 8, 2016. 118563

BALLOT ADVERTISING COSTS 118564

Pursuant to section 3501.17 of the Revised Code, and upon 118565

requests submitted by the Secretary of State, the Controlling Board shall approve transfers from the foregoing appropriation item 911441, Ballot Advertising Costs, to appropriation item 050621, Statewide Ballot Advertising, in order to pay for the cost of public notices associated with statewide ballot initiatives.

CAPITAL APPROPRIATION INCREASE FOR FEDERAL STIMULUS ELIGIBILITY

A state agency director shall request that the Controlling Board increase the amount of the agency's capital appropriations if the director determines such an increase is necessary for the agency to receive and use funds under the federal American Recovery and Reinvestment Act of 2009. The Controlling Board may increase the capital appropriations pursuant to the request up to the exact amount necessary under the federal act if the Board determines it is necessary for the agency to receive and use those federal funds.

DISASTER SERVICES

Pursuant to requests submitted by the Department of Public Safety, the Controlling Board may approve transfers from the Disaster Services Fund (Fund 5E20) to a fund and appropriation item used by the Department of Public Safety to provide for assistance to political subdivisions made necessary by natural disasters or emergencies. These transfers may be requested and approved prior to the occurrence of any specific natural disasters or emergencies in order to facilitate the provision of timely assistance. The Emergency Management Agency of the Department of Public Safety shall use the funding to fund the State Disaster Relief Program for disasters that have a written Governor's authorization, and the State Individual Assistance Program for disasters that have a written Governor's authorization and is declared by the federal Small Business Administration. The Ohio Emergency Management Agency shall publish and make available

application packets outlining procedures for the State Disaster Relief Program and the State Individual Assistance Program. 118598
118599

Fund 5E20 shall be used by the Controlling Board, pursuant to requests submitted by state agencies, to transfer cash and appropriations to any fund and appropriation item for the payment of state agency disaster relief program expenses for disasters that have a written Governor's authorization, if the Director of Budget and Management determines that sufficient funds exist. 118600
118601
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118605

Section 247.10. COS STATE BOARD OF BARBERS AND COSMETOLOGY 118606

Dedicated Purpose Fund Group 118607
4K90 879609 Operating Expenses \$ 3,767,432 \$ 3,154,762 118608
TOTAL DPF Dedicated Purpose Fund 118609
Group \$ 3,767,432 \$ 3,154,762 118610
TOTAL ALL BUDGET FUND GROUPS \$ 3,767,432 \$ 3,154,762 118611

Section 249.10. CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 118613

AND FAMILY THERAPIST BOARD 118614
Dedicated Purpose Fund Group 118615
4K90 899609 Operating Expenses \$ 1,287,029 \$ 1,301,462 118616
TOTAL DPF Dedicated Purpose Fund \$ 1,287,029 \$ 1,301,462 118617
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,287,029 \$ 1,301,462 118618

Section 251.10. CLA COURT OF CLAIMS 118620

General Revenue Fund 118621
GRF 015321 Operating Expenses \$ 2,562,959 \$ 2,536,419 118622
TOTAL GRF General Revenue Fund \$ 2,562,959 \$ 2,536,419 118623
Dedicated Purpose Fund Group 118624
5K20 015603 CLA Victims of Crime \$ 427,184 \$ 434,019 118625
TOTAL DPF Dedicated Purpose 118626

Fund Group	\$	427,184	\$	434,019	118627
TOTAL ALL BUDGET FUND GROUPS	\$	2,990,143	\$	2,970,438	118628

Section 253.10. DEN STATE DENTAL BOARD 118630

Dedicated Purpose Fund Group					118631
4K90 880609 Operating Expenses	\$	1,591,884	\$	1,591,884	118632
TOTAL DPF Dedicated Purpose					118633
Fund Group	\$	1,591,884	\$	1,591,884	118634
TOTAL ALL BUDGET FUND GROUPS	\$	1,591,884	\$	1,591,884	118635

Section 255.10. BDP BOARD OF DEPOSIT 118637

Dedicated Purpose Fund Group					118638
4M20 974601 Board of Deposit	\$	1,876,000	\$	1,876,000	118639
TOTAL DPF Dedicated Purpose Fund					118640
Group	\$	1,876,000	\$	1,876,000	118641
TOTAL ALL BUDGET FUND GROUPS	\$	1,876,000	\$	1,876,000	118642

BOARD OF DEPOSIT EXPENSE FUND 118643

Upon receiving certification of expenses from the Treasurer 118644
of State, the Director of Budget and Management shall transfer 118645
cash from the Investment Earnings Redistribution Fund (Fund 6080) 118646
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 118647
shall be used pursuant to section 135.02 of the Revised Code to 118648
pay for any and all necessary expenses of the Board of Deposit or 118649
for banking charges and fees required for the operation of the 118650
State of Ohio Regular Account. 118651

Section 257.10. DEV DEVELOPMENT SERVICES AGENCY 118652

General Revenue Fund					118653
GRF 195402 Coal Research and	\$	234,400	\$	234,400	118654
Development Program					
GRF 195405 Minority Business	\$	1,822,191	\$	1,722,191	118655
Development					

GRF	195407	Travel and Tourism	\$	1,000,000	\$	1,000,000	118656
GRF	195415	Business Development Services	\$	2,413,387	\$	2,413,387	118657
GRF	195426	Redevelopment Assistance	\$	525,000	\$	525,000	118658
GRF	195453	Technology Programs and Grants	\$	13,577,641	\$	13,577,641	118659
GRF	195454	Business Assistance	\$	3,506,474	\$	3,256,474	118660
GRF	195455	Appalachia Assistance	\$	5,748,749	\$	5,748,749	118661
GRF	195497	CDBG Operating Match	\$	1,053,200	\$	1,053,200	118662
GRF	195537	Ohio-Israel Agricultural Initiative	\$	200,000	\$	200,000	118663
GRF	195540	Port Authority Assistance	\$	2,500,000	\$	0	118664
GRF	195542	The Wilds	\$	250,000	\$	0	118665
GRF	195544	Dayton Regional Workforce Network	\$	350,000	\$	350,000	118666
GRF	195547	Saint Luke's Manor	\$	200,000	\$	0	118667
GRF	195549	Pathway Pilot Project	\$	86,727	\$	86,727	118668
GRF	195901	Coal Research & Development General Obligation Bond Debt Service	\$	5,991,400	\$	5,038,700	118669
GRF	195905	Third Frontier Research & Development General Obligation Bond Debt Service	\$	76,591,400	\$	96,212,000	118670
GRF	195912	Job Ready Site Development General Obligation Bond Debt Service	\$	18,634,000	\$	15,235,900	118671

TOTAL GRF	General Revenue Fund	\$	134,684,569	\$	146,654,369	118672
	Dedicated Purpose Fund Group					118673
4500 195624	Minority Business Bonding Program Administration	\$	74,905	\$	74,905	118674
4510 195649	Business Assistance Programs	\$	5,000,000	\$	5,000,000	118675
4F20 195639	State Special Projects	\$	102,104	\$	102,104	118676
4F20 195699	Utility Community Assistance	\$	500,000	\$	500,000	118677
4W10 195646	Minority Business Enterprise Loan	\$	4,000,000	\$	4,000,000	118678
5CG0 195679	Alternative Fuel Transportation	\$	3,000,000	\$	3,000,000	118679
5HR0 195622	Defense Development Assistance	\$	3,500,000	\$	3,500,000	118680
5HR0 195662	Incumbent Workforce Training Vouchers	\$	7,500,000	\$	7,500,000	118681
5JR0 195635	Redevelopment Program Support	\$	100,000	\$	100,000	118682
5KN0 195640	Local Government Innovation	\$	11,922,500	\$	11,922,500	118683
5KP0 195645	Historic Rehab Operating	\$	900,000	\$	1,000,000	118684
5M40 195659	Low Income Energy Assistance (USF)	\$	370,000,000	\$	370,000,000	118685
5M50 195660	Advanced Energy Loan Programs	\$	12,000,000	\$	12,000,000	118686
5MH0 195644	SiteOhio Administration	\$	100,000	\$	100,000	118687
5MJ0 195683	TourismOhio Administration	\$	9,000,000	\$	10,000,000	118688
5RQ0 195546	Lakes in Economic	\$	1,000,000	\$	0	118689

		Distress Revolving Loan Program					
5W50	195690	Travel and Tourism	\$	150,000	\$	150,000	118690
		Cooperative Projects					
5W60	195691	International Trade	\$	18,000	\$	18,000	118691
		Cooperative Projects					
6170	195654	Volume Cap	\$	32,562	\$	32,562	118692
		Administration					
6460	195638	Low- and Moderate- Income Housing Programs	\$	53,000,000	\$	53,000,000	118693
M087	195435	Biomedical Research and Technology Transfer	\$	500,000	\$	500,000	118694
TOTAL DPF Group		Dedicated Purpose Fund	\$	482,400,071	\$	482,500,071	118695
		Internal Service Activity Fund Group					118696
1350	195684	Development Services Operations	\$	10,800,000	\$	10,800,000	118697
6850	195636	Development Services Reimbursable Expenditures	\$	700,000	\$	700,000	118698
TOTAL ISA Fund Group		Internal Service Activity	\$	11,500,000	\$	11,500,000	118699
		Facilities Establishment Fund Group					118701
5S90	195628	Capital Access Loan Program	\$	3,000,000	\$	3,000,000	118702
7009	195664	Innovation Ohio	\$	10,000,000	\$	10,000,000	118703
7010	195665	Research and Development	\$	10,000,000	\$	10,000,000	118704
7037	195615	Facilities Establishment	\$	35,000,000	\$	35,000,000	118705

TOTAL FCE Facilities				118706
Establishment Fund Group	\$	58,000,000	\$ 58,000,000	118707
Bond Research & Development Fund Group				118708
7011 195617 Third Frontier Internship Program	\$	2,788,755	\$ 2,788,755	118709
7011 195686 Third Frontier Tax Exempt - Operating	\$	1,140,000	\$ 1,140,000	118710
7011 195687 Third Frontier Research & Development Projects	\$	68,904,946	\$ 63,904,946	118711
7014 195620 Third Frontier Taxable - Operating	\$	1,710,000	\$ 1,710,000	118712
7014 195692 Research & Development Taxable Bond Projects	\$	90,850,250	\$ 90,850,250	118713
TOTAL BRD Bond Research & Development Fund Group	\$	165,393,951	\$ 160,393,951	118714
Capital Projects Fund Group				118715
7003 195663 Clean Ohio Revitalization Operating	\$	600,000	\$ 600,000	118716
7012 195688 Job Ready Site Development Operating	\$	300,000	\$ 300,000	118717
TOTAL CPF Capital Projects Fund Group	\$	900,000	\$ 900,000	118718
Federal Fund Group				118719
3080 195603 Housing Assistance Programs	\$	10,000,000	\$ 10,000,000	118720
3080 195609 Small Business Administration Grants	\$	5,271,381	\$ 5,271,381	118721
3080 195618 Energy Grants	\$	4,100,000	\$ 4,100,000	118722
3080 195670 Home Weatherization	\$	20,000,000	\$ 20,000,000	118723

		Program				
3080	195671	Brownfield Redevelopment	\$	3,000,000	\$	3,000,000 118724
3080	195672	Manufacturing Extension Partnership	\$	5,359,305	\$	5,359,305 118725
3080	195675	Procurement Technical Assistance	\$	1,250,000	\$	750,000 118726
3080	195681	SBDC Disability Consulting	\$	1,300,000	\$	1,300,000 118727
3080	195696	State Trade and Export Promotion	\$	486,000	\$	486,000 118728
3350	195610	Energy Programs	\$	200,000	\$	200,000 118729
3AE0	195643	Workforce Development Initiatives	\$	1,500,000	\$	1,500,000 118730
3FJ0	195626	Small Business Capital Access and Collateral Enhancement Program	\$	5,644,445	\$	5,644,445 118731
3FJ0	195661	Technology Targeted Investment Program	\$	2,260,953	\$	2,260,953 118732
3K80	195613	Community Development Block Grant	\$	65,000,000	\$	65,000,000 118733
3K90	195611	Home Energy Assistance Block Grant	\$	175,000,000	\$	175,000,000 118734
3K90	195614	HEAP Weatherization	\$	25,000,000	\$	25,000,000 118735
3L00	195612	Community Services Block Grant	\$	28,000,000	\$	28,000,000 118736
3V10	195601	HOME Program	\$	25,000,000	\$	25,000,000 118737
TOTAL FED		Federal Fund Group	\$	378,372,084	\$	377,872,084 118738
TOTAL ALL BUDGET FUND GROUPS			\$	1,231,250,675	\$	1,237,820,475 118739

Section 257.20. COAL RESEARCH AND DEVELOPMENT PROGRAM

118741

The foregoing appropriation item 195402, Coal Research and Development Program, shall be used for the operating expenses of the Community Services Division in support of the Ohio Coal Development Office.

MINORITY BUSINESS DEVELOPMENT

Of the foregoing appropriation item 195405, Minority Business Development, \$100,000 in fiscal year 2016 shall be for a Minority Business Enterprise (MBE)/Encouraging Diversity, Growth and Equity (EDGE) Connectivity Study.

TRAVEL AND TOURISM

The foregoing appropriation item 195407, Travel and Tourism, shall be used to make grants under section 122.121 of the Revised Code.

BUSINESS DEVELOPMENT SERVICES

The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Business Services Division and the regional economic development offices and for grants for cooperative economic development ventures.

REDEVELOPMENT ASSISTANCE

The foregoing appropriation item 195426, Redevelopment Assistance, shall be used to fund the costs of administering the energy, redevelopment, and other urban revitalization programs that may be implemented by the Development Services Agency.

TECHNOLOGY PROGRAMS AND GRANTS

Of the foregoing appropriation item 195453, Technology Programs and Grants, up to \$547,341 in each fiscal year shall be used for operating expenses incurred in administering the Ohio Third Frontier pursuant to sections 184.10 to 184.20 of the Revised Code; and up to \$13,000,000 in each fiscal year shall be used for the Thomas Edison Program pursuant to sections 122.28 to

122.38 of the Revised Code, of which not more than ten per cent 118772
shall be used for operating expenses incurred in administering the 118773
program. 118774

BUSINESS ASSISTANCE 118775

The foregoing appropriation item 195454, Business Assistance, 118776
may be used to provide a range of business assistance, including 118777
grants to local organizations to support economic development 118778
activities that promote minority business development, small 118779
business development, entrepreneurship, and exports of Ohio's 118780
goods and services. This appropriation item shall also be used as 118781
matching funds for grants from the United States Small Business 118782
Administration and other federal agencies, pursuant to Public Law 118783
No. 96-302 as amended by Public Law No. 98-395, and regulations 118784
and policy guidelines for the programs pursuant thereto. 118785

APPALACHIA ASSISTANCE 118786

The foregoing appropriation item 195455, Appalachia 118787
Assistance, may be used for the administrative costs of planning 118788
and liaison activities for the Governor's Office of Appalachia, to 118789
provide financial assistance to projects in Ohio's Appalachian 118790
counties, to support four local development districts, and to pay 118791
dues for the Appalachian Regional Commission. These funds may be 118792
used to match federal funds from the Appalachian Regional 118793
Commission. 118794

Of the foregoing appropriation item 195455, Appalachia 118795
Assistance, in each fiscal year, \$170,000 shall be allocated to 118796
the Ohio Valley Regional Development Commission, \$170,000 shall be 118797
allocated to the Ohio Mid-Eastern Government Association, \$170,000 118798
shall be allocated to the Buckeye Hills-Hocking Valley Regional 118799
Development District, and \$70,000 shall be allocated to the 118800
Eastgate Regional Council of Governments. Local development 118801
districts receiving funding under this section shall use the funds 118802

for the implementation and administration of programs and duties	118803
under section 107.21 of the Revised Code.	118804
 CDBG OPERATING MATCH	 118805
 The foregoing appropriation item 195497, CDBG Operating	 118806
Match, shall be used as matching funds for grants from the United	118807
States Department of Housing and Urban Development pursuant to the	118808
Housing and Community Development Act of 1974 and regulations and	118809
policy guidelines for the programs pursuant thereto.	118810
 OHIO-ISRAEL AGRICULTURAL INITIATIVE	 118811
 The foregoing appropriation item 195537, Ohio-Israel	 118812
Agricultural Initiative, shall be used for the Ohio-Israel	118813
Agricultural Initiative.	118814
 PORT AUTHORITY ASSISTANCE	 118815
 The foregoing appropriation item 195540, Port Authority	 118816
Assistance, shall be used to distribute a grant to the Montgomery	118817
County Port Authority for the Midtown Redevelopment Initiative.	118818
 THE WILDS	 118819
 The foregoing appropriation item 195542, The Wilds, shall be	 118820
used to distribute a grant to The Wilds, a nonprofit conservation	118821
center in Muskingum County, for the development of a public water	118822
connection.	118823
 DAYTON REGIONAL WORKFORCE NETWORK	 118824
 The foregoing appropriation item 195544, Dayton Regional	 118825
Workforce Network, shall be used to support the Montgomery County	118826
Workforce Study Committee as described in Section 763.10 of this	118827
act.	118828
 SAINT LUKE'S MANOR	 118829
 The foregoing appropriation item 195547, Saint Luke's Manor,	 118830
shall be allocated to Cleveland Neighborhood Progress to support	118831

the completion of the Saint Luke's Manor project.	118832
PATHWAY PILOT PROJECT	118833
The foregoing appropriation item 195549, Pathway Pilot	118834
Project, shall be allocated to Pathway, a Community Action Agency	118835
in Lucas County, for a pilot program to connect individuals with	118836
sustainable employment opportunities.	118837
COAL RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT	118838
SERVICE	118839
The foregoing appropriation line item 195901, Coal Research	118840
and Development General Obligation Bond Debt Service, shall be	118841
used to pay all debt service and related financing costs during	118842
the period July 1, 2015, through June 30, 2017, on obligations	118843
issued under sections 151.01 and 151.07 of the Revised Code.	118844
THIRD FRONTIER RESEARCH & DEVELOPMENT GENERAL OBLIGATION BOND	118845
DEBT SERVICE	118846
The foregoing appropriation item 195905, Third Frontier	118847
Research & Development General Obligation Bond Debt Service, shall	118848
be used to pay all debt service and related financing costs during	118849
the period from July 1, 2015, through June 30, 2017, on	118850
obligations issued under sections 151.01 and 151.10 of the Revised	118851
Code.	118852
JOB READY SITE DEVELOPMENT GENERAL OBLIGATION BOND DEBT	118853
SERVICE	118854
The foregoing appropriation item 195912, Job Ready Site	118855
Development General Obligation Bond Debt Service, shall be used to	118856
pay all debt service and related financing costs during the period	118857
from July 1, 2015, through June 30, 2017, on obligations issued	118858
under sections 151.01 and 151.11 of the Revised Code.	118859
Section 257.30. BUSINESS ASSISTANCE PROGRAMS	118860

The foregoing appropriation item 195649, Business Assistance Programs, shall be used for administrative expenses associated with the operation of tax credit programs, loan servicing, the Ohio Film Office, workforce initiatives, and the Office of Strategic Business Investments.

STATE SPECIAL PROJECTS

The State Special Projects Fund (Fund 4F20), may be used for the deposit of private-sector funds from utility companies and for the deposit of other miscellaneous state funds. State moneys so deposited may also be used to match federal housing grants for the homeless.

MINORITY BUSINESS ENTERPRISE LOAN

All repayments from the Minority Development Financing Advisory Board Loan Program and the Ohio Mini-Loan Guarantee Program shall be deposited in the State Treasury to the credit of the Minority Business Enterprise Loan Fund (Fund 4W10).

MINORITY BUSINESS BONDING FUND

Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development Services may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the fiscal year 2016-fiscal year 2017 biennium of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.

If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development Services, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur

after proceeds of the initial transfer of \$2,700,000 by the 118892
Controlling Board to the Minority Business Bonding Program have 118893
been used for that purpose. If expenditures are required for 118894
payment of losses arising from the Minority Business Bonding 118895
Program, such expenditures shall be made from appropriation item 118896
195658, Minority Business Bonding Contingency in the Minority 118897
Business Bonding Fund, and such amounts are hereby appropriated. 118898

DEFENSE DEVELOPMENT ASSISTANCE 118899

The Director of Budget and Management shall transfer 118900
\$3,500,000 in cash in each fiscal year from the Economic 118901
Development Programs Fund (Fund 5JC0) used by the Department of 118902
Higher Education to the Ohio Incumbent Workforce Job Training Fund 118903
(Fund 5HR0) used by the Development Services Agency. The 118904
transferred funds shall be used for appropriation item 195622, 118905
Defense Development Assistance, to be allocated to Development 118906
Projects, Inc., for economic development programs and the creation 118907
of new jobs to leverage and support mission gains at Department of 118908
Defense and related facilities in Ohio by working with future base 118909
realignment and closure activities and ongoing Department of 118910
Defense efficiency and partnership initiatives, assisting efforts 118911
to secure Department of Defense support contracts for Ohio 118912
companies, assessing and supporting regional job training and 118913
workforce development needs generated by the Department of Defense 118914
and the Ohio aerospace industry, promoting technology transfer to 118915
Ohio businesses, and for expanding job training and economic 118916
development programs in human performance and cyber security 118917
related initiatives. 118918

On July 1, 2016, or as soon as possible thereafter, the 118919
Director of Development Services may request that the Director of 118920
Budget and Management reappropriate any unexpended, unencumbered 118921
balance of the prior fiscal year's appropriation to the foregoing 118922
appropriation item 195622, Defense Development Assistance, for 118923

fiscal year 2017. The Director of Budget and Management may 118924
request additional information necessary for evaluating the 118925
request, and the Director of Development Services shall provide 118926
the requested information to the Director of Budget and 118927
Management. Based on the information provided by the Director of 118928
Development Services, the Director of Budget and Management shall 118929
determine the amount to be reappropriated, and those amounts are 118930
hereby reappropriated for fiscal year 2017. 118931

INCUMBENT WORKFORCE TRAINING VOUCHERS 118932

(A) The Director of Budget and Management may transfer up to 118933
\$7,500,000 cash in each fiscal year from the Economic Development 118934
Programs Fund (Fund 5JC0) used by the Department of Higher 118935
Education to the Ohio Incumbent Workforce Job Training Fund (Fund 118936
5HR0) used by the Development Services Agency. 118937

(B) The foregoing appropriation item 195662, Incumbent 118938
Workforce Training Vouchers, shall be used to support the Ohio 118939
Incumbent Workforce Training Voucher Program. 118940

(C) The Ohio Incumbent Workforce Training Voucher Program 118941
shall conform to guidelines for the operation of the program, 118942
including, but not limited to, the following: 118943

(1) A requirement that a training voucher under the program 118944
shall not exceed \$6,000 per worker per year; 118945

(2) A provision for an employer of an eligible employee to 118946
apply for a voucher on behalf of the eligible employee; 118947

(3) A provision for an eligible employee to apply directly 118948
for a training voucher with the pre-approval of the employee's 118949
employer; and 118950

(4) A requirement that an employee participating in the 118951
program, or the employee's employer, shall pay for not less than 118952
thirty-three per cent of the training costs under the program. 118953

On July 1, 2016, or as soon as possible thereafter, the 118954
Director of Development Services may request that the Director of 118955
Budget and Management reappropriate any unexpended, unencumbered 118956
balance of the prior fiscal year's appropriation to the foregoing 118957
appropriation item 195662, Incumbent Workforce Training Vouchers, 118958
for fiscal year 2017. The Director of Budget and Management may 118959
request additional information necessary for evaluating the 118960
request, and the Director of Development Services shall provide 118961
the requested information to the Director of Budget and 118962
Management. Based on the information provided by the Director of 118963
Development Services, the Director of Budget and Management shall 118964
determine the amount to be reappropriated, and those amounts are 118965
hereby reappropriated for fiscal year 2017. 118966

LOCAL GOVERNMENT INNOVATION FUND 118967

The foregoing appropriation item 195640, Local Government 118968
Innovation, shall be used for the purposes of making loans and 118969
grants to political subdivisions under the Local Government 118970
Innovation Program in accordance with sections 189.01 to 189.10 of 118971
the Revised Code, and for the purposes of making loans and grants 118972
to political subdivisions and grants to the Department of 118973
Administrative Services under the Local Government Efficiency 118974
Program. Of the foregoing appropriation item 195640, Local 118975
Government Innovation, up to \$200,000 in each fiscal year shall be 118976
used for administrative costs incurred by the Development Services 118977
Agency, of which up to \$25,000 in each fiscal year may be used for 118978
the costs of preparing a report involving the local government 118979
information exchange. Of the foregoing appropriation item 195640, 118980
Local Government Innovation, up to \$75,000 in each fiscal year may 118981
be used to administer and provide technical assistance in 118982
providing the grants or loans involving the local government 118983
information exchange. In administering and providing this 118984
technical assistance, the Director of Development Services may 118985

enter into agreements with the Director of Administrative Services 118986
or other entities. 118987

ADVANCED ENERGY LOAN PROGRAMS 118988

The foregoing appropriation item 195660, Advanced Energy Loan 118989
Programs, shall be used to provide financial assistance to 118990
customers for eligible advanced energy projects for residential, 118991
commercial, and industrial business, local government, educational 118992
institution, nonprofit, and agriculture customers, and to pay for 118993
the program's administrative costs as provided in sections 4928.61 118994
to 4928.63 of the Revised Code and rules adopted by the Director 118995
of Development Services. 118996

LAKES IN ECONOMIC DISTRESS REVOLVING LOAN PROGRAM 118997

On July 1, 2015, or as soon as possible thereafter, the 118998
Director of Budget and Management shall transfer \$1,000,000 cash 118999
from the General Revenue Fund to the Lakes in Economic Distress 119000
Revolving Loan Fund (Fund 5RQ0). 119001

The foregoing appropriation item 195546, Lakes in Economic 119002
Distress Revolving Loan Program, shall be used for the purposes 119003
described under section 122.641 of the Revised Code. 119004

On July 1, 2016, or as soon as possible thereafter, the 119005
Director of Development Services shall certify to the Director of 119006
Budget and Management the amount of the unexpended, unencumbered 119007
balance of the foregoing appropriation item 195546, Lakes in 119008
Economic Distress Revolving Loan Program, to be reappropriated in 119009
fiscal year 2017. The amount certified is hereby reappropriated to 119010
the foregoing appropriation item in FY 2017 for the same purpose. 119011

TRAVEL AND TOURISM COOPERATIVE PROJECTS 119012

The foregoing appropriation item 195690, Travel and Tourism 119013
Cooperative Projects, shall be used for the marketing and 119014
promotion of travel and tourism in Ohio. The Travel and Tourism 119015

Cooperative Projects Fund (Fund 5W50) shall consist solely of 119016
leveraged private sector paid advertising dollars received in 119017
tourism marketing assistance and co-op programs. 119018

VOLUME CAP ADMINISTRATION 119019

The foregoing appropriation item 195654, Volume Cap 119020
Administration, shall be used for expenses related to the 119021
administration of the Volume Cap Program. Revenues received by the 119022
Volume Cap Administration Fund (Fund 6170) shall consist of 119023
application fees, forfeited deposits, and interest earned from the 119024
custodial account held by the Treasurer of State. 119025

Section 257.40. DEVELOPMENT SERVICES OPERATIONS 119026

The Director of Development Services may assess offices of 119027
the agency for the cost of central service operations. An 119028
assessment shall contain the characteristics of administrative 119029
ease and uniform application. A division's payments shall be 119030
credited to the Supportive Services Fund (Fund 1350) using an 119031
intrastate transfer voucher. 119032

DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES 119033

The foregoing appropriation item 195636, Development Services 119034
Reimbursable Expenditures, shall be used for reimbursable costs 119035
incurred by the agency. Revenues to the General Reimbursement Fund 119036
(Fund 6850) shall consist of moneys charged for administrative 119037
costs that are not central service costs. 119038

Section 257.50. CAPITAL ACCESS LOAN PROGRAM 119039

The foregoing appropriation item 195628, Capital Access Loan 119040
Program, shall be used for operating, program, and administrative 119041
expenses of the program. Funds of the Capital Access Loan Program 119042
shall be used to assist participating financial institutions in 119043
making program loans to eligible businesses that face barriers in 119044

accessing working capital and obtaining fixed-asset financing. 119045

INNOVATION OHIO LOAN FUND 119046

The foregoing appropriation item 195664, Innovation Ohio, 119047
shall be used to provide for Innovation Ohio purposes, including 119048
loan guarantees and loans under Chapter 166. and particularly 119049
sections 166.12 to 166.16 of the Revised Code. 119050

RESEARCH AND DEVELOPMENT 119051

The foregoing appropriation item 195665, Research and 119052
Development, shall be used to provide for research and development 119053
purposes, including loans, under Chapter 166. and particularly 119054
sections 166.17 to 166.21 of the Revised Code. 119055

FACILITIES ESTABLISHMENT 119056

The foregoing appropriation item 195615, Facilities 119057
Establishment, shall be used for the purposes of the Facilities 119058
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 119059
Code. 119060

Notwithstanding Chapter 166. of the Revised Code, an amount 119061
not to exceed \$3,500,000 in cash in each fiscal year may be 119062
transferred from the Facilities Establishment Fund (Fund 7037) to 119063
the Business Assistance Fund (Fund 4510). The transfer is subject 119064
to Controlling Board approval under division (B) of section 166.03 119065
of the Revised Code. 119066

Notwithstanding Chapter 166. of the Revised Code, the 119067
Director of Budget and Management may transfer an amount not to 119068
exceed \$2,000,000 in cash in each fiscal year from the Facilities 119069
Establishment Fund (Fund 7037) to the Minority Business Enterprise 119070
Loan Fund (Fund 4W10). 119071

Notwithstanding Chapter 166. of the Revised Code, the 119072
Director of Budget and Management may transfer an amount not to 119073
exceed \$2,000,000 in cash in each fiscal year from the Facilities 119074

Establishment Fund (Fund 7037) to the Capital Access Loan Fund 119075
(Fund 5S90). 119076

Section 257.60. THIRD FRONTIER INTERNSHIP PROGRAM 119077

The foregoing appropriation item 195617, Third Frontier 119078
Internship Program, shall be used for the Third Frontier 119079
Internship Program described in Section 701.90 of this act. 119080

THIRD FRONTIER OPERATING COSTS 119081

The foregoing appropriation items 195686, Third Frontier Tax 119082
Exempt - Operating, and 195620, Third Frontier Taxable - 119083
Operating, shall be used for operating expenses incurred by the 119084
Development Services Agency in administering projects pursuant to 119085
sections 184.10 to 184.20 of the Revised Code. Operating expenses 119086
paid from appropriation item 195686 shall be limited to the 119087
administration of projects funded from the Third Frontier Research 119088
& Development Fund (Fund 7011) and operating expenses paid from 119089
appropriation item 195620 shall be limited to the administration 119090
of projects funded from the Third Frontier Research & Development 119091
Taxable Bond Project Fund (Fund 7014). 119092

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 119093
PROJECTS 119094

The foregoing appropriation items 195687, Third Frontier 119095
Research & Development Projects, 195692, Research & Development 119096
Taxable Bond Projects, and 195620, Third Frontier Taxable - 119097
Operating, shall be used by the Development Services Agency to 119098
fund selected projects. Eligible costs are those costs of research 119099
and development projects to which the proceeds of the Third 119100
Frontier Research & Development Fund (Fund 7011) and the Research 119101
& Development Taxable Bond Project Fund (Fund 7014) are to be 119102
applied. 119103

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 119104

The Director of Budget and Management may approve written requests from the Director of Development Services for the transfer of appropriations between appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, based upon awards recommended by the Third Frontier Commission.

In fiscal year 2017, the Director of Development Services may request that the Director of Budget and Management reappropriate any unexpended, unencumbered balances of the prior fiscal year's appropriation to the foregoing appropriation items 195687, Third Frontier Research & Development Projects, and 195692, Research & Development Taxable Bond Projects, for fiscal year 2017. The Director of Budget and Management may request additional information necessary for evaluating these requests, and the Director of Development Services shall provide the requested information to the Director of Budget and Management. Based on the information provided by the Director of Development Services, the Director of Budget and Management shall determine the amounts to be reappropriated, and those amounts are hereby reappropriated for fiscal year 2017.

Section 257.70. CLEAN OHIO REVITALIZATION OPERATING

The foregoing appropriation item 195663, Clean Ohio Revitalization Operating, shall be used by the Development Services Agency in administering Clean Ohio Revitalization Fund (Fund 7003) projects pursuant to sections 122.65 to 122.658 of the Revised Code.

JOB READY SITE DEVELOPMENT OPERATING

The foregoing appropriation item 195688, Job Ready Site Development Operating, shall be used for operating expenses incurred by the Development Services Agency in administering Job Ready Site Development Fund (Fund 7012) projects pursuant to

sections 122.085 to 122.0820 of the Revised Code. Operating 119136
expenses include, but are not limited to, certain qualified 119137
expenses of the District Public Works Integrating Committees, as 119138
applicable, engineering review of submitted applications by the 119139
State Architect or a third-party engineering firm, audit and 119140
accountability activities, and costs associated with formal 119141
certifications verifying that site infrastructure is in place and 119142
is functional. 119143

Section 257.80. HEAP WEATHERIZATION 119144

Up to twenty-five per cent of the federal funds deposited to 119145
the credit of the Home Energy Assistance Block Grant Fund (Fund 119146
3K90) may be expended from appropriation item 195614, HEAP 119147
Weatherization, to provide home weatherization services in the 119148
state as determined by the Director of Development Services. Any 119149
transfers or increases in appropriation for the foregoing 119150
appropriation items 195614, HEAP Weatherization, or 195611, Home 119151
Energy Assistance Block Grant, shall be subject to approval by the 119152
Controlling Board. 119153

Section 257.90. REPORT ON ENTREPRENEURIAL BUSINESS INCUBATORS 119154
119155

(A) For the purposes of this section, "entrepreneurial 119156
business incubator" is defined as an entity supporting startup 119157
companies, offering a collaborative environment, and providing 119158
access to support services, technical expertise, and business 119159
assistance resources to help innovators grow their business ideas 119160
into independent job-creating companies. 119161

(B) By December 31, 2015, the Development Services Agency 119162
shall produce a report and make it publicly available on the 119163
agency's web site. The report shall map and review entrepreneurial 119164
business incubators in the state of Ohio, and specifically: 119165

(1) Identify locations and available support services, unmet service areas, and duplication of service at entrepreneurial business incubators;	119166
	119167
	119168
(2) Classify the industry of member entrepreneurs receiving services by the following categories: advanced manufacturing, aerospace and aviation, agribusiness, food processing, automotive supply chain, biohealth, energy, information technology, polymers, chemicals, and additional industry sectors, as determined by the Development Services Agency	119169
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(3) Gather data on member entrepreneurs based on jobs, capital investment, and sales; and	119175
	119176
(4) Describe characteristics of incubators that successfully graduate companies to be independent job creators for Ohio.	119177
	119178
Section 259.10. DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES	119179
General Revenue Fund	119180
GRF 320321 Central Administration	\$ 150,000 \$ 150,000 119181
GRF 320412 Protective Services	\$ 2,418,196 \$ 2,418,196 119182
GRF 320415 Developmental Disabilities Facilities Lease Rental Bond Payments	\$ 20,817,900 \$ 19,902,200 119183
GRF 322420 Screening and Early Intervention	\$ 308,500 \$ 308,500 119184
GRF 322451 Family Support Services	\$ 5,982,758 \$ 5,982,758 119185
GRF 322501 County Boards Subsidies	\$ 44,149,280 \$ 44,149,280 119186
GRF 322503 Tax Equity	\$ 14,000,000 \$ 14,000,000 119187
GRF 322507 County Board Case	\$ 2,500,000 \$ 2,500,000 119188

		Management				
GRF	322508	Employment First Initiative	\$	5,975,000	\$	5,975,000 119189
GRF	322509	Community Supports & Rental Assistance	\$	750,000	\$	750,000 119190
GRF	653321	Medicaid Program Support - State	\$	6,186,694	\$	6,186,694 119191
GRF	653407	Medicaid Services	\$	482,137,300	\$	543,467,830 119192
TOTAL GRF		General Revenue Fund	\$	585,375,628	\$	645,790,458 119193
		Dedicated Purpose Fund Group				119194
5GE0	320606	Operating and Services	\$	10,107,297	\$	10,107,297 119195
5QM0	320607	System Transformation Supports	\$	4,500,000	\$	3,000,000 119196
2210	322620	Supplement Service Trust	\$	150,000	\$	150,000 119197
5DJ0	322625	Targeted Case Management Match	\$	38,000,000	\$	43,000,000 119198
5DK0	322629	Capital Replacement Facilities	\$	750,000	\$	750,000 119199
5H00	322619	Medicaid Repayment	\$	160,000	\$	160,000 119200
5JX0	322651	Interagency Workgroup - Autism	\$	25,000		25,000 119201
4890	653632	DC Direct Care Services	\$	10,050,000	\$	10,050,000 119202
5CT0	653607	Intensive Behavioral Needs	\$	1,000,000	\$	1,000,000 119203
5DJ0	653626	Targeted Case Management Services	\$	101,000,000	\$	113,000,000 119204
5EV0	653627	Medicaid Program Support	\$	1,500,000	\$	1,500,000 119205
5GE0	653606	ICF/IID and Waiver Match	\$	37,682,901	\$	37,575,865 119206

5S20	653622	Medicaid Admin and Oversight	\$	19,032,154	\$	19,032,154	119207
5Z10	653624	County Board Waiver Match	\$	382,814,610	\$	426,207,065	119208
TOTAL DPF		Dedicated Purpose Fund Group	\$	606,771,962	\$	665,557,381	119209
		Internal Service Activity Fund Group					119210
1520	653609	DC and Residential Operating Services	\$	11,000,000	\$	11,000,000	119211
TOTAL ISA		Internal Service Activity Fund Group	\$	11,000,000	\$	11,000,000	119212
		Federal Fund Group					119213
3A50	320613	DD Council	\$	3,324,187	\$	3,324,187	119215
3250	322612	Community Social Service Programs	\$	10,604,896	\$	10,604,896	119216
3A40	653604	DC & ICF/IID Program Support	\$	8,013,611	\$	8,013,611	119217
3A40	653605	DC and Residential Services and Support	\$	118,423,968	\$	110,604,417	119218
3A40	653653	ICF/IID	\$	357,362,616	\$	356,283,407	119219
3G60	653639	Medicaid Waiver Services	\$	1,019,289,925	\$	1,180,039,348	119220
3G60	653640	Medicaid Waiver Program Support	\$	46,525,638	\$	47,225,486	119221
3M70	653650	CAFS Medicaid	\$	3,000,000	\$	3,000,000	119222
TOTAL FED		Federal Fund Group	\$	1,566,544,841	\$	1,719,095,352	119223
TOTAL ALL BUDGET FUND GROUPS			\$	2,769,692,431	\$	3,041,443,191	119224

Section 259.20. DEVELOPMENTAL DISABILITIES FACILITIES

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LEASE-RENTAL BOND PAYMENTS

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The foregoing appropriation item 320415, Developmental

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Disabilities Facilities Lease Rental Bond Payments, shall be used

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to meet all payments during the period from July 1, 2015, through 119230
June 30, 2017, by the Department of Developmental Disabilities 119231
under leases and agreements made under section 154.20 of the 119232
Revised Code. These appropriations are the source of funds pledged 119233
for bond service charges on related obligations issued under 119234
Chapter 154. of the Revised Code. 119235

Section 259.30. SCREENING AND EARLY INTERVENTION 119236

At the discretion of the Director of Developmental 119237
Disabilities, the foregoing appropriation item 322420, Screening 119238
and Early Intervention, shall be used for professional and program 119239
development related to early identification/screening and 119240
intervention for children with autism and other complex 119241
developmental disabilities and their families. 119242

Of the foregoing appropriation item 322420, Screening and 119243
Early Intervention, \$8,500 in each fiscal year shall be provided 119244
to the Preble County Board of Developmental Disabilities for the 119245
Play and Language for Autistic Youngsters Project. 119246

Section 259.40. FAMILY SUPPORT SERVICES SUBSIDY 119247

The foregoing appropriation item 322451, Family Support 119248
Services, may be used as follows in fiscal year 2016 and fiscal 119249
year 2017: 119250

(A) The appropriation item may be used to provide a subsidy 119251
to county boards of developmental disabilities for family support 119252
services provided under section 5126.11 of the Revised Code. The 119253
subsidy shall be paid in quarterly installments and allocated to 119254
county boards according to a formula the Director of Developmental 119255
Disabilities shall develop in consultation with representatives of 119256
county boards. A county board shall use not more than seven per 119257
cent of its subsidy for administrative costs. 119258

(B) The appropriation item may be used to distribute funds to 119259

county boards for the purpose of addressing economic hardships and 119260
to promote efficiency of operations. In consultation with 119261
representatives of county boards, the Director shall determine the 119262
amount of funds to distribute for these purposes and the criteria 119263
for distributing the funds. 119264

(C) Of the foregoing appropriation item 322451, Family 119265
Support Services, \$50,000 in each fiscal year shall be provided to 119266
the Beck Center for the Performing Arts. 119267

Section 259.50. STATE SUBSIDY TO COUNTY DD BOARDS 119268

(A) Except as provided in the section of this act titled 119269
"NONFEDERAL SHARE OF ICF/IID SERVICES," the foregoing 119270
appropriation item 322501, County Boards Subsidies, shall be used 119271
for the following purposes: 119272

(1) To provide a subsidy to county boards of developmental 119273
disabilities in quarterly installments and allocated according to 119274
a formula developed by the Director of Developmental Disabilities 119275
in consultation with representatives of county boards. Except as 119276
provided in section 5126.0511 of the Revised Code or in division 119277
(B) of this section, county boards shall use the subsidy for early 119278
childhood services and adult services provided under section 119279
5126.05 of the Revised Code, service and support administration 119280
provided under section 5126.15 of the Revised Code, or supported 119281
living as defined in section 5126.01 of the Revised Code. 119282

(2) To provide funding, as determined necessary by the 119283
Director, for residential services, including room and board, and 119284
support service programs that enable individuals with 119285
developmental disabilities to live in the community. 119286

(3) To distribute funds to county boards of developmental 119287
disabilities to address economic hardships and promote efficiency 119288
of operations. The Director shall determine, in consultation with 119289

representatives of county boards, the amount of funds to 119290
distribute for these purposes and the criteria for distributing 119291
the funds. 119292

(B) In collaboration with the county's family and children 119293
first council, a county board of developmental disabilities may 119294
transfer portions of funds received under this section, to a 119295
flexible funding pool in accordance with the section of this act 119296
titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 119297

Section 259.60. COUNTY BOARD SHARE OF WAIVER SERVICES 119298

As used in this section, "home and community-based services" 119299
has the same meaning as in section 5123.01 of the Revised Code. 119300

The Director of Developmental Disabilities shall establish a 119301
methodology to be used in fiscal year 2016 and fiscal year 2017 to 119302
estimate the quarterly amount each county board of developmental 119303
disabilities is to pay of the nonfederal share of home and 119304
community-based services that section 5126.0510 of the Revised 119305
Code requires county boards to pay. Each quarter, the Director 119306
shall submit to a county board written notice of the amount the 119307
county board is to pay for that quarter. The notice shall specify 119308
when the payment is due. 119309

Section 259.70. TAX EQUITY 119310

Notwithstanding section 5126.18 of the Revised Code, the 119311
foregoing appropriation item 322503, Tax Equity, may be used to 119312
distribute funds to county boards of developmental disabilities to 119313
address economic hardships and promote efficiency of operations. 119314
The Director of Developmental Disabilities shall determine, in 119315
consultation with representatives of county boards, the amount of 119316
funds to distribute for these purposes and the criteria for 119317
distributing the funds. 119318

Section 259.80. MEDICAID SERVICES	119319
(A) As used in this section "home and community-based services" has the same meaning as in section 5123.01 of the Revised Code and "ICF/IID services" has the same meaning as in section 5124.01 of the Revised Code.	119320 119321 119322 119323
(B) Except as provided in section 5123.0416 of the Revised Code, the purposes for which the foregoing appropriation item 653407, Medicaid Services, shall be used include the following:	119324 119325 119326
(1) Home and community-based services;	119327
(2) Implementation of the requirements of the agreement settling the consent decree in Sermak v. Manuel, Case No. C-2-80-220, United States District Court for the Southern District of Ohio, Eastern Division;	119328 119329 119330 119331
(3) Implementation of the requirements of the agreement settling the consent decree in the Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;	119332 119333 119334 119335
(4) ICF/IID services;	119336
(5) Other programs as identified by the Director of Developmental Disabilities; and	119337 119338
(6) \$8,000,000 in fiscal year 2016 and \$12,000,000 in fiscal year 2017 shall be distributed to county boards of developmental disabilities to be used to maintain current Medicaid waiver levels.	119339 119340 119341 119342
Section 259.90. EMPLOYMENT FIRST INITIATIVE	119343
The foregoing appropriation item 322508, Employment First Initiative, shall be used to increase employment opportunities for individuals with developmental disabilities through the Employment First Initiative in accordance with section 5123.022 of the	119344 119345 119346 119347

Revised Code. 119348

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments.

Of the foregoing appropriation item 322508, Employment First Initiative, \$175,000 in each fiscal year shall be provided to Best Buddies Ohio for establishing a state chapter of the program.

The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code.

Section 259.100. OPERATING AND SERVICES 119379

Of the foregoing appropriation item 320606, Operating and 119380
Services, \$100,000 in each fiscal year shall be provided to the 119381
Ohio Center for Autism and Low Incidence to establish a lifespan 119382
autism hub to support families and professionals. 119383

Section 259.110. TARGETED CASE MANAGEMENT SERVICES 119384

County boards of developmental disabilities shall pay the 119385
nonfederal portion of targeted case management costs to the 119386
Department of Developmental Disabilities. 119387

The Director of Developmental Disabilities and the Medicaid 119388
Director may enter into an interagency agreement under which the 119389
Department of Developmental Disabilities shall transfer cash from 119390
the Targeted Case Management Fund (Fund 5DJ0) to the Health 119391
Care/Medicaid Support and Recoveries Fund (Fund 5DL0) used by the 119392
Department of Medicaid in an amount equal to the nonfederal 119393
portion of the cost of targeted case management services paid by 119394
county boards. Under the agreement, the Department of Medicaid 119395
shall pay the total cost of targeted case management claims. The 119396
transfer shall be made using an intrastate transfer voucher. 119397

Section 259.120. WITHHOLDING OF FUNDS OWED THE DEPARTMENT 119398

If a county board of developmental disabilities does not 119399
fully pay any amount owed to the Department of Developmental 119400
Disabilities by the due date established by the Department, the 119401
Director of Developmental Disabilities may withhold the amount the 119402
county board did not pay from any amounts due to the county board. 119403
The Director may use any appropriation item or fund used by the 119404
Department to transfer cash to any other fund used by the 119405
Department in an amount equal to the amount owed the Department 119406
that the county board did not pay. Transfers under this section 119407

shall be made using an intrastate transfer voucher. 119408

Section 259.130. DEVELOPMENTAL CENTER BILLING FOR SERVICES 119409

Developmental centers of the Department of Developmental 119410
Disabilities may provide services to persons with mental 119411
retardation or developmental disabilities living in the community 119412
or to providers of services to these persons. The Department may 119413
develop a method for recovery of all costs associated with the 119414
provision of these services. 119415

Section 259.140. NONFEDERAL MATCH FOR ACTIVE TREATMENT 119416
SERVICES 119417

Any county funds received by the Department of Developmental 119418
Disabilities from county boards of developmental disabilities for 119419
active treatment shall be deposited in the Developmental 119420
Disabilities Operating Fund (Fund 4890). 119421

Section 259.150. ODODD INNOVATIVE PILOT PROJECTS 119422

(A) In fiscal year 2016 and fiscal year 2017, the Director of 119423
Developmental Disabilities may authorize the continuation or 119424
implementation of one or more innovative pilot projects that, in 119425
the judgment of the Director, are likely to assist in promoting 119426
the objectives of Chapter 5123. or 5126. of the Revised Code. 119427
Subject to division (B) of this section and notwithstanding any 119428
provision of Chapters 5123. and 5126. of the Revised Code and any 119429
rule adopted under either chapter, a pilot project authorized by 119430
the Director may be continued or implemented in a manner 119431
inconsistent with one or more provisions of either chapter or one 119432
or more rules adopted under either chapter. Before authorizing a 119433
pilot program, the Director shall consult with entities interested 119434
in the issue of developmental disabilities, including the Ohio 119435
Provider Resource Association, Ohio Association of County Boards 119436

of Developmental Disabilities, Ohio Health Care Association/Ohio 119437
Centers for Intellectual Disabilities, the Values and Faith 119438
Alliance, and ARC of Ohio. 119439

(B) The Director may not authorize a pilot project to be 119440
implemented in a manner that would cause the state to be out of 119441
compliance with any requirements for a program funded in whole or 119442
in part with federal funds. 119443

Section 259.160. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 119444
ICFs/IID IN PEER GROUPS 1 AND 2 119445

(A) As used in this section: 119446

(1) "Change of operator," "entering operator," "exiting 119447
operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer 119448
group 1," "peer group 2," "peer group 3," "provider," and 119449
"provider agreement" have the same meanings as in section 5124.01 119450
of the Revised Code. 119451

(2) "Franchise permit fee" means the fee imposed by sections 119452
5168.60 to 5168.71 of the Revised Code. 119453

(B)(1) This section applies to each ICF/IID that is in peer 119454
group 1 or peer group 2 and to which any of the following applies: 119455

(a) The provider of the ICF/IID has a valid Medicaid provider 119456
agreement for the ICF/IID on June 30, 2015, and a valid Medicaid 119457
provider agreement for the ICF/IID during fiscal year 2016. 119458

(b) The ICF/IID undergoes a change of operator that takes 119459
effect during fiscal year 2016, the exiting operator has a valid 119460
Medicaid provider agreement for the ICF/IID on the day immediately 119461
preceding the effective date of the change of operator, and the 119462
entering operator has a valid Medicaid provider agreement for the 119463
ICF/IID during fiscal year 2016. 119464

(c) The ICF/IID is a new ICF/IID for which the provider 119465
obtains an initial provider agreement during fiscal year 2016. 119466

(2) This section does not apply to an ICF/IID in peer group 119467
3. 119468

(3) The Department of Developmental Disabilities shall follow 119469
this section in determining the rate to be paid for ICF/IID 119470
services provided during fiscal year 2016 by ICFs/IID subject to 119471
this section notwithstanding anything to the contrary in Chapter 119472
5124. of the Revised Code. 119473

(C)(1) Except as otherwise provided in this section, the 119474
provider of an ICF/IID to which this section applies shall be 119475
paid, for ICF/IID services the ICF/IID provides during fiscal year 119476
2016, the total per Medicaid day rate determined for the ICF/IID 119477
under division (C)(2) or (3) of this section. 119478

(2) Except in the case of a new ICF/IID, the fiscal year 2016 119479
total per Medicaid day rate for an ICF/IID to which this section 119480
applies shall be the ICF/IID's total per Medicaid day rate 119481
determined for the ICF/IID in accordance with Chapter 5124. of the 119482
Revised Code for fiscal year 2016 with the following 119483
modifications: 119484

(a) The ICF/IID's efficiency incentive for capital costs, as 119485
determined under division (F) of section 5124.17 of the Revised 119486
Code, shall be reduced by 50 per cent. 119487

(b) In place of the maximum cost per case-mix unit 119488
established for the ICF/IID's peer group under division (C) of 119489
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 119490
per case-mix unit shall be an amount the Department shall 119491
determine in accordance with division (E) of this section. 119492

(c) In place of the inflation adjustment otherwise calculated 119493
under division (D) of section 5124.19 of the Revised Code for the 119494
purpose of division (A)(1)(b) of that section, an inflation 119495
adjustment of 1.014 shall be used. 119496

(d) In place of the efficiency incentive otherwise calculated 119497

under division (B)(2) of section 5124.21 of the Revised Code, the 119498
ICF/IID's efficiency incentive for indirect care costs shall be 119499
the following: 119500

(i) In the case of an ICF/IID in peer group 1, \$3.69; 119501

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 119502

(e) In place of the maximum rate for indirect care costs 119503
established for the ICF/IID's peer group under division (C) of 119504
section 5124.21 of the Revised Code, the maximum rate for indirect 119505
care costs for the ICF/IID's peer group shall be the following: 119506

(i) In the case of an ICF/IID in peer group 1, \$68.98; 119507

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 119508

(f) In place of the inflation adjustment otherwise calculated 119509
under division (D)(1) of section 5124.21 of the Revised Code for 119510
the purpose of division (B)(1) of that section only, an inflation 119511
adjustment of 1.014 shall be used. 119512

(g) In place of the inflation adjustment otherwise made under 119513
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 119514
actual, allowable, per Medicaid day other protected costs, 119515
excluding the franchise permit fee, from calendar year 2014 shall 119516
be multiplied by 1.014. 119517

(3) The fiscal year 2016 initial total per Medicaid day rate 119518
for a new ICF/IID to which this section applies shall be the 119519
ICF/IID's initial total per Medicaid day rate determined for the 119520
ICF/IID in accordance with section 5124.151 of the Revised Code 119521
for fiscal year 2016 with the following modifications: 119522

(a) In place of the amount determined under division 119523
(B)(2)(a) of section 5124.151 of the Revised Code, if there are no 119524
cost or resident assessment data for the new ICF/IID, the new 119525
ICF/IID's initial per Medicaid day rate for direct care costs 119526
shall be determined as follows: 119527

(i) Determine the median of the costs per case-mix units of each peer group; 119528
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(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2014; 119530
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(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014. 119533
119534

(b) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following: 119535
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119538

(i) If the new ICF/IID is in peer group 1, \$68.98; 119539

(ii) If the new ICF/IID is in peer group 2, \$59.60. 119540

(c) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115 per cent of the median rate for ICFs/IID determined under section 5124.23 of the Revised Code with the modification made under division (C)(2)(g) of this section. 119541
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(D) The total per Medicaid day rate for ICF/IID services an ICF/IID in peer group 1 provides in fiscal year 2016 to a Medicaid recipient who is admitted as a resident to the ICF/IID on or after July 1, 2015, and is placed in the chronic behaviors and typical adaptive needs classification or the typical adaptive needs and non-significant behaviors classification established for the grouper methodology prescribed in rules authorized by section 5124.192 of the Revised Code shall be the lesser of the following: 119547
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(1) The rate determined for the ICF/IID under division (C)(2) or (3) of this section; 119555
119556

(2) The following rate: 119557

(a) \$206.90 for ICF/IID services the ICF/IID provides to a Medicaid recipient in the chronic behaviors and typical adaptive needs classification;

(b) \$174.88 for ICF/IID services the ICF/IID provides to a Medicaid recipient in the typical adaptive needs and non-significant behaviors classification.

(E) In determining, for the purpose of division (C)(2)(b) of this section, the maximum costs per case-mix unit for ICFs/IID, the Department shall, strive to the greatest extent possible, do both of the following:

(1) Avoid rate reductions under division (G) of this section;

(2) Have the amount so determined result in payment of all desk-reviewed, actual, allowable direct care costs for the same percentage of Medicaid days for ICFs/IID in peer group 1 as for ICFs/IID in peer group 2 as of July 1, 2015, based on May 2015 Medicaid days.

(F) A new ICF/IID's initial total modified per Medicaid day rate for fiscal year 2016 as determined under division (C)(3) of this section shall be adjusted at the applicable time specified in division (D) of section 5124.151 of the Revised Code. If the adjustment affects the ICF/IID's rate for ICF/IID services provided during fiscal year 2016, the modifications specified in divisions (C)(2) and (D) of this section apply to the adjustment.

(G) If the mean total per Medicaid day rate for all ICFs/IID to which this section applies, weighted by May 2015 Medicaid days and determined under divisions (C) and (D) of this section as of July 1, 2015, is other than \$283.32, the Department shall adjust, for fiscal year 2016, the total per Medicaid day rate for each ICF/IID to which this section applies by a percentage that is equal to the percentage by which the mean total per Medicaid day rate is greater or less than \$283.32.

(H) If the United States Centers for Medicare and Medicaid Services requires that the franchise permit fee be reduced or eliminated, the Department shall reduce the amount it pays ICF/IID providers under this section as necessary to reflect the loss to the state of the revenue and federal financial participation generated from the franchise permit fee.

(I) Of the foregoing appropriation items 653407, Medicaid Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, portions shall be used to pay the Medicaid payment rates determined in accordance with this section for ICF/IID services provided during fiscal year 2016.

Section 259.170. FISCAL YEAR 2017 MEDICAID PAYMENT RATES FOR ICFs/IID IN PEER GROUPS 1 AND 2

(A) As used in this section:

(1) "Change of operator," "entering operator," "exiting operator," "ICF/IID," "ICF/IID services," "Medicaid days," "peer group 1," "peer group 2," "peer group 3," "provider," and "provider agreement" have the same meanings as in section 5124.01 of the Revised Code.

(2) "Franchise permit fee" means the fee imposed by sections 5168.60 to 5168.71 of the Revised Code.

(B)(1) This section applies to each ICF/IID that is in peer group 1 or peer group 2 and to which any of the following applies:

(a) The provider of the ICF/IID has a valid Medicaid provider agreement for the ICF/IID on June 30, 2016, and a valid Medicaid provider agreement for the ICF/IID during fiscal year 2017.

(b) The ICF/IID undergoes a change of operator that takes effect during fiscal year 2017, the exiting operator has a valid Medicaid provider agreement for the ICF/IID on the day immediately preceding the effective date of the change of operator, and the

entering operator has a valid Medicaid provider agreement for the 119619
ICF/IID during fiscal year 2017. 119620

(c) The ICF/IID is a new ICF/IID for which the provider 119621
obtains an initial provider agreement during fiscal year 2017. 119622

(2) This section does not apply to an ICF/IID in peer group 119623
3. 119624

(3) The Department of Developmental Disabilities shall follow 119625
this section in determining the rate to be paid for ICF/IID 119626
services provided during fiscal year 2017 by ICFs/IID subject to 119627
this section notwithstanding anything to the contrary in Chapter 119628
5124. of the Revised Code. 119629

(C)(1) Except as otherwise provided in this section, the 119630
provider of an ICF/IID to which this section applies shall be 119631
paid, for ICF/IID services the ICF/IID provides during fiscal year 119632
2017, the total per Medicaid day rate determined for the ICF/IID 119633
under division (C)(2) or (3) of this section. 119634

(2) Except in the case of a new ICF/IID, the fiscal year 2017 119635
total per Medicaid day rate for an ICF/IID to which this section 119636
applies shall be the ICF/IID's total per Medicaid day rate 119637
determined for the ICF/IID in accordance with Chapter 5124. of the 119638
Revised Code for fiscal year 2017 with the following 119639
modifications: 119640

(a) The ICF/IID's efficiency incentive for capital costs, as 119641
determined under division (F) of section 5124.17 of the Revised 119642
Code, shall be reduced by 50 per cent. 119643

(b) In place of the maximum cost per case-mix unit 119644
established for the ICF/IID's peer group under division (C) of 119645
section 5124.19 of the Revised Code, the ICF/IID's maximum costs 119646
per case-mix unit shall be the amount the Department determined 119647
for the ICF/IID's peer group for fiscal year 2016 in accordance 119648
with division (E) of Section 259.160 of this act. 119649

(c) In place of the inflation adjustment otherwise calculated 119650
under division (D) of section 5124.19 of the Revised Code for the 119651
purpose of division (A)(1)(b) of that section, an inflation 119652
adjustment of 1.014 shall be used. 119653

(d) In place of the efficiency incentive otherwise calculated 119654
under division (B)(2) of section 5124.21 of the Revised Code, the 119655
ICF/IID's efficiency incentive for indirect care costs shall be 119656
the following: 119657

(i) In the case of an ICF/IID in peer group 1, \$3.69; 119658

(ii) In the case of an ICF/IID in peer group 2, \$3.19. 119659

(e) In place of the maximum rate for indirect care costs 119660
established for the ICF/IID's peer group under division (C) of 119661
section 5124.21 of the Revised Code, the maximum rate for indirect 119662
care costs for the ICF/IID's peer group shall be the following: 119663

(i) In the case of an ICF/IID in peer group 1, \$68.98; 119664

(ii) In the case of an ICF/IID in peer group 2, \$59.60. 119665

(f) In place of the inflation adjustment otherwise calculated 119666
under division (D)(1) of section 5124.21 of the Revised Code for 119667
the purpose of division (B)(1) of that section only, an inflation 119668
adjustment of 1.014 shall be used. 119669

(g) In place of the inflation adjustment otherwise made under 119670
section 5124.23 of the Revised Code, the ICF/IID's desk-reviewed, 119671
actual, allowable, per Medicaid day other protected costs, 119672
excluding the franchise permit fee, from calendar year 2015 shall 119673
be multiplied by 1.014. 119674

(h) After all of the modifications specified in divisions 119675
(C)(2)(a) to (g) of this section have been made, the ICF/IID's 119676
total per Medicaid day rate shall be increased by the direct 119677
support personnel payment determined in accordance with division 119678
(D) of this section. 119679

(3) The fiscal year 2017 initial total per Medicaid day rate for a new ICF/IID to which this section applies shall be the ICF/IID's initial total per Medicaid day rate determined for the ICF/IID in accordance with section 5124.151 of the Revised Code for fiscal year 2017 with the following modifications:

(a) In place of the amount determined under division (B)(2)(a) of section 5124.151 of the Revised Code, if there are no cost or resident assessment data for the new ICF/IID, the new ICF/IID's initial per Medicaid day rate for direct care costs shall be determined as follows:

(i) Determine the median of the costs per case-mix units of each peer group;

(ii) Multiply the median determined under division (C)(3)(a)(i) of this section by the median annual average case-mix score for the new ICF/IID's peer group for calendar year 2015;

(iii) Multiply the product determined under division (C)(3)(a)(ii) of this section by 1.014.

(b) In place of the amount determined under division (B)(3) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for indirect care costs shall be the following:

(i) If the new ICF/IID is in peer group 1, \$68.98;

(ii) If the new ICF/IID is in peer group 2, \$59.60.

(c) In place of the amount determined under division (B)(4) of section 5124.151 of the Revised Code, the new ICF/IID's initial per Medicaid day rate for other protected costs shall be 115 per cent of the median rate for ICFs/IID determined under section 5124.23 of the Revised Code with the modification made under division (C)(2)(g) of this section.

(d) After all of the modifications specified in divisions

(C)(3)(a) to (c) of this section have been made, the new ICF/IID's 119710
initial total per Medicaid day rate shall be increased by the 119711
median direct support personnel payment determined under division 119712
(D) of this section for all ICFs/IID to which this section 119713
applies. 119714

(D) An ICF/IID's direct support personnel payment for the 119715
purpose of division (C)(2)(h) of this section shall be a 119716
percentage, as determined by the Department, of the ICF/IID's per 119717
diem, desk-reviewed, actual, allowable direct care costs. In 119718
determining the percentage, the Department shall, to the greatest 119719
extent possible, do both of the following: 119720

(1) Avoid rate reductions under division (F) of this section; 119721

(2) Use the same percentage for all ICFs/IID to which this 119722
section applies. 119723

(E) A new ICF/IID's initial total modified per Medicaid day 119724
rate for fiscal year 2017 as determined under division (C)(3) of 119725
this section shall be adjusted at the applicable time specified in 119726
division (D) of section 5124.151 of the Revised Code. If the 119727
adjustment affects the ICF/IID's rate for ICF/IID services 119728
provided during fiscal year 2017, the modifications specified in 119729
division (C)(2) of this section apply to the adjustment. 119730

(F)(1) If the mean total per Medicaid day rate for all 119731
ICFs/IID to which this section applies, weighted by May 2016 119732
Medicaid days and determined under division (C) of this section as 119733
of July 1, 2016, is other than the amount determined under 119734
division (F)(2) of this section, the Department shall adjust, for 119735
fiscal year 2017, the total per Medicaid day rate for each ICF/IID 119736
to which this section applies by a percentage that is equal to the 119737
percentage by which the mean total per Medicaid day rate is 119738
greater or less than the amount determined under division (F)(2) 119739
of this section. 119740

(2) The amount to be used for the purpose of division (F)(1) 119741
of this section shall be not less than \$288.27. The department, in 119742
its sole discretion, may use a larger amount for the purpose of 119743
that division. In determining whether to use a larger amount, the 119744
department may consider any of the following: 119745

(a) The reduction in the total Medicaid-certified capacity of 119746
all ICFs/IID that occurs in fiscal year 2016, and the reduction 119747
that is projected to occur in fiscal year 2017, as a result of 119748
either of the following: 119749

(i) A downsizing pursuant to a plan approved by the 119750
Department under section 5123.042 of the Revised Code; 119751

(ii) A conversion of beds to providing home and 119752
community-based services under the Individual Options waiver 119753
pursuant to section 5124.60 or 5124.61 of the Revised Code. 119754

(b) The increase in Medicaid payments made for ICF/IID 119755
services provided during fiscal year 2016, and the increase that 119756
is projected to occur in fiscal year 2017, as a result of the 119757
modifications to the payment rates made under section 5124.101 of 119758
the Revised Code; 119759

(c) The total reduction in the number of ICF/IID beds that 119760
occurs pursuant to section 5124.67 of the Revised Code; 119761

(d) Other factors the Department determines to be relevant. 119762

(G) If the United States Centers for Medicare and Medicaid 119763
Services requires that the franchise permit fee be reduced or 119764
eliminated, the Department shall reduce the amount it pays ICF/IID 119765
providers under this section as necessary to reflect the loss to 119766
the state of the revenue and federal financial participation 119767
generated from the franchise permit fee. 119768

(H) Of the foregoing appropriation items 653407, Medicaid 119769
Services, 653606, ICF/IID and Waiver Match, and 653653, ICF/IID, 119770

portions shall be used to pay the Medicaid payment rates 119771
determined in accordance with this section for ICF/IID services 119772
provided during fiscal year 2017. 119773

Section 259.180. FISCAL YEAR 2016 MEDICAID PAYMENT RATES FOR 119774
ICFs/IID IN PEER GROUP 3 119775

(A) As used in this section: 119776

(1) "ICF/IID," "ICF/IID services," "peer group 3," 119777
"provider," and "provider agreement" have the same meanings as in 119778
section 5124.01 of the Revised Code. 119779

(2) "Franchise permit fee" means the fee imposed by sections 119780
5168.60 to 5168.71 of the Revised Code. 119781

(B)(1) This section applies to each ICF/IID that is in peer 119782
group 3 and for which the provider obtained an initial provider 119783
agreement during fiscal year 2015. 119784

(2) The Department of Developmental Disabilities shall follow 119785
this section in determining the rate to be paid for ICF/IID 119786
services provided during fiscal year 2016 by ICFs/IID subject to 119787
this section notwithstanding anything to the contrary in Chapter 119788
5124. of the Revised Code. 119789

(C) Except as otherwise provided in this section, the 119790
provider of an ICF/IID to which this section applies shall 119791
continue to be paid, for ICF/IID services the ICF/IID provides 119792
during fiscal year 2016, the ICF/IID's total per Medicaid day rate 119793
in effect on June 30, 2015. 119794

(D) If the United States Centers for Medicare and Medicaid 119795
Services requires that the franchise permit fee be reduced or 119796
eliminated, the Department shall reduce the amount it pays ICF/IID 119797
providers under this section as necessary to reflect the loss to 119798
the state of the revenue and federal financial participation 119799
generated from the franchise permit fee. 119800

Section 259.190. TRANSFER OF FUNDS FOR OUTLIER SERVICES 119801
PROVIDED TO PEDIATRIC VENTILATOR-DEPENDENT ICF/IID RESIDENTS 119802

As used in this section, "ICF/IID" and "ICF/IID services" 119803
have the same meanings as in section 5124.01 of the Revised Code. 119804

Each quarter during fiscal year 2016 and fiscal year 2017, 119805
the Director of Developmental Disabilities shall certify to the 119806
Director of Budget and Management the amount needed to pay the 119807
nonfederal share of the costs of the Medicaid rate add-on paid to 119808
ICFs/IID pursuant to section 5124.25 of the Revised Code for 119809
providing outlier ICF/IID services to residents who qualify for 119810
the services and are transferred to ICFs/IID from hospitals at 119811
which they receive ventilator services at the time of their 119812
transfer to the ICFs/IID. 119813

On receipt of a certification, the Director of Budget and 119814
Management shall transfer appropriations equaling the certified 119815
amount from appropriation item 651525, Medicaid/Health Care 119816
Services, to appropriation item 653407, Medicaid Services, and, in 119817
addition, shall reduce the appropriation in 651525, 119818
Medicaid/Health Care Services, by the corresponding federal share. 119819

If receipts credited to the Developmental Center and 119820
Residential Facility Services and Support Fund (Fund 3A40), used 119821
by the Department of Developmental Disabilities, exceed the 119822
amounts appropriated in appropriation item 653653, ICF/IID, the 119823
Director of Developmental Disabilities may request the Director of 119824
Budget and Management to authorize expenditures from the fund in 119825
excess of the amounts appropriated. Upon approval of the Director 119826
of Budget and Management, the additional amounts are hereby 119827
appropriated. 119828

Section 259.200. ICF/IID MEDICAID RATE WORKGROUP 119829

As used in this section, "ICF/IID," "ICF/IID services," and 119830

"Medicaid-certified capacity" have the same meanings as in section 119831
5124.01 of the Revised Code. 119832

For the purpose of assisting the Department of Developmental 119833
Disabilities during fiscal year 2016 and fiscal year 2017 with an 119834
evaluation of revisions to the formula used to determine Medicaid 119835
payment rates for ICF/IID services, the Department shall retain 119836
the workgroup that was created to assist with the study required 119837
by Section 309.30.80 of Am. Sub. H.B. 153 of the 129th General 119838
Assembly and continued by Section 259.230 of Am. Sub. H.B. 59 of 119839
the 130th General Assembly. In conducting the evaluation, the 119840
Department and workgroup shall do both of the following: 119841

(A) Focus primarily on the service needs of individuals with 119842
complex challenges that ICFs/IID are able to meet; 119843

(B) Pursue the goal of reducing the Medicaid-certified 119844
capacity of individual ICFs/IID and the total number of ICF/IID 119845
beds in the state for the purpose of increasing the service 119846
choices and community integration of individuals eligible for 119847
ICF/IID services. 119848

Section 259.210. NONFEDERAL SHARE OF ICF/IID SERVICES 119849

(A) As used in this section, "ICF/IID," "ICF/IID services," 119850
and "Medicaid-certified capacity" have the same meanings as in 119851
section 5124.01 of the Revised Code. 119852

(B) The Director of Developmental Disabilities shall pay the 119853
nonfederal share of a claim for ICF/IID services using funds 119854
specified in division (C) of this section if all of the following 119855
apply: 119856

(1) Medicaid covers the ICF/IID services. 119857

(2) The ICF/IID services are provided to a Medicaid recipient 119858
to whom both of the following apply: 119859

(a) The Medicaid recipient is eligible for the ICF/IID 119860

services; 119861

(b) The Medicaid recipient does not occupy a bed in the 119862
ICF/IID that used to be included in the Medicaid-certified 119863
capacity of another ICF/IID certified by the Director of Health 119864
before June 1, 2003. 119865

(3) The ICF/IID services are provided by an ICF/IID whose 119866
Medicaid certification by the Director of Health was initiated or 119867
supported by a county board of developmental disabilities. 119868

(4) The provider of the ICF/IID services has a valid Medicaid 119869
provider agreement for the services for the time that the services 119870
are provided. 119871

(C) When required by division (B) of this section to pay the 119872
nonfederal share of a claim, the Director of Developmental 119873
Disabilities shall use the following funds to pay the claim: 119874

(1) Funds available from appropriation item 322501, County 119875
Boards Subsidies, that the Director allocates to the county board 119876
that initiated or supported the Medicaid certification of the 119877
ICF/IID that provided the ICF/IID services for which the claim is 119878
made; 119879

(2) If the amount of funds used pursuant to division (C)(1) 119880
of this section is insufficient to pay the claim in full, an 119881
amount of funds that are needed to make up the difference and 119882
available from amounts the Director allocates to other county 119883
boards from appropriation item 322501, County Boards Subsidies. 119884

**Section 259.213. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 119885
SERVICES 119886**

(A) As used in this section, "home and community-based 119887
services" has the same meaning as in section 5123.01 of the 119888
Revised Code. 119889

(B) Subject to divisions (C) and (D) of this section, the 119890

total Medicaid payment rate for routine homemaker/personal care 119891
services that are included in home and community-based services 119892
and provided during the period beginning January 1, 2016, and 119893
ending June 30, 2017, may be six per cent higher than the total 119894
Medicaid payment rate for the services in effect on June 30, 2015. 119895

(C) The rate increase authorized by this section is subject 119896
to the availability of funds. 119897

(D) The Medicaid payment rate increase for routine 119898
homemaker/personal care services under the section of this act 119899
titled "PAYMENT RATES FOR HOME MAKER/PERSONAL CARE SERVICES 119900
PROVIDED TO QUALIFYING IO ENROLLEES" is in addition to the rate 119901
increase, if any, for routine homemaker/personal care services 119902
under this section. 119903

Section 259.220. PAYMENT RATES FOR HOME MAKER/PERSONAL CARE 119904
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 119905

(A) As used in this section: 119906

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 119907
that converted some or all of its beds to providing home and 119908
community-based services under the IO Waiver pursuant to section 119909
5124.60 of the Revised Code. 119910

(2) "Developmental center" and "ICF/IID" have the same 119911
meanings as in section 5124.01 of the Revised Code. 119912

(3) "IO Waiver" means the Medicaid waiver component, as 119913
defined in section 5166.01 of the Revised Code, known as 119914
Individual Options. 119915

(4) "Medicaid provider" has the same meaning as in section 119916
5164.01 of the Revised Code. 119917

(5) "Public hospital" has the same meaning as in section 119918
5122.01 of the Revised Code. 119919

(6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:

(a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.

(b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.

(c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.

(B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee.

(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2015, and ending June 30, 2017, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653639, Medicaid Waiver Services, portions shall be used to pay the Medicaid payment rate determined in accordance

with this section for routine homemaker/personal care services 119951
provided to qualifying IO enrollees. 119952

Section 259.230. UPDATING AUTHORIZING STATUTE CITATIONS 119953

As used in this section, "authorizing statute" means a 119954
Revised Code section or provision of a Revised Code section that 119955
is cited in the Ohio Administrative Code as the statute that 119956
authorizes the adoption of a rule. 119957

The Director of Developmental Disabilities is not required to 119958
amend any rule for the sole purpose of updating the citation in 119959
the Ohio Administrative Code to the rule's authorizing statute to 119960
reflect that this act renumbers the authorizing statute or 119961
relocates it to another Revised Code section. Such citations shall 119962
be updated as the Director amends the rules for other purposes. 119963

Section 259.240. REASON FOR THE REPEAL OF R.C. 5111.236 119964

This act repeals section 5111.236 of the Revised Code to 119965
carry out the intent of the Governor as indicated in the veto 119966
message regarding Am. Sub. H.B. 1 of the 128th General Assembly 119967
transmitted to the Clerk of the House of Representatives on July 119968
17, 2009. The actual veto removed the section from the title and 119969
enacting clause of H.B. 1 and an earmark related to the section. 119970
However, the actual veto inadvertently showed only division (C) of 119971
the section, rather than the entire section, as being vetoed. 119972

Section 259.250. SYSTEM TRANSFORMATION SUPPORTS 119973

The foregoing appropriation item 320607 (Fund 5QM0), System 119974
Transformation Supports, may be used by the Director of 119975
Developmental Disabilities as follows: 119976

(A) To purchase one or more residential facility beds for the 119977
purpose of reducing the number of beds that are certified for 119978
participation in Medicaid as ICF/IID beds in Ohio. The director 119979

shall establish priorities for the purchase of beds which may 119980
include beds located in a building in which a nursing facility is 119981
also located and beds which are in a residential facility of 119982
sixteen beds or greater. The purchase price of a bed shall be the 119983
price the director determines is reasonable based on the 119984
established priorities. Division (B) of section 127.16 of the 119985
Revised Code shall not apply to a purchase made under this 119986
section. 119987

(B) To fund other system transformation initiatives 119988
identified by the director. 119989

Section 259.260. ICF/IID PAYMENT METHODOLOGY TRANSFORMATION 119990

As used in this section, "ICF/IID services" has the same 119991
meaning as in section 5124.01 of the Revised Code. 119992

Not later than July 31, 2015, the Department of Developmental 119993
Disabilities shall issue a request for proposals for an entity, 119994
pursuant to a contract with the Department, to develop a plan to 119995
transform the formula used to determine Medicaid payment rates for 119996
ICF/IID services. Any such contract the Department enters into 119997
shall require all of the following: 119998

(A) That the plan do all of the following: 119999

(1) Include quality incentive measures; 120000

(2) Have payments be based on health outcomes; 120001

(3) Promote ICF/IID services that are provided in the most 120002
integrated setting appropriate to the needs of each Medicaid 120003
recipient receiving the services; 120004

(4) Recommend specific changes to the resident assessment 120005
instrument specified in rules authorized by section 5124.191 of 120006
the Revised Code and the grouper methodology prescribed in rules 120007
authorized by section 5124.192 of the Revised Code. 120008

(B) That the entity developing the plan consider the 120009
recommendations of both of the following: 120010

(1) The ICF/IID Medicaid Rate Workgroup that was created to 120011
assist with the study required by Section 309.30.80 of Am. Sub. 120012
H.B. 153 of the 129th General Assembly and retained pursuant to 120013
Section 259.230 of Am. Sub. H.B. 59 of the 130th General Assembly; 120014

(2) The ICF/IID Quality Incentive Workgroup created pursuant 120015
to the section of this act titled "ICF/IID QUALITY INCENTIVE 120016
WORKGROUP." 120017

(C) That the plan be developed with the goal of beginning 120018
implementation of the transformation on July 1, 2017. 120019

Section 259.270. ICF/IID QUALITY INCENTIVE WORKGROUP 120020

(A) As used in this section, "ICF/IID" and "ICF/IID services" 120021
have the same meanings as in section 5124.01 of the Revised Code. 120022

(B) The Director of Developmental Disabilities shall create 120023
the ICF/IID Quality Incentive Workgroup to study the issue of 120024
establishing, as part of the Medicaid payment formula for ICF/IID 120025
services, accountability measures that act as quality incentives 120026
for ICFs/IID. The Director or the Director's designee shall be the 120027
Workgroup's chairperson. The Director may appoint one or more 120028
staff members of the Department of Developmental Disabilities to 120029
also serve on the Workgroup. The Director shall appoint the 120030
following to serve on the Workgroup: 120031

(1) Representatives of all of the following: 120032

(a) The Ohio Centers for Intellectual Disabilities formed by 120033
the Ohio Health Care Association; 120034

(b) The Values and Faith Alliance; 120035

(c) The Ohio Association of County Boards Serving People with 120036
Developmental Disabilities; 120037

(d) The Ohio SIBS;	120038
(e) The Arc of Ohio;	120039
(f) The Ohio Provider Resource Association.	120040
(2) One or more persons with developmental disabilities who advocate for such persons.	120041 120042
(C) Members of the Workgroup shall serve without compensation or reimbursement, except to the extent that serving on the Workgroup is considered part of their usual job duties.	120043 120044 120045
(D) The Workgroup shall complete its study, and complete a report with recommendations regarding accountability measures for ICFs/IID, not later than November 4, 2015. The Workgroup shall submit copies of the report to the Governor and, in accordance with section 101.68 of the Revised Code, the General Assembly.	120046 120047 120048 120049 120050
Section 259.280. COMMUNITY SUPPORT AND RENTAL ASSISTANCE	120051
The foregoing appropriation item 322509, Community Support and Rental Assistance, may be used by the Director of Developmental Disabilities to provide funding to county boards of developmental disabilities for rental assistance to individuals with developmental disabilities receiving home and community-based services as defined in section 5123.01 of the Revised Code pursuant to section 5124.60 of the Revised Code or section 5124.69 of the Revised Code and to former residents of a developmental center. The director shall establish the methodology for determining the amount and distribution of such funding.	120052 120053 120054 120055 120056 120057 120058 120059 120060 120061
Section 259.290. MEDICAID RATES FOR SHELTERED WORKSHOP SERVICES	120062 120063
The Medicaid payment rates for adult day services provided by sheltered workshops during the period beginning July 1, 2015, and ending June 30, 2017, under a Medicaid waiver component	120064 120065 120066

administered by the Department of Developmental Disabilities shall 120067
be not less than Medicaid payment rates for those services in 120068
effect on June 30, 2015. 120069

Section 261.10. OBD OHIO BOARD OF DIETETICS 120070

Dedicated Purpose Fund Group 120071

4K90 860609 Operating Expenses \$ 362,872 \$ 371,779 120072

TOTAL DPF Dedicated Purpose Fund 120073

Group \$ 362,872 \$ 371,779 120074

TOTAL ALL BUDGET FUND GROUPS \$ 362,872 \$ 371,779 120075

Section 263.10. EDU DEPARTMENT OF EDUCATION 120077

General Revenue Fund 120078

GRF 200321 Operating Expenses \$ 13,967,708 \$ 14,267,708 120079

GRF 200408 Early Childhood \$ 60,268,341 \$ 70,268,341 120080

Education

GRF 200420 Information Technology \$ 3,841,296 \$ 3,841,296 120081

Development and
Support

GRF 200421 Alternative Education \$ 9,053,998 \$ 9,053,998 120082

Programs

GRF 200422 School Management \$ 3,000,000 \$ 3,000,000 120083

Assistance

GRF 200424 Policy Analysis \$ 428,558 \$ 428,558 120084

GRF 200425 Tech Prep Consortia \$ 260,542 \$ 260,542 120085

Support

GRF 200426 Ohio Educational \$ 16,200,000 \$ 16,200,000 120086

Computer Network

GRF 200427 Academic Standards \$ 3,800,000 \$ 3,800,000 120087

GRF 200437 Student Assessment \$ 40,241,438 \$ 39,830,050 120088

GRF 200439 Accountability/Report \$ 4,897,310 \$ 4,897,310 120089

Cards

GRF 200442	Child Care Licensing	\$	1,822,500	\$	1,822,500	120090
GRF 200446	Education Management Information System	\$	6,833,070	\$	6,833,070	120091
GRF 200447	GED Testing	\$	324,000	\$	324,000	120092
GRF 200448	Educator Preparation	\$	2,839,237	\$	2,839,237	120093
GRF 200455	Community Schools and Choice Programs	\$	3,651,395	\$	3,731,395	120094
GRF 200457	STEM Initiatives	\$	150,000	\$	0	120095
GRF 200465	Education Technology Resources	\$	3,170,976	\$	3,170,976	120096
GRF 200502	Pupil Transportation	\$	549,823,920	\$	571,286,409	120097
GRF 200505	School Lunch Match	\$	9,300,000	\$	9,300,000	120098
GRF 200511	Auxiliary Services	\$	144,254,342	\$	149,909,112	120099
GRF 200532	Nonpublic Administrative Cost Reimbursement	\$	65,165,374	\$	67,719,856	120100
GRF 200540	Special Education Enhancements	\$	162,871,292	\$	162,871,292	120101
GRF 200545	Career-Technical Education Enhancements	\$	11,922,418	\$	11,947,418	120102
GRF 200550	Foundation Funding	\$	6,420,214,920	\$	6,671,755,799	120103
GRF 200566	Literacy Improvement	\$	750,000	\$	750,000	120104
GRF 200572	Adult Diploma	\$	3,750,000	\$	5,000,000	120105
GRF 200573	EdChoice Expansion	\$	23,500,000	\$	31,500,000	120106
GRF 200574	Half-Mill Maintenance Equalization	\$	18,750,000	\$	19,250,000	120107
GRF 200576	Adaptive Sports Program	\$	50,000	\$	50,000	120108
GRF 200588	Competency Based Education Pilot	\$	1,000,000	\$	1,000,000	120109
TOTAL GRF	General Revenue Fund	\$	7,586,102,635	\$	7,886,908,867	120110
	Dedicated Purpose Fund Group					120111
4520 200638	Fees and Refunds	\$	1,000,000	\$	1,000,000	120112

4540	200610	GED Testing	\$	250,000	\$	250,000	120113
4550	200608	Commodity Foods	\$	24,000,000	\$	24,000,000	120114
4L20	200681	Teacher Certification and Licensure	\$	14,150,000	\$	14,250,000	120115
5980	200659	Auxiliary Services Reimbursement	\$	1,328,910	\$	1,328,910	120116
5H30	200687	School District Solvency Assistance	\$	10,000,000	\$	10,000,000	120117
5KX0	200691	Ohio School Sponsorship Program	\$	487,419	\$	528,600	120118
5MM0	200677	Child Nutrition Refunds	\$	550,000	\$	550,000	120119
5RB0	200644	College Credit Plus Credential	\$	10,000,000	\$	0	120120
5RE0	200697	School District TPP Supplement	\$	48,000,000	\$	78,000,000	120121
5U20	200685	National Education Statistics	\$	300,000	\$	300,000	120122
6200	200615	Educational Improvement Grants	\$	175,000	\$	175,000	120123
TOTAL DPF		Dedicated Purpose Fund Group	\$	110,241,329	\$	130,382,510	120124
		Internal Service Activity Fund Group					120125
1380	200606	Information Technology Development and Support	\$	6,850,090	\$	6,850,090	120126
4R70	200695	Indirect Operational Support	\$	7,600,000	\$	7,600,000	120127
4V70	200633	Interagency Program Support	\$	500,000	\$	500,000	120128
TOTAL ISA		Internal Service Activity Fund Group	\$	14,950,090	\$	14,950,090	120129
			\$		\$		120130

State Lottery Fund Group					120131
7017 200612	Foundation Funding	\$ 987,650,000	\$ 1,042,700,000		120132
7017 200629	Community Connectors	\$ 10,000,000	\$ 10,000,000		120133
7017 200684	Community School	\$ 14,400,000	\$ 20,700,000		120134
	Facilities				
TOTAL SLF State Lottery					120135
Fund Group		\$ 1,012,050,000	\$ 1,073,400,000		120136
Federal Fund Group					120137
3090 200601	Neglected and	\$ 1,600,000	\$ 1,600,000		120138
	Delinquent Education				
3670 200607	School Food Services	\$ 9,240,111	\$ 9,794,517		120139
3700 200624	Education of	\$ 1,702,040	\$ 1,274,040		120140
	Exceptional Children				
3AF0 200603	Schools Medicaid	\$ 750,000	\$ 750,000		120141
	Administrative Claims				
3AN0 200671	School Improvement	\$ 32,400,000	\$ 32,400,000		120142
	Grants				
3C50 200661	Early Childhood	\$ 14,554,749	\$ 14,554,749		120143
	Education				
3CG0 200646	Teacher Incentive	\$ 12,500,000	\$ 200,000		120144
3D10 200664	Drug Free Schools	\$ 521,000	\$ 282,000		120145
3D20 200667	Math Science	\$ 7,500,000	\$ 7,500,000		120146
	Partnerships				
3EH0 200620	Migrant Education	\$ 2,900,000	\$ 2,900,000		120147
3EJ0 200622	Homeless Children	\$ 2,600,000	\$ 2,600,000		120148
	Education				
3EK0 200637	Advanced Placement	\$ 432,444	\$ 498,484		120149
3FD0 200665	Race to the Top	\$ 12,000,000	\$ 0		120150
3FN0 200672	Early Learning	\$ 8,000,000	\$ 3,400,000		120151
	Challenge - Race to				
	the Top				
3GE0 200674	Summer Food Service	\$ 14,423,915	\$ 14,856,635		120152

		Program					
3GF0	200675	Miscellaneous	\$	3,000,000	\$	3,000,000	120153
		Nutrition Grants					
3GG0	200676	Fresh Fruit and Vegetable Program	\$	5,026,545	\$	5,177,340	120154
3GP0	200600	School Climate Transformation	\$	252,420	\$	252,420	120155
3GQ0	200679	Project Aware	\$	1,907,423	\$	1,907,423	120156
3H90	200605	Head Start Collaboration Project	\$	225,000	\$	225,000	120157
3L60	200617	Federal School Lunch	\$	371,960,060	\$	383,118,860	120158
3L70	200618	Federal School Breakfast	\$	117,332,605	\$	122,025,909	120159
3L80	200619	Child/Adult Food Programs	\$	113,508,500	\$	116,913,755	120160
3L90	200621	Career-Technical Education Basic Grant	\$	44,663,900	\$	44,663,900	120161
3M00	200623	ESEA Title 1A	\$	590,000,000	\$	600,000,000	120162
3M20	200680	Individuals with Disabilities Education Act	\$	444,000,000	\$	445,000,000	120163
3Y20	200688	21st Century Community Learning Centers	\$	50,000,000	\$	50,000,000	120164
3Y60	200635	Improving Teacher Quality	\$	90,000,000	\$	90,000,000	120165
3Y70	200689	English Language Acquisition	\$	10,101,411	\$	10,101,411	120166
3Y80	200639	Rural and Low Income Technical Assistance	\$	3,300,000	\$	3,300,000	120167
3Z20	200690	State Assessments	\$	10,263,000	\$	10,263,000	120168
3Z30	200645	Consolidated Federal Grant Administration	\$	10,000,000	\$	10,000,000	120169

TOTAL FED Federal Fund Group	\$ 1,986,665,123	\$ 1,988,559,443	120170
TOTAL ALL BUDGET FUND GROUPS	\$10,710,009,177	\$11,094,200,910	120171

Section 263.20. OPERATING EXPENSES 120173

A portion of the foregoing appropriation item 200321, 120174
Operating Expenses, shall be used by the Department of Education 120175
to provide matching funds under 20 U.S.C. 2321. 120176

EARLY CHILDHOOD EDUCATION 120177

The Department of Education shall distribute the foregoing 120178
appropriation item 200408, Early Childhood Education, to pay the 120179
costs of early childhood education programs. The Department shall 120180
distribute such funds directly to qualifying providers. 120181

(A) As used in this section: 120182

(1) "Provider" means a city, local, exempted village, or 120183
joint vocational school district; an educational service center; a 120184
community school sponsored by an exemplary sponsor; a chartered 120185
nonpublic school; an early childhood education child care provider 120186
licensed under Chapter 5104. of the Revised Code that participates 120187
in and meets at least the third highest tier of the Step Up to 120188
Quality program established pursuant to section 5104.29 of the 120189
Revised Code; or a combination of entities described in this 120190
paragraph. 120191

(2) In the case of a city, local, or exempted village school 120192
district or early childhood education child care provider licensed 120193
under Chapter 5104. of the Revised Code, "new eligible provider" 120194
means a provider that did not receive state funding for Early 120195
Childhood Education in the previous fiscal year or demonstrates a 120196
need for early childhood programs as defined in division (D) of 120197
this section. 120198

(3) In the case of a community school, "new eligible 120199
provider" means either of the following: 120200

(a) A community school established under Chapter 3314. of the Revised Code that is sponsored by a sponsor rated "exemplary" in accordance with section 3314.016 of the Revised Code that offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code that did not receive state funding for Early Childhood Education in the previous fiscal year;

(b) A community school established under Chapter 3314. of the Revised Code that is sponsored by a municipal school district and operates a program that uses the Montessori method endorsed by the American Montessori Society, the Montessori Accreditation Council for Teacher Education, or the Association Montessori Internationale as its primary method of instruction, as authorized by division (A) of section 3314.06 of the Revised Code, that did not receive state funding for Early Childhood Education in the previous year or demonstrates a need for early childhood programs as defined in division (D) of this section.

(4) "Eligible child," between July 1, 2015 and June 30, 2016, means a child who is at least three years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday.

(5) "Eligible child," beginning July 1, 2016, means a child who is at least four years of age as of the district entry date for kindergarten, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood

Education program is the least restrictive environment may be 120233
enrolled on their fourth birthday. 120234

(6) "Early learning program standards" means early learning 120235
program standards for school readiness developed by the Department 120236
to assess the operation of early learning and development 120237
programs. 120238

(7) "Early learning and development programs" has the same 120239
meaning as section 5104.29 of the Revised Code. 120240

(B) In each fiscal year, up to two per cent of the total 120241
appropriation may be used by the Department for program support 120242
and technical assistance. The Department shall distribute the 120243
remainder of the appropriation in each fiscal year to serve 120244
eligible children. 120245

(C) The Department shall provide an annual report to the 120246
Governor, the Speaker of the House of Representatives, and the 120247
President of the Senate and post the report to the Department's 120248
web site, regarding early childhood education programs operated 120249
under this section and the early learning program standards. 120250

(D) After setting aside the amounts to make payments due from 120251
the previous fiscal year, in fiscal year 2016, the Department 120252
shall distribute funds first to recipients of funds for early 120253
childhood education programs under Section 263.20 of Am. Sub. H.B. 120254
59 of the 130th General Assembly in the previous fiscal year and 120255
the balance to new eligible providers of early childhood education 120256
programs or to existing providers to serve more eligible children 120257
pursuant to division (E) of this section or for purposes of 120258
program expansion, improvement, or special projects to promote 120259
quality and innovation. 120260

After setting aside the amounts to make payments due from the 120261
previous fiscal year, in fiscal year 2017, the Department shall 120262
distribute funds first to providers of early childhood education 120263

programs under this section in the previous fiscal year and the 120264
balance to new eligible providers or to existing providers to 120265
serve more eligible children as outlined under division (E) of 120266
this section or for purposes of program expansion, improvement, or 120267
special projects to promote quality and innovation. 120268

(E)(1) The Department shall distribute any new or remaining 120269
funding to existing providers of early childhood education 120270
programs or any new eligible providers in an effort to invest in 120271
high quality early childhood programs where there is a need as 120272
determined by the Department. The Department shall distribute the 120273
new or remaining funds to existing providers of early childhood 120274
education programs or any new eligible providers to serve 120275
additional eligible children based on community economic 120276
disadvantage, limited access to high quality preschool or 120277
childcare services, and demonstration of high quality preschool 120278
services as determined by the Department using new metrics 120279
developed pursuant to Ohio's Race to the Top—Early Learning 120280
Challenge Grant, awarded to the Department in December 2011. 120281

(2) Awards under divisions (D) and (E) of this section shall 120282
be distributed on a per-pupil basis, and in accordance with 120283
division (I) of this section. The Department may adjust the 120284
per-pupil amount so that the per-pupil amount multiplied by the 120285
number of eligible children enrolled and receiving services on the 120286
first day of December or the business day closest to that date 120287
equals the amount allocated under this section. 120288

(3) Except for awards made to early childhood programs 120289
because those programs received awards in a previous fiscal year, 120290
at least sixty-five per cent of the awards made under divisions 120291
(D) and (E) of this section shall be made to early childhood 120292
programs that serve children at least forty hours per week. 120293

(F) Costs for developing and administering an early childhood 120294
education program may not exceed fifteen per cent of the total 120295

approved costs of the program. 120296

All providers shall maintain such fiscal control and 120297
accounting procedures as may be necessary to ensure the 120298
disbursement of, and accounting for, these funds. The control of 120299
funds provided in this program, and title to property obtained, 120300
shall be under the authority of the approved provider for purposes 120301
provided in the program unless, as described in division (K) of 120302
this section, the program waives its right for funding or a 120303
program's funding is eliminated or reduced due to its inability to 120304
meet financial or early learning program standards. The approved 120305
provider shall administer and use such property and funds for the 120306
purposes specified. 120307

(G) The Department may examine a provider's financial and 120308
program records. If the financial practices of the program are not 120309
in accordance with standard accounting principles or do not meet 120310
financial standards outlined under division (F) of this section, 120311
or if the program fails to substantially meet the early learning 120312
program standards, meet a quality rating level in the Step Up to 120313
Quality program established pursuant to section 5104.29 of the 120314
Revised Code as prescribed by the Department, or exhibits below 120315
average performance as measured against the standards, the early 120316
childhood education program shall propose and implement a 120317
corrective action plan that has been approved by the Department. 120318
The approved corrective action plan shall be signed by the chief 120319
executive officer and the executive of the official governing body 120320
of the provider. The corrective action plan shall include a 120321
schedule for monitoring by the Department. Such monitoring may 120322
include monthly reports, inspections, a timeline for correction of 120323
deficiencies, and technical assistance to be provided by the 120324
Department or obtained by the early childhood education program. 120325
The Department may withhold funding pending corrective action. If 120326
an early childhood education program fails to satisfactorily 120327

complete a corrective action plan, the Department may deny 120328
expansion funding to the program or withdraw all or part of the 120329
funding to the program and establish a new eligible provider 120330
through a selection process established by the Department. 120331

(H)(1) If the early childhood education program is licensed 120332
by the Department of Education and is not highly rated, as 120333
determined by the Director of Job and Family Services, under the 120334
Step Up to Quality program established pursuant to section 5104.29 120335
of the Revised Code, the program shall do all of the following: 120336

(a) Meet teacher qualification requirements prescribed by 120337
section 3301.311 of the Revised Code; 120338

(b) Align curriculum to the early learning content standards 120339
developed by the Department; 120340

(c) Meet any child or program assessment requirements 120341
prescribed by the Department; 120342

(d) Require teachers, except teachers enrolled and working to 120343
obtain a degree pursuant to section 3301.311 of the Revised Code, 120344
to attend a minimum of twenty hours every two years of 120345
professional development as prescribed by the Department; 120346

(e) Document and report child progress as prescribed by the 120347
Department; 120348

(f) Meet and report compliance with the early learning 120349
program standards as prescribed by the Department; 120350

(g) Participate in the Step Up to Quality program established 120351
pursuant to section 5104.29 of the Revised Code. Effective July 1, 120352
2016, all programs shall be rated through the program. 120353

(2) If the program is highly rated, as determined by the 120354
Director of Job and Family Services, under the Step Up to Quality 120355
program established pursuant to section 5104.29 of the Revised 120356
Code, the program shall comply with the requirements of that 120357

program. 120358

(I) Per-pupil funding for programs subject to this section 120359
shall be sufficient to provide eligible children with services for 120360
a standard early childhood schedule which shall be defined in this 120361
section as a minimum of twelve and one-half hours per school week 120362
as defined in section 3313.62 of the Revised Code for the minimum 120363
school year as defined in sections 3313.48, 3313.481, and 3313.482 120364
of the Revised Code. Beginning on July 1, 2015, nothing in this 120365
section shall be construed to prohibit program providers from 120366
utilizing other funds to serve eligible children in programs that 120367
exceed the twelve and one-half hours per week or that exceed the 120368
minimum school year. For any provider for which a standard early 120369
childhood education schedule creates a hardship or for which the 120370
provider shows evidence that the provider is working in 120371
collaboration with a preschool special education program, the 120372
provider may submit a waiver to the Department requesting an 120373
alternate schedule. If the Department approves a waiver for an 120374
alternate schedule that provides services for less time than the 120375
standard early childhood education schedule, the Department may 120376
reduce the provider's annual allocation proportionately. Under no 120377
circumstances shall an annual allocation be increased because of 120378
the approval of an alternate schedule. 120379

(J) For fiscal year 2016, each provider shall develop a 120380
sliding fee scale based on family incomes and shall charge 120381
families who earn more than two hundred per cent of the federal 120382
poverty guidelines, as defined in division (A)(3) of section 120383
5101.46 of the Revised Code, for the early childhood education 120384
program. 120385

The Department shall conduct an annual survey of each 120386
provider to determine whether the provider charges families 120387
tuition or fees, the amount families are charged relative to 120388
family income levels, and the number of families and students 120389

charged tuition and fees for the early childhood program. 120390

(K) If an early childhood education program voluntarily 120391
waives its right for funding, or has its funding eliminated for 120392
not meeting financial standards or the early learning program 120393
standards, the provider shall transfer control of title to 120394
property, equipment, and remaining supplies obtained through the 120395
program to providers designated by the Department and return any 120396
unexpended funds to the Department along with any reports 120397
prescribed by the Department. The funding made available from a 120398
program that waives its right for funding or has its funding 120399
eliminated or reduced may be used by the Department for new grant 120400
awards or expansion grants. The Department may award new grants or 120401
expansion grants to eligible providers who apply. The eligible 120402
providers who apply must do so in accordance with the selection 120403
process established by the Department. 120404

(L) Eligible expenditures for the Early Childhood Education 120405
Program shall be claimed each fiscal year to help meet the state's 120406
TANF maintenance of effort requirement. The Superintendent of 120407
Public Instruction and the Director of Job and Family Services 120408
shall enter into an interagency agreement to carry out the 120409
requirements under this division, which shall include developing 120410
reporting guidelines for these expenditures. 120411

(M)(1) For fiscal year 2017, the Department of Education and 120412
the Department of Job and Family Services shall establish the 120413
following in common between early childhood education programs and 120414
publicly funded child care: 120415

(a) An application; 120416

(b) Program eligibility; 120417

(c) Funding; 120418

(d) An attendance policy; 120419

(e) An attendance tracking system.	120420
(2) Beginning July 1, 2016, in accordance with section 5104.34 of the Revised Code, eligible families may receive publicly funded child care beyond the standard early childhood schedule defined in division (I) of this section.	120421 120422 120423 120424
(3) All providers, agencies, and school districts participating in the early childhood education program or providing care to eligible families beyond the standard early childhood schedule shall follow the common policies established under this division.	120425 120426 120427 120428 120429
Section 263.30. INFORMATION TECHNOLOGY DEVELOPMENT AND SUPPORT	120430 120431
The foregoing appropriation item 200420, Information Technology Development and Support, shall be used to support the development and implementation of information technology solutions designed to improve the performance and services of the Department of Education. Funds may be used for personnel, maintenance, and equipment costs related to the development and implementation of these technical system projects. Implementation of these systems shall allow the Department to provide greater levels of assistance to school districts and to provide more timely information to the public, including school districts, administrators, and legislators. Funds may also be used to support data-driven decision-making and differentiated instruction, as well as to communicate academic content standards and curriculum models to schools through web-based applications.	120432 120433 120434 120435 120436 120437 120438 120439 120440 120441 120442 120443 120444 120445
Section 263.40. ALTERNATIVE EDUCATION PROGRAMS	120446
Of the foregoing appropriation item 200421, Alternative Education Programs, up to \$1,250,000 in each fiscal year shall be used to make payments under sections 3314.38, 3317.23, 3317.24,	120447 120448 120449

and 3345.86 of the Revised Code, as amended by this act. 120450

Of the foregoing appropriation item 200421, Alternative 120451
Education Programs, \$400,000 in each fiscal year shall be used to 120452
support Jobs for Ohio's Graduates. 120453

The remainder of appropriation item 200421, Alternative 120454
Education Programs, shall be used for the renewal of successful 120455
implementation grants and for competitive matching grants to 120456
school districts for alternative educational programs for existing 120457
and new at-risk and delinquent youth. Programs shall be focused on 120458
youth in one or more of the following categories: those who have 120459
been expelled or suspended, those who have dropped out of school 120460
or who are at risk of dropping out of school, those who are 120461
habitually truant or disruptive, or those on probation or on 120462
parole from a Department of Youth Services facility. Grants shall 120463
be awarded only to programs in which the grant will not serve as 120464
the program's primary source of funding. These grants shall be 120465
administered by the Department of Education. 120466

The Department of Education may waive compliance with any 120467
minimum education standard established under section 3301.07 of 120468
the Revised Code for any alternative school that receives a grant 120469
under this section on the grounds that the waiver will enable the 120470
program to more effectively educate students enrolled in the 120471
alternative school. 120472

Of the foregoing appropriation item 200421, Alternative 120473
Education Programs, a portion may be used for program 120474
administration, monitoring, technical assistance, support, 120475
research, and evaluation. 120476

Section 263.50. SCHOOL MANAGEMENT ASSISTANCE 120477

Of the foregoing appropriation item 200422, School Management 120478
Assistance, \$1,000,000 in each fiscal year shall be used by the 120479

Auditor of State in consultation with the Department of Education 120480
for expenses incurred in the Auditor of State's role relating to 120481
fiscal caution, fiscal watch, and fiscal emergency activities as 120482
defined in Chapter 3316. of the Revised Code, unless an amount 120483
less than \$1,000,000 is needed and mutually agreed to by the 120484
Department and the Auditor of State. This set-aside may also be 120485
used by the Auditor of State to conduct performance audits of 120486
other school districts with priority given to districts in fiscal 120487
distress. Districts in fiscal distress shall be determined by the 120488
Auditor of State and shall include districts that the Auditor of 120489
State, in consultation with the Department of Education, 120490
determines are employing fiscal practices or experiencing 120491
budgetary conditions that could produce a state of fiscal watch or 120492
fiscal emergency. 120493

The remainder of appropriation item 200422, School Management 120494
Assistance, shall be used by the Department of Education to 120495
provide fiscal technical assistance and inservice education for 120496
school district management personnel and to administer, monitor, 120497
and implement the fiscal caution, fiscal watch, and fiscal 120498
emergency provisions under Chapter 3316. of the Revised Code. 120499

Section 263.60. POLICY ANALYSIS 120500

The foregoing appropriation item 200424, Policy Analysis, 120501
shall be used by the Department of Education to support a system 120502
of administrative, statistical, and legislative education 120503
information to be used for policy analysis. Staff supported by 120504
this appropriation shall administer the development of reports, 120505
analyses, and briefings to inform education policymakers of 120506
current trends in education practice, efficient and effective use 120507
of resources, and evaluation of programs to improve education 120508
results. A portion of these funds shall be used to maintain a 120509
longitudinal database to support the assessment of the impact of 120510

policies and programs on Ohio's education and workforce 120511
development systems. The research efforts supported by this 120512
appropriation item shall be used to supply information and 120513
analysis of data to and in consultation with the General Assembly 120514
and other state policymakers, including the Office of Budget and 120515
Management, the Governor's Office of 21st Century Education, and 120516
the Legislative Service Commission. 120517

The Department of Education may use funding from this 120518
appropriation item to purchase or contract for the development of 120519
software systems or contract for policy studies that will assist 120520
in the provision and analysis of policy-related information. 120521
Funding from this appropriation item also may be used to monitor 120522
and enhance quality assurance for research-based policy analysis 120523
and program evaluation to enhance the effective use of education 120524
information to inform education policymakers. 120525

TECH PREP CONSORTIA SUPPORT 120526

The foregoing appropriation item 200425, Tech Prep Consortia 120527
Support, shall be used by the Department of Education to support 120528
state-level activities designed to support, promote, and expand 120529
tech prep programs. Use of these funds shall include, but not be 120530
limited to, administration of grants, program evaluation, 120531
professional development, curriculum development, assessment 120532
development, program promotion, communications, and statewide 120533
coordination of tech prep consortia. 120534

Section 263.70. OHIO EDUCATIONAL COMPUTER NETWORK 120535

The foregoing appropriation item 200426, Ohio Educational 120536
Computer Network, shall be used by the Department of Education to 120537
maintain a system of information technology throughout Ohio and to 120538
provide technical assistance for such a system in support of the 120539
P-16 State Education Technology Plan developed under section 120540
3353.09 of the Revised Code. 120541

Of the foregoing appropriation item 200426, Ohio Educational 120542
Computer Network, up to \$10,000,000 in each fiscal year shall be 120543
used by the Department of Education to support connection of all 120544
public school buildings and participating chartered nonpublic 120545
schools to the state's education network, to each other, and to 120546
the Internet. In each fiscal year the Department of Education 120547
shall use these funds to assist information technology centers or 120548
school districts with the operational costs associated with this 120549
connectivity. The Department of Education shall develop a formula 120550
and guidelines for the distribution of these funds to information 120551
technology centers or individual school districts. As used in this 120552
section, "public school building" means a school building of any 120553
city, local, exempted village, or joint vocational school 120554
district, any community school established under Chapter 3314. of 120555
the Revised Code, any college preparatory boarding school 120556
established under Chapter 3328. of the Revised Code, any STEM 120557
school established under Chapter 3326. of the Revised Code, any 120558
educational service center building used for instructional 120559
purposes, the Ohio School for the Deaf and the Ohio School for the 120560
Blind, high schools chartered by the Ohio Department of Youth 120561
Services, or high schools operated by Ohio Department of 120562
Rehabilitation and Corrections' Ohio Central School System. 120563

Of the foregoing appropriation item 200426, Ohio Educational 120564
Computer Network, up to \$5,000,000 in each fiscal year shall be 120565
used, through a formula and guidelines devised by the Department, 120566
to subsidize the activities of designated information technology 120567
centers, as defined by State Board of Education rules, to provide 120568
school districts and chartered nonpublic schools with 120569
computer-based student and teacher instructional and 120570
administrative information services, including approved 120571
computerized financial accounting, and to ensure the effective 120572
operation of local automated administrative and instructional 120573
systems. 120574

The remainder of appropriation item 200426, Ohio Educational Computer Network, shall be used to support the work of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems as well as the teacher student linkage/roster verification process and the eTranscript/student records exchange initiative. This technical assistance shall include, but not be restricted to, development and maintenance of adequate computer software systems to support network activities. In order to improve the efficiency of network activities, the Department and information technology centers may jointly purchase equipment, materials, and services from funds provided under this appropriation for use by the network and, when considered practical by the Department, may utilize the services of appropriate state purchasing agencies.

Section 263.80. ACADEMIC STANDARDS 120589

The foregoing appropriation item 200427, Academic Standards, shall be used by the Department of Education to develop and communicate to school districts academic content standards and curriculum models and to develop professional development programs and other tools on the new content standards and model curriculum.

Section 263.90. STUDENT ASSESSMENT 120595

Of the foregoing appropriation item 200437, Student Assessment, up to \$1,206,000 in fiscal year 2016 and up to \$2,760,000 in fiscal year 2017 may be used to support the assessments required under section 3301.0715 of the Revised Code.

The remainder of appropriation item 200437, Student Assessment, shall be used to develop, field test, print, distribute, score, report results, and support other associated costs for the tests required under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code and for similar purposes as

required by section 3301.27 of the Revised Code. The funds may 120605
also be used to update and develop diagnostic assessments required 120606
under sections 3301.079, 3301.0715, and 3313.608 of the Revised 120607
Code. 120608

Section 263.100. ACCOUNTABILITY/REPORT CARDS 120609

Of the foregoing appropriation item 200439, 120610
Accountability/Report Cards, a portion in each fiscal year may be 120611
used to train district and regional specialists and district 120612
educators in the use of the value-added progress dimension and in 120613
the use of data as it relates to improving student achievement. 120614
This training may include teacher and administrator professional 120615
development in the use of data to improve instruction and student 120616
learning, and teacher and administrator training in understanding 120617
teacher value-added reports and how they can be used as a 120618
component in measuring teacher and administrator effectiveness. A 120619
portion of this funding may be provided to a credible nonprofit 120620
organization with expertise in value-added progress dimensions. 120621

The remainder of appropriation item 200439, 120622
Accountability/Report Cards, shall be used by the Department to 120623
incorporate a statewide value-added progress dimension into 120624
performance ratings for school districts and for the development 120625
of an accountability system that includes the preparation and 120626
distribution of school report cards, funding and expenditure 120627
accountability reports under sections 3302.03 and 3302.031 of the 120628
Revised Code, the development and maintenance of teacher 120629
value-added reports, the teacher student linkage/roster 120630
verification process, and the performance management section of 120631
the Department's web site required by section 3302.26 of the 120632
Revised Code. 120633

CHILD CARE LICENSING 120634

The foregoing appropriation item 200442, Child Care 120635

Licensing, shall be used by the Department of Education to license 120636
and to inspect preschool and school-age child care programs under 120637
sections 3301.52 to 3301.59 of the Revised Code. 120638

Section 263.110. EDUCATION MANAGEMENT INFORMATION SYSTEM 120639

The foregoing appropriation item 200446, Education Management 120640
Information System, shall be used by the Department of Education 120641
to improve the Education Management Information System (EMIS). 120642

Of the foregoing appropriation item 200446, Education 120643
Management Information System, up to \$725,000 in each fiscal year 120644
shall be distributed to designated information technology centers 120645
for costs relating to processing, storing, and transferring data 120646
for the effective operation of the EMIS. These costs may include, 120647
but are not limited to, personnel, hardware, software development, 120648
communications connectivity, professional development, and support 120649
services, and to provide services to participate in the State 120650
Education Technology Plan developed under section 3353.09 of the 120651
Revised Code. 120652

The remainder of appropriation item 200446, Education 120653
Management Information System, shall be used to develop and 120654
support the data definitions and standards adopted by the 120655
Education Management Information System Advisory Board, including 120656
the ongoing development and maintenance of the data dictionary and 120657
data warehouse. In addition, such funds shall be used to support 120658
the development and implementation of data standards; the design, 120659
development, and implementation of a new data exchange system; and 120660
responsibilities related to the school report cards prescribed by 120661
section 3302.03 of the Revised Code and value-added progress 120662
dimension calculations. 120663

Any provider of software meeting the standards approved by 120664
the Education Management Information System Advisory Board shall 120665
be designated as an approved vendor and may enter into contracts 120666

with local school districts, community schools, STEMS schools, 120667
information technology centers, or other educational entities for 120668
the purpose of collecting and managing data required under Ohio's 120669
education management information system (EMIS) laws. On an annual 120670
basis, the Department of Education shall convene an advisory group 120671
of school districts, community schools, and other 120672
education-related entities to review the Education Management 120673
Information System data definitions and data format standards. The 120674
advisory group shall recommend changes and enhancements based upon 120675
surveys of its members, education agencies in other states, and 120676
current industry practices, to reflect best practices, align with 120677
federal initiatives, and meet the needs of school districts. 120678

School districts, STEM schools, and community schools not 120679
implementing a uniform set of data definitions and data format 120680
standards for Education Management Information System purposes 120681
shall have all EMIS funding withheld until they are in compliance. 120682

Section 263.120. GED TESTING 120683

The foregoing appropriation item 200447, GED Testing, shall 120684
be used to provide General Educational Development (GED) testing 120685
under rules adopted by the State Board of Education and provide 120686
support to GED testing sites. 120687

Section 263.130. EDUCATOR PREPARATION 120688

Of the foregoing appropriation item 200448, Educator 120689
Preparation, up to \$500,000 in each fiscal year may be used by the 120690
Department of Education to monitor and support Ohio's State System 120691
of Support in accordance with the "No Child Left Behind Act of 120692
2011," 20 U.S.C. 6317, as administered pursuant to the Elementary 120693
and Secondary Education Act flexibility waivers approved for Ohio 120694
by the United States Department of Education. 120695

Of the foregoing appropriation item 200448, Educator 120696

Preparation, up to \$100,000 in each fiscal year may be used by the 120697
Department to support the Educator Standards Board under section 120698
3319.61 of the Revised Code and reforms under sections 3302.042, 120699
3302.06 through 3302.068, 3302.12, 3302.20 through 3302.22, and 120700
3319.58 of the Revised Code. 120701

Of the foregoing appropriation item 200448, Educator 120702
Preparation, \$1,000,000 in each fiscal year shall be distributed 120703
to Teach For America to increase recruitment of potential corps 120704
members at select Ohio universities, train and develop first-year 120705
and second-year teachers in the Teach for America program in Ohio, 120706
and expand alumni support and networking within the state. 120707

Of the foregoing appropriation item 200448, Educator 120708
Preparation, \$150,000 in each fiscal year shall be used to support 120709
the SmartOhio financial literacy program. 120710

Of the foregoing appropriation item 200448, Educator 120711
Preparation, \$125,000 in each fiscal year shall be used for the 120712
Ohio Appalachian Teaching Fellowship. The State Superintendent of 120713
Public Instruction shall select a nonprofit education organization 120714
with diverse experience in teacher, leader, and system development 120715
in school districts across the country, including experience 120716
working with schools in the Appalachian region to lead and manage 120717
the fellowship. The fellowship shall provide funding to assist 120718
with the costs of college tuition, instructional materials, and 120719
fees for exceptional students who want to teach in the Appalachian 120720
region of Ohio following college graduation. Fellows shall be 120721
selected during their senior year of high school. The nonprofit 120722
organization shall provide enrichment activities to supplement the 120723
fellows' educational experiences to prepare the future teachers 120724
for the unique challenges of teaching in the Appalachian region. 120725
Students who participate in the fellowship shall agree to teach in 120726
the Appalachian region of Ohio for at least four years following 120727
college graduation. 120728

The remainder of the foregoing appropriation item 200448, 120729
Educator Preparation, may be used for implementation of teacher 120730
and principal evaluation systems, including incorporation of 120731
student growth as a metric in those systems, and teacher 120732
value-added reports. 120733

Section 263.140. COMMUNITY SCHOOLS AND CHOICE PROGRAMS 120734

The foregoing appropriation item 200455, Community Schools 120735
and Choice Programs, may be used by the Department of Education 120736
for operation of the school choice programs. 120737

Of the foregoing appropriation item 200455, Community Schools 120738
and Choice Programs, a portion in each fiscal year may be used by 120739
the Department of Education for developing and conducting training 120740
sessions for community schools and sponsors and prospective 120741
sponsors of community schools as prescribed in division (A)(1) of 120742
section 3314.015 of the Revised Code, and other schools 120743
participating in school choice programs. 120744

STEM INITIATIVES 120745

An amount equal to the unexpended, unencumbered balances of 120746
the GRF appropriations for the Department of Education at the end 120747
of fiscal year 2015, but not to exceed \$600,000, is hereby 120748
reappropriated to appropriation item 200457, STEM Initiatives, for 120749
fiscal year 2016 for the Department of Education to provide STEM 120750
schools with matching funds for industry workforce development 120751
initiatives. 120752

If the unexpended, unencumbered balances reappropriated above 120753
are less than \$600,000, the Superintendent of Public Instruction 120754
shall identify outstanding GRF encumbrances of the Department for 120755
fiscal year 2015 and prior fiscal years that are no longer needed 120756
to support the obligations of the Department. On July 1, 2015, or 120757
as soon as possible thereafter, the Superintendent shall certify 120758

the identified encumbrances to the Director of Budget and 120759
Management. Upon receipt of the certification, the Director of 120760
Budget and Management shall cancel identified encumbrances in an 120761
amount up to the difference between \$600,000 and the amount 120762
reappropriated above. The amount of canceled encumbrances is 120763
hereby appropriated to appropriation item 200457, STEM 120764
Initiatives, for fiscal year 2016 for the Department of Education 120765
to provide STEM schools with matching funds for industry workforce 120766
development initiatives. 120767

Of the foregoing appropriation item 200457, STEM Initiatives, 120768
\$150,000 in fiscal year 2016 shall be distributed to the Lake 120769
County Educational Service Center for a pilot project that 120770
supports innovative STEM initiatives for middle school students in 120771
Geauga and Lake counties affiliated with the Alliance for Working 120772
Together. These initiatives shall provide middle school students 120773
with early access to programming, engineering design, and 120774
problem-solving skills, the goal of which is to build a strong 120775
regional pipeline of future manufacturing workers who can fill 120776
high-paying, sustainable positions in the automated manufacturing 120777
industry. Not later than July 31, 2016, the Lake County 120778
Educational Service Center shall submit a report that describes 120779
the progress of the pilot project, including the number of 120780
students participating, to the standing committees of the House of 120781
Representatives and the Senate that are primarily responsible for 120782
considering economic development issues. 120783

Section 263.150. EDUCATION TECHNOLOGY RESOURCES 120784

Of the foregoing appropriation item 200465, Education 120785
Technology Resources, up to \$1,443,572 in each fiscal year shall 120786
be used for the Union Catalog and InfoOhio Network and to support 120787
the provision of electronic resources with priority given to 120788
resources that support the teaching of state academic content 120789

standards in all public schools. Consideration shall be given by 120790
the Department of Education to coordinating the allocation of 120791
these moneys with the efforts of Libraries Connect Ohio, whose 120792
members include OhioLINK, the Ohio Public Information Network, and 120793
the State Library of Ohio. 120794

Of the foregoing appropriation item 200465, Education 120795
Technology Resources, up to \$1,027,176 in each fiscal year shall 120796
be used by the Department of Education to provide grants to 120797
educational television stations working with partner education 120798
technology centers to provide Ohio public schools with 120799
instructional resources and services, with priority given to 120800
resources and services aligned with state academic content 120801
standards. Such resources and services shall be based upon the 120802
advice and approval of the Department, based on a formula 120803
developed in consultation with Ohio's educational television 120804
stations and educational technology centers. 120805

The remainder of the foregoing appropriation item 200465, 120806
Education Technology Resources, may be used to support the 120807
training, technical support, and guidance to school districts and 120808
public libraries in applying for federal E-Rate funds; for 120809
oversight and guidance of school district technology plans; and 120810
for support to district technology personnel. Funds may also be 120811
used to support the eTranscript/student records exchange 120812
initiative between the Department of Education and the Department 120813
of Higher Education and the internet safety training for students, 120814
teachers, and administrators required under the "Protecting 120815
Children in the 21st Century Act," Pub. L. No. 110-385, 122 Stat. 120816
4096 (2008). 120817

Section 263.160. PUPIL TRANSPORTATION 120818

Of the foregoing appropriation item 200502, Pupil 120819
Transportation, up to \$838,930 in each fiscal year may be used by 120820

the Department of Education for training prospective and 120821
experienced school bus drivers in accordance with training 120822
programs prescribed by the Department. 120823

Of the foregoing appropriation item 200502, Pupil 120824
Transportation, up to \$60,469,220 in each fiscal year may be used 120825
by the Department of Education for special education 120826
transportation reimbursements to school districts and county DD 120827
boards for transportation operating costs as provided in divisions 120828
(C) and (F) of section 3317.024 of the Revised Code. 120829

Of the foregoing appropriation item 200502, Pupil 120830
Transportation, up to \$2,500,000 in each fiscal year may be used 120831
by the Department of Education to reimburse school districts that 120832
make payments to parents in lieu of transportation under section 120833
3327.02 of the Revised Code and whose transportation is not funded 120834
under division (C) of section 3317.024 of the Revised Code. If the 120835
parent, guardian, or other person in charge of a pupil accepts the 120836
offer of payment in lieu of providing transportation, the school 120837
district shall pay that parent, guardian, or other person an 120838
amount that shall be not less than \$250 and not more than the 120839
amount determined by the Department as the average cost of pupil 120840
transportation for the previous school year. Payment may be 120841
prorated if the time period involved is only a part of the school 120842
year. 120843

The remainder of the foregoing appropriation item 200502, 120844
Pupil Transportation, shall be used to distribute the amounts 120845
calculated for transportation aid under divisions (E), (F), and 120846
(G) of section 3317.0212 of the Revised Code, as amended by this 120847
act. 120848

Section 263.170. SCHOOL LUNCH MATCH 120849

The foregoing appropriation item 200505, School Lunch Match, 120850
shall be used to provide matching funds to obtain federal funds 120851

for the school lunch program. 120852

Any remaining appropriation up to \$200,000 in each fiscal 120853
year after providing matching funds for the school lunch program, 120854
shall be used by the Department of Education to contract with the 120855
Children's Hunger Alliance to expand access to child nutrition 120856
programs consistent with the organization's continued ability to 120857
meet specified performance measures as detailed in the contract. 120858
These funds shall increase access to federal summer nutrition 120859
programs and the federal school breakfast program. 120860

Any remaining appropriation after providing funds to the 120861
Children's Hunger Alliance may be used to partially reimburse 120862
school buildings within school districts that are required to have 120863
a school breakfast program under section 3313.813 of the Revised 120864
Code, at a rate decided by the Department. 120865

Section 263.180. AUXILIARY SERVICES 120866

The foregoing appropriation item 200511, Auxiliary Services, 120867
shall be used by the Department of Education for the purpose of 120868
implementing section 3317.06 of the Revised Code. Of the 120869
appropriation, up to \$2,600,000 in each fiscal year may be used 120870
for payment of the College Credit Plus Program for nonpublic 120871
secondary school participants. The Department shall distribute 120872
funding according to rule 3333-1-65.8 of the Administrative Code, 120873
adopted by the Department of Higher Education pursuant to division 120874
(A) of section 3365.071 of the Revised Code. 120875

Section 263.190. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT 120876

The foregoing appropriation item 200532, Nonpublic 120877
Administrative Cost Reimbursement, shall be used by the Department 120878
of Education for the purpose of implementing section 3317.063 of 120879
the Revised Code. If the appropriation is sufficient, 120880
reimbursement payments to a nonpublic school may total up to four 120881

hundred twenty dollars per student for each school year, 120882
notwithstanding the restriction in section 3317.063 of the Revised 120883
Code. 120884

Section 263.200. SPECIAL EDUCATION ENHANCEMENTS 120885

Of the foregoing appropriation item 200540, Special Education 120886
Enhancements, up to \$50,000,000 in each fiscal year shall be used 120887
to fund special education and related services at county boards of 120888
developmental disabilities for eligible students under section 120889
3317.20 of the Revised Code and at institutions for eligible 120890
students under section 3317.201 of the Revised Code. If necessary, 120891
the Department shall proportionately reduce the amount calculated 120892
for each county board of developmental disabilities and 120893
institution so as not to exceed the amount appropriated in each 120894
fiscal year. 120895

Of the foregoing appropriation item 200540, Special Education 120896
Enhancements, up to \$1,333,468 in each fiscal year shall be used 120897
for parent mentoring programs. 120898

Of the foregoing appropriation item 200540, Special Education 120899
Enhancements, up to \$2,537,824 in each fiscal year may be used for 120900
school psychology interns. 120901

Of the foregoing appropriation item 200540, Special Education 120902
Enhancements, the Department of Education shall transfer 120903
\$2,500,000 in each fiscal year to the Opportunities for Ohioans 120904
with Disabilities Agency. The transfer shall be made via an 120905
intrastate transfer voucher. The transferred funds shall be used 120906
by the Opportunities for Ohioans with Disabilities Agency as state 120907
matching funds to draw down available federal funding for 120908
vocational rehabilitation services. Total project funding shall be 120909
used to hire dedicated vocational rehabilitation counselors who 120910
shall work directly with school districts to provide transition 120911
services for students with disabilities. Services shall include 120912

vocational rehabilitation services such as person-centered career 120913
planning, summer work experiences, job placement, and retention 120914
services for mutually eligible students with disabilities. 120915

The Superintendent of Public Instruction and the Executive 120916
Director of the Opportunities for Ohioans with Disabilities Agency 120917
shall enter into an interagency agreement that shall specify the 120918
responsibilities of each agency under the program. Under the 120919
interagency agreement, the Opportunities for Ohioans with 120920
Disabilities Agency shall retain responsibility for all 120921
nondelegable functions, including eligibility and order of 120922
selection determination, individualized plan for employment (IPE) 120923
approval, IPE amendments, case closure, and release of vendor 120924
payments. 120925

Of the foregoing appropriation item 200540, Special Education 120926
Enhancements, up to \$2,500,000 in each fiscal year shall be used 120927
by the Department of Education to build capacity to deliver a 120928
regional system of training, support, coordination, and direct 120929
service for secondary transition services for students with 120930
disabilities beginning at fourteen years of age. These special 120931
education enhancements shall support all students with 120932
disabilities, regardless of partner agency eligibility 120933
requirements, to provide stand-alone direct secondary transition 120934
services by school districts. Secondary transition services shall 120935
include, but not be limited to, job exploration counseling, 120936
work-based learning experiences, counseling on opportunities for 120937
enrollment in comprehensive transition or post-secondary 120938
educational programs at institutions of higher education, 120939
workplace readiness training to develop occupational skills, 120940
social skills and independent living skills, and instruction in 120941
self-advocacy. Regional training shall support the expansion of 120942
transition to work endorsement opportunities for middle school and 120943
secondary level special education intervention specialists in 120944

order to develop the necessary skills and competencies to meet the 120945
secondary transition needs of students with disabilities beginning 120946
at fourteen years of age. 120947

The remainder of appropriation item 200540, Special Education 120948
Enhancements, shall be distributed by the Department of Education 120949
to school districts and institutions, as defined in section 120950
3323.091 of the Revised Code, for preschool special education 120951
funding under section 3317.0213 of the Revised Code. 120952

The Department may reimburse school districts and 120953
institutions for services provided by instructional assistants, 120954
related services as defined in rule 3301-51-11 of the 120955
Administrative Code, physical therapy services provided by a 120956
licensed physical therapist or physical therapist assistant under 120957
the supervision of a licensed physical therapist as required under 120958
Chapter 4755. of the Revised Code and Chapter 4755-27 of the 120959
Administrative Code and occupational therapy services provided by 120960
a licensed occupational therapist or occupational therapy 120961
assistant under the supervision of a licensed occupational 120962
therapist as required under Chapter 4755. of the Revised Code and 120963
Chapter 4755-7 of the Administrative Code. Nothing in this section 120964
authorizes occupational therapy assistants or physical therapist 120965
assistants to generate or manage their own caseloads. 120966

The Department of Education shall require school districts, 120967
educational service centers, county DD boards, and institutions 120968
serving preschool children with disabilities to adhere to Ohio's 120969
early learning program standards, participate in the Step Up to 120970
Quality program established pursuant to section 5104.29 of the 120971
Revised Code, and document child progress using research-based 120972
indicators prescribed by the Department and report results 120973
annually. The reporting dates and method shall be determined by 120974
the Department. Effective July 1, 2018, all programs shall be 120975
rated through the Step Up to Quality program. 120976

Section 263.210. CAREER-TECHNICAL EDUCATION ENHANCEMENTS	120977
Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,008,000 in each fiscal year shall be used to fund the Ohio Career Counseling Pilot Program. The program shall utilize Career-Technical Planning Districts to deliver comprehensive career counseling services to students in grades seven through twelve.	120978 120979 120980 120981 120982 120983
(A) Participating institutions shall provide the following services:	120984 120985
(1) Connect students in grades seven through twelve to career mentors from local civic and business organizations for the purpose of exploring career options and workforce skills necessary for success;	120986 120987 120988 120989
(2) Provide students in grades nine through twelve with opportunities for experiential learning through community-based businesses and civic partnerships;	120990 120991 120992
(3) Provide students in grades seven through twelve with career pathways that feature academic coursework integrated into career-technical training, including introduction to these pathways for students in grades seven and eight;	120993 120994 120995 120996
(4) Offer career-focused counseling for students that include all of the following components:	120997 120998
(a) Earning college credit through the College Credit Plus Program;	120999 121000
(b) Planning for a post-secondary education;	121001
(c) Earning an industry-recognized credential or state-issued license;	121002 121003
(d) Participating in experiential learning;	121004
(e) Using the OhioMeansJobs web site; and	121005

(f) Participating in the Career Connections initiative 121006
developed by the Department of Education. 121007

(B) Participating institutions shall establish participation 121008
and outcome goals for each of the activities as defined in 121009
division (A)(4) of this section. Each participating institution 121010
shall report results for each goal and provide recommendations to 121011
improve services to the Department of Education not later than 121012
sixty days after the end of the fiscal year. The Department shall 121013
compile all results and recommendations and provide a report to 121014
the Governor and General Assembly not later than October 31 121015
following the end of each fiscal year. 121016

(C) Participating institutions shall receive the following 121017
funding in each fiscal year for the Ohio Career Counseling Pilot 121018
Program: Butler Tech Joint Vocational School District, \$393,000; 121019
Four County Joint Vocational School District, \$164,000; Pioneer 121020
Career and Technology Center, \$141,000; South-Western City School 121021
District, \$110,000; Gallia-Jackson-Vinton Joint Vocational School 121022
District, \$85,000; Four Cities Educational Compact, \$65,000; and 121023
Madison Local School District in Richland County, \$50,000. 121024

(D) The Department of Education shall distribute funds to 121025
participating institutions not later than August fifteenth of each 121026
fiscal year. 121027

(E) Professional development and outreach for school 121028
counselors under this section shall include how to effectively use 121029
training and informational resources on the OhioMeansJobs K-12 web 121030
site and shall be done in consultation with the Chancellor of 121031
Higher Education to ensure alignment with efforts to improve the 121032
preparation of school counselors on effective career counseling 121033
methods. 121034

Of the foregoing appropriation item 200545, Career-Technical 121035
Education Enhancements, up to \$2,563,568 in each fiscal year shall 121036

be used to fund secondary career-technical education at 121037
institutions, the Ohio School for the Deaf, and the Ohio State 121038
School for the Blind using a grant-based methodology, 121039
notwithstanding section 3317.05 of the Revised Code. 121040

Of the foregoing appropriation item 200545, Career-Technical 121041
Education Enhancements, up to \$2,837,800 in each fiscal year shall 121042
be used by the Department of Education to fund competitive grants 121043
to tech prep consortia that expand the number of students enrolled 121044
in tech prep programs. These grant funds shall be used to directly 121045
support expanded tech prep programs provided to students enrolled 121046
in school districts, including joint vocational school districts, 121047
and affiliated higher education institutions. This support may 121048
include the purchase of equipment. 121049

Of the foregoing appropriation item 200545, Career-Technical 121050
Education Enhancements, up to \$3,100,850 in each fiscal year shall 121051
be used by the Department of Education to support existing High 121052
Schools That Work (HSTW) sites, develop and support new sites, 121053
fund technical assistance, and support regional centers and middle 121054
school programs. The purpose of HSTW is to combine challenging 121055
academic courses and modern career-technical studies to raise the 121056
academic achievement of students. HSTW provides intensive 121057
technical assistance, focused staff development, targeted 121058
assessment services, and ongoing communications and networking 121059
opportunities. 121060

Of the foregoing appropriation item 200545, Career-Technical 121061
Education Enhancements, up to \$600,000 in each fiscal year shall 121062
be used by the Department of Education to enable students in 121063
agricultural programs to enroll in a fifth quarter of instruction 121064
based on the agricultural education model of delivering work-based 121065
learning through supervised agricultural experience. The 121066
Department of Education shall determine eligibility criteria and 121067
the reporting process for the Agriculture 5th Quarter Project and 121068

shall fund as many programs as possible given the set aside. The 121069
eligibility criteria developed by the Department shall allow these 121070
funds to support supervised agricultural experience that occurs 121071
anytime outside of the regular school day. 121072

Of the foregoing appropriation item 200545, Career-Technical 121073
Education Enhancements, up to \$162,200 in each fiscal year shall 121074
be distributed to the Cleveland Municipal School District and the 121075
Cincinnati City School District to be used for a VoAg Program in 121076
one at-risk nonvocational school in each district. The amount 121077
distributed to the Cleveland Municipal School District shall be 121078
equal to \$78,600 minus the funding allocated to the district under 121079
division (A)(8) of section 3317.022 of the Revised Code for the 121080
students participating in the program. The amount distributed to 121081
the Cincinnati City School District shall be equal to \$83,600 121082
minus the funding allocated to the district under division (A)(8) 121083
of section 3317.022 of the Revised Code for the students 121084
participating in the program. 121085

Of the foregoing appropriation item 200545, Career-Technical 121086
Education Enhancements, up to \$525,000 in fiscal year 2016 and up 121087
to \$550,000 in fiscal year 2017 may be used to support career 121088
planning and reporting through the Ohio Means Jobs web site. 121089

Of the foregoing appropriation item 200545, Career-Technical 121090
Education Enhancements, up to \$1,000,000 in each fiscal year shall 121091
be used to support payments to city, local, and exempted village 121092
school districts, community schools, STEM schools, and joint 121093
vocational school districts whose students earn an 121094
industry-recognized credential or receive a journeyman 121095
certification recognized by the United States Department of Labor. 121096
The educating entity shall be required to inform students enrolled 121097
in career-technical education courses that lead to an 121098
industry-recognized credential about the opportunity to earn these 121099
credentials. The Ohio Department of Education shall work with the 121100

Department of Higher Education and the Governor's Office of 121101
Workforce Transformation to develop a schedule for reimbursement 121102
based on the Department of Education's list of industry-recognized 121103
credentials, the time it takes to earn the credential, and the 121104
cost to obtain the credential. The educating entity shall pay for 121105
the cost of the credential for an economically disadvantaged 121106
student and may claim and receive reimbursement. The educating 121107
entity may claim reimbursement based on the Department's 121108
reimbursement schedule up to six months after the student has 121109
graduated from high school. If the amount appropriated is not 121110
sufficient, the Department shall prorate the amounts so that the 121111
aggregate amount appropriated is not exceeded. 121112

Of the foregoing appropriation item 200545, Career-Technical 121113
Education Enhancements, \$125,000 in each fiscal year shall be used 121114
to prepare students for careers in culinary arts and restaurant 121115
management under the Ohio ProStart school restaurant program. 121116

Section 263.220. FOUNDATION FUNDING 121117

Of the foregoing appropriation item 200550, Foundation 121118
Funding, up to \$40,000,000 in each fiscal year shall be used to 121119
provide additional state aid to school districts, joint vocational 121120
school districts, community schools, and STEM schools for special 121121
education students under division (C)(3) of section 3314.08, 121122
section 3317.0214, division (B) of section 3317.16, and section 121123
3326.34 of the Revised Code, except that the Controlling Board may 121124
increase these amounts if presented with such a request from the 121125
Department of Education at the final meeting of the fiscal year. 121126

Of the foregoing appropriation item 200550, Foundation 121127
Funding, up to \$3,800,000 in each fiscal year shall be used to 121128
fund gifted education at educational service centers. The 121129
Department shall distribute the funding through the unit-based 121130
funding methodology in place under division (L) of section 121131

3317.024, division (E) of section 3317.05, and divisions (A), (B), 121132
and (C) of section 3317.053 of the Revised Code as they existed 121133
prior to fiscal year 2010. 121134

Of the foregoing appropriation item 200550, Foundation 121135
Funding, up to \$40,250,000 in fiscal year 2016 and up to 121136
\$41,400,000 in fiscal year 2017 shall be reserved to fund the 121137
state reimbursement of educational service centers under the 121138
section of this act entitled "EDUCATIONAL SERVICE CENTERS 121139
FUNDING"; and up to \$3,500,000 in each fiscal year shall be 121140
distributed to educational service centers for School Improvement 121141
Initiatives and for the provision of technical assistance as 121142
required by the Elementary and Secondary Education Act Flexibility 121143
waivers approved for Ohio by the United States Department of 121144
Education. Educational service centers shall be required to 121145
support districts in the development and implementation of their 121146
continuous improvement plans as required in section 3302.04 of the 121147
Revised Code and to provide technical assistance and support in 121148
accordance with Title I of the "No Child Left Behind Act of 2001," 121149
115 Stat. 1425, 20 U.S.C. 6317, as administered pursuant to the 121150
Elementary and Secondary Education Act Flexibility waivers 121151
approved for Ohio by the United States Department of Education. 121152

Of the foregoing appropriation item 200550, Foundation 121153
Funding, up to \$20,000,000 in each fiscal year shall be reserved 121154
for payments under sections 3317.026, 3317.027, and 3317.028 of 121155
the Revised Code. If this amount is not sufficient, the Department 121156
of Education shall prorate the payment amounts so that the 121157
aggregate amount allocated in this paragraph is not exceeded. 121158

Of the foregoing appropriation item 200550, Foundation 121159
Funding, up to \$1,000,000 in each fiscal year shall be used to pay 121160
career-technical planning districts for the amounts reimbursed to 121161
students, as prescribed in this paragraph. Each career-technical 121162
planning district shall reimburse individuals taking the online 121163

General Educational Development (GED) test for the first time for 121164
application/test fees in excess of \$40. Each career-technical 121165
planning district shall designate a site or sites where 121166
individuals may register and take the exam. For each individual 121167
that registers for the exam, the career-technical planning 121168
district shall make available and offer career counseling 121169
services, including information on adult education programs that 121170
are available. Any remaining funds in each fiscal year shall be 121171
reimbursed to the Department of Youth Services and the Department 121172
of Rehabilitation and Correction for individuals in these 121173
facilities who have taken the GED for the first time. The amounts 121174
reimbursed shall not exceed the per-individual amounts reimbursed 121175
to other individuals under this section for each section of the 121176
GED. 121177

Of the foregoing appropriation item 200550, Foundation 121178
Funding, up to \$29,900,000 in fiscal year 2016 and up to 121179
\$38,000,000 in fiscal year 2017 shall be used to support school 121180
choice programs. 121181

Of the portion of the funds distributed to the Cleveland 121182
Municipal School District under this section, up to \$11,901,887 in 121183
each fiscal year shall be used to operate the school choice 121184
program in the Cleveland Municipal School District under sections 121185
3313.974 to 3313.979 of the Revised Code. Notwithstanding 121186
divisions (B) and (C) of section 3313.978 and division (C) of 121187
section 3313.979 of the Revised Code, up to \$1,000,000 in each 121188
fiscal year of this amount shall be used by the Cleveland 121189
Municipal School District to provide tutorial assistance as 121190
provided in division (H) of section 3313.974 of the Revised Code. 121191
The Cleveland Municipal School District shall report the use of 121192
these funds in the district's three-year continuous improvement 121193
plan as described in section 3302.04 of the Revised Code in a 121194
manner approved by the Department of Education. 121195

Of the foregoing appropriation item 200550, Foundation 121196
Funding, up to \$500,000 in each fiscal year may be used for 121197
payment of the College Credit Plus Program for students instructed 121198
at home pursuant to section 3321.04 of the Revised Code. 121199

Of the foregoing appropriation item 200550, Foundation 121200
Funding, an amount shall be available in each fiscal year to be 121201
paid to joint vocational school districts in accordance with 121202
division (A) of section 3317.16 of the Revised Code, section 121203
3317.26 of the Revised Code, and the section of this act entitled 121204
"TEMPORARY TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL 121205
DISTRICTS." 121206

Of the foregoing appropriation item 200550, Foundation 121207
Funding, up to \$700,000 in each fiscal year shall be used by the 121208
Department of Education for a program to pay for educational 121209
services for youth who have been assigned by a juvenile court or 121210
other authorized agency to any of the facilities described in 121211
division (A) of the section of this act entitled "PRIVATE 121212
TREATMENT FACILITY PROJECT." 121213

Of the foregoing appropriation item 200550, Foundation 121214
Funding, a portion may be used to pay college-preparatory boarding 121215
schools the per pupil boarding amount pursuant to section 3328.34 121216
of the Revised Code. 121217

Of the foregoing appropriation item 200550, Foundation 121218
Funding, up to \$2,000,000 in each fiscal year shall be used for 121219
the Bright New Leaders for Ohio Schools Program created and 121220
implemented by the nonprofit corporation incorporated pursuant to 121221
Section 733.40 of Am. Sub. H.B. 59 of the 130th General Assembly, 121222
to provide an alternative path for individuals to receive training 121223
and development in the administration of primary and secondary 121224
education and leadership, enable those individuals to earn degrees 121225
and obtain licenses in public school administration, and promote 121226
the placement of those individuals in public schools that have a 121227

poverty percentage greater than fifty per cent. 121228

Of the foregoing appropriation item 200550, Foundation 121229
Funding, \$750,000 in fiscal year 2016 shall be used as matching 121230
funds to support efforts by the Accelerate Great Schools 121231
public-private partnership to increase the number of 121232
high-performing schools in Cincinnati; to attract and develop 121233
excellent school leaders and teachers; and to engage families and 121234
communities in fostering educational improvement. 121235

Of the foregoing appropriation item 200550, Foundation 121236
Funding, \$200,000 in each fiscal year shall be used to support 121237
Bellefaire JCB's Social Advocates for Youth Program. 121238

Of the foregoing appropriation item 200550, Foundation 121239
Funding, \$150,000 in each fiscal year shall be used to support 121240
programming at the Cleveland Museum of Natural History. 121241

Of the foregoing appropriation item 200550, Foundation 121242
Funding, a portion in each fiscal year shall be used to pay 121243
community schools the amounts calculated for the graduation and 121244
third-grade reading bonuses under section 3314.085 and to pay STEM 121245
schools the amounts calculated for the graduation bonus under 121246
section 3326.41 of the Revised Code. 121247

The remainder of appropriation item 200550, Foundation 121248
Funding, shall be used to distribute the amounts calculated for 121249
formula aid under sections 3317.022 and 3317.26 of the Revised 121250
Code and the section of this act entitled "TEMPORARY TRANSITIONAL 121251
AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 121252

Appropriation items 200502, Pupil Transportation, 200540, 121253
Special Education Enhancements, and 200550, Foundation Funding, 121254
other than specific set-asides, are collectively used in each 121255
fiscal year to pay state formula aid obligations for school 121256
districts, community schools, STEM schools, college preparatory 121257
boarding schools, and joint vocational school districts under this 121258

act. The first priority of these appropriation items, with the 121259
exception of specific set-asides, is to fund state formula aid 121260
obligations. It may be necessary to reallocate funds among these 121261
appropriation items or use excess funds from other general revenue 121262
fund appropriation items in the Department of Education's budget 121263
in each fiscal year in order to meet state formula aid 121264
obligations. If it is determined that it is necessary to transfer 121265
funds among these appropriation items or to transfer funds from 121266
other General Revenue Fund appropriations in the Department of 121267
Education's budget to meet state formula aid obligations, the 121268
Superintendent of Public Instruction shall seek approval from the 121269
Director of Budget and Management to transfer funds as needed. 121270

The Superintendent of Public Instruction shall make payments, 121271
transfers, and deductions, as authorized by Title XXXIII of the 121272
Revised Code in amounts substantially equal to those made in the 121273
prior year, or otherwise, at the discretion of the Superintendent, 121274
until at least the effective date of the amendments and enactments 121275
made to Title XXXIII by this act. Any funds paid to districts or 121276
schools under this section shall be credited toward the annual 121277
funds calculated for the district or school after the changes made 121278
to Title XXXIII in this act are effective. Upon the effective date 121279
of changes made to Title XXXIII in this act, funds shall be 121280
calculated as an annual amount. 121281

Section 263.230. TEMPORARY TRANSITIONAL AID FOR CITY, LOCAL, 121282
AND EXEMPTED VILLAGE SCHOOL DISTRICTS 121283

(A) The Department of Education shall distribute funds within 121284
appropriation item 200550, Foundation Funding, for temporary 121285
transitional aid in each fiscal year to each qualifying city, 121286
local, and exempted village school district. 121287

(1) For fiscal years 2016 and 2017, the Department shall pay 121288
temporary transitional aid to each city, local, and exempted 121289

village school district that experiences any decrease in its 121290
foundation funding for the guarantee for the current fiscal year 121291
from its transitional aid guarantee base for the current fiscal 121292
year. The amount of the temporary transitional aid payment shall 121293
equal the district's transitional aid guarantee base minus the 121294
district's foundation funding for the guarantee. If the 121295
computation made under this division results in a negative number, 121296
the district's funding under this division shall be zero. 121297

(2) As used in this section, "foundation funding for the 121298
guarantee" for each city, local, and exempted village school 121299
district, for fiscal year 2016, equals the sum of the following 121300
amounts for that fiscal year: 121301

(a) The opportunity grant under division (A)(1) of section 121302
3317.022 of the Revised Code; 121303

(b) Targeted assistance funds under division (A)(2) of 121304
section 3317.022 of the Revised Code; 121305

(c) Additional state aid for special education and related 121306
services under division (A)(3) of section 3317.022 of the Revised 121307
Code; 121308

(d) Kindergarten through third grade literacy funds under 121309
division (A)(4) of section 3317.022 of the Revised Code; 121310

(e) Economically disadvantaged funds under division (A)(5) of 121311
section 3317.022 of the Revised Code; 121312

(f) Limited English proficiency funds under division (A)(6) 121313
of section 3317.022 of the Revised Code; 121314

(g) Gifted identification and unit funds under division 121315
(A)(7) of section 3317.022 of the Revised Code; 121316

(h) Career-technical education funds under division (A)(8) of 121317
section 3317.022 of the Revised Code; 121318

(i) Career-technical education associated services funds 121319

under division (A)(9) of section 3317.022 of the Revised Code;	121320
(j) Capacity aid funds under division (A)(10) of section 3317.022 of the Revised Code;	121321 121322
(k) The graduation bonus under division (A)(11) of section 3317.022 of the Revised Code;	121323 121324
(l) The third grade reading bonus under division (A)(12) of section 3317.022 of the Revised Code;	121325 121326
(m) The technology supplement under division (A)(13) of section 3317.022 of the Revised Code;	121327 121328
(n) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	121329 121330
(o) Transportation supplement funds under division (G) of section 3317.0212 of the Revised Code.	121331 121332
(3) As used in this section, "foundation funding for the guarantee" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	121333 121334 121335 121336
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	121337 121338
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121339 121340
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121341 121342 121343
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121344 121345
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121346 121347
(f) Limited English proficiency funds under division (A)(6)	121348

of section 3317.022 of the Revised Code;	121349
(g) Gifted identification and unit funds under division	121350
(A)(7) of section 3317.022 of the Revised Code;	121351
(h) Capacity aid funds under division (A)(10) of section	121352
3317.022 of the Revised Code;	121353
(i) The graduation bonus under division (A)(11) of section	121354
3317.022 of the Revised Code;	121355
(j) The third grade reading bonus under division (A)(12) of	121356
section 3317.022 of the Revised Code;	121357
(k) The technology supplement under division (A)(13) of	121358
section 3317.022 of the Revised Code;	121359
(l) Transportation funds under divisions (E) and (F) of	121360
section 3317.0212 of the Revised Code;	121361
(m) Transportation supplement funds under division (G) of	121362
section 3317.0212 of the Revised Code.	121363
(4) As used in this section, the "transitional aid guarantee	121364
base" for each city, local, and exempted village school district,	121365
for fiscal year 2016, equals the sum of the following amounts	121366
computed for the district for fiscal year 2015 after any	121367
reductions made for fiscal year 2015 under division (B)(2) of	121368
Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly:	121369
(a) The opportunity grant under division (A)(1) of section	121370
3317.022 of the Revised Code;	121371
(b) Targeted assistance funds under division (A)(2) of	121372
section 3317.022 of the Revised Code;	121373
(c) Additional state aid for special education and related	121374
services under division (A)(3) of section 3317.022 of the Revised	121375
Code;	121376
(d) Kindergarten through third grade literacy funds under	121377

division (A)(4) of section 3317.022 of the Revised Code;	121378
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121379 121380
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121381 121382
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121383 121384
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121385 121386
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121387 121388
(j) Transportation funds under divisions (G)(1) and (2) of section 3317.0212 of the Revised Code, as that section existed at the time;	121389 121390 121391
(k) Temporary transitional aid under division (A) of Section 263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	121392 121393
(5) As used in this section, the "transitional aid guarantee base" for each city, local, and exempted village school district, for fiscal year 2017, equals the transitional aid guarantee base for fiscal year 2016 computed for the district pursuant to division (A)(4) of this section minus the sum of the following amounts for each district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section:	121394 121395 121396 121397 121398 121399 121400 121401
(a) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121402 121403
(b) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code.	121404 121405
(6) The Department of Education shall adjust, as necessary, the transitional aid guarantee base of any local school district	121406 121407

that participates in the establishment of a joint vocational 121408
school district that begins receiving payments under section 121409
3317.16 of the Revised Code, as amended by this act, for fiscal 121410
year 2016 or fiscal year 2017 but does not receive payments for 121411
the prior fiscal year. The Department shall adjust any such local 121412
school district's guarantee base according to the amounts received 121413
by the district in the prior fiscal year for career-technical 121414
education students who attend the newly established joint 121415
vocational school district. 121416

(B)(1) Notwithstanding section 3317.022 of the Revised Code, 121417
as amended by this act, in fiscal years 2016 and 2017, no city, 121418
local, or exempted village school district shall be allocated 121419
foundation funding subject to the limitation for the current 121420
fiscal year that is greater than 1.075 times the district's 121421
limitation base for the current fiscal year. 121422

(2) As used in this section, "foundation funding subject to 121423
the limitation" for each city, local, and exempted village school 121424
district, for fiscal year 2016, equals the sum of the following 121425
amounts for that fiscal year: 121426

(a) The opportunity grant under division (A)(1) of section 121427
3317.022 of the Revised Code; 121428

(b) Targeted assistance funds under division (A)(2) of 121429
section 3317.022 of the Revised Code; 121430

(c) Additional state aid for special education and related 121431
services under division (A)(3) of section 3317.022 of the Revised 121432
Code; 121433

(d) Kindergarten through third grade literacy funds under 121434
division (A)(4) of section 3317.022 of the Revised Code; 121435

(e) Economically disadvantaged funds under division (A)(5) of 121436
section 3317.022 of the Revised Code; 121437

(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121438 121439
(g) Gifted identification and unit funds under division (A)(7) of section 3317.022 of the Revised Code;	121440 121441
(h) Career-technical education funds under division (A)(8) of section 3317.022 of the Revised Code;	121442 121443
(i) Career-technical education associated services funds under division (A)(9) of section 3317.022 of the Revised Code;	121444 121445
(j) Transportation funds under divisions (E) and (F) of section 3317.0212 of the Revised Code;	121446 121447
(k) Temporary transitional aid under division (A) of this section.	121448 121449
(3) As used in this section, "foundation funding subject to the limitation" for each city, local, and exempted village school district, for fiscal year 2017, equals the sum of the following amounts for that fiscal year:	121450 121451 121452 121453
(a) The opportunity grant under division (A)(1) of section 3317.022 of the Revised Code;	121454 121455
(b) Targeted assistance funds under division (A)(2) of section 3317.022 of the Revised Code;	121456 121457
(c) Additional state aid for special education and related services under division (A)(3) of section 3317.022 of the Revised Code;	121458 121459 121460
(d) Kindergarten through third grade literacy funds under division (A)(4) of section 3317.022 of the Revised Code;	121461 121462
(e) Economically disadvantaged funds under division (A)(5) of section 3317.022 of the Revised Code;	121463 121464
(f) Limited English proficiency funds under division (A)(6) of section 3317.022 of the Revised Code;	121465 121466

(g) Gifted identification and unit funds under division	121467
(A)(7) of section 3317.022 of the Revised Code;	121468
(h) Transportation funds under divisions (E) and (F) of	121469
section 3317.0212 of the Revised Code;	121470
(i) Temporary transitional aid under division (A) of this	121471
section.	121472
(4) As used in this section, the "limitation base" for each	121473
city, local, and exempted village school district, for fiscal year	121474
2016, equals the sum of the following amounts computed for the	121475
district for fiscal year 2015 after any reductions made for fiscal	121476
year 2015 under division (B)(2) of Section 263.240 of Am. Sub.	121477
H.B. 59 of the 130th General Assembly:	121478
(a) The opportunity grant under division (A)(1) of section	121479
3317.022 of the Revised Code;	121480
(b) Targeted assistance funds under division (A)(2) of	121481
section 3317.022 of the Revised Code;	121482
(c) Additional state aid for special education and related	121483
services under division (A)(3) of section 3317.022 of the Revised	121484
Code;	121485
(d) Kindergarten through third grade literacy funds under	121486
division (A)(4) of section 3317.022 of the Revised Code;	121487
(e) Economically disadvantaged funds under division (A)(5) of	121488
section 3317.022 of the Revised Code;	121489
(f) Limited English proficiency funds under division (A)(6)	121490
of section 3317.022 of the Revised Code;	121491
(g) Gifted identification and unit funds under division	121492
(A)(7) of section 3317.022 of the Revised Code;	121493
(h) Career-technical education funds under division (A)(8) of	121494
section 3317.022 of the Revised Code;	121495

(i) Career-technical education associated services funds	121496
under division (A)(9) of section 3317.022 of the Revised Code;	121497
(j) Transportation funds under divisions (G)(1) and (2) of	121498
section 3317.0212 of the Revised Code, as that section existed at	121499
the time;	121500
(k) Temporary transitional aid under division (A) of Section	121501
263.240 of Am. Sub. H.B. 59 of the 130th General Assembly.	121502
(5) As used in this section, the "limitation base" for each	121503
city, local, and exempted village school district, for fiscal year	121504
2017, equals the sum of the following amounts computed for the	121505
district for fiscal year 2016 after any reductions made for fiscal	121506
year 2016 under division (B) of this section:	121507
(a) The opportunity grant under division (A)(1) of section	121508
3317.022 of the Revised Code;	121509
(b) Targeted assistance funds under division (A)(2) of	121510
section 3317.022 of the Revised Code;	121511
(c) Additional state aid for special education and related	121512
services under division (A)(3) of section 3317.022 of the Revised	121513
Code;	121514
(d) Kindergarten through third grade literacy funds under	121515
division (A)(4) of section 3317.022 of the Revised Code;	121516
(e) Economically disadvantaged funds under division (A)(5) of	121517
section 3317.022 of the Revised Code;	121518
(f) Limited English proficiency funds under division (A)(6)	121519
of section 3317.022 of the Revised Code;	121520
(g) Gifted identification and unit funds under division	121521
(A)(7) of section 3317.022 of the Revised Code;	121522
(h) Transportation funds under divisions (E) and (F) of	121523
section 3317.0212 of the Revised Code;	121524

(i) Temporary transitional aid under division (A) of this section. 121525
121526

(6) The Department of Education shall adjust, as necessary, 121527
the limitation base of any local school district that participates 121528
in the establishment of a joint vocational school district that 121529
begins receiving payments under section 3317.16 of the Revised 121530
Code, as amended by this act, for fiscal year 2016 or fiscal year 121531
2017 but does not receive such payments for the prior fiscal year. 121532
The Department shall adjust any such local school district's 121533
limitation base according to the amounts received by the district 121534
in the prior fiscal year for career-technical education students 121535
who attend the newly established joint vocational school district. 121536

(7) For fiscal year 2016, the Department shall reduce a 121537
district's payments under divisions (A)(1), (2), (4), (5), (6), 121538
and (7) of section 3317.022 of the Revised Code, as amended by 121539
this act, proportionately as necessary in order to comply with 121540
this division. If those amounts are insufficient, the Department 121541
shall proportionately reduce a district's payments under divisions 121542
(A)(3), (8), and (9) of section 3317.022 of the Revised Code, as 121543
amended by this act, and divisions (E) and (F) of section 121544
3317.0212 of the Revised Code, as amended by this act. 121545

(8) For fiscal year 2017, the Department shall reduce a 121546
district's payments under divisions (A)(1), (2), (4), (5), (6), 121547
and (7) of section 3317.022 of the Revised Code, as amended by 121548
this act, proportionately as necessary in order to comply with 121549
this division. If those amounts are insufficient, the Department 121550
shall proportionately reduce a district's payments under division 121551
(A)(3) of section 3317.022 of the Revised Code, as amended by this 121552
act, and divisions (E) and (F) of section 3317.0212 of the Revised 121553
Code, as amended by this act. 121554

Section 263.240. TEMPORARY TRANSITIONAL AID FOR JOINT 121555

VOCATIONAL SCHOOL DISTRICTS 121556

(A) The Department of Education shall distribute funds within 121557
appropriation item 200550, Foundation Funding, for temporary 121558
transitional aid in each fiscal year to each qualifying joint 121559
vocational school district. 121560

(1) For fiscal years 2016 and 2017, the Department shall pay 121561
temporary transitional aid to each joint vocational school 121562
district that experiences any decrease in its foundation funding 121563
for the guarantee for the current fiscal year from its 121564
transitional aid guarantee base for the current fiscal year. The 121565
amount of the temporary transitional aid payment shall equal the 121566
district's transitional aid guarantee base minus the district's 121567
foundation funding for the guarantee. If the computation made 121568
under this division results in a negative number, the district's 121569
funding under this division shall be zero. 121570

(2) As used in this section, "foundation funding for the 121571
guarantee" for each joint vocational school district, for fiscal 121572
year 2016, equals the sum of the following amounts for that fiscal 121573
year: 121574

(a) The opportunity grant under division (A)(1) of section 121575
3317.16 of the Revised Code; 121576

(b) Additional state aid for special education and related 121577
services under division (A)(2) of section 3317.16 of the Revised 121578
Code; 121579

(c) Economically disadvantaged funds under division (A)(3) of 121580
section 3317.16 of the Revised Code; 121581

(d) Limited English proficiency funds under division (A)(4) 121582
of section 3317.16 of the Revised Code; 121583

(e) Career-technical education funds under division (A)(5) of 121584
section 3317.16 of the Revised Code; 121585

(f) Career-technical education associated services funds	121586
under division (A)(6) of section 3317.16 of the Revised Code;	121587
(g) The graduation bonus under division (A)(7) of section	121588
3317.16 of the Revised Code.	121589
(3) As used in this section, "foundation funding for the	121590
guarantee" for each joint vocational school district, for fiscal	121591
year 2017, equals the sum of the following amounts for that fiscal	121592
year:	121593
(a) The opportunity grant under division (A)(1) of section	121594
3317.16 of the Revised Code;	121595
(b) Additional state aid for special education and related	121596
services under division (A)(2) of section 3317.16 of the Revised	121597
Code;	121598
(c) Economically disadvantaged funds under division (A)(3) of	121599
section 3317.16 of the Revised Code;	121600
(d) Limited English proficiency funds under division (A)(4)	121601
of section 3317.16 of the Revised Code;	121602
(e) The graduation bonus under division (A)(7) of section	121603
3317.16 of the Revised Code.	121604
(4) As used in this section, the "transitional aid guarantee	121605
base" for each joint vocational school district, for fiscal year	121606
2016, equals the sum of the following amounts computed for the	121607
district for fiscal year 2015 after any reductions made for fiscal	121608
year 2015 under division (B)(2) of Section 263.250 of Am. Sub.	121609
H.B. 59 of the 130th General Assembly:	121610
(a) The opportunity grant under division (A)(1) of section	121611
3317.16 of the Revised Code;	121612
(b) Additional state aid for special education and related	121613
services under division (A)(2) of section 3317.16 of the Revised	121614
Code;	121615

(c) Economically disadvantaged funds under division (A)(3) of section 3317.16 of the Revised Code; 121616
121617

(d) Limited English proficiency funds under division (A)(4) of section 3317.16 of the Revised Code; 121618
121619

(e) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code; 121620
121621

(f) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code; 121622
121623

(g) Temporary transitional aid under division (A) of Section 263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 121624
121625

(5) As used in this section, the "transitional aid guarantee base" for each joint vocational school district, for fiscal year 2017, equals the transitional aid guarantee base for fiscal year 2016 computed for the district pursuant to division (A)(4) of this section minus the sum of the following amounts for each district for fiscal year 2016 after any reductions made for fiscal year 2016 under division (B) of this section: 121626
121627
121628
121629
121630
121631
121632

(a) Career-technical education funds under division (A)(5) of section 3317.16 of the Revised Code; 121633
121634

(b) Career-technical education associated services funds under division (A)(6) of section 3317.16 of the Revised Code. 121635
121636

(6) The Department of Education shall establish, as necessary, the transitional aid guarantee base of any joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code, as amended by this act, for fiscal year 2016 or fiscal year 2017 but does not receive such payments for the prior fiscal year. The Department shall establish any such joint vocational school district's guarantee base as an amount equal to the absolute value of the sum of the associated adjustments of any local school district's guarantee bases under 121637
121638
121639
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121645

division (A)(6) of the section of this act entitled "TEMPORARY
TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL
DISTRICTS." 121646
121647
121648

(B)(1) Notwithstanding division (A) of section 3317.16 of the 121649
Revised Code, as amended by this act, in fiscal years 2016 and 121650
2017, no joint vocational school district shall be allocated 121651
foundation funding subject to the limitation for the current 121652
fiscal year that is greater than 1.075 times the district's 121653
limitation base for the current fiscal year. 121654

(2) As used in this section, "foundation funding subject to 121655
the limitation" for each joint vocational school district, for 121656
fiscal year 2016, equals the sum of the following amounts for that 121657
fiscal year: 121658

(a) The opportunity grant under division (A)(1) of section 121659
3317.16 of the Revised Code; 121660

(b) Additional state aid for special education and related 121661
services under division (A)(2) of section 3317.16 of the Revised 121662
Code; 121663

(c) Economically disadvantaged funds under division (A)(3) of 121664
section 3317.16 of the Revised Code; 121665

(d) Limited English proficiency funds under division (A)(4) 121666
of section 3317.16 of the Revised Code; 121667

(e) Career-technical education funds under division (A)(5) of 121668
section 3317.16 of the Revised Code; 121669

(f) Career-technical education associated services funds 121670
under division (A)(6) of section 3317.16 of the Revised Code; 121671

(g) Temporary transitional aid under division (A) of this 121672
section. 121673

(3) As used in this section, "foundation funding subject to 121674
the limitation" for each joint vocational school district, for 121675

fiscal year 2017, equals the sum of the following amounts for that 121676
fiscal year: 121677

(a) The opportunity grant under division (A)(1) of section 121678
3317.16 of the Revised Code; 121679

(b) Additional state aid for special education and related 121680
services under division (A)(2) of section 3317.16 of the Revised 121681
Code; 121682

(c) Economically disadvantaged funds under division (A)(3) of 121683
section 3317.16 of the Revised Code; 121684

(d) Limited English proficiency funds under division (A)(4) 121685
of section 3317.16 of the Revised Code; 121686

(e) Temporary transitional aid under division (A) of this 121687
section. 121688

(4) As used in this section, the "limitation base" for each 121689
joint vocational school district, for fiscal year 2016, equals the 121690
sum of the following amounts computed for the district for fiscal 121691
year 2015 after any reductions made for fiscal year 2015 under 121692
division (B)(2) of Section 263.250 of Am. Sub. H.B. 59 of the 121693
130th General Assembly: 121694

(a) The opportunity grant under division (A)(1) of section 121695
3317.16 of the Revised Code; 121696

(b) Additional state aid for special education and related 121697
services under division (A)(2) of section 3317.16 of the Revised 121698
Code; 121699

(c) Economically disadvantaged funds under division (A)(3) of 121700
section 3317.16 of the Revised Code; 121701

(d) Limited English proficiency funds under division (A)(4) 121702
of section 3317.16 of the Revised Code; 121703

(e) Career-technical education funds under division (A)(5) of 121704
section 3317.16 of the Revised Code; 121705

(f) Career-technical education associated services funds 121706
under division (A)(6) of section 3317.16 of the Revised Code; 121707

(g) Temporary transitional aid under division (A) of Section 121708
263.250 of Am. Sub. H.B. 59 of the 130th General Assembly. 121709

(5) As used in this section, the "limitation base" for each 121710
joint vocational school district, for fiscal year 2017, equals the 121711
sum of the following amounts computed for the district for fiscal 121712
year 2016 after any reductions made for fiscal year 2016 under 121713
division (B) of this section: 121714

(a) The opportunity grant under division (A)(1) of section 121715
3317.16 of the Revised Code; 121716

(b) Additional state aid for special education and related 121717
services under division (A)(2) of section 3317.16 of the Revised 121718
Code; 121719

(c) Economically disadvantaged funds under division (A)(3) of 121720
section 3317.16 of the Revised Code; 121721

(d) Limited English proficiency funds under division (A)(4) 121722
of section 3317.16 of the Revised Code; 121723

(e) Temporary transitional aid under division (A) of this 121724
section. 121725

(6) The Department of Education shall establish, as 121726
necessary, the limitation base of any joint vocational school 121727
district that begins receiving payments under section 3317.16 of 121728
the Revised Code, as amended by this act, for fiscal year 2016 or 121729
fiscal year 2017 but does not receive such payments for the prior 121730
fiscal year. The Department shall establish any such joint 121731
vocational school district's limitation base as an amount equal to 121732
the absolute value of the sum of the associated adjustments of any 121733
local school district's limitation base under division (B)(6) of 121734
the section of this act entitled "TEMPORARY TRANSITIONAL AID FOR 121735

CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." 121736

(7) For fiscal year 2016, the Department shall reduce a 121737
district's payments under divisions (A)(1), (3), and (4) of 121738
section 3317.16 of the Revised Code, as amended by this act, 121739
proportionately as necessary in order to comply with this 121740
division. If those amounts are insufficient, the Department shall 121741
proportionately reduce a district's payments under divisions 121742
(A)(2), (5), and (6) of section 3317.16 of the Revised Code, as 121743
amended by this act. 121744

(8) For fiscal year 2017, the Department shall reduce a 121745
district's payments under divisions (A)(1), (3), and (4) of 121746
section 3317.16 of the Revised Code, as amended by this act, 121747
proportionately as necessary in order to comply with this 121748
division. If those amounts are insufficient, the Department shall 121749
proportionately reduce a district's payments under division (A)(2) 121750
of section 3317.16 of the Revised Code, as amended by this act. 121751

Section 263.250. LITERACY IMPROVEMENT 121752

Of the foregoing appropriation item 200566, Literacy 121753
Improvement, \$250,000 in each fiscal year shall be used for Read 121754
Baby Read. 121755

The remainder of appropriation item 200566, Literacy 121756
Improvement, shall be used by the Department of Education to 121757
contract with an educational service center or a consortium of 121758
educational service centers for the purpose of establishing 121759
regional literacy professional development teams. The Department 121760
shall have any necessary agreements in place to administer the 121761
program not later than December 31, 2015. 121762

Section 263.260. ADULT DIPLOMA 121763

Of the foregoing appropriation item 200572, Adult Diploma, up 121764
to \$2,500,000 in fiscal year 2016 and \$5,000,000 in fiscal year 121765

2017 shall be used to make payments to institutions participating 121766
in the Adult Diploma Pilot Program under section 3313.902 of the 121767
Revised Code as enacted by this act. The Superintendent of Public 121768
Instruction may use a portion of the earmark to provide technical 121769
assistance and to administer the program. 121770

Of the foregoing appropriation item 200572, Adult Diploma, up 121771
to \$1,250,000 in fiscal year 2016 shall be used by the 121772
Superintendent of Public Instruction to award and administer 121773
planning grants for the Adult Diploma Pilot Program established in 121774
section 3313.902 of the Revised Code. The Superintendent may award 121775
grants of up to \$250,000 to not more than five institutions 121776
eligible to participate in the program. The grants shall be used 121777
by the institutions to build capacity to implement the program 121778
beginning in fiscal year 2017. The Superintendent of Public 121779
Instruction and the Chancellor of Higher Education shall develop 121780
an application process to award these grants to eligible 121781
institutions geographically dispersed throughout the state. The 121782
Superintendent may use any remaining appropriation after awarding 121783
these grants to provide technical assistance to institutions 121784
receiving the grant. 121785

Section 263.270. EDCHOICE EXPANSION 121786

The foregoing appropriation item 200573, EdChoice Expansion, 121787
shall be used to provide for the scholarships awarded under the 121788
expansion of the educational choice program established under 121789
section 3310.032 of the Revised Code. The number of scholarships 121790
awarded under the expansion of the educational choice program 121791
shall not exceed the number that can be funded with the 121792
appropriations made by the General Assembly for this purpose. 121793

HALF-MILL MAINTENANCE EQUALIZATION 121794

The foregoing appropriation item 200574, Half-Mill 121795
Maintenance Equalization, shall be used to make payments pursuant 121796

to section 3318.18 of the Revised Code. 121797

ADAPTIVE SPORTS PROGRAM 121798

The foregoing appropriation item 200576, Adaptive Sports 121799
Program, shall be used by the Department of Education, in 121800
collaboration with the Adaptive Sports Program of Ohio to fund the 121801
creation of an adaptive sports pilot program in one school 121802
district in fiscal year 2016 and in one additional school district 121803
in fiscal year 2017. 121804

Section 263.280. COMPETENCY-BASED EDUCATION PILOT 121805

The foregoing appropriation item 200588, Competency-Based 121806
Education Pilot, shall be used by the Department of Education to 121807
fund competency-based education pilot programs in up to five 121808
districts, schools, or consortia of districts and schools led by 121809
educational service centers. The Department shall award each 121810
district, school, or consortium of districts and schools led by 121811
educational service centers that is selected to participate in the 121812
program a grant of up to \$200,000 for each fiscal year. The grant 121813
shall be used during the 2015-2016 and 2016-2017 school years to 121814
plan for implementing competency-based education in the district, 121815
school, or consortium of districts and schools led by educational 121816
service centers during the 2016-2017, 2017-2018, and 2018-2019 121817
school years. Pilot programs shall adhere to program guidelines as 121818
outlined in Section 733.30 of this act. 121819

Of the foregoing appropriation item 200588, Competency-Based 121820
Education Pilot, a portion may be used by the Superintendent of 121821
Public Instruction to provide technical assistance and to 121822
administer the program. 121823

Section 263.283. The foregoing appropriation item 200665, 121824
Race to the Top, shall not be used for any purpose related to the 121825
state achievement assessments prescribed under sections 3301.0710 121826

and 3301.0712 of the Revised Code. 121827

Section 263.290. TEACHER CERTIFICATION AND LICENSURE 121828

The foregoing appropriation item 200681, Teacher 121829
Certification and Licensure, shall be used by the Department of 121830
Education in each year of the biennium to administer and support 121831
teacher certification and licensure activities. 121832

Section 263.300. AUXILIARY SERVICES REIMBURSEMENT 121833

Notwithstanding section 3317.064 of the Revised Code, if the 121834
unexpended, unencumbered cash balance is sufficient, the Treasurer 121835
of State shall transfer \$1,500,000 in fiscal year 2016 within 121836
thirty days after the effective date of this section, and 121837
\$1,500,000 in fiscal year 2017 by August 1, 2016, from the 121838
Auxiliary Services Personnel Unemployment Compensation Fund to the 121839
Auxiliary Services Reimbursement Fund (Fund 5980) used by the 121840
Department of Education. 121841

Section 263.310. SCHOOL DISTRICT SOLVENCY ASSISTANCE 121842

(A) Of the foregoing appropriation item 200687, School 121843
District Solvency Assistance, \$5,000,000 in each fiscal year shall 121844
be allocated to the School District Shared Resource Account and 121845
\$5,000,000 in each fiscal year shall be allocated to the 121846
Catastrophic Expenditures Account. These funds shall be used to 121847
provide assistance and grants to school districts to enable them 121848
to remain solvent under section 3316.20 of the Revised Code. 121849
Assistance and grants shall be subject to approval by the 121850
Controlling Board. Except as provided under division (C) of this 121851
section, any required reimbursements from school districts for 121852
solvency assistance shall be made to the appropriate account in 121853
the School District Solvency Assistance Fund (Fund 5H30). 121854

(B) Notwithstanding any provision of law to the contrary, 121855
upon the request of the Superintendent of Public Instruction, the 121856
Director of Budget and Management may make transfers to the School 121857
District Solvency Assistance Fund (Fund 5H30) from any fund used 121858
by the Department of Education or the General Revenue Fund to 121859
maintain sufficient cash balances in Fund 5H30 in fiscal years 121860
2016 and 2017. Any cash transferred is hereby appropriated. The 121861
transferred cash may be used by the Department of Education to 121862
provide assistance and grants to school districts to enable them 121863
to remain solvent and to pay unforeseeable expenses of a temporary 121864
or emergency nature that the school district is unable to pay from 121865
existing resources. The Director of Budget and Management shall 121866
notify the members of the Controlling Board of any such transfers. 121867

(C) If the cash balance of the School District Solvency 121868
Assistance Fund (Fund 5H30) is insufficient to pay solvency 121869
assistance in fiscal years 2016 and 2017, at the request of the 121870
Superintendent of Public Instruction, and with the approval of the 121871
Controlling Board, the Director of Budget and Management may 121872
transfer cash from the Lottery Profits Education Reserve Fund 121873
(Fund 7018) to Fund 5H30 to provide assistance and grants to 121874
school districts to enable them to remain solvent and to pay 121875
unforeseeable expenses of a temporary nature that they are unable 121876
to pay from existing resources under section 3316.20 of the 121877
Revised Code. Such transfers are hereby appropriated to 121878
appropriation item 200670, School District Solvency Assistance - 121879
Lottery. Any required reimbursements from school districts for 121880
solvency assistance granted from appropriation item 200670, School 121881
District Solvency Assistance - Lottery, shall be made to Fund 121882
7018. 121883

Section 263.323. COLLEGE CREDIT PLUS CREDENTIAL 121884

Of the foregoing appropriation item 200644, College Credit 121885

Plus Credential, up to \$5,000,000 in fiscal year 2016 shall be 121886
used by the Department of Education, in consultation with the 121887
Department of Higher Education, to support graduate coursework for 121888
high school teachers to receive credentialing to teach college 121889
credit plus courses in a high school setting. The Department of 121890
Education, in consultation with the Department of Higher 121891
Education, shall develop criteria and issue a Request for 121892
Proposals. Priority shall be given to educational consortia that 121893
include economically disadvantaged high schools and economically 121894
disadvantaged high schools in which there are limited or no 121895
teachers currently credentialed to teach college credit plus 121896
courses, both as determined by the Department of Education. 121897
Consortia including public or private universities in Ohio shall 121898
be eligible to submit proposals. Awards made by the Department of 121899
Education may support graduate coursework for high school teachers 121900
at a regionally accredited college or university in Ohio leading 121901
to credentialing to teach college courses, as well as employment 121902
of teachers credentialed to teach college courses as a bridging 121903
strategy until a sufficient number of teachers at the high school 121904
hold the required credentials. 121905

Of the foregoing appropriation item 200644, College Credit 121906
Plus Credential, \$5,000,000 in fiscal year 2016 shall be awarded 121907
by the Chancellor of Higher Education, in consultation with the 121908
State Superintendent of Public Instruction, as competitive grants 121909
to universities to provide free or reduced-cost courses for 121910
teachers to become credentialed for the College Credit Plus 121911
Program. Priority shall be given to proposals that enable teachers 121912
to become credentialed in the 2015-2016 school year. 121913

Section 263.325. SCHOOL DISTRICT TPP SUPPLEMENT 121914

The foregoing appropriation item 200697, School District TPP 121915
Supplement, shall be distributed to city, local, and exempted 121916

village school districts for supplemental foundation aid as provided in this section. 121917
121918

For each fiscal year, the Department of Education shall compute and pay supplemental foundation aid to each school district as follows: 121919
121920
121921

(A)(1) Calculate the school district's combined state aid for fiscal year 2015, which equals the sum of: 121922
121923

(a) The district's state education aid for fiscal year 2015, as defined in division (A)(4)(a) of section 5709.92 of the Revised Code; and 121924
121925
121926

(b) The district's current expense allocation, as defined in division (A)(8) of section 5709.92 of the Revised Code. 121927
121928

(2) Calculate the school district's combined state aid for fiscal year 2016, which equals the sum of: 121929
121930

(a) The sum of the amounts computed for the district for fiscal year 2016 under section 3317.022 of the Revised Code, as amended by this act, and under divisions (E), (F), and (G) of section 3317.0212 of the Revised Code, as amended by this act, plus any amount calculated for temporary transitional aid for fiscal year 2016 under division (A) of Section 263.230 of this act, and after any reductions made for fiscal year 2016 under division (B) of Section 263.230 of this act; 121931
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121938

(b) The additional funds paid to the school district in fiscal year 2016 under section 3317.26 of the Revised Code; and 121939
121940

(c) If the district is not a qualifying school district, as defined in division (A) of section 5709.92 of the Revised Code, the sum of the payments received by the school district in fiscal year 2016 for current expense levy losses pursuant to division (C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding the portion of such payments attributable to levies for joint 121941
121942
121943
121944
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121946

vocational school district purposes. 121947

(d) If the district is a qualifying school district, as 121948
defined in division (A) of section 5709.92 of the Revised Code, 121949
the sum of payments received by the school district in fiscal year 121950
2016 for current expense levy losses pursuant to division (C)(1) 121951
of section 5709.92 of the Revised Code, excluding the portion of 121952
such payments attributable to levies for joint vocational school 121953
district purposes. 121954

(3) Calculate the school district's combined state aid for 121955
fiscal year 2017, which equals the sum of: 121956

(a) The amounts computed for the district for fiscal year 121957
2017 under section 3317.022 of the Revised Code, as amended by 121958
this act, and under divisions (E), (F), and (G) of section 121959
3317.0212 of the Revised Code, as amended by this act, plus any 121960
amount calculated for temporary transitional aid for fiscal year 121961
2017 under division (A) of Section 263.230 of this act, and after 121962
any reductions made for fiscal year 2017 under division (B) of 121963
Section 263.230 of this act; 121964

(b) The additional funds paid to the school district in 121965
fiscal year 2017 under section 3317.26 of the Revised Code; and 121966

(c) If the district is not a qualifying school district, as 121967
defined in division (A) of section 5709.92 of the Revised Code, 121968
the sum of the payments received by the school district in fiscal 121969
year 2017 for current expense levy losses pursuant to division 121970
(C)(1)(a) or (b) of section 5709.92 of the Revised Code, excluding 121971
the portion of such payments attributable to levies for joint 121972
vocational school district purposes. 121973

(d) If the district is a qualifying school district, as 121974
defined in division (A) of section 5709.92 of the Revised Code, 121975
the sum of payments received by the school district in fiscal year 121976
2017 for current expense levy losses pursuant to division (C)(1) 121977

of section 5709.92 of the Revised Code, excluding the portion of 121978
such payments attributable to levies for joint vocational school 121979
district purposes. 121980

(B)(1) For fiscal year 2016, each district's payment shall be 121981
in an amount equal to the amount calculated in division (A)(1) of 121982
this section minus the amount calculated in division (A)(2) of 121983
this section. If the result is a negative number, the district's 121984
payment shall be zero. 121985

(2) For fiscal year 2017, each district's payment shall be in 121986
an amount equal to the following: 121987

(The amount calculated in division (A)(1) of this section - the 121988
sum of the amounts calculated under divisions (A)(8) and (A)(9) of 121989
section 3317.022 of the Revised Code for fiscal year 2016) - (The 121990
amount calculated in division (A)(3) of this section - the sum of 121991
the amounts calculated under divisions (A)(8) and (A)(9) of 121992
section 3317.022 of the Revised Code for fiscal year 2017) 121993

If the result is a negative number, the district's payment 121994
shall be zero. 121995

(C) On July 1 of each fiscal year, or as soon as possible 121996
thereafter, the Director of Budget and Management shall transfer 121997
\$12,000,000 cash from the General Revenue Fund to the School 121998
District TPP Supplement Fund (Fund 5RE0). 121999

Section 263.330. LOTTERY PROFITS EDUCATION FUND 122000

Appropriation item 200612, Foundation Funding (Fund 7017), 122001
shall be used in conjunction with appropriation item 200550, 122002
Foundation Funding (GRF), to provide state foundation payments to 122003
school districts. 122004

The Department of Education, with the approval of the 122005
Director of Budget and Management, shall determine the monthly 122006
distribution schedules of appropriation item 200550, Foundation 122007

Funding (GRF), and appropriation item 200612, Foundation Funding 122008
(Fund 7017). If adjustments to the monthly distribution schedule 122009
are necessary, the Department of Education shall make such 122010
adjustments with the approval of the Director of Budget and 122011
Management. 122012

COMMUNITY CONNECTORS PROGRAM 122013

The foregoing appropriation item 200629, Community 122014
Connectors, shall be used by the State Superintendent of Public 122015
Instruction to create the Community Connectors Grant Program. The 122016
Superintendent shall develop guidelines for the grants. The 122017
program shall award competitive matching grants to provide funding 122018
for local networks of volunteers and organizations to sponsor 122019
career advising and mentoring for students in eligible school 122020
districts. Each grant award shall match up to three times the 122021
funds allocated to the project by the local network. Eligible 122022
school districts are those with a high percentage of students in 122023
poverty, a high number of students not graduating on time, and 122024
other criteria as determined by the State Superintendent. Eligible 122025
school districts shall partner with members of the business 122026
community, civic organizations, or the faith-based community to 122027
provide sustainable career advising and mentoring services. Upon 122028
the request of the Superintendent of Public Instruction and the 122029
approval of the Director of Budget and Management, an amount equal 122030
to the unexpended, unencumbered portion of the foregoing 122031
appropriation item 200629, Community Connectors, at the end of 122032
fiscal year 2016 is hereby reappropriated to the Department of 122033
Education for the same purpose for fiscal year 2017. 122034

Notwithstanding any provision of law to the contrary, grants 122035
awarded under this section may be used by grant recipients for 122036
grant-related expenses for a period not to exceed three years from 122037
the date of the award according to guidelines established by the 122038
Superintendent. 122039

COMMUNITY SCHOOL FACILITIES 122040

Of the foregoing appropriation item 200684, Community School 122041
Facilities, up to \$550,000 in fiscal year 2016 and up to 122042
\$1,100,000 in fiscal year 2017 may be used as matching funds to 122043
support Ohio's State Charter School Facilities Incentive Grant 122044
application. If these funds are not required, they may be 122045
distributed with the remaining funds in appropriation item 200684, 122046
Community School Facilities. 122047

The remainder of the foregoing appropriation item 200684, 122048
Community School Facilities, shall be used to pay each community 122049
school established under Chapter 3314. of the Revised Code and 122050
each STEM school established under Chapter 3326. of the Revised 122051
Code an amount equal to \$12.50 in fiscal year 2016 and \$25 in 122052
fiscal year 2017 for each full-time equivalent pupil in an 122053
internet- or computer-based community school and \$150 in fiscal 122054
year 2016 and \$200 in fiscal year 2017 for each full-time 122055
equivalent pupil in all other community or STEM schools for 122056
assistance with the cost associated with facilities. If the amount 122057
appropriated is not sufficient, the Department of Education shall 122058
prorate the amounts so that the aggregate amount appropriated is 122059
not exceeded. 122060

Section 263.360. LOTTERY PROFITS EDUCATION RESERVE FUND 122061

(A) There is hereby created the Lottery Profits Education 122062
Reserve Fund (Fund 7018) in the State Treasury. Investment 122063
earnings of the Lottery Profits Education Reserve Fund shall be 122064
credited to the fund. 122065

(B) Notwithstanding any other provision of law to the 122066
contrary, the Director of Budget and Management may transfer cash 122067
from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) 122068
in fiscal year 2016 and fiscal year 2017. 122069

(C) On July 15, 2015, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$974,500,000 in fiscal year 2015.

(D) On July 15, 2016, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$984,000,000 in fiscal year 2016.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2016 and fiscal year 2017, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

Section 263.370. DISTRIBUTION FORMULAS

The Department of Education shall report the following to the Director of Budget and Management and the Legislative Service Commission:

(A) Changes in formulas for distributing state appropriations, including administratively defined formula factors;

(B) Discretionary changes in formulas for distributing federal appropriations;

(C) Federally mandated changes in formulas for distributing federal appropriations.

Any such changes shall be reported two weeks prior to the effective date of the change.

Section 263.380. SCHOOLS MEDICAID ADMINISTRATIVE CLAIMS

Upon the request of the Superintendent of Public Instruction,

the Director of Budget and Management may transfer up to \$750,000 122099
cash in each fiscal year from the General Revenue Fund to the 122100
Schools Medicaid Administrative Claims Fund (Fund 3AF0). The 122101
transferred cash is to be used by the Department of Education to 122102
pay the expenses the Department incurs in administering the 122103
Medicaid School Component of the Medicaid program established 122104
under sections 5162.36 to 5162.364 of the Revised Code. On June 1 122105
of each fiscal year, or as soon as possible thereafter, the 122106
Director of Budget and Management shall transfer cash from Fund 122107
3AF0 back to the General Revenue Fund in an amount equal to the 122108
total amount transferred to Fund 3AF0 in that fiscal year. 122109

The money deposited into Fund 3AF0 under division (B) of 122110
section 5162.64 of the Revised Code is hereby appropriated for 122111
fiscal years 2016 and 2017 and shall be used in accordance with 122112
division (C) of section 5162.64 of the Revised Code. 122113

Section 263.390. EDUCATIONAL SERVICE CENTERS FUNDING 122114

As used in this section, "student count" means the count 122115
calculated under division (G)(1) of section 3313.843 of the 122116
Revised Code. 122117

In each fiscal year, the Department of Education shall pay 122118
the governing board of each primary educational service center 122119
state funds equal to thirty-five dollars times its student count. 122120

If the amount earmarked for the state reimbursement of 122121
educational service centers in appropriation item 200550, 122122
Foundation Funding, is not sufficient, the Department of Education 122123
shall prorate the payment amounts so that the appropriation is not 122124
exceeded. 122125

Notwithstanding any provision of law to the contrary, the 122126
Department of Education shall modify the payments under this 122127
section as follows: 122128

(A) If an educational service center ceases operation, the Department shall redistribute that center's funding, as calculated under this section, to the remaining centers in proportion to each center's service center ADM as defined in former section 3317.11 of the Revised Code, as that section existed prior to the date of its repeal.

(B) If two or more educational service centers merge operations to create a single service center, the Department shall distribute the sum of the original service centers' funding, as calculated under this section, to the new service center.

Section 263.400. SCHOOL DISTRICT PARTICIPATION IN NATIONAL ASSESSMENT OF EDUCATION PROGRESS

The General Assembly intends for the Superintendent of Public Instruction to provide for school district participation in the administration of the National Assessment of Education Progress in accordance with section 3301.27 of the Revised Code. Each school and school district selected for participation by the Superintendent of Public Instruction shall participate.

Section 263.410. COMMUNITY SCHOOL FUNDING GUARANTEE FOR SBH STUDENTS

(A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(2) "SBH student" means a student receiving special education and related services for severe behavior disabilities pursuant to an IEP.

(B) This section applies only to a community school established under Chapter 3314. of the Revised Code that in each of fiscal years 2016 and 2017 enrolls a number of SBH students

equal to at least fifty per cent of the total number of students 122158
enrolled in the school in the applicable fiscal year. 122159

(C) In addition to any state foundation payments made, in 122160
each of fiscal years 2016 and 2017, the Department of Education 122161
shall pay to a community school to which this section applies a 122162
subsidy equal to the difference between the aggregate amount 122163
calculated and paid in that fiscal year to the community school 122164
for special education and related services additional weighted 122165
costs for the SBH students enrolled in the school and the 122166
aggregate amount that would have been calculated for the school 122167
for special education and related services additional weighted 122168
costs for those same students in fiscal year 2001. If the 122169
difference is a negative number, the amount of the subsidy shall 122170
be zero. 122171

(D) The amount of any subsidy paid to a community school 122172
under this section shall not be deducted from the school district 122173
in which any of the students enrolled in the community school are 122174
entitled to attend school under section 3313.64 or 3313.65 of the 122175
Revised Code. The amount of any subsidy paid to a community school 122176
under this section shall be paid from funds appropriated to the 122177
Department of Education in appropriation item 200550, Foundation 122178
Funding. 122179

Section 263.420. EARMARK ACCOUNTABILITY 122180

At the request of the Superintendent of Public Instruction, 122181
any entity that receives a budget earmark under the Department of 122182
Education shall submit annually to the chairpersons of the 122183
committees of the House of Representatives and the Senate 122184
primarily concerned with education and education funding and to 122185
the Department of Education a report that includes a description 122186
of the services supported by the funds, a description of the 122187
results achieved by those services, an analysis of the 122188

effectiveness of the program, and an opinion as to the program's 122189
applicability to other school districts. For an earmarked entity 122190
that received state funds from an earmark in the prior fiscal 122191
year, no funds shall be provided by the Department of Education to 122192
an earmarked entity for a fiscal year until its report for the 122193
prior fiscal year has been submitted. 122194

Section 263.430. COMMUNITY SCHOOL OPERATING FROM HOME 122195

A community school established under Chapter 3314. of the 122196
Revised Code that was open for operation as a community school as 122197
of May 1, 2005, may operate from or in any home, as defined in 122198
section 3313.64 of the Revised Code, located in the state, 122199
regardless of when the community school's operations from or in a 122200
particular home began. 122201

Section 263.440. USE OF VOLUNTEERS 122202

The Department of Education may utilize the services of 122203
volunteers to accomplish any of the purposes of the Department. 122204
The Superintendent of Public Instruction shall approve for what 122205
purposes volunteers may be used and for these purposes may 122206
recruit, train, and oversee the services of volunteers. The 122207
Superintendent may reimburse volunteers for necessary and 122208
appropriate expenses in accordance with state guidelines and may 122209
designate volunteers as state employees for the purpose of motor 122210
vehicle accident liability insurance under section 9.83 of the 122211
Revised Code, for immunity under section 9.86 of the Revised Code, 122212
and for indemnification from liability incurred in the performance 122213
of their duties under section 9.87 of the Revised Code. 122214

Section 263.450. RESTRICTION OF LIABILITY FOR CERTAIN 122215
REIMBURSEMENTS 122216

(A) Except as expressly required under a court judgment not 122217

subject to further appeals, or a settlement agreement with a 122218
school district executed on or before June 1, 2009, in the case of 122219
a school district for which the formula ADM for fiscal year 2005, 122220
as reported for that fiscal year under division (A) of section 122221
3317.03 of the Revised Code, was reduced based on enrollment 122222
reports for community schools, made under section 3314.08 of the 122223
Revised Code, regarding students entitled to attend school in the 122224
district, which reduction of formula ADM resulted in a reduction 122225
of foundation funding or transitional aid funding for fiscal year 122226
2005, 2006, or 2007, no school district, except a district named 122227
in the court's judgment or the settlement agreement, shall have a 122228
legal claim for reimbursement of the amount of such reduction in 122229
foundation funding or transitional aid funding, and the state 122230
shall not have liability for reimbursement of the amount of such 122231
reduction in foundation funding or transitional aid funding. 122232

(B) As used in this section: 122233

(1) "Community school" means a community school established 122234
under Chapter 3314. of the Revised Code. 122235

(2) "Entitled to attend school" means entitled to attend 122236
school in a school district under section 3313.64 or 3313.65 of 122237
the Revised Code. 122238

(3) "Foundation funding" means payments calculated for the 122239
respective fiscal year under Chapter 3317. of the Revised Code. 122240

(4) "Transitional aid funding" means payments calculated for 122241
the respective fiscal year under Section 41.37 of Am. Sub. H.B. 95 122242
of the 125th General Assembly, as subsequently amended; Section 122243
206.09.39 of Am. Sub. H.B. 66 of the 126th General Assembly, as 122244
subsequently amended; and Section 269.30.80 of Am. Sub. H.B. 119 122245
of the 127th General Assembly. 122246

Section 263.470. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 122247

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education from appropriation item 200550, Foundation Funding, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the Section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

Section 263.480. PRIVATE TREATMENT FACILITY PROJECT

(A) As used in this section:

(1) The following are "participating residential treatment centers":

(a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2016 or fiscal year 2017 or both, the Department pays through appropriation item 470401, RECLAIM Ohio;

(b) Abraxas, in Shelby;

(c) Paint Creek, in Bainbridge;

(d) F.I.R.S.T., in Mansfield.

(2) "Education program" means an elementary or secondary education program or a special education program and related services.

(3) "Served child" means any child receiving an education

program pursuant to division (B) of this section. 122278

(4) "School district responsible for tuition" means a city, 122279
exempted village, or local school district that, if tuition 122280
payment for a child by a school district is required under law 122281
that existed in fiscal year 1998, is the school district required 122282
to pay that tuition. 122283

(5) "Residential child" means a child who resides in a 122284
participating residential treatment center and who is receiving an 122285
educational program under division (B) of this section. 122286

(B) A youth who is a resident of the state and has been 122287
assigned by a juvenile court or other authorized agency to a 122288
residential treatment facility specified in division (A) of this 122289
section shall be enrolled in an approved educational program 122290
located in or near the facility. Approval of the educational 122291
program shall be contingent upon compliance with the criteria 122292
established for such programs by the Department of Education. The 122293
educational program shall be provided by a school district or 122294
educational service center, or by the residential facility itself. 122295
Maximum flexibility shall be given to the residential treatment 122296
facility to determine the provider. In the event that a voluntary 122297
agreement cannot be reached and the residential facility does not 122298
choose to provide the educational program, the educational service 122299
center in the county in which the facility is located shall 122300
provide the educational program at the treatment center to 122301
children under twenty-two years of age residing in the treatment 122302
center. 122303

(C) Any school district responsible for tuition for a 122304
residential child shall, notwithstanding any conflicting provision 122305
of the Revised Code regarding tuition payment, pay tuition for the 122306
child for fiscal year 2016 and fiscal year 2017 to the education 122307
program provider and in the amount specified in this division. If 122308
there is no school district responsible for tuition for a 122309

residential child and if the participating residential treatment 122310
center to which the child is assigned is located in the city, 122311
exempted village, or local school district that, if the child were 122312
not a resident of that treatment center, would be the school 122313
district where the child is entitled to attend school under 122314
sections 3313.64 and 3313.65 of the Revised Code, that school 122315
district, notwithstanding any conflicting provision of the Revised 122316
Code, shall pay tuition for the child for fiscal year 2016 and 122317
fiscal year 2017 under this division unless that school district 122318
is providing the educational program to the child under division 122319
(B) of this section. 122320

A tuition payment under this division shall be made to the 122321
school district, educational service center, or residential 122322
treatment facility providing the educational program to the child. 122323

The amount of tuition paid shall be: 122324

(1) The amount of tuition determined for the district under 122325
division (A) of section 3317.08 of the Revised Code; 122326

(2) In addition, for any student receiving special education 122327
pursuant to an individualized education program as defined in 122328
section 3323.01 of the Revised Code, a payment for excess costs. 122329
This payment shall equal the actual cost to the school district, 122330
educational service center, or residential treatment facility of 122331
providing special education and related services to the student 122332
pursuant to the student's individualized education program, minus 122333
the tuition paid for the child under division (C)(1) of this 122334
section. 122335

A school district paying tuition under this division shall 122336
not include the child for whom tuition is paid in the district's 122337
average daily membership certified under division (A) of section 122338
3317.03 of the Revised Code. 122339

(D) In each of fiscal years 2016 and 2017, the Department of 122340

Education shall reimburse, from appropriations made for the 122341
purpose, a school district, educational service center, or 122342
residential treatment facility, whichever is providing the 122343
service, that has demonstrated that it is in compliance with the 122344
funding criteria for each served child for whom a school district 122345
must pay tuition under division (C) of this section. The amount of 122346
the reimbursement shall be the amount appropriated for this 122347
purpose divided by the full-time equivalent number of children for 122348
whom reimbursement is to be made. 122349

(E) Funds provided to a school district, educational service 122350
center, or residential treatment facility under this section shall 122351
be used to supplement, not supplant, funds from other public 122352
sources for which the school district, service center, or 122353
residential treatment facility is entitled or eligible. 122354

(F) The Department of Education shall track the utilization 122355
of funds provided to school districts, educational service 122356
centers, and residential treatment facilities under this section 122357
and monitor the effect of the funding on the educational programs 122358
they provide in participating residential treatment facilities. 122359
The Department shall monitor the programs for educational 122360
accountability. 122361

Section 263.490. Notwithstanding section 3302.21 of the 122362
Revised Code, for the 2014-2015 school year only, the Department 122363
of Education shall not rank school districts, community schools, 122364
and STEM schools according to the performance measures prescribed 122365
in divisions (A)(1), (2), and (5) of that section. However, the 122366
Department shall rank districts and schools according to the 122367
measures prescribed in divisions (A)(3) and (4) of that section 122368
for the 2014-2015 school year not later than January 31, 2016. 122369

Section 263.510. Notwithstanding section 3302.03 of the 122370

Revised Code, the Department of Education shall issue grades as 122371
described in division (E) of section 3302.03 of the Revised Code 122372
for each of the performance measures prescribed in division (C)(1) 122373
of that section for the 2014-2015 school year not later than 122374
January 15, 2016. 122375

Section 263.520. Notwithstanding anything to the contrary in 122376
section 3302.035 of the Revised Code, the Department of Education 122377
shall issue the reports required under that section on the 122378
performance measures for a school district's or school's students 122379
with disabilities subgroup, using data from the 2014-2015 school 122380
year, not later than January 31, 2016. 122381

For each school year thereafter, the Department shall issue 122382
those reports on the first day of October as required under that 122383
section. 122384

Section 263.530. (A) The Superintendent of Public Instruction 122385
may form partnerships with Ohio's business community, including 122386
the Ohio Business Roundtable, to create and implement initiatives 122387
that connect students with the business community in an effort to 122388
increase student engagement and job readiness through internships, 122389
work study, and site-based learning experiences. 122390

(B) If the Superintendent forms a partnership pursuant to 122391
division (A) of this section, the initiatives created and 122392
implemented through that partnership shall do all of the 122393
following: 122394

(1) Support the career connection learning strategies 122395
described in division (B)(2) of section 3301.079 of the Revised 122396
Code; 122397

(2) Provide an opportunity for students to earn high school 122398
credit toward graduation or to meet curriculum requirements in 122399

accordance with divisions (J)(1) and (2) of section 3313.603 of
the Revised Code; 122400
122401

(3) Inform the development of student success plans pursuant 122402
to division (C) of section 3313.6020 of the Revised Code. 122403

Section 263.540. The Department of Education shall provide 122404
assistance to the State Board of Education for the purposes of 122405
updating the statewide plan on subject area competency, including 122406
credit by examination, pursuant to division (J)(2) of section 122407
3313.603 of the Revised Code, to reduce barriers to student 122408
participation in credit flexibility options. 122409

Upon completion, the Department shall inform students, 122410
parents, and schools of the updated plan. 122411

Section 263.553. For the 2015-2016 school year, the board of 122412
education of each city, local, exempted village, and joint 122413
vocational school district, the governing authority of each 122414
community school established under Chapter 3314., and the 122415
governing body of each STEM school established under Chapter 3326. 122416
of the Revised Code, shall assess the reading skills of each 122417
student, except those students with significant cognitive 122418
disabilities or other disabilities as authorized by the Department 122419
of Education on a case-by-case basis, enrolled in kindergarten to 122420
third grade and shall identify students who are reading below 122421
their grade level. The reading skills assessments shall be 122422
completed by September 30, 2015. 122423

Section 263.600. (A) This section applies only to a city 122424
school district that is located in the same municipal corporation 122425
as a professional sports museum. 122426

(B) Notwithstanding section 3313.41 of the Revised Code, the 122427
board of education of a school district to which this section 122428

applies may offer for sale property it owns to a professional 122429
sports museum located in the same municipal corporation prior to 122430
offering that property for sale under the provisions of section 122431
3313.41 of the Revised Code. 122432

(C) This section shall expire on July 1, 2017. 122433

Section 263.610. (A) As used in this section, "client school 122434
district" means a city, exempted village, or local school district 122435
that has entered into an agreement under section 3313.843 or 122436
3313.845 of the Revised Code to receive any services from an 122437
educational service center. 122438

(B) Notwithstanding anything to the contrary in the Revised 122439
Code, if an educational service center governing board is 122440
abolished under section 3311.0510 of the Revised Code not later 122441
than July 1, 2015, any indebtedness to the Department of Education 122442
for expenses related to the dissolution that exceed the available 122443
assets of the service center shall not be assessed against the 122444
client school districts of the service center. 122445

Section 263.620. (A) Not later than thirty days after the 122446
effective date of this section, the Superintendent of Public 122447
Instruction shall verify that the assessments prescribed under 122448
sections 3301.0710 and 3301.0712 of the Revised Code that are 122449
administered in the 2015-2016 school year will be administered 122450
once each year and not over multiple testing windows. The State 122451
Superintendent also shall verify that the timing of the 122452
administration of the assessments shall occur in the second half 122453
of the school year, except for end-of-course examinations for 122454
courses completed during the first semester of the school year. In 122455
addition, the Superintendent shall verify that the length of the 122456
assessments shall be reduced as compared to those that were 122457
administered in the 2014-2015 school year, in order to provide 122458

more time for classroom instruction and less disruption in student learning. For the online administration of assessments, a single technology platform is preferred but not required.

(B) If the State Superintendent verifies that the assessments and their administration do not meet the conditions prescribed under this section, the State Superintendent shall take the steps necessary to find and contract with one or more entities to develop and provide assessments that meet the conditions prescribed under this section.

Section 263.630. Not later than thirty days after the effective date of this section, the Ohio Department of Education shall apply to the United States Secretary of Education for a waiver from provisions of the "No Child Left Behind Act of 2001," to account for the prohibition on using the value-added progress dimension to calculate student academic growth for purposes of conducting teacher and principal evaluations for the 2015-2016 and 2016-2017 school years that are based on the results of the assessments administered in the 2014-2015 and 2015-2016 school years.

As used in this section, "value-added progress dimension" means the value-added progress dimension as defined in section 3302.01 of the Revised Code.

Section 263.640. Each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code shall report to the Ohio Department of Education the number and percentage of its students who did not take an assessment prescribed under section 3301.0710 or 3301.0712 of the Revised Code that was administered in the 2014-2015 school year and who was not excused pursuant to division (C)(1) or (3) of section

3301.0711 of the Revised Code from taking that assessment. 122489

Section 263.650. (A)(1) Notwithstanding anything in the 122490
Revised Code to the contrary and except as provided in division 122491
(A)(2) of this section, the board of education of a school 122492
district, the governing authority of a community school 122493
established under Chapter 3314. of the Revised Code, or the 122494
governing authority of a STEM school established under Chapter 122495
3326. of the Revised Code shall not use the value-added progress 122496
dimension rating that is based on the results of the assessments 122497
prescribed under sections 3301.0710 and 3301.0712 of the Revised 122498
Code administered in the 2014-2015 and 2015-2016 school years for 122499
purposes of assessing student academic growth for teacher and 122500
principal evaluations conducted under sections 3311.80, 3319.02, 122501
3319.111, and 3319.112 of the Revised Code or when making 122502
decisions regarding the dismissal, retention, tenure, or 122503
compensation of the district's or school's teachers and 122504
principals. 122505

(2) A school district, community school, or STEM school may 122506
enter into a memorandum of understanding collectively with its 122507
teachers or principals stipulating that the value-added progress 122508
dimension rating that is based on the results of the assessments 122509
prescribed under sections 3301.0710 and 3301.0712 of the Revised 122510
Code administered in the 2014-2015 or 2015-2016 school year may be 122511
used to assess student academic growth for purposes of teacher and 122512
principal evaluations or when making decisions regarding the 122513
dismissal, retention, tenure, or compensation of the district's or 122514
school's teachers and principals. 122515

(3) For a teacher of a grade level and subject area for which 122516
the value-added progress dimension is applicable, if no other 122517
measure is available to determine student academic growth as 122518
required under section 3311.80, 3319.112, or 3319.114 of the 122519

Revised Code, teacher and principal evaluations shall be based 122520
solely on teacher or principal performance. 122521

(B) As used in this section, "value-added progress dimension" 122522
means the value-added progress dimension prescribed by section 122523
3302.021 of the Revised Code or an alternative student academic 122524
progress measure if adopted under division (C)(1)(e) of section 122525
3303.03 of the Revised Code. 122526

Section 265.10. ELC OHIO ELECTIONS COMMISSION 122527

General Revenue Fund 122528

GRF 051321 Operating Expenses \$ 333,117 \$ 333,117 122529

TOTAL GRF General Revenue Fund \$ 333,117 \$ 333,117 122530

Dedicated Purpose Fund Group 122531

4P20 051601 Operating Support \$ 194,500 \$ 194,500 122532

TOTAL DPF Dedicated Purpose Fund \$ 194,500 \$ 194,500 122533

Group

TOTAL ALL BUDGET FUND GROUPS \$ 527,617 \$ 527,617 122534

ERRONEOUS FILING FEE DEPOSITS 122535

On July 1, 2015, or as soon as possible thereafter, the 122536
Executive Director of the Elections Commission and the Secretary 122537
of State, or the Secretary of State's designee, shall jointly 122538
certify to the Director of Budget and Management the amount of 122539
filing fees erroneously deposited by the Ohio Elections Commission 122540
and Secretary of State to the General Revenue Fund between 2007 122541
and 2015. Upon receipt of the certification, the Director of 122542
Budget and Management may transfer cash, up to the certified 122543
amount, from the General Revenue Fund to the Ohio Elections 122544
Commission Fund (Fund 4P20). This transfer corrects erroneous 122545
deposits of revenue that were made by the Ohio Elections 122546
Commission and Secretary of State to the General Revenue Fund. 122547

Section 267.10. FUN STATE BOARD OF EMBALMERS AND FUNERAL 122548

DIRECTORS				122549
Dedicated Purpose Fund Group				122550
4K90 881609 Operating Expenses	\$	741,000	\$ 771,000	122551
TOTAL DPF Dedicated Purpose				122552
Fund Group	\$	741,000	\$ 771,000	122553
TOTAL ALL BUDGET FUND GROUPS	\$	741,000	\$ 771,000	122554

Section 269.10. PAY EMPLOYEE BENEFITS FUNDS 122556

Fiduciary Fund Group				122557
1240 995673 Payroll Deductions	\$	786,081,277	\$ 801,802,903	122558
8060 995666 Accrued Leave Fund	\$	70,520,230	\$ 71,930,634	122559
8070 995667 Disability Fund	\$	22,271,135	\$ 22,716,558	122560
8080 995668 State Employee Health	\$	711,136,583	\$ 767,740,540	122561
Benefit Fund				
8090 995669 Dependent Care	\$	3,323,438	\$ 3,487,159	122562
Spending Account				
8100 995670 Life Insurance	\$	1,779,885	\$ 1,815,482	122563
Investment Fund				
8110 995671 Parental Leave	\$	3,510,481	\$ 3,580,691	122564
Benefit Fund				
8130 995672 Health Care Spending	\$	10,089,249	\$ 10,895,989	122565
Account				
TOTAL FID Fiduciary Fund Group	\$	1,608,712,278	\$ 1,683,969,956	122566
TOTAL ALL BUDGET FUND GROUPS	\$	1,608,712,278	\$ 1,683,969,956	122567

PAYROLL DEDUCTION FUND 122568

The foregoing appropriation item 995673, Payroll Deductions, 122569
shall be used to make payments from the Payroll Deduction Fund 122570
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 122571
is determined by the Director of Budget and Management that 122572
additional amounts are necessary, the amounts are hereby 122573
appropriated. 122574

ACCRUED LEAVE LIABILITY FUND 122575

The foregoing appropriation item 995666, Accrued Leave Fund, 122576
shall be used to make payments from the Accrued Leave Liability 122577
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 122578
If it is determined by the Director of Budget and Management that 122579
additional amounts are necessary, the amounts are hereby 122580
appropriated. 122581

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 122582

The foregoing appropriation item 995667, Disability Fund, 122583
shall be used to make payments from the State Employee Disability 122584
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 122585
Revised Code. If it is determined by the Director of Budget and 122586
Management that additional amounts are necessary, the amounts are 122587
hereby appropriated. 122588

STATE EMPLOYEE HEALTH BENEFIT FUND 122589

The foregoing appropriation item 995668, State Employee 122590
Health Benefit Fund, shall be used to make payments from the State 122591
Employee Health Benefit Fund (Fund 8080) pursuant to section 122592
124.87 of the Revised Code. If it is determined by the Director of 122593
Budget and Management that additional amounts are necessary, the 122594
amounts are hereby appropriated. 122595

DEPENDENT CARE SPENDING FUND 122596

The foregoing appropriation item 995669, Dependent Care 122597
Spending Account, shall be used to make payments from the 122598
Dependent Care Spending Fund (Fund 8090) to employees eligible for 122599
dependent care expenses pursuant to section 124.822 of the Revised 122600
Code. If it is determined by the Director of Budget and Management 122601
that additional amounts are necessary, the amounts are hereby 122602
appropriated. 122603

LIFE INSURANCE INVESTMENT FUND 122604

The foregoing appropriation item 995670, Life Insurance Investment Fund, shall be used to make payments from the Life Insurance Investment Fund (Fund 8100) for the costs and expenses of the state's life insurance benefit program pursuant to section 125.212 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

PARENTAL LEAVE BENEFIT FUND

The foregoing appropriation item 995671, Parental Leave Benefit Fund, shall be used to make payments from the Parental Leave Benefit Fund (Fund 8110) to employees eligible for parental leave benefits pursuant to section 124.137 of the Revised Code. If it is determined by the Director of Budget and Management that additional amounts are necessary, the amounts are hereby appropriated.

HEALTH CARE SPENDING ACCOUNT FUND

The foregoing appropriation item 995672, Health Care Spending Account, shall be used to make payments from the Health Care Spending Account Fund (Fund 8130) for payments pursuant to state employees' participation in a flexible spending account for non-reimbursed health care expenses and section 124.821 of the Revised Code. If it is determined by the Director of Administrative Services that additional amounts are necessary, the Director of Administrative Services may request that the Director of Budget and Management increase such amounts. Such amounts are hereby appropriated.

Section 271.10. ERB STATE EMPLOYMENT RELATIONS BOARD

General Revenue Fund				122632
GRF 125321 Operating Expenses	\$	3,761,457	\$ 3,761,457	122633
TOTAL GRF General Revenue Fund	\$	3,761,457	\$ 3,761,457	122634

Dedicated Purpose Fund Group					122635
5720 125603 Training and Publications	\$	75,000	\$	75,000	122636
TOTAL DPF Dedicated Purpose Fund Group					122637
Fund Group	\$	75,000	\$	75,000	122638
TOTAL ALL BUDGET FUND GROUPS	\$	3,836,457	\$	3,836,457	122639
 Section 273.10. ENG STATE BOARD OF ENGINEERS AND SURVEYORS					122641
Dedicated Purpose Fund Group					122642
4K90 892609 Operating Expenses	\$	993,889	\$	993,889	122643
TOTAL DPF Dedicated Purpose Fund Group					122644
Fund Group	\$	993,889	\$	993,889	122645
TOTAL ALL BUDGET FUND GROUPS	\$	993,889	\$	993,889	122646
 Section 275.10. EPA ENVIRONMENTAL PROTECTION AGENCY					122648
General Revenue Fund					122649
GRF 715502 Auto Emissions e-Check Program	\$	10,923,093	\$	10,923,093	122650
TOTAL GRF General Revenue Fund	\$	10,923,093	\$	10,923,093	122651
Dedicated Purpose Fund Group					122652
4D50 715618 Recycled State Materials	\$	50,000	\$	50,000	122653
4J00 715638 Underground Injection Control	\$	393,917	\$	399,125	122654
4K20 715648 Clean Air - Non Title V	\$	3,309,301	\$	3,726,893	122655
4K30 715649 Solid Waste	\$	13,118,573	\$	13,202,293	122656
4K40 715650 Surface Water Protection	\$	9,446,300	\$	8,422,600	122657
4K40 715686 Environmental Laboratory Services	\$	2,096,007	\$	2,096,007	122658
4K50 715651 Drinking Water	\$	6,637,044	\$	6,825,955	122659

		Protection				
4P50	715654	Cozart Landfill	\$	10,000	\$	10,000 122660
4R50	715656	Scrap Tire Management	\$	1,040,161	\$	1,060,965 122661
4R90	715658	Voluntary Action	\$	825,759	\$	842,275 122662
		Program				
4T30	715659	Clean Air - Title V	\$	13,507,000	\$	13,639,150 122663
		Permit Program				
5000	715608	Immediate Removal	\$	718,793	\$	731,293 122664
		Special Account				
5030	715621	Hazardous Waste	\$	5,765,075	\$	6,082,805 122665
		Facility Management				
5050	715623	Hazardous Waste	\$	14,388,348	\$	14,701,826 122666
		Cleanup				
5320	715646	Recycling and Litter	\$	4,691,000	\$	4,698,000 122667
		Control				
5410	715670	Site Specific Cleanup	\$	2,048,101	\$	2,048,101 122668
5420	715671	Risk Management	\$	214,826	\$	214,826 122669
		Reporting				
5860	715637	Scrap Tire Market	\$	1,150,000	\$	1,170,000 122670
		Development				
5BC0	715622	Local Air Pollution	\$	1,999,172	\$	1,999,172 122671
		Control				
5BC0	715624	Surface Water	\$	8,665,974	\$	8,665,974 122672
5BC0	715672	Air Pollution Control	\$	4,945,566	\$	4,945,566 122673
5BC0	715673	Drinking and Ground	\$	3,324,521	\$	3,324,520 122674
		Water				
5BC0	715676	Assistance and	\$	1,583,098	\$	1,591,682 122675
		Prevention				
5BC0	715677	Laboratory	\$	1,253,586	\$	1,253,586 122676
5BC0	715678	Corrective Actions	\$	1,316,878	\$	1,316,878 122677
5BC0	715687	Areawide Planning	\$	450,000	\$	450,000 122678
		Agencies				
5BC0	715692	Administration	\$	12,885,000	\$	13,505,000 122679

5BC0	715694	Environmental Resource Coordination	\$	100,000	\$	100,000	122680
5BT0	715679	C&DD Groundwater Monitoring	\$	645,000	\$	919,000	122681
5CD0	715682	Clean Diesel School Buses	\$	150,000	\$	150,000	122682
5H40	715664	Groundwater Support	\$	350,499	\$	356,727	122683
5PZ0	715696	Drinking Water Loan Fee	\$	220,200	\$	126,200	122684
5Y30	715685	Surface Water Improvement	\$	1,800,000	\$	1,800,000	122685
6440	715631	Emergency Response Radiological Safety	\$	298,304	\$	303,174	122686
6760	715642	Water Pollution Control Loan Administration	\$	1,933,621	\$	1,990,262	122687
6780	715635	Air Toxic Release	\$	133,636	\$	133,636	122688
6790	715636	Emergency Planning	\$	2,623,252	\$	2,623,252	122689
6960	715643	Air Pollution Control Administration	\$	1,125,000	\$	1,125,000	122690
6990	715644	Water Pollution Control Administration	\$	800,000	\$	800,000	122691
6A10	715645	Environmental Education	\$	1,500,000	\$	1,500,000	122692
TOTAL DPF		Dedicated Purpose Fund Group	\$	127,513,512	\$	128,901,743	122693
		Internal Service Activity Fund Group					122694
1990	715602	Laboratory Services	\$	427,234	\$	594,566	122695
2190	715604	Central Support Indirect	\$	6,900,000	\$	6,600,000	122696
4A10	715640	Operating Expenses	\$	2,050,000	\$	2,050,000	122697
TOTAL ISA		Internal Service Activity	\$	9,377,234	\$	9,244,566	122698

Fund Group

Capital Projects Fund Group						122699
5S10 715607	Clean Ohio	\$	284,124	\$	284,124	122700
	Revitalization					
	Operating					
TOTAL CPF Capital Projects Fund		\$	284,124	\$	284,124	122701
Group						
Federal Fund Group						122702
3530 715612	Public Water Supply	\$	2,058,127	\$	2,113,020	122703
3540 715614	Hazardous Waste	\$	3,038,383	\$	3,038,383	122704
	Management - Federal					
3570 715619	Air Pollution Control	\$	6,310,203	\$	6,310,203	122705
	- Federal					
3620 715605	Underground Injection	\$	98,629	\$	102,859	122706
	Control - Federal					
3BU0 715684	Water Quality	\$	13,211,815	\$	14,537,389	122707
	Protection					
3CS0 715688	Federal NRD	\$	200,000	\$	200,000	122708
	Settlements					
3F20 715630	Revolving Loan Fund -	\$	2,800,000	\$	2,900,000	122709
	Operating					
3F30 715632	Federally Supported	\$	4,168,991	\$	4,291,191	122710
	Cleanup and Response					
3T30 715669	Drinking Water State	\$	2,824,076	\$	2,824,076	122711
	Revolving Fund					
3V70 715606	Agencywide Grants	\$	600,000	\$	600,000	122712
TOTAL FED Federal Fund Group		\$	35,310,223	\$	36,917,121	122713
TOTAL ALL BUDGET FUND GROUPS		\$	183,408,186	\$	186,270,647	122714

AREAWIDE PLANNING AGENCIES 122715

The Director of Environmental Protection Agency may award 122716
grants from appropriation item 715687, Areawide Planning Agencies, 122717
to areawide planning agencies engaged in areawide water quality 122718

management and planning activities in accordance with Section 208 122719
of the "Federal Clean Water Act," 33 U.S.C. 1288. 122720

WATER POLLUTION CONTROL ADMINISTRATION FUND (FUND 6990) 122721
EXPENDITURES LIMITATION 122722

Notwithstanding division (B) of section 6111.09 of the 122723
Revised Code, the Director of Environmental Protection may expend 122724
not more than \$800,000 of the moneys credited to the Water 122725
Pollution Control Administration Fund (Fund 6990) under that 122726
division in either of fiscal years 2016 or 2017 for the purposes 122727
specified in that division. 122728

Section 277.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 122729
General Revenue Fund 122730
GRF 172321 Operating Expenses \$ 545,530 \$ 545,530 122731
TOTAL GRF General Revenue Fund \$ 545,530 \$ 545,530 122732
TOTAL ALL BUDGET FUND GROUPS \$ 545,530 \$ 545,530 122733

Section 279.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 122735
General Revenue Fund 122736
GRF 935401 Statehouse News \$ 324,533 \$ 324,533 122737
Bureau
GRF 935402 Ohio Government \$ 1,452,089 \$ 1,452,089 122738
Telecommunications
Services
GRF 935408 General Operations \$ 745,000 \$ 745,000 122739
GRF 935409 Technology Operations \$ 3,171,962 \$ 3,171,962 122740
GRF 935410 Content Development, \$ 3,957,094 \$ 3,957,094 122741
Acquisition, and
Distribution
GRF 935412 Information \$ 683,716 \$ 683,716 122742
Technology
TOTAL GRF General Revenue Fund \$ 10,334,394 \$ 10,334,394 122743

Dedicated Purpose Fund Group				122744
5FK0 935608 Media Services	\$	95,000	\$ 95,000	122745
TOTAL DPF Dedicated Purpose Fund Group	\$	95,000	\$ 95,000	122746
Internal Service Activity Fund Group				122747
4F30 935603 Affiliate Services	\$	4,000	\$ 4,000	122748
4T20 935605 Government	\$	7,000	\$ 7,000	122749
Television/Telecommunications Operating				
TOTAL ISA Internal Service Activity Fund Group	\$	11,000	\$ 11,000	122751
TOTAL ALL BUDGET FUND GROUPS	\$	10,440,394	\$ 10,440,394	122752

Section 279.20. STATEHOUSE NEWS BUREAU 122754

The foregoing appropriation item 935401, Statehouse News Bureau, shall be used solely to support the operations of the Ohio Statehouse News Bureau. 122755
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122757

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 122758

The foregoing appropriation item 935402, Ohio Government Telecommunications Services, shall be used solely to support the operations of Ohio Government Telecommunications Services which include providing multimedia support to the state government and its affiliated organizations and broadcasting the activities of the legislative, judicial, and executive branches of state government, among its other functions. 122759
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TECHNOLOGY OPERATIONS 122766

The foregoing appropriation item 935409, Technology Operations, shall be used by the Broadcast Educational Media Commission to pay expenses of the network infrastructure, which includes the television and radio transmission infrastructure and infrastructure that shall link all public K-12 classrooms to each 122767
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122771

other and to the Internet, and provide access to voice, video, 122772
other communication services, and data educational resources for 122773
students and teachers. 122774

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 122775

The foregoing appropriation item 935410, Content Development, 122776
Acquisition, and Distribution, shall be used for the development, 122777
acquisition, and distribution of information resources by public 122778
media and radio reading services and for educational use in the 122779
classroom and online. 122780

Of the foregoing appropriation item 935410, Content 122781
Development, Acquisition, and Distribution, up to \$658,099 in each 122782
fiscal year shall be allocated equally among the Ohio educational 122783
television stations. Funds shall be used for the production of 122784
interactive instructional programming series with priority given 122785
to resources aligned with state academic content standards. The 122786
programming shall be targeted to the needs of the one-third lowest 122787
capacity school districts as determined by the district's state 122788
share index calculated by the Department of Education. 122789

Of the foregoing appropriation item 935410, Content 122790
Development, Acquisition, and Distribution, up to \$1,749,283 in 122791
each fiscal year shall be distributed by the Broadcast Educational 122792
Media Commission to Ohio's qualified public educational television 122793
stations and educational radio stations to support their 122794
operations. The funds shall be distributed pursuant to an 122795
allocation formula used by the Ohio Educational Telecommunications 122796
Network Commission unless a substitute formula is developed by the 122797
Broadcast Educational Media Commission in consultation with Ohio's 122798
qualified public educational television stations and educational 122799
radio stations. 122800

Of the foregoing appropriation item 935410, Content 122801
Development, Acquisition, and Distribution, up to \$199,712 in each 122802

fiscal year shall be distributed by the Broadcast Educational 122803
Media Commission to Ohio's qualified radio reading services to 122804
support their operations. The funds shall be distributed pursuant 122805
to an allocation formula used by the Ohio Educational 122806
Telecommunications Network Commission unless a substitute formula 122807
is developed by the Broadcast Educational Media Commission in 122808
consultation with Ohio's qualified radio reading services. 122809

Section 281.10. ETH OHIO ETHICS COMMISSION 122810

General Revenue Fund 122811
GRF 146321 Operating Expenses \$ 1,381,556 \$ 1,381,556 122812
TOTAL GRF General Revenue Fund \$ 1,381,556 \$ 1,381,556 122813

Dedicated Purpose Fund Group 122814
4M60 146601 Operating Support \$ 641,000 \$ 641,000 122815
TOTAL DPF Dedicated Purpose Fund \$ 641,000 \$ 641,000 122816
Group
TOTAL ALL BUDGET FUND GROUPS \$ 2,022,556 \$ 2,022,556 122817

Section 283.10. EXP OHIO EXPOSITIONS COMMISSION 122819

General Revenue Fund 122820
GRF 723403 Junior Fair Subsidy \$ 375,000 \$ 375,000 122821
TOTAL GRF General Revenue Fund \$ 375,000 \$ 375,000 122822

Dedicated Purpose Fund Group 122823
4N20 723602 Ohio State Fair \$ 235,000 \$ 235,000 122824
Harness Racing
5060 723601 Operating Expenses \$ 13,345,000 \$ 13,585,000 122825
5060 723604 Grounds Maintenance \$ 300,000 \$ 300,000 122826
and Repairs
TOTAL DPF Dedicated Purpose Fund \$ 13,880,000 \$ 14,120,000 122827
Group
TOTAL ALL BUDGET FUND GROUPS \$ 14,255,000 \$ 14,495,000 122828

STATE FAIR RESERVE 122829

The General Manager of the Expositions Commission, in 122830
consultation with the Director of Budget and Management, may 122831
submit a request to the Controlling Board to use available amounts 122832
in the State Fair Reserve Fund (Fund 6400) if revenues from either 122833
the 2015 or the 2016 Ohio State Fair are unexpectedly low. 122834

GROUNDS MAINTENANCE AND REPAIRS 122835

The foregoing appropriation item 723604, Grounds Maintenance 122836
and Repairs, shall be used for maintenance and repairs on the 122837
grounds of the Ohio Expo Center. 122838

Section 285.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION 122839

General Revenue Fund 122840

GRF 230321 Operating Expenses \$ 6,500,000 \$ 6,500,000 122841

GRF 230401 Cultural Facilities \$ 29,728,000 \$ 25,737,900 122842

Lease Rental Bond

Payments

GRF 230458 State Construction \$ 2,200,000 \$ 2,000,000 122843

Management Services

GRF 230459 Aronoff Center \$ 540,000 \$ 540,000 122844

Building Maintenance

GRF 230908 Common Schools \$ 366,000,000 \$ 377,000,000 122845

General Obligation

Bond Debt Service

TOTAL GRF General Revenue Fund \$ 404,968,000 \$ 411,777,900 122846

Internal Service Activity Fund Group 122847

1310 230639 State Construction \$ 8,500,000 \$ 8,500,000 122848

Management Operations

TOTAL ISA Internal Service Activity \$ 8,500,000 \$ 8,500,000 122849

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 413,468,000 \$ 420,277,900 122850

Section 285.20. CULTURAL FACILITIES LEASE RENTAL BOND 122852

PAYMENTS	122853
The foregoing appropriation item 230401, Cultural Facilities	122854
Lease Rental Bond Payments shall be used to meet all payments	122855
during the period from July 1, 2015, through June 30, 2017, by the	122856
Ohio Facilities Construction Commission under the primary leases	122857
and agreements for cultural and sports facilities made under	122858
Chapters 152. and 154. of the Revised Code. These appropriations	122859
are the source of funds pledged for bond service charges on	122860
related obligations issued under Chapters 152. and 154. of the	122861
Revised Code.	122862
COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE	122863
The foregoing appropriation item 230908, Common Schools	122864
General Obligation Bond Debt Service, shall be used to pay all	122865
debt service and related financing costs during the period from	122866
July 1, 2015, through June 30, 2017, on obligations issued under	122867
sections 151.01 and 151.03 of the Revised Code.	122868
Section 285.30. COMMUNITY PROJECT ADMINISTRATION	122869
The foregoing appropriation item 230458, State Construction	122870
Management Services, shall be used by the Ohio Facilities	122871
Construction Commission in administering Cultural and Sports	122872
Facilities Building Fund (Fund 7030) projects pursuant to section	122873
123.201 of the Revised Code.	122874
SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION	122875
At the request of the Executive Director of the Ohio School	122876
Facilities Commission, the Director of Budget and Management may	122877
cancel encumbrances for school district projects from a previous	122878
biennium if the district has not raised its local share of project	122879
costs within thirteen months of receiving Controlling Board	122880
approval under section 3318.05 or 3318.41 of the Revised Code. The	122881
Executive Director of the Ohio School Facilities Commission shall	122882

certify the amounts of the canceled encumbrances to the Director 122883
of Budget and Management on a quarterly basis. The amounts of the 122884
canceled encumbrances are hereby appropriated. 122885

Section 285.40. CAPITAL DONATIONS FUND CERTIFICATIONS AND 122886
APPROPRIATIONS 122887

On July 1, 2015, or as soon as possible thereafter, the 122888
Executive Director of the Facilities Construction Commission shall 122889
certify to the Director of Budget and Management the amount of 122890
cash receipts and related investment income, irrevocable letters 122891
of credit from a bank, or certification of the availability of 122892
funds that have been received from a county or a municipal 122893
corporation for deposit into the Capital Donations Fund (Fund 122894
5A10) and that are related to an anticipated project. These 122895
amounts are hereby appropriated to appropriation item C37146, 122896
Capital Donations. Prior to certifying these amounts to the 122897
Director, the Executive Director shall make a written agreement 122898
with the participating entity on the necessary cash flows required 122899
for the anticipated construction or equipment acquisition project. 122900

Section 285.50. AMENDMENT TO PROJECT AGREEMENT FOR 122901
MAINTENANCE LEVY 122902

The Ohio School Facilities Commission shall amend the project 122903
agreement between the Commission and a school district that is 122904
participating in the Accelerated Urban School Building Assistance 122905
Program on the effective date of this section, if the Commission 122906
determines that it is necessary to do so in order to comply with 122907
division (B)(3)(c) of section 3318.38 of the Revised Code. 122908

Section 285.60. Notwithstanding any other provision of law to 122909
the contrary, the Ohio School Facilities Commission may determine 122910
the amount of funding available for disbursement in a given fiscal 122911
year for any project approved under sections 3318.01 to 3318.20 of 122912

the Revised Code in order to keep aggregate state capital spending 122913
within approved limits and may take actions including, but not 122914
limited to, determining the schedule for design or bidding of 122915
approved projects, to ensure appropriate and supportable cash 122916
flow. 122917

Section 285.70. ASSISTANCE TO JOINT VOCATIONAL SCHOOL 122918
DISTRICT 122919

Notwithstanding division (B) of section 3318.40 of the 122920
Revised Code, the Ohio School Facilities Commission may provide 122921
assistance to at least one joint vocational school district each 122922
fiscal year for the acquisition of classroom facilities in 122923
accordance with sections 3318.40 to 3318.45 of the Revised Code. 122924

Section 285.80. FUNDING OF DISTRICT SHARE OF BASIC PROJECT 122925
COST 122926

(A) The Ohio School Facilities Commission, in consultation 122927
with the Office of Budget and Management, shall prepare a study of 122928
the impacts, benefits, and risks associated with a school district 122929
funding its share of the basic project cost of a school facilities 122930
project under Chapter 3318. of the Revised Code with cash-on-hand 122931
resulting from a lease-purchase agreement or certificate of 122932
participation under section 3313.375 of the Revised Code that is 122933
not subject to voter approval. The study shall be completed not 122934
later than nine months after the effective date of this section 122935
and submitted to the Governor and General Assembly in accordance 122936
with section 101.68 of the Revised Code. Until this study is 122937
completed, a school district shall not fund its share of the basic 122938
project cost of a school facilities project under Chapter 3318. of 122939
the Revised Code with cash-on-hand resulting from a lease-purchase 122940
agreement or certificate of participation under section 3313.375 122941
of the Revised Code that is not subject to voter approval, except 122942

as provided in division (B) of this section. 122943

(B) Notwithstanding division (A) of this section and any 122944
other provision of law to the contrary, with the approval of the 122945
School Facilities Commission, a school district may use 122946
cash-on-hand resulting from a lease-purchase agreement or 122947
certificate of participation under section 3313.375 of the Revised 122948
Code that is not subject to voter approval in the following 122949
limited circumstances: 122950

(1) Funding the district's share of an increase in the basic 122951
project cost approved under section 3318.083 of the Revised Code; 122952

(2) Funding a locally funded initiative; or 122953

(3) Funding a project under the Expedited Local Partnership 122954
Program established under either section 3318.36 or 3318.46 of the 122955
Revised Code. 122956

Section 287.10. GOV OFFICE OF THE GOVERNOR 122957

General Revenue Fund 122958

GRF 040321	Operating Expenses	\$	2,851,552	\$	2,851,552	122959
TOTAL GRF	General Revenue Fund	\$	2,851,552	\$	2,851,552	122960

Internal Service Activity Fund Group 122961

5AK0 040607	Government Relations	\$	300,000	\$	300,000	122962
TOTAL ISA	Internal Service Activity					122963

Fund Group		\$	300,000	\$	300,000	122964
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TOTAL ALL BUDGET FUND GROUPS		\$	3,151,552	\$	3,151,552	122965
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GOVERNMENT RELATIONS 122966

A portion of the foregoing appropriation item 040607, 122967
Government Relations, may be used to support Ohio's membership in 122968
national or regional associations. 122969

The Office of the Governor may charge any state agency of the 122970
executive branch using an intrastate transfer voucher such amounts 122971

necessary to defray the costs incurred for the conduct of 122972
governmental relations associated with issues that can be 122973
attributed to the agency. Amounts collected shall be deposited in 122974
the Government Relations Fund (Fund 5AK0). 122975

Section 289.10. DOH DEPARTMENT OF HEALTH 122976

General Revenue Fund 122977

GRF 440412 Cancer Incidence \$ 600,000 \$ 600,000 122978
Surveillance System

GRF 440413 Local Health \$ 823,061 \$ 823,061 122979
Departments

GRF 440416 Mothers and Children \$ 4,428,015 \$ 4,428,015 122980
Safety Net Services

GRF 440418 Immunizations \$ 5,988,545 \$ 5,988,545 122981

GRF 440431 Free Clinics Safety \$ 437,326 \$ 437,326 122982
Net Services

GRF 440438 Breast and Cervical \$ 823,217 \$ 823,217 122983
Cancer Screening

GRF 440444 AIDS Prevention and \$ 5,842,315 \$ 5,842,315 122984
Treatment

GRF 440451 Public Health \$ 5,000,000 \$ 5,000,000 122985
Laboratory

GRF 440452 Child and Family \$ 630,444 \$ 630,444 122986
Health Services Match

GRF 440453 Health Care Quality \$ 5,000,000 \$ 5,000,000 122987
Assurance

GRF 440454 Environmental Health \$ 1,209,430 \$ 1,209,430 122988

GRF 440459 Help Me Grow \$ 32,008,080 \$ 31,708,080 122989

GRF 440465 FQHC Primary Care \$ 2,686,688 \$ 2,686,688 122990
Workforce Initiative

GRF 440467 Access to Dental Care \$ 540,484 \$ 540,484 122991

GRF 440468 Chronic Disease and \$ 2,466,127 \$ 2,466,127 122992

	Injury Prevention				
GRF 440472	Alcohol Testing	\$	1,114,244	\$	1,114,244 122993
GRF 440473	Tobacco Prevention	\$	5,050,000	\$	7,050,000 122994
	Cessation and Enforcement				
GRF 440474	Infant Vitality	\$	4,116,688	\$	4,116,688 122995
GRF 440477	Emergency Preparation	\$	2,000,000	\$	2,000,000 122996
	and Response				
GRF 440481	Lupus Awareness	\$	250,000	\$	250,000 122997
GRF 440505	Medically Handicapped	\$	7,512,451	\$	7,512,451 122998
	Children				
GRF 440507	Targeted Health Care	\$	1,090,414	\$	1,090,414 122999
	Services Over 21				
GRF 440520	Children's Wish Grant	\$	100,000	\$	100,000 123000
	Program				
GRF 654453	Medicaid - Health Care	\$	3,300,000	\$	3,300,000 123001
	Quality Assurance				
TOTAL GRF	General Revenue Fund	\$	93,017,529	\$	94,717,529 123002
	Highway Safety Fund Group				123003
4T40 440603	Child Highway Safety	\$	280,000	\$	280,000 123004
TOTAL HSF	Highway Safety Fund Group	\$	280,000	\$	280,000 123005
	Dedicated Purpose Fund Group				123006
4700 440647	Fee Supported	\$	23,958,743	\$	24,183,552 123007
	Programs				
4710 440619	Certificate of Need	\$	878,433	\$	878,433 123008
4730 440622	Lab Operating	\$	5,250,000	\$	5,250,000 123009
	Expenses				
4770 440627	Medically Handicapped	\$	3,692,703	\$	3,692,703 123010
	Children Audit				
4D60 440608	Genetics Services	\$	3,311,039	\$	3,311,039 123011
4F90 440610	Sickle Cell Disease	\$	1,032,824	\$	1,032,824 123012
	Control				

4G00	440636	Heirloom Birth Certificate	\$	5,000	\$	5,000	123013
4G00	440637	Birth Certificate Surcharge	\$	5,000	\$	5,000	123014
4L30	440609	HIV Care and Miscellaneous Expenses	\$	15,000,000	\$	15,000,000	123015
4P40	440628	Ohio Physician Loan Repayment	\$	700,000	\$	700,000	123016
4V60	440641	Save Our Sight	\$	2,550,000	\$	2,550,000	123017
5B50	440616	Quality, Monitoring, and Inspection	\$	716,511	\$	736,194	123018
5BX0	440656	Tobacco Use Prevention	\$	6,350,000	\$	6,350,000	123019
5CN0	440645	Choose Life	\$	75,000	\$	75,000	123020
5D60	440620	Second Chance Trust	\$	1,500,000	\$	1,500,000	123021
5ED0	440651	Smoke Free Indoor Air	\$	400,000	\$	400,000	123022
5G40	440639	Adoption Services	\$	20,000	\$	20,000	123023
5PE0	440659	Breast and Cervical Cancer Services	\$	300,000	\$	300,000	123024
5QH0	440661	Dental Hygiene Resources Shortage Area	\$	5,000	\$	5,000	123025
5QJ0	440662	Dental Hygienist Loan Repayment	\$	80,000	\$	80,000	123026
5Z70	440624	Ohio Dentist Loan Repayment	\$	140,000	\$	200,000	123027
6100	440626	Radiation Emergency Response	\$	1,086,098	\$	1,086,098	123028
6660	440607	Medically Handicapped Children - County Assessments	\$	19,739,617	\$	19,739,617	123029
6980	440634	Nurse Aide Training	\$	120,000	\$	120,000	123030

TOTAL DPF Dedicated Purpose Fund Group	\$	86,915,968	\$	87,220,460	123031
Internal Service Activity Fund Group					123032
1420 440646 Agency Health Services	\$	3,279,509	\$	3,130,613	123033
2110 440613 Central Support Indirect Costs	\$	30,052,469	\$	30,052,469	123034
TOTAL ISA Internal Service Activity Fund Group	\$	33,331,978	\$	33,183,082	123035
Holding Account Fund Group					123036
R014 440631 Vital Statistics	\$	44,986	\$	44,986	123037
R048 440625 Refunds, Grants Reconciliation, and Audit Settlements	\$	20,000	\$	20,000	123038
TOTAL HLD Holding Account Fund Group	\$	64,986	\$	64,986	123039
Federal Fund Group					123040
3200 440601 Maternal Child Health Block Grant	\$	22,000,000	\$	22,000,000	123041
3870 440602 Preventive Health Block Grant	\$	8,000,000	\$	8,000,000	123042
3890 440604 Women, Infants, and Children	\$	240,000,000	\$	240,000,000	123043
3910 440606 Medicare Survey and Certification	\$	18,000,000	\$	18,000,000	123044
3920 440618 Federal Public Health Programs	\$	107,198,791	\$	107,198,791	123045
3GD0 654601 Medicaid Program Support	\$	22,392,094	\$	22,392,094	123046
3GN0 440660 Public Health Emergency Preparedness	\$	27,941,795	\$	27,941,795	123047

TOTAL FED Federal Fund Group	\$	445,532,680	\$	445,532,680	123048
TOTAL ALL BUDGET FUND GROUPS	\$	659,143,141	\$	660,998,737	123049

Section 289.20. MOTHERS AND CHILDREN SAFETY NET SERVICES 123051

Of the foregoing appropriation item 440416, Mothers and 123052
Children Safety Net Services, \$200,000 in each fiscal year shall 123053
be used to assist families with hearing impaired children under 123054
twenty-one years of age in purchasing hearing aids. The Director 123055
of Health shall adopt rules governing the distribution of these 123056
funds, including rules that do both of the following: (1) 123057
establish eligibility criteria to include families with incomes at 123058
or below four hundred per cent of the federal poverty guidelines 123059
as defined in section 5101.46 of the Revised Code, and (2) develop 123060
a sliding scale of disbursements under this section based on 123061
family income. The Director may adopt other rules as necessary to 123062
implement this section. Rules adopted under this section shall be 123063
adopted in accordance with Chapter 119. of the Revised Code. 123064

The Department shall disburse all of the funds appropriated 123065
under this section. 123066

HIV/AIDS PREVENTION/TREATMENT 123067

The foregoing appropriation item 440444, AIDS Prevention and 123068
Treatment, shall be used to assist persons with HIV/AIDS in 123069
acquiring HIV-related medications and to administer educational 123070
prevention initiatives. 123071

PUBLIC HEALTH LABORATORY 123072

A portion of the foregoing appropriation item 440451, Public 123073
Health Laboratory, shall be used for coordination and management 123074
of prevention program operations and the purchase of drugs for 123075
sexually transmitted diseases. 123076

HELP ME GROW 123077

Of the foregoing appropriation item 440459, Help Me Grow, up 123078

to \$31,708,080 in each fiscal year shall be used by the Department 123079
of Health to implement the Help Me Grow Program. Funds shall be 123080
distributed to counties through agreements, contracts, grants, or 123081
subsidies in accordance with section 3701.61 of the Revised Code. 123082
Appropriation item 440459, Help Me Grow, may be used in 123083
conjunction with other early childhood funds and services to 123084
promote the optimal development of young children and 123085
family-centered programs and services that acknowledge and support 123086
the social, emotional, cognitive, intellectual, and physical 123087
development of children and the vital role of families in ensuring 123088
the well-being and success of children. The Department of Health 123089
shall enter into interagency agreements with the Department of 123090
Education, Department of Developmental Disabilities, Department of 123091
Job and Family Services, and Department of Mental Health and 123092
Addiction Services to ensure that all early childhood programs and 123093
initiatives are coordinated and school linked. 123094

Of the foregoing appropriation item 440459, Help Me Grow, 123095
\$300,000 in fiscal year 2016 shall be provided to the Educational 123096
Service Center of Cuyahoga County to fund a project to demonstrate 123097
the effectiveness and cost savings to be realized from the use of 123098
telepractice techniques and certain proprietary technology in 123099
providing services for children with disabilities. Funds shall be 123100
used to select participants in the project, provide training in 123101
telepractice techniques for clinicians, provide direct supervision 123102
by a Kids Uncomplicated licensed professional, implement and 123103
maintain Kids Uncomplicated technology, provide for a contract 123104
with an Ohio university to collect, analyze, and publish data from 123105
the project, and other various project-related expenses. Licensed 123106
professionals participating in and providing services as part of 123107
the demonstration project shall be exempt from any existing 123108
restrictions on telepractice techniques during the time in which 123109
they are providing services as part of the demonstration project. 123110

The foregoing appropriation item 440459, Help Me Grow, may	123111
also be used for the Developmental Autism and Screening Program.	123112
FQHC PRIMARY CARE WORKFORCE INITIATIVE	123113
The foregoing appropriation item 440465, FQHC Primary Care	123114
Workforce Initiative, shall be provided to the Ohio Association of	123115
Community Health Centers to administer the FQHC Primary Care	123116
Workforce Initiative. The Initiative shall provide medical,	123117
dental, behavioral health, physician assistant, and advanced	123118
practice nursing students with clinical rotations through	123119
federally qualified health centers.	123120
Of the foregoing appropriation item 440473, Tobacco	123121
Prevention Cessation and Enforcement, \$1,000,000 in each fiscal	123122
year shall be used to award grants in accordance with the section	123123
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM."	123124
INFANT VITALITY	123125
The foregoing appropriation item 440474, Infant Vitality,	123126
shall be used to fund initiatives including:	123127
(A) The Infant Safe Sleep Campaign to educate parents and	123128
caregivers with a uniform message regarding safe sleep	123129
environments;	123130
(B) The Progesterone Prematurity Prevention Project to enable	123131
prenatal care providers to identify, screen, treat, and track	123132
outcomes for women eligible for progesterone supplementation; and	123133
(C) The Prenatal Smoking Cessation Project to enable prenatal	123134
care providers who work with women of reproductive age, including	123135
pregnant women, to have the tools, training, and technical	123136
assistance needed to treat smokers effectively.	123137
EMERGENCY PREPARATION AND RESPONSE	123138
Of the foregoing appropriation item 440477, Emergency	123139
Preparation and Response, \$900,000 in each fiscal year shall be	123140

used for local public health emergency response and training 123141
activities. Local board of health emergency declarations and 123142
requests for local public health emergency response reimbursement 123143
and training shall be submitted to the Ohio Public Health Advisory 123144
Board and reviewed at their next regularly scheduled meeting. A 123145
majority of Board members present at the following meeting will 123146
decide by a majority vote the funding amounts for local 123147
activities. The Department shall prepare payment to the local 123148
health department in the amount prescribed by the Board. 123149

The foregoing appropriation item 440477, Emergency 123150
Preparation and Response, shall be used to support public health 123151
emergency preparedness and response efforts at the state level or 123152
at a regional sub-level within the state, and may also be used to 123153
support data infrastructure projects related to public health 123154
emergency preparedness/response. 123155

LUPUS AWARENESS 123156

The foregoing appropriation item 440481, Lupus Awareness, 123157
shall be used for the Lupus Education and Awareness Program 123158
established in section 3701.77 of the Revised Code. 123159

TARGETED HEALTH CARE SERVICES OVER 21 123160

The foregoing appropriation item 440507, Targeted Health Care 123161
Services Over 21, shall also be used to administer the Cystic 123162
Fibrosis Program and to implement the Hemophilia Insurance Premium 123163
Payment Program. The Department shall expend \$100,000 in each 123164
fiscal year to implement the Hemophilia Insurance Premium Payment 123165
Program. 123166

The foregoing appropriation item 440507, Targeted Health Care 123167
Services Over 21, shall also be used to provide essential 123168
medications and to pay the copayments for drugs approved by the 123169
Department of Health and covered by Medicare Part D that are 123170
dispensed to Bureau for Children with Medical Handicaps (BCMh) 123171

participants for the Cystic Fibrosis Program. 123172

The Department shall expend all of these funds. 123173

CHILDREN'S WISH GRANT PROGRAM 123174

Not later than six months after the effective date of this 123175
section, the Department of Health shall develop a policy and grant 123176
program under which an eligible nonprofit corporation may apply 123177
for funding to grant wishes of persons under the age of eighteen 123178
diagnosed with a life-threatening medical condition and who are 123179
residents of this state. An eligible nonprofit corporation shall 123180
be a corporation recognized under section 501(c)(3) of the 123181
Internal Revenue Code, shall have demonstrated to the Department 123182
that the granting of wishes for such persons has been the primary 123183
purpose of the corporation or the corporation's predecessor in 123184
interest for at least ten years before the effective date of this 123185
section, the corporation has spent at least one million dollars 123186
annually during each of the most recent three years to grant such 123187
wishes, and shall meet any other requirements specified by the 123188
Department. For every public dollar received in grant money from 123189
appropriation item 440520, Children's Wish Grant Program, a 123190
nonprofit corporation shall match with a dollar from private 123191
sector sources. A nonprofit corporation receiving grant money 123192
shall file an annual report with the Department. 123193

The foregoing appropriation item 440520, Children's Wish 123194
Grant Program, shall be used for the grant program. The Department 123195
shall expend all of these funds. 123196

MEDICALLY HANDICAPPED CHILDREN AUDIT 123197

The Medically Handicapped Children Audit Fund (Fund 4770) 123198
shall receive revenue from audits of hospitals and recoveries from 123199
third-party payers. Moneys may be expended for payment of audit 123200
settlements and for costs directly related to obtaining recoveries 123201
from third-party payers and for encouraging Medically Handicapped 123202

Children's Program recipients to apply for third-party benefits. 123203
Moneys also may be expended for payments for diagnostic and 123204
treatment services on behalf of medically handicapped children, as 123205
defined in division (A) of section 3701.022 of the Revised Code, 123206
and Ohio residents who are twenty-one or more years of age and who 123207
are suffering from cystic fibrosis or hemophilia. Moneys may also 123208
be expended for administrative expenses incurred in operating the 123209
Medically Handicapped Children's Program. 123210

GENETICS SERVICES 123211

The foregoing appropriation item 440608, Genetics Services 123212
(Fund 4D60), shall be used by the Department of Health to 123213
administer programs authorized by sections 3701.501 and 3701.502 123214
of the Revised Code. None of these funds shall be used to counsel 123215
or refer for abortion, except in the case of a medical emergency. 123216

MEDICALLY HANDICAPPED CHILDREN - COUNTY ASSESSMENTS 123217

The foregoing appropriation item 440607, Medically 123218
Handicapped Children - County Assessments (Fund 6660), shall be 123219
used to make payments under division (E) of section 3701.023 of 123220
the Revised Code. 123221

Section 289.30. IMMUNIZATIONS 123222

Beginning on January 1, 2016, the Department of Health shall 123223
no longer provide GRF-funded vaccines or GRF funding for vaccines 123224
from GRF appropriation item 440418, Immunizations. Local health 123225
departments and other local providers who receive GRF funded 123226
vaccines or GRF funding for vaccines from the Department of Health 123227
before January 1, 2016, shall instead bill private insurance 123228
companies as appropriate to recover the costs of providing and 123229
administering vaccines. However, the Department of Health may 123230
continue to provide GRF-funded vaccines or GRF funding for 123231
vaccines to cover uninsured adults, to cover individuals on 123232

grandfathered private insurance plans that do not cover vaccines, 123233
and in certain exceptional cases as determined by the Director of 123234
Health. 123235

Section 289.33. MOMS QUIT FOR TWO GRANT PROGRAM 123236

(A) The Department of Health shall create the Moms Quit for 123237
Two Grant Program. Recognizing the significant health risks posed 123238
to women and their children by tobacco use during and after 123239
pregnancy, the Department shall award grants to private, nonprofit 123240
entities or government entities that demonstrate the ability to 123241
deliver evidence-based tobacco cessation interventions to women 123242
who reside in communities that have the highest incidence of 123243
infant mortality, as determined by the Director of Health, and who 123244
are pregnant or live with children. The Department may adopt any 123245
rules it considers necessary to administer the Program. 123246

(B) The Department shall create a grant application and 123247
develop a process for receiving and evaluating completed grant 123248
applications on a competitive basis. The Department shall select 123249
grant recipients not later than December 31, 2015, giving first 123250
preference to the entities described in division (A) of this 123251
section that are able to target the interventions to pregnant 123252
women and second preference to such entities that are able to 123253
target the interventions to women living with children. The 123254
Department's decision regarding a submitted grant application is 123255
final. 123256

(C) The Department shall establish performance objectives to 123257
be met by grant recipients. The Department shall monitor the 123258
performance of each grant recipient in meeting the objectives. 123259

(D) After the Program's conclusion, the Department shall 123260
evaluate the Program. Not later than December 31, 2017, the 123261
Department shall prepare a report describing its findings and make 123262
a recommendation on whether the Program should be continued. The 123263

Department shall provide a copy of the report to the Governor and 123264
General Assembly. The copy to the General Assembly shall be 123265
provided in accordance with section 101.68 of the Revised Code. 123266
The Department also shall make the report available to the public 123267
on the Department's internet web site. 123268

Section 289.40. WIC VENDOR CONTRACTS 123269

(A) As used in this section, "WIC" means the Special 123270
Supplemental Nutrition Program for Women, Infants, and Children 123271
established under the "Child Nutrition Act of 1966," 80 Stat. 885, 123272
42 U.S.C. 1786, as amended. 123273

(B) During fiscal year 2016 and fiscal year 2017, the 123274
Department of Health shall process and review a WIC vendor 123275
contract application pursuant to Chapter 3701-42 of the 123276
Administrative Code not later than forty-five days after receipt 123277
of the application if the applicant is a WIC-contracted vendor at 123278
the time of application and meets all of the following 123279
requirements: 123280

(1) Submits a complete WIC vendor application with all 123281
required documents and information; 123282

(2) Passes the required unannounced preauthorization visit 123283
within forty-five days of submitting a complete application; 123284

(3) Completes the required in-person training within 123285
forty-five days of submitting the complete application. 123286

(C) If an applicant fails to meet any of the requirements 123287
described in division (B) of this section, the Department shall 123288
deny the application for the contract. After an application has 123289
been denied, the applicant may reapply for a contract to act as a 123290
WIC vendor during the contracting cycle that is applicable to the 123291
applicant's WIC region. 123292

Section 289.50. CASH TRANSFERS TO THE PUBLIC HEALTH EMERGENCY 123293
PREPAREDNESS FUND 123294

On July 1, 2015, or as soon as possible thereafter, the 123295
Director of Health shall certify to the Director of Budget and 123296
Management the cash balance relating to public health emergency 123297
preparedness and response activities in the General Operations 123298
Fund (Fund 3920) and the Central Support Indirect Cost Fund (Fund 123299
2110), both used by the Department of Health. Upon receiving this 123300
certification, the Director of Budget and Management may transfer 123301
the amount certified to the Public Health Emergency Preparedness 123302
Fund (Fund 3GN0) and/or the General Operations Fund (Fund 3920), 123303
both used by the Department of Health. 123304

Section 289.60. HOSPITAL COST ESTIMATES 123305

(A) Within one year after the effective date of this section, 123306
all hospitals registered under section 3701.07 of the Revised Code 123307
shall have either of the following: 123308

(1) A process in place under which the hospital can provide, 123309
upon a consumer's request, a reasonable, good faith estimate of a 123310
patient's out of pocket expenses associated with the hospital's 123311
one hundred most frequently provided non-emergency, outpatient 123312
services; 123313

(2) A process under which the hospital can direct consumers 123314
to a source, including the consumer's health plan issuer, where 123315
the consumer can get that information. 123316

(B) Within two years after the effective date of this 123317
section, all hospitals registered under section 3701.07 of the 123318
Revised Code shall have either of the following: 123319

(1) A process in place under which the hospital can provide, 123320
upon a consumer's request, a reasonable, good faith estimate of a 123321
patient's out of pocket expense associated with the hospital's one 123322

hundred most frequently provided inpatient services; 123323

(2) A process under which the hospital can direct consumers 123324
to a source, including the consumer's health plan issuer, where 123325
the consumer can get that information. 123326

(C) A good faith estimate for health care services provided 123327
by a hospital pursuant to divisions (A)(1) and (B)(1) of this 123328
section shall include information for consumers that is 123329
conspicuously displayed, if the estimate is written, or shared 123330
verbally, if the estimate is oral, informing the patient that the 123331
information provided pursuant to divisions (A) and (B) of this 123332
section is a good faith estimate based on information available to 123333
the hospital at the time the estimate is given, and that the 123334
actual costs to the patient could be different than the estimate 123335
based on the services actually received by the patient, the 123336
patient's health insurance plan coverage, and other factors. 123337

(D) Any health plan issuer contacted by a hospital in order 123338
for the hospital to obtain information regarding a health plan 123339
enrollee's out of pocket expenses so that the hospital can comply 123340
with divisions (A) and (B) of this section shall provide such 123341
information to the hospital within a reasonable time of the 123342
hospital's request. 123343

(E) On or about one year after the effective date of this 123344
section and on or about two years after the effective date of this 123345
section, a representative of the Ohio hospital association shall 123346
report to the joint medicaid oversight committee hospitals' 123347
experience in providing the information required by divisions (A) 123348
and (B) of this section. 123349

(F) As used in this section, "health plan issuer" means an 123350
entity subject to the insurance laws and rules of this state, or 123351
subject to the jurisdiction of the superintendent of insurance, 123352
that contracts, or offers to contract, to provide, deliver, 123353

arrange for, pay for, or reimburse any of the costs of health care 123354
 services under a health benefit plan, including a sickness and 123355
 accident insurance company; a health insuring corporation; a 123356
 fraternal benefit society; a self-funded multiple employer welfare 123357
 arrangement; or a nonfederal, government health plan. "Health plan 123358
 issuer" includes a third party administrator licensed under 123359
 Chapter 3959. of the Revised Code to the extent that the benefits 123360
 that such an entity is contracted to administer under a health 123361
 benefit plan are subject to the insurance laws and rules of this 123362
 state or subject to the jurisdiction of the superintendent. 123363
 "Health plan issuer" also includes a contracting entity as defined 123364
 under Chapter 3963. of the Revised Code to the extent that the 123365
 contracted for health care services are provided under a health 123366
 benefit plan subject to the insurance laws and rules of this state 123367
 or subject to the jurisdiction of the superintendent. 123368

Section 291.10. HEF HIGHER EDUCATIONAL FACILITY COMMISSION 123369

Dedicated Purpose Fund Group 123370
 4610 372601 Operating Expenses \$ 12,500 \$ 12,500 123371
 TOTAL DPF Dedicated Purpose Fund \$ 12,500 \$ 12,500 123372
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 12,500 \$ 12,500 123373

Section 293.10. SPA COMMISSION ON HISPANIC/LATINO AFFAIRS 123375

General Revenue Fund 123376
 GRF 148100 Personal Services \$ 368,459 \$ 368,459 123377
 GRF 148402 Community Programs \$ 44,924 \$ 44,924 123378
 TOTAL GRF General Revenue Fund \$ 413,383 \$ 413,383 123379
 Dedicated Purpose Fund Group 123380
 6010 148602 Special Initiatives \$ 24,558 \$ 24,558 123381
 TOTAL DPF Dedicated Purpose 123382
 Fund Group \$ 24,558 \$ 24,558 123383

TOTAL ALL BUDGET FUND GROUPS		\$	437,941	\$	437,941	123384
Section 295.10. OHS OHIO HISTORY CONNECTION						123386
General Revenue Fund						123387
GRF 360501	Education and Collections	\$	4,368,997	\$	4,218,997	123388
GRF 360502	Site and Museum Operations	\$	6,091,086	\$	5,941,086	123389
GRF 360504	Ohio Preservation Office	\$	290,000	\$	290,000	123390
GRF 360505	National Afro-American Museum	\$	500,000	\$	500,000	123391
GRF 360506	Hayes Presidential Center	\$	500,000	\$	500,000	123392
GRF 360508	State Historical Grants	\$	1,500,000	\$	1,500,000	123393
GRF 360509	Outreach and Partnership	\$	160,395	\$	160,395	123394
GRF 360522	Ohio Veterans Admissions	\$	0	\$	500,000	123395
TOTAL GRF General Revenue Fund		\$	13,410,478	\$	13,610,478	123396
Dedicated Purpose Fund Group						123397
5KL0 360602	Ohio History Tax Check-off	\$	250,000	\$	250,000	123398
5PD0 360603	Ohio History License Plate	\$	10,000	\$	10,000	123399
TOTAL DPF Dedicated Purpose Fund Group		\$	260,000	\$	260,000	123400
TOTAL ALL BUDGET FUND GROUPS		\$	13,670,478	\$	13,870,478	123401
SUBSIDY APPROPRIATION						123402
Upon approval by the Director of Budget and Management, the						123403
foregoing appropriation items shall be released to the Ohio						123404

History Connection in quarterly amounts that in total do not 123405
exceed the annual appropriations. The funds and fiscal records of 123406
the society for fiscal year 2016 and fiscal year 2017 shall be 123407
examined by independent certified public accountants approved by 123408
the Auditor of State, and a copy of the audited financial 123409
statements shall be filed with the Office of Budget and 123410
Management. The society shall prepare and submit to the Office of 123411
Budget and Management the following: 123412

(A) An estimated operating budget for each fiscal year of the 123413
biennium. The operating budget shall be submitted at or near the 123414
beginning of each calendar year. 123415

(B) Financial reports, indicating actual receipts and 123416
expenditures for the fiscal year to date. These reports shall be 123417
filed at least semiannually during the fiscal biennium. 123418

The foregoing appropriations shall be considered to be the 123419
contractual consideration provided by the state to support the 123420
state's offer to contract with the Ohio History Connection under 123421
section 149.30 of the Revised Code. 123422

STATE HISTORICAL GRANTS 123423

Of the foregoing appropriation item 360508, State Historical 123424
Grants, \$250,000 in each fiscal year shall be used for the 123425
Cincinnati Museum Center, and \$250,000 in each fiscal year shall 123426
be used for the Western Reserve Historical Society. 123427

Of the foregoing appropriation item 360508, State Historical 123428
Grants, \$500,000 in each fiscal year shall be distributed to Lake 123429
View Cemetery for maintenance of the James A. Garfield Monument. 123430

Of the foregoing appropriation item 360508, State Historical 123431
Grants, \$500,000 in each fiscal year shall be distributed to the 123432
Murphy Theatre for preservation of the structure. 123433

OUTREACH AND PARTNERSHIP 123434

Of the foregoing appropriation item 360509, Outreach and Partnership, \$70,000 in each fiscal year shall be distributed to the Ohio World War I Centennial Working Group.

OHIO VETERANS ADMISSIONS

Of the foregoing appropriation item 360522, Ohio Veterans Admissions, \$500,000 in fiscal year 2017 shall be distributed to the Columbus Downtown Development Corporation for the purpose of providing free admission for Ohio veterans to the Ohio Veterans Memorial and Museum.

Section 297.10. REP OHIO HOUSE OF REPRESENTATIVES

General Revenue Fund

GRF 025321	Operating Expenses	\$	23,272,941	\$	23,272,941	123446
TOTAL GRF	General Revenue Fund	\$	23,272,941	\$	23,272,941	123447

Internal Service Activity Fund Group

1030 025601	House Reimbursement	\$	1,433,664	\$	1,433,664	123449
4A40 025602	Miscellaneous Sales	\$	37,849	\$	37,849	123450

TOTAL Internal Service Activity

Fund Group \$ 1,471,513 \$ 1,471,513 123452

TOTAL ALL BUDGET FUND GROUPS \$ 24,744,454 \$ 24,744,454 123453

OPERATING EXPENSES

On July 1, 2015, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 025321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016.

On July 1, 2016, or as soon as possible thereafter, the Chief Administrative Officer of the House of Representatives may certify

to the Director of Budget and Management the amount of the 123465
unexpended, unencumbered balance of the foregoing appropriation 123466
item 025321, Operating Expenses, at the end of fiscal year 2016 to 123467
be reappropriated to fiscal year 2017. The amount certified is 123468
hereby reappropriated to the same appropriation item for fiscal 123469
year 2017. 123470

HOUSE REIMBURSEMENT 123471

If it is determined by the Chief Administrative Officer of 123472
the House of Representatives that additional appropriations are 123473
necessary for the foregoing appropriation item 025601, House 123474
Reimbursement, the amounts are hereby appropriated. 123475

Section 299.10. HFA OHIO HOUSING FINANCE AGENCY 123476

Dedicated Purpose Fund Group 123477

5AZ0 997601 Housing Finance Agency \$ 12,111,500 \$ 12,176,700 123478

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 12,111,500 \$ 12,176,700 123479

Group

TOTAL ALL BUDGET FUND GROUPS \$ 12,111,500 \$ 12,176,700 123480

Section 301.10. IGO OFFICE OF THE INSPECTOR GENERAL 123482

General Revenue Fund 123483

GRF 965321 Operating Expenses \$ 1,327,759 \$ 1,327,759 123484

TOTAL GRF General Revenue Fund \$ 1,327,759 \$ 1,327,759 123485

Internal Service Activity Fund Group 123486

5FA0 965603 Deputy Inspector \$ 400,000 \$ 400,000 123487

General for ODOT

5FT0 965604 Deputy Inspector \$ 425,000 \$ 425,000 123488

General for BWC/OIC

TOTAL ISA Internal Service Activity 123489

Fund Group \$ 825,000 \$ 825,000 123490

TOTAL ALL BUDGET FUND GROUPS	\$	2,152,759	\$	2,152,759	123491
Section 303.10. INS DEPARTMENT OF INSURANCE					123493
Dedicated Purpose Fund Group					123494
5540 820601 Operating Expenses -	\$	180,000	\$	180,000	123495
OSHIIP					
5540 820606 Operating Expenses	\$	26,010,367	\$	26,010,367	123496
5550 820605 Examination	\$	8,184,065	\$	8,184,065	123497
5PT0 820613 Captive Insurance	\$	496,252	\$	1,198,696	123498
Regulation &					
Supervision					
TOTAL DPF Dedicated Purpose					123499
Fund Group	\$	34,870,684	\$	35,573,128	123500
Federal Fund Group					123501
3U50 820602 OSHIIP Operating	\$	1,970,725	\$	1,970,725	123502
Grant					
TOTAL FED Federal Fund Group	\$	1,970,725	\$	1,970,725	123503
TOTAL ALL BUDGET FUND GROUPS	\$	36,841,409	\$	37,543,853	123504
MARKET CONDUCT EXAMINATION					123505
When conducting a market conduct examination of any insurer					123506
doing business in this state, the Superintendent of Insurance may					123507
assess the costs of the examination against the insurer. The					123508
superintendent may enter into consent agreements to impose					123509
administrative assessments or fines for conduct discovered that					123510
may be violations of statutes or rules administered by the					123511
Superintendent. All costs, assessments, or fines collected shall					123512
be deposited to the credit of the Department of Insurance					123513
Operating Fund (Fund 5540).					123514
EXAMINATIONS OF DOMESTIC FRATERNAL BENEFIT SOCIETIES					123515
The Director of Budget and Management, at the request of the					123516
Superintendent of Insurance, may transfer cash from the Department					123517

of Insurance Operating Fund (Fund 5540), established by section 123518
3901.021 of the Revised Code, to the Superintendent's Examination 123519
Fund (Fund 5550), established by section 3901.071 of the Revised 123520
Code, only for expenses incurred in examining domestic fraternal 123521
benefit societies as required by section 3921.28 of the Revised 123522
Code. 123523

TRANSFER FROM FUND 5540 TO GENERAL REVENUE FUND 123524

Not later than the thirty-first day of July each fiscal year, 123525
the Director of Budget and Management shall transfer \$5,000,000 123526
from the Department of Insurance Operating Fund (Fund 5540) to the 123527
General Revenue Fund. 123528

Section 303.20. TRANSFER OF FUNDS FOR CAPTIVE INSURANCE 123529
COMPANY REGULATION AND SUPERVISION 123530

During fiscal years 2016 and 2017, the Director of Budget and 123531
Management, in consultation with the Superintendent of Insurance, 123532
may transfer up to \$1,000,000 cash, from the Department of 123533
Insurance Operating Fund (Fund 5540) to the Captive Insurance 123534
Regulation and Supervision Fund (Fund 5PT0), to meet the operating 123535
needs associated with regulatory work related to the formation of 123536
captive insurance companies in this state that will occur before 123537
receipts from this activity are deposited into Fund 5PT0. Once 123538
funds from captive insurance company application fees, 123539
reimbursements from captive insurance companies for examinations, 123540
and other sources have accrued to Fund 5PT0 in such amounts as are 123541
deemed sufficient to sustain operations, the Director of Budget 123542
and Management, in consultation with the Superintendent of 123543
Insurance, shall establish a schedule for repaying the amounts 123544
previously transferred during fiscal years 2016 and 2017 from Fund 123545
5PT0 to Fund 5540. 123546

Section 303.30. EXCHANGE HEALTH BENEFIT PLAN DISCLOSURES 123547

(A) With respect to health benefit plans offered through an exchange, and in accordance with timeframes and standards established by the United States Department of Health and Human Services regarding data collection, data elements, format, and display of information by health benefit plans under 42 U.S.C. 1131(e)(3), the sickness and accident insurer, health insuring corporation, or multiple employer welfare arrangement shall comply with both of the following:

(1) Make available the amount of enrollee or insured cost sharing under an individual's plan or coverage with respect to the furnishing of a specific item or service by an in-network provider in a timely manner upon request of the individual;

(2) Make the following information available to the superintendent of insurance and the public:

(a) Claims payment policies and practices;

(b) Information on cost-sharing and payments with respect to any out-of-network coverage;

(c) Information on enrollee or insured rights.

(B) As used in this section, "exchange" has the same meaning as in section 3905.01 of the Revised Code.

Section 305.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES

General Revenue Fund

GRF 600321 Program Support \$ 29,189,231 \$ 29,189,231

GRF 600410 TANF State/Maintenance of Effort \$ 152,886,934 \$ 152,886,934

GRF 600413 Child Care State/Maintenance of Effort \$ 84,732,730 \$ 84,732,730

GRF 600416 Information Technology Projects \$ 54,184,700 \$ 54,184,700

GRF 600420	Child Support Programs	\$	6,591,048	\$	6,591,048	123574
GRF 600421	Family Assistance Programs	\$	3,161,930	\$	3,161,930	123575
GRF 600423	Families and Children Programs	\$	7,428,670	\$	7,428,670	123576
GRF 600445	Unemployment Insurance Administration	\$	25,218,724	\$	25,523,501	123577
GRF 600502	Child Support - Local	\$	23,814,103	\$	23,814,103	123578
GRF 600511	Disability Financial Assistance	\$	17,000,000	\$	17,000,000	123579
GRF 600521	Family Assistance - Local	\$	46,132,751	\$	46,132,751	123580
GRF 600523	Family and Children Services	\$	57,755,323	\$	57,755,323	123581
GRF 600528	Adoption Services					123582
	State	\$	28,623,389	\$	28,623,389	123583
	Federal	\$	38,202,557	\$	38,202,557	123584
	Adoption Services Total	\$	66,825,946	\$	66,825,946	123585
GRF 600533	Child, Family, and Community Protective Services	\$	13,500,000	\$	13,500,000	123586
GRF 600534	Adult Protective Services	\$	2,640,000	\$	2,640,000	123587
GRF 600535	Early Care and Education	\$	143,617,211	\$	143,436,793	123588
GRF 600541	Kinship Permanency Incentive Program	\$	3,500,000	\$	3,500,000	123589
GRF 600546	Healthy Food Financing Initiative	\$	250,000	\$	250,000	123590
GRF 655522	Medicaid Program Support - Local	\$	31,067,970	\$	31,067,970	123591
GRF 655523	Medicaid Program Support - Local	\$	42,280,495	\$	45,080,495	123592

		Transportation		
TOTAL GRF	General Revenue Fund			123593
	State	\$ 773,575,209	\$ 776,499,568	123594
	Federal	\$ 38,202,557	\$ 38,202,557	123595
	GRF Total	\$ 811,777,766	\$ 814,702,125	123596
Dedicated Purpose Fund Group				123597
1980 600647	Children's Trust Fund	\$ 5,873,848	\$ 5,873,848	123598
4A80 600658	Public Assistance	\$ 26,000,000	\$ 26,000,000	123599
Activities				
4A90 600607	Unemployment	\$ 15,850,000	\$ 15,250,000	123600
Compensation				
Administration Fund				
4E70 600604	Family and Children	\$ 400,000	\$ 400,000	123601
Services Collections				
4F10 600609	Family and Children	\$ 383,549	\$ 383,549	123602
Activities				
5DM0 600633	Audit Settlements and	\$ 5,000,000	\$ 5,000,000	123603
Contingency				
5DP0 600634	Adoption Assistance	\$ 500,000	\$ 500,000	123604
Loan				
5ES0 600630	Food Bank Assistance	\$ 500,000	\$ 500,000	123605
5HC0 600695	Unemployment	\$ 38,701,835	\$ 28,668,609	123606
Compensation Interest				
5KT0 600696	Early Childhood	\$ 20,000,000	\$ 20,000,000	123607
Education				
5KU0 600611	Unemployment	\$ 500,000	\$ 500,000	123608
Insurance Support -				
Other Sources				
5NG0 600660	Victims of Human	\$ 100,000	\$ 100,000	123609
Trafficking				
5U60 600663	Family and Children	\$ 4,000,000	\$ 4,000,000	123610
Support				
TOTAL DPF	Dedicated Purpose Fund	\$ 117,809,232	\$ 107,176,006	123611

Group

Internal Service Activity Fund Group				123612
5HL0	600602	State and County	\$ 3,000,000 \$ 3,000,000	123613
Shared Services				
TOTAL ISA Internal Service Activity				\$ 3,000,000 \$ 3,000,000 123614
Fund Group				
Fiduciary Fund Group				123615
1920	600646	Child Support	\$ 129,250,000 \$ 129,250,000	123616
Intercept - Federal				
5830	600642	Child Support	\$ 14,000,000 \$ 14,000,000	123617
Intercept - State				
5B60	600601	Food Assistance	\$ 1,000,000 \$ 1,000,000	123618
Intercept				
TOTAL FID Fiduciary Fund Group				\$ 144,250,000 \$ 144,250,000 123619
Holding Account Fund Group				123620
R012	600643	Refunds and Audit	\$ 500,000 \$ 500,000	123621
Settlements				
R013	600644	Forgery Collections	\$ 10,000 \$ 10,000	123622
TOTAL HLD Holding Account Fund				\$ 510,000 \$ 510,000 123623
Group				
Federal Fund Group				123624
3270	600606	Child Welfare	\$ 29,769,866 \$ 29,769,866	123625
3310	600615	Veterans Programs	\$ 8,000,000 \$ 8,000,000	123626
3310	600624	Employment Services	\$ 26,000,000 \$ 26,000,000	123627
Programs				
3310	600686	Workforce Programs	\$ 6,260,000 \$ 6,260,000	123628
3840	600610	Food Assistance	\$ 160,381,394 \$ 160,381,394	123629
Programs				
3850	600614	Refugee Services	\$ 12,564,952 \$ 12,564,952	123630
3950	600616	Federal Discretionary	\$ 2,259,264 \$ 2,259,264	123631
Grants				
3960	600620	Social Services Block	\$ 47,000,000 \$ 47,000,000	123632

		Grant				
3970	600626	Child Support -	\$	200,000,000	\$	200,000,000 123633
		Federal				
3980	600627	Adoption Program -	\$	171,178,779	\$	171,178,779 123634
		Federal				
3A20	600641	Emergency Food	\$	5,000,000	\$	5,000,000 123635
		Distribution				
3D30	600648	Children's Trust Fund	\$	3,477,699	\$	3,477,699 123636
		Federal				
3F01	655624	Medicaid Program	\$	122,280,495	\$	125,080,495 123637
		Support				
3H70	600617	Child Care Federal	\$	222,212,089	\$	213,000,000 123638
3N00	600628	Foster Care Program -	\$	291,968,616	\$	291,968,616 123639
		Federal				
3S50	600622	Child Support Projects	\$	534,050	\$	534,050 123640
3V00	600688	Workforce Innovation	\$	128,000,000	\$	128,000,000 123641
		and Opportunity Act				
		Programs				
3V40	600678	Federal Unemployment	\$	133,814,212	\$	133,814,212 123642
		Programs				
3V40	600679	UC Review Commission -	\$	6,185,788	\$	6,185,788 123643
		Federal				
3V60	600689	TANF Block Grant	\$	824,900,560	\$	836,437,504 123644
TOTAL FED		Federal Fund Group	\$	2,401,787,764	\$	2,406,912,619 123645
TOTAL ALL BUDGET FUND GROUPS			\$	3,479,134,762	\$	3,476,550,750 123646

Section 305.20. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS 123648

The Fiduciary Fund Group and Holding Account Fund Group shall 123649
be used to hold revenues until the appropriate fund is determined 123650
or until the revenues are directed to the appropriate governmental 123651
agency other than the Department of Job and Family Services. If 123652
receipts credited to the Support Intercept - Federal Fund (Fund 123653
1920), the Support Intercept - State Fund (Fund 5830), the Food 123654

Stamp Offset Fund (Fund 5B60), the Refunds and Audit Settlements 123655
Fund (Fund R012), or the Forgery Collections Fund (Fund R013) 123656
exceed the amounts appropriated from the fund, the Director of Job 123657
and Family Services may request the Director of Budget and 123658
Management to authorize expenditures from the fund in excess of 123659
the amounts appropriated. Upon the approval of the Director of 123660
Budget and Management, the additional amounts are hereby 123661
appropriated. 123662

Section 305.22. OHIO PARENTING AND PREGNANCY PROGRAM 123663

Of the foregoing appropriation item 600410, TANF 123664
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 123665
used to support the Ohio Parenting and Pregnancy Program. 123666

Section 305.30. COUNTY ADMINISTRATIVE FUNDS 123667

(A) The foregoing appropriation item 600521, Family 123668
Assistance - Local, may be provided to county departments of job 123669
and family services to administer food assistance and disability 123670
assistance programs. 123671

(B) The foregoing appropriation item 655522, Medicaid Program 123672
Support - Local, may be provided to county departments of job and 123673
family services to administer the Medicaid program and the State 123674
Children's Health Insurance program. 123675

(C) At the request of the Director of Job and Family 123676
Services, the Director of Budget and Management may transfer 123677
appropriations between appropriation item 600521, Family 123678
Assistance - Local, and appropriation item 655522, Medicaid 123679
Program Support - Local, in order to ensure county administrative 123680
funds are expended from the proper appropriation item. 123681

(D) If receipts credited to the Medicaid Program Support Fund 123682
(Fund 3F01) and the Supplemental Nutrition Assistance Program Fund 123683
(Fund 3840) exceed the amounts appropriated, the Director of Job 123684

and Family Services shall request the Director of Budget and 123685
Management to authorize expenditures from those funds in excess of 123686
the amounts appropriated. Upon approval of the Director of Budget 123687
and Management, the additional amounts are hereby appropriated. 123688

Section 305.40. FOOD STAMPS TRANSFER 123689

On July 1, 2015, or as soon as possible thereafter, the 123690
Director of Budget and Management may transfer up to \$1,000,000 123691
cash from the Supplemental Nutrition Assistance Program Fund (Fund 123692
3840), to the Food Assistance Fund (Fund 5ES0). 123693

Section 305.50. NAME OF FOOD STAMP PROGRAM 123694

The Director of Job and Family Services is not required to 123695
amend rules regarding the Food Stamp Program to change the name of 123696
the program to the Supplemental Nutrition Assistance Program. The 123697
Director may refer to the program as the Food Stamp Program, the 123698
Supplemental Nutrition Assistance Program, or the Food Assistance 123699
Program in rules and documents of the Department of Job and Family 123700
Services. 123701

Section 305.53. HEALTHY FOOD FINANCING INITIATIVE 123702

The foregoing GRF appropriation item 600546, Healthy Food 123703
Financing Initiative, shall be used by the Director of Job and 123704
Family Services to support healthy food access in underserved 123705
communities in urban and rural Low and Moderate Income Areas, as 123706
defined by either the U.S. Department of Agriculture (USDA), as 123707
identified in the USDA's Food Access Research Atlas, or through a 123708
methodology that has been adopted for use by another governmental 123709
or philanthropic healthy food initiative. 123710

The Director of Job and Family Services, in cooperation with 123711
the Director of Health and with the approval of the Director of 123712
the Governor's Office of Health Transformation, shall, not later 123713

than October 1, 2015, contract with an Ohio domiciled community 123714
development financial institution certified by the United States 123715
Department of the Treasury and designated as a statewide community 123716
development financial institution to initiate and administer a 123717
Healthy Food Financing Initiative. The selected community 123718
development financial institution shall demonstrate a capacity to 123719
administer grant and forgivable loan programs in accordance with 123720
state and federal rules and accounting principles and shall 123721
partner with one or more entities with demonstrable experience in 123722
healthy food access-related policy matters. The Department of Job 123723
and Family Services shall establish monitoring and accountability 123724
mechanisms for the initiative, including the cost of start-up and 123725
administration of the initiative. The Director of Job and Family 123726
Services shall establish a request for proposals, using funds 123727
appropriated for the initiative, to contract with an Ohio-based 123728
research and/or academic institution to evaluate the health impact 123729
of the initiative. 123730

The Director of Job and Family Services shall, not later than 123731
December 31, 2016, provide to the Governor, Speaker of the House 123732
of Representatives, President of the Senate, and Minority Leaders 123733
of the House of Representatives and Senate a written progress 123734
report on the Health Food Financing Initiative including, but not 123735
limited to, state funds granted or loaned, the number of new or 123736
retained jobs associated with related projects, the health impact 123737
of the initiative and the number and location of healthy food 123738
access projects established or in development. 123739

Section 305.60. OHIO ASSOCIATION OF FOOD BANKS 123740

Of the foregoing appropriation items 600410, TANF 123741
State/Maintenance of Effort, 600658, Public Assistance Activities, 123742
and 600689, TANF Block Grant, a total of \$11,250,000 in each 123743
fiscal year shall be used to provide funds to the Ohio Association 123744

of Food Banks to purchase and distribute food products. 123745

Notwithstanding section 5101.46 of the Revised Code and any 123746
other provision in this bill, including funds designated for the 123747
Ohio Association of Food Banks in this section, in fiscal year 123748
2016 and fiscal year 2017, the Director of Job and Family Services 123749
shall provide assistance from eligible funds to the Ohio 123750
Association of Food Banks in an amount not less than \$19,750,000 123751
in each fiscal year. 123752

Eligible nonfederal expenditures made by member food banks of 123753
the Association shall be counted by the Department of Job and 123754
Family Services toward the TANF maintenance of effort requirements 123755
of 42 U.S.C. 609(a)(7). The Director of Job and Family Services 123756
shall enter into an agreement with the Ohio Association of Food 123757
Banks, in accordance with sections 5101.80 and 5101.801 of the 123758
Revised Code, to carry out the requirements under this section. 123759

Section 305.70. PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 123760

The foregoing appropriation item 600658, Public Assistance 123761
Activities, shall be used by the Department of Job and Family 123762
Services to meet the TANF maintenance of effort requirements of 42 123763
U.S.C. 609(a)(7). When the state is assured that it will meet the 123764
maintenance of effort requirement, the Department of Job and 123765
Family Services may use funds from appropriation item 600658, 123766
Public Assistance Activities, to support public assistance 123767
activities. 123768

Section 305.73. TANF CASELOAD CONTINGENCY FUNDING 123769

Of the foregoing appropriation items 600410, TANF 123770
State/Maintenance of Effort, 600658, Public Assistance Activities, 123771
and 600689, TANF Block Grant, not more than a total of \$33,750,000 123772
in each fiscal year shall be used by the Department of Job and 123773
Family Services for the purposes of TANF caseload contingency 123774

funding. 123775

Section 305.75. MENTORING CARE AND JOB CONNECT PILOT PROJECT 123776
FUNDING 123777

Of the foregoing appropriation item 600688, Workforce 123778
Innovation and Opportunity Act Programs, \$1,000,000 in eligible 123779
funds in each fiscal year shall be provided for the purposes of 123780
the Mentoring Care and Job Connect Pilot Project under the Section 123781
of this act entitled "MENTORING CARE AND JOB CONNECT PILOT 123782
PROJECT." 123783

Section 305.80. GOVERNOR'S OFFICE OF FAITH-BASED AND 123784
COMMUNITY INITIATIVES 123785

Of the foregoing appropriation item 600689, TANF Block Grant, 123786
up to \$6,540,000 in each fiscal year shall be used, in accordance 123787
with sections 5101.80 and 5101.801 of the Revised Code, to provide 123788
support to programs or organizations that provide services that 123789
align with the mission and goals of the Governor's Office of 123790
Faith-Based and Community Initiatives, as outlined in section 123791
107.12 of the Revised Code, and that further at least one of the 123792
four purposes of the TANF program, as specified in 42 U.S.C. 601. 123793

Section 305.90. INDEPENDENT LIVING INITIATIVE 123794

Of the foregoing appropriation item 600689, TANF Block Grant, 123795
up to \$2,000,000 in each fiscal year shall be used, in accordance 123796
with sections 5101.80 and 5101.801 of the Revised Code, to support 123797
the Independent Living Initiative, including life skills training 123798
and work supports for older children in foster care and those who 123799
have recently aged out of foster care. 123800

Section 305.100. OHIO COMMISSION ON FATHERHOOD 123801

Of the foregoing appropriation item 600689, TANF Block Grant, 123802

\$1,000,000 in each fiscal year shall be provided to the Ohio Commission on Fatherhood.

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Section 305.103. OHIO ALLIANCE OF BOYS & GIRLS CLUBS 123805

Of the foregoing appropriation item 600689, TANF Block Grant, \$625,000 in each fiscal year shall be provided to the Ohio Alliance of Boys & Girls Clubs for after-school and summer programs that protect at-risk children and enable youth to become responsible adults. Of these funds, \$50,000 in each fiscal year shall be provided to the Boys & Girls Club of Massillon.

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Section 305.105. HARVARD COMMUNITY SERVICES CENTER 123812

Of the foregoing appropriation item 600689, TANF Block Grant, \$250,000 in fiscal year 2016 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Harvard Community Services Center in Cleveland to provide workforce development and other supportive services to individuals under the Harvard Hands-On Initiative. At the end of fiscal year 2016, any amount equal to the unexpended portion of this earmark is hereby reappropriated in fiscal year 2017 for the same purpose.

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Section 305.107. SEVEN YEAR PROMISE PROGRAM 123821

Of the foregoing appropriation item 600689, TANF Block Grant, \$400,000 in each fiscal year shall be used to support the Seven Year Promise Program, operated by the Open Doors Academy. Funding shall be used for a program consisting of the following:

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(A) Year-round enrichment programming for middle and high school youth, from sixth grade through high school graduation;

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(B) Participant enrollment requirements of:

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(1) Eighty per cent of participants at or below one hundred per cent of the poverty rate;

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(2) Financial commitment for all program participants;	123831
(3) Family engagement for all participants, as evidenced by a contract, service hours, or other measures.	123832 123833
(C) Active partnerships with local schools where enrolled participants attend;	123834 123835
(D) Structured weekly programming, outside of regularly scheduled school hours, of thirteen hours each week during the school year and thirty-five hours each week, for a minimum of eight weeks, during the summer;	123836 123837 123838 123839
(E) Strong adult-peer relationships through tutoring, volunteerism, internships, apprenticeships, college tours, national service learning trips, individual mentoring and support, and other activities;	123840 123841 123842 123843
(F) Programming that addresses character, values, civic responsibility, and academic regression in the summer;	123844 123845
(G) Participant academic requirements of:	123846
(1) An overall high school graduation rate of ninety-two per cent among participants with at least three consecutive years of participation in the program;	123847 123848 123849
(2) Academic improvement of all participants;	123850
(3) An overall college enrollment rate of eighty-five per cent from participants who have graduated from high school;	123851 123852
(4) Overall college graduation of program participants.	123853
Section 305.108. BIG BROTHERS BIG SISTERS	123854
Of the foregoing appropriation item 600689, TANF Block Grant, \$500,000 in each fiscal year shall be distributed to Big Brothers Big Sisters of Central Ohio to provide mentoring services to children of incarcerated parents throughout the state.	123855 123856 123857 123858

Section 305.110. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN 123859

In collaboration with the county family and children first 123860
council, a county department of job and family services or public 123861
children services agency that receives an allocation from the 123862
Department of Job and Family Services from the foregoing 123863
appropriation item 600523, Family and Children Services, or 123864
600533, Child, Family, and Community Protective Services, may 123865
transfer a portion of either or both allocations to a flexible 123866
funding pool as authorized by the section of this act titled 123867
"FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." 123868

Section 305.120. STATE CHILD PROTECTION ALLOCATION 123869

Of the foregoing appropriation item 600523, Family and 123870
Children Services, up to \$3,200,000 shall be used to match 123871
eligible federal Title IV-B ESSA funds and federal Title IV-E 123872
Chafee funds allocated to public children services agencies. 123873

CHILD PLACEMENT LEVEL OF CARE TOOL PILOT PROGRAM 123874

(A) The Ohio Department of Job and Family Services shall 123875
implement and oversee use of a Child Placement Level of Care Tool 123876
on a pilot basis. The Department shall implement the pilot program 123877
in up to ten counties selected by the Department and shall include 123878
the county and at least one private child placing agency or 123879
private noncustodial agency. The pilot program shall be developed 123880
with the participating counties and agencies and must be 123881
acceptable to all participants. A selected county or agency must 123882
agree to participate in the pilot program. 123883

(B) The pilot program shall begin not later than one hundred 123884
eighty days after the effective date of this section and end not 123885
later than eighteen months after the date the pilot program 123886
begins. The length of the pilot program shall not include any time 123887
expended in preparation for implementation or any post-pilot 123888

program evaluation activity. 123889

(C)(1) In accordance with sections 125.01 to 125.11 of the 123890
Revised Code, the Ohio Department of Job and Family Services shall 123891
provide for an independent evaluation of the pilot program to rate 123892
the program's success in the following areas: 123893

(a) Placement stability, length of stay, and other outcomes 123894
for children; 123895

(b) Cost; 123896

(c) Worker satisfaction; 123897

(d) Any other criteria the Department determines will be 123898
useful in the consideration of statewide implementation. 123899

(2) The evaluation design shall include: 123900

(a) A comparison of data to historical outcomes or control 123901
counties; 123902

(b) A prospective data evaluation in each of the pilot 123903
counties. 123904

(D) The Ohio Department of Job and Family Services may adopt 123905
rules in accordance with Chapter 119. of the Revised Code as 123906
necessary to carry out the purposes of this section. The 123907
Department shall seek maximum federal financial participation to 123908
support the pilot program and the evaluation. 123909

(E) Notwithstanding division (E) of section 5101.141 of the 123910
Revised Code, the Department of Job and Family Services shall seek 123911
state funding to implement the Child Placement Level of Care Tool 123912
pilot program described in this section and to contract for the 123913
independent evaluation of the pilot program. 123914

(F) As used in this section, "Child Placement Level of Care 123915
Tool" means an assessment tool to be used by participating 123916
counties and agencies to assess a child's placement needs when a 123917
child must be removed from the child's own home and cannot be 123918

placed with a relative or kin not certified as a foster caregiver 123919
that includes assessing a child's functioning, needs, strengths, 123920
risk behaviors, and exposure to traumatic experiences. 123921

Section 305.122. CHILDREN'S CRISIS CARE FACILITIES 123922

Of the foregoing appropriation item 600523, Family and 123923
Children Services, \$300,000 in each fiscal year shall be provided 123924
to children's crisis care facilities as defined in section 5103.13 123925
of the Revised Code. The Director of Job and Family Services shall 123926
allocate funds based on the number of children at each facility. A 123927
children's crisis care facility may decline to receive funds 123928
provided under this section. A children's crisis care facility 123929
that accepts funds provided under this section shall use the funds 123930
in accordance with section 5103.13 of the Revised Code and the 123931
rules as defined in rule 5101:2-9-36 of the Administrative Code. 123932

**Section 305.130. CHILD, FAMILY, AND COMMUNITY PROTECTIVE 123933
SERVICES** 123934

(A) The foregoing appropriation item 600533, Child, Family, 123935
and Community Protective Services, shall be distributed to each 123936
county department of job and family services using the formula the 123937
Department of Job and Family Services uses when distributing Title 123938
XX funds to county departments of job and family services under 123939
section 5101.46 of the Revised Code. County departments shall use 123940
the funds distributed to them under this section as follows, in 123941
accordance with the written plan of cooperation entered into under 123942
section 307.983 of the Revised Code: 123943

(1) To assist individuals in achieving or maintaining 123944
self-sufficiency, including by reducing or preventing dependency 123945
among individuals with family income not exceeding two hundred per 123946
cent of the federal poverty guidelines; 123947

(2) Subject to division (B) of this section, to respond to 123948

reports of abuse, neglect, or exploitation of children and adults, 123949
including through the differential response approach program 123950
developed under Section 309.50.10 of this act; 123951

(3) To provide outreach and referral services regarding home 123952
and community-based services to individuals at risk of placement 123953
in a group home or institution, regardless of the individuals' 123954
family income and without need for a written application; 123955

(4) To provide outreach, referral, application assistance, 123956
and other services to assist individuals receive assistance, 123957
benefits, or services under Medicaid; Title IV-A programs, as 123958
defined in section 5101.80 of the Revised Code; the Supplemental 123959
Nutrition Assistance Program; and other public assistance 123960
programs. 123961

(B) Protective services may be provided to a child or adult 123962
as part of a response, under division (A)(2) of this section, to a 123963
report of abuse, neglect, or exploitation without regard to a 123964
child or adult's family income and without need for a written 123965
application. The protective services may be provided if the case 123966
record documents circumstances of actual or potential abuse, 123967
neglect, or exploitation. 123968

Section 305.140. FAMILY AND CHILDREN SERVICES ACTIVITIES 123969

The foregoing appropriation item 600609, Family and Children 123970
Services Activities, shall be used to expend miscellaneous 123971
foundation funds and grants to support family and children 123972
services activities. 123973

Section 305.150. ODJFS AUDIT SETTLEMENTS AND CONTINGENCY FUND 123974

Notwithstanding section 5101.073 of the Revised Code, the 123975
Audit Settlements and Contingency Fund (Fund 5DM0) may also 123976
consist of earned federal revenue the final disposition of which 123977
is unknown. 123978

Section 305.160. ADOPTION ASSISTANCE LOAN 123979

Of the foregoing appropriation item 600634, Adoption 123980
Assistance Loan, the Department of Job and Family Services may use 123981
up to ten per cent for administration of adoption assistance loans 123982
pursuant to section 3107.018 of the Revised Code. 123983

Section 305.163. EARLY CHILDHOOD EDUCATION 123984

Of the foregoing appropriation item 600696, Early Childhood 123985
Education, up to \$20,000,000 in each fiscal year shall be used to 123986
achieve the goals described in division (C) of section 5104.29 of 123987
the Revised Code. The funds shall be used to support early 123988
learning and development programs operating in smaller communities 123989
and early learning and development programs that are rated in the 123990
Step Up to Quality program at the third highest tier or higher. 123991

Section 305.170. VICTIMS OF HUMAN TRAFFICKING 123992

The foregoing appropriation item 600660, Victims of Human 123993
Trafficking, shall be used to provide treatment, care, 123994
rehabilitation, education, housing, and assistance for victims of 123995
trafficking in persons as specified in section 5101.87 of the 123996
Revised Code. If receipts credited to the Victims of Human 123997
Trafficking Fund (Fund 5NG0) exceed the amounts appropriated to 123998
the fund, the Director of Job and Family Services may request the 123999
Director of Budget and Management to authorize expenditures from 124000
the fund in excess of the amounts appropriated. Upon the approval 124001
of the Director of Budget and Management, the additional amounts 124002
are hereby appropriated. 124003

Section 305.180. UNEMPLOYMENT COMPENSATION INTEREST 124004

The foregoing appropriation item 600695, Unemployment 124005
Compensation Interest, shall be used for payment of interest costs 124006

paid to the United States Secretary of the Treasury for the 124007
repayment of accrued interest related to federal unemployment 124008
account borrowing. 124009

Section 305.190. COMPREHENSIVE CASE MANAGEMENT AND EMPLOYMENT 124010
PROGRAM 124011

(A) As used in this section: 124012

(1) "Adult" means an individual at least eighteen years of 124013
age. 124014

(2) "Equivalent of a high school diploma" has the same 124015
meaning as in section 5107.30 of the Revised Code. 124016

(3) "In-school youth" has the same meaning as in section 124017
129(a)(1)(C) of the "Workforce Innovation and Opportunity Act," 29 124018
U.S.C. 3164(a)(1)(C), except that it does not mean an individual 124019
younger than sixteen years of age. 124020

(4) "Local participating agencies" means the county 124021
department of job and family services and workforce development 124022
agency that serve a county. 124023

(5) "Low-income individual" has the same meaning as in 124024
section 3(36) of the "Workforce Innovation and Opportunity Act," 124025
29 U.S.C. 3102(36). 124026

(6) "Ohio Works First" has the same meaning as in section 124027
5107.02 of the Revised Code. 124028

(7) "Out-of-school youth" has the same meaning as in section 124029
129(a)(1)(B) of the "Workforce Innovation and Opportunity Act," 29 124030
U.S.C. 3164(a)(1)(B). 124031

(8) "Prevention, Retention, and Contingency Program" has the 124032
same meaning as in section 5108.01 of the Revised Code. 124033

(9) "Subcontractor" means an entity with which a local 124034
participating agency contracts to perform, on behalf of the local 124035

participating agency, one or more of the local participating 124036
agency's duties regarding the Comprehensive Case Management and 124037
Employment Program. 124038

(10) "TANF block grant" means the Temporary Assistance for 124039
Needy Families block grant established by Title IV-A of the 124040
"Social Security Act," 42 U.S.C. 601 et seq. 124041

(11) "Work-eligible individual" has the same meaning as in 45 124042
C.F.R. 261.2(n). 124043

(12) "Workforce development activity" has the same meaning as 124044
in section 6301.01 of the Revised Code. 124045

(13) "Workforce development agency" means the public or 124046
private entity designated by any of the following to administer 124047
county programs under the "Workforce Investment Act of 1998," 29 124048
U.S.C. 2801, as amended, or the Workforce Innovation and 124049
Opportunity Act: 124050

(a) The board of county commissioners in accordance with 124051
section 330.04 of the Revised Code; 124052

(b) The chief elected official of a municipal corporation in 124053
accordance with section 763.05 of the Revised Code; 124054

(c) The chief elected officials of a local area defined in 124055
division (A)(3) of section 6301.01 of the Revised Code. 124056

(14) "Workforce Innovation and Opportunity Act" means Public 124057
Law 113-128, 29 U.S.C. 3101 et seq. 124058

(B) The Director of Job and Family Services shall administer 124059
the Workforce Innovation and Opportunity Act during fiscal year 124060
2016 and fiscal year 2017. 124061

(C) The Department of Job and Family Services, in 124062
consultation with the Governor's Office of Workforce 124063
Transformation, shall create, coordinate, and supervise the 124064
Comprehensive Case Management and Employment Program during fiscal 124065

year 2016 and fiscal year 2017. The Comprehensive Case Management and Employment Program shall do both of the following:

(1) To the extent funds under the TANF block grant and Workforce Innovation and Opportunity Act are available, the program shall make employment and training services specified in division (E) of this section available to the program's participants in accordance with the comprehensive assessments of the participants' employment and training needs conducted under that division. As part of the creation of the program, the Department shall establish the procedures for the comprehensive assessments;

(2) To the extent funds under the TANF block grant are available, and in accordance with the section of this act titled "PRC Program-Enhanced," the program shall make enhanced services under the Prevention, Retention, and Contingency Program available to the program's participants.

(D) Beginning July 1, 2016, individuals who are at least sixteen but not more than twenty-four years of age are required to participate or permitted to volunteer to participate in the Comprehensive Case Management and Employment Program in accordance with the following:

(1) Each work-eligible individual shall participate in the Comprehensive Case Management and Employment Program as a condition of participating in Ohio Works First.

(2) Each Ohio Works First participant who is not a work-eligible individual may volunteer to participate in the Comprehensive Case Management and Employment Program.

(3) Each individual receiving benefits and services under the Prevention, Retention, and Contingency Program may volunteer to participate in the Comprehensive Case Management and Employment Program.

(4) Each low-income individual who is an adult, in-school youth, or out-of-school youth and who is considered to have a barrier to employment under the Workforce Innovation and Opportunity Act shall participate in the Comprehensive Case Management and Employment Program as a condition of enrollment in workforce development activities funded by the TANF block grant or Workforce Innovation and Opportunity Act.

(E)(1) An individual participating in the Comprehensive Case Management and Employment Program shall undergo a comprehensive assessment of the individual's employment and training needs in accordance with the procedures established under division (C) of this section. As part of the assessment, an individualized employment plan shall be created for the individual. The plan shall be reviewed, revised, and terminated in accordance with the procedures established for the comprehensive assessment. The plan shall specify which of the following services, if any, the individual needs:

(a) Support for the individual to obtain a high school diploma or the equivalent of a high school diploma;

(b) Job placement;

(c) Job retention support;

(d) Other services that aid the individual in achieving the plan's goals.

(2) The services an individual receives in accordance with the individualized employment plan are inalienable by way of assignment, charge, or otherwise and exempt from execution, attachment, garnishment, and other similar processes.

(F)(1) Not later than May 15, 2016, each board of county commissioners shall designate one of the local participating agencies as the lead agency for purposes of the Comprehensive Case Management and Employment Program. Each board shall inform the

Department of its designation. The lead agency shall do all of the following: 124128
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(a) Submit to the Department a plan that establishes standard processes for determining and maintaining individuals' eligibility to participate in the Comprehensive Case Management and Employment Program; 124130
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(b) Administer the program; 124134

(c) In partnership with the other local participating agency and any subcontractors, both of the following: 124135
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(i) Actively coordinate activities regarding the program with the other local participating agency and any subcontractors; 124137
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(ii) Help both local participating agencies and any subcontractors to use their expertise in administering the program. 124139
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(2) The lead agency is responsible for all funds that any of the following determines have been expended or claimed for the Comprehensive Case Management and Employment Program, by or on behalf of the county that the lead agency serves, in a manner that federal or state law or policy does not permit: 124142
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(a) The Department; 124147

(b) The Auditor of State; 124148

(c) The United States Department of Health and Human Services; 124149
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(d) The United States Department of Labor; 124151

(e) Any other government entity. 124152

(G)(1) The Comprehensive Case Management and Employment Program Advisory Board shall establish an evaluation system in accordance with the section of this act titled "Comprehensive Case Management and Employment Program Advisory Board." 124153
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(2) The Department shall evaluate local participating agencies' administration of the Comprehensive Case Management and Employment Program in accordance with the evaluation system established under division (G)(1) of this section.

(H) In an effort to increase the number of individuals who participate in the Comprehensive Case Management and Employment Program and the availability of services under the program, the Department, in consultation with local participating agencies, shall review the agencies' existing functions to discover opportunities to make their administration of the functions more efficient.

(I)(1) Notwithstanding the second sentence of division (A)(1)(b) of section 307.981 of the Revised Code, the Comprehensive Case Management and Employment Program is a family services duty and therefore subject to all statutes applicable to family services duties, including sections 5101.183, 5101.21, 5101.212, 5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, and 5101.243 of the Revised Code.

(2) The Comprehensive Case Management and Employment Program is a Title IV-A program for the purpose of division (A)(4)(c) of section 5101.80 of the Revised Code and, therefore, is subject to all statutes applicable to such a program, including sections 5101.16, 5101.35, 5101.80, and 5101.801 of the Revised Code.

(3) The Comprehensive Case Management and Employment Program is a workforce development activity and therefore subject to all statutes applicable to workforce development activities, including sections 5101.20, 5101.214, 5101.241, and 5101.243 of the Revised Code and Chapter 6301. of the Revised Code.

(J) The Director of Job and Family Services shall adopt rules as necessary to implement this section. The rules may address any of the following issues:

(1) Eligibility for the Comprehensive Case Management and Employment Program;	124188
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(2) Employment and training services available under the program;	124190
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(3) Partnerships between local participating agencies and subcontractors;	124192
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(4) The plan required by division (F)(1)(a) of this section;	124194
(5) Internal management concerning day-to-day staff procedures and operations of the Department or financial and operational matters between the Department and another government entity or a private entity receiving a grant from the Department;	124195
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(6) Any other issues that the Director determines should be addressed in rules to implement this section.	124199
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Rules other than those described in division (J)(5) of this section shall be adopted in accordance with Chapter 119. of the Revised Code. Rules described in division (J)(5) of this section shall be adopted in accordance with section 111.15 of the Revised Code.	124201
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Section 305.193. Comprehensive Case Management and Employment Program Advisory Board	124206
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(A) There is hereby created the Comprehensive Case Management and Employment Program Advisory Board. The Board shall consist of the following members:	124208
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(1) The Executive Director of the Governor's Office of Workforce Transformation, or the Executive Director's designee;	124211
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(2) The Director of Job and Family Services, or the Director's designee;	124213
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(3) One member of the Senate, appointed by the President of the Senate;	124215
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(4) One member of the House of Representatives, appointed by the Speaker of the House of Representatives; 124217
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(5) One member representing the County Commissioners' Association of Ohio, appointed by the Governor; 124219
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(6) One member representing the Ohio Job and Family Services Directors' Association, appointed by the Governor; 124221
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(7) One member of a local workforce investment board established under section 117 of the "Workforce Investment Act of 1998," 29 U.S.C. 2832, as amended, appointed by the Governor. 124223
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(B) Initial appointments to the Board shall be made not later than thirty days after the effective date of this section. 124226
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(C) A member shall serve at the pleasure of the member's appointing authority. Members may be reappointed to the Board. Vacancies on the Board shall be filled in the same manner as the original appointments. 124228
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(D) Members shall serve without compensation, but shall be reimbursed for their actual and necessary expenses incurred in the performance of their official duties. 124232
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(E)(1) The Board shall develop an evaluation system for the local participating agencies' administration of the Comprehensive Case Management and Employment Program created under the section of this act titled "Comprehensive Case Management and Employment Program." The evaluation system shall specify data required to be collected, performance metrics, and a performance report card. 124235
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(2) The Board shall submit its proposed evaluation system to the Department of Job and Family Services for review. If the Department disapproves the proposal, the Board shall revise the proposal and submit it to the Department for review. This process shall continue until the Department approves a proposal. An evaluation system approved by the Department must be in place not 124241
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later than July 1, 2016.	124247
Section 305.195. TANF REPORT	124248
(A) As used in this section:	124249
(1) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.	124250 124251 124252
(2) "Title IV-A program" has the same meaning as in section 5101.80 of the Revised Code.	124253 124254
(B) Not later than October 1, 2016, the Department of Job and Family Services shall submit a report to the General Assembly that provides a comprehensive overview of Ohio's TANF program for fiscal year 2016. The report shall identify the source and allocation of local, state, and federal funds supporting the program, as well as expenditures and program participation by expenditure category, for each Title IV-A program and each other program funded in part by the TANF block grant. The report shall break down that information by county.	124255 124256 124257 124258 124259 124260 124261 124262 124263
(C) With regard to expenditures for the Prevention, Retention, and Contingency Program established in section 5108.02 of the Revised Code, the report shall detail the number of participants served each month by age, with one age group being 16-24 year olds, for each of the following categories:	124264 124265 124266 124267 124268
(1) Training, employment, and work support;	124269
(2) Short-term basic needs;	124270
(3) Help Me Grow;	124271
(4) Child welfare and family support;	124272
(5) Out-of-wedlock pregnancy prevention;	124273
(6) Youth education and support;	124274

(7) Domestic violence;	124275
(8) Community and economic development;	124276
(9) Disaster assistance.	124277
(D) The report shall be submitted in accordance with section 101.68 of the Revised Code.	124278 124279
Section 305.197. PRC Program-Enhanced	124280
(A) As used in this section:	124281
(1) "Additional benefits and services" means the benefits and services that a county department of job and family services may provide under PRC Program-Enhanced. "Additional benefits and services" are in addition to required benefits and services.	124282 124283 124284 124285
(2) "CCMEP" means the Comprehensive Case Management and Employment Program established in accordance with the section of this act titled "Comprehensive Case Management and Employment Program."	124286 124287 124288 124289
(3) "PRC Program" means the Prevention, Retention, and Contingency Program established in section 5108.02 of the Revised Code.	124290 124291 124292
(4) "Required benefits and services" means the benefits and services specified in rules adopted under this section that a county department of job and family services must provide under the PRC Program-Enhanced.	124293 124294 124295 124296
(5) "TANF block grant" means the Temporary Assistance for Needy Families block grant established by Title IV-A of the "Social Security Act," 42 U.S.C. 601 et seq.	124297 124298 124299
(B)(1) There is hereby established the PRC Program-Enhanced as part of the CCMEP. The Department of Job and Family Services shall administer PRC Program-Enhanced, as long as funds under the TANF block grant are available, to provide CCMEP participants who	124300 124301 124302 124303

are in compliance with CCMEP requirements enhanced services under 124304
the county's PRC Program, including the following short-term 124305
supportive services that address a specific crisis or episode of 124306
need: 124307

(a) Employment assistance; 124308

(b) Housing assistance; 124309

(c) Utility assistance; 124310

(d) Transportation assistance; 124311

(e) Other employment or disaster-related assistance. 124312

(2) PRC Program-Enhanced services may be provided through 124313
contracts with not-for-profit, community, and faith-based 124314
organizations. 124315

(C) The Director of Job and Family Services shall adopt rules 124316
in accordance with Chapter 119. of the Revised Code to implement 124317
PRC Program-Enhanced. The rules shall specify and establish all of 124318
the following: 124319

(1) Required benefits and services that each county 124320
department of job and family services must provide under PRC 124321
Program-Enhanced; 124322

(2) Income and other eligibility requirements for required 124323
benefits and services and maximum eligibility requirements for 124324
additional benefits and services; 124325

(3) The maximum amount of required benefits and services and 124326
additional benefits and services an eligible individual may 124327
receive in a year; 124328

(4) Other requirements for PRC Program-Enhanced the Director 124329
considers appropriate. 124330

Section 305.198. OHIO WORKS FIRST AND SNAP WORK REQUIREMENTS 124331
AND SERVICES 124332

Of the foregoing appropriation item 600410, TANF 124333
State/Maintenance of Effort, \$500,000 in each fiscal year shall be 124334
used by the Department of Job and Family Services for both of the 124335
following: 124336

(A) To establish a pilot program to implement reforms to the 124337
work requirements of the Ohio Works First program and Supplemental 124338
Nutrition Assistance Program. The pilot program shall be operated 124339
during fiscal years 2016 and 2017 in Cuyahoga County. 124340

(B) To provide services to Supplemental Nutrition Assistance 124341
Program recipients who face significant barriers to employment, 124342
including recipients who have disabilities or mental or physical 124343
health problems, are long-term welfare recipients, or have been 124344
incarcerated. 124345

Section 305.200. STATE AND COUNTY SHARED SERVICES TRANSFER 124346

Upon receipt of a request from the Director of the Department 124347
of Job and Family Services and the Director of the Department of 124348
Medicaid, the Director of Budget and Management may transfer up to 124349
\$7,200,000 cash from the State and County Shared Services Fund 124350
(Fund 5HL0) in the Department of Job and Family Services, to the 124351
Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) in 124352
the Department of Medicaid. 124353

Section 307.10. JCR JOINT COMMITTEE ON AGENCY RULE REVIEW 124354

General Revenue Fund 124355
GRF 029321 Operating Expenses \$ 493,139 \$ 512,253 124356
TOTAL GRF General Revenue Fund \$ 493,139 \$ 512,253 124357
TOTAL ALL BUDGET FUND GROUPS \$ 493,139 \$ 512,253 124358

OPERATING GUIDANCE 124359

The Legislative Service Commission shall act as fiscal agent 124360
for the Joint Committee on Agency Rule Review. Members of the 124361

Committee shall be paid in accordance with section 101.35 of the Revised Code. 124362
124363

OPERATING EXPENSES 124364

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2015 to be reappropriated to fiscal year 2016. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2016. 124365
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On July 1, 2016, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2016 to be reappropriated to fiscal year 2017. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2017. 124373
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Section 308.10. JMO JOINT MEDICAID OVERSIGHT COMMITTEE 124381

General Revenue Fund 124382

GRF 048321 Operating Expenses \$ 321,995 \$ 490,320 124383

TOTAL GRF General Revenue Fund \$ 321,995 \$ 490,320 124384

TOTAL ALL BUDGET FUND GROUPS \$ 321,995 \$ 490,320 124385

OPERATING EXPENSES 124386

The foregoing appropriation item 048321, Operating Expenses, shall be used to support expenses related to the Joint Medicaid Oversight Committee created by section 103.41 of the Revised Code. 124387
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124389

On July 1, 2015, or as soon as possible thereafter, the Executive Director of the Joint Medicaid Oversight Committee may 124390
124391

certify to the Director of Budget and Management the amount of the 124392
unexpended, unencumbered balance of the foregoing appropriation 124393
item 048321, Operating Expenses, at the end of fiscal year 2015 to 124394
be reappropriated to fiscal year 2016. The amount certified is 124395
hereby reappropriated to the same appropriation item for fiscal 124396
year 2016. 124397

On July 1, 2016, or as soon as possible thereafter, the 124398
Executive Director of the Joint Medicaid Oversight Committee may 124399
certify to the Director of Budget and Management the amount of the 124400
unexpended, unencumbered balance of the foregoing appropriation 124401
item 048321, Operating Expenses, at the end of fiscal year 2016 to 124402
be reappropriated to fiscal year 2017. The amount certified is 124403
hereby reappropriated to the same appropriation item for fiscal 124404
year 2017. 124405

The Legislative Service Commission shall act as fiscal agent 124406
for the Joint Medicaid Oversight Committee. 124407

REVIEW OF CERTAIN DEPARTMENT OF HEALTH LINE ITEMS 124408

The Joint Medicaid Oversight Committee shall review the 124409
following Department of Health appropriation items: 440416, 124410
Mothers and Children Safety Net Services; 440418, Immunizations; 124411
440438, Breast and Cervical Cancer Screening; 440444, AIDS 124412
Prevention and Treatment; and 440505, Medically Handicapped 124413
Children. The review shall include the uses and the necessity of 124414
these appropriation items both before and after the enactment of 124415
section 1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 124416
U.S.C. 1396a(a)(10)(A)(i)(VIII). The review shall also detail all 124417
funding sources, maintenance of effort requirements, and any grant 124418
restrictions. Additionally, the review shall include analysis and 124419
recommendations to maximize integration into the formal health 124420
care system with the goal of achieving the statutory goals of the 124421
Joint Medicaid Oversight Committee. 124422

Section 309.10. JCO JUDICIAL CONFERENCE OF OHIO				124423
General Revenue Fund				124424
GRF 018321	Operating Expenses	\$ 250,000	\$ 0	124425
TOTAL GRF General Revenue Fund				0 124426
Dedicated Purpose Fund Group				124427
4030 018601	Ohio Jury	\$ 168,500	\$ 0	124428
Instructions				
TOTAL DPF Dedicated Purpose Fund				0 124429
Group				
TOTAL ALL BUDGET FUND GROUPS				0 124430
OHIO JURY INSTRUCTIONS FUND				124431
The Ohio Jury Instructions Fund (Fund 4030) shall consist of				124432
grants, royalties, dues, conference fees, bequests, devises, and				124433
other gifts received for the purpose of supporting costs incurred				124434
by the Judicial Conference of Ohio in its activities as a part of				124435
the judicial system of the state as determined by the Judicial				124436
Conference Executive Committee. Fund 4030 shall be used by the				124437
Judicial Conference of Ohio to pay expenses incurred in its				124438
activities as a part of the judicial system of the state as				124439
determined by the Judicial Conference Executive Committee.				124440
Section 311.10. JSC THE JUDICIARY/SUPREME COURT				124441
General Revenue Fund				124442
GRF 005321	Operating Expenses -	\$ 149,275,157	\$ 156,076,646	124443
Judiciary/Supreme				
Court				
GRF 005406	Law-Related Education	\$ 166,172	\$ 166,172	124444
GRF 005409	Ohio Courts	\$ 3,350,000	\$ 3,350,000	124445
Technology Initiative				
TOTAL GRF General Revenue Fund				\$ 152,791,329 \$ 159,592,818 124446
Dedicated Purpose Fund Group				124447

4C80	005605	Attorney Services	\$	5,841,263	\$	5,795,909	124448
5HT0	005617	Court Interpreter Certification	\$	10,000	\$	10,000	124449
5T80	005609	Grants and Awards	\$	6,000	\$	6,000	124450
6720	005601	Continuing Judicial Education	\$	120,000	\$	120,000	124451
6A80	005606	Supreme Court Admissions	\$	1,415,963	\$	1,425,709	124452
5RJ0	005625	Ohio Jury Instructions	\$	168,500	\$	337,000	124453
TOTAL DPF		Dedicated Purpose Fund Group	\$	7,561,726	\$	7,694,618	124454
		Fiduciary Fund Group					124455
5JY0	005620	County Law Library Resources Boards	\$	423,000	\$	423,000	124456
TOTAL FID		Fiduciary Fund Group	\$	423,000	\$	423,000	124457
		Federal Fund Group					124458
3J00	005603	Federal Grants	\$	1,389,018	\$	1,402,091	124459
TOTAL FED		Federal Fund Group	\$	1,389,018	\$	1,402,091	124460
TOTAL ALL BUDGET FUND GROUPS			\$	162,165,073	\$	169,112,527	124461
		OPERATING EXPENSES - JUDICIARY/SUPREME COURT					124462
		Of the foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, up to \$304,353 in fiscal year 2016 and up to \$308,433 in fiscal year 2017 may be used to support the functions of the State Criminal Sentencing Council.					124463 124464 124465 124466
		The foregoing appropriation item 005321, Operating Expenses - Judiciary/Supreme Court, may be used to support functions of the Judicial Conference of Ohio.					124467 124468 124469
		REESTABLISHING JUDICIAL CONFERENCE OF OHIO GRF ENCUMBRANCES					124470
		On October 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall cancel any existing					124471 124472

encumbrances against appropriation item 018321, Operating 124473
Expenses, used by the Judicial Conference of Ohio, and reestablish 124474
them against appropriation item 005321, Operating Expenses - 124475
Judiciary/Supreme Court, used by the Supreme Court. The 124476
reestablished encumbrance amounts are hereby appropriated. Any 124477
business commenced but not completed under appropriation item 124478
018321 shall be completed under appropriation item 005321 in the 124479
same manner, and with the same effect, as if completed with regard 124480
to appropriation item 018321. 124481

LAW-RELATED EDUCATION 124482

The foregoing appropriation item 005406, Law-Related 124483
Education, shall be distributed directly to the Ohio Center for 124484
Law-Related Education for the purposes of providing continuing 124485
citizenship education activities to primary and secondary 124486
students, expanding delinquency prevention programs, increasing 124487
activities for at-risk youth, and accessing additional public and 124488
private money for new programs. 124489

OHIO COURTS TECHNOLOGY INITIATIVE 124490

The foregoing appropriation item 005409, Ohio Courts 124491
Technology Initiative, shall be used to fund an initiative by the 124492
Supreme Court to facilitate the exchange of information and 124493
warehousing of data by and between Ohio courts and other justice 124494
system partners through the creation of an Ohio Courts Network, 124495
the delivery of technology services to courts throughout the 124496
state, including the provision of hardware, software, and the 124497
development and implementation of educational and training 124498
programs for judges and court personnel, and operation of the 124499
Commission on Technology and the Courts by the Supreme Court for 124500
the promulgation of statewide rules, policies, and uniform 124501
standards, and to aid in the orderly adoption and comprehensive 124502
use of technology in Ohio courts. 124503

ATTORNEY SERVICES 124504

The Attorney Services Fund (Fund 4C80), formerly known as the 124505
Attorney Registration Fund, shall consist of money received by the 124506
Supreme Court (The Judiciary) pursuant to the Rules for the 124507
Government of the Bar of Ohio. In addition to funding other 124508
activities considered appropriate by the Supreme Court, the 124509
foregoing appropriation item 005605, Attorney Services, may be 124510
used to compensate employees and to fund appropriate activities of 124511
the following offices established by the Supreme Court: the Office 124512
of Disciplinary Counsel, the Board of Commissioners on Grievances 124513
and Discipline, the Clients' Security Fund, and the Attorney 124514
Services Division. If it is determined by the Administrative 124515
Director of the Supreme Court that additional appropriations are 124516
necessary, the amounts are hereby appropriated. 124517

No money in Fund 4C80 shall be transferred to any other fund 124518
by the Director of Budget and Management or the Controlling Board. 124519
Interest earned on money in Fund 4C80 shall be credited to the 124520
fund. 124521

COURT INTERPRETER CERTIFICATION 124522

The Court Interpreter Certification Fund (Fund 5HT0) shall 124523
consist of money received by the Supreme Court (The Judiciary) 124524
pursuant to Rules 80 through 87 of the Rules of Superintendence 124525
for the Courts of Ohio. The foregoing appropriation item 005617, 124526
Court Interpreter Certification, shall be used to provide 124527
training, to provide the written examination, and to pay language 124528
experts to rate, or grade, the oral examinations of those applying 124529
to become certified court interpreters. If it is determined by the 124530
Administrative Director that additional appropriations are 124531
necessary, the amounts are hereby appropriated. 124532

No money in Fund 5HT0 shall be transferred to any other fund 124533
by the Director of Budget and Management or the Controlling Board. 124534

Interest earned on money in Fund 5HT0 shall be credited to the 124535
fund. 124536

GRANTS AND AWARDS 124537

The Grants and Awards Fund (Fund 5T80) shall consist of 124538
grants and other money awarded to the Supreme Court (The 124539
Judiciary) by the State Justice Institute, the Division of 124540
Criminal Justice Services, or other entities. The foregoing 124541
appropriation item 005609, Grants and Awards, shall be used in a 124542
manner consistent with the purpose of the grant or award. If it is 124543
determined by the Administrative Director of the Supreme Court 124544
that additional appropriations are necessary, the amounts are 124545
hereby appropriated. 124546

No money in Fund 5T80 shall be transferred to any other fund 124547
by the Director of Budget and Management or the Controlling Board. 124548
Interest earned on money in Fund 5T80 shall be credited or 124549
transferred to the General Revenue Fund. 124550

CONTINUING JUDICIAL EDUCATION 124551

The Continuing Judicial Education Fund (Fund 6720) shall 124552
consist of fees paid by judges and court personnel for attending 124553
continuing education courses and other gifts and grants received 124554
for the purpose of continuing judicial education. The foregoing 124555
appropriation item 005601, Continuing Judicial Education, shall be 124556
used to pay expenses for continuing education courses for judges 124557
and court personnel. If it is determined by the Administrative 124558
Director of the Supreme Court that additional appropriations are 124559
necessary, the amounts are hereby appropriated. 124560

No money in Fund 6720 shall be transferred to any other fund 124561
by the Director of Budget and Management or the Controlling Board. 124562
Interest earned on money in Fund 6720 shall be credited to the 124563
fund. 124564

SUPREME COURT ADMISSIONS 124565

The foregoing appropriation item 005606, Supreme Court Admissions, shall be used to compensate Supreme Court employees who are primarily responsible for administering the attorney admissions program under the Rules for the Government of the Bar of Ohio, and to fund any other activities considered appropriate by the court. Moneys shall be deposited into the Supreme Court Admissions Fund (Fund 6A80) under the Supreme Court Rules for the Government of the Bar of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are hereby appropriated.

No money in Fund 6A80 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 6A80 shall be credited to the fund.

OHIO JURY INSTRUCTIONS FUND

Effective October 1, 2015, the Ohio Jury Instructions Fund (Fund 5RJ0) shall consist of grants, royalties, dues, conference fees, bequests, devises, and other gifts received by the Judicial Conference of Ohio. In addition to funding activities considered appropriate by the Supreme Court, the foregoing appropriation item 005625, Ohio Jury Instructions, may be used to support functions of the Judicial Conference of Ohio. If it is determined by the Administrative Director of the Supreme Court that additional appropriations are necessary, the amounts are appropriated.

No money in Fund 5RJ0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5RJ0 shall be credited to the fund.

On October 1, 2015, or as soon as possible thereafter, the Director of Budget and Management shall transfer the cash balance in the Ohio Jury Instructions Fund (Fund 4030), used by the

Judicial Conference of Ohio, to the Ohio Jury Instructions Fund 124597
(Fund 5RJ0), used by the Supreme Court. Upon completion of the 124598
transfer, Fund 4030 is abolished. 124599

On October 1, 2015, or as soon as possible thereafter, the 124600
Director of Budget and Management shall cancel any existing 124601
encumbrances against Fund 4030 appropriation item 018601, Ohio 124602
Jury Instructions, and reestablish them against Fund 5RJ0 124603
appropriation item 005625, Ohio Jury Instructions. The 124604
reestablished encumbrance amounts are hereby appropriated. Any 124605
business commenced but not completed under appropriation item 124606
018601 may be completed under appropriation item 005625 in the 124607
same manner, and with the same effect, as if completed with regard 124608
to appropriation item 018601. 124609

COUNTY LAW LIBRARY RESOURCES BOARD 124610

The Statewide Consortium of County Law Library Resources 124611
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 124612
to section 307.515 of the Revised Code into a county's law library 124613
resources fund and forwarded by that county's treasurer for 124614
deposit in the state treasury pursuant to division (E)(1) of 124615
section 3375.481 of the Revised Code. The foregoing appropriation 124616
item 005620, County Law Library Resources Board, shall be used for 124617
the operation of the Statewide Consortium of County Law Library 124618
Resources Boards. If it is determined by the Administrative 124619
Director of the Supreme Court that additional appropriations are 124620
necessary, the amounts are hereby appropriated. 124621

No money in Fund 5JY0 shall be transferred to any other fund 124622
by the Director of Budget and Management or the Controlling Board. 124623
Interest earned on money in Fund 5JY0 shall be credited to the 124624
fund. 124625

FEDERAL GRANTS 124626

The Federal Grants Fund (Fund 3J00) shall consist of grants 124627

and other moneys awarded to the Supreme Court (The Judiciary) by 124628
the United States Government or other entities that receive the 124629
moneys directly from the United States Government and distribute 124630
those moneys to the Supreme Court (The Judiciary). The foregoing 124631
appropriation item 005603, Federal Grants, shall be used in a 124632
manner consistent with the purpose of the grant or award. If it is 124633
determined by the Administrative Director of the Supreme Court 124634
that additional appropriations are necessary, the amounts are 124635
hereby appropriated. 124636

No money in Fund 3J00 shall be transferred to any other fund 124637
by the Director of Budget and Management or the Controlling Board. 124638
However, interest earned on money in Fund 3J00 shall be credited 124639
or transferred to the General Revenue Fund. 124640

Section 313.10. LEC LAKE ERIE COMMISSION 124641

Dedicated Purpose Fund Group 124642

4C00 780601	Lake Erie Protection	\$	300,000	\$	300,000	124643
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5D80 780602	Lake Erie Resources	\$	329,000	\$	367,000	124644
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TOTAL DPF Dedicated Purpose 124645

Fund Group		\$	629,000	\$	667,000	124646
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Federal Fund Group 124647

3EP0 780603	Lake Erie Federal	\$	30,000	\$	0	124648
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Grants

TOTAL FED Federal Fund Group		\$	30,000	\$	0	124649
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TOTAL ALL BUDGET FUND GROUPS		\$	659,000	\$	667,000	124650
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CASH TRANSFERS TO THE LAKE ERIE RESOURCES FUND 124651

On July 1 of each fiscal year, or as soon as possible 124652
thereafter, the Director of Budget and Management may transfer 124653
cash from the funds specified below, up to the amounts specified 124654
below, to the Lake Erie Resources Fund (Fund 5D80). Fund 5D80 may 124655
accept contributions and transfers made to the fund. 124656

Fund	Fund Name	User	FY 2016	FY 2017	
5BC0	Environmental Protection	Environmental Protection Agency	\$44,000	\$44,000	124657 124658
6690	Pesticide, Fertilizer and Lime	Department of Agriculture	\$44,000	\$44,000	124659
4700	General Operations	Department of Health	\$44,000	\$44,000	124660
1570	Central Support Indirect	Department of Natural Resources	\$44,000	\$44,000	124661

On July 1, 2015, or as soon as possible thereafter, the Director of Budget and Management may transfer \$44,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.

On July 1, 2016, or as soon as possible thereafter, the Director of Budget and Management may transfer \$44,000 cash from a fund used by the Development Services Agency, as specified by the Director of Development Services, to Fund 5D80.

Section 315.10. JLE JOINT LEGISLATIVE ETHICS COMMITTEE

General Revenue Fund					124670 124671
GRF 028321	Legislative Ethics Committee	\$	550,000	\$ 550,000	124672
TOTAL GRF	General Revenue Fund	\$	550,000	\$ 550,000	124673
Dedicated Purpose Fund Group					124674
4G70 028601	Joint Legislative Ethics Committee	\$	150,000	\$ 150,000	124675
TOTAL DPF	Dedicated Purpose Fund Group	\$	150,000	\$ 150,000	124676
TOTAL ALL BUDGET FUND GROUPS		\$	700,000	\$ 700,000	124677

LEGISLATIVE ETHICS COMMITTEE

On July 1, 2015, or as soon as possible thereafter, the

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Legislative Inspector General of the Joint Legislative Ethics 124680
 Committee may certify to the Director of Budget and Management the 124681
 amount of the unexpended, unencumbered balance of the foregoing 124682
 appropriation item 028321, Legislative Ethics Committee, at the 124683
 end of fiscal year 2015 to be reappropriated to fiscal year 2016. 124684
 The amount certified is hereby reappropriated to the same 124685
 appropriation item for fiscal year 2016. 124686

On July 1, 2016, or as soon as possible thereafter, the 124687
 Legislative Inspector General of the Joint Legislative Ethics 124688
 Committee may certify to the Director of Budget and Management the 124689
 amount of the unexpended, unencumbered balance of the foregoing 124690
 appropriation item 028321, Legislative Ethics Committee, at the 124691
 end of fiscal year 2016 to be reappropriated to fiscal year 2017. 124692
 The amount certified is hereby reappropriated to the same 124693
 appropriation item for fiscal year 2017. 124694

Section 317.10. LSC LEGISLATIVE SERVICE COMMISSION 124695

General Revenue Fund 124696

GRF	035321	Operating Expenses	\$	15,600,000	\$	15,600,000	124697
GRF	035402	Legislative Fellows	\$	1,022,120	\$	1,022,120	124698
GRF	035405	Correctional	\$	460,845	\$	460,845	124699
		Institution Inspection					
		Committee					
GRF	035407	Legislative Task Force	\$	400,000	\$	400,000	124700
		on Redistricting					
GRF	035409	National Associations	\$	460,560	\$	460,560	124701
GRF	035410	Legislative	\$	6,126,953	\$	6,126,953	124702
		Information Systems					
GRF	035411	Ohio Constitutional	\$	250,000	\$	0	124703
		Modernization					
		Commission					
GRF	035419	Criminal Justice	\$	150,000	\$	150,000	124704

Recodification			
Committee			
GRF 035501	Litigation	\$ 500,000	\$ 500,000 124705
TOTAL GRF	General Revenue Fund	\$ 24,970,478	\$ 24,720,478 124706
Dedicated Purpose Fund Group			124707
4100 035601	Sale of Publications	\$ 10,000	\$ 10,000 124708
TOTAL DPF	Dedicated Purpose Fund	\$ 10,000	\$ 10,000 124709
Group			
Internal Service Activity Fund Group			124710
4F60 035603	Legislative Budget	\$ 100,000	\$ 0 124711
Services			
TOTAL ISA	Internal Service Activity		124712
Fund Group		\$ 100,000	\$ 0 124713
TOTAL ALL BUDGET FUND GROUPS		\$ 25,080,478	\$ 24,730,478 124714

OPERATING EXPENSES 124715

On July 1, 2015, or as soon as possible thereafter, the 124716
 Director of the Legislative Service Commission may certify to the 124717
 Director of Budget and Management the amount of the unexpended, 124718
 unencumbered balance of the foregoing appropriation item 035321, 124719
 Operating Expenses, at the end of fiscal year 2015 to be 124720
 reappropriated to fiscal year 2016. The amount certified is hereby 124721
 reappropriated to the same appropriation item for fiscal year 124722
 2016. 124723

On July 1, 2016, or as soon as possible thereafter, the 124724
 Director of the Legislative Service Commission may certify to the 124725
 Director of Budget and Management the amount of the unexpended, 124726
 unencumbered balance of the foregoing appropriation item 035321, 124727
 Operating Expenses, at the end of fiscal year 2016 to be 124728
 reappropriated to fiscal year 2017. The amount certified is hereby 124729
 reappropriated to the same appropriation item for fiscal year 124730
 2017. 124731

LEGISLATIVE TASK FORCE ON REDISTRICTING 124732

An amount up to \$2,000,000 of the unexpended, unencumbered 124733
portion of the foregoing appropriation item 035407, Legislative 124734
Task Force on Redistricting, at the end of fiscal year 2015 is 124735
hereby reappropriated to the Legislative Service Commission for 124736
the same purpose for fiscal year 2016. 124737

An amount equal to the unexpended, unencumbered portion of 124738
the foregoing appropriation item 035407, Legislative Task Force on 124739
Redistricting, at the end of fiscal year 2016 is hereby 124740
reappropriated to the Legislative Service Commission for the same 124741
purpose for fiscal year 2017. 124742

LEGISLATIVE INFORMATION SYSTEMS 124743

On July 1, 2015, or as soon as possible thereafter, the 124744
Director of the Legislative Service Commission may certify to the 124745
Director of Budget and Management the amount of the unexpended, 124746
unencumbered balance of the foregoing appropriation item 035410, 124747
Legislative Information Systems, at the end of fiscal year 2015 to 124748
be reappropriated to fiscal year 2016. The amount certified is 124749
hereby reappropriated to the same appropriation item for fiscal 124750
year 2016. 124751

On July 1, 2016, or as soon as possible thereafter, the 124752
Director of the Legislative Service Commission may certify to the 124753
Director of Budget and Management the amount of the unexpended, 124754
unencumbered balance of the foregoing appropriation item 035410, 124755
Legislative Information Systems, at the end of fiscal year 2016 to 124756
be reappropriated to fiscal year 2017. The amount certified is 124757
hereby reappropriated to the same appropriation item for fiscal 124758
year 2017. 124759

OHIO CONSTITUTIONAL MODERNIZATION COMMISSION 124760

The foregoing appropriation item 035411, Ohio Constitutional 124761
Modernization Commission, shall be used to support the operation 124762

and expenses of the Ohio Constitutional Modernization Commission 124763
under sections 103.61 to 103.67 of the Revised Code. All 124764
expenditures paid from the appropriation item must be approved by 124765
the director and chairperson of the Legislative Service Commission 124766
under division (A) of section 103.21 of the Revised Code. 124767

An amount up to \$150,000 of the unexpended, unencumbered 124768
portion of the foregoing appropriation item 035411, Ohio 124769
Constitutional Modernization Commission, at the end of fiscal year 124770
2015 is hereby reappropriated to the Legislative Service 124771
Commission for the same purpose for fiscal year 2016. 124772

CRIMINAL JUSTICE RECODIFICATION COMMITTEE 124773

The foregoing appropriation item 035419, Criminal Justice 124774
Recodification Committee, shall be used to support the operation 124775
and expenses of the Criminal Justice Recodification Committee. 124776

LITIGATION 124777

The foregoing appropriation item 035501, Litigation, shall be 124778
used for any lawsuit in which the General Assembly is a party 124779
because a legal or constitutional challenge is made against the 124780
Ohio Constitution or an act of the General Assembly. The 124781
chairperson and vice-chairperson of the Legislative Service 124782
Commission shall both approve the use of the appropriated moneys. 124783

An amount equal to the unexpended, unencumbered portion of 124784
the foregoing appropriation item 035501, Litigation, at the end of 124785
fiscal year 2016 is hereby reappropriated to the Legislative 124786
Service Commission for the same purpose for fiscal year 2017. 124787

Section 319.10. LIB STATE LIBRARY BOARD 124788

General Revenue Fund 124789

GRF 350321 Operating Expenses \$ 5,057,364 \$ 5,057,364 124790

GRF 350401 Ohioana Rental \$ 120,114 \$ 120,114 124791

Payments

GRF 350502	Regional Library	\$	582,469	\$	582,469	124792
	Systems					
TOTAL GRF	General Revenue Fund	\$	5,759,947	\$	5,759,947	124793
	Dedicated Purpose Fund Group					124794
4590 350603	Services for	\$	4,094,092	\$	4,190,834	124795
	Libraries					
4S40 350604	Ohio Public Library	\$	5,689,788	\$	5,689,788	124796
	Information Network					
5GB0 350605	Library for the Blind	\$	1,274,194	\$	1,274,194	124797
TOTAL DPF	Dedicated Purpose					124798
Fund Group		\$	11,058,074	\$	11,154,816	124799
	Internal Service Activity Fund					124800
1390 350602	Services for State	\$	8,000	\$	8,000	124801
	Agencies					
TOTAL ISA	Internal Service Activity					124802
Fund Group		\$	8,000	\$	8,000	124803
	Federal Fund Group					124804
3130 350601	LSTA Federal	\$	5,350,000	\$	5,350,000	124805
TOTAL FED	Federal Fund Group	\$	5,350,000	\$	5,350,000	124806
TOTAL ALL BUDGET FUND GROUPS		\$	22,176,021	\$	22,272,763	124807
	OHIOANA RENTAL PAYMENTS					124808
	The foregoing appropriation item 350401, Ohioana Rental					124809
	Payments, shall be used to pay the rental expenses of the Martha					124810
	Kinney Cooper Ohioana Library Association under section 3375.61 of					124811
	the Revised Code.					124812
	REGIONAL LIBRARY SYSTEMS					124813
	The foregoing appropriation item 350502, Regional Library					124814
	Systems, shall be used to support regional library systems					124815
	eligible for funding under sections 3375.83 and 3375.90 of the					124816
	Revised Code.					124817
	OHIO PUBLIC LIBRARY INFORMATION NETWORK					124818

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN).

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network.

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service.

(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort.

LIBRARY FOR THE BLIND 124844

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to assist the blind and disabled.

TRANSFER TO OPLIN TECHNOLOGY FUND 124848

Notwithstanding sections 5747.03 and 5747.47 of the Revised 124849

Code and any other provision of law to the contrary, in accordance 124850
with a schedule established by the Director of Budget and 124851
Management, the Director of Budget and Management shall transfer 124852
\$3,689,788 cash in each fiscal year from the Public Library Fund 124853
(Fund 7065) to the OPLIN Technology Fund (Fund 4S40). 124854

TRANSFER TO LIBRARY FOR THE BLIND FUND 124855

Notwithstanding sections 5747.03 and 5747.47 of the Revised 124856
Code and any other provision of law to the contrary, in accordance 124857
with a schedule established by the Director of Budget and 124858
Management, the Director of Budget and Management shall transfer 124859
\$1,274,194 cash in each fiscal year from the Public Library Fund 124860
(Fund 7065) to the Library for the Blind Fund (Fund 5GB0). 124861

Section 321.10. LCO LIQUOR CONTROL COMMISSION 124862

Dedicated Purpose Fund Group 124863

5LP0 970601 Commission Operating \$ 796,368 \$ 796,368 124864
Expenses

TOTAL DPF Dedicated Purpose Fund \$ 796,368 \$ 796,368 124865

Group

TOTAL ALL BUDGET FUND GROUPS \$ 796,368 \$ 796,368 124866

Section 323.10. LOT STATE LOTTERY COMMISSION 124868

State Lottery Fund Group 124869

7044 950321 Operating Expenses \$ 52,218,910 \$ 53,320,434 124870

7044 950402 Advertising Contracts \$ 24,550,000 \$ 24,550,000 124871

7044 950403 Gaming Contracts \$ 68,934,057 \$ 69,081,749 124872

7044 950601 Direct Prize Payments \$ 131,894,037 \$ 132,397,721 124873

7044 950605 Problem Gambling \$ 3,000,000 \$ 3,000,000 124874

8710 950602 Annuity Prizes \$ 81,705,325 \$ 82,313,553 124875

TOTAL SLF State Lottery Fund 124876

Group \$ 362,302,329 \$ 364,663,457 124877

TOTAL ALL BUDGET FUND GROUPS \$ 362,302,329 \$ 364,663,457 124878

OPERATING EXPENSES	124879
Notwithstanding sections 127.14 and 131.35 of the Revised Code, the Controlling Board may, at the request of the State Lottery Commission, authorize expenditures from the State Lottery Fund in excess of the amounts appropriated, up to a maximum of 10 per cent of anticipated total revenue accruing from the sale of lottery products. Upon the approval of the Controlling Board, the additional amounts are hereby appropriated.	124880 124881 124882 124883 124884 124885 124886
DIRECT PRIZE PAYMENTS	124887
Any amounts, in addition to the amounts appropriated in appropriation item 950601, Direct Prize Payments, that the Director of the State Lottery Commission determines to be necessary to fund prizes are hereby appropriated.	124888 124889 124890 124891
ANNUITY PRIZES	124892
Upon request of the State Lottery Commission, the Director of Budget and Management may transfer cash from the State Lottery Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in an amount sufficient to fund deferred prizes. The Treasurer of State, from time to time, shall credit the Deferred Prizes Trust Fund (Fund 8710) the pro rata share of interest earned by the Treasurer of State on invested balances.	124893 124894 124895 124896 124897 124898 124899
Any amounts, in addition to the amounts appropriated in appropriation item 950602, Annuity Prizes, that the Director of the State Lottery Commission determines to be necessary to fund deferred prizes and interest earnings are hereby appropriated.	124900 124901 124902 124903
TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND	124904
Estimated transfers from the State Lottery Fund (Fund 7044) to the Lottery Profits Education Fund (Fund 7017) are to be \$984,000,000 in fiscal year 2016 and \$988,000,000 in fiscal year 2017. The Director of Budget and Management shall transfer such	124905 124906 124907 124908

amounts contingent upon the availability of resources. Transfers 124909
from the State Lottery Fund to the Lottery Profits Education Fund 124910
shall represent the estimated net income from operations for the 124911
Commission in fiscal year 2016 and fiscal year 2017. Transfers by 124912
the Director of Budget and Management to the Lottery Profits 124913
Education Fund shall be administered as the statutes direct. 124914

Section 325.10. MHC MANUFACTURED HOMES COMMISSION 124915

Dedicated Purpose Fund Group 124916
4K90 996609 Operating Expenses \$ 459,134 \$ 459,134 124917
5MC0 996610 Manufactured Homes \$ 747,825 \$ 747,825 124918
Regulation
TOTAL DPF Dedicated Purpose Fund \$ 1,206,959 \$ 1,206,959 124919
Group
TOTAL ALL BUDGET FUND GROUPS \$ 1,206,959 \$ 1,206,959 124920

Section 327.10. MCD DEPARTMENT OF MEDICAID 124922

General Revenue Fund 124923
GRF 651425 Medicaid Program \$ 192,082,820 \$ 196,608,060 124924
Support - State
GRF 651525 Medicaid/Health Care 124925
Services
State \$ 4,847,530,989 \$ 4,894,000,948 124926
Federal \$12,289,749,598 \$13,047,353,013 124927
Medicaid/Health Care \$17,137,280,587 \$17,941,353,961 124928
Services Total
GRF 651526 Medicare Part D \$ 308,823,000 \$ 328,424,000 124929
GRF 651528 Maternal and Child \$ 500,000 \$ 0 124930
Health
GRF 651529 Brigid's Path Pilot \$ 300,000 \$ 300,000 124931
TOTAL GRF General Revenue Fund 124932
State \$ 5,349,236,809 \$ 5,419,333,008 124933

	Federal		\$12,289,749,598	\$13,047,353,013	124934
	GRF Total		\$17,638,986,407	\$18,466,686,021	124935
Dedicated Purpose Fund Group					124936
4E30	651605	Resident Protection Fund	\$ 2,878,000	\$ 2,878,000	124937
5AJ0	651631	Money Follows the Person	\$ 5,161,000	\$ 4,910,000	124938
5DL0	651639	Medicaid Services - Recoveries	\$ 551,125,000	\$ 561,317,000	124939
5FX0	651638	Medicaid Services - Payment Withholding	\$ 6,000,000	\$ 6,000,000	124940
5GF0	651656	Medicaid Services - Hospitals/UPL	\$ 582,887,931	\$ 613,303,715	124941
5KC0	651682	Health Care Grants - State	\$ 10,000,000	\$ 10,000,000	124942
5R20	651608	Medicaid Services - Long Term Care	\$ 400,000,000	\$ 403,311,000	124943
5U30	651654	Medicaid Program Support	\$ 62,885,000	\$ 53,834,000	124944
6510	651649	Medicaid Services - HCAP	\$ 451,535,858	\$ 237,049,000	124945
TOTAL DPF Dedicated Purpose Fund Group			\$ 2,072,472,789	\$ 1,892,602,715	124946
Holding Account Fund Group					124947
R055	651644	Refunds and Reconciliations	\$ 1,000,000	\$ 1,000,000	124948
TOTAL HLD Holding Account Fund Group			\$ 1,000,000	\$ 1,000,000	124949
Federal Fund Group					124950
3ER0	651603	Medicaid Health Information Technology	\$ 71,764,000	\$ 61,896,000	124951

3F00	651623	Medicaid Services - Federal	\$ 3,645,600,124	\$ 3,350,075,809	124952
3F00	651624	Medicaid Program Support - Federal	\$ 567,832,000	\$ 562,547,000	124953
3FA0	651680	Health Care Grants - Federal	\$ 45,718,000	\$ 36,296,000	124954
3G50	651655	Medicaid Interagency Pass-Through	\$ 91,400,000	\$ 91,406,000	124955
TOTAL FED	Federal Fund Group		\$ 4,422,314,124	\$ 4,102,220,809	124956
TOTAL ALL BUDGET	FUND GROUPS		\$24,134,773,320	\$24,462,509,545	124957

Section 327.20. TEMPORARY AUTHORITY REGARDING EMPLOYEES 124959

(A) As used in this section, "medical assistance program" has 124960
the same meaning as in section 5160.01 of the Revised Code. 124961

(B) During the period beginning July 1, 2015, and ending June 124962
30, 2017, all of the following apply: 124963

(1) The Medicaid Director has the authority to establish, 124964
change, and abolish positions for the Department of Medicaid, and 124965
to assign, reassign, classify, reclassify, transfer, reduce, 124966
promote, or demote all employees of the Department of Medicaid who 124967
are not subject to Chapter 4117. of the Revised Code. 124968

(2) As part of the transfer of medical assistance programs to 124969
the Department of Medicaid, the Director of Job and Family 124970
Services has the authority to establish, change, and abolish 124971
positions for the Department of Job and Family Services, and to 124972
assign, reassign, classify, reclassify, transfer, reduce, promote, 124973
or demote all employees of the Department of Job and Family 124974
Services who are not subject to Chapter 4117. of the Revised Code. 124975

(C) The authority granted under division (B) of this section 124976
includes assigning or reassigning an exempt employee, as defined 124977
in section 124.152 of the Revised Code, to a bargaining unit 124978
classification if the Medicaid Director or Director of Job and 124979

Family Services determines that the bargaining unit classification 124980
is the proper classification for that employee. The actions of the 124981
Medicaid Director or Director of Job and Family Services shall be 124982
consistent with the requirements of 5 C.F.R. 900.603 for those 124983
employees subject to such requirements. If an employee in the E-1 124984
pay range is to be assigned, reassigned, classified, reclassified, 124985
transferred, reduced, or demoted to a position in a lower 124986
classification during the period specified in this section, the 124987
Medicaid Director or Director of Job and Family Services, or in 124988
the case of a transfer outside the Department of Medicaid or 124989
Department of Job and Family Services, the Director of 124990
Administrative Services, shall assign the employee to the 124991
appropriate classification and place the employee in Step X. The 124992
employee shall not receive any increase in compensation until the 124993
maximum rate of pay for that classification exceeds the employee's 124994
compensation. 124995

(D) Actions taken by the Medicaid Director, Director of Job 124996
and Family Services, and Director of Administrative Services 124997
pursuant to this section are not subject to appeal to the State 124998
Personnel Board of Review. 124999

(E) A portion of the foregoing appropriation items 651425, 125000
Medicaid Program Support - State, 651603, Medicaid Health 125001
Information Technology, 651624, Medicaid Program Support - 125002
Federal, 651680, Health Care Grants - Federal, 651655, Medicaid 125003
Interagency Pass-Through, 651605, Resident Protection Fund, 125004
651631, Money Follows the Person, 651682, Health Care Grants - 125005
State, and 651654, Medicaid Program Support, may be used to pay 125006
for costs associated with the administration of the Medicaid 125007
program, including the assignment, reassignment, classification, 125008
reclassification, transfer, reduction, promotion, or demotion of 125009
employees authorized by this section. 125010

Section 327.30. NEW AND AMENDED GRANT AGREEMENTS	125011
(A) As used in this section:	125012
(1) "Grant agreement" has the same meaning as in section 5101.21 of the Revised Code.	125013 125014
(2) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.	125015 125016
(B) The Director of Job and Family Services and boards of county commissioners may enter into negotiations to amend an existing grant agreement or to enter into a new grant agreement regarding the transfer of medical assistance programs to the Department of Medicaid. Any such amended or new grant agreement shall be drafted in the name of the Department of Job and Family Services. The amended or new grant agreement may be executed before July 1, 2015, if the amendment or agreement does not become effective sooner than that date.	125017 125018 125019 125020 125021 125022 125023 125024 125025
(C) A portion of the foregoing appropriation items 651525, Medicaid/Health Care Services, 651603, Medicaid Health Information Technology, 651623, Medicaid Services - Federal, 651624, Medicaid Program Support - Federal, 651680, Health Care Grants - Federal, and 651682, Health Care Grants - State, may be used to pay for Medicaid services and costs associated with the administration of the Medicaid program.	125026 125027 125028 125029 125030 125031 125032
Section 327.40. EXCHANGE OF CERTAIN INFORMATION BETWEEN SPECIFIED STATE AGENCIES; HEALTH TRANSFORMATION INITIATIVES	125033 125034
A portion of the foregoing appropriation items 651425, Medicaid Program Support-State, 651525, Medicaid/Health Care Services, 651639, Medicaid Services-Recoveries, 651638, Medicaid Services-Payment Withholding, 651624, Medicaid Program Support-Federal, 651680, Health Care Grants-Federal, 651655, Medicaid Interagency Pass-Through, 651605, Resident Protection	125035 125036 125037 125038 125039 125040

Fund, 651631, Money Follows the Person, 651656, Medicaid 125041
Services-Hospitals/UPL, 651682, Health Care Grants-State, 651608, 125042
Medicaid Services-Long Term Care, 651654, Medicaid Program 125043
Support, and 651649, Medicaid Services-HCAP, may be used to pay 125044
for services and costs associated with operating protocols adopted 125045
under sections 191.04 and 191.06 of the Revised Code. 125046

Section 327.53. MEDICAID/HEALTH CARE SERVICES 125047

The foregoing appropriation item 651525, Medicaid/Health Care 125048
Services, shall not be limited by section 131.33 of the Revised 125049
Code. 125050

Section 327.60. MANAGED CARE PERFORMANCE PAYMENT PROGRAM 125051

At the beginning of each quarter, or as soon as possible 125052
thereafter, the Medicaid Director shall certify to the Director of 125053
Budget and Management the amount withheld in accordance with 125054
section 5167.30 of the Revised Code for purposes of the Managed 125055
Care Performance Payment Program. Upon receiving certification, 125056
the Director of Budget and Management shall transfer cash in the 125057
amount certified from the General Revenue Fund to the Managed Care 125058
Performance Payment Fund. Appropriation item 651525, 125059
Medicaid/Health Care Services, is hereby reduced by the amount of 125060
the transfer and by the corresponding federal share of the 125061
transfer. Upon request of the Medicaid Director and approval of 125062
the Director of Budget and Management, appropriation up to the 125063
cash balance in the Managed Care Performance Payment Fund is 125064
hereby appropriated. The federal share of the cash balance may 125065
also be appropriated in a federal appropriation item specified in 125066
the request. Any federal share specified in the request is hereby 125067
appropriated. 125068

In addition to any other purpose authorized by law, the 125069
Department of Medicaid may use money in the Managed Care 125070

Performance Payment Fund for the following purposes for fiscal	125071
year 2016 and fiscal year 2017:	125072
(A) To meet obligations specified in provider agreements with	125073
Medicaid managed care organizations;	125074
(B) To pay for Medicaid services provided by a Medicaid	125075
managed care organization;	125076
(C) To reimburse a Medicaid managed care organization that	125077
has paid a fine for failure to meet performance standards or other	125078
requirements specified in provider agreements or rules adopted	125079
under section 5167.02 of the Revised Code if the organization	125080
comes into compliance with the standards or requirements.	125081
Section 327.70. PERFORMANCE PAYMENTS FOR MEDICAID MANAGED	125082
CARE	125083
(A) As used in this section:	125084
(1) "ICDS participant" has the same meaning as in section	125085
5164.01 of the Revised Code.	125086
(2) "Integrated Care Delivery System" and "ICDS" have the	125087
same meaning as section 5164.01 of the Revised Code.	125088
(3) "Medicaid managed care organization" has the same meaning	125089
as in section 5167.01 of the Revised Code.	125090
(B) For fiscal year 2016 and fiscal year 2017, the Department	125091
of Medicaid shall provide performance payments as provided under	125092
this section to Medicaid managed care organizations providing care	125093
under the Integrated Care Delivery System.	125094
(C) If ICDS participants receive care through Medicaid	125095
managed care organizations under ICDS, the Department shall, in	125096
consultation with the United States Centers for Medicare and	125097
Medicaid Services, do both of the following:	125098
(1) Develop quality measures designed specifically to	125099

determine the effectiveness of the health care and other services 125100
provided to ICDS participants by Medicaid managed care 125101
organizations; 125102

(2) Determine an amount to be withheld from the Medicaid 125103
premium payments paid to Medicaid managed care organizations for 125104
ICDS participants. 125105

(D)(1) For the purposes of division (C)(2) of this section, 125106
the Department shall establish an amount that is to be withheld 125107
each time a premium payment is made to a Medicaid managed care 125108
organization for an ICDS participant. The amount shall be 125109
established as a percentage of each premium payment. The 125110
percentage shall be the same for all Medicaid managed care 125111
organizations providing care to ICDS participants. 125112

(2) Each Medicaid managed care organization shall agree to 125113
the withholding as a condition of receiving or maintaining its 125114
Medicaid provider agreement with the Department. 125115

(3) When the amount is established and each time the amount 125116
is modified thereafter, the Department shall certify the amount to 125117
the Director of Budget and Management and begin withholding the 125118
amount from each premium the Department pays to a Medicaid managed 125119
care organization for an ICDS participant. 125120

(E) The Director of Budget and Management shall transfer the 125121
amounts certified in accordance with division (D) of this section 125122
into the Managed Care Performance Payment Fund created under 125123
section 5162.60 of the Revised Code. The amounts transferred may 125124
be used to make performance payments to Medicaid managed care 125125
organizations providing care to ICDS participants in accordance 125126
with rules that may be adopted by the Medicaid Director under 125127
Chapter 119. of the Revised Code. 125128

(F) A Medicaid managed care organization subject to this 125129
section is not subject to section 5167.30 of the Revised Code for 125130

premium payments attributed to ICDS participants during fiscal 125131
year 2016 and fiscal year 2017. 125132

Section 327.80. INTEGRATED CARE DELIVERY SYSTEM PERFORMANCE 125133
PAYMENT PROGRAM 125134

At the beginning of each quarter, or as soon as possible 125135
thereafter, the Medicaid Director may certify to the Director of 125136
Budget and Management the amount withheld in accordance with the 125137
section in this act titled "PERFORMANCE PAYMENTS FOR MEDICAID 125138
MANAGED CARE." On receipt of certification, the Director of Budget 125139
and Management shall transfer cash in the amount certified from 125140
the General Revenue Fund to the Managed Care Performance Payment 125141
Fund (Fund 5KW0). The federal share may also be appropriated in a 125142
federal appropriation item specified in the request. The 125143
transferred cash and the corresponding federal share is hereby 125144
appropriated. Appropriation item 651525, Medicaid/Health Care 125145
Services, is hereby reduced by the amount of the transfer and the 125146
corresponding federal share of the transfer. 125147

Section 327.90. HOSPITAL FRANCHISE FEE PROGRAM 125148

The Director of Budget and Management may authorize 125149
additional expenditures from appropriation item 651623, Medicaid 125150
Services - Federal, appropriation item 651525, Medicaid/Health 125151
Care Services, and appropriation item 651656, Medicaid Services - 125152
Hospital/UPL, in order to implement the programs authorized by 125153
sections 5168.20 through 5168.28 of the Revised Code. Any amounts 125154
authorized are hereby appropriated. 125155

Section 327.100. ADMINISTRATIVE ISSUES RELATED TO TERMINATION 125156
OF MEDICAID WAIVER PROGRAMS 125157

(A) As used in this section, "MCD or ODA Medicaid waiver 125158
component" means the following: 125159

(1) The Medicaid waiver component of the PASSPORT program created under section 173.52 of the Revised Code;	125160 125161
(2) The Medicaid waiver component of the Assisted Living program created under section 173.54 of the Revised Code.	125162 125163
(3) The Ohio Home Care Waiver program as defined in section 5166.01 of the Revised Code;	125164 125165
(4) The Ohio Transitions II Aging Carve-Out program as defined in section 5166.01 of the Revised Code;	125166 125167
(B) If an MCD or ODA Medicaid waiver component is terminated under section 173.52, 173.53, 173.54, 5166.12, or 5166.13 of the Revised Code, all of the following apply:	125168 125169 125170
(1) All applicable statutes, and all applicable rules, standards, guidelines, or orders issued by the Medicaid Director or Department of Medicaid or Director or Department of Aging before the component is terminated, shall remain in full force and effect on and after that date, but solely for purposes of concluding the component's operations, including fulfilling the Departments' legal obligations for claims arising from the component relating to eligibility determinations, covered medical assistance provided to eligible persons, and recovering erroneous overpayments.	125171 125172 125173 125174 125175 125176 125177 125178 125179 125180
(2) Notwithstanding the termination of the component, the right of subrogation for the cost of medical assistance given under section 5160.37 of the Revised Code to the Department of Medicaid and an assignment of the right to medical assistance given under section 5160.38 of the Revised Code to the Department continue to apply with respect to the component and remain in force to the full extent provided under those sections.	125181 125182 125183 125184 125185 125186 125187
(3) The Department of Medicaid and Department of Aging may use appropriated funds to satisfy any claims or contingent claims for medical assistance provided under the component before the	125188 125189 125190

component's termination. 125191

(4) Neither the Department of Medicaid nor the Department of 125192
Aging has liability under the component to reimburse any provider 125193
or other person for claims for medical assistance rendered under 125194
the component after it is terminated. 125195

(C) The Medicaid Director and Director of Aging may adopt 125196
rules in accordance with Chapter 119. of the Revised Code to 125197
implement this section. 125198

Section 327.110. MONEY FOLLOWS THE PERSON ENHANCED 125199
REIMBURSEMENT FUND 125200

The federal payments made to the state under subsection (e) 125201
of section 6071 of the "Deficit Reduction Act of 2005," Pub. L. 125202
No. 109-171, as amended, shall be deposited into the Money Follows 125203
the Person Enhanced Reimbursement Fund. The Department of Medicaid 125204
shall continue to use money deposited into the fund for system 125205
reform activities related to the Money Follows the Person 125206
demonstration project. 125207

Section 327.115. PEOPLE WORKING COOPERATIVELY 125208

Of the foregoing appropriation item 651631, Money Follows the 125209
Person, \$250,000 in each fiscal year shall be allocated to People 125210
Working Cooperatively to perform home modification/repair services 125211
to low-income, frail, or cognitively impaired persons sixty years 125212
of age and older to achieve independent living in their private 125213
residence and to avoid institutional placement. 125214

Section 327.120. MEDICARE PART D 125215

The foregoing appropriation item 651526, Medicare Part D, may 125216
be used by the Department of Medicaid for the implementation and 125217
operation of the Medicare Part D requirements contained in the 125218
"Medicare Prescription Drug, Improvement, and Modernization Act of 125219

2003," Pub. L. No. 108-173, as amended. Upon the request of the 125220
Department of Medicaid, the Director of Budget and Management may 125221
transfer the state share of appropriations between appropriation 125222
item 651525, Medicaid/Health Care Services, and appropriation item 125223
651526, Medicare Part D. If the state share of appropriation item 125224
651525, Medicaid/Health Care Services, is adjusted, the Director 125225
of Budget and Management shall adjust the federal share 125226
accordingly. The Department of Medicaid shall provide notification 125227
to the Controlling Board of any transfers at the next scheduled 125228
Controlling Board meeting. 125229

Section 327.130. OHIO ACCESS SUCCESS PROJECT 125230

Of the foregoing appropriation item, 651525, Medicaid/Health 125231
Care Services, up to \$450,000 in each fiscal year may be used to 125232
provide one-time transitional benefits under the Ohio Access 125233
Success Project that the Medicaid Director may establish under 125234
section 5166.35 of the Revised Code. 125235

Section 327.140. HEALTH CARE SERVICES ADMINISTRATION FUND 125236

Of the amount received by the Department of Medicaid during 125237
fiscal year 2016 and fiscal year 2017 from the first installment 125238
of assessments paid under section 5168.06 of the Revised Code and 125239
intergovernmental transfers made under section 5168.07 of the 125240
Revised Code, the Medicaid Director shall deposit \$350,000 in each 125241
fiscal year into the state treasury to the credit of the Health 125242
Care Services Administration Fund (Fund 5U30). 125243

**Section 327.150. TRANSFERS OF OFFSETS TO THE HEALTH CARE 125244
SERVICES ADMINISTRATION FUND** 125245

(A) As used in this section: 125246

"Hospital offset" means an offset from a hospital's Medicaid 125247
payment authorized by section 5168.991 of the Revised Code. 125248

"Vendor offset" means a reduction of a Medicaid payment to a Medicaid provider to correct a previous, incorrect Medicaid payment.

(B) During fiscal year 2016 and fiscal year 2017, at intervals selected by the Medicaid Director, the Director shall certify to the Director of Budget and Management the amount of hospital offsets and vendor offsets for the period covered by the certification and the particular funds that would have been used to make Medicaid payments to providers if not for the offsets. Each certification shall specify the amount that would have been taken from each of the funds if not for the hospital offsets and vendor offsets.

(C) On receipt of a certification under division (B) of this section, the Director of Budget and Management shall transfer cash from the funds identified in the certification to the Health Care Services Administration Fund (Fund 5U30). The amount transferred from a fund shall equal the amount that would have been taken from the fund if not for the hospital offsets and vendor offsets as specified in the certification. The federal share may also be appropriated in a federal appropriation item specified in the certification. The transferred cash and the corresponding federal share is hereby appropriated. The appropriations for those appropriation items identified in the certification, and from which transfers occurred, are hereby reduced by the amount of the transfer and the amount of the corresponding federal share.

Section 327.160. HOSPITAL CARE ASSURANCE MATCH

If receipts credited to the Health Care Federal Fund (Fund 3F00) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts

appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

The foregoing appropriation item 651649, Medicaid Services - HCAP, shall be used by the Department of Medicaid for distributing the state share of all hospital care assurance program funds to hospitals under section 5168.09 of the Revised Code. If receipts credited to the Hospital Care Assurance Program Fund (Fund 6510) exceed the amounts appropriated from the fund for making the hospital care assurance program distribution, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon the approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 327.170. REFUNDS AND RECONCILIATION FUND

The Refunds and Reconciliation Fund (Fund R055) shall be used to hold refund and reconciliation revenues until the appropriate fund is determined or until the revenues are directed to the appropriate governmental agency other than the Department of Medicaid. Any Medicaid refunds or reconciliations received or held by the Department of Job and Family Services shall be transferred or credited to this fund. If receipts credited to the Refunds and Reconciliation Fund exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. Upon approval of the Director of Budget and Management, the additional amounts are hereby appropriated.

Section 327.180. MEDICAID INTERAGENCY PASS-THROUGH

The Medicaid Director may request the Director of Budget and Management to increase appropriation item 651655, Medicaid Interagency Pass-Through. Upon the approval of the Director of

Budget and Management, the additional amounts are hereby 125310
appropriated. 125311

Section 327.190. STATE PLAN HOME AND COMMUNITY-BASED SERVICES 125312

(A) As used in this section: 125313

"Federal poverty line" means the official poverty line 125314
defined by the United States Office of Management and Budget based 125315
on the most recent data available from the United States Bureau of 125316
the Census and revised by the United States Secretary of Health 125317
and Human Services pursuant to the "Omnibus Budget Reconciliation 125318
Act of 1981," section 673(2), 42 U.S.C. 9902(2). 125319

"State plan home and community-based services" means home and 125320
community-based services that may be included in the Medicaid 125321
state plan pursuant to the "Social Security Act," section 1915(i), 125322
42 U.S.C. 1396n(i). 125323

(B) During fiscal year 2016 and fiscal year 2017, the 125324
Medicaid program may cover state plan home and community-based 125325
services for Medicaid recipients of any age who have behavioral 125326
health issues and countable incomes not exceeding one hundred 125327
fifty per cent of the federal poverty line. A Medicaid recipient 125328
is not required to undergo a level of care determination to be 125329
eligible for the state plan home and community-based services. 125330

The Medicaid Director may adopt rules under section 5164.02 125331
of the Revised Code as necessary to implement this section. 125332

Section 327.200. UPDATING AUTHORIZING STATUTE CITATIONS 125333

As used in this section, "authorizing statute" means a 125334
Revised Code section or provision of a Revised Code section that 125335
is cited in the Ohio Administrative Code as the statute that 125336
authorizes the adoption of a rule. 125337

The Medicaid Director is not required to amend any rule for 125338

the sole purpose of updating the citation in the Ohio
Administrative Code to the rule's authorizing statute to reflect
that this act renumbers the authorizing statute or relocates it to
another Revised Code section. Such citations shall be updated as
the Director amends the rules for other purposes.

Section 327.210. NON-EMERGENCY MEDICAL TRANSPORTATION

In order to ensure access to a non-emergency medical
transportation brokerage program established pursuant to section
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70),
upon the request of the Medicaid Director, the Director of Budget
and Management may transfer the state share appropriations between
General Revenue Fund appropriation item 651525, Medicaid/Health
Care Services, within the Department of Medicaid and 655523,
Medicaid Program Support - Local Transportation, within the
Department of Job and Family Services. If such a transfer occurs,
the Director of Budget and Management shall adjust, using the
federal reimbursement rate, the federal share appropriations of
General Revenue Fund appropriation line 651525, Medicaid/Health
Care Services, within the Department of Medicaid, and the Medicaid
Program Support Fund (3F01) appropriation line 655624, Medicaid
Program Support, within the Department of Job and Family Services.
The Director of Medicaid shall transmit to the Medicaid Program
Support Fund (3F01) the federal funds which the Department of
Medicaid, as the state's sole point of contact with the federal
government for Medicaid reimbursements, has drawn for this
transaction.

**Section 327.220. PUBLIC ASSISTANCE ELIGIBILITY DETERMINATION
SYSTEM IMPLEMENTATION**

Upon the request of the Medicaid Director, the Director of
Budget and Management may transfer up to \$7,200,000 of state share

appropriations in each fiscal year between General Revenue Fund 125369
appropriation item 651525, Medicaid/Health Care Services, within 125370
the Department of Medicaid, and 655522, Medicaid Program Support - 125371
Local, within the Department of Job and Family Services. If such a 125372
transfer occurs, the Director of Budget and Management shall 125373
adjust, using the federal reimbursement rate, the federal share 125374
appropriations of General Revenue Fund appropriation item 651525, 125375
Medicaid/Health Care Services, within the Department of Medicaid, 125376
and the Medicaid Program Support Fund (Fund 3F01) appropriation 125377
item 655624, Medicaid Program Support, within the Department of 125378
Job and Family Services. The Director of Medicaid shall transmit 125379
to the Medicaid Program Support Fund (3F01) the federal funds 125380
which the Department of Medicaid, as the state's sole point of 125381
contact with the federal government for Medicaid reimbursements, 125382
has drawn for this transaction. 125383

Any increase in funding shall be provided to county 125384
departments of job and family services and shall only be used for 125385
costs related to transitioning to a new public assistance 125386
eligibility determination system. These funds shall not be used 125387
for existing and ongoing operating expenses. The Medicaid Director 125388
shall establish criteria for distributing these funds and for 125389
county departments of job and family services to submit allowable 125390
expenses. 125391

County departments of job and family services shall comply 125392
with new roles, processes, and responsibilities related to the new 125393
eligibility determination system. County departments of job and 125394
family services shall report to the Ohio Department of Job and 125395
Family Services and the Ohio Department of Medicaid, on a schedule 125396
determined by the Medicaid Director, how the funds were used. 125397

Section 327.230. ABOLISHMENT OF THE HOME AND COMMUNITY-BASED 125398
SERVICES FUND (FUND 4J50) 125399

On July 1, 2015, or as soon as possible thereafter, the 125400
Director of Budget and Management shall transfer the cash balance 125401
in the Home and Community - Based Services Fund (Fund 4J50) to the 125402
Nursing Facility Franchise Permit Fee Fund (Fund 5R20), both used 125403
by the Department of Medicaid. Upon completion of the transfer, 125404
Fund 4J50 is hereby abolished. 125405

Section 327.243. HOLZER CLINIC PAYMENT 125406

(A) Of the foregoing appropriation item 651525, 125407
Medicaid/Health Care Services, \$666,844 in fiscal year 2016 and 125408
\$332,270 in fiscal year 2017 shall be used to make, subject to 125409
division (B) of this section, Medicaid payments in accordance with 125410
rule 5160-1-60.1 of the Administrative Code for physician, 125411
pregnancy-related, evaluation, and management services provided by 125412
physician groups that meet the criteria described in the rule. 125413

(B) As necessary to reflect the amount of this section's 125414
earmarks, the Department of Medicaid shall adjust the amount by 125415
which rule 5160-1-60.1 of the Administrative Code increases the 125416
Medicaid payment rates for physician, pregnancy-related, 125417
evaluation, and management services provided by physician groups 125418
that meet the criteria described in the rule. The adjustment shall 125419
take effect July 1, 2015. The Medicaid Director shall amend the 125420
rule as soon as possible thereafter so that the rule reflects the 125421
adjustment. 125422

Section 327.244. COMMUNITY HEALTH WORKER SERVICES 125423

Of the foregoing appropriation item 651525, Medicaid/Health 125424
Care Services, \$13,400,000 in each fiscal year shall be used to 125425
provide community health worker services and other services to 125426
certain Medicaid recipients as specified in section 5167.15 of the 125427
Revised Code. 125428

Section 327.245. MATERNAL AND CHILD HEALTH 125429

The foregoing appropriation item 651528, Maternal and Child 125430
Health, shall be allocated to Integrating Professionals for 125431
Appalachian Children. These funds shall be used to improve 125432
maternal and child health outcomes in the service area comprised 125433
of Athens, Gallia, Hocking, Jackson, Meigs, Perry, Ross, Vinton, 125434
and Washington counties. 125435

Section 327.250. RATE FOR HOME HEALTH AIDE SERVICES 125436

(A) As used in this section, "independent provider" means an 125437
individual who personally provides home health aide services and 125438
is not employed by, under contract with, or affiliated with 125439
another entity that provides those services. 125440

(B) Notwithstanding section 5164.77 of the Revised Code, the 125441
Medicaid payment rate for home health aide services that are 125442
provided by a provider, other than an independent provider, during 125443
the period beginning July 1, 2015, and ending June 30, 2017, shall 125444
be at least five per cent higher than the rate in effect on June 125445
30, 2015, for those services. 125446

Section 327.260. HOME HEALTH AIDE SERVICES 125447

Of the foregoing appropriation item 651525, Medicaid/Health 125448
Care Services, \$14,500,000 in each fiscal year shall be used to 125449
increase the Medicaid payment rate for agency providers for home 125450
health services rendered under the Medicaid program by home health 125451
aides, during fiscal year 2016 and fiscal year 2017, by five per 125452
cent relative to such rate in effect on June 30, 2015. 125453

Section 327.270. NURSING FACILITY DEMONSTRATION PROJECT 125454

(A) As used in this section: 125455

(1) "Freestanding long-term care hospital" means a hospital 125456

to which all of the following apply: 125457

(a) It is a freestanding long-term care hospital as defined 125458
in 42 C.F.R. 412.23(e)(5). 125459

(b) It has a Medicaid provider agreement to provide inpatient 125460
hospital services. 125461

(c) Pursuant to rules adopted under section 5164.02 of the 125462
Revised Code, it is exempt from the all patient refined diagnosis 125463
related groups (APR-DRG) and prospective payment methodology the 125464
Department of Medicaid uses to determine Medicaid payment rates 125465
for inpatient services provided by other types of hospitals not 125466
also excluded from the methodology. 125467

(2) "Nursing facility," "nursing facility services," "nursing 125468
home," and "provider" have the same meanings as in section 5165.01 125469
of the Revised Code. 125470

(B) Not later than thirty days after the effective date of 125471
this section, the Department of Medicaid shall submit to the 125472
United States Secretary of Health and Human Services a request for 125473
a Medicaid Waiver to operate, beginning January 1, 2016, a 125474
two-year demonstration project under which Medicaid recipients 125475
receive nursing facility services in participating nursing 125476
facilities in lieu of hospital inpatient services in freestanding 125477
long-term care hospitals. 125478

(1) The Department shall select four nursing facilities to 125479
participate in the demonstration project. To be selected for 125480
participation, a nursing facility must meet all of the following 125481
requirements: 125482

(a) The nursing facility's provider must hold the nursing 125483
facility out to the public as providing short-term rehabilitation 125484
services. 125485

(b) The nursing facility must have a hydrotherapy pool. 125486

(c) The nursing facility's Medicaid-certified capacity must 125487
include at least ten single-occupancy sleeping rooms that will be 125488
used for Medicaid recipients admitted to the nursing facility 125489
under the demonstration project. 125490

(d) The nursing facility must have been initially 125491
constructed, licensed as a nursing home, and certified as a 125492
nursing facility on or after January 1, 2010. 125493

(2) In selecting four nursing facilities to participate in 125494
the demonstration project, the Department shall select one nursing 125495
facility located in Cuyahoga county, one located in Franklin 125496
county, one located in Hamilton county, and one located in Lucas 125497
county. However, the Department may select a nursing facility 125498
located in another county if necessary to find four nursing 125499
facilities that meet the requirements specified in division (B)(1) 125500
of this section. 125501

(C)(1) The provider of each participating nursing facility 125502
shall develop admission criteria that Medicaid recipients must 125503
meet to be admitted to the nursing facility under the 125504
demonstration project. The provider shall give the criteria to 125505
each hospital that is located within fifty miles of the nursing 125506
facility and routinely refers Medicaid patients to freestanding 125507
long-term care hospitals. A hospital that receives the criteria 125508
shall consider the criteria when determining where to refer a 125509
Medicaid recipient who needs the types of services freestanding 125510
long-term care hospitals provide. 125511

(2) A Medicaid recipient may refuse a referral to a 125512
participating nursing facility and instead seek admission to a 125513
freestanding long-term care hospital. If a Medicaid recipient 125514
seeks admission to a participating nursing facility under the 125515
demonstration project, the nursing facility's staff shall ensure 125516
that the recipient meets the nursing facility's criteria before 125517
admitting the recipient. 125518

(3) A participating nursing facility shall notify the Department each time it admits a Medicaid recipient under the demonstration project. A Medicaid recipient's admission to a participating nursing facility under the demonstration project is not subject to prior authorization from the Department or a designee of the Department.

(D) Notwithstanding Chapter 5165. of the Revised Code, the Medicaid payment rate for nursing facility services that a Medicaid recipient receives from a participating nursing facility under the demonstration project shall not exceed the Medicaid payment rate for comparable hospital inpatient services provided by freestanding long-term care hospitals in effect at the time the nursing facility services are provided.

(E) Not later than thirty days after the end of each quarter of the demonstration project, the provider of each participating nursing facility shall report to the Department all of the following information about each Medicaid recipient residing in the nursing facility under the demonstration project during the quarter:

(1) The cost of the nursing facility services that the nursing facility provided to the recipient that quarter;

(2) The number of days the recipient resided in the nursing facility that quarter;

(3) The recipient's health outcomes;

(4) The recipient's satisfaction with the nursing facility as reported to the nursing facility's staff;

(5) All other information that the Department requires the providers to include in the reports.

(F) Not later than three months after the demonstration project ends, the Department shall complete a report about it. The

report shall include an analysis of the information submitted to 125549
the Department under division (D) of this section. The report also 125550
shall include recommendations about resuming operation of the 125551
demonstration project and selecting nursing facilities from 125552
additional counties to participate. The Department shall submit 125553
the report to all of the following: 125554

(1) The Governor; 125555

(2) In accordance with section 101.68 of the Revised Code, 125556
the General Assembly; 125557

(3) The Joint Medicaid Oversight Committee. 125558

Section 327.280. PRE-ENROLLMENT PROVIDER SCREENINGS AND 125559
REVIEWS 125560

During fiscal year 2016 and fiscal year 2017, it is 125561
recommended that the Department of Medicaid perform pre-enrollment 125562
screenings and reviews of Medicaid providers designated as 125563
moderate or high categorical risks to the Medicaid program under 125564
the categorical risk levels established pursuant to Subpart E of 125565
Part 455 of Title 42 of the Code of Federal Regulations. 125566

Section 327.290. PILOT PROGRAM FOR NEWBORNS WITH NEONATAL 125567
ABSTINENCE SYNDROME 125568

As used in this section, "hospital" has the same meaning as 125569
in section 3727.01 of the Revised Code. 125570

In consultation with the Department of Job and Family 125571
Services and the Department of Health, the Department of Medicaid 125572
shall develop a pilot program under which newborns who have 125573
neonatal abstinence syndrome are, after being medically stabilized 125574
at a hospital, transferred to a nonhospital, community facility 125575
that is located in Montgomery County and provides the newborns 125576
medical, pharmacological, and therapeutic services specified by 125577

the Department of Medicaid, the Department of Job and Family Services, and the Department of Health. The departments shall begin operation of the pilot program not later than ninety days after the effective date of this section. The pilot program shall be operated for two years.

Not later than ninety days after the date the pilot program ends, the Department of Medicaid, the Department of Job and Family Services, and the Department of Health shall jointly complete a report about the pilot program. The report shall include recommendations for making the pilot program statewide and part of the Medicaid program. The Department of Medicaid, the Department of Job and Family Services, and the Department of Health jointly shall submit the report to the General Assembly in accordance with section 101.68 of the Revised Code.

The foregoing appropriation item 651529, Brigid's Path Pilot, shall be used to fund the Brigid's Path Pilot Program.

Section 327.300. MEDICAID RATES FOR AMBULETTE SERVICES

The Medicaid payment rates for ambulette services provided during the period beginning July 1, 2015, and ending June 30, 2017, shall be at least ten per cent higher than the amount of the rates for the services in effect on June 30, 2015.

Section 327.310. TERMINATION OF 209(b) OPTION

As used in this section, "209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the Medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility requirements for the Supplemental Security Income program.

The Department of Medicaid shall not terminate the implementation of the 209(b) option before July 1, 2016.

Section 327.320. GRADUATE MEDICAL EDUCATION STUDY COMMITTEE	125608
(A) There is hereby created the Graduate Medical Education Study Committee. The Committee shall consist of all of the following members:	125609 125610 125611
(1) The Executive Director of the Office of Health Transformation;	125612 125613
(2) The Medicaid Director;	125614
(3) The Chancellor of Higher Education;	125615
(4) Four deans of medical schools of colleges and universities located in this state, appointed by the President of the Senate;	125616 125617 125618
(5) Four presidents of colleges and universities that are located in this state and have medical schools, appointed by the Speaker of the House of Representatives;	125619 125620 125621
(6) The chief executive officer of each of the following:	125622
(a) The Ohio State Medical Association;	125623
(b) The Ohio Osteopathic Association;	125624
(c) The Ohio Hospital Association;	125625
(d) The Ohio Children's Hospital Association.	125626
(B) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section. A member of the Committee may designate an individual to serve on the Committee in the member's place for one or more meetings. Members shall serve without compensation or reimbursement, except to the extent that serving on the Committee is considered part of their usual job duties.	125627 125628 125629 125630 125631 125632 125633
(C) The Executive Director of the Office of Health Transformation shall serve as chairperson of the Committee. The	125634 125635

Department of Medicaid shall provide the Committee all support 125636
services the Committee needs. 125637

(D) The Committee shall study the issue of Medicaid payments 125638
to hospitals for the costs of graduate medical education. The 125639
Committee shall include in its study the feasibility of targeting 125640
the payments in a manner that rewards graduates of medical schools 125641
of colleges and universities located in this state who practice 125642
medicine and surgery or osteopathic medicine and surgery in this 125643
state for at least five years after graduation. The Committee 125644
shall complete a report about its study not later than December 125645
31, 2015. The Committee shall submit copies of the report to the 125646
Governor, the General Assembly (in accordance with section 101.68 125647
of the Revised Code), and the Joint Medicaid Oversight Committee. 125648
The Graduate Medical Education Study Committee shall cease to 125649
exist on submission of the report. 125650

Section 327.330. STUDY OF SELF-SELECTING MANAGED CARE 125651
ORGANIZATION 125652

(A) Not later than one hundred eighty days after the 125653
effective date of this section, the Department of Medicaid shall 125654
complete a study of the feasibility and potential savings to the 125655
state of delaying an individual's coverage under the Medicaid 125656
program until the individual self-selects a Medicaid managed care 125657
organization in which to enroll if the individual is required to 125658
participate in the care management system established under 125659
section 5167.03 of the Revised Code. As part of the study, the 125660
Department shall do both of the following: 125661

(1) Examine the feasibility of obtaining any necessary 125662
federal waivers, including a waiver of the default enrollment 125663
process required by section 1932(a)(1)(D) of the "Social Security 125664
Act," 42 U.S.C. 1396u-2(a)(1)(D); 125665

(2) Contract with an actuary to determine the effect that the 125666

delay in coverage would have on the amount of premiums to be paid 125667
 Medicaid managed care organizations under the care management 125668
 system. 125669

(B) The Department shall prepare a report about the study 125670
 conducted under this section and submit the report to the 125671
 Governor, General Assembly (in accordance with section 101.68 of 125672
 the Revised Code), and the Joint Medicaid Oversight Committee. 125673

Section 329.10. MED STATE MEDICAL BOARD 125674

Dedicated Purpose Fund Group 125675
 5C60 883609 Operating Expenses \$ 9,467,737 \$ 9,655,200 125676
 TOTAL DPF Dedicated Purpose Fund \$ 9,467,737 \$ 9,655,200 125677
 Group
 TOTAL ALL BUDGET FUND GROUPS \$ 9,467,737 \$ 9,655,200 125678

Section 331.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 125680

SERVICES 125681
 General Revenue Fund 125682
 GRF 336321 Central \$ 13,632,646 \$ 13,632,646 125683
 Administration
 GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 125684
 GRF 336405 Family & Children \$ 1,386,000 \$ 1,386,000 125685
 First
 GRF 336406 Prevention and \$ 3,488,659 \$ 3,488,659 125686
 Wellness
 GRF 336412 Hospital Services \$ 200,658,333 \$ 200,658,333 125687
 GRF 336415 Mental Health \$ 20,817,900 \$ 19,902,200 125688
 Facilities
 Lease-Rental Bond
 Payments
 GRF 336421 Continuum of Care \$ 72,389,846 \$ 72,339,846 125689
 Services

GRF	336422	Criminal Justice Services	\$	9,916,418	\$	9,916,418	125690
GRF	336423	Addiction Services Partnership with Corrections	\$	27,422,269	\$	34,362,315	125691
GRF	336424	Recovery Housing	\$	2,500,000	\$	2,500,000	125692
GRF	336425	Specialized Docket Support	\$	5,000,000	\$	5,000,000	125693
GRF	336504	Community Innovations	\$	9,250,000	\$	9,250,000	125694
GRF	336506	Court Costs	\$	1,284,210	\$	1,284,210	125695
GRF	336510	Residential State Supplement	\$	15,002,875	\$	15,002,875	125696
GRF	336511	Early Childhood Mental Health Counselors and Consultation	\$	2,500,000	\$	2,500,000	125697
GRF	652321	Medicaid Support	\$	1,736,600	\$	1,736,600	125698
TOTAL GRF		General Revenue Fund	\$	387,435,756	\$	393,410,102	125699
		Dedicated Purpose Fund Group					125700
2320	336621	Family and Children First Administration	\$	400,000	\$	400,000	125701
4750	336623	Statewide Treatment and Prevention	\$	15,550,000	\$	15,550,000	125702
4850	336632	Mental Health Operating	\$	2,611,733	\$	2,611,733	125703
5AU0	336615	Behaviorial Health Care	\$	7,850,000	\$	7,850,000	125704
5JL0	336629	Problem Gambling and Casino Addictions	\$	6,250,000	\$	6,250,000	125705
5T90	336641	Problem Gambling Services	\$	435,000	\$	435,000	125706
6320	336616	Community Capital Replacement	\$	350,000	\$	350,000	125707

6890	336640	Education and Conferences	\$	150,000	\$	150,000	125708
TOTAL DPF Dedicated Purpose Fund							
Group							
							125710
1490	336609	Hospital Operating Expenses	\$	24,790,000	\$	24,790,000	125711
1490	336610	Operating Expenses	\$	6,743,190	\$	6,743,190	125712
1500	336620	Special Education	\$	150,000	\$	150,000	125713
1510	336601	Ohio Pharmacy Services	\$	75,000,000	\$	75,000,000	125714
4P90	336604	Community Mental Health Projects	\$	250,000	\$	250,000	125715
TOTAL ISA Internal Service Activity							
Fund Group							
							125717
Federal Fund Group							
3240	336605	Medicaid/Medicare	\$	28,200,000	\$	28,200,000	125718
3A60	336608	Federal Miscellaneous	\$	2,510,000	\$	2,510,000	125719
3A70	336612	Social Services Block Grant	\$	8,450,000	\$	8,450,000	125720
3A80	336613	Federal Grants	\$	11,417,000	\$	11,417,000	125721
3A90	336614	Mental Health Block Grant	\$	16,058,470	\$	16,058,470	125722
3B10	652635	Community Medicaid Legacy Costs	\$	5,000,000	\$	5,000,000	125723
3B10	652636	Community Medicaid Legacy Support	\$	7,000,000	\$	7,000,000	125724
3FR0	336638	Race to the Top - Early Learning Challenge Grant	\$	1,164,000	\$	1,164,000	125725
3G40	336618	Substance Abuse Block Grant	\$	65,865,756	\$	65,865,756	125726

3H80	336606	Demonstration Grants	\$	20,050,000	\$	20,050,000	125727
3N80	336639	Administrative	\$	1,300,000	\$	1,300,000	125728
		Reimbursement					
TOTAL FED	Federal Fund Group		\$	167,015,226	\$	167,015,226	125729
TOTAL ALL BUDGET FUND GROUPS			\$	694,980,905	\$	700,955,251	125730

Section 331.21. TRANSITION RELATING TO CONSOLIDATION OF DEPARTMENTS 125732
DEPARTMENTS 125733

All of the authority, functions, and assets and liabilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services are transferred to the Department of Mental Health and Addiction Services. The Department of Mental Health and Addiction Services is thereupon and thereafter successor to, assumes the obligations of, and otherwise constitutes the continuation of the Department of Alcohol and Drug Addiction Services and the Department of Mental Health. The Director of Mental Health and Addiction Services assumes all of the duties, authorities, and responsibilities of the Director of Alcohol and Drug Addiction Services and the Director of Mental Health. Any action, license, or certification that was undertaken or issued by the Director of Alcohol and Drug Addiction Services or the Director of Mental Health that is current and valid on the effective date of the consolidation is deemed to be an action, license, or certification undertaken or issued by the Department of Mental Health and Addiction Services under the statute creating that Department.

Any business commenced but not completed by July 1, 2013, by the Department of Mental Health or the Department of Alcohol and Drug Addiction Services shall be completed by the Department of Mental Health and Addiction Services. The business shall be completed in the same manner, and with the same effect, as if completed by the Department of Mental Health or by the Department of Alcohol and Drug Addiction Services prior to July 1, 2013.

No validation, cure, right, privilege, remedy, obligation, or liability is lost or impaired by reason of this act's transfer of responsibility from the Department of Mental Health and the Department of Alcohol and Drug Addiction Services to the Department of Mental Health and Addiction Services. Each such validation, cure, right, remedy, obligation, or liability shall be administered by the Department of Mental Health and Addiction Services pursuant to the statute creating that department.

All rules, orders, and determinations made or undertaken pursuant to the authority and responsibilities of the Department of Mental Health and the Department of Alcohol and Drug Addiction Services prior to July 1, 2013, shall continue in effect as rules, orders, and determinations of the Department of Mental Health and Addiction Services until modified or rescinded by the Department of Mental Health and Addiction Services. If necessary to ensure the integrity of the numbering system of the Administrative Code, the Director of the Legislative Service Commission shall renumber the rules to reflect the transfer of authority and responsibility to the Department of Mental Health and Addiction Services.

Any action or proceeding that is related to the functions or duties of the Department of Mental Health or the Department of Alcohol and Drug Addiction Services pending on July 1, 2013, is not affected by the transfer of responsibility to the Department of Mental Health and Addiction Services and shall be prosecuted or defended in the name of the Department of Mental Health and Addiction Services. In all such actions and proceedings, the Department of Mental Health and Addiction Services, on application to the court, shall be substituted as a party.

Section 331.40. PREVENTION AND WELLNESS

Of the foregoing appropriation item 336406, Prevention and Wellness:

(A) Up to \$1,500,000 in each fiscal year shall be used to expand evidence-based prevention resources statewide. 125790
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(B) Up to \$1,000,000 in each fiscal year shall be used to support and expand suicide prevention efforts. 125792
125793

(C) \$120,000 in each fiscal year shall be allocated to Northeast Ohio Medical University's statewide campus safety and mental health programs, including suicide prevention. 125794
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Section 331.50. HOSPITAL SERVICES 125797

The foregoing appropriation item 336412, Hospital Services, shall be used for the operation of the State Regional Psychiatric Hospitals, including, but not limited to, all aspects involving civil and forensic commitment, treatment, and discharge as determined by the Director of Mental Health and Addiction Services. A portion of this appropriation may be used by the Department of Mental Health and Addiction Services to create, purchase, or contract for the custody, supervision, control, and treatment of persons committed to the Department of Mental Health and Addiction Services in other clinically appropriate environments, consistent with public safety. 125798
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Section 331.60. MENTAL HEALTH FACILITIES LEASE-RENTAL BOND PAYMENTS 125809
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The foregoing appropriation item 336415, Mental Health Facilities Lease-Rental Bond Payments, shall be used to meet all payments during the period from July 1, 2015, through June 30, 2017, by the Department of Mental Health and Addiction Services under leases and agreements made under section 154.20 of the Revised Code. These appropriations are the source of funds pledged for bond service charges on obligations issued pursuant to Chapter 154. of the Revised Code. 125811
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Section 331.70. CONTINUUM OF CARE SERVICES	125819
The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows:	125820 125821
(A) A portion of this appropriation shall be allocated to community alcohol, drug addiction, and mental health services boards in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated:	125822 125823 125824 125825 125826 125827 125828
(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and	125829 125830 125831
(2) To provide subsidized support for medication-assisted treatment costs.	125832 125833
(B) A portion of this appropriation may be distributed to community alcohol, drug addiction, and mental health services boards, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services.	125834 125835 125836 125837 125838 125839
(C)(1) \$400,000 in fiscal year 2016 and \$350,000 in fiscal year 2017 shall be allocated to the Geauga County Board of Mental Health and Recovery Services. The Board shall distribute \$316,250 in fiscal year 2016 and \$284,750 in fiscal year 2017 to the Chardon School District to be used for program-related activities.	125840 125841 125842 125843 125844
(2) The Department of Mental Health and Addiction Services shall submit a report to the General Assembly in accordance with section 101.68 of the Revised Code regarding the performance of the program by September 30, 2017.	125845 125846 125847 125848

Section 331.80. CRIMINAL JUSTICE SERVICES 125849

The foregoing appropriation item 336422, Criminal Justice Services, shall be used to provide forensic psychiatric evaluations to courts of common pleas and to conduct evaluations of patients of forensic status in facilities operated or designated by the Department of Mental Health and Addiction Services prior to conditional release to the community. A portion of this appropriation may be allocated through community alcohol, drug addiction, and mental health services boards to community addiction and/or mental health services providers in accordance with a distribution methodology as determined by the Director of Mental Health and Addiction Services.

Of the foregoing appropriation item 336422, Criminal Justice Services, up to \$1,000,000 in each fiscal year shall be used to support specialty dockets and expand and/or create new certified court programs.

Appropriation item 336422, Criminal Justice Services, may also be used to:

(A) Provide forensic monitoring and tracking of individuals on conditional release;

(B) Provide forensic training;

(C) Support projects that assist courts and law enforcement to identify and develop appropriate alternative services to incarceration for nonviolent mentally ill offenders;

(D) Provide specialized re-entry services to offenders leaving prisons and jails;

(E) Provide specific grants in support of addiction services alternatives to incarceration; and

(F) Support therapeutic communities.

Section 331.90. ADDICTION TREATMENT PROGRAM FOR SPECIALIZED	125878
DOCKET PROGRAMS	125879
(A) As used in this section:	125880
(1) "Certified drug court" means a session of any of the	125881
following that holds initial or final certification from the	125882
Supreme Court of Ohio as a specialized docket program for drugs: a	125883
common pleas court, municipal court, or county court, or a	125884
division of any of those courts.	125885
(2) "Prescriber" has the same meaning as in section 4729.01	125886
of the Revised Code.	125887
(B)(1) The Department of Mental Health and Addiction Services	125888
shall conduct a pilot program to provide addiction treatment,	125889
including medication-assisted treatment, to persons who are	125890
offenders within the Criminal Justice System, eligible to	125891
participate in a certified drug court program, and are selected	125892
under this section to be participants in the pilot program because	125893
of their dependence on opioids, alcohol, or both.	125894
(2) The Department shall conduct the program in those courts	125895
of Allen, Cuyahoga, Franklin, Hamilton, Hardin, Hocking, Mercer,	125896
Montgomery, Summit, and Crawford or Marion counties that are	125897
conducting certified drug court programs. If in any of these	125898
counties there is no court conducting a certified drug court	125899
program, the Department shall conduct the pilot program in a court	125900
that is conducting a certified drug court program in another	125901
county.	125902
(3) In addition to conducting the program in accordance with	125903
division (B)(2) of this section, the Department may conduct the	125904
program in any court that is conducting a certified drug court	125905
program.	125906
(C) In conducting the program, the Department shall	125907

collaborate with the Supreme Court, the Department of 125908
Rehabilitation and Correction, and any agency of the state that 125909
the Department determines may be of assistance in accomplishing 125910
the objectives of the program. The Department may collaborate with 125911
the boards of alcohol, drug addiction, and mental health services 125912
and with local law enforcement agencies that serve the counties in 125913
which a court participating in the program is located. 125914

(D)(1) A certified drug court program shall select persons 125915
who are criminal offenders to be participants in the pilot 125916
program. A person shall not be selected to be a participant unless 125917
the person meets the legal and clinical eligibility criteria for 125918
the certified drug court program and is an active participant in 125919
the program. 125920

(2) The total number of persons participating in a pilot 125921
program at any time shall not exceed one thousand, except that the 125922
Department of Mental Health and Addiction Services may authorize 125923
the maximum number to be exceeded in circumstances that the 125924
Department considers to be appropriate. 125925

(3) After being enrolled in a certified drug court program, a 125926
participant shall comply with all requirements of the certified 125927
drug court program. 125928

(E) The treatment provided in a certified drug court program 125929
shall be provided by a community addiction services provider that 125930
is certified under section 5119.36 of the Revised Code. In serving 125931
as a treatment provider, a treatment provider shall do all of the 125932
following: 125933

(1) Provide treatment based on an integrated service delivery 125934
model that consists of the coordination of care between a 125935
prescriber and the addiction services provider; 125936

(2) Conduct professional, comprehensive substance abuse and 125937
mental health diagnostic assessments of a person under 125938

consideration for selection as a program participant to determine 125939
whether the person would benefit from substance abuse treatment 125940
and monitoring; 125941

(3) Determine, based on the assessment described in division 125942
(E)(2) of this section, the treatment needs of the participants 125943
served by the treatment provider; 125944

(4) Develop, for participants served by the treatment 125945
provider, individualized goals and objectives; 125946

(5) Provide access to the long-acting antagonist therapies, 125947
partial agonist therapies, or both, that are included in the 125948
program's medication-assisted treatment; 125949

(6) Provide other types of therapies, including psychosocial 125950
therapies, for both substance abuse and any disorders that are 125951
considered by the treatment provider to be co-occurring disorders; 125952

(7) Monitor program compliance through the use of regular 125953
drug testing, including urinalysis, of the participants being 125954
served by the treatment provider. 125955

(F) In the case of medication-assisted treatment provided 125956
under the program, all of the following conditions apply: 125957

(1) A drug may be used only if the drug has been approved by 125958
the United States Food and Drug Administration for use in treating 125959
dependence on opioids, alcohol, or both, or for preventing relapse 125960
into the use of opioids, alcohol, or both. 125961

(2) One or more drugs may be used, but each drug that is used 125962
must constitute long-acting antagonist therapy or partial agonist 125963
therapy. 125964

(3) If a drug constituting partial agonist therapy is used, 125965
the program shall provide safeguards to minimize abuse and 125966
diversion of the drug, including such safeguards as routine drug 125967
testing of program participants. 125968

(G) A report of the findings obtained from the pilot program 125969
shall be prepared by a research institution and include data 125970
derived from the drug testing and performance measures used in the 125971
program. The research institution shall complete its report not 125972
later than December 31, 2015. Upon completion, the institution 125973
shall submit the report to the Governor, Chief Justice of the 125974
Supreme Court, President of the Senate, Speaker of the House of 125975
Representatives, Department of Mental Health and Addiction 125976
Services, Department of Rehabilitation and Correction, and any 125977
other state agency that the Department of Mental Health and 125978
Addiction Services collaborates with in conducting the program. 125979

(H) It is anticipated and expected that drug courts will 125980
expand their ability to serve more drug court participants as a 125981
result of increased access to commercial or publicly funded health 125982
insurance. In order to ensure that funds appropriated to support 125983
this addiction treatment program are used in the most efficient 125984
manner with a goal of enrolling the maximum number of 125985
participants, the Medicaid Director with major Ohio healthcare 125986
plans shall develop plans consistent with this division. There 125987
shall be no prior authorizations or step therapy for 125988
medication-assisted treatment for participants in the addiction 125989
treatment program. The plans developed under this division shall 125990
ensure all of the following: 125991

(1) The development of an efficient and timely process for 125992
review of eligibility for health benefits for all offenders 125993
selected to participate in the addiction treatment program; 125994

(2) A rapid conversion to reimbursement for all healthcare 125995
services by the participant's health insurance company following 125996
approval for coverage of healthcare benefits; 125997

(3) The development of a consistent benefit package that 125998
provides ready access to and reimbursement for essential 125999
healthcare services including, but not limited to, primary 126000

healthcare, alcohol and opiate detoxification services, 126001
appropriate psychosocial services, and medication for long-acting 126002
injectable antagonist therapies and partial agonist therapies; 126003

(4) The development of guidelines that require the provision 126004
of all treatment services, including medication, with minimal 126005
administrative barriers and within a timeframe that meets the 126006
requirements of individual patient care plans. 126007

(I) Within 90 days after the effective date of this section, 126008
the Department shall select a nationally recognized research 126009
institution with experience in evaluating multiple court systems 126010
across jurisdictions in both rural and urban regions. The research 126011
institution shall have demonstrated experience evaluating the use 126012
of agonist and antagonist medication assisted treatment in drug 126013
courts, a track record of scientific publications, experience in 126014
health economics, and ethical and patient selection and consent 126015
issues. The institution shall also have an internal institutional 126016
review board. The institution shall prepare the report described 126017
in division (J) of this section. 126018

(J) A report of the findings obtained from the addiction 126019
treatment pilot program established by Section 327.120 of Am. Sub. 126020
H.B. 59 of the 130th General Assembly shall be prepared by a 126021
research institution and include data derived from the drug 126022
testing and performance measures used in the program. The research 126023
institution shall complete its report not later than December 31, 126024
2016. Upon completion, the institution shall submit the report to 126025
the Governor, Chief Justice of the Supreme Court, President of the 126026
Senate, Speaker of the House of Representatives, Department of 126027
Mental Health and Addiction Services, Department of Rehabilitation 126028
and Correction, and any other state agency that the Department of 126029
Mental Health and Addiction Services collaborates with in 126030
conducting the program. 126031

(K) Of the foregoing appropriation item 336422, Criminal 126032

Justice Services, up to \$4.0 million in each fiscal year shall be 126033
used to support the Addiction Treatment Program for Specialized 126034
Docket Programs. 126035

Section 331.100. ADDICTION SERVICES PARTNERSHIP WITH 126036
CORRECTIONS 126037

On the effective date of this section, the Bureau of Recovery 126038
Services within the Department of Rehabilitation and Correction is 126039
abolished and all of its functions, assets, and liabilities, 126040
regardless of form or medium, agreements and contracts of the 126041
program are transferred to the Department of Mental Health and 126042
Addiction Services. The Department of Mental Health and Addiction 126043
Services is thereupon and thereafter successor to, assumes the 126044
obligations of, and otherwise constitutes the continuation of the 126045
Bureau of Recovery Services. 126046

Any business commenced but not completed by the effective 126047
date of this section by the Department of Rehabilitation and 126048
Correction regarding recovery services shall be completed by the 126049
Department of Mental Health and Addiction Services. No validation, 126050
cure, right, privilege, remedy, obligation, or liability is lost 126051
or impaired by reason of the transfer required by this section and 126052
shall be administered by the Department of Mental Health and 126053
Addiction Services. Any rules, orders, and determinations 126054
pertaining to the Bureau of Recovery Services continue in effect 126055
as rules, orders, and determinations of the Department of Mental 126056
Health and Addiction Services until modified or rescinded by the 126057
Department of Mental Health and Addiction Services. If necessary 126058
to ensure the integrity of the numbering of the Administrative 126059
Code, the Director of the Legislative Service Commission shall 126060
renumber the numbers to reflect their transfer to the Department 126061
of Mental Health and Addiction Services. 126062

Subject to the lay-off provisions of sections 124.321 to 126063

124.382 of the Revised Code, all employees of the Bureau of 126064
Recovery Services are hereby transferred to the Department of 126065
Mental Health and Addiction Services and retain their positions 126066
and all of their benefits. 126067

Wherever the Bureau of Recovery Services is referred to in 126068
any law, contract, or other document, the reference shall be 126069
deemed to refer to the Department of Mental Health and Addiction 126070
Services or its director, as appropriate. 126071

No action or proceeding pending on the effective date of this 126072
act, is affected by the transfer, and shall be prosecuted or 126073
defended in the name of the Department of Mental Health and 126074
Addiction Services or its director. In all such actions and 126075
proceedings, the Department of Mental Health and Addiction 126076
Services or its director shall be substituted as a party. 126077

On July 1, 2015, or as soon as possible thereafter, the 126078
Director of Budget and Management shall cancel any existing 126079
encumbrances against appropriation item 505321, Institutional 126080
Medical Services, used by the Department of Rehabilitation and 126081
Correction, that pertain to the Bureau of Recovery Services in the 126082
Department of Rehabilitation and Correction. The canceled 126083
encumbrances shall be reestablished against appropriation item 126084
336423, Addiction Services Partnership with Corrections, used by 126085
the Department of Mental Health and Addiction Services. The 126086
reestablished encumbrance amounts are hereby appropriated. Any 126087
business commenced but not completed under appropriation item 126088
505321, Institutional Medical Services, pertaining to the Bureau 126089
of Recovery Services, shall be completed under appropriation item 126090
336423, Addiction Services Partnership with Corrections, in the 126091
same manner, and with the same effect, as if completed with regard 126092
to appropriation item 505321, Institutional Medical Services. 126093

Section 331.110. RECOVERY HOUSING 126094

The foregoing appropriation item 336424, Recovery Housing, 126095
shall be used to expand and support access to recovery housing. 126096
"Recovery housing" means housing for individuals recovering from 126097
alcoholism or drug addiction that provides an alcohol and 126098
drug-free living environment, peer support, assistance with 126099
obtaining alcohol and drug addiction services, and other alcohol 126100
and drug addiction recovery assistance where the length of stay is 126101
not limited to a specific duration. Recovery housing does not 126102
include residential facilities subject to licensure pursuant to 126103
section 5119.34 of the Revised Code. Medication-assisted treatment 126104
may be allowed in recovery housing. Support for projects in 126105
counties of the state that are underserved or do not currently 126106
have recovery housing stock shall be given priority. For 126107
expenditures that are capital in nature, the Department of Mental 126108
Health and Addiction Services shall develop procedures to 126109
administer these funds in a manner that is consistent with current 126110
community capital assistance guidelines. 126111

Section 331.113. SPECIALIZED DOCKET SUPPORT 126112

(A) The foregoing appropriation item 336425, Specialized 126113
Docket Support, shall be used to defray a portion of the annual 126114
payroll costs associated with the employment of one full-time, or 126115
full-time equivalent, specialized docket staff member by a 126116
specialized docket of a common pleas court, municipal court, 126117
county court, juvenile court, or family court that meets all of 126118
the eligibility requirements in division (B) of this section, 126119
including a family dependency treatment docket. A specialized 126120
docket staff member employed under this section shall be 126121
considered an employee of the court. 126122

(B) To be eligible, the specialized docket must have received 126123
Supreme Court of Ohio final certification and include participants 126124
with a drug addiction or dependency in its target population. In 126125

addition, the specialized docket staff member must have received 126126
training for or education in alcohol and other drug addiction, 126127
abuse, and recovery and have demonstrated, prior to or within 126128
ninety days of hire, competencies in fundamental alcohol and other 126129
drug addiction, abuse, and recovery. Fundamental competencies 126130
shall include, at a minimum, an understanding of alcohol and other 126131
drug treatment and recovery, how to engage a person in treatment 126132
and recovery, and an understanding of other health care systems, 126133
social service systems, and the criminal justice system. 126134

(C) For the purposes of this section, payroll costs include 126135
annual compensation and fringe benefits. 126136

(D) The Department, solely for the purpose of determining the 126137
amount of the state share available to a court under division (F) 126138
of this section for the employment of one full-time or full-time 126139
equivalent specialized docket staff member, shall use the lesser 126140
of: 126141

(1) The actual annual compensation and fringe benefits paid 126142
to that staff member proportionally reflecting the staff member's 126143
time allocated for specialized docket duties and responsibilities; 126144
or 126145

(2) \$78,000. 126146

(E) In accordance with any applicable rules, guidelines, or 126147
procedures adopted by the Department pursuant to this section, the 126148
county auditor shall certify, for any court located within the 126149
county that is applying for or receiving funding under this 126150
section, to the Department the information necessary to determine 126151
that court's eligibility for, and the amount of, funding under 126152
this section. 126153

(F) For a specialized docket staff member employed by a 126154
court, the amount of state funding available under this section 126155
shall be sixty-five per cent of the payroll costs specified in 126156

division (D) of this section. The state funding shall not exceed 126157
\$50,700. 126158

(G) The Department shall disburse this state funding in 126159
semi-annual installments to the appropriate county or municipality 126160
in which the court is located. 126161

(H) Of the foregoing appropriation item 336425, Specialized 126162
Docket Support, the Department shall use up to one per cent of the 126163
funds appropriated in each fiscal year to pay the cost it incurs 126164
in administering the duties established in this section. 126165

(I) The Department, in consultation with the Supreme Court of 126166
Ohio, may adopt rules, guidelines, and procedures as necessary to 126167
carry out the purposes of this section. 126168

Section 331.120. COMMUNITY INNOVATIONS 126169

The foregoing appropriation item 336504, Community 126170
Innovations, may be used by the Department of Mental Health and 126171
Addiction Services to make targeted investments in programs, 126172
projects, or systems operated by or under the authority of other 126173
state agencies, governmental entities, or private not-for-profit 126174
agencies that impact, or are impacted by, the operations and 126175
functions of the Department, with the goal of achieving a net 126176
reduction in expenditure of state general revenue funds and/or 126177
improved outcomes for Ohio citizens without a net increase in 126178
state general revenue fund spending. 126179

The Director shall identify and evaluate programs, projects, 126180
or systems proposed or operated, in whole or in part, outside of 126181
the authority of the Department, where targeted investment of 126182
these funds in the program, project, or system is expected to 126183
decrease demand for the Department or other resources funded with 126184
state general revenue funds, and/or to measurably improve outcomes 126185
for Ohio citizens with mental illness or with alcohol, drug, or 126186

gambling addictions. The Director shall have discretion to 126187
transfer money from the appropriation item to other state 126188
agencies, governmental entities, or private not-for-profit 126189
agencies in amounts, and subject to conditions, that the Director 126190
determines most likely to achieve state savings and/or improved 126191
outcomes. Distribution of moneys from this appropriation item 126192
shall not be subject to sections 9.23 to 9.239 or Chapter 125. of 126193
the Revised Code. 126194

The Department shall enter into an agreement with each 126195
recipient of community innovation funds, identifying: allowable 126196
expenditure of the funds; other commitment of funds or other 126197
resources to the program, project, or system; expected state 126198
savings and/or improved outcomes and proposed mechanisms for 126199
measurement of such savings or outcomes; and required reporting 126200
regarding expenditure of funds and savings or outcomes achieved. 126201

Of the foregoing appropriation item 336504, Community 126202
Innovations, up to \$3,000,000 in each fiscal year shall be used to 126203
provide funding for community projects across the state that focus 126204
on support for families, assisting families in avoiding crisis, 126205
and crisis intervention. 126206

Of the foregoing appropriation item 336504, Community 126207
Innovations, up to \$500,000 in each fiscal year shall be used to 126208
enhance access to Naloxone across the state for county health 126209
departments to then disperse through a grant program to local law 126210
enforcement, emergency personnel, and first responders. 126211

Of the foregoing appropriation item 336504, Community 126212
Innovations, up to \$3,000,000 in each fiscal year shall be used to 126213
improve collaboration between local jails, state hospitals, and 126214
community addiction and mental health services providers in order 126215
to reduce transfers, improve safety and judicial oversight as well 126216
as address capacity issues in both jails and state hospitals. 126217

Of the foregoing appropriation item 336504, Community Innovations, up to \$100,000 in each fiscal year shall be used to continue the Department of Mental Health and Addiction Services cross-agency efforts to share evidence-based practices that encourage the use of trauma-informed care.

Of the foregoing appropriation item 336504, Community Innovations, up to \$1,000,000 in each fiscal year shall be used to implement strategies to increase job opportunities, reduce the number of positive drug screens, and improve workforce readiness for individuals in recovery.

Section 331.130. RESIDENTIAL STATE SUPPLEMENT

(A) The foregoing appropriation item 336510, Residential State Supplement, may be used by the Department of Mental Health and Addiction Services to provide training for residential facilities providing accommodations, supervision, and personal care services to three to sixteen unrelated adults with mental illness and to make benefit payments to residential state supplement recipients.

(B) The Department of Mental Health and Addiction Services shall adopt rules establishing eligibility criteria and benefit payment amounts under section 5119.41 of the Revised Code.

Section 331.140. EARLY CHILDHOOD MENTAL HEALTH COUNSELORS AND CONSULTATION

The foregoing appropriation item 336511, Early Childhood Mental Health Counselors and Consultation, shall be used to promote identification and intervention for early childhood mental health and to enhance healthy social emotional development in order to reduce preschool to third grade classroom expulsions. Funds shall be used by the Department of Mental Health and Addiction Services to support early childhood mental health

credentialed counselors and consultation services, as well as 126248
administration and workforce development for the program. 126249

Section 331.143. MEDICAID SUPPORT 126250

The Department of Mental Health and Addiction Services shall 126251
administer specified Medicaid services as delegated by the State's 126252
single agency responsible for the Medicaid program. Effective July 126253
1, 2015, the Department shall use appropriation item 652321, 126254
Medicaid Support, to fund the Medicaid-related services and 126255
supports performed by the Department. 126256

Section 331.150. PROBLEM GAMBLING AND CASINO ADDICTIONS 126257

A portion of appropriation item 336629, Problem Gambling and 126258
Casino Addictions, shall be allocated to boards of alcohol, drug 126259
addiction, and mental health services in accordance with a 126260
distribution methodology determined by the Director of Mental 126261
Health and Addiction Services. 126262

**Section 331.160. FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 126263
POOL** 126264

A county family and children first council may establish and 126265
operate a flexible funding pool in order to assure access to 126266
needed services by families, children, and older adults in need of 126267
protective services. The operation of the flexible funding pools 126268
shall be subject to the following restrictions: 126269

(A) The county council shall establish and operate the 126270
flexible funding pool in accordance with formal guidance issued by 126271
the Family and Children First Cabinet Council; 126272

(B) The county council shall produce an annual report on its 126273
use of the pooled funds. The annual report shall conform to a 126274
format prescribed in the formal guidance issued by the Family and 126275
Children First Cabinet Council; 126276

(C) Unless otherwise restricted, funds transferred to the flexible funding pool may include state general revenues allocated to local entities to support the provision of services to families and children;

(D) The amounts transferred to the flexible funding pool shall be limited to amounts that can be redirected without impairing the achievement of the objectives for which the initial allocation is designated; and

(E) Each amount transferred to the flexible funding pool from a specific allocation shall be approved for transfer by the director of the local agency that was the original recipient of the allocation.

Section 331.170. MEDICAID SPENDING AS MAINTENANCE OF EFFORT

The designation of administering agency for federal aid shall be held jointly by the Department of Mental Health and Addiction Services and the Department of Medicaid for determining maintenance of effort pursuant to 42 U.S.C. 300x-30. The Department of Mental Health and Addiction Services remains the designated agency for all other purposes established by 42 U.S.C. 300x et seq. and section 5119.32 of the Revised Code.

Section 331.180. ACCESS SUCCESS II PROGRAM

To the extent cash is available, the Director of Budget and Management may transfer cash from the Money Follows the Person Enhanced Reimbursement Fund (Fund 5AJ0), used by the Department of Medicaid, to the Sale of Goods and Services Fund (Fund 1490), used by the Department of Mental Health and Addiction Services. The transferred cash is hereby appropriated.

The Department of Mental Health and Addiction Services shall use the transferred funds to administer the Access Success II Program to help non-Medicaid patients in any hospital established,

controlled, or supervised by the Department under Chapter 5119. of 126307
the Revised Code to transition from inpatient status to a 126308
community setting. 126309

Section 332.10. MFC OHIO MILITARY FACILITIES COMMISSION 126310

Dedicated Purpose Fund Group 126311

5RV0 232601 Ohio Military \$ 2,500,000 \$ 2,500,000 126312

Facilities Support

TOTAL DPF Dedicated Purpose Fund \$ 2,500,000 \$ 2,500,000 126313

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,500,000 \$ 2,500,000 126314

OHIO MILITARY FACILITIES SUPPORT 126315

The Director of Budget and Management shall transfer 126316
\$2,500,000 in cash in each fiscal year from the Economic 126317
Development Programs Fund (Fund 5JC0) used by the Department of 126318
Higher Education to the Ohio Military Facilities Fund (Fund 5RV0), 126319
which is hereby created, to be used by the Ohio Military 126320
Facilities Commission. The transferred funds shall be used for the 126321
foregoing appropriation item 232601, Ohio Military Facilities 126322
Support, for the purposes described in sections 193.15 to 193.17 126323
of the Revised Code. 126324

Section 333.10. MIH COMMISSION ON MINORITY HEALTH 126325

General Revenue Fund 126326

GRF 149321 Operating Expenses \$ 591,615 \$ 591,615 126327

GRF 149501 Minority Health \$ 878,975 \$ 878,975 126328

Grants

GRF 149502 Lupus Program \$ 96,000 \$ 96,000 126329

GRF 149503 Infant Mortality \$ 1,000,000 \$ 1,000,000 126330

Health Grants

TOTAL GRF General Revenue Fund \$ 2,566,590 \$ 2,566,590 126331

Dedicated Purpose Fund Group 126332

4C20 149601	Minority Health	\$	50,000	\$	50,000	126333
	Conference					
TOTAL DPF	Dedicated Purpose Fund	\$	50,000	\$	50,000	126334
Group						
Federal Fund Group						126335
3J90 149602	Federal Grant Program	\$	126,833	\$	90,929	126336
	Support					
TOTAL FED	Federal Fund Group	\$	126,833	\$	90,929	126337
TOTAL ALL BUDGET FUND GROUPS		\$	2,743,423	\$	2,707,519	126338

Section 333.20. INFANT MORTALITY HEALTH GRANTS 126340

The foregoing appropriation item, 149503, Infant Mortality Health Grants, shall be distributed to six community-based agencies to help support the continuation or establishment of a pathways community HUB model that has the primary purpose of reducing infant mortality in the urban and rural communities of this state with the highest rates of infant mortality. 126341
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Section 334.10. CRB MOTOR VEHICLE REPAIR BOARD 126347

Dedicated Purpose Fund Group						126348
4K90 865601	Operating Expenses	\$	484,292	\$	484,292	126349
TOTAL DPF	Dedicated Purpose Fund	\$	484,292	\$	484,292	126350
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	484,292	\$	484,292	126351

Section 337.10. DNR DEPARTMENT OF NATURAL RESOURCES 126353

General Revenue Fund						126354
GRF 725401	Division of	\$	1,800,000	\$	1,800,000	126355
	Wildlife-Operating					
	Subsidy					
GRF 725413	Parks and Recreational	\$	23,239,600	\$	24,655,600	126356
	Facilities Lease					

		Rental Bond Payments					
GRF	725456	Canal Lands	\$	135,000	\$	135,000	126357
GRF	725502	Soil and Water	\$	3,250,000	\$	0	126358
		Districts					
GRF	725505	Healthy Lake Erie	\$	1,000,000	\$	1,000,000	126359
		Program					
GRF	725507	Coal and Mine Safety	\$	2,600,000	\$	2,700,000	126360
		Program					
GRF	725510	Indian Lake Watershed	\$	125,000	\$	0	126361
		Project					
GRF	725512	Portage County	\$	150,000	\$	150,000	126362
		Stormwater					
GRF	725903	Natural Resources	\$	27,079,900	\$	26,074,400	126363
		General Obligation					
		Bond Debt Service					
GRF	727321	Division of Forestry	\$	4,467,001	\$	4,542,001	126364
GRF	729321	Office of Information	\$	177,405	\$	177,405	126365
		Technology					
GRF	730321	Division of Parks and	\$	30,000,000	\$	30,000,000	126366
		Recreation					
GRF	736321	Division of	\$	2,324,736	\$	2,324,736	126367
		Engineering					
GRF	737321	Division of Soil and	\$	2,899,952	\$	1,013,652	126368
		Water Resources					
GRF	738321	Division of Real	\$	670,342	\$	670,342	126369
		Estate and Land					
		Management					
GRF	741321	Division of Natural	\$	1,200,000	\$	1,200,000	126370
		Areas and Preserves					
TOTAL GRF		General Revenue Fund	\$	101,118,936	\$	96,443,136	126371
		Dedicated Purpose Fund Group					126372
2270	725406	Parks Projects	\$	685,098	\$	696,995	126373
		Personnel					

4300	725671	Canal Lands	\$	883,879	\$	883,879	126374
4J20	725628	Injection Well Review	\$	128,466	\$	128,466	126375
4M70	725686	Wildfire Suppression	\$	100,000	\$	100,000	126376
4S90	725622	NatureWorks Personnel	\$	818,618	\$	833,076	126377
4U60	725668	Scenic Rivers Protection	\$	100,000	\$	100,000	126378
5090	725602	State Forest	\$	6,879,410	\$	6,880,148	126379
5110	725646	Ohio Geological Mapping	\$	1,400,000	\$	1,800,000	126380
5120	725605	State Parks Operations	\$	31,471,044	\$	31,471,044	126381
5140	725606	Lake Erie Shoreline	\$	1,559,583	\$	1,559,583	126382
5160	725620	Water Management	\$	2,559,291	\$	2,559,291	126383
5180	725643	Oil and Gas Regulation and Safety	\$	19,193,271	\$	19,444,876	126384
5180	725677	Oil and Gas Well Plugging	\$	3,000,000	\$	3,000,000	126385
5210	725627	Off-Road Vehicle Trails	\$	143,490	\$	143,490	126386
5220	725656	Natural Areas and Preserves	\$	546,639	\$	546,639	126387
5260	725610	Strip Mining Administration Fee	\$	2,977,956	\$	2,977,955	126388
5270	725637	Surface Mining Administration	\$	1,681,153	\$	1,681,154	126389
5290	725639	Unreclaimed Lands	\$	1,804,180	\$	1,804,180	126390
5310	725648	Reclamation Forfeiture	\$	500,000	\$	500,000	126391
5B30	725674	Mining Regulation	\$	28,135	\$	28,135	126392
5BV0	725658	Heidelberg Water Quality Lab	\$	125,000	\$	0	126393
5BV0	725683	Soil and Water Districts	\$	4,000,000	\$	0	126394
5EL0	725612	Wildlife Law Enforcement	\$	12,000	\$	12,000	126395

5EM0	725613	Park Law Enforcement	\$	34,000	\$	34,000	126396
5EN0	725614	Watercraft Law Enforcement	\$	7,500	\$	7,500	126397
5HK0	725625	Ohio Nature Preserves	\$	1,000	\$	1,000	126398
5MF0	725635	Ohio Geology License Plate	\$	2,520	\$	2,520	126399
5MW0	725604	Natural Resources Special Purposes	\$	6,000,000	\$	6,000,000	126400
5P20	725634	Wildlife Boater Angler Administration	\$	3,000,000	\$	3,000,000	126401
6150	725661	Dam Safety	\$	943,517	\$	943,517	126402
6970	725670	Submerged Lands	\$	869,145	\$	869,145	126403
7015	740401	Division of Wildlife Conservation	\$	56,325,976	\$	59,997,307	126404
7086	725414	Waterways Improvement	\$	5,693,671	\$	5,693,671	126405
7086	725418	Buoy Placement	\$	60,000	\$	60,000	126406
7086	725501	Waterway Safety Grants	\$	120,000	\$	120,000	126407
7086	725506	Watercraft Marine Patrol	\$	576,153	\$	576,153	126408
7086	725513	Watercraft Educational Grants	\$	400,000	\$	400,000	126409
7086	739401	Division of Watercraft	\$	21,271,870	\$	21,071,870	126410
8150	725636	Cooperative Management Projects	\$	649,000	\$	456,000	126411
8160	725649	Wetlands Habitat	\$	966,885	\$	966,885	126412
8170	725655	Wildlife Conservation Checkoff	\$	2,000,000	\$	2,000,000	126413
8180	725629	Cooperative Fisheries Research	\$	1,500,000	\$	1,500,000	126414
8190	725685	Ohio River Management	\$	203,584	\$	203,584	126415
81B0	725688	Wildlife Habitats	\$	1,200,000	\$	1,200,000	126416
TOTAL	DPF	Dedicated Purpose Fund Group	\$	182,422,034	\$	182,254,063	126417

Internal Service Activity Fund Group				126418
1550	725601	Departmental Projects	\$ 2,444,457 \$	1,805,807 126419
1570	725651	Central Support	\$ 5,176,611 \$	5,351,233 126420
Indirect				
2040	725687	Information Services	\$ 5,633,426 \$	5,633,426 126421
2050	725696	Human Resource Direct	\$ 2,634,135 \$	2,696,052 126422
Service				
2070	725690	Real Estate Services	\$ 34,291 \$	34,834 126423
2230	725665	Law Enforcement	\$ 2,553,054 \$	2,609,277 126424
Administration				
4X80	725662	Water Resources	\$ 138,005 \$	138,005 126425
Council				
5100	725631	Maintenance -	\$ 249,611 \$	249,611 126426
State-owned				
Residences				
6350	725664	Fountain Square	\$ 3,457,486 \$	3,469,467 126427
Facilities Management				
TOTAL ISA Internal Service Activity				126428
Fund Group				\$ 22,321,076 \$ 21,987,712 126429
Capital Projects Fund Group				126430
7061	725405	Clean Ohio Trail	\$ 300,775 \$	300,775 126431
Operating				
TOTAL CPF Capital Projects Fund				\$ 300,775 \$ 300,775 126432
Group				
Fiduciary Fund Group				126433
4M80	725675	FOP Contract	\$ 20,219 \$	20,219 126434
TOTAL FID Fiduciary Fund Group				\$ 20,219 \$ 20,219 126435
Holding Account Fund Group				126436
R017	725659	Performance Cash Bond	\$ 528,993 \$	528,993 126437
Refunds				
R043	725624	Forestry	\$ 2,100,000 \$	2,100,000 126438
TOTAL HLD Holding Account				126439

Fund Group		\$	2,628,993	\$	2,628,993	126440
Federal Fund Group						126441
3320 725669	Federal Mine Safety Grant	\$	265,000	\$	265,000	126442
3B30 725640	Federal Forest Pass-Thru	\$	500,000	\$	500,000	126443
3B40 725641	Federal Flood Pass-Thru	\$	500,000	\$	500,000	126444
3B50 725645	Federal Abandoned Mine Lands	\$	11,851,759	\$	11,851,759	126445
3B60 725653	Federal Land and Water Conservation Grants	\$	950,000	\$	950,000	126446
3B70 725654	Reclamation - Regulatory	\$	2,977,956	\$	2,977,955	126447
3P10 725632	Geological Survey - Federal	\$	160,000	\$	160,000	126448
3P20 725642	Oil and Gas - Federal	\$	234,509	\$	234,509	126449
3P30 725650	Coastal Management - Federal	\$	1,746,000	\$	1,746,000	126450
3P40 725660	Federal - Soil and Water Resources	\$	4,165,738	\$	1,195,738	126451
3R50 725673	Acid Mine Drainage Abatement/Treatment	\$	4,342,280	\$	4,342,280	126452
3Z50 725657	Federal Recreation and Trails	\$	1,600,000	\$	1,600,000	126453
TOTAL FED	Federal Fund Group	\$	29,293,242	\$	26,323,241	126454
TOTAL ALL BUDGET	FUND GROUPS	\$	338,105,275	\$	329,958,139	126455

Section 337.20. CENTRAL SUPPORT INDIRECT 126457

The Department of Natural Resources, with approval of the 126458
 Director of Budget and Management, shall utilize a methodology for 126459
 determining each division's payments into the Central Support 126460

Indirect Fund (Fund 1570). The methodology used shall contain the 126461
characteristics of administrative ease and uniform application in 126462
compliance with federal grant requirements. It may include direct 126463
cost charges for specific services provided. Payments to Fund 1570 126464
shall be made using an intrastate transfer voucher. The foregoing 126465
appropriation item 725401, Division of Wildlife-Operating Subsidy, 126466
shall be used to pay the direct and indirect costs of the Division 126467
of Wildlife. 126468

Section 337.30. PARKS AND RECREATIONAL FACILITIES LEASE 126469
RENTAL BOND PAYMENTS 126470

The foregoing appropriation item 725413, Parks and 126471
Recreational Facilities Lease Rental Bond Payments, shall be used 126472
to meet all payments during the period from July 1, 2015, through 126473
June 30, 2017, by the Department of Natural Resources pursuant to 126474
leases and agreements made under section 154.22 of the Revised 126475
Code. These appropriations are the source of funds pledged for 126476
bond service charges on related obligations issued under Chapter 126477
154. of the Revised Code. 126478

CANAL LANDS 126479

The foregoing appropriation item 725456, Canal Lands, shall 126480
be used to provide operating expenses for the State Canal Lands 126481
Program. 126482

SOIL AND WATER CONSERVATION DISTRICTS 126483

Of the foregoing appropriation item 725502, Soil and Water 126484
Conservation Districts, \$350,000 in fiscal year 2016 shall be used 126485
by the Chief of the Division of Soil and Water Resources for a 126486
program to support soil and water conservation districts in the 126487
Western Lake Erie Basin comply with provisions of Sub. S.B. 1 of 126488
the 131st General Assembly. The Chief shall approve a soil and 126489
water district's application for funding under the program if the 126490

application demonstrates that funding will be used for, but not 126491
limited to, providing technical assistance, developing applicable 126492
nutrient or manure management plans, hiring and training of soil 126493
and water conservation district staff on best conservation 126494
practices, or other activities the Chief determines is appropriate 126495
to assist farmers in the Western Lake Erie Basin in complying with 126496
the provisions of Sub. S.B. 1 of the 131st General Assembly. 126497

HEALTHY LAKE ERIE PROGRAM 126498

The foregoing appropriation item 725505, Healthy Lake Erie 126499
Program, shall be used by the Director of Natural Resources, in 126500
support of (1) conservation measures in the Western Lake Erie 126501
Basin as determined by the Director; (2) funding assistance for 126502
soil testing, winter cover crops, edge of field testing, tributary 126503
monitoring, animal waste abatement; and (3) any additional efforts 126504
to reduce nutrient runoff as the Director may decide. The Director 126505
shall give priority to recommendations that encourage farmers to 126506
adopt agricultural production guidelines commonly known as 4R 126507
nutrient stewardship practices. 126508

COAL AND MINE SAFETY PROGRAM 126509

The foregoing appropriation item 725507, Coal and Mine Safety 126510
Program, shall be used for the administration of the Mine Safety 126511
Program and the Coal Regulation Program. 126512

INDIAN LAKE WATERSHED PROJECT 126513

The foregoing appropriation item 725510, Indian Lake 126514
Watershed Project, shall be used to support the administrative 126515
expenses of Indian Lake Watershed Project, Inc. 126516

PORTAGE COUNTY STORMWATER 126517

The foregoing appropriation item 725512, Portage County 126518
Stormwater, shall be used by the Director of Natural Resources to 126519
support the Portage County stormwater project. 126520

TRANSFER OF FUNDS FOR MINERAL RESOURCES MANAGEMENT 126521

During fiscal years 2016 and 2017, the Director of Budget and 126522
Management may, at the request of the Director of Natural 126523
Resources, following the identification of available balances by 126524
the Director of Natural Resources in the Unreclaimed Land Fund 126525
(Fund 5290), transfer up to \$500,000 per year from Fund 5290 to 126526
the Coal Mining Administration and Reclamation Reserve Fund (Fund 126527
5260) created in section 1513.181 of the Revised Code. The cash 126528
transfer to Fund 5260 shall be used to operate the Coal Regulatory 126529
Program. 126530

During fiscal years 2016 and 2017, the Director of Budget and 126531
Management may, at the request of the Director of Natural 126532
Resources, following the identification of available balances by 126533
the Director of Natural Resources in Fund 5290, transfer up to 126534
\$800,000 per year from Fund 5290 to the Surface Mining Fund (Fund 126535
5270) created in section 1514.06 of the Revised Code. The cash 126536
transfer to Fund 5270 shall be used to operate the industrial 126537
minerals and Ohio mine safety and training programs. 126538

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 126539

The foregoing appropriation item 725903, Natural Resources 126540
General Obligation Bond Debt Service, shall be used to pay all 126541
debt service and related financing costs during the period July 1, 126542
2015, through June 30, 2017, on obligations issued under sections 126543
151.01 and 151.05 of the Revised Code. 126544

Section 337.40. SOIL AND WATER DISTRICTS 126545

In addition to state payments to soil and water conservation 126546
districts authorized by section 1515.10 of the Revised Code, as 126547
amended and renumbered as section 940.12 of the Revised Code by 126548
this act, the Department of Natural Resources may use 126549
appropriation item 725683, Soil and Water Districts, to pay any 126550

soil and water conservation district an annual amount not to 126551
exceed \$40,000, upon receipt of a request and justification from 126552
the district and approval by the Ohio Soil and Water Conservation 126553
Commission. The county auditor shall credit the payments to the 126554
special fund established under section 1515.10 of the Revised 126555
Code, as amended and renumbered as section 940.12 of the Revised 126556
Code by this act, for the local soil and water conservation 126557
district. Moneys received by each district shall be expended for 126558
the purposes of the district. 126559

OIL AND GAS WELL PLUGGING 126560

The foregoing appropriation item 725677, Oil and Gas Well 126561
Plugging, shall be used exclusively for the purposes of plugging 126562
wells and to properly restore the land surface of idle and orphan 126563
oil and gas wells pursuant to section 1509.071 of the Revised 126564
Code. No funds from the appropriation item shall be used for 126565
salaries, maintenance, equipment, or other administrative 126566
purposes, except for those costs directly attributed to the 126567
plugging of an idle or orphan well. This appropriation item shall 126568
not be used to transfer cash to any other fund or appropriation 126569
item. 126570

TRANSFER OF FUNDS FOR OIL AND GAS DIVISION AND GEOLOGICAL 126571
MAPPING OPERATIONS 126572

During fiscal years 2016 and 2017, the Director of Budget and 126573
Management may, in consultation with the Director of Natural 126574
Resources, transfer such cash as necessary from the General 126575
Revenue Fund to the Oil and Gas Well Fund (Fund 5180) and the 126576
Geological Mapping Fund (Fund 5110). The cash transfer to Fund 126577
5180 shall be used for handling the increased regulatory work 126578
related to the expansion of the oil and gas program that will 126579
occur before receipts from this activity are deposited into Fund 126580
5180. The cash transfer to Fund 5110 shall be used for handling 126581
the increased field and laboratory research efforts related to the 126582

expansion of the oil and gas program that will occur before 126583
receipts from this activity are deposited into Fund 5110. Once 126584
funds from severance taxes, application and permitting fees, and 126585
other sources have accrued to Fund 5180 and Fund 5110 in such 126586
amounts as are considered sufficient to sustain expanded 126587
operations, the Director of Budget and Management, in consultation 126588
with the Director of Natural Resources, shall establish a schedule 126589
for repaying the transferred funds from Fund 5180 and Fund 5110 to 126590
the General Revenue Fund. 126591

Section 337.43. DIVISION OF WILDLIFE CONSERVATION 126592

Of the foregoing appropriation item 740401, Division of 126593
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 126594
Director of Natural Resources to study the effect that zebra 126595
mussels and quagga mussels have on Lake Erie. 126596

Of the foregoing appropriation item 740401, Division of 126597
Wildlife Conservation, \$50,000 in FY 2016 shall be used by the 126598
Director of Natural Resources to study the effect that Canada 126599
geese have on Lake Erie. 126600

Section 337.60. WELL LOG FILING FEES 126601

The Chief of the Division of Soil and Water Resources shall 126602
deposit fees forwarded to the Division pursuant to section 1521.05 126603
of the Revised Code into the Departmental Services - Intrastate 126604
Fund (Fund 1550) for the purposes described in that section. 126605

Section 337.63. DEPARTMENTAL PROJECTS 126606

Of the foregoing appropriation item 725601, Departmental 126607
Projects, \$45,054 shall be used in each fiscal year by the 126608
Director of Natural Resources to distribute a grant to the Josh 126609
Project, a 501(c)(3) charitable organization in Lucas County, for 126610
the purpose of water safety instruction programs. 126611

Section 337.70. HUMAN RESOURCES DIRECT SERVICE 126612

The foregoing appropriation item 725696, Human Resources 126613
Direct Service, shall be used to cover the cost of support, 126614
coordination, and oversight of the Department of Natural 126615
Resources' human resources functions. The Human Resources 126616
Chargeback Fund (Fund 2050) shall consist of cash transferred to 126617
it via intrastate transfer voucher from other funds as determined 126618
by the Director of Natural Resources and the Director of Budget 126619
and Management. 126620

Section 337.80. LAW ENFORCEMENT ADMINISTRATION 126621

The foregoing appropriation item 725665, Law Enforcement 126622
Administration, shall be used to cover the cost of support, 126623
coordination, and oversight of the Department of Natural 126624
Resources' law enforcement functions. The Law Enforcement 126625
Administration Fund (Fund 2230) shall consist of cash transferred 126626
to it via intrastate transfer voucher from other funds as 126627
determined by the Director of Natural Resources and the Director 126628
of Budget and Management. 126629

Section 337.90. FOUNTAIN SQUARE AND ODNR GROUNDS AT THE OHIO 126630
EXPO CENTER 126631

The foregoing appropriation item 725664, Fountain Square 126632
Facilities Management, shall be used for payment of repairs, 126633
renovation, utilities, property management, and building 126634
maintenance expenses for the Fountain Square complex and the 126635
Department of Natural Resources grounds at the Ohio Expo Center. 126636
Cash transferred by intrastate transfer vouchers from various 126637
department funds and rental income received by the Department of 126638
Natural Resources shall be deposited into the Fountain Square 126639
Facilities Management Fund (Fund 6350). 126640

Section 337.100. CLEAN OHIO TRAIL OPERATING EXPENSES 126641

The foregoing appropriation item 725405, Clean Ohio Trail 126642
Operating, shall be used by the Department of Natural Resources in 126643
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 126644
to section 1519.05 of the Revised Code. 126645

Section 337.110. PARKS CAPITAL EXPENSES FUND 126646

The Director of Natural Resources shall submit to the 126647
Director of Budget and Management the estimated design, 126648
engineering, and planning costs of capital-related work to be done 126649
by Department of Natural Resources staff for parks projects within 126650
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 126651
Director of Budget and Management approves the estimated costs, 126652
the Director may release appropriations from appropriation item 126653
C725E6, Project Planning, Fund 7035, for those purposes. Upon 126654
release of the appropriations, the Department of Natural Resources 126655
shall pay for these expenses from the Parks Capital Expenses Fund 126656
(Fund 2270). Expenses paid from Fund 2270 shall be reimbursed by 126657
Fund 7035 using an intrastate transfer voucher. 126658

NATUREWORKS CAPITAL EXPENSES FUND 126659

The Department of Natural Resources shall submit to the 126660
Director of Budget and Management the estimated design, planning, 126661
and engineering costs of capital-related work to be done by 126662
Department of Natural Resources staff for each capital improvement 126663
project within the Ohio Parks and Natural Resources Fund (Fund 126664
7031). If the Director of Budget and Management approves the 126665
estimated costs, the Director may release appropriations from 126666
appropriation item C725E5, Project Planning, in Fund 7031, for 126667
those purposes. Upon release of the appropriations, the Department 126668
of Natural Resources shall pay for these expenses from the Capital 126669
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 126670

reimbursed by Fund 7031 by using an intrastate transfer voucher. 126671

Section 339.10. NUR STATE BOARD OF NURSING 126672

Dedicated Purpose Fund Group 126673

4K90 884609 Operating Expenses \$ 7,602,328 \$ 7,622,328 126674

5AC0 884602 Nurse Education Grant \$ 1,523,506 \$ 1,523,506 126675
Program

5P80 884601 Nursing Special \$ 2,000 \$ 2,000 126676
Issues

TOTAL DPF Dedicated Purpose 126677

Fund Group \$ 9,127,834 \$ 9,147,834 126678

TOTAL ALL BUDGET FUND GROUPS \$ 9,127,834 \$ 9,147,834 126679

Section 341.10. PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, 126681

AND ATHLETIC TRAINERS BOARD 126682

Dedicated Purpose Fund Group 126683

4K90 890609 Operating Expenses \$ 925,897 \$ 944,865 126684

TOTAL DPF Dedicated Purpose Fund \$ 925,897 \$ 944,865 126685
Group

TOTAL ALL BUDGET FUND GROUPS \$ 925,897 \$ 944,865 126686

Section 343.20. OLA OHIOANA LIBRARY ASSOCIATION 126688

General Revenue Fund 126689

GRF 355501 Library Subsidy \$ 155,000 \$ 160,000 126690

TOTAL GRF General Revenue Fund \$ 155,000 \$ 160,000 126691

TOTAL ALL BUDGET FUND GROUPS \$ 155,000 \$ 160,000 126692

Section 345.10. OOD OPPORTUNITIES FOR OHIOANS WITH 126694

DISABILITIES AGENCY 126695

General Revenue Fund 126696

GRF 415402 Independent Living \$ 252,000 \$ 252,000 126697

GRF 415406 Assistive Technology \$ 26,618 \$ 26,618 126698

GRF	415431	Brain Injury	\$	126,567	\$	126,567	126699
GRF	415506	Services for Individuals with Disabilities	\$	15,817,709	\$	15,817,709	126700
GRF	415508	Services for the Deaf	\$	28,000	\$	28,000	126701
TOTAL GRF	General Revenue Fund		\$	16,250,894	\$	16,250,894	126702
Dedicated Purpose Fund Group							126703
4670	415609	Business Enterprise Operating Expenses	\$	1,430,633	\$	1,217,633	126704
4680	415618	Partnership Funding	\$	12,400,000	\$	12,400,000	126705
4L10	415619	Services for Vocational Rehabilitation	\$	3,099,971	\$	3,099,971	126706
4W50	415606	Program Management	\$	12,357,482	\$	12,357,482	126707
TOTAL DPF	Dedicated Purpose Fund Group		\$	29,288,086	\$	29,075,086	126708 126709
Federal Fund Group							126710
3170	415620	Disability Determination	\$	81,000,000	\$	81,000,000	126711
3790	415616	Federal - Vocational Rehabilitation	\$	124,415,653	\$	123,628,652	126712
3GH0	415602	Personal Care Assistance	\$	2,752,396	\$	2,752,396	126713
3GH0	415604	Community Centers for the Deaf	\$	772,000	\$	772,000	126714
3GH0	415613	Federal Independent Living	\$	638,431	\$	638,431	126715
3L10	415608	Social Security Vocational Rehabilitation	\$	5,000,000	\$	5,000,000	126716
3L40	415615	Federal - Supported Employment	\$	1,000,000	\$	1,000,000	126717

3L40 415617	Disability Services	\$	1,514,239	\$	1,514,239	126718
	Programs					
TOTAL FED	Federal Fund Group	\$	217,092,719	\$	216,305,718	126719
TOTAL ALL BUDGET FUND GROUPS		\$	262,631,699	\$	261,631,698	126720
	INDEPENDENT LIVING					126721
	The foregoing appropriation item 415402, Independent Living,					126722
	shall be used to support the state independent living programs and					126723
	centers under Title VII of the Independent Living Services and					126724
	Centers for Independent Living of the Rehabilitation Act					126725
	Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d.					126726
	Of the foregoing appropriation item 415402, Independent					126727
	Living, \$67,662 in each fiscal year shall be used as state					126728
	matching funds for vocational rehabilitation innovation and					126729
	expansion activities.					126730
	ASSISTIVE TECHNOLOGY					126731
	The total amount of the foregoing appropriation item 415406,					126732
	Assistive Technology, shall be provided to Assistive Technology of					126733
	Ohio to provide grants and assistive technology services for					126734
	people with disabilities in the State of Ohio.					126735
	BRAIN INJURY					126736
	The foregoing appropriation item 415431, Brain Injury, shall					126737
	be provided to The Ohio State University College of Medicine to					126738
	support the Brain Injury Program established under section 3304.23					126739
	of the Revised Code.					126740
	VOCATIONAL REHABILITATION SERVICES					126741
	The foregoing appropriation item 415506, Services for					126742
	Individuals with Disabilities, shall be used as state matching					126743
	funds to provide vocational rehabilitation services to eligible					126744
	consumers.					126745
	SERVICES FOR THE DEAF					126746

The foregoing appropriation item 415508, Services for the Deaf, shall be used to provide grants to community centers for the deaf. 126747
126748
126749

PROGRAM MANAGEMENT 126750

The foregoing appropriation item 415606, Program Management, shall be used to support the administrative functions of the agency related to the provision of vocational rehabilitation, disability determination services, and ancillary programs. 126751
126752
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126754

SOCIAL SECURITY REIMBURSEMENT FUNDS 126755

Reimbursement funds received from the Social Security Administration, United States Department of Health and Human Services, for the costs of providing services and training to return disability recipients to gainful employment shall be expended, to the extent funds are available, as follows: 126756
126757
126758
126759
126760

(A) Appropriation item 415602, Personal Care Assistance, to provide personal care services in accordance with section 3304.41 of the Revised Code; 126761
126762
126763

(B) Appropriation item 415604, Community Centers for the Deaf, to provide grants to community centers for the deaf in Ohio for services to individuals with hearing impairments; and 126764
126765
126766

(C) Appropriation item 415608, Social Security Vocational Rehabilitation, to provide vocational rehabilitation services to individuals with severe disabilities who are Social Security beneficiaries, to enable them to achieve competitive employment. 126767
126768
126769
126770

Section 347.20. ODB OHIO OPTICAL DISPENSERS BOARD 126771

Dedicated Purpose Fund Group 126772

4K90 894609 Program Support \$ 373,000 \$ 375,400 126773

TOTAL DPF Dedicated Purpose Fund \$ 373,000 \$ 375,400 126774

Group

TOTAL ALL BUDGET FUND GROUPS	\$	373,000	\$	375,400	126775
Section 349.10. OPT STATE BOARD OF OPTOMETRY					126777
Dedicated Purpose Fund Group					126778
4K90 885609 Program Support	\$	347,278	\$	347,278	126779
TOTAL DPF Dedicated Purpose Fund	\$	347,278	\$	347,278	126780
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	347,278	\$	347,278	126781
Section 351.10. OPP STATE BOARD OF ORTHOTICS, PROSTHETICS, AND PEDORTHICS					126783
					126784
Dedicated Purpose Fund Group					126785
4K90 973609 Operating Expenses	\$	176,950	\$	186,438	126786
TOTAL DPF Dedicated Purpose Fund	\$	176,950	\$	186,438	126787
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	176,950	\$	186,438	126788
Section 353.10. UST PETROLEUM UNDERGROUND STORAGE TANK RELEASE COMPENSATION BOARD					126789
					126790
Dedicated Purpose Fund Group					126791
6910 810632 Petroleum Underground	\$	1,257,155	\$	1,258,914	126792
Storage Tank Release					
Compensation Board -					
Operating					
TOTAL DPF Dedicated Purpose Fund	\$	1,257,155	\$	1,258,914	126793
Group					
TOTAL ALL BUDGET FUND GROUPS	\$	1,257,155	\$	1,258,914	126794
Section 355.10. PRX STATE BOARD OF PHARMACY					126796
Dedicated Purpose Fund Group					126797
4A50 887605 Drug Law Enforcement	\$	150,000	\$	150,000	126798
4K90 887609 Operating Expenses	\$	6,779,608	\$	6,818,799	126799

TOTAL DPF Dedicated Purpose Fund Group	\$	6,929,608	\$	6,968,799	126800
Federal Fund Group					126801
3DV0 887607 Enhancing Ohio's PMP	\$	128,677	\$	0	126802
TOTAL FED Federal Fund Group	\$	128,677	\$	0	126803
TOTAL ALL BUDGET FUND GROUPS	\$	7,058,285	\$	6,968,799	126804
Section 357.10. PSY STATE BOARD OF PSYCHOLOGY					126806
Dedicated Purpose Fund Group					126807
4K90 882609 Operating Expenses	\$	588,690	\$	598,890	126808
TOTAL DPF Dedicated Purpose Fund Group	\$	588,690	\$	598,890	126810
TOTAL ALL BUDGET FUND GROUPS	\$	588,690	\$	598,890	126811
Section 359.10. PUB OHIO PUBLIC DEFENDER COMMISSION					126813
General Revenue Fund					126814
GRF 019401 State Legal Defense Services	\$	3,020,855	\$	3,020,855	126815
GRF 019403 Multi-County: State Share	\$	1,960,463	\$	1,977,325	126816
GRF 019404 Trumbull County - State Share	\$	545,658	\$	552,337	126817
GRF 019405 Training Account	\$	50,000	\$	50,000	126818
GRF 019501 County Reimbursement	\$	22,985,371	\$	22,985,371	126819
TOTAL GRF General Revenue Fund	\$	28,562,347	\$	28,585,888	126820
Dedicated Purpose Fund Group					126821
1010 019607 Juvenile Legal Assistance	\$	200,000	\$	200,000	126822
4070 019604 County Representation	\$	225,800	\$	228,456	126823
4080 019605 Client Payments	\$	969,964	\$	834,277	126824
4C70 019601 Multi-County: County Share	\$	2,364,693	\$	2,389,985	126825

4N90	019613	Gifts and Grants	\$	50,250	\$	50,250	126826
4X70	019610	Trumbull County - County Share	\$	654,790	\$	664,809	126827
5740	019606	Civil Legal Aid	\$	17,250,000	\$	17,250,000	126828
5CX0	019617	Civil Case Filing Fee	\$	446,820	\$	453,580	126829
5DY0	019618	Indigent Defense Support - County Share	\$	38,005,178	\$	39,409,939	126830
5DY0	019619	Indigent Defense Support - State Office	\$	5,772,000	\$	5,850,000	126831
TOTAL DPF Dedicated Purpose							126832
Fund Group			\$	65,939,495	\$	67,331,296	126833
Federal Fund Group							126834
3GJ0	019622	Byrne Memorial Grant	\$	39,958	\$	39,958	126835
3S80	019608	Federal Representation	\$	202,942	\$	202,942	126836
TOTAL FED Federal Fund Group			\$	242,900	\$	242,900	126837
TOTAL ALL BUDGET FUND GROUPS			\$	94,744,742	\$	96,160,084	126838
INDIGENT DEFENSE REIMBURSEMENT RATE							126839
Of the foregoing appropriation items 019403, Multi-County:							126840
State Share, 019404, Trumbull County-State Share, and 019501,							126841
County Reimbursement, the distribution of the amount of the							126842
appropriation in each of these line items that is necessary to							126843
increase the reimbursement rate for indigent criminal defense							126844
services from forty per cent to fifty per cent shall be							126845
distributed to a county only if the board of county commissioners							126846
of that county establishes a schedule of fee on an hourly basis							126847
under division (A)(4)(d) of section 120.33 or division (E)(2) of							126848
section 2941.51 of the Revised Code that exceeds fifty dollars per							126849
hour, at which time that county shall receive a supplemental							126850
amount that constitutes five per cent of the total reimbursement							126851

the county received from the State Public Defender for appointed	126852
counsel.	126853
INDIGENT DEFENSE OFFICE	126854
The foregoing appropriation items 019404, Trumbull County -	126855
State Share, and 019610, Trumbull County - County Share, shall be	126856
used to support an indigent defense office for Trumbull County.	126857
MULTI-COUNTY OFFICE	126858
The foregoing appropriation items 019403, Multi-County: State	126859
Share, and 019601, Multi-County: County Share, shall be used to	126860
support the Office of the Ohio Public Defender's Multi-County	126861
Branch Office Program.	126862
TRAINING ACCOUNT	126863
The foregoing appropriation item 019405, Training Account,	126864
shall be used by the Ohio Public Defender to provide legal	126865
training programs at no cost for private appointed counsel who	126866
represents at least one indigent defendant at no cost and for	126867
state and county public defenders and attorneys who contract with	126868
the Ohio Public Defender to provide indigent defense services.	126869
CAPITAL CASE REIMBURSEMENT	126870
Of the foregoing appropriation item 019501, County	126871
Reimbursement, \$1,857,103 in each fiscal year shall be used to	126872
reimburse counties for the costs and expenses of providing legal	126873
representation to indigent persons in capital cases.	126874
LEGAL AID FUND	126875
On July 1 of each fiscal year, or as soon as possible	126876
thereafter, the Director of Budget and Management shall transfer	126877
\$750,000 cash from the General Revenue Fund to the Legal Aid Fund	126878
(Fund 5740).	126879
Of the foregoing appropriation item 019606, Civil Legal Aid,	126880
and notwithstanding any provision of law to the contrary, \$750,000	126881

in each fiscal year shall be distributed by the Ohio Legal Assistance Foundation to Ohio's civil legal aid societies for the sole purpose of providing legal services for economically disadvantaged veterans. None of the funds shall be used for administrative costs, including, but not limited to, salaries, benefits, or travel reimbursements. For purposes of this section, "economically disadvantaged veteran" is defined as a person: (1) who presents a valid copy of United States Department of Defense form DD-214, DD-215, or equivalent service-related document, and (2) whose income does not exceed one hundred fifty per cent of the federal poverty line as defined in section 5162.01 of the Revised Code.

FEDERAL REPRESENTATION

The foregoing appropriation item 019608, Federal Representation, shall be used to receive reimbursements from the federal courts when the Ohio Public Defender provides representation in federal court cases and to support representation in such cases.

INDIGENT DEFENSE SUPPORT FUND

Notwithstanding section 120.08 of the Revised Code, the Ohio Public Defender may use up to thirteen per cent of the money in the indigent defense support fund created by section 120.08 of the Revised Code for the purposes of appointing assistant state public defenders, providing other personnel, equipment, and facilities necessary for the operation of the state public defender office, and providing training, developing and implementing electronic forms, or establishing and maintaining an information technology system used for the uniform operation of Chapter 120. of the Revised Code.

Section 361.10. DPS DEPARTMENT OF PUBLIC SAFETY

General Revenue Fund				126912
GRF	763403	EMA Operating	\$ 4,050,000 \$ 4,050,000	126913
GRF	767420	Investigative Unit - Operating	\$ 11,399,300 \$ 11,399,300	126914
GRF	768425	Justice Program Services	\$ 725,000 \$ 725,000	126915
GRF	769406	Homeland Security - Operating	\$ 2,000,000 \$ 2,000,000	126916
TOTAL GRF	General Revenue Fund		\$ 18,174,300 \$ 18,174,300	126917
Dedicated Purpose Fund Group				126918
4P60	768601	Justice Program Services	\$ 150,000 \$ 150,000	126919
4V30	763662	STORMS/NOAA Maintenance	\$ 265,000 \$ 265,000	126920
5BK0	768687	Criminal Justice Services - Operating	\$ 400,000 \$ 400,000	126921
5BK0	768689	Family Violence Shelter Programs	\$ 1,550,000 \$ 1,550,000	126922
5ET0	768625	Drug Law Enforcement	\$ 7,500,000 \$ 6,000,000	126923
5LM0	768698	Criminal Justice Services Law Enforcement Support	\$ 850,946 \$ 850,946	126924
5ML0	769635	Infrastructure Protection	\$ 100,000 \$ 100,000	126925
5RH0	767697	OIU Special Projects	\$ 460,000 \$ 460,000	126926
5RS0	768621	Community Police Relations	\$ 1,000,000 \$ 1,000,000	126927
5Y10	767696	Ohio Investigative Unit Continuing Professional Training	\$ 20,000 \$ 20,000	126928
6220	767615	Investigative, Contraband, and	\$ 325,000 \$ 325,000	126929

		Forfeiture					
6570	763652	Utility Radiological Safety	\$	1,200,000	\$	1,200,000	126930
6810	763653	SARA Title III HAZMAT Planning	\$	262,438	\$	262,438	126931
8500	767628	Investigative Unit Salvage	\$	92,700	\$	92,700	126932
TOTAL DPF		Dedicated Purpose Fund Group	\$	14,176,084	\$	12,676,084	126933
		Federal Fund Group					126934
3290	763645	Federal Mitigation Program	\$	10,413,642	\$	10,413,642	126935
3370	763609	Federal Disaster Relief	\$	27,707,636	\$	27,707,636	126936
3390	763647	Emergency Management Assistance and Training	\$	67,684,765	\$	68,684,765	126937
3EU0	768614	Justice Assistance Grants - FFY10	\$	100,000	\$	25,000	126938
3FK0	768615	Justice Assistance Grants - FFY11	\$	300,000	\$	100,000	126939
3FP0	767620	Ohio Investigative Unit Justice Contraband	\$	55,000	\$	55,000	126940
3FY0	768616	Justice Assistance Grant - FFY12	\$	650,000	\$	300,000	126941
3FZ0	768617	Justice Assistance Grant - FFY13	\$	2,000,000	\$	650,000	126942
3GA0	768618	Justice Assistance Grant - FFY14	\$	3,000,000	\$	2,000,000	126943
3GL0	768619	Justice Assistance Grants	\$	7,500,000	\$	10,500,000	126944
3GT0	767691	Equitable Share	\$	300,000	\$	300,000	126945

		Account			
3GU0	769610	Investigation Grants	\$	1,400,000	\$ 1,400,000 126946
		- Food Stamps, Liquor			
		& Tobacco Laws			
3GU0	769631	Homeland Security	\$	1,400,000	\$ 1,400,000 126947
		Disaster Grants			
3L50	768604	Justice Program	\$	10,500,000	\$ 10,500,000 126948
3N50	763644	U.S. Department of	\$	31,672	\$ 31,672 126949
		Energy Agreement			
TOTAL FED		Federal Fund Group	\$	133,042,715	\$ 134,067,715 126950
TOTAL ALL BUDGET FUND GROUPS			\$	165,393,099	\$ 164,918,099 126951
CASH TRANSFER - OHIO INVESTIGATIVE UNIT FUND					126952
On July 1, 2015, or as soon as possible thereafter, the					126953
Director of Budget and Management shall transfer \$350,000 in cash					126954
from the Investigations Fund (Fund 5FL0) to the Ohio Investigative					126955
Unit Fund (Fund 5RH0).					126956
CASH TRANSFER - INVESTIGATIVE UNIT FEDERAL EQUITABLE SHARING					126957
FUND					126958
Upon written request of the Director of Public Safety, the					126959
Director of Budget and Management may transfer cash from the					126960
Investigative Unit Federal Equitable Sharing Fund (Fund 5CM0) to					126961
the Investigative Unit Federal Equitable Sharing Fund (Fund 3GT0).					126962
CASH TRANSFER - JUSTICE PROGRAM SERVICES					126963
Upon written request of the Director of Public Safety, the					126964
Director of Budget and Management may transfer cash from the					126965
Justice Program Services Fund (Fund 4P60) to the State Bureau of					126966
Motor Vehicles Fund (Fund 4W40).					126967
STATE DISASTER RELIEF					126968
The State Disaster Relief Fund (Fund 5330) may accept					126969
transfers of cash and appropriations from Controlling Board					126970
appropriation items for the Ohio Emergency Management Agency					126971

disaster response costs and disaster program management costs, and 126972
may also be used for the following purposes: 126973

(A) To accept transfers of cash and appropriations from 126974
Controlling Board appropriation items for Ohio Emergency 126975
Management Agency public assistance and mitigation program match 126976
costs to reimburse eligible local governments and private 126977
nonprofit organizations for costs related to disasters; 126978

(B) To accept transfers of cash to reimburse the costs 126979
associated with Emergency Management Assistance Compact (EMAC) 126980
deployments; 126981

(C) To accept disaster related reimbursement from federal, 126982
state, and local governments. The Director of Budget and 126983
Management may transfer cash from reimbursements received by this 126984
fund to other funds of the state from which transfers were 126985
originally approved by the Controlling Board. 126986

(D) To accept transfers of cash and appropriations from 126987
Controlling Board appropriation items to fund the State Disaster 126988
Relief Program, for disasters that qualify for the program by 126989
written authorization of the Governor, and the State Individual 126990
Assistance Program for disasters that have been declared by the 126991
federal Small Business Administration and that qualify for the 126992
program by written authorization from the Governor. The Ohio 126993
Emergency Management Agency shall publish and make available 126994
application packets outlining procedures for the State Disaster 126995
Relief Program and the State Individual Assistance Program. 126996

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT 126997
AGENCY SERVICE AND REIMBURSEMENT FUND 126998

On July 1 of each fiscal year, or as soon as possible 126999
thereafter, the Director of Budget and Management shall transfer 127000
\$200,000 cash from the State Fire Marshall Fund (Fund 5460) to the 127001
Emergency Management Agency Service and Reimbursement Fund (Fund 127002

4V30) to be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

COMMUNITY POLICE RELATIONS

Notwithstanding the requirement in division (C) of section 5747.50 of the Revised Code that the Tax Commissioner provide for payment from the Local Government Fund to each municipal corporation of an amount calculated using the total amount available for distribution to municipal corporations during the current month, as defined in that division, the Tax Commissioner shall reduce the total amount available for distribution to municipal corporations during the current month by \$83,333.33 in each month of fiscal year 2016 and by \$83,333.33 in each month of fiscal year 2017, before calculating the amount to be distributed to each municipal corporation. The amounts not distributed to municipal corporations, \$83,333.33 in each month of fiscal year 2016 and \$83,333.33 in each month of fiscal year 2017, shall be deposited in the state treasury to the credit of the Community Police Relations Fund (Fund 5RS0), which is hereby created.

The foregoing appropriation item 768621, Community Police Relations, shall be used to implement key recommendations of the Ohio Task Force on Community-Police Relations, including a database on use of force and officer involved shootings, a public awareness campaign, and state-provided assistance with policy-making and manuals.

SARA TITLE III HAZMAT PLANNING

The SARA Title III HAZMAT Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's

responsibilities under Chapter 3750. of the Revised Code.				127034
Section 363.10. PUC PUBLIC UTILITIES COMMISSION OF OHIO				127035
Dedicated Purpose Fund Group				127036
4A30 870614	Grade Crossing	\$ 1,347,357	\$ 1,347,357	127037
	Protection			
	Devices-State			
4L80 870617	Pipeline Safety-State	\$ 331,992	\$ 331,992	127038
5610 870606	Power Siting Board	\$ 581,618	\$ 581,618	127039
5F60 870622	Utility and Railroad	\$ 30,619,708	\$ 30,619,708	127040
	Regulation			
5F60 870624	NARUC/NRRI Subsidy	\$ 85,000	\$ 85,000	127041
5LT0 870640	Intrastate	\$ 180,000	\$ 180,000	127042
	Registration			
5LT0 870641	Unified Carrier	\$ 420,000	\$ 420,000	127043
	Registration			
5LT0 870642	Hazardous Materials	\$ 753,346	\$ 753,346	127044
	Registration			
5LT0 870643	Non-hazardous	\$ 277,496	\$ 277,496	127045
	Materials Civil			
	Forfeiture			
5LT0 870644	Hazardous Materials	\$ 898,800	\$ 898,800	127046
	Civil Forfeiture			
5LT0 870645	Motor Carrier	\$ 4,709,592	\$ 4,709,592	127047
	Enforcement			
5Q50 870626	Telecommunications	\$ 5,000,000	\$ 5,000,000	127048
	Relay Service			
TOTAL DPF Dedicated Purpose Fund		\$ 45,204,909	\$ 45,204,909	127049
Group				
Federal Fund Group				127050
3330 870601	Gas Pipeline Safety	\$ 597,959	\$ 597,959	127051
3500 870608	Motor Carrier Safety	\$ 7,351,660	\$ 7,351,660	127052

3V30 870604	Commercial Vehicle	\$	100,000	\$	100,000	127053
	Information					
	Systems/Networks					
TOTAL FED	Federal Fund Group	\$	8,049,619	\$	8,049,619	127054
TOTAL ALL BUDGET FUND GROUPS		\$	53,254,528	\$	53,254,528	127055

Section 363.20. TELECOMMUNICATIONS TRANSITION PLANNING 127057

The foregoing appropriation item 870622, Utility and Railroad 127058
Regulation, shall be used in part to plan for the transition, 127059
consistent with the directives and policies of the Federal 127060
Communications Commission, from the current public switched 127061
telephone network to an internet-protocol network that will 127062
stimulate investment in the internet-protocol network in Ohio and 127063
that will expand the availability of advanced telecommunications 127064
services to all Ohioans. The transition plan shall include a 127065
review of statutes or rules that may prevent or delay an 127066
appropriate transition. The Public Utilities Commission shall 127067
report to the General Assembly on any further action required to 127068
be taken by the General Assembly to ensure a successful and timely 127069
transition. 127070

Section 363.30. (A) The Public Utilities Commission shall do 127071
both of the following not later than one hundred eighty days after 127072
the effective date of this section: 127073

(1) Adopt rules to implement section 4927.10 of the Revised 127074
Code and the amendments to sections 4927.01, 4927.02, 4927.07, and 127075
4927.11 of the Revised Code made by H.B. 64 of the 131st General 127076
Assembly; 127077

(2) Bring its rules into conformity with this act. 127078

(B) Rules adopted or amended under this section shall include 127079
provisions for reasonable customer notice of the steps to be taken 127080
during, and the actions resulting from, the transition plan 127081

described in Section 363.20 of H.B. 64 of the 131st General Assembly. 127082
127083

(C) Any rule adopted or amended under this section shall be 127084
consistent with the rules of the Federal Communications 127085
Commission. 127086

(D) If the Public Utilities Commission fails to comply with 127087
division (A) of this section before the Federal Communications 127088
Commission adopts the order described in section 4927.10 of the 127089
Revised Code, any rule of the Public Utilities Commission that is 127090
inconsistent with that order shall not be enforced. 127091

Section 365.10. PWC PUBLIC WORKS COMMISSION 127092

General Revenue Fund 127093

GRF	150904	Conservation General	\$	33,174,900	\$	37,725,700	127094
		Obligation Bond Debt					
		Service					

GRF	150907	Infrastructure	\$	227,937,400	\$	231,303,200	127095
		Improvement General					
		Obligation Bond Debt					
		Service					

TOTAL GRF	General Revenue Fund	\$	261,112,300	\$	269,028,900	127096
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Capital Projects Fund Group 127097

7056	150403	Clean Ohio	\$	288,980	\$	288,980	127098
		Conservation					
		Operating					

7101	150602	Sewer Development	\$	20,000	\$	20,000	127099
		Advancement Operating					

TOTAL CPF	Capital Projects Fund	\$	308,980	\$	308,980	127100
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Group

TOTAL ALL BUDGET FUND GROUPS		\$	261,421,280	\$	269,337,880	127101
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CONSERVATION GENERAL OBLIGATION BOND DEBT SERVICE 127102

The foregoing appropriation item 150904, Conservation General
Obligation Bond Debt Service, shall be used to pay all debt
service and related financing costs during the period from July 1,
2015, through June 30, 2017, at the times they are required to be
made for obligations issued under sections 151.01 and 151.09 of
the Revised Code.

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT
SERVICE

The foregoing appropriation item 150907, Infrastructure
Improvement General Obligation Bond Debt Service, shall be used to
pay all debt service and related financing costs during the period
from July 1, 2015, through June 30, 2017, at the times they are
required to be made for obligations issued under sections 151.01
and 151.08 of the Revised Code.

CLEAN OHIO CONSERVATION OPERATING

The foregoing appropriation item 150403, Clean Ohio
Conservation Operating, shall be used by the Ohio Public Works
Commission in administering Clean Ohio Conservation Fund (Fund
7056) projects pursuant to sections 164.20 to 164.27 of the
Revised Code.

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to
create a District Administration Costs Program for districts
represented by natural resource assistance councils. This program
shall be funded from proceeds of the Clean Ohio Conservation Fund.
This program shall be used by natural resource assistance councils
in order to provide for administration costs of the nineteen
natural resource assistance councils for the direct costs of
council administration. Councils choosing to participate in this
program may be eligible for up to \$15,000 per fiscal year from its
district allocation as provided in section 164.27 of the Revised

Code. The director shall define allowable and nonallowable costs 127134
for the purpose of the District Administration Costs Program. 127135
Nonallowable costs include indirect costs, elected official 127136
salaries and benefits, and project-specific costs. 127137

SEWER DEVELOPMENT ADVANCEMENT OPERATING 127138

The foregoing appropriation item 150602, Sewer Development 127139
Advancement Operating, shall be used by the Ohio Public Works 127140
Commission in administering the Sewer Development Advancement Fund 127141
(Fund 7101) pursuant to section 164.13 of the Revised Code. 127142

Section 367.10. RAC STATE RACING COMMISSION 127143

Dedicated Purpose Fund Group 127144

5620 875601 Thoroughbred \$ 1,400,000 \$ 1,400,000 127145
Development

5630 875602 Standardbred \$ 1,300,000 \$ 1,300,000 127146
Development

5650 875604 Racing Commission \$ 3,335,000 \$ 3,335,000 127147
Operating

5JK0 875610 Horse Racing \$ 8,500,000 \$ 8,500,000 127148
Development-Casino

5NL0 875611 Revenue \$ 17,000,000 \$ 17,000,000 127149
Redistribution

TOTAL DPF Dedicated Purpose Fund \$ 31,535,000 \$ 31,535,000 127150
Group

Fiduciary Fund Group 127151

5C40 875607 Simulcast Horse \$ 12,000,000 \$ 12,000,000 127152
Racing Purse

TOTAL FID Fiduciary Fund Group \$ 12,000,000 \$ 12,000,000 127153

Holding Account Fund Group 127154

R021 875605 Bond Reimbursements \$ 100,000 \$ 100,000 127155

TOTAL HLD Holding Account Fund \$ 100,000 \$ 100,000 127156

Group

TOTAL ALL BUDGET FUND GROUPS \$ 43,635,000 \$ 43,635,000 127157

Section 369.10. BOR DEPARTMENT OF HIGHER EDUCATION 127159

General Revenue Fund 127160

GRF 235321 Operating Expenses \$ 5,377,193 \$ 5,377,193 127161

GRF 235402 Sea Grants \$ 299,250 \$ 299,250 127162

GRF 235406 Articulation and
Transfer \$ 2,000,000 \$ 2,000,000 127163

GRF 235408 Midwest Higher
Education Compact \$ 115,000 \$ 115,000 127164

GRF 235414 State Grants and
Scholarship
Administration \$ 830,180 \$ 830,180 127165

GRF 235417 eStudent Services \$ 2,532,688 \$ 2,532,688 127166

GRF 235428 Appalachian New
Economy Partnership \$ 837,366 \$ 837,366 127167

GRF 235434 College Readiness and
Access \$ 1,000,000 \$ 1,000,000 127168

GRF 235438 Choose Ohio First
Scholarship \$ 16,665,114 \$ 16,665,114 127169

GRF 235443 Adult Basic and
Literacy Education -
State \$ 7,302,416 \$ 7,302,416 127170

GRF 235444 Ohio Technical Centers \$ 16,817,547 \$ 16,817,547 127171

GRF 235474 Area Health Education
Centers Program
Support \$ 900,000 \$ 900,000 127172

GRF 235483 Technology Integration \$ 378,598 \$ 378,598 127173
and Professional
Development

GRF 235492 Campus Safety and
Training \$ 2,000,000 \$ 0 127174

GRF 235501	State Share of Instruction	\$ 1,903,285,144	\$ 1,979,416,550	127175
GRF 235502	Student Support Services	\$ 632,974	\$ 632,974	127176
GRF 235504	War Orphans Scholarships	\$ 6,835,710	\$ 7,124,141	127177
GRF 235507	OhioLINK	\$ 6,211,012	\$ 6,211,012	127178
GRF 235508	Air Force Institute of Technology	\$ 1,740,803	\$ 1,740,803	127179
GRF 235510	Ohio Supercomputer Center	\$ 4,247,418	\$ 4,247,418	127180
GRF 235511	Cooperative Extension Service	\$ 24,209,491	\$ 24,209,491	127181
GRF 235514	Central State Supplement	\$ 11,063,468	\$ 11,063,468	127182
GRF 235515	Case Western Reserve University School of Medicine	\$ 2,146,253	\$ 2,146,253	127183
GRF 235519	Family Practice	\$ 3,166,185	\$ 3,166,185	127184
GRF 235520	Shawnee State Supplement	\$ 2,326,097	\$ 2,326,097	127185
GRF 235524	Police and Fire Protection	\$ 107,814	\$ 107,814	127186
GRF 235525	Geriatric Medicine	\$ 522,151	\$ 522,151	127187
GRF 235526	Primary Care Residencies	\$ 1,500,000	\$ 1,500,000	127188
GRF 235533	Higher Education Program Support	\$ 450,000	\$ 450,000	127189
GRF 235535	Ohio Agricultural Research and Development Center	\$ 36,861,470	\$ 36,361,470	127190
GRF 235536	The Ohio State University Clinical	\$ 9,668,941	\$ 9,668,941	127191

	Teaching					
GRF 235537	University of Cincinnati Clinical Teaching	\$	7,952,573	\$	7,952,573	127192
GRF 235538	University of Toledo Clinical Teaching	\$	6,198,600	\$	6,198,600	127193
GRF 235539	Wright State University Clinical Teaching	\$	3,011,400	\$	3,011,400	127194
GRF 235540	Ohio University Clinical Teaching	\$	2,911,212	\$	2,911,212	127195
GRF 235541	Northeast Ohio Medical University Clinical Teaching	\$	2,994,178	\$	2,994,178	127196
GRF 235546	Central State Agricultural Research and Development	\$	350,000	\$	350,000	127197
GRF 235548	Central State Cooperative Extension Services	\$	350,000	\$	350,000	127198
GRF 235552	Capital Component	\$	10,280,387	\$	6,350,817	127199
GRF 235555	Library Depositories	\$	1,440,342	\$	1,440,342	127200
GRF 235556	Ohio Academic Resources Network	\$	3,172,519	\$	3,172,519	127201
GRF 235558	Long-term Care Research	\$	325,300	\$	325,300	127202
GRF 235559	Central State University - Agriculture Education	\$	300,000	\$	300,000	127203
GRF 235563	Ohio College Opportunity Grant	\$	97,187,107	\$	100,187,107	127204
GRF 235572	The Ohio State University Clinic	\$	766,533	\$	766,533	127205

		Support				
GRF 235591		Co-op Internship	\$	3,345,000	\$	3,345,000 127206
		Program				
GRF 235599		National Guard	\$	18,750,552	\$	18,900,003 127207
		Scholarship Program				
GRF 235909		Higher Education	\$	252,470,800	\$	259,289,500 127208
		General Obligation				
		Bond Debt Service				
TOTAL GRF		General Revenue Fund	\$	2,483,836,786	\$	2,563,795,204 127209
		Dedicated Purpose Fund Group				127210
2200 235614		Program Approval and	\$	650,000	\$	650,000 127211
		Reauthorization				
4560 235603		Sales and Services	\$	199,250	\$	199,250 127212
4E80 235602		Higher Educational	\$	29,100	\$	29,100 127213
		Facility Commission				
		Administration				
4X10 235674		Telecommunity and	\$	49,150	\$	49,150 127214
		Distance Learning				
5D40 235675		Conferences/Special	\$	1,884,095	\$	1,884,095 127215
		Purposes				
5JC0 235620		Regional Partnership	\$	500,000	\$	500,000 127216
		and Training Center				
5JC0 235668		Defense/Aerospace	\$	10,000,000	\$	10,000,000 127217
		Workforce Development				
		Initiative				
5JC0 235673		NCERCMP	\$	2,000,000	\$	2,000,000 127218
5NH0 235684		OhioMeansJobs	\$	500,000	\$	0 127219
		Workforce Development				
		Revolving Loan				
		Program				
5P30 235663		Variable Savings Plan	\$	8,028,685	\$	8,082,899 127220
6450 235664		Guaranteed Savings	\$	1,068,048	\$	1,061,886 127221
		Plan				

6820	235606	Nursing Loan Program	\$	891,320	\$	891,320	127222
TOTAL DPF Dedicated Purpose Fund			\$	25,799,648	\$	25,347,700	127223
Group							
Bond Research and Development Fund Group							127224
7011	235634	Research Incentive	\$	8,000,000	\$	8,000,000	127225
Third Frontier Fund							
7011	235699	Federal Research	\$	10,000,000	\$	15,000,000	127226
Center Network							
TOTAL BRD Bond Research and			\$	18,000,000	\$	23,000,000	127227
Development Fund Group							
Federal Fund Group							127228
3120	235611	Gear-up Grant	\$	3,050,600	\$	3,169,050	127229
3120	235612	Carl D. Perkins	\$	1,350,000	\$	1,350,000	127230
Grant/Plan							
Administration							
3120	235617	Improving Teacher	\$	2,800,000	\$	2,800,000	127231
Quality Grant							
3120	235641	Adult Basic and	\$	15,207,359	\$	15,207,359	127232
Literacy Education -							
Federal							
3120	235672	H-1B Tech Skills	\$	2,100,000	\$	2,100,000	127233
Training							
3H20	235608	Human Services	\$	375,000	\$	375,000	127234
Project							
TOTAL FED Federal Fund Group			\$	24,882,959	\$	25,001,409	127235
TOTAL ALL BUDGET FUND GROUPS			\$	2,552,519,393	\$	2,637,144,313	127236

Section 369.13. OPERATING EXPENSES 127238

Of the foregoing appropriation item 235321, Operating 127239
Expenses, up to \$2,854,000 in fiscal year 2016 and up to 127240
\$2,996,000 in fiscal year 2017 shall be used by the Chancellor of 127241
Higher Education to support the development and implementation of 127242

information technology solutions designed to improve the 127243
performance and services of the Department of Higher Education and 127244
the University System of Ohio. The information technology 127245
solutions may be provided by the Ohio Academic Resources Network 127246
(OARnet). 127247

Section 369.20. SEA GRANTS 127248

The foregoing appropriation item 235402, Sea Grants, shall be 127249
used to match federal dollars and leverage additional support by 127250
The Ohio State University's Sea Grant program, including Stone 127251
Laboratory, for research, education, and outreach to enhance the 127252
economic value, public utilization, and responsible management of 127253
Lake Erie and Ohio's coastal resources. 127254

Section 369.30. ARTICULATION AND TRANSFER 127255

The foregoing appropriation item 235406, Articulation and 127256
Transfer, shall be used by the Chancellor of Higher Education to 127257
maintain and expand the work of the Articulation and Transfer 127258
Council to develop a system of transfer policies to ensure that 127259
students at state institutions of higher education can transfer 127260
and have coursework apply to their majors and degrees at any other 127261
state institution of higher education without unnecessary 127262
duplication or institutional barriers under sections 3333.16, 127263
3333.161, and 3333.162 of the Revised Code. 127264

Section 369.40. MIDWEST HIGHER EDUCATION COMPACT 127265

The foregoing appropriation item 235408, Midwest Higher 127266
Education Compact, shall be distributed by the Chancellor of 127267
Higher Education under section 3333.40 of the Revised Code. 127268

Section 369.50. STATE GRANTS AND SCHOLARSHIP ADMINISTRATION 127269

The foregoing appropriation item 235414, State Grants and 127270

Scholarship Administration, shall be used by the Chancellor of 127271
Higher Education to administer the following student financial aid 127272
programs: Ohio College Opportunity Grant, Ohio War Orphans' 127273
Scholarship, Nurse Education Assistance Loan Program, Ohio Safety 127274
Officers College Memorial Fund, and any other student financial 127275
aid programs created by the General Assembly. The appropriation 127276
item also shall be used to support all state financial aid audits 127277
and student financial aid programs created by Congress, and to 127278
provide fiscal services for the Ohio National Guard Scholarship 127279
Program. 127280

Section 369.60. ESTUDENT SERVICES 127281

The foregoing appropriation item 235417, eStudent Services, 127282
shall be used by the Chancellor of Higher Education to support the 127283
continued implementation of eStudent Services, a consortium 127284
organized under division (T) of section 3333.04 of the Revised 127285
Code to expand access to dual enrollment opportunities for high 127286
school students, as well as adult and higher education 127287
opportunities through technology. The funds shall be used by 127288
eStudent Services to develop and promote learning and assessment 127289
through the use of technology, to test and provide advice on 127290
emerging learning-directed technologies, to support the distance 127291
learning clearinghouse and platform created under section 3333.82 127292
of the Revised Code, to facilitate cost-effectiveness through 127293
shared educational technology investments, and for any other 127294
priorities of the Chancellor of Higher Education. 127295

Section 369.70. APPALACHIAN NEW ECONOMY PARTNERSHIP 127296

The foregoing appropriation item 235428, Appalachian New 127297
Economy Partnership, shall be distributed to Ohio University to 127298
continue a multi-campus and multi-agency coordinated effort to 127299
link Appalachia to the new economy. Ohio University shall use 127300

these funds to provide leadership in the development and 127301
implementation of initiatives in the areas of entrepreneurship, 127302
management, education, and technology. 127303

Section 369.73. COLLEGE READINESS AND ACCESS 127304

The foregoing appropriation item 235434, College Readiness 127305
and Access, shall be used by the Chancellor of Higher Education to 127306
support early college high school initiatives. The Chancellor 127307
shall consult with existing early college high schools and their 127308
partner institutions of higher education where they exist to 127309
develop performance allocation criteria, and shall publish these 127310
criteria not later than September 1, 2015. The Chancellor shall 127311
distribute grants to any school that meets the performance 127312
allocation criteria determined by the Chancellor in an amount not 127313
to exceed \$100,000 per early college high school per fiscal year. 127314
The grants shall be used exclusively by early college high schools 127315
for additive education services, including, but not limited to, 127316
tutoring, college advising and counseling, and career advising and 127317
counseling services. 127318

In addition, the Chancellor shall establish a process for 127319
considering proposals for new early college high schools and may 127320
provide up to three start-up grants of not more than \$175,000 for 127321
new early college high schools. 127322

Section 369.80. CHOOSE OHIO FIRST SCHOLARSHIP 127323

The foregoing appropriation item 235438, Choose Ohio First 127324
Scholarship, shall be used to operate the program prescribed in 127325
sections 3333.60 to 3333.69 of the Revised Code. 127326

Section 369.90. ADULT BASIC AND LITERACY EDUCATION 127327

The foregoing appropriation item 235443, Adult Basic and 127328
Literacy Education - State, shall be used to support the adult 127329

basic and literacy education instructional grant program and state 127330
leadership program. The supported programs shall satisfy the state 127331
match and maintenance of effort requirements for the 127332
state-administered grant program. 127333

Section 369.100. OHIO TECHNICAL CENTERS FUNDING 127334

The foregoing appropriation item 235444, Ohio Technical 127335
Centers, shall be used by the Chancellor of Higher Education to 127336
support post-secondary adult career-technical education. 127337

(A)(1) As soon as possible in each fiscal year, in accordance 127338
with instructions of the Chancellor of Higher Education, each Ohio 127339
Technical Center shall report its actual data, consistent with the 127340
definitions in the Higher Education Information (HEI) system's 127341
files, to the Chancellor. 127342

(a) In defining the number of full-time equivalent students 127343
for state subsidy purposes, the Chancellor of Higher Education 127344
shall exclude all students who are not residents of Ohio. 127345

(b) A full-time equivalent student shall be defined as a 127346
student who completes 450 hours. Those students that complete some 127347
portion of 450 hours shall be counted as a partial full-time 127348
equivalent for funding purposes, while students that complete more 127349
than 450 hours shall be counted as proportionally greater than one 127350
full-time equivalent. 127351

(c) In calculating each Ohio Technical Center's full-time 127352
equivalent students, the Chancellor of Higher Education shall use 127353
a three-year average. 127354

(2) In each fiscal year, twenty-five per cent of the 127355
allocation for Ohio Technical Centers shall be distributed based 127356
on the proportion of each Center's full-time equivalent students 127357
to the total full-time equivalent students who complete a 127358
post-secondary workforce training program approved by the 127359

Chancellor with a grade of C or better or a grade of pass if the program is evaluated on a pass/fail basis.

(3) In each fiscal year, twenty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who complete 50 per cent of a program of study as a measure of student retention.

(4) In each fiscal year, fifty per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have found employment, entered military service, or enrolled in additional post-secondary education and training in accordance with the placement definitions of the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins). The calculation for eligible full-time equivalent students shall be based on the per cent of Perkins placements for students who have completed at least 50 per cent of a program of study.

(5) In each fiscal year, five per cent of the allocation for Ohio Technical Centers shall be distributed based on the proportion of each Center's full-time equivalent students to the total full-time equivalent students who have earned a credential from an industry-recognized third party.

(B) Of the foregoing appropriation item 235444, Ohio Technical Centers, up to \$400,000 in each fiscal year shall be distributed by the Chancellor of Higher Education to the Ohio Central School System, up to \$48,000 in each fiscal year shall be utilized for assistance for Ohio Technical Centers, and up to \$975,000 in each fiscal year shall be distributed by the Chancellor to Ohio Technical Centers that provide business consultation with matching local dollars. Centers meeting this requirement shall receive an amount not to exceed \$25,000 per

center.	127392
(C) The remainder of the foregoing appropriation item 235444, Ohio Technical Centers, in each fiscal year shall be distributed in accordance with division (A) of this section.	127393 127394 127395
(D) PHASE-IN OF PERFORMANCE FUNDING FOR OHIO TECHNICAL CENTERS	127396 127397
(1) No Ohio Technical Center shall receive performance funding calculated under division (A) of this section, excluding funding for third party credentials calculated under division (A)(5) of this section, that is less than 96 per cent of the average allocation the Center received, excluding funding for third party credentials, in the three prior fiscal years.	127398 127399 127400 127401 127402 127403
(2) In order to ensure that no Center receives less than 96 per cent of the prior three-year average allocation in accordance with division (D)(1) of this section, funds shall be made available to support the phase-in allocation by proportionally reducing formula earnings from each Center not receiving phase-in funding.	127404 127405 127406 127407 127408 127409
Section 369.110. AREA HEALTH EDUCATION CENTERS	127410
The foregoing appropriation item 235474, Area Health Education Centers Program Support, shall be used by the Chancellor of Higher Education to support the medical school regional area health education centers' educational programs for the continued support of medical and other health professions education and for support of the Area Health Education Center Program.	127411 127412 127413 127414 127415 127416
Section 369.120. TECHNOLOGY INTEGRATION AND PROFESSIONAL DEVELOPMENT	127417 127418
The foregoing appropriation item 235483, Technology Integration and Professional Development, shall be used by the	127419 127420

Chancellor of Higher Education for the provision of staff 127421
development, hardware, software, telecommunications services, and 127422
information resources to support educational uses of technology in 127423
the classroom and at a distance and for professional development 127424
for teachers, administrators, and technology staff on the use of 127425
educational technology in qualifying public schools, including the 127426
State School for the Blind, the School for the Deaf, and the 127427
Department of Youth Services. 127428

Section 369.140. CAMPUS SAFETY AND TRAINING 127429

The foregoing appropriation item 235492, Campus Safety and 127430
Training, shall be used by the Chancellor of Higher Education for 127431
the purpose of developing model best practices for preventing and 127432
responding to sexual assault on campus. By September 1, 2015, the 127433
Chancellor of Higher Education, in consultation with state 127434
institutions of higher education as defined in section 3345.011 of 127435
the Revised Code and private nonprofit institutions of higher 127436
education holding certificates of authorization under Chapter 127437
1713. of the Revised Code, shall develop model best practices for 127438
preventing and responding to sexual assault and protecting 127439
students and staff who are victims of sexual assault on campus. 127440
The Chancellor shall convene state institutions of higher 127441
education and private nonprofit institutions of higher education 127442
in the training and implementation of best practices regarding 127443
campus sexual assault. 127444

Section 369.150. STATE SHARE OF INSTRUCTION FORMULAS 127445

The Chancellor of Higher Education shall establish procedures 127446
to allocate the foregoing appropriation item 235501, State Share 127447
of Instruction, based on the formulas detailed in this section 127448
that utilize the enrollment, course completion, degree attainment, 127449
and student achievement factors reported annually by each state 127450

institution of higher education participating in the Higher			127451
Education Information (HEI) system.			127452
(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE			127453
COMPLETIONS			127454
(1) As soon as possible during each fiscal year of the			127455
biennium ending June 30, 2017, in accordance with instructions of			127456
the Department of Higher Education, each state institution of			127457
higher education shall report its actual data, consistent with the			127458
definitions in the Higher Education Information (HEI) system's			127459
enrollment files, to the Chancellor of Higher Education.			127460
(2) In defining the number of full-time equivalent students			127461
for state subsidy instructional cost purposes, the Chancellor of			127462
Higher Education shall exclude all undergraduate students who are			127463
not residents of Ohio, except those charged in-state fees in			127464
accordance with reciprocity agreements made under section 3333.17			127465
of the Revised Code or employer contracts entered into under			127466
section 3333.32 of the Revised Code.			127467
(B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT			127468
For purposes of calculating state share of instruction			127469
allocations, the total instructional costs per full-time			127470
equivalent student shall be:			127471
Model	Fiscal Year 2016	Fiscal Year 2017	127472
ARTS AND HUMANITIES 1	\$7,773	\$7,920	127473
ARTS AND HUMANITIES 2	\$11,093	\$11,302	127474
ARTS AND HUMANITIES 3	\$14,209	\$14,477	127475
ARTS AND HUMANITIES 4	\$21,021	\$21,417	127476
ARTS AND HUMANITIES 5	\$35,834	\$36,509	127477
ARTS AND HUMANITIES 6	\$38,135	\$38,854	127478
BUSINESS, EDUCATION &	\$7,311	\$7,449	127479
SOCIAL SCIENCES 1			
BUSINESS, EDUCATION &	\$8,310	\$8,467	127480

SOCIAL SCIENCES 2			
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	\$10,805	\$11,009	127481
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	\$12,842	\$13,084	127482
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	\$19,879	\$20,254	127483
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	\$21,678	\$22,087	127484
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	\$31,806	\$32,406	127485
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	\$7,244	\$7,380	127486
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	\$10,041	\$10,231	127487
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	\$11,841	\$12,064	127488
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	\$14,170	\$14,437	127489
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 5	\$19,290	\$19,654	127490
SCIENCE, TECHNOLOGY, ENGINEERING,	\$20,814	\$21,206	127491

MATHEMATICS, MEDICINE

6

SCIENCE, TECHNOLOGY, ENGINEERING,	\$23,462	\$23,905	127492
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MATHEMATICS, MEDICINE

7

SCIENCE, TECHNOLOGY, ENGINEERING,	\$36,983	\$37,680	127493
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MATHEMATICS, MEDICINE

8

SCIENCE, TECHNOLOGY, ENGINEERING,	\$49,923	\$50,864	127494
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MATHEMATICS, MEDICINE

9

Doctoral I and Doctoral II models shall be allocated in	127495
accordance with division (D)(2) of this section.	127496

Medical I and Medical II models shall be allocated in	127497
accordance with divisions (D)(3) and (D)(4) of this section.	127498

(C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL, AND GRADUATE WEIGHTS	127499
	127500

For the purpose of implementing the recommendations of the	127501
2006 State Share of Instruction Consultation and the Higher	127502
Education Funding Study Council that priority be given to	127503
maintaining state support for science, technology, engineering,	127504
mathematics, medicine, and graduate programs, the costs in	127505
division (B) of this section shall be weighted by the amounts	127506
provided below:	127507

Model	Fiscal Year 2016	Fiscal Year 2017	
ARTS AND HUMANITIES 1	1.0000	1.0000	127508
ARTS AND HUMANITIES 2	1.0000	1.0000	127509
ARTS AND HUMANITIES 3	1.0000	1.0000	127510
ARTS AND HUMANITIES 4	1.0000	1.0000	127511
			127512

ARTS AND HUMANITIES 5	1.0425	1.0425	127513
ARTS AND HUMANITIES 6	1.0425	1.0425	127514
BUSINESS, EDUCATION & SOCIAL SCIENCES 1	1.0000	1.0000	127515
BUSINESS, EDUCATION & SOCIAL SCIENCES 2	1.0000	1.0000	127516
BUSINESS, EDUCATION & SOCIAL SCIENCES 3	1.0000	1.0000	127517
BUSINESS, EDUCATION & SOCIAL SCIENCES 4	1.0000	1.0000	127518
BUSINESS, EDUCATION & SOCIAL SCIENCES 5	1.0425	1.0425	127519
BUSINESS, EDUCATION & SOCIAL SCIENCES 6	1.0425	1.0425	127520
BUSINESS, EDUCATION & SOCIAL SCIENCES 7	1.0425	1.0425	127521
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 1	1.0000	1.0000	127522
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 2	1.0017	1.0017	127523
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 3	1.6150	1.6150	127524
SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 4	1.6920	1.6920	127525
SCIENCE, TECHNOLOGY,	1.4222	1.4222	127526

ENGINEERING, MATHEMATICS, MEDICINE 5 SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 6 SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 7 SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 8 SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICINE 9	1.8798	1.8798	127527
	1.4380	1.4380	127528
	1.5675	1.5675	127529
	1.1361	1.1361	127530
(D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA			127531
ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES			127532
(1) Of the foregoing appropriation item 235501, State Share			127533
of Instruction, 50 per cent of the appropriation for universities,			127534
as established in division (A)(2) of the section of this act			127535
entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND			127536
2017," in each fiscal year shall be reserved for support of			127537
associate, baccalaureate, master's, and professional level degree			127538
attainment.			127539
The degree attainment funding shall be allocated to			127540
universities in proportion to each campus's share of the total			127541
statewide degrees granted, weighted by the cost of the degree			127542
programs. The degree cost calculations shall include the model			127543

cost weights for the science, technology, engineering, 127544
mathematics, and medicine models as established in division (C) of 127545
this section. 127546

For degrees including credits earned at multiple 127547
institutions, degree attainment funding shall be allocated to 127548
universities in proportion to each campus's share of the cost of 127549
earned credits for the degree. Each institution shall receive its 127550
prorated share of degree funding for credits earned at that 127551
institution. Cost of credits not earned at a university main or 127552
regional campus shall be credited to the degree-granting 127553
institution for the first degree earned by a student at each 127554
degree level. The cost credited to the degree-granting institution 127555
shall not be eligible for at-risk weights and shall be limited to 127556
12.5 per cent of the degree costs. However, the 12.5 per cent 127557
limitation shall not apply if the student transferred 12 or fewer 127558
credits into the degree granting institution. 127559

In calculating the subsidy entitlements for degree attainment 127560
for universities, the Chancellor of Higher Education shall use the 127561
following count of degrees and degree costs: 127562

(a) The subsidy eligible undergraduate degrees shall be 127563
defined as follows: 127564

(i) The subsidy eligible degrees conferred to students 127565
identified as residents of the state of Ohio in any term of their 127566
studies, as reported through the Higher Education Information 127567
(HEI) system student enrollment file, shall be weighted by a 127568
factor of 1. 127569

(ii) The subsidy eligible degrees conferred to students 127570
identified as out-of-state residents during all terms of their 127571
studies, as reported through the Higher Education Information 127572
(HEI) system student enrollment file, who remain in the state of 127573
Ohio at least one year after graduation, as calculated based on 127574

the three-year average in-state residency rate for out-of-state graduates at each institution, shall be weighted by a factor of 50 per cent.

(iii) Subsidy eligible associate degrees are defined as those earned by students attending any state-supported university main or regional campus.

(b) In calculating each campus's count of degrees, the Chancellor of Higher Education shall use the three-year average associate, baccalaureate, master's, and professional degrees awarded for the three-year period ending in the prior year.

(i) If a student is awarded an associate degree and, subsequently, is awarded a baccalaureate degree, the amount funded for the baccalaureate degree shall be limited to either the difference in cost between the cost of the baccalaureate degree and the cost of the associate degree paid previously, or if the associate degree has a higher cost than the baccalaureate degree, the cost of the credits earned by the student after the associate degree was awarded.

(ii) If a student earns an associate degree then, subsequently, earns a baccalaureate degree, the associate degree granting institution shall only receive the prorated share of the baccalaureate degree funding for the credits earned at that institution after the associate degree is awarded.

(iii) If a student earns more than one degree at the same institution at the same degree level in the same fiscal year, the funding for the highest cost degree shall be prorated among institutions based on where the credits were earned and additional degrees shall be funded at 25 per cent of the cost of the degrees.

(c) Associate degrees and baccalaureate degrees earned by a student defined as at-risk based on academic underpreparation, age, minority status, or financial status, shall be defined as

degrees earned by an at-risk student and shall be weighted by the 127606
following: 127607

A student-specific degree completion weight, where the weight 127608
is calculated based on the at-risk factors of the individual 127609
student, determined by calculating the difference between the 127610
percentage of students with each risk factor who earned a degree 127611
and the percentage of non-at-risk students who earned a degree. 127612

(2) Of the foregoing appropriation item 235501, State Share 127613
of Instruction, up to 11.78 per cent of the appropriation for 127614
universities, as established in division (A)(2) of the section of 127615
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127616
2016 and 2017," in each fiscal year shall be reserved for support 127617
of doctoral programs to implement the funding recommendations made 127618
by representatives of the universities. The amount so reserved 127619
shall be referred to as the doctoral set-aside. 127620

In fiscal year 2016, NEOMED shall receive \$150,000 and in 127621
fiscal year 2017 NEOMED shall receive \$200,000 of the doctoral 127622
set-aside funding allocation with the remaining doctoral set-aside 127623
allocated to universities as follows: 127624

(a) 47.50 per cent of the remaining doctoral set-aside in 127625
fiscal year 2016 and 40 per cent of the remaining doctoral 127626
set-aside in fiscal year 2017 shall be allocated to universities 127627
in proportion to their share of the statewide total of each state 127628
institution's three-year average Doctoral I equivalent FTEs as 127629
calculated on an institutional basis using historical FTEs for the 127630
period fiscal year 1994 through fiscal year 1998 with annualized 127631
FTEs for fiscal years 1994 through 1997 and all-term FTEs for 127632
fiscal year 1998 as adjusted to reflect the effects of doctoral 127633
review and subsequent changes in Doctoral I equivalent 127634
enrollments. For the purposes of this calculation, Doctoral I 127635
equivalent FTEs shall equal the sum of Doctoral I FTEs plus 1.5 127636
times the sum of Doctoral II FTEs. 127637

(b) 35 per cent of the doctoral set-aside in fiscal year 2016 127638
and 40 per cent of the doctoral set-aside in fiscal year 2017 127639
shall be allocated to universities in proportion to each campus's 127640
share of the total statewide doctoral degrees, weighted by the 127641
cost of the doctoral discipline. In calculating each campus's 127642
doctoral degrees the Chancellor of Higher Education shall use the 127643
three-year average doctoral degrees awarded for the three-year 127644
period ending in the prior year. 127645

(c) 17.5 per cent of the doctoral set-aside in fiscal year 127646
2016 and 20 per cent of the doctoral set-aside in fiscal year 2017 127647
shall be allocated to universities in proportion to their share of 127648
research grant activity. Funding for this component shall be 127649
allocated to eligible universities in proportion to their share of 127650
research grant activity published by the National Science 127651
Foundation. Grant awards from the Department of Health and Human 127652
Services shall be weighted at 50 per cent. 127653

(3) Of the foregoing appropriation item 235501, State Share 127654
of Instruction, 6.41 per cent of the appropriation for 127655
universities, as established in division (A)(2) of the section of 127656
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127657
2016 AND 2017," in each fiscal year shall be reserved for support 127658
of Medical II FTEs. The amount so reserved shall be referred to as 127659
the medical II set-aside. 127660

The medical II set-aside shall be allocated to universities 127661
in proportion to their share of the statewide total of each state 127662
institution's three-year average Medical II FTEs as calculated in 127663
division (A) of this section. 127664

In calculating the core subsidy entitlements for Medical II 127665
models only, students repeating terms may be no more than five per 127666
cent of current year enrollment. 127667

(4) Of the foregoing appropriation item 235501, State Share 127668

of Instruction, 1.48 per cent of the appropriation for 127669
universities, as established in division (A)(2) of the section of 127670
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 127671
2016 AND 2017," in each fiscal year shall be reserved for support 127672
of Medical I FTEs. The amount so reserved shall be referred to as 127673
the medical I set-aside. 127674

The medical I set-aside shall be allocated to universities in 127675
proportion to their share of the statewide total of each state 127676
institution's three-year average Medical I FTEs as calculated in 127677
division (A) of this section. 127678

(5) In calculating the course completion funding for 127679
universities, the Chancellor of Higher Education shall use the 127680
following count of FTE students: 127681

(a) The subsidy eligible enrollments by model shall equal 127682
only those FTE students who successfully complete the course as 127683
defined and reported through the Higher Education Information 127684
(HEI) system course enrollment file; 127685

(b) Those undergraduate FTE students with successful course 127686
completions, identified in division (D)(5)(a) of this section, 127687
that had an expected family contribution less than 2190 or were 127688
determined to have been academically underprepared shall be 127689
defined as at-risk students and shall have their eligible 127690
completions weighted by the following: 127691

(i) Campus-specific course completion indexes, where the 127692
indexes are calculated based upon the number of at-risk students 127693
enrolled during the 2012 - 2014 academic years; and 127694

(ii) A statewide average at-risk course completion weight 127695
determined for each subsidy model. The statewide average at-risk 127696
course completion weight shall be determined by calculating the 127697
difference between the percentage of traditional students who 127698
complete a course and the percentage of at-risk students who 127699

complete the same course. 127700

(c) The course completion earnings shall be determined by 127701
multiplying the amounts listed above in divisions (B) and (C) of 127702
this section by the subsidy-eligible FTEs for the three-year 127703
period ending in the prior year for all models except Medical I, 127704
Medical II, Doctoral I, and Doctoral II. 127705

(d) For universities, the Chancellor of Higher Education 127706
shall compute the course completion earnings by dividing the 127707
appropriation for universities, established in division (A)(2) of 127708
the section of this act entitled "STATE SHARE OF INSTRUCTION FOR 127709
FISCAL YEARS 2016 AND 2017," and adjusted pursuant to division (B) 127710
of that section, less the degree attainment funding as calculated 127711
in division (D)(1) of this section, less the doctoral set-aside, 127712
less the medical I set-aside, and less the medical II set-aside, 127713
by the sum of all campuses' instructional costs as calculated in 127714
division (D)(5) of this section. 127715

(6) In addition to the Access Challenge funding as described 127716
in divisions (B)(1) and (B)(2) of the section of this act entitled 127717
"STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017," 127718
doctoral set-aside, medical I set-aside, medical II set-aside, and 127719
the degree attainment allocation determined in division (D)(1) of 127720
this section and the course completion earnings calculated in 127721
division (D)(5) of this section, an allocation based on a 127722
facility-based plant operations and maintenance (POM) subsidy 127723
shall be made. 127724

(a) In fiscal year 2016, for each eligible university, the 127725
amount of the POM allocation shall be two-thirds of the POM 127726
distributed in fiscal year 2015 based on what each campus received 127727
in the fiscal year 2009 POM allocation. 127728

(b) In fiscal year 2017, for each eligible university, the 127729
amount of the POM allocation shall be one-third of the POM 127730

distributed in fiscal year 2015 based on what each campus received 127731
in the fiscal year 2009 POM allocation. 127732

(c) Any POM allocations required by this division shall be 127733
funded by proportionately reducing formula earnings, including the 127734
POM allocations, for all universities. 127735

(d) POM allocations shall expire on June 30, 2017. 127736

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 127737
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 127738

(1) Of the foregoing appropriation item 235501, State Share 127739
of Instruction, 50 per cent of the appropriation for 127740
state-supported community colleges, state community colleges, and 127741
technical colleges as established in division (A)(1) of the 127742
section of the act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL 127743
YEARS 2016 AND 2017," in each fiscal year shall be reserved for 127744
course completion FTEs as aggregated by the subsidy models defined 127745
in division (B) of this section. 127746

The course completion funding shall be allocated to campuses 127747
in proportion to each campus's share of the total sector's course 127748
completions, weighted by the instructional cost of the subsidy 127749
models. 127750

To calculate the subsidy entitlements for course completions 127751
at community colleges, state community colleges, and technical 127752
colleges, the Chancellor of Higher Education shall use the 127753
following calculations: 127754

(a) In calculating each campus's count of FTE course 127755
completions, the Chancellor of Higher Education shall use a 127756
three-year average for course completions for the three year 127757
period ending in the prior year. 127758

(b) The subsidy eligible enrollments by model shall equal 127759
only those FTE students who successfully complete the course as 127760

defined and reported through the Higher Education Information 127761
(HEI) system course enrollment file. 127762

(c) Those students with successful course completions, that 127763
are or have been Pell eligible at any time while enrolled at a 127764
state institution of higher education, meet the definition of 127765
minority status, are enrolled at a given institution after age 24, 127766
or are academically underprepared shall be defined as access 127767
students and shall have their eligible course completions weighted 127768
by a statewide access weight. The weight given to any student that 127769
meets any access factor shall be 15 per cent for all course 127770
completions. 127771

(d) The model costs as used in the calculation shall be 127772
augmented by the model weights for science, technology, 127773
engineering, mathematics, and medicine models as established in 127774
division (C) of this section. 127775

(2) Of the foregoing appropriation item 235501, State Share 127776
of Instruction, 25 per cent of the appropriation for 127777
state-supported community colleges, state community colleges, and 127778
technical colleges as established in division (A)(1) of the 127779
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 127780
FISCAL YEARS 2016 AND 2017," in each fiscal year shall be reserved 127781
for colleges in proportion to their share of college student 127782
success factors as recommended in formal communication from 127783
community college presidents to the Chancellor of Higher Education 127784
dated December 31, 2013, using a three year average. 127785

(3) Of the foregoing appropriation item 235501, State Share 127786
of Instruction, 25 per cent of the appropriation for 127787
state-supported community colleges, state community colleges, and 127788
technical colleges shall be reserved for completion milestones as 127789
identified in formal communication from community college 127790
presidents to the Chancellor of Higher Education dated December 127791
31, 2013. 127792

Completion milestones shall include associate degrees, 127793
certificates over 30 credit hours approved by the Department of 127794
Higher Education, and students transferring to any four-year 127795
institution with at least 12 credit hours earned at that community 127796
college, state community college, or technical college. 127797

The completion milestone funding shall be allocated to 127798
colleges in proportion to each institution's share of the sector's 127799
total completion milestones, weighted by the instructional cost of 127800
the associate degree, certificate, or transfer models. Costs for 127801
certificates over 30 hours shall be weighted one-half of the 127802
associate degree model costs and transfers with at least 12 credit 127803
hours shall be weighted one-fourth of the average cost for all 127804
associate degree model costs. 127805

(4) To calculate the subsidy entitlements for completions at 127806
community colleges, state community colleges, and technical 127807
colleges, the Chancellor of Higher Education shall use the 127808
following calculations: 127809

(a) In calculating each campus's count of completions, the 127810
Chancellor of Higher Education shall use a three-year average for 127811
completion metrics. 127812

(b) The subsidy eligible completions by model shall equal 127813
only those students who successfully complete an associate degree 127814
or certificate over 30 credit hours, or transfer to any four-year 127815
institution with at least 12 credit hours as defined and reported 127816
in the Higher Education Information (HEI) system. 127817

(c) Those students with successful completions for associate 127818
degrees, certificates over 30 credit hours, or transfer to any 127819
four-year institution with at least 12 credit hours, identified in 127820
division (E)(3) of this section, that are or have been Pell 127821
eligible at any time while enrolled at a state institution of 127822
higher education, meet the definition of minority status, first 127823

enrolled at a given institution after age 24, or are academically 127824
underprepared, shall be defined as access students and shall have 127825
their eligible completions weighted by a statewide access weight. 127826
The weight shall be 25 per cent for students with one access 127827
factor, 66 per cent for students with two access factors, 150 per 127828
cent for students with three access factors, and 200 per cent for 127829
students with four access factors. 127830

(d) For those students who complete more than one completion 127831
metric, funding for each additional associate degree or 127832
certificate over 30 credit hours approved by the Department of 127833
Higher Education shall be funded at 50 per cent of the model costs 127834
as defined in division (3) of this section. 127835

(F) CAPITAL COMPONENT DEDUCTION 127836

After all other adjustments have been made, state share of 127837
instruction earnings shall be reduced for each campus by the 127838
amount, if any, by which debt service charged in Am. H.B. 748 of 127839
the 121st General Assembly, Am. Sub. H.B. 850 of the 122nd General 127840
Assembly, Am. Sub. H.B. 640 of the 123rd General Assembly, H.B. 127841
675 of the 124th General Assembly, Am. Sub. H.B. 16 of the 126th 127842
General Assembly, Am. Sub. H.B. 699 of the 126th General Assembly, 127843
Am. Sub. H.B. 496 of the 127th General Assembly, and Am. Sub. H.B. 127844
562 of the 127th General Assembly for that campus exceeds that 127845
campus's capital component earnings. The sum of the amounts 127846
deducted shall be transferred to appropriation item 235552, 127847
Capital Component, in each fiscal year. 127848

(G) EXCEPTIONAL CIRCUMSTANCES 127849

Adjustments may be made to the state share of instruction 127850
payments and other subsidies distributed by the Chancellor of 127851
Higher Education to state colleges and universities for 127852
exceptional circumstances. No adjustments for exceptional 127853
circumstances may be made without the recommendation of the 127854

Chancellor and the approval of the Controlling Board.	127855
(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF INSTRUCTION	127856
	127857
The standard provisions of the state share of instruction calculation as described in the preceding sections of temporary law shall apply to any reductions made to appropriation item 235501, State Share of Instruction, before the Chancellor of Higher Education has formally approved the final allocation of the state share of instruction funds for any fiscal year.	127858
	127859
	127860
	127861
	127862
	127863
Any reductions made to appropriation item 235501, State Share of Instruction, after the Chancellor of Higher Education has formally approved the final allocation of the state share of instruction funds for any fiscal year, shall be uniformly applied to each campus in proportion to its share of the final allocation.	127864
	127865
	127866
	127867
	127868
(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION	127869
The state share of instruction payments to the institutions shall be in substantially equal monthly amounts during the fiscal year, unless otherwise determined by the Director of Budget and Management pursuant to section 126.09 of the Revised Code.	127870
	127871
	127872
	127873
Payments during the first six months of the fiscal year shall be based upon the state share of instruction appropriation estimates made for the various institutions of higher education and payments during the last six months of the fiscal year shall be based on the final data from the Chancellor of Higher Education.	127874
	127875
	127876
	127877
	127878
Section 369.160. STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2016 AND 2017	127879
	127880
(A) The foregoing appropriation item 235501, State Share of Instruction, shall be distributed according to the section of this act entitled "STATE SHARE OF INSTRUCTION FORMULAS."	127881
	127882
	127883
(1) Of the foregoing appropriation item 235501, State Share	127884

of Instruction, \$438,707,698 in fiscal year 2016 and \$456,256,006 127885
in fiscal year 2017 shall be distributed to state-supported 127886
community colleges, state community colleges, and technical 127887
colleges. 127888

(2) Of the foregoing appropriation item 235501, State Share 127889
of Instruction, \$1,464,577,446 in fiscal year 2016 and 127890
\$1,523,160,544 in fiscal year 2017 shall be distributed to 127891
state-supported university main and regional campuses. 127892

(B) Of the amounts earmarked in division (A)(2) of this 127893
section: 127894

(1) In fiscal year 2016, two-thirds of \$3,923,764 shall be 127895
distributed to university main campuses in proportion to each 127896
campus' share of the appropriation item 235418, Access Challenge, 127897
in fiscal year 2009. 127898

(2) In fiscal year 2017, one-third of \$3,923,764 shall be 127899
distributed to university main campuses in proportion to each 127900
campus' share of the appropriation item 235418, Access Challenge, 127901
in fiscal year 2009. 127902

(C) The Chancellor of Higher Education shall develop a 127903
methodology in each fiscal year to reduce the state share of 127904
instruction formula allocations of institutions participating in 127905
an undergraduate tuition guarantee program pursuant to sections 127906
3333.33 and 3345.48 of the Revised Code in recognition of and in 127907
proportion to the tuition growth that is authorized by the 127908
undergraduate tuition guarantee program. Formula amounts realized 127909
by this reduction shall be distributed to each institution not 127910
participating in an approved tuition guarantee program under 127911
section 3345.48 of the Revised Code in proportion and in addition 127912
to those institutions' original allocations. 127913

Section 369.170. RESTRICTION ON FEE INCREASES 127914

In fiscal years 2016 and 2017, the boards of trustees of state institutions of higher education shall restrain increases in in-state undergraduate instructional and general fees. For the 2015-2016 and 2016-2017 academic years, each state institution of higher education shall not increase its in-state undergraduate instructional and general fees over what the institution charged for the 2014-2015 academic year.

These limitations shall not apply to increases required to comply with institutional covenants related to their obligations or to meet unfunded legal mandates or legally binding obligations incurred or commitments made prior to the effective date of this section with respect to which the institution had identified such fee increases as the source of funds. Any increase required by such covenants and any such mandates, obligations, or commitments shall be reported by the Chancellor of Higher Education to the Controlling Board. These limitations may also be modified by the Chancellor of Higher Education, with the approval of the Controlling Board, to respond to exceptional circumstances as identified by the Chancellor of Higher Education.

These limitations shall not apply to institutions participating in an undergraduate tuition guarantee program pursuant to section 3345.48 of the Revised Code.

Section 369.180. HIGHER EDUCATION - BOARD OF TRUSTEES

(A) Funds appropriated for instructional subsidies at colleges and universities may be used to provide such branch or other off-campus undergraduate courses of study and such master's degree courses of study as may be approved by the Chancellor of Higher Education.

(B) In providing instructional and other services to students, boards of trustees of state institutions of higher education shall supplement state subsidies with income from

charges to students. Except as otherwise provided in this act, 127946
each board shall establish the fees to be charged to all students, 127947
including an instructional fee for educational and associated 127948
operational support of the institution and a general fee for 127949
noninstructional services, including locally financed student 127950
services facilities used for the benefit of enrolled students. The 127951
instructional fee and the general fee shall encompass all charges 127952
for services assessed uniformly to all enrolled students. Each 127953
board may also establish special purpose fees, service charges, 127954
and fines as required; such special purpose fees and service 127955
charges shall be for services or benefits furnished individual 127956
students or specific categories of students and shall not be 127957
applied uniformly to all enrolled students. A tuition surcharge 127958
shall be paid by all students who are not residents of Ohio. 127959

The board of trustees of a state institution of higher 127960
education shall not authorize a waiver or nonpayment of 127961
instructional fees or general fees for any particular student or 127962
any class of students other than waivers specifically authorized 127963
by law or approved by the Chancellor. This prohibition is not 127964
intended to limit the authority of boards of trustees to provide 127965
for payments to students for services rendered the institution, 127966
nor to prohibit the budgeting of income for staff benefits or for 127967
student assistance in the form of payment of such instructional 127968
and general fees. 127969

Each state institution of higher education in its statement 127970
of charges to students shall separately identify the instructional 127971
fee, the general fee, the tuition charge, and the tuition 127972
surcharge. Fee charges to students for instruction shall not be 127973
considered to be a price of service but shall be considered to be 127974
an integral part of the state government financing program in 127975
support of higher educational opportunity for students. 127976

(C) The boards of trustees of state institutions of higher 127977

education shall ensure that faculty members devote a proper and 127978
judicious part of their work week to the actual instruction of 127979
students. Total class credit hours of production per academic term 127980
per full-time faculty member is expected to meet the standards set 127981
forth in the budget data submitted by the Chancellor of Higher 127982
Education. 127983

(D) The authority of government vested by law in the boards 127984
of trustees of state institutions of higher education shall in 127985
fact be exercised by those boards. Boards of trustees may consult 127986
extensively with appropriate student and faculty groups. 127987
Administrative decisions about the utilization of available 127988
resources, about organizational structure, about disciplinary 127989
procedure, about the operation and staffing of all auxiliary 127990
facilities, and about administrative personnel shall be the 127991
exclusive prerogative of boards of trustees. Any delegation of 127992
authority by a board of trustees in other areas of responsibility 127993
shall be accompanied by appropriate standards of guidance 127994
concerning expected objectives in the exercise of such delegated 127995
authority and shall be accompanied by periodic review of the 127996
exercise of this delegated authority to the end that the public 127997
interest, in contrast to any institutional or special interest, 127998
shall be served. 127999

Section 369.190. STUDENT SUPPORT SERVICES 128000

The foregoing appropriation item 235502, Student Support 128001
Services, shall be distributed by the Chancellor of Higher 128002
Education to Ohio's state colleges and universities that incur 128003
disproportionate costs in the provision of support services to 128004
disabled students. 128005

Section 369.200. WAR ORPHANS SCHOLARSHIPS 128006

The foregoing appropriation item 235504, War Orphans 128007

Scholarships, shall be used to reimburse state institutions of 128008
higher education for waivers of instructional fees and general 128009
fees provided by them, to provide grants to institutions that have 128010
received a certificate of authorization from the Chancellor of 128011
Higher Education under Chapter 1713. of the Revised Code, in 128012
accordance with the provisions of section 5910.04 of the Revised 128013
Code, and to fund additional scholarship benefits provided by 128014
section 5910.032 of the Revised Code. 128015

Section 369.210. OHIOLINK 128016

The foregoing appropriation item 235507, OhioLINK, shall be 128017
used by the Chancellor of Higher Education to support OhioLINK, a 128018
consortium organized under division (T) of section 3333.04 of the 128019
Revised Code to serve as the state's electronic library 128020
information and retrieval system, which provides access statewide 128021
to an extensive set of electronic databases and resources, the 128022
library holdings of Ohio's public and participating private 128023
nonprofit colleges and universities, and the State Library of 128024
Ohio. 128025

Section 369.220. AIR FORCE INSTITUTE OF TECHNOLOGY 128026

The foregoing appropriation item 235508, Air Force Institute 128027
of Technology, shall be used to: (A) strengthen the research and 128028
educational linkages between the Wright Patterson Air Force Base 128029
and institutions of higher education in Ohio; and (B) support the 128030
Dayton Area Graduate Studies Institute, an engineering graduate 128031
consortium of Wright State University, the University of Dayton, 128032
and the Air Force Institute of Technology, with the participation 128033
of the University of Cincinnati and The Ohio State University. 128034

Section 369.230. OHIO SUPERCOMPUTER CENTER 128035

The foregoing appropriation item 235510, Ohio Supercomputer 128036

Center, shall be used by the Chancellor of Higher Education to 128037
support the operation of the Ohio Supercomputer Center, a 128038
consortium organized under division (T) of section 3333.04 of the 128039
Revised Code, located at The Ohio State University. The Ohio 128040
Supercomputer Center is a statewide resource available to Ohio 128041
research universities both public and private. It is also intended 128042
that the center be made accessible to private industry as 128043
appropriate. 128044

Funds shall be used, in part, to support the Ohio 128045
Supercomputer Center's Computational Science Initiative, which 128046
includes its industrial outreach program, Blue Collar Computing, 128047
and its School of Computational Science. These collaborations 128048
between the Ohio Supercomputer Center and Ohio's colleges and 128049
universities shall be aimed at making Ohio a leader in using 128050
computer modeling to promote economic development. 128051

Section 369.240. COOPERATIVE EXTENSION SERVICE 128052

The foregoing appropriation item 235511, Cooperative 128053
Extension Service, shall be disbursed through the Chancellor of 128054
Higher Education to The Ohio State University in monthly payments, 128055
unless otherwise determined by the Director of Budget and 128056
Management under section 126.09 of the Revised Code. 128057

Of the foregoing appropriation item 235511, Cooperative 128058
Extension Service, \$134,244 in fiscal year 2016 and \$141,136 in 128059
fiscal year 2017 shall be used to support salaries and benefits 128060
for one after-school 4-H Club at an elementary school in Cleveland 128061
and one after-school 4-H Club at an elementary school in 128062
Cincinnati. 128063

Of the foregoing appropriation item 235511, Cooperative 128064
Extension Service, \$7,000 in each fiscal year shall be used to 128065
support mileage, telephone, supplies, and classroom activities 128066
costs at after-school 4-H Clubs in Cleveland and Cincinnati. 128067

Seventy per cent of this amount shall be spent directly in 128068
relation to student involvement in 4-H. 128069

Section 369.250. CENTRAL STATE SUPPLEMENT 128070

The foregoing appropriation item 235514, Central State 128071
Supplement, shall be disbursed by the Chancellor of Higher 128072
Education to Central State University in accordance with the plan 128073
developed by the Chancellor and submitted to the Governor and the 128074
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 128075
General Assembly. Funds shall be used in a manner consistent with 128076
the goals of increasing enrollment, improving course completion, 128077
and increasing the number of degrees conferred. 128078

The Chancellor shall monitor the implementation of the plan 128079
and the use of funds. Central State University shall provide any 128080
information requested by the Chancellor related to the 128081
implementation of the plan. If the Chancellor determines that 128082
Central State University's use of supplemental funds is not in 128083
accordance with the plan or if the plan is not having the desired 128084
effect, the Chancellor may notify Central State University that 128085
the plan is suspended. Upon receiving such notice, Central State 128086
University shall avoid all unnecessary expenditures under the 128087
plan. The Chancellor shall notify the Controlling Board of the 128088
suspension of the plan and within sixty days prepare a new plan 128089
for the use of any remaining funds. 128090

**Section 369.260. CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 128091
MEDICINE** 128092

The foregoing appropriation item 235515, Case Western Reserve 128093
University School of Medicine, shall be disbursed to Case Western 128094
Reserve University through the Chancellor of Higher Education in 128095
accordance with agreements entered into under section 3333.10 of 128096
the Revised Code, provided that the state support per full-time 128097

medical student shall not exceed that provided to full-time 128098
medical students at state universities. 128099

Section 369.270. FAMILY PRACTICE 128100

The Chancellor of Higher Education shall develop plans 128101
consistent with existing criteria and guidelines as may be 128102
required for the distribution of appropriation item 235519, Family 128103
Practice. 128104

Section 369.280. SHAWNEE STATE SUPPLEMENT 128105

The foregoing appropriation item 235520, Shawnee State 128106
Supplement, shall be disbursed by the Chancellor of Higher 128107
Education to Shawnee State University in accordance with the plan 128108
developed by the Chancellor and submitted to the Governor and the 128109
General Assembly as directed by Am. Sub. H.B. 153 of the 129th 128110
General Assembly. Funds shall be used in a manner consistent with 128111
the goals of improving course completion, increasing the number of 128112
degrees conferred, and furthering the university's mission of 128113
service to the Appalachian region. 128114

The Chancellor shall monitor the implementation of the plan 128115
and the use of funds. Shawnee State University shall provide any 128116
information requested by the Chancellor related to the 128117
implementation of the plan. If the Chancellor determines that 128118
Shawnee State University's use of supplemental funds is not in 128119
accordance with the plan or if the plan is not having the desired 128120
effect, the Chancellor may notify Shawnee State University that 128121
the plan is suspended. Upon receiving such notice, Shawnee State 128122
University shall avoid all unnecessary expenditures under the 128123
plan. The Chancellor shall notify the Controlling Board of the 128124
suspension of the plan and within sixty days prepare a new plan 128125
for the use of any remaining funds. 128126

Section 369.290. POLICE AND FIRE PROTECTION 128127

The foregoing appropriation item 235524, Police and Fire 128128
Protection, shall be used for police and fire services in the 128129
municipalities of Kent, Athens, Oxford, Fairborn, Bowling Green, 128130
Portsmouth, Xenia Township (Greene County), Rootstown Township, 128131
and the City of Nelsonville that may be used to assist these local 128132
governments in providing police and fire protection for the 128133
central campus of the state-affiliated university located therein. 128134

Section 369.300. GERIATRIC MEDICINE 128135

The Chancellor of Higher Education shall develop plans 128136
consistent with existing criteria and guidelines as may be 128137
required for the distribution of appropriation item 235525, 128138
Geriatric Medicine. 128139

Section 369.310. PRIMARY CARE RESIDENCIES 128140

The Chancellor of Higher Education shall develop plans 128141
consistent with existing criteria and guidelines as may be 128142
required for the distribution of appropriation item 235526, 128143
Primary Care Residencies. 128144

The foregoing appropriation item 235526, Primary Care 128145
Residencies, shall be distributed in each fiscal year of the 128146
biennium, based on whether or not the institution has submitted 128147
and gained approval for a plan. If the institution does not have 128148
an approved plan, it shall receive five per cent less funding per 128149
student than it would have received from its annual allocation. 128150
The remaining funding shall be distributed among those 128151
institutions that meet or exceed their targets. 128152

Section 369.314. HIGHER EDUCATION PROGRAM SUPPORT 128153

Of the foregoing appropriation item 235533, Higher Education 128154

Program Support, \$250,000 in each fiscal year shall be used by The 128155
Ohio State University to support its hosting of the annual Special 128156
Olympics Ohio Summer Games. 128157

Of the foregoing appropriation item 235533, Higher Education 128158
Program Support, \$100,000 in each fiscal year shall be used to 128159
support program development and equipment purchase expenses for 128160
the Cores + Connections program at the Cleveland Institute of Art. 128161

Of the foregoing appropriation item 235533, Higher Education 128162
Program Support, \$100,000 in each fiscal year shall be used by 128163
Eastern Gateway Community College to establish and provide 128164
scholarships under the Energy Sector Scholarship Pilot Program. 128165
The program shall seek to incentivize and connect high school 128166
students with scholarship opportunities to pursue careers in the 128167
oil and gas industry in Ohio. Staff from Eastern Gateway Community 128168
College shall provide administration, outreach, and marketing for 128169
the program. 128170

Section 369.320. OHIO AGRICULTURAL RESEARCH AND DEVELOPMENT 128171
CENTER 128172

The foregoing appropriation item 235535, Ohio Agricultural 128173
Research and Development Center, shall be disbursed through the 128174
Chancellor of Higher Education to The Ohio State University in 128175
monthly payments, unless otherwise determined by the Director of 128176
Budget and Management under section 126.09 of the Revised Code. 128177
The Ohio Agricultural Research and Development Center shall not be 128178
required to remit payment to The Ohio State University during the 128179
biennium ending June 30, 2017, for cost reallocation assessments. 128180
The cost reallocation assessments include, but are not limited to, 128181
any assessment on state appropriations to the Center. 128182

The Ohio Agricultural Research and Development Center, an 128183
entity of the College of Food, Agricultural, and Environmental 128184
Sciences of The Ohio State University, shall further its mission 128185

of enhancing Ohio's economic development and job creation by 128186
continuing to internally allocate on a competitive basis 128187
appropriated funding of programs based on demonstrated 128188
performance. Academic units, faculty, and faculty-driven programs 128189
shall be evaluated and rewarded consistent with agreed-upon 128190
performance expectations as called for in the College's 128191
Expectations and Criteria for Performance Assessment. 128192

Section 369.330. STATE UNIVERSITY CLINICAL TEACHING 128193

The foregoing appropriation items 235536, The Ohio State 128194
University Clinical Teaching; 235537, University of Cincinnati 128195
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 128196
235539, Wright State University Clinical Teaching; 235540, Ohio 128197
University Clinical Teaching; and 235541, Northeast Ohio Medical 128198
University Clinical Teaching, shall be distributed through the 128199
Chancellor of Higher Education. 128200

Section 369.333. CENTRAL STATE AGRICULTURAL RESEARCH AND 128201
DEVELOPMENT 128202

The foregoing appropriation item 235546, Central State 128203
Agricultural Research and Development, shall be used in 128204
conjunction with appropriation item 235548, Central State 128205
Cooperative Extension Services, by Central State University for 128206
its state match requirement as an 1890 land grant university. 128207

Section 369.340. CAPITAL COMPONENT 128208

The foregoing appropriation item 235552, Capital Component, 128209
shall be used by the Chancellor of Higher Education to provide 128210
funding for prior commitments made pursuant to the state's former 128211
capital funding policy for state colleges and universities that 128212
was originally established in Am. H.B. 748 of the 121st General 128213
Assembly. Appropriations from this item shall be distributed to 128214

all campuses for which the estimated campus debt service 128215
attributable to qualifying capital projects was less than the 128216
campus's formula-determined capital component allocation. Campus 128217
allocations shall be determined by subtracting the estimated 128218
campus debt service attributable to qualifying capital projects 128219
from the campus's formula-determined capital component allocation. 128220
Moneys distributed from this appropriation item shall be 128221
restricted to capital-related purposes. 128222

Any campus for which the estimated campus debt service 128223
attributable to qualifying capital projects is greater than the 128224
campus's formula-determined capital component allocation shall 128225
have the difference subtracted from its State Share of Instruction 128226
allocation in each fiscal year. Appropriation equal to the sum of 128227
all such amounts except that of the Ohio Agricultural Research and 128228
Development Center shall be transferred from appropriation item 128229
235501, State Share of Instruction, to appropriation item 235552, 128230
Capital Component. Appropriation equal to any estimated Ohio 128231
Agricultural Research and Development Center debt service 128232
attributable to qualifying capital projects that is greater than 128233
the Center's formula-determined capital component allocation shall 128234
be transferred from appropriation item 235535, Ohio Agricultural 128235
Research and Development Center, to appropriation item 235552, 128236
Capital Component. 128237

Section 369.350. LIBRARY DEPOSITORIES 128238

The foregoing appropriation item 235555, Library 128239
Depositories, shall be distributed to the state's five regional 128240
depository libraries for the cost-effective storage of and access 128241
to lesser-used materials in university library collections. The 128242
depositories shall be administrated by the Chancellor of Higher 128243
Education, or by OhioLINK at the discretion of the Chancellor. 128244

Section 369.360. OHIO ACADEMIC RESOURCES NETWORK (OARNET) 128245

The foregoing appropriation item 235556, Ohio Academic 128246
Resources Network, shall be used by the Chancellor of Higher 128247
Education to support the operations of the Ohio Academic Resources 128248
Network, a consortium organized under division (T) of section 128249
3333.04 of the Revised Code, which shall include support for 128250
Ohio's colleges and universities in maintaining and enhancing 128251
network connections, using new network technologies to improve 128252
research, education, and economic development programs, and 128253
sharing information technology services. To the extent network 128254
capacity is available, OARnet shall support allocating bandwidth 128255
to eligible programs directly supporting Ohio's economic 128256
development. 128257

Section 369.370. LONG-TERM CARE RESEARCH 128258

The foregoing appropriation item 235558, Long-term Care 128259
Research, shall be disbursed to Miami University for long-term 128260
care research. 128261

Section 369.373. CENTRAL STATE UNIVERSITY - AGRICULTURE 128262
EDUCATION 128263

The foregoing appropriation item 235559, Central State 128264
University - Agriculture Education, shall be used by the 128265
Chancellor of Higher Education to establish the School of 128266
Agriculture Education and Food Science within the College of 128267
Education at Central State University. The School shall use these 128268
funds to establish programs to prepare extension educators with a 128269
focus on childhood development and agri-science educators for 128270
grades 7 through 12; to work with other higher education 128271
institutions in Ohio that have agriculture or agriculture 128272
education programs in order to establish partnerships that shall 128273
result in students enrolled in the School having access to 128274

learning labs, pertinent facilities, and collaboration with 128275
faculty; to provide, by the fall semester of 2016, a program for 128276
students that shall result in a Bachelor of Science in Education 128277
with students eligible for an Ohio teaching license in agriculture 128278
education for grades 7 through 12 upon passing the appropriate 128279
assessments; and to provide a program for students that shall 128280
result in a bachelor degree, including the minimum requirements 128281
for employment as an extension educator with a focus in childhood 128282
development. 128283

Section 369.380. OHIO COLLEGE OPPORTUNITY GRANT 128284

(A) Except as provided in division (C) of this section: 128285

Of the foregoing appropriation item 235563, Ohio College 128286
Opportunity Grant, \$88,914,884 in fiscal year 2016 and \$91,747,278 128287
in fiscal year 2017 shall be used by the Chancellor of Higher 128288
Education to award need-based financial aid to students enrolled 128289
in eligible public and private nonprofit institutions of higher 128290
education, excluding early college high school and post-secondary 128291
enrollment option participants. 128292

The remainder of the foregoing appropriation item 235563, 128293
Ohio College Opportunity Grant, shall be used by the Chancellor of 128294
Higher Education to award needs-based financial aid to students 128295
enrolled in eligible private for-profit career colleges and 128296
schools. 128297

(B)(1) As used in this section: 128298

(a) "Eligible institution" means any institution described in 128299
divisions (B)(2)(a) to (c) of section 3333.122 of the Revised 128300
Code. 128301

(b) The three "sectors" of institutions of higher education 128302
consist of the following: 128303

(i) State colleges and universities, community colleges, 128304

state community colleges, university branches, and technical colleges; 128305
128306

(ii) Eligible private nonprofit institutions of higher education; 128307
128308

(iii) Eligible private for-profit career colleges and schools. 128309
128310

(2) Awards for students attending eligible private nonprofit institutions of higher education shall be determined at twice the rate of the awards for students attending eligible public institutions of higher education. 128311
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(3) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 128315
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(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as calculated under division (D) of section 3333.122 of the Revised Code, the Chancellor may create a distribution formula for fiscal year 2016 and fiscal year 2017 based on the formula used in fiscal year 2015, or may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of the 2015-2016 academic year. 128318
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(C) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for renewals or partial renewals of scholarships students receive under the Ohio Academic Scholarship Program under sections 3333.21 and 3333.22 of the 128330
128331
128332
128333
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Revised Code. In paying for scholarships under this division, the 128336
Chancellor shall deduct funds from the allocations made under 128337
division (A) of this section. Deductions shall be proportionate to 128338
the amounts allocated to each sector from the total amounts 128339
appropriated for each sector under the foregoing appropriation 128340
item 235563, Ohio College Opportunity Grant. 128341

In each fiscal year, with the exception of sections 3333.121 128342
and 3333.124 of the Revised Code and Section 363.530 of this act, 128343
the Chancellor shall not distribute or obligate or commit to be 128344
distributed an amount greater than what is appropriated under the 128345
foregoing appropriation item 235563, Ohio College Opportunity 128346
Grant. 128347

(D) The Chancellor shall establish, and post on the 128348
Department of Higher Education's web site, award tables based on 128349
any formulas created under division (B) of this section. The 128350
Chancellor shall notify students and institutions of any 128351
reductions in awards under this section. 128352

On or before August 31, 2015, the Chancellor of Higher 128353
Education shall submit award tables to the Controlling Board for 128354
the 2015-2016 academic year and allocations of Ohio College 128355
Opportunity Grant awards not already specified in section 3333.122 128356
of the Revised Code. 128357

(E) Notwithstanding section 3333.122 of the Revised Code, no 128358
student shall be eligible to receive an Ohio College Opportunity 128359
Grant for more than ten semesters, fifteen quarters, or the 128360
equivalent of five academic years, less the number of semesters or 128361
quarters in which the student received an Ohio Instructional 128362
Grant. 128363

Section 369.390. THE OHIO STATE UNIVERSITY CLINIC SUPPORT 128364

The foregoing appropriation item 235572, The Ohio State 128365

University Clinic Support, shall be distributed through the 128366
Chancellor of Higher Education to The Ohio State University for 128367
support of dental and veterinary medicine clinics. 128368

Section 369.393. CO-OP INTERNSHIP PROGRAM 128369

Of the foregoing appropriation item 235591, Co-op Internship 128370
Program, \$75,000 in each fiscal year shall be used to support the 128371
operations of Ohio University's Voinovich School of Leadership and 128372
Public Affairs. 128373

Of the foregoing appropriation item 235591, Co-op Internship 128374
Program, \$75,000 in each fiscal year, shall be used to support the 128375
operations of The Ohio State University's John Glenn College of 128376
Public Affairs. 128377

Of the foregoing appropriation item 235591, Co-op Internship 128378
Program, \$75,000 in each fiscal year shall be used to support the 128379
Bliss Institute of Applied Politics at the University of Akron. 128380

Of the foregoing appropriation item 235591, Co-op Internship 128381
Program, \$75,000 in each fiscal year shall be used to support the 128382
Center for Public Management and Regional Affairs at Miami 128383
University. 128384

Of the foregoing appropriation item 235591, Co-op Internship 128385
Program, \$245,000 in each fiscal year shall be used to support 128386
students who attend institutions of higher education in Ohio and 128387
are participating in the Washington Center Internship Program. 128388

Of the foregoing appropriation item 235591, Co-op Internship 128389
Program, \$75,000 in each fiscal year shall be used to support the 128390
Ohio Center for the Advancement of Women in Public Service at the 128391
Maxine Goodman Levin College of Urban Affairs at Cleveland State 128392
University. 128393

Of the foregoing appropriation item 235591, Co-op Internship 128394
Program, \$75,000 in each fiscal year shall be used to support the 128395

University of Cincinnati Internship Program. 128396

Of the foregoing appropriation item 235591, Co-op Internship 128397
Program, \$75,000 in each fiscal year shall be used to support the 128398
operations of the Center for Regional Development at Bowling Green 128399
State University. 128400

Of the foregoing appropriation item 235591, Co-op Internship 128401
Program, \$75,000 in each fiscal year shall be used to support the 128402
operations of the Center for Liberal Arts Student Success at 128403
Wright State University. 128404

Of the foregoing appropriation item 235591, Co-op Internship 128405
Program, \$75,000 in each fiscal year shall be used to support the 128406
Kent State University Columbus Program. 128407

Of the foregoing appropriation item 235591, Co-op Internship 128408
Program, \$75,000 in each fiscal year shall be used to support the 128409
University of Toledo Jack Ford Urban Affairs Center. 128410

Of the foregoing appropriation item 235591, Co-op Internship 128411
Program, \$10,000 in each fiscal year shall be provided to the Ohio 128412
College Access Network to support the Ohio Student Education 128413
Policy Institute. 128414

Of the foregoing appropriation item 235591, Co-op Internship 128415
Program, \$75,000 in each fiscal year shall be used to support the 128416
Center for Urban and Regional Studies at Youngstown State 128417
University. 128418

Of the foregoing appropriation item 235591, Co-op Internship 128419
Program, \$250,000 shall be used to establish and support the 128420
Wright State Policy Institute at Wright State University and the 128421
Workforce Immersion Program at the Wright State Policy Institute. 128422
The Wright State Policy Institute shall offer a premier leadership 128423
development program designed to identify, educate, and motivate a 128424
network of future community leaders and critical workforce as well 128425
as increase their capacity to serve their community, state, and 128426

country while preparing to enter public service or for in-demand 128427
jobs in Ohio. The Workforce Immersion Program shall provide an 128428
intensive learning and pre-professional experience in four tracks: 128429
local government, state government, federal government, and 128430
in-demand jobs as identified by OhioMeansJobs. It shall increase 128431
the number of students pursuing careers in public services and 128432
in-demand occupations and encourage them to remain in Ohio for 128433
their employment. 128434

Of the foregoing appropriation item 235591, Co-op Internship 128435
Program, \$200,000 in each fiscal year shall be allocated to 128436
support the Museum of Contemporary Art Cleveland Fellowship 128437
Program in collaboration with Cleveland State University. 128438

Of the foregoing appropriation item 235591, Co-Op Internship 128439
Program, \$100,000 in each fiscal year shall be used to support the 128440
Children's Museum of Cleveland Fellowship Program in collaboration 128441
with Cleveland State University. 128442

Section 369.400. NATIONAL GUARD SCHOLARSHIP PROGRAM 128443

The Chancellor of Higher Education shall disburse funds from 128444
appropriation item 235599, National Guard Scholarship Program. 128445
During each fiscal year, the Chancellor of Higher Education, as 128446
soon as possible after cancellation, may certify to the Director 128447
of Budget and Management the amount of canceled prior-year 128448
encumbrances in appropriation item 235599, National Guard 128449
Scholarship Program. Upon receipt of the certification, the 128450
Director of Budget and Management may transfer cash in an amount 128451
up to the amount certified from the General Revenue Fund to the 128452
National Guard Scholarship Reserve Fund (Fund 5BM0). 128453

Section 369.410. PLEDGE OF FEES 128454

Any new pledge of fees, or new agreement for adjustment of 128455
fees, made in the biennium ending June 30, 2017, to secure bonds 128456

or notes of a state institution of higher education for a project 128457
for which bonds or notes were not outstanding on the effective 128458
date of this section shall be effective only after approval by the 128459
Chancellor of Higher Education, unless approved in a previous 128460
biennium. 128461

Section 369.420. HIGHER EDUCATION GENERAL OBLIGATION BOND 128462
DEBT SERVICE 128463

The foregoing appropriation item 235909, Higher Education 128464
General Obligation Bond Debt Service, shall be used to pay all 128465
debt service and related financing costs during the period from 128466
July 1, 2015, through June 30, 2017, for obligations issued under 128467
sections 151.01 and 151.04 of the Revised Code. 128468

Section 369.430. SALES AND SERVICES 128469

The Chancellor of Higher Education is authorized to charge 128470
and accept payment for the provision of goods and services. Such 128471
charges shall be reasonably related to the cost of producing the 128472
goods and services. Except as otherwise provided by law, no 128473
charges may be levied for goods or services that are produced as 128474
part of the routine responsibilities or duties of the Chancellor. 128475
All revenues received by the Chancellor of Higher Education shall 128476
be deposited into Fund 4560, and may be used by the Chancellor of 128477
Higher Education to pay for the costs of producing the goods and 128478
services. 128479

Section 369.440. HIGHER EDUCATIONAL FACILITY COMMISSION 128480
ADMINISTRATION 128481

The foregoing appropriation item 235602, Higher Educational 128482
Facility Commission Administration, shall be used by the 128483
Chancellor of Higher Education for operating expenses related to 128484
the Chancellor of Higher Education's support of the activities of 128485

the Ohio Higher Educational Facility Commission. Upon the request 128486
of the Chancellor of Higher Education, the Director of Budget and 128487
Management may transfer up to \$29,100 cash in each fiscal year 128488
from the HEFC Operating Expenses Fund (Fund 4610) to the HEFC 128489
Administration Fund (Fund 4E80). 128490

Section 369.450. TELECOMMUNITY AND DISTANCE LEARNING 128491

Of the foregoing appropriation item 235674, Telecommunity and 128492
Distance Learning, up to \$25,000 in each fiscal year shall be 128493
distributed by the Chancellor of Higher Education on a grant basis 128494
to eligible school districts to establish "distance learning" 128495
through interactive video technologies in the school district. Per 128496
agreements with eight Ohio local telephone companies, ALLTEL Ohio, 128497
CENTURY Telephone of Ohio, Chillicothe Telephone Company, 128498
Cincinnati Bell Telephone Company, Orwell Telephone Company, 128499
Sprint North Central Telephone, VERIZON, and Western Reserve 128500
Telephone Company, school districts are eligible for funds if they 128501
are within one of the listed telephone company service areas. 128502
Funds to administer the program shall be expended by the 128503
Chancellor of Higher Education up to the amount specified in the 128504
agreements with the listed telephone companies. 128505

Within thirty days after the effective date of this section, 128506
the Director of Budget and Management shall transfer to Fund 4X10 128507
in the Dedicated Purpose Fund Group any investment earnings from 128508
moneys paid by any telephone company as part of any settlement 128509
agreement between the listed companies and the Public Utilities 128510
Commission in fiscal years 1996 and beyond. 128511

Of the foregoing appropriation item 235674, Telecommunity and 128512
Distance Learning, up to \$24,150 in each fiscal year shall be 128513
distributed by the Chancellor of Higher Education on a grant basis 128514
to eligible school districts to establish "distance learning" in 128515
the school district. Per an agreement with Ameritech, school 128516

districts are eligible for funds if they are within an Ameritech 128517
service area. Funds to administer the program shall be expended by 128518
the Chancellor of Higher Education up to the amount specified in 128519
the agreement with Ameritech. 128520

Within thirty days after the effective date of this section, 128521
the Director of Budget and Management shall transfer to Fund 4X10 128522
in the Dedicated Purpose Fund Group any investment earnings from 128523
moneys paid by any telephone company as part of a settlement 128524
agreement between the company and the Public Utilities Commission 128525
in fiscal year 1995. 128526

Section 369.453. REGIONAL PARTNERSHIP AND TRAINING CENTER 128527

The foregoing appropriation item 235620, Regional Partnership 128528
and Training Center, shall be used by Ohio University Southern in 128529
Ironton to establish the Higher Education Regional Partnership and 128530
Training Center at the Point Industrial Park to bring necessary 128531
technical degree and training programs to Lawrence County and the 128532
surrounding region. 128533

Section 369.455. DEFENSE/AEROSPACE WORKFORCE DEVELOPMENT 128534
INITIATIVE 128535

The foregoing appropriation item 235668, Defense/Aerospace 128536
Workforce Development Initiative, shall be used by the Applied 128537
Research Corporation to collaborate with the aviation, aerospace, 128538
and defense industries, to strengthen job training programs, equip 128539
Ohio's workforce with needed skills, and strengthen and grow 128540
research and educational linkages among Ohio's defense and 128541
aerospace aviation industry, federal agencies, state-assisted Ohio 128542
universities, and the University System of Ohio. A portion of 128543
these funds shall be used to support the Aerospace Professional 128544
Development Center to establish processes necessary to link 128545
underemployed or unemployed persons to job openings in these 128546

industries. The funds appropriated in this appropriation item 128547
shall be matched by private industry or educational partners or 128548
federal agencies in the aggregate amount of \$4,000,000 over the FY 128549
2016-FY 2017 biennium. 128550

Of the foregoing appropriation item 235668, Defense/Aerospace 128551
Workforce Development Initiative, \$100,000 in fiscal year 2016 128552
shall be awarded to the largest Chamber of Commerce in each 128553
JobsOhio region to support workforce development and talent 128554
attraction efforts for in-demand career opportunities in order to 128555
provide parents, students, and teachers with information about the 128556
skills needed in targeted industries, with the goal of building a 128557
strong regional pipeline of future workers who can fill 128558
high-paying, sustainable positions in the key industries of each 128559
JobsOhio region. In addition to reaching parents, students, and 128560
teachers, the projects shall also work to retain the talent 128561
developed by engaging interns and potential employees from outside 128562
the area in the region's quality of life issues and exploration of 128563
in-demand jobs within the region's targeted industries. 128564

Section 369.457. NCERCMP 128565

The foregoing appropriation item 235673, NCERCMP, shall be 128566
used to support the National Center of Education Research on 128567
Corrosion and Materials Performance at the University of Akron for 128568
development and validation of an FAA-certified process for the 128569
dimensional restoration of parts for commercial aircraft using 128570
Supersonic Particle Deposition. 128571

Section 369.470. OHIOMEANSJOBS WORKFORCE DEVELOPMENT 128572
REVOLVING LOAN PROGRAM 128573

The foregoing appropriation item 235684, OhioMeansJobs 128574
Workforce Development Revolving Loan Program, shall be used for 128575
the OhioMeansJobs Workforce Development Revolving Loan Program to 128576

provide loans to individuals for workforce training. 128577

Of the foregoing appropriation item 235684, OhioMeansJobs 128578
Workforce Development Revolving Loan Program, up to \$250,000 in 128579
fiscal year 2016 may be used by the Chancellor of Higher Education 128580
to administer the program. 128581

An amount equal to the unexpended, unencumbered portion of 128582
the foregoing appropriation item 235684, OhioMeansJobs Workforce 128583
Development Revolving Loan Program, at the end of fiscal year 2015 128584
is hereby reappropriated to the Treasurer of State appropriation 128585
item, 090610, OhioMeansJobs Workforce Development Revolving Loan 128586
Program, for the same purpose for fiscal year 2016. 128587

Any unexpended and unencumbered portion of the foregoing 128588
appropriation item 235684, OhioMeansJobs Workforce Development 128589
Revolving Loan Program, at the end of fiscal year 2016 is hereby 128590
reappropriated for the same purpose in fiscal year 2017. To the 128591
extent that reappropriated funds are available, of the foregoing 128592
appropriation item 235684, OhioMeansJobs Workforce Development 128593
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 128594
used by the Chancellor of Higher Education to administer the 128595
program. 128596

Section 369.490. STATE NEED-BASED FINANCIAL AID 128597
RECONCILIATION 128598

By the first day of August in each fiscal year, or as soon as 128599
possible thereafter, the Chancellor of Higher Education shall 128600
certify to the Director of Budget and Management the amount 128601
necessary to pay any outstanding prior year obligations to higher 128602
education institutions for the state's need-based financial aid 128603
programs. The amounts certified are hereby appropriated to 128604
appropriation item 235618, State Need-based Financial Aid 128605
Reconciliation, from revenues received in the State Need-based 128606
Financial Aid Reconciliation Fund (Fund 5Y50). 128607

Section 369.500. NURSING LOAN PROGRAM 128608

The foregoing appropriation item 235606, Nursing Loan 128609
Program, shall be used to administer the nurse education 128610
assistance program. Up to \$50,000 in each fiscal year may be used 128611
for operating expenses associated with the program. Any additional 128612
funds needed for the administration of the program are subject to 128613
Controlling Board approval. 128614

Section 369.510. RESEARCH INCENTIVE THIRD FRONTIER FUND 128615

The foregoing appropriation item 235634, Research Incentive 128616
Third Frontier Fund, shall be used by the Chancellor of Higher 128617
Education to advance collaborative research at institutions of 128618
higher education. Of the foregoing appropriation item 235634, 128619
Research Incentive Third Frontier Fund, up to \$2,000,000 in each 128620
fiscal year may be allocated toward research regarding the 128621
improvement of water quality. Of the foregoing appropriation item 128622
235634, Research Incentive Third Frontier Fund, up to \$1,000,000 128623
in each fiscal year may be allocated toward research regarding the 128624
reduction of infant mortality. 128625

Section 369.513. FEDERAL RESEARCH CENTER NETWORK 128626

The foregoing appropriation item 235699, Federal Research 128627
Center Network, shall be allocated to Applied Research Corporation 128628
to collaborate with Wright Patterson Air Force Base, NASA Glenn 128629
Research Center, Ohio's research universities, and the private 128630
sector to align the state's research assets with emerging missions 128631
and job growth opportunities emanating from the two federal 128632
installations, strengthen related workforce development and 128633
technology commercialization programs, and better position the 128634
state's university system to directly impact new job creation in 128635
Ohio. A portion of the foregoing appropriation item shall be used 128636
to support the growth of small business federal contractors in the 128637

state and expand the participation of Ohio businesses in the 128638
federal Small Business Innovation Research Program and related 128639
federal programs. The foregoing appropriation item shall be used 128640
for "research and development purposes" as defined under Article 128641
VIII, Section 2p of the Ohio Constitution. 128642

Section 369.520. VETERANS PREFERENCES 128643

The Chancellor of Higher Education shall work with the 128644
Department of Veterans Services to develop specific veterans 128645
preference guidelines for higher education institutions. These 128646
guidelines shall ensure that the institutions' hiring practices 128647
are in accordance with the intent of Ohio's veterans preference 128648
laws. 128649

Section 369.530. (A) As used in this section: 128650

(1) "Board of trustees" includes the managing authority of a 128651
university branch district. 128652

(2) "State institution of higher education" has the same 128653
meaning as in section 3345.011 of the Revised Code. 128654

(B) The board of trustees of any state institution of higher 128655
education, notwithstanding any rule of the institution to the 128656
contrary, may adopt a policy providing for mandatory furloughs of 128657
employees, including faculty, to achieve spending reductions 128658
necessitated by institutional budget deficits. 128659

Section 369.540. EFFICIENCY ADVISORY COMMITTEE 128660

The Chancellor of Higher Education shall maintain an 128661
efficiency advisory committee for the purpose of generating 128662
optimal efficiency plans for campuses, identifying shared services 128663
opportunities, streamlining administrative operations, and sharing 128664
best practices in efficiencies among public institutions of higher 128665
education. The committee shall meet at the call of the Chancellor 128666

or the Chancellor's designee. Each state institution of higher 128667
education shall designate an employee to serve as its efficiency 128668
officer responsible for the evaluation and improvement of 128669
operational efficiencies on campus. Each efficiency officer shall 128670
serve on the efficiency advisory committee. 128671

By December 31 of each year, the Chancellor of Higher 128672
Education shall provide a report to the Office of Budget and 128673
Management, the Governor, and the General Assembly compiling 128674
efficiency reports from all public institutions of higher 128675
education and benchmarking efficiency gains realized over the 128676
preceding year. The reports from each institution shall identify 128677
efficiencies at each public institution of higher education, and 128678
quantify revenue enhancements, reallocation of resources, expense 128679
reductions, and cost avoidance where possible in the areas of 128680
general operational functions, academic program delivery, energy 128681
usage, and information technology and procurement reforms. The 128682
reports shall particularly emphasize areas where these reforms are 128683
demonstrating savings or cost avoidance to students. The report 128684
shall also be made available to the public on the Department of 128685
Higher Education's web site. 128686

Section 369.550. AGENCY NAME CHANGE 128687

On the effective date of this section, the office of the 128688
Chancellor of the Board of Regents is renamed the Department of 128689
Higher Education. The office of the Chancellor of the Board of 128690
Regents' functions, and its assets and liabilities, are 128691
transferred to the Department of Higher Education. The Department 128692
of Higher Education is successor to, assumes the obligations and 128693
authority of, and otherwise continues the office of the Chancellor 128694
of the Board of Regents. No right, privilege, or remedy, and no 128695
duty, liability, or obligation, accrued under the office of the 128696
Chancellor of the Board of Regents is impaired or lost by reason 128697

of the renaming and shall be recognized, administered, performed, 128698
or enforced by the Department of Higher Education. 128699

Business commenced but not completed by the office of the 128700
Chancellor of the Board of Regents or by the Chancellor shall be 128701
completed by the Department of Higher Education or the Chancellor 128702
of Higher Education in the same manner, and with the same effect, 128703
as if completed by the office of the Chancellor of the Board of 128704
Regents or the Chancellor. 128705

All of the office of the Chancellor of the Board of Regents' 128706
rules, orders, and determinations continue in effect as rules, 128707
orders, and determinations of the Department of Higher Education 128708
until modified or rescinded by the Department of Higher Education. 128709

All employees of the office of the Chancellor of the Board of 128710
Regents continue with the Department of Higher Education and 128711
retain their positions and all benefits accruing thereto. 128712

Except as otherwise noted in law, whenever the Board of 128713
Regents or the Chancellor of the Board of Regents is referred to 128714
in a statute, contract, or other instrument, the reference is 128715
deemed to refer to the Department of Higher Education or to the 128716
Chancellor of Higher Education, whichever is appropriate in 128717
context. 128718

No pending action or proceeding being prosecuted or defended 128719
in court or before an agency by the office of the Chancellor of 128720
the Board of Regents or by the Chancellor of the Board of Regents 128721
is affected by the renaming and shall be prosecuted or defended in 128722
the name of the Department of Higher Education or the Chancellor 128723
of Higher Education, whichever is appropriate. Upon application to 128724
the court or agency, the Department of Higher Education or the 128725
Chancellor of Higher Education shall be substituted. 128726

Section 369.560. OHIO TASK FORCE ON AFFORDABILITY AND 128727

EFFICIENCY IN HIGHER EDUCATION REPORT 128728

Upon submission of the Ohio task force on affordability and 128729
efficiency in higher education report as established by governor's 128730
executive order, all boards of trustees for state institutions of 128731
higher education as defined in section 3345.011 of the Revised 128732
Code, shall complete an efficiency review based on the 128733
recommendations of the task force, and submit a report to the 128734
Chancellor of Higher Education that includes the efficiency 128735
review, implementation plan of the task force recommendations 128736
authorized by the institution, and the Senate Challenge plan 128737
required under Section 369.600 of this act by July 1, 2016. 128738

Section 369.570. WORK EXPERIENCE STRATEGIES 128739

By December 31, 2015, the Chancellor of Higher Education, in 128740
consultation with state institutions of higher education as 128741
defined in section 3345.011 of the Revised Code and nonprofit 128742
institutions of higher education that have certificates of 128743
authorization under Chapter 1713. of the Revised Code, shall 128744
develop implementation strategies to embed work experiences, 128745
including but not limited to internships and cooperatives, into 128746
the curriculum of degree programs starting in the 2016-2017 128747
academic year, to explore ways to increase student participation 128748
in in-demand occupations, including computer sciences, and to 128749
create industry clusters to develop curriculum that can be used 128750
for competency based tests. These implementation strategies shall 128751
also include the use of OhioMeansJobs.com as a central location 128752
for higher education students to access information on work 128753
experiences and career opportunities. By December 31, 2015, each 128754
state institution of higher education as defined in section 128755
3345.011 of the Revised Code and each nonprofit institution of 128756
higher education that has a certificate of authorization under 128757
Chapter 1713. of the Revised Code shall display a link to 128758

OhioMeansJobs.com in a prominent location on the institution's web site. 128759
128760

The Chancellor shall work with state institutions of higher education and nonprofit institutions of higher education to have a career counseling program in place by December 31, 2015. 128761
128762
128763

Section 369.580. TECHNOLOGY TRANSFER AND COMMERCIALIZATION 128764
RECOMMENDATIONS 128765

By July 1, 2016, the Chancellor of Higher Education shall study and make recommendations regarding ways to improve technology transfer and commercialization, including the potential for intellectual property auctions after a set number of years. 128766
128767
128768
128769

Section 369.600. (A) The board of trustees of each state institution of higher education shall develop and implement a plan to provide all in-state, undergraduate students the opportunity to reduce the student cost of earning a degree by five per cent. 128770
128771
128772
128773

(B) The plan may include, but shall not be limited to, the following: 128774
128775

(1) Reducing the credit hours required to complete an associate or baccalaureate degree offered by the institution; 128776
128777

(2) Offering a tuition discount or rebate to any student that completes a full load of coursework, as determined by the board of trustees; 128778
128779
128780

(3) Offering a tuition discount or rebate or reduced tuition option to students enrolling in a summer semester or quarter; 128781
128782

(4) Offering online courses or degrees; 128783

(5) Reducing the cost of textbooks using cost-saving measures identified and implemented by the board of trustees; 128784
128785

(6) Incorporation of remediation in the coursework and 128786

curriculum of credit-bearing courses;	128787
(7) Offering a fixed rate of instructional and general fees for any additional credits taken by students above a full course load, as determined by the board of trustees;	128788 128789 128790
(8) Offering fast-track degree completion programs;	128791
(9) Eliminating, reducing or freezing auxiliary fees;	128792
(10) Increased participation in the college credit plus program established in Chapter 3365. of the Revised Code;	128793 128794
(11) Offering programs to reduce or eliminate the need for remediation coursework.	128795 128796
(C) Not later than September 1, 2015, the board of trustees of each state institution of higher education shall submit the plan required under this section to the Chancellor of Higher Education.	128797 128798 128799 128800
(D) As used in this section:	128801
(1) "Auxiliary fees" mean charges assessed by a state institution of higher education to a student for various educational expenses including, but not limited to, course-related fees, laboratory fees, books and supplies, room and board, transportation, enrollment application fees, and other miscellaneous charges. "Auxiliary fees" do not include instructional or general fees uniformly assessed to all students.	128802 128803 128804 128805 128806 128807 128808
(2) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.	128809 128810
(3) "Tuition" means the instructional and general fees charged by a state institution of higher education.	128811 128812
Section 369.610. COMPETENCY BASED PILOT PROJECT	128813
The Chancellor of Higher Education shall work with state institutions of higher education as defined in section 3345.011 of	128814 128815

the Revised Code to develop competency based education programs. 128816
Competency based education programs shall measure student success 128817
based on competencies instead of credit hours earned. Any state 128818
institutions of higher education that choose to offer competency 128819
based education programs may submit plans for how the institution 128820
would design, develop, structure and implement such programs to 128821
the Department of Higher Education by July 1, 2016. State 128822
institutions of higher education that choose to develop and submit 128823
such a plan shall be granted a reasonable period of time to 128824
implement the plan, including the time it takes to seek and 128825
receive the necessary approvals, accreditations, and any other 128826
conditions that must be met in order to set up, operate, and 128827
administer such a program. 128828

Section 369.620. Not later than January 31, 2016, the Human 128829
Trafficking and Social Justice Institute of the University of 128830
Toledo, in conjunction with other state universities, shall 128831
develop and submit to the General Assembly in accordance with 128832
section 101.68 of the Revised Code, the Governor, and the 128833
Chancellor of Higher Education, a plan that outlines how state 128834
universities can work with federal, state, and local officials and 128835
other organizations and groups to respond to the global problem of 128836
human trafficking. The plan shall include methods to ensure that 128837
university-level research, legal information, and educational 128838
programs are available statewide. 128839

Section 371.10. DRC DEPARTMENT OF REHABILITATION AND 128840
CORRECTION 128841
General Revenue Fund 128842
GRF 501321 Institutional \$ 950,215,085 \$ 975,215,085 128843
Operations
GRF 501405 Halfway House \$ 54,369,687 \$ 56,541,437 128844

GRF 501406	Adult Correctional Facilities Lease Rental Bond Payments	\$ 82,595,700	\$ 79,702,800	128845
GRF 501407	Community Nonresidential Programs	\$ 51,477,390	\$ 53,365,890	128846
GRF 501408	Community Misdemeanor Programs	\$ 14,356,800	\$ 14,356,800	128847
GRF 501501	Community Residential Programs - CBCF	\$ 74,491,705	\$ 78,329,955	128848
GRF 501503	Residential Grant Program	\$ 100,000	\$ 100,000	128849
GRF 503321	Parole and Community Operations	\$ 73,346,119	\$ 75,149,295	128850
GRF 504321	Administrative Operations	\$ 21,475,332	\$ 21,999,343	128851
GRF 505321	Institution Medical Services	\$ 240,000,000	\$ 249,000,000	128852
GRF 506321	Institution Education Services	\$ 24,586,681	\$ 30,454,204	128853
TOTAL GRF General Revenue Fund		\$ 1,587,014,499	\$ 1,634,214,809	128854
Dedicated Purpose Fund Group				128855
4B00 501601	Sewer Treatment Services	\$ 2,393,506	\$ 2,420,848	128856
4D40 501603	Prisoner Programs	\$ 5,490,000	\$ 500,000	128857
4L40 501604	Transitional Control	\$ 700,000	\$ 700,000	128858
4S50 501608	Education Services	\$ 3,432,164	\$ 3,490,471	128859
5AF0 501609	State and Non-Federal Awards	\$ 2,000,000	\$ 2,000,000	128860
5H80 501617	Offender Financial Responsibility	\$ 2,000,000	\$ 2,000,000	128861
TOTAL DPF Dedicated Purpose Fund Group		\$ 16,015,670	\$ 11,111,319	128862

Internal Service Activity Fund Group					128863
1480 501602 Institutional	\$	3,139,577	\$	3,139,577	128864
Services					
2000 501607 Ohio Penal Industries	\$	54,492,119	\$	54,925,441	128865
4830 501605 Leased Property	\$	467,844	\$	469,540	128866
Maintenance &					
Operating					
5710 501606 Corrections Training	\$	500,000	\$	500,000	128867
Maintenance &					
Operating					
5L60 501611 Information	\$	500,000	\$	500,000	128868
Technology Services					
TOTAL ISA Internal Activity					128869
Fund Group	\$	59,099,540	\$	59,534,558	128870
Federal Fund Group					128871
3230 501619 Federal Grants	\$	4,200,000	\$	4,200,000	128872
3CW0 501622 Federal Equitable	\$	400,000	\$	400,000	128873
Sharing					
TOTAL FED Federal					128874
Fund Group	\$	4,600,000	\$	4,600,000	128875
TOTAL ALL BUDGET FUND GROUPS	\$	1,666,729,709	\$	1,709,460,686	128876
ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS					128877
The foregoing appropriation item 501406, Adult Correctional					128878
Facilities Lease Rental Bond Payments, shall be used to meet all					128879
payments during the period from July 1, 2015, through June 30,					128880
2017, by the Department of Rehabilitation and Correction under the					128881
primary leases and agreements for those buildings made under					128882
Chapters 152. and 154. of the Revised Code. These appropriations					128883
are the source of funds pledged for bond service charges on					128884
related obligations issued under Chapters 152. and 154. of the					128885
Revised Code.					128886
RESIDENTIAL GRANT PROGRAM					128887

The foregoing appropriation item 501503, Residential Grant Program, shall be used by the Department of Rehabilitation and Correction to conduct a one-year pilot program to award grants in support of community-based residential programs in several prisons. The Department shall establish guidelines, procedures, and forms by which applicants may apply for grants. These guidelines shall establish that grant eligibility is limited to faith-based character programs that have been in existence for five years or longer, that are not operated by the state of Ohio, and that have a demonstrated record of successful implementation of residential programs that have been shown to reduce violent behavior and disciplinary reports of inmate participants while in prison and significantly reduce recidivism among graduates once they reenter the outside community.

In administering the one-year pilot program, the Department shall establish a partnership with an Ohio university or college which would provide all necessary and appropriate statistical information concerning the implementation of the program. The Department shall submit a quarterly report containing that information to the Speaker of the House of Representatives and the President of the Senate.

OSU MEDICAL CHARGES

Notwithstanding section 341.192 of the Revised Code, at the request of the Department of Rehabilitation and Correction, The Ohio State University Medical Center, including the Arthur G. James Cancer Hospital and Richard J. Solove Research Institute and the Richard M. Ross Heart Hospital, shall provide necessary care to persons who are confined in state adult correctional facilities. The provision of necessary inpatient care shall be billed to the Department or the Department of Medicaid at a rate not to exceed the authorized reimbursement rate for the same service established by the Department of Medicaid under the

Medicaid Program. 128920

Section 373.10. RCB RESPIRATORY CARE BOARD 128921

Dedicated Purpose Fund Group 128922

4K90 872609 Operating Expenses \$ 572,005 \$ 570,123 128923

TOTAL DPF Dedicated Purpose 128924

Fund Group \$ 572,005 \$ 570,123 128925

TOTAL ALL BUDGET FUND GROUPS \$ 572,005 \$ 570,123 128926

Section 375.10. RDF STATE REVENUE DISTRIBUTIONS 128928

General Revenue Fund Group 128929

GRF 110908 Property Tax \$ 664,740,000 \$ 675,760,000 128930

Reimbursement - Local
Government

GRF 200903 Property Tax \$ 1,181,760,000 \$ 1,201,340,000 128931

Reimbursement -
Education

TOTAL GRF General Revenue Fund \$ 1,846,500,000 \$ 1,877,100,000 128932

Group

Dedicated Purpose Fund Group 128933

5KT0 955501 Racetrack Host \$ 1,500,000 \$ 1,500,000 128934

Supplement

TOTAL DPF Dedicated Purpose Fund \$ 1,500,000 \$ 1,500,000 128935

Group

Revenue Distribution Fund Group 128936

5JG0 110633 Gross Casino Revenue \$ 123,500,000 \$ 114,100,000 128937

County Distribution

5JH0 110634 Gross Casino Revenue \$ 82,300,000 \$ 76,100,000 128938

County Student
Distribution

5JJ0 110636 Gross Casino Revenue \$ 12,100,000 \$ 11,100,000 128939

Host City

		Distribution				
7047	200902	Property Tax	\$	361,773,101	\$	251,560,497 128940
		Replacement Phase				
		Out-Education				
7049	336900	Indigent Drivers	\$	2,250,000	\$	2,250,000 128941
		Alcohol Treatment				
7050	762900	International	\$	20,000,000	\$	20,000,000 128942
		Registration Plan				
		Distribution				
7051	762901	Auto Registration	\$	345,000,000	\$	345,000,000 128943
		Distribution				
7060	110960	Gasoline Excise Tax	\$	395,000,000	\$	395,000,000 128944
		Fund				
7065	110965	Public Library Fund	\$	389,520,000	\$	404,310,000 128945
7066	800966	Undivided Liquor	\$	14,100,000	\$	14,100,000 128946
		Permits				
7068	110968	State and Local	\$	196,000,000	\$	196,000,000 128947
		Government Highway				
		Distributions				
7069	110969	Local Government Fund	\$	383,520,000	\$	399,310,000 128948
7081	110907	Property Tax	\$	66,070,450	\$	40,444,766 128949
		Replacement Phase				
		Out-Local Government				
7082	110982	Horse Racing Tax	\$	100,000	\$	100,000 128950
7083	700900	Ohio Fairs Fund	\$	1,200,000	\$	1,200,000 128951
7102	110644	Production Equipment	\$	95,000,000	\$	95,000,000 128952
		Property Tax				
		Replacement				
TOTAL RDF Revenue Distribution						128953
Fund Group			\$	2,487,433,551	\$	2,365,575,263 128954
Fiduciary Fund Group						128955
4P80	001698	Cash Management	\$	3,100,000	\$	3,100,000 128956
		Improvement Fund				

6080	001699	Investment Earnings	\$	100,000,000	\$	120,000,000	128957
7001	110996	Horse-Racing Tax	\$	125,000	\$	125,000	128958
		Municipality Fund					
7062	110962	Resort Area Excise	\$	1,200,000	\$	1,200,000	128959
		Tax Distribution					
7063	110963	Permissive Tax	\$	2,356,000,000	\$	2,475,000,000	128960
		Distribution					
7067	110967	School District	\$	430,000,000	\$	453,000,000	128961
		Income Tax					
		Distribution					
7085	800985	Volunteer Firemen's	\$	300,000	\$	300,000	128962
		Dependents Fund					
7093	110640	Next Generation 9-1-1	\$	2,600,000	\$	2,600,000	128963
7094	110641	Wireless 9-1-1	\$	28,200,000	\$	28,200,000	128964
		Government Assistance					
7099	762902	Permissive Tax	\$	184,000,000	\$	184,000,000	128965
		Distribution - Auto					
		Registration					
TOTAL FID	Fiduciary Fund Group		\$	3,105,525,000	\$	3,267,525,000	128966
	Holding Account Fund Group						128967
R045	110617	International Fuel	\$	40,000,000	\$	40,000,000	128968
		Tax Distribution					
TOTAL HLD	Holding Account Fund		\$	40,000,000	\$	40,000,000	128969
	Group						
TOTAL ALL BUDGET FUND GROUPS			\$	7,480,958,551	\$	7,551,700,263	128970
	ADDITIONAL APPROPRIATIONS						128971
	Appropriation items in this section shall be used for the						128972
	purpose of administering and distributing the designated revenue						128973
	distribution funds according to the Revised Code. If it is						128974
	determined that additional appropriations are necessary for this						128975
	purpose, such amounts are hereby appropriated.						128976
	GENERAL REVENUE FUND TRANSFERS						128977

Notwithstanding any provision of law to the contrary, in 128978
fiscal year 2016 and fiscal year 2017, the Director of Budget and 128979
Management may transfer from the General Revenue Fund to the Local 128980
Government Tangible Property Tax Replacement Fund (Fund 7081) and 128981
the School District Tangible Property Tax Replacement Fund (Fund 128982
7047) in the Revenue Distribution Fund Group, those amounts 128983
necessary to reimburse local taxing units and school districts 128984
under sections 5709.92 and 5709.93 of the Revised Code. Also, in 128985
fiscal year 2016 and fiscal year 2017, the Director of Budget and 128986
Management may make temporary transfers from the General Revenue 128987
Fund to ensure sufficient balances in the Local Government 128988
Tangible Property Tax Replacement Fund (Fund 7081) and the School 128989
District Tangible Property Tax Replacement Fund (Fund 7047) and to 128990
replenish the General Revenue Fund for such transfers. 128991

PROPERTY TAX REIMBURSEMENT - EDUCATION 128992

The Superintendent of Public Instruction shall not request, 128993
and the Controlling Board shall not approve, the transfer of 128994
appropriation from appropriation item 200903, Property Tax 128995
Reimbursement - Education, to any other appropriation item. 128996

The foregoing appropriation item 200903, Property Tax 128997
Reimbursement - Education, is appropriated to pay for the state's 128998
costs incurred because of the homestead exemption, the property 128999
tax rollback, and payments required under division (C) of section 129000
5705.2110 of the Revised Code. In cooperation with the Department 129001
of Taxation, the Department of Education shall distribute these 129002
funds directly to the appropriate school districts of the state, 129003
notwithstanding sections 321.24 and 323.156 of the Revised Code, 129004
which provide for payment of the homestead exemption and property 129005
tax rollback by the Tax Commissioner to the appropriate county 129006
treasurer and the subsequent redistribution of these funds to the 129007
appropriate local taxing districts by the county auditor. 129008

Upon receipt of these amounts, each school district shall 129009

distribute the amount among the proper funds as if it had been 129010
paid as real or tangible personal property taxes. Payments for the 129011
costs of administration shall continue to be paid to the county 129012
treasurer and county auditor as provided for in sections 319.54, 129013
321.26, and 323.156 of the Revised Code. 129014

Any sums, in addition to the amount specifically appropriated 129015
in appropriation item 200903, Property Tax Reimbursement - 129016
Education, for the homestead exemption and the property tax 129017
rollback payments, and payments required under division (C) of 129018
section 5705.2110 of the Revised Code, which are determined to be 129019
necessary for these purposes, are hereby appropriated. 129020

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 129021

The foregoing appropriation item 110908, Property Tax 129022
Reimbursement-Local Government, is hereby appropriated to pay for 129023
the state's costs incurred due to the Homestead Exemption, the 129024
Manufactured Home Property Tax Rollback, and the Property Tax 129025
Rollback. The Tax Commissioner shall distribute these funds 129026
directly to the appropriate local taxing districts, except for 129027
school districts, notwithstanding the provisions in sections 129028
321.24 and 323.156 of the Revised Code, which provide for payment 129029
of the Homestead Exemption, the Manufactured Home Property Tax 129030
Rollback, and Property Tax Rollback by the Tax Commissioner to the 129031
appropriate county treasurer and the subsequent redistribution of 129032
these funds to the appropriate local taxing districts by the 129033
county auditor. 129034

Upon receipt of these amounts, each local taxing district 129035
shall distribute the amount among the proper funds as if it had 129036
been paid as real property taxes. Payments for the costs of 129037
administration shall continue to be paid to the county treasurer 129038
and county auditor as provided for in sections 319.54, 321.26, and 129039
323.156 of the Revised Code. 129040

Any sums, in addition to the amounts specifically 129041
appropriated in appropriation item 110908, Property Tax Allocation 129042
- Local Government, for the Homestead Exemption, the Manufactured 129043
Home Property Tax Rollback, and the Property Tax Rollback 129044
payments, which are determined to be necessary for these purposes, 129045
are hereby appropriated. 129046

PUBLIC LIBRARY FUND 129047

Notwithstanding the requirement in division (C) of section 129048
131.51 of the Revised Code that the Director of Budget and 129049
Management use the percentage calculated in division (A)(2) of 129050
section 131.51 of the Revised Code for calculating the credit each 129051
month to the Public Library Fund, the Director of Budget and 129052
Management shall instead calculate these amounts during fiscal 129053
year 2016 and fiscal year 2017 using 1.70 per cent as the 129054
percentage. 129055

LOCAL GOVERNMENT FUND 129056

Notwithstanding the requirement in division (C) of section 129057
5747.50 of the Revised Code that the Tax Commissioner provide for 129058
payment from the Local Government Fund to each municipal 129059
corporation of an amount calculated using the total amount 129060
available for distribution to municipal corporations during the 129061
current month, as defined in that division, the Tax Commissioner 129062
shall reduce the total amount available for distribution to 129063
municipal corporations during the current month by \$1,000,000 in 129064
each month of fiscal years 2016 and 2017, before calculating the 129065
amount to be distributed to each municipal corporation. 129066

From the amounts not distributed to municipal corporations, 129067
\$833,333.33 in each month of fiscal years 2016 and 2017 shall be 129068
used solely to provide a supplement to townships. The Tax 129069
Commissioner shall determine amounts to be distributed to each 129070
county undivided local government fund. Half is to be divided 129071

among the counties so that each township in the state receives the same amount, and half is to be apportioned based on township road miles. The Tax Commissioner shall transfer these amounts, and shall separately identify to each county treasurer the amount to be divided equally among townships in the county and the amount to be divided among the townships based on road miles. Each appropriate county officer shall transfer cash from the county undivided local government fund to townships in the county based on this division of funds.

From the amounts not distributed to municipal corporations, \$166,666.67 in each month of fiscal years 2016 and 2017 shall be used solely to provide a supplement to villages with populations under 1,000 residents in the 2010 Census of Population. The Tax Commissioner shall determine amounts to be distributed to each county undivided local government fund. Half is to be divided among the counties so that each qualifying village in the state receives the same amount, and half is to be apportioned based on village road miles. The Tax Commissioner shall transfer these amounts, and shall separately identify to each county treasurer the amount to be divided equally among qualifying villages in the county and the amount to be divided among the qualifying villages based on road miles. Each appropriate county officer shall transfer cash from the county undivided local government fund to qualifying villages in the county based on this division of funds.

Section 377.10. SAN BOARD OF SANITARIAN REGISTRATION

Dedicated Purpose Fund Group					129097
4K90 893609 Operating Expenses	\$	158,250	\$	153,650	129098
TOTAL DPF Dedicated Purpose Fund Group					129099
	\$	158,250	\$	153,650	129100
TOTAL ALL BUDGET FUND GROUPS	\$	158,250	\$	153,650	129101

Section 379.10. OSB OHIO STATE SCHOOL FOR THE BLIND				129103
General Revenue Fund				129104
GRF 226321	Operations	\$ 8,100,000	\$ 8,100,000	129105
TOTAL GRF General Revenue Fund				129106
Dedicated Purpose Fund Group				129107
4H80 226602	Education Reform	\$ 27,000	\$ 27,000	129108
Grants				
4M50 226601	Work Study and	\$ 461,521	\$ 461,521	129109
Technology Investment				
5NJ0 226622	Food Service Program	\$ 9,000	\$ 9,000	129110
TOTAL DPF Dedicated Purpose				129111
Fund Group				129112
Federal Fund Group				129113
3100 226626	Coordinating Unit	\$ 2,527,104	\$ 2,527,104	129114
3DT0 226621	Ohio Transition	\$ 650,000	\$ 650,000	129115
Collaborative				
3P50 226643	Medicaid Professional	\$ 50,000	\$ 50,000	129116
Services				
Reimbursement				
TOTAL FED Federal Fund Group				129117
TOTAL ALL BUDGET FUND GROUPS				129118
 Section 381.10. OSD OHIO SCHOOL FOR THE DEAF				129120
General Revenue Fund				129121
GRF 221321	Operations	\$ 9,804,435	\$ 10,228,878	129122
TOTAL GRF General Revenue Fund				129123
Dedicated Purpose Fund Group				129124
4M00 221601	Educational Program	\$ 95,000	\$ 95,000	129125
Expenses				
4M10 221602	Education Reform	\$ 35,000	\$ 35,000	129126
Grants				

5H60	221609	Even Start Fees and Gifts	\$	35,000	\$	35,000	129127
5NK0	221610	Food Service Program	\$	9,000	\$	9,000	129128
TOTAL DPF Dedicated Purpose							129129
Fund Group			\$	174,000	\$	174,000	129130
Federal Fund Group							129131
3110	221625	Coordinating Unit	\$	2,153,246	\$	2,153,246	129132
3R00	221684	Medicaid Professional Services Reimbursement	\$	160,000	\$	160,000	129133
TOTAL FED Federal Fund Group			\$	2,313,246	\$	2,313,246	129134
TOTAL ALL BUDGET FUND GROUPS			\$	12,291,681	\$	12,716,124	129135
 Section 383.10. SOS SECRETARY OF STATE							129137
General Revenue Fund							129138
GRF	050321	Operating Expenses	\$	2,144,030	\$	2,144,030	129139
GRF	050407	Poll Workers Training	\$	234,196	\$	234,196	129140
TOTAL GRF General Revenue Fund			\$	2,378,226	\$	2,378,226	129141
Dedicated Purpose Fund Group							129142
4120	050609	Notary Commission	\$	475,000	\$	475,000	129143
5990	050603	Business Services Operating Expenses	\$	14,385,400	\$	14,385,400	129144
TOTAL DPF Dedicated Purpose Fund Group			\$	14,860,400	\$	14,860,400	129145
Internal Service Activity Fund Group							129146
4S80	050610	Board of Voting Machine Examiners	\$	7,200	\$	7,200	129147
5FG0	050620	BOE Reimbursement and Education	\$	80,000	\$	80,000	129148
TOTAL ISA Internal Service Activity Fund Group			\$	87,200	\$	87,200	129149
Holding Account Fund Group							129150

R001	050605	Uniform Commercial Code Refunds	\$	30,000	\$	30,000	129151
R002	050606	Corporate/Business Filing Refunds	\$	85,000	\$	85,000	129152
TOTAL HLD		Holding Account Fund Group	\$	115,000	\$	115,000	129153
		Federal Fund Group					129154
3AS0	050616	Help America Vote Act (HAVA)	\$	502,000	\$	0	129155
TOTAL FED		Federal Fund Group	\$	502,000	\$	0	129156
TOTAL ALL		BUDGET FUND GROUPS	\$	17,942,826	\$	17,440,826	129157
		POLL WORKERS TRAINING					129158
		The foregoing appropriation item 050407, Poll Workers Training, shall be used to reimburse county boards of elections for poll worker training pursuant to section 3501.27 of the Revised Code. At the end of fiscal year 2016, an amount equal to the unexpended, unencumbered portion of the foregoing appropriation item 050407, Poll Workers Training, is hereby reappropriated in fiscal year 2017 for the same purpose.					129159 129160 129161 129162 129163 129164 129165
		BOARD OF VOTING MACHINE EXAMINERS					129166
		The foregoing appropriation item 050610, Board of Voting Machine Examiners, shall be used to pay for the services and expenses of the members of the Board of Voting Machine Examiners, and for other expenses that are authorized to be paid from the Board of Voting Machine Examiners Fund (Fund 4S80) created in section 3506.05 of the Revised Code. Moneys not used shall be returned to the person or entity submitting equipment for examination. If it is determined that additional appropriations are necessary, such amounts are hereby appropriated.					129167 129168 129169 129170 129171 129172 129173 129174 129175
		HOLDING ACCOUNT FUND GROUP					129176
		The foregoing appropriation items 050605, Uniform Commercial					129177

Code Refunds, and 050606, Corporate/Business Filing Refunds, shall 129178
be used to hold revenues until they are directed to the 129179
appropriate accounts or until they are refunded. If it is 129180
determined that additional appropriations are necessary, such 129181
amounts are hereby appropriated. 129182

HAVA FUNDS 129183

At the end of fiscal year 2015, an amount equal to the 129184
unexpended, unencumbered portion of the foregoing appropriation 129185
item 050616, Help America Vote Act (HAVA) is hereby reappropriated 129186
in fiscal year 2016 for the same purpose. 129187

At the end of fiscal year 2016, an amount equal to the 129188
unexpended, unencumbered portion of the foregoing appropriation 129189
item 050616, Help America Vote Act (HAVA), is hereby 129190
reappropriated in fiscal year 2017 for the same purpose. 129191

Section 385.10. SEN THE OHIO SENATE 129192

General Revenue Fund 129193

GRF 020321	Operating Expenses	\$	12,518,143	\$	12,518,143	129194
TOTAL GRF	General Revenue Fund	\$	12,518,143	\$	12,518,143	129195

Internal Service Activity Fund Group 129196

1020 020602	Senate Reimbursement	\$	425,800	\$	425,800	129197
4090 020601	Miscellaneous Sales	\$	34,497	\$	34,497	129198
TOTAL ISA	Internal Service Activity					129199
Fund Group		\$	460,297	\$	460,297	129200
TOTAL ALL BUDGET FUND GROUPS		\$	12,978,440	\$	12,978,440	129201

OPERATING EXPENSES 129202

On July 1, 2015, or as soon as possible thereafter, the Clerk 129203
of the Senate may certify to the Director of Budget and Management 129204
the amount of the unexpended, unencumbered balance of the 129205
foregoing appropriation item 020321, Operating Expenses, at the 129206
end of fiscal year 2015 to be reappropriated to fiscal year 2016. 129207

The amount certified is hereby reappropriated to the same 129208
appropriation item for fiscal year 2016. 129209

On July 1, 2016, or as soon as possible thereafter, the Clerk 129210
of the Senate may certify to the Director of Budget and Management 129211
the amount of the unexpended, unencumbered balance of the 129212
foregoing appropriation item 020321, Operating Expenses, at the 129213
end of fiscal year 2016 to be reappropriated to fiscal year 2017. 129214
The amount certified is hereby reappropriated to the same 129215
appropriation item for fiscal year 2017. 129216

Section 387.20. CSV COMMISSION ON SERVICE AND VOLUNTEERISM 129217

General Revenue Fund 129218

GRF 866321	CSV Operations	\$	294,072	\$	294,072	129219
TOTAL GRF	General Revenue Fund	\$	294,072	\$	294,072	129220

Dedicated Purpose Fund Group 129221

5GN0 866605	Serve Ohio Support	\$	30,000	\$	30,000	129222
TOTAL DPF	Dedicated Purpose Fund	\$	30,000	\$	30,000	129223

Group

Federal Fund Group 129224

3R70 866617	AmeriCorps Programs	\$	7,182,899	\$	7,178,630	129225
TOTAL FED	Federal Fund Group	\$	7,182,899	\$	7,178,630	129226
TOTAL ALL BUDGET	FUND GROUPS	\$	7,506,971	\$	7,502,702	129227

Section 389.10. CSF COMMISSIONERS OF THE SINKING FUND 129229

Debt Service Fund Group 129230

7070 155905	Third Frontier	\$	79,091,400	\$	98,712,000	129231
	Research and					
	Development Bond					
	Retirement Fund					

7072 155902	Highway Capital	\$	119,937,500	\$	134,101,700	129232
	Improvement Bond					

		Retirement Fund					
7073	155903	Natural Resources Bond	\$	27,079,900	\$	26,074,400	129233
		Retirement Fund					
7074	155904	Conservation Projects	\$	34,674,900	\$	39,225,700	129234
		Bond Retirement Fund					
7076	155906	Coal Research and	\$	5,991,400	\$	5,038,700	129235
		Development Bond					
		Retirement Fund					
7077	155907	State Capital	\$	234,437,400	\$	235,303,200	129236
		Improvement Bond					
		Retirement Fund					
7078	155908	Common Schools Bond	\$	375,706,700	\$	386,754,800	129237
		Retirement Fund					
7079	155909	Higher Education Bond	\$	254,970,800	\$	261,789,500	129238
		Retirement Fund					
7080	155901	Persian Gulf,	\$	9,083,700	\$	23,343,400	129239
		Afghanistan, and Iraq					
		Conflicts Bond					
		Retirement Fund					
7090	155912	Job Ready Site	\$	19,384,000	\$	15,735,900	129240
		Development Bond					
		Retirement Fund					
TOTAL	DSF	Debt Service Fund Group	\$	1,160,357,700	\$	1,226,079,300	129241
TOTAL	ALL	BUDGET FUND GROUPS	\$	1,160,357,700	\$	1,226,079,300	129242
		ADDITIONAL APPROPRIATIONS					129243
		Appropriation items in this section are for the purpose of					129244
		paying debt service and financing costs during the period from					129245
		July 1, 2015 through June 30, 2017 on bonds or notes of the state					129246
		issued under the Ohio Constitution and acts of the General					129247
		Assembly. If it is determined that additional amounts are					129248
		necessary for this purpose, such amounts are hereby appropriated.					129249
		Section 391.10. SOA SOUTHERN OHIO AGRICULTURAL AND COMMUNITY					129250

DEVELOPMENT FOUNDATION				129251
Dedicated Purpose Fund Group				129252
5M90 945601 Operating Expenses	\$	426,800	\$ 426,800	129253
TOTAL DPF Dedicated Purpose Fund Group	\$	426,800	\$ 426,800	129254
TOTAL ALL BUDGET FUND GROUPS	\$	426,800	\$ 426,800	129255
Section 393.10. SPE BOARD OF SPEECH-LANGUAGE PATHOLOGY & AUDIOLOGY				129257
Dedicated Purpose Fund Group				129258
4K90 886609 Operating Expenses	\$	508,660	\$ 508,660	129259
TOTAL DPF Dedicated Purpose Fund Group	\$	508,660	\$ 508,660	129260
TOTAL ALL BUDGET FUND GROUPS	\$	508,660	\$ 508,660	129261
Section 395.10. BTA BOARD OF TAX APPEALS				129262
General Revenue Fund				129263
GRF 116321 Operating Expenses	\$	1,700,000	\$ 1,700,000	129264
TOTAL GRF General Revenue Fund	\$	1,700,000	\$ 1,700,000	129265
TOTAL ALL BUDGET FUND GROUPS	\$	1,700,000	\$ 1,700,000	129266
Section 397.10. TAX DEPARTMENT OF TAXATION				129267
General Revenue Fund				129268
GRF 110321 Operating Expenses	\$	67,777,493	\$ 67,777,493	129269
GRF 110404 Tobacco Settlement Enforcement	\$	160,380	\$ 160,380	129270
TOTAL GRF General Revenue Fund	\$	67,937,873	\$ 67,937,873	129271
Dedicated Purpose Fund Group				129272
2280 110628 CAT Administration	\$	16,100,000	\$ 16,100,000	129273
4330 110602 Municipal Data Exchange	\$	175,000	\$ 175,000	129274

		Administration					
4350	110607	Local Tax	\$	19,006,950	\$	19,006,950	129278
		Administration					
4360	110608	Motor Vehicle Audit	\$	1,459,609	\$	1,459,609	129279
		Administration					
4370	110606	Income Tax Refund	\$	38,800	\$	38,800	129280
		Contribution					
		Administration					
4380	110609	School District	\$	5,402,044	\$	5,402,044	129281
		Income Tax					
		Administration					
4C60	110616	International	\$	682,415	\$	682,415	129282
		Registration Plan					
		Administration					
4R60	110610	Tire Tax	\$	244,193	\$	244,193	129283
		Administration					
5BP0	110639	Wireless 9-1-1	\$	290,000	\$	290,000	129284
		Administration					
5BW0	110630	Tax Amnesty Promotion	\$	2,500,000	\$	0	129285
		and Administration					
5JM0	110637	Casino Tax	\$	75,000	\$	75,000	129286
		Administration					
5MN0	110638	STARS Development and	\$	3,000,000	\$	3,000,000	129287
		Implementation					
5N50	110605	Municipal Income Tax	\$	150,000	\$	150,000	129288
		Administration					
5N60	110618	Kilowatt Hour Tax	\$	100,000	\$	100,000	129289
		Administration					
5NY0	110643	Petroleum Activity	\$	1,000,000	\$	1,000,000	129290
		Tax Administration					
5V70	110622	Motor Fuel Tax	\$	5,035,374	\$	5,035,374	129291
		Administration					
5V80	110623	Property Tax	\$	11,178,310	\$	11,178,310	129292

		Administration				
5W70	110627	Exempt Facility	\$	49,500	\$	49,500 129293
		Administration				
6390	110614	Cigarette Tax	\$	1,750,000	\$	1,750,000 129294
		Enforcement				
6880	110615	Local Excise Tax	\$	775,015	\$	775,015 129295
		Administration				
TOTAL DPF		Dedicated Purpose Fund	\$	69,012,210	\$	66,512,210 129296
		Group				
		Fiduciary Fund Group				129297
4250	110635	Tax Refunds	\$	1,546,800,000	\$	1,546,800,000 129298
5CZ0	110631	Vendor's License	\$	340,000	\$	340,000 129299
		Application				
6420	110613	Ohio Political Party	\$	267,500	\$	265,000 129300
		Distributions				
7095	110995	Municipal Income Tax	\$	8,100,000	\$	7,900,000 129301
TOTAL FID		Fiduciary Fund Group	\$	1,555,507,500	\$	1,555,305,000 129302
		Holding Account Fund Group				129303
R010	110611	Tax Distributions	\$	230,000	\$	230,000 129304
R011	110612	Miscellaneous Income	\$	50,000	\$	50,000 129305
		Tax Receipts				
TOTAL HLD		Holding Account Fund	\$	280,000	\$	280,000 129306
		Group				
TOTAL ALL BUDGET FUND GROUPS			\$	1,692,737,583	\$	1,690,035,083 129307
		MUNICIPAL INCOME TAX				129308
		The foregoing appropriation item 110995, Municipal Income				129309
		Tax, shall be used to make payments to municipal corporations				129310
		under section 5745.05 of the Revised Code. If it is determined				129311
		that additional appropriations are necessary to make such				129312
		payments, such amounts are hereby appropriated.				129313
		TAX REFUNDS				129314

The foregoing appropriation item 110635, Tax Refunds, shall 129315
be used to pay refunds under section 5703.052 of the Revised Code. 129316
If it is determined that additional appropriations are necessary 129317
for this purpose, such amounts are hereby appropriated. 129318

VENDOR'S LICENSE PAYMENTS 129319

The foregoing appropriation item 110631, Vendor's License 129320
Application, shall be used to make payments to county auditors 129321
under section 5739.17 of the Revised Code. If it is determined 129322
that additional appropriations are necessary to make such 129323
payments, such amounts are hereby appropriated. 129324

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 129325

The foregoing appropriation item 110616, International 129326
Registration Plan Administration, shall be used under section 129327
5703.12 of the Revised Code for audits of persons with vehicles 129328
registered under the International Registration Plan. 129329

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 129330

Of the foregoing appropriation item 110607, Local Tax 129331
Administration, the Tax Commissioner may disburse funds, if 129332
available, for the purposes of paying travel expenses incurred by 129333
members of Ohio's delegation to the Streamlined Sales Tax Project, 129334
as appointed under section 5740.02 of the Revised Code. Any travel 129335
expense reimbursement paid for by the Department of Taxation shall 129336
be done in accordance with applicable state laws and guidelines. 129337

TOBACCO SETTLEMENT ENFORCEMENT 129338

The foregoing appropriation item 110404, Tobacco Settlement 129339
Enforcement, shall be used by the Tax Commissioner to pay costs 129340
incurred in the enforcement of divisions (F) and (G) of section 129341
5743.03 of the Revised Code. 129342

CIGARETTE AND OTHER TOBACCO PRODUCTS TAX ENFORCEMENT 129343

In each of fiscal year 2016 and fiscal year 2017, \$250,000 of 129344

the foregoing appropriation item 110321, Operating Expenses, is to 129345
be used to hire employees under section 5743.45 of the Revised 129346
Code to serve as agents for the purposes of enforcing sections 129347
1333.11 to 1333.21 and Chapter 5743. of the Revised Code, and to 129348
support the enforcement activities of such agents. 129349

STARS DEVELOPMENT AND IMPLEMENTATION FUND 129350

The foregoing appropriation item 110638, STARS Development 129351
and Implementation, shall be used to pay costs incurred in the 129352
development and implementation of the department's State Tax 129353
Accounting and Revenue System. The Director of Budget and 129354
Management, under a plan submitted by the Tax Commissioner, or as 129355
otherwise determined by the Director of Budget and Management, 129356
shall set a schedule to transfer cash from the Revenue Enhancement 129357
Fund, Local Sales Tax Administrative Fund, General School District 129358
Income Tax Administrative Fund, Motor Vehicle Sales Audit Fund, 129359
Property Tax Administration Fund, and the Motor Fuel Tax 129360
Administration Fund to the credit of the STARS Development and 129361
Implementation Fund (Fund 5MN0). The transfers of cash shall not 129362
exceed \$6,000,000 in the biennium. 129363

TAX AMNESTY PROMOTION AND ADMINISTRATION 129364

The foregoing appropriation item 110630, Tax Amnesty 129365
Promotion and Administration, shall be used to pay expenses 129366
incurred to promote and administer the tax amnesty program to be 129367
conducted from January 1, 2016, to February 15, 2016, by the 129368
Department of Taxation. The Department of Taxation and Attorney 129369
General's Office shall work in close collaboration on promotion 129370
activities in relation to the Tax Amnesty Promotion and 129371
Administration program. 129372

Section 399.10. DOT DEPARTMENT OF TRANSPORTATION 129373

General Revenue Fund 129374

GRF 775451	Public Transportation	\$	7,300,000	\$	7,300,000	129375
	- State					
GRF 776465	Rail Development	\$	2,000,000	\$	2,000,000	129376
GRF 777471	Airport Improvements	\$	3,375,000	\$	3,375,000	129377
	- State					
TOTAL GRF General Revenue Fund		\$	12,675,000	\$	12,675,000	129378
Highway Operating Fund Group						129379
7002 772601	Beachwood Noise Wall	\$	383,000	\$	0	129380
TOTAL HOF Highway Operating Fund		\$	383,000	\$	0	129381
Group						
TOTAL ALL BUDGET FUND GROUPS		\$	13,058,000	\$	12,675,000	129382

Section 399.15. PUBLIC TRANSPORTATION - STATE 129384

Of the foregoing appropriation item 775451, Public 129385
Transportation - State, not less than \$500,000 in each fiscal year 129386
shall be allocated to rural transit systems. 129387

AIRPORT IMPROVEMENTS - STATE 129388

The foregoing appropriation item 777471, Airport Improvements 129389
- State, shall be used by the Department of Transportation to 129390
continue the Ohio Airport Grant Program in supporting capital 129391
improvements, maintaining infrastructure, and ensuring safety at 129392
publicly owned, public use airports in the state, provided that 129393
the airports receive neither Federal Aviation Administration Air 129394
Carrier Enplanement Funds nor Air Cargo Entitlements. 129395

Section 399.20. BEACHWOOD NOISE WALL 129396

The foregoing appropriation item 772601, Beachwood Noise 129397
Wall, shall be used to construct a noise wall for a section of 129398
Interstate Route 271 in Beachwood stretching from Shaker Boulevard 129399
to Woodland Road. 129400

Section 401.10. TOS TREASURER OF STATE 129401

General Revenue Fund					129402	
GRF 090321	Operating Expenses	\$	7,743,553	\$	7,743,553	129403
GRF 090401	Office of the Sinking Fund	\$	502,304	\$	502,304	129404
GRF 090402	Continuing Education	\$	377,702	\$	377,702	129405
GRF 090406	Treasury Management System Lease Rental Payments	\$	1,117,400	\$	1,116,800	129406
GRF 090524	Police and Fire Disability Pension Fund	\$	5,000	\$	5,000	129407
GRF 090534	Police and Fire Ad Hoc Cost of Living	\$	55,000	\$	55,000	129408
GRF 090554	Police and Fire Survivor Benefits	\$	443,000	\$	443,000	129409
GRF 090575	Police and Fire Death Benefits	\$	20,000,000	\$	20,000,000	129410
TOTAL GRF	General Revenue Fund	\$	30,243,959	\$	30,243,359	129411
Dedicated Purpose Fund Group						129412
4E90 090603	Securities Lending Income	\$	5,200,000	\$	5,200,000	129413
5770 090605	Investment Pool Reimbursement	\$	1,050,000	\$	1,050,000	129414
5C50 090602	County Treasurer Education	\$	170,057	\$	170,057	129415
5NH0 090610	OhioMeansJobs Workforce Development Revolving Loan Program	\$	17,000,000	\$	0	129416
6050 090609	Treasurer of State Administrative Fund	\$	700,000	\$	700,000	129417
TOTAL DPF	Dedicated Purpose					129418

Fund Group	\$	24,120,057	\$	7,120,057	129419
Fiduciary Fund Group					129420
4250 090635 Tax Refunds	\$	6,000,000	\$	6,000,000	129421
TOTAL FID Fiduciary Fund Group	\$	6,000,000	\$	6,000,000	129422
TOTAL ALL BUDGET FUND GROUPS	\$	60,364,016	\$	43,363,416	129423

Section 401.20. OFFICE OF THE SINKING FUND 129425

The foregoing appropriation item 090401, Office of the Sinking Fund, shall be used for costs incurred by or on behalf of the Commissioners of the Sinking Fund and the Ohio Public Facilities Commission with respect to State of Ohio general obligation bonds or notes, and the Treasurer of State with respect to State of Ohio general obligation and special obligation bonds or notes, including, but not limited to, printing, advertising, delivery, rating fees and the procurement of ratings, professional publications, membership in professional organizations, and other services referred to in division (D) of section 151.01 of the Revised Code. The General Revenue Fund shall be reimbursed for such costs relating to the issuance and administration of Highway Capital Improvement bonds or notes authorized under Ohio Constitution, Article VIII, Section 2m and Chapter 151. of the Revised Code. That reimbursement shall be made from appropriation item 155902, Highway Capital Improvement Bond Retirement Fund, by intrastate transfer voucher pursuant to a certification by the Office of the Sinking Fund of the actual amounts used. The amounts necessary to make such a reimbursement are hereby appropriated from the Highway Capital Improvement Bond Retirement Fund created in section 151.06 of the Revised Code.

POLICE AND FIRE DEATH BENEFIT FUND 129447

The foregoing appropriation item 090575, Police and Fire Death Benefits, shall be disbursed quarterly by the Treasurer of State at the beginning of each quarter of each fiscal year to the

Board of Trustees of the Ohio Police and Fire Pension Fund. The 129451
Treasurer of State shall certify such amounts quarterly to the 129452
Director of Budget and Management. By the twentieth day of June of 129453
each fiscal year, the Board of Trustees of the Ohio Police and 129454
Fire Pension Fund shall certify to the Treasurer of State the 129455
amount disbursed in the current fiscal year to make the payments 129456
required by section 742.63 of the Revised Code and shall return to 129457
the Treasurer of State moneys received from this appropriation 129458
item but not disbursed. 129459

TAX REFUNDS 129460

The foregoing appropriation item 090635, Tax Refunds, shall 129461
be used to pay refunds under section 5703.052 of the Revised Code. 129462
If the Director of Budget and Management determines that 129463
additional amounts are necessary for this purpose, such amounts 129464
are hereby appropriated. 129465

Section 401.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL 129466
PAYMENTS 129467

The foregoing appropriation item 090406, Treasury Management 129468
System Lease Rental Payments, shall be used for payments during 129469
the period from July 1, 2015, through June 30, 2017, pursuant to 129470
leases and agreements entered into under Section 701.20 of Am. 129471
Sub. H.B. 497 of the 130th General Assembly with respect to 129472
financing the costs associated with the acquisition and 129473
implementation of the Treasury Management System. If it is 129474
determined that additional appropriations are necessary for this 129475
purpose, the amounts are hereby appropriated. 129476

Section 401.40. OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING 129477
LOAN PROGRAM 129478

The foregoing appropriation item 090610, OhioMeansJobs 129479
Workforce Development Revolving Loan Program, shall be used for 129480

the OhioMeansJobs Workforce Development Revolving Loan Program to 129481
provide loans to individuals for workforce training. The first 129482
loan under this program shall go to Lorain County Community 129483
College to establish and operate the Ready Mix Truck Driver 129484
Training Program. For this purpose, of the foregoing appropriation 129485
item 090610, OhioMeansJobs Workforce Development Revolving Loan 129486
Program, \$76,350 shall be disbursed in FY 2016 to Lorain County 129487
Community College and shall be used by Lorain County Community 129488
College to establish and operate the Ready Mix Truck Driver 129489
Training Program. 129490

Of the foregoing appropriation item 090610, OhioMeansJobs 129491
Workforce Development Revolving Loan Program, up to \$250,000 in 129492
fiscal year 2016 may be used by the Treasurer of State to 129493
administer the program. 129494

Any unexpended and unencumbered portion of the foregoing 129495
appropriation item 090610, OhioMeansJobs Workforce Development 129496
Revolving Loan Program, at the end of fiscal year 2016 is hereby 129497
reappropriated for the same purpose in fiscal year 2017. To the 129498
extent that reappropriated funds are available, of the foregoing 129499
appropriation item 090610, OhioMeansJobs Workforce Development 129500
Revolving Loan Program, up to \$250,000 in fiscal year 2017 may be 129501
used by the Treasurer of State to administer the program. To the 129502
extent that reappropriated funds are available, of the foregoing 129503
appropriation item 090610, OhioMeansJobs Workforce Development 129504
Revolving Loan Program, \$76,350 shall be disbursed in FY 2017 to 129505
Lorain County Community College and shall be used by Lorain County 129506
Community College to operate the Ready Mix Truck Driver Training 129507
Program. 129508

Section 403.10. VTO VETERANS' ORGANIZATIONS 129509

General Revenue Fund 129510

VAP AMERICAN EX-PRISONERS OF WAR 129511

GRF	743501	State Support	\$	28,910	\$	28,910	129512
		VAN ARMY AND NAVY UNION, USA, INC.					129513
GRF	746501	State Support	\$	63,539	\$	63,539	129514
		VKW KOREAN WAR VETERANS					129515
GRF	747501	State Support	\$	57,118	\$	57,118	129516
		VJW JEWISH WAR VETERANS					129517
GRF	748501	State Support	\$	34,321	\$	34,321	129518
		VCW CATHOLIC WAR VETERANS					129519
GRF	749501	State Support	\$	66,978	\$	66,978	129520
		VPH MILITARY ORDER OF THE PURPLE HEART					129521
GRF	750501	State Support	\$	65,116	\$	65,116	129522
		VVV VIETNAM VETERANS OF AMERICA					129523
GRF	751501	State Support	\$	214,776	\$	214,776	129524
		VAL AMERICAN LEGION OF OHIO					129525
GRF	752501	State Support	\$	349,189	\$	349,189	129526
		VII AMVETS					129527
GRF	753501	State Support	\$	332,547	\$	332,547	129528
		VAV DISABLED AMERICAN VETERANS					129529
GRF	754501	State Support	\$	249,836	\$	249,836	129530
		VMC MARINE CORPS LEAGUE					129531
GRF	756501	State Support	\$	133,947	\$	133,947	129532
		V37 37TH DIVISION VETERANS' ASSOCIATION					129533
GRF	757501	State Support	\$	6,868	\$	6,868	129534
		VFW VETERANS OF FOREIGN WARS					129535
GRF	758501	State Support	\$	284,841	\$	284,841	129536
TOTAL GRF	General Revenue Fund		\$	1,887,986	\$	1,887,986	129537
TOTAL ALL BUDGET FUND GROUPS			\$	1,887,986	\$	1,887,986	129538
		RELEASE OF FUNDS					129539
		The Director of Budget and Management may release the					129540
		foregoing appropriation items 743501, 746501, 747501, 748501,					129541
		749501, 750501, 751501, 752501, 753501, 754501, 756501, 757501,					129542
		and 758501, State Support.					129543

Section 405.10. DVS DEPARTMENT OF VETERANS SERVICES				129544
General Revenue Fund				129545
GRF	900321	Veterans' Homes	\$ 26,992,608 \$ 26,992,608	129546
GRF	900402	Hall of Fame	\$ 107,075 \$ 107,075	129547
GRF	900408	Department of Veterans Services	\$ 2,567,113 \$ 2,567,113	129548
GRF	900901	Veterans Compensation General Obligation Bond Debt Service	\$ 9,083,700 \$ 23,343,400	129549
TOTAL GRF General Revenue Fund				\$ 38,750,496 \$ 53,010,196 129550
Dedicated Purpose Fund Group				129551
4840	900603	Veterans' Homes Services	\$ 883,523 \$ 985,523	129552
4E20	900602	Veterans' Homes Operating	\$ 12,804,826 \$ 13,139,648	129553
5DB0	900643	Military Injury Relief Program	\$ 2,000,000 \$ 2,000,000	129554
5PH0	900642	Veterans Initiatives	\$ 50,000 \$ 50,000	129555
TOTAL DPF Dedicated Purpose Fund Group				\$ 15,738,349 \$ 16,175,171 129556
Debt Service Fund Group				129557
7041	900615	Veteran Bonus Program - Administration	\$ 359,173 \$ 359,173	129558
7041	900641	Persian Gulf, Afghanistan, and Iraq Compensation	\$ 2,173,139 \$ 942,754	129559
TOTAL DSF Debt Service Fund Group				\$ 2,532,312 \$ 1,301,927 129561
Federal Fund Group				129562
3680	900614	Veterans Training	\$ 730,000 \$ 740,000	129563
3740	900606	Troops to Teachers	\$ 150,000 \$ 150,000	129564

3BX0 900609 Medicare Services	\$	2,475,000	\$	2,846,250	129565
3L20 900601 Veterans' Homes	\$	28,110,159	\$	29,245,411	129566
Operations - Federal					
TOTAL FED Federal Fund Group	\$	31,465,159	\$	32,981,661	129567
TOTAL ALL BUDGET FUND GROUPS	\$	88,486,316	\$	103,468,955	129568

TRAUMATIC BRAIN INJURY PROGRAMS 129569

Of the foregoing appropriation item 900408, Department of 129570
Veterans Services, \$25,000 in each fiscal year shall be 129571
distributed directly to the Resurrecting Lives Foundation to fund 129572
the 2015 Employment Initiative, which aids the transition of 129573
traumatic brain injury affected service members into civilian life 129574
and employment. 129575

Of the foregoing appropriation item 900408, Department of 129576
Veterans Services, \$20,375 in each fiscal year shall be 129577
distributed directly to the Resurrecting Lives Foundation to fund 129578
the Community TBI Education Program, which provides education and 129579
awareness for the legal community and lay community about 129580
traumatic brain injury, its effect on the veteran community, and 129581
the resulting challenges veterans face in the criminal justice 129582
system. 129583

VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE 129584

The foregoing appropriation item 900901, Veterans 129585
Compensation General Obligation Bond Debt Service, shall be used 129586
to pay all debt service and related financing costs during the 129587
period from July 1, 2015, through June 30, 2017, on obligations 129588
issued under sections 151.01 and 151.12 of the Revised Code. 129589

Section 405.20. Effective July 1, 2015, the Director of 129590
Budget and Management shall cancel any existing encumbrances 129591
against appropriation item 600637, Military Injury Relief 129592
Subsidies, and reestablish them against appropriation item 900643, 129593
Military Injury Relief Subsidies. The reestablished encumbrance 129594

amounts are hereby appropriated. Any business commenced but not 129595
completed under appropriation item 600637 by July 1, 2015, shall 129596
be completed under appropriation item 900643 in the same manner 129597
and with the same effect as if it were completed with regard to 129598
appropriation item 600637. 129599

Section 407.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD 129600

Dedicated Purpose Fund Group 129601

4K90 888609 Operating Expenses \$ 372,195 \$ 378,195 129602

TOTAL DPF Dedicated Purpose 129603

Fund Group \$ 372,195 \$ 378,195 129604

Internal Service Activity Fund Group 129605

5BU0 888602 Veterinary Student \$ 30,000 \$ 30,000 129606

Loan Program

TOTAL ISA Internal Service Activity 129607

Fund Group \$ 30,000 \$ 30,000 129608

TOTAL ALL BUDGET FUND GROUPS \$ 402,195 \$ 408,195 129609

Section 409.10. DYS DEPARTMENT OF YOUTH SERVICES 129611

General Revenue Fund 129612

GRF 470401 RECLAIM Ohio \$ 153,087,537 \$ 153,087,537 129613

GRF 470412 Juvenile Correctional \$ 25,407,400 \$ 21,137,700 129614

Facilities Lease

Rental Bond Payments

GRF 470510 Youth Services \$ 16,702,728 \$ 16,702,728 129615

GRF 472321 Parole Operations \$ 10,950,100 \$ 10,950,100 129616

GRF 477321 Administrative \$ 10,855,389 \$ 10,855,389 129617

Operations

TOTAL GRF General Revenue Fund \$ 217,003,154 \$ 212,733,454 129618

Dedicated Purpose Fund Group 129619

1470 470612 Vocational Education \$ 1,700,000 \$ 1,700,000 129620

notwithstanding any provision of law to the contrary, the 129643
Department of Youth Services may use up to forty-five per cent of 129644
the unexpended, unencumbered balance of the portion of 129645
appropriation item 470401, RECLAIM Ohio, that is allocated to 129646
juvenile correctional facilities in each fiscal year to expand 129647
Targeted RECLAIM, the Behavioral Health Juvenile Justice 129648
Initiative, and other evidence-based community programs. 129649

JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 129650

The foregoing appropriation item 470412, Juvenile 129651
Correctional Facilities Lease Rental Bond Payments, shall be used 129652
to meet all payments during the period from July 1, 2015, through 129653
June 30, 2017, by the Department of Youth Services under the 129654
leases and agreements for facilities made under Chapters 152. and 129655
154. of the Revised Code. This appropriation is the source of 129656
funds pledged for bond service charges on related obligations 129657
issued under Chapters 152. and 154. of the Revised Code. 129658

EDUCATION REIMBURSEMENT 129659

The foregoing appropriation item 470613, Education 129660
Reimbursement, shall be used to fund the operating expenses of 129661
providing educational services to youth supervised by the 129662
Department of Youth Services. Operating expenses include, but are 129663
not limited to, teachers' salaries, maintenance costs, and 129664
educational equipment. This appropriation item may be used for 129665
capital expenses related to the education program. 129666

EMPLOYEE FOOD SERVICE AND EQUIPMENT 129667

Notwithstanding section 125.14 of the Revised Code, the 129668
foregoing appropriation item 470609, Employee Food Service, may be 129669
used to purchase any food operational items with funds received 129670
into the fund from reimbursements for state surplus property. 129671

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES 129672

In collaboration with the county family and children first council, the juvenile court of that county that receives allocations from one or both of the foregoing appropriation items 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer portions of those allocations to a flexible funding pool as authorized by the section of Am. Sub. H.B. 153 of the 129th General Assembly titled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL."

Section 501.10. All items set forth in this section are hereby appropriated for the biennium ending on June 30, 2016, out of any moneys in the state treasury to the credit of the Public School Building Fund (Fund 7021) that are not otherwise appropriated.

Appropriations

FCC OHIO FACILITIES CONSTRUCTION COMMISSION		129686
C230W4 Community School Classroom Facilities	\$ 25,000,000	129687
Grants		
TOTAL Public School Building Fund	\$ 25,000,000	129688

COMMUNITY SCHOOL CLASSROOM FACILITIES GRANTS 129689

The foregoing appropriation item C230W4, Community School Classroom Facilities Grants, may be used by the School Facilities Commission to provide grant funding to an eligible high-performing community school established under Chapter 3314. of the Revised Code.

For purposes of this section, an "eligible high-performing community school" means a community school that has available and has certified it will supply, at least fifty per cent of the cost of the project funded under this section and that meets the following other conditions:

(A) Except as provided in division (B) or (C) of this 129700

section, the school both: 129701

(1) Has received a grade of "A," "B," or "C" for the 129702
performance index score under division (C)(1)(b) of section 129703
3302.03 of the Revised Code or has increased its performance index 129704
score under division (C)(1)(b) of section 3302.03 of the Revised 129705
Code in each of the previous three years of operation; and 129706

(2) Has received a grade of "A" or "B" for the value-added 129707
progress dimension under division (C)(1)(e) of section 3302.03 of 129708
the Revised Code on its most recent report card rating issued 129709
under that section. 129710

(B) If the school serves only grades kindergarten through 129711
three, the school received a grade of "A" or "B" for making 129712
progress in improving literacy in grades kindergarten through 129713
three under division (C)(1)(g) of section 3302.03 of the Revised 129714
Code on its most recent report card issued under that section. 129715

(C) If the school primarily serves students enrolled in a 129716
dropout prevention and recovery program as described in division 129717
(A)(4)(a) of section 3314.35 of the Revised Code, the school 129718
received a rating of "exceeds standards" on its most recent report 129719
card issued under section 3314.017 of the Revised Code. 129720

Notwithstanding the definition of an eligible high-performing 129721
community school under divisions (A) to (C) of this section, a 129722
newly established community school may be eligible for assistance 129723
under this section, if it is implementing a community school model 129724
that has a track record of high quality academic performance, as 129725
determined by the Department of Education. 129726

The foregoing appropriation may be used for the purchase, 129727
construction, reconstruction, renovation, remodeling, or addition 129728
to classroom facilities. A grant may be awarded to an eligible 129729
high-performing community school that demonstrates that the funds 129730
will be used to purchase or support classroom facilities 129731

construction or modifications that increase the supply of seats in 129732
effective schools, service specific unmet student needs through 129733
community school education, and show innovation in design and 129734
potential as a successful, replicable school model. The School 129735
Facilities Commission may award a grant to an eligible 129736
high-performing community school upon the approval of a grant 129737
application by the Executive Director of the Commission and the 129738
Superintendent of Public Instruction. A facility that is 129739
purchased, constructed, or modified by the grant funds shall be 129740
used for educational purposes for a minimum of ten years after 129741
receiving the grant funds. The School Facilities Commission, in 129742
consultation with the Superintendent of Public Instruction, shall 129743
develop guidelines and may adopt rules under Chapter 111. of the 129744
Revised Code for the administration of the grants, including 129745
provisions for the ownership and disposal of the facilities funded 129746
under this section in the event the community school closes at any 129747
time. Notwithstanding any provision of law to the contrary, all 129748
Revised Code exemptions applicable to grants awarded and projects 129749
administered by the School Facilities Commission or Facilities 129750
Construction Commission shall apply to the grants pursuant to this 129751
section. 129752

Section 503.10. PERSONAL SERVICE EXPENSES 129753

Unless otherwise prohibited by law, any appropriation from 129754
which personal service expenses are paid shall bear the employer's 129755
share of public employees' retirement, workers' compensation, 129756
disabled workers' relief, and insurance programs; and the costs of 129757
centralized financial services, centralized payroll processing, 129758
and related reports and services; centralized human resources 129759
services, including affirmative action and equal employment 129760
opportunity programs; the Office of Collective Bargaining; 129761
centralized information technology management services; 129762
administering the enterprise resource planning system; and 129763

administering the state employee merit system as required by 129764
section 124.07 of the Revised Code. These costs shall be 129765
determined in conformity with the appropriate sections of law and 129766
paid in accordance with procedures specified by the Office of 129767
Budget and Management. Expenditures from appropriation item 129768
070601, Public Audit Expense - Intra-State, may be exempted from 129769
the requirements of this section. 129770

Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS 129771
AGAINST THE STATE 129772

Except as otherwise provided in this section, an 129773
appropriation in this act or any other act may be used for the 129774
purpose of satisfying judgments, settlements, or administrative 129775
awards ordered or approved by the Court of Claims or by any other 129776
court of competent jurisdiction in connection with civil actions 129777
against the state. This authorization does not apply to 129778
appropriations to be applied to or used for payment of guarantees 129779
by or on behalf of the state, or for payments under lease 129780
agreements relating to, or debt service on, bonds, notes, or other 129781
obligations of the state. Notwithstanding any other statute to the 129782
contrary, this authorization includes appropriations from funds 129783
into which proceeds of direct obligations of the state are 129784
deposited only to the extent that the judgment, settlement, or 129785
administrative award is for, or represents, capital costs for 129786
which the appropriation may otherwise be used and is consistent 129787
with the purpose for which any related obligations were issued or 129788
entered into. Nothing contained in this section is intended to 129789
subject the state to suit in any forum in which it is not 129790
otherwise subject to suit, and is not intended to waive or 129791
compromise any defense or right available to the state in any suit 129792
against it. 129793

Section 503.30. CAPITAL PROJECT SETTLEMENTS 129794

This section specifies an additional and supplemental 129795
procedure to provide for payments of judgments and settlements if 129796
the Director of Budget and Management determines, pursuant to 129797
division (C)(4) of section 2743.19 of the Revised Code, that 129798
sufficient unencumbered moneys do not exist in the fund to support 129799
a particular appropriation to pay the amount of a final judgment 129800
rendered against the state or a state agency, including the 129801
settlement of a claim approved by a court, in an action upon and 129802
arising out of a contractual obligation for the construction or 129803
improvement of a capital facility if the costs under the contract 129804
were payable in whole or in part from a state capital projects 129805
appropriation. In such a case, the Director may either proceed 129806
pursuant to division (C)(4) of section 2743.19 of the Revised Code 129807
or apply to the Controlling Board to increase an appropriation or 129808
create an appropriation out of any unencumbered moneys in the 129809
state treasury to the credit of the capital projects fund from 129810
which the initial state appropriation was made. The amount of an 129811
increase in appropriation or new appropriation approved by the 129812
Controlling Board is hereby appropriated from the applicable 129813
capital projects fund and made available for the payment of the 129814
judgment or settlement. 129815

If the Director does not make the application authorized by 129816
this section or the Controlling Board disapproves the application, 129817
and the Director does not make application under division (C)(4) 129818
of section 2743.19 of the Revised Code, the Director shall for the 129819
purpose of making that payment make a request to the General 129820
Assembly as provided for in division (C)(5) of that section. 129821

Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS 129822

In order to provide funds for the reissuance of voided 129823
warrants under section 126.37 of the Revised Code, there is hereby 129824
appropriated, out of moneys in the state treasury from the fund 129825

credited as provided in section 126.37 of the Revised Code, that 129826
amount sufficient to pay such warrants when approved by the Office 129827
of Budget and Management. 129828

Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED 129829
BALANCES OF OPERATING APPROPRIATIONS 129830

(A) An unexpended balance of an operating appropriation or 129831
reappropriation that a state agency lawfully encumbered prior to 129832
the close of a fiscal year is hereby reappropriated on the first 129833
day of July of the following fiscal year from the fund from which 129834
it was originally appropriated or reappropriated for the following 129835
period and shall remain available only for the purpose of 129836
discharging the encumbrance: 129837

(1) For an encumbrance for personal services, maintenance, 129838
equipment, or items for resale, other than an encumbrance for an 129839
item of special order manufacture not available on term contract 129840
or in the open market or for reclamation of land or oil and gas 129841
wells, for a period of not more than five months from the end of 129842
the fiscal year; 129843

(2) For an encumbrance for an item of special order 129844
manufacture not available on term contract or in the open market, 129845
for a period of not more than five months from the end of the 129846
fiscal year or, with the written approval of the Director of 129847
Budget and Management, for a period of not more than twelve months 129848
from the end of the fiscal year; 129849

(3) For an encumbrance for reclamation of land or oil and gas 129850
wells, for a period ending when the encumbered appropriation is 129851
expended or for a period of two years, whichever is less; 129852

(4) For an encumbrance for any other expense, for such period 129853
as the Director approves, provided such period does not exceed two 129854
years. 129855

(B) Any operating appropriations for which unexpended 129856
balances are reappropriated beyond a five-month period from the 129857
end of the fiscal year by division (A)(2) of this section shall be 129858
reported to the Controlling Board by the Director of Budget and 129859
Management by the thirty-first day of December of each year. The 129860
report on each such item shall include the item, the cost of the 129861
item, and the name of the vendor. The report shall be updated on a 129862
quarterly basis for encumbrances remaining open. 129863

(C) Upon the expiration of the reappropriation period set out 129864
in division (A) of this section, a reappropriation made by this 129865
section lapses, and the Director of Budget and Management shall 129866
cancel the encumbrance of the unexpended reappropriation not later 129867
than the end of the weekend following the expiration of the 129868
reappropriation period. 129869

(D) Notwithstanding division (C) of this section, with the 129870
approval of the Director of Budget and Management, an unexpended 129871
balance of an encumbrance that was reappropriated on the first day 129872
of July by this section for a period specified in division (A)(3) 129873
or (4) of this section and that remains encumbered at the close of 129874
the fiscal biennium is hereby reappropriated on the first day of 129875
July of the following fiscal biennium from the fund from which it 129876
was originally appropriated or reappropriated for the applicable 129877
period specified in division (A)(3) or (4) of this section and 129878
shall remain available only for the purpose of discharging the 129879
encumbrance. 129880

(E) The Director of Budget and Management may correct 129881
accounting errors committed by the staff of the Office of Budget 129882
and Management, such as reestablishing encumbrances or 129883
appropriations cancelled in error, during the cancellation of 129884
operating encumbrances in November and of nonoperating 129885
encumbrances in December. 129886

(F) The Director of Budget and Management may at any time 129887

correct accounting errors committed by the staff of a state agency 129888
or state institution of higher education, as defined in section 129889
3345.011 of the Revised Code, such as reestablishing prior year 129890
nonoperating encumbrances canceled or modified in error. The 129891
reestablished encumbrance amounts are hereby appropriated. 129892

(G) If the Controlling Board approved a purchase, that 129893
approval remains in effect so long as the appropriation used to 129894
make that purchase remains encumbered. 129895

Section 503.60. RE-ESTABLISHING ENCUMBRANCES THAT USE 129896
OUTDATED EXPENSE ACCOUNT CODES 129897

On or after January 1, 2015, the Director of Budget and 129898
Management may cancel any existing operating or capital 129899
encumbrances from prior fiscal years that reference outdated 129900
expense account codes and, if needed, reestablish them against the 129901
same appropriation items referencing updated expense account 129902
codes. The reestablished encumbrance amounts are hereby 129903
appropriated. Any business commenced but not completed under the 129904
prior encumbrances by January 1, 2015, shall be completed under 129905
the new encumbrances in the same manner and with the same effect 129906
as if it was completed with regard to the old encumbrances. 129907

Section 503.70. APPROPRIATIONS RELATED TO CASH TRANSFERS AND 129908
RE-ESTABLISHMENT OF ENCUMBRANCES 129909

Any cash transferred by the Director of Budget and Management 129910
under section 126.15 of the Revised Code is hereby appropriated. 129911
Any amounts necessary to re-establish appropriations or 129912
encumbrances under section 126.15 of the Revised Code are hereby 129913
appropriated. 129914

Section 503.80. TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 129915

The Director of Budget and Management may transfer 129916

appropriations between the Third Frontier Research and Development Fund (Fund 7011) and Third Frontier Research and Development Taxable Bond Fund (Fund 7014) as necessary to maintain the exclusion from the calculation of gross income for federal income taxation purposes under the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1 et seq., with respect to obligations issued to fund projects appropriated from the Third Frontier Research and Development Fund (Fund 7011).

The Director may also create new appropriation items within the Third Frontier Research and Development Taxable Bond Fund (Fund 7014) and make transfers of appropriations to them for projects originally funded from appropriations made from the Third Frontier Research and Development Fund (Fund 7011).

Section 503.90. INCOME TAX DISTRIBUTION TO COUNTIES 129930

There are hereby appropriated out of any moneys in the state treasury to the credit of the General Revenue Fund, which are not otherwise appropriated, funds sufficient to make any payment required by division (B)(2) of section 5747.03 of the Revised Code.

Section 503.100. EXPENDITURES AND APPROPRIATION INCREASES 129936
APPROVED BY THE CONTROLLING BOARD 129937

Any money that the Controlling Board approves for expenditure or any increase in appropriation that the Controlling Board approves under sections 127.14, 131.35, and 131.39 of the Revised Code or any other provision of law is hereby appropriated for the period ending June 30, 2017.

Section 503.110. FUNDS RECEIVED FOR USE OF GOVERNOR'S 129943
RESIDENCE 129944

If the Governor's Residence Fund (Fund 4H20) receives payment 129945

for use of the residence pursuant to section 107.40 of the Revised Code, the amounts so received are hereby appropriated to appropriation item 100604, Governor's Residence Gift.

Section 506.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS

Unless the agency and nuclear electric utility mutually agree to a higher amount by contract, the maximum amounts that may be assessed against nuclear electric utilities under division (B)(2) of section 4937.05 of the Revised Code and deposited into the specified funds are as follows:

<u>Fund</u>	<u>User</u>	<u>FY 2016</u>	<u>FY 2017</u>
Utility Radiological Safety Fund (Fund 4E40)	Department of Agriculture	\$ 125,000	\$ 125,000
Radiation Emergency Response Fund (Fund 6100)	Department of Health	\$ 1,086,098	\$ 1,086,098
ER Radiological Safety Fund (Fund 6440)	Environmental Protection Agency	\$ 298,304	\$ 303,174
Emergency Response Plan Fund (Fund 6570)	Department of Public Safety	\$ 1,200,000	\$ 1,200,000

Section 512.10. TRANSFERS TO THE GENERAL REVENUE FUND OF INTEREST EARNED

Notwithstanding any provision of law to the contrary, the Director of Budget and Management, through June 30, 2017, may transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue

is restricted or protected by the Ohio Constitution, federal tax 129966
law, or the "Cash Management Improvement Act of 1990," 104 Stat. 129967
1058 (1990), 31 U.S.C. 6501 et seq., as amended. 129968

Section 512.13. CASH TRANSFER FROM THE HEALTH CARE/MEDICAID 129969
SUPPORT AND RECOVERIES FUND TO THE GRF 129970

On July 1 of each fiscal year, or as soon as possible 129971
thereafter, the Director of Budget and Management shall transfer 129972
\$7,500,000 cash from the Health Care/Medicaid Support and 129973
Recoveries Fund (Fund 5DL0) to the General Revenue Fund. 129974

Section 512.20. CASH TRANSFERS TO THE GENERAL REVENUE FUND 129975
FROM NON-GRF FUNDS 129976

Notwithstanding any provision of law to the contrary, the 129977
Director of Budget and Management may transfer up to \$60,000,000 129978
in each fiscal year in cash from non-General Revenue Funds that 129979
are not constitutionally restricted to the General Revenue Fund in 129980
order to ensure that available General Revenue Fund receipts and 129981
balances are sufficient to support General Revenue Fund 129982
appropriations in each fiscal year. 129983

Section 512.30. FISCAL YEAR 2015 GENERAL REVENUE FUND ENDING 129984
BALANCE 129985

Notwithstanding divisions (B) and (C) of section 131.44 of 129986
the Revised Code, the Director of Budget and Management shall 129987
determine the surplus General Revenue Fund revenue that existed on 129988
June 30, 2015, in excess of the amount required under division 129989
(A)(3) of section 131.44 of the Revised Code, and allocate that 129990
amount, to the extent of the amount so determined, as follows: 129991

(A) First, the Director of Budget and Management shall 129992
reserve in the General Revenue Fund a cash amount of up to 129993
\$233,000,000 to support personal income tax reductions; 129994

(B) Second, the Director shall transfer a cash amount of up to \$375,500,000 to the Budget Stabilization Fund to increase the balance of that fund to an amount equal to five per cent of estimated fiscal year 2017 General Revenue Fund revenue;

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(C) Third, the Director shall transfer a cash amount of up to \$10,000,000 to the College Credit Plus Credential Fund (Fund 5RB0), which is hereby created in the state treasury.

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(D) Fourth, the Director shall transfer a cash amount of up to \$40,000,000 to the Unemployment Compensation Interest Contingency Fund (Fund 5HC0) for payment to the United States Secretary of the Treasury of accrued interest costs related to federal unemployment account borrowing;

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(E) Fifth, the Director shall transfer a cash amount of up to \$20,000,000 to the Disaster Services Fund (Fund 5E20);

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(F) Sixth, the Director shall transfer a cash amount of up to \$7,500,000 to the Systems Transformation Support Fund (Fund 5QM0);

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(G) Seventh, the Director shall transfer a cash amount of up to \$12,000,000 to the Natural Resources Special Purposes Fund (Fund 5MW0), which is hereby created in the state treasury;

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(H) Eighth, the Director shall transfer a cash amount of up to \$10,000,000 to the Local Government Innovation Fund (Fund 5KN0).

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(I) Ninth, the Director shall transfer a cash amount of up to \$30,000,000 to the School District TPP Supplement Fund (Fund 5RE0).

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(J) Tenth, the Director shall transfer a cash amount of up to \$50,000,000 to the Health and Human Services Fund.

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(K) Eleventh, the Director shall transfer a cash amount of \$12,750,000 to the Electronic Pollbook Fund (Fund 5RT0).

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(L) Twelfth, the Director shall transfer a cash amount of

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\$1,250,000 to the Absent Voter's Ballot Fund (Fund 5RU0). 130025

Section 512.33. CASH TRANSFER FROM THE GENERAL REVENUE FUND 130026
TO THE HEALTH AND HUMAN SERVICES FUND 130027

On July 1, 2016, or as soon as possible thereafter, the 130028
Director of Budget and Management shall transfer \$150,000,000 cash 130029
from the General Revenue Fund to the Health and Human Services 130030
Fund. 130031

Section 512.40. CASINO OPERATOR SETTLEMENT FUND 130032

On July 1, 2015, or as soon as possible thereafter, the 130033
Director of Budget and Management shall transfer \$4,701,620 cash 130034
from the Casino Operator Settlement Fund (Fund 5KT0) to the State 130035
Lottery Fund (Fund 7044). 130036

The Director of Budget and Management, in consultation with 130037
the Executive Director of the Casino Control Commission, shall 130038
establish a schedule of transfers totaling \$4,701,620 to the 130039
Casino Operator Settlement Fund (Fund 5KT0) from the Casino 130040
Control Commission Fund (Fund 5HS0). 130041

Section 512.50. DIESEL EMISSIONS REDUCTION GRANT PROGRAM 130042

There is hereby established in the Highway Operating Fund 130043
(Fund 7002), used by the Department of Transportation, a Diesel 130044
Emissions Reduction Grant Program. The Director of Environmental 130045
Protection shall administer the program and shall solicit, 130046
evaluate, score, and select projects submitted by public and 130047
private entities that are eligible for the federal Congestion 130048
Mitigation and Air Quality (CMAQ) Program. The Director of 130049
Transportation shall process Federal Highway 130050
Administration-approved projects as recommended by the Director of 130051
Environmental Protection. 130052

In addition to the allowable expenditures set forth in 130053

section 122.861 of the Revised Code, Diesel Emissions Reduction 130054
Grant Program funds also may be used to fund projects involving 130055
the purchase or use of hybrid and alternative fuel vehicles that 130056
are allowed under guidance developed by the Federal Highway 130057
Administration for the CMAQ Program. 130058

Public entities eligible to receive funds under section 130059
122.861 of the Revised Code and CMAQ shall be reimbursed from 130060
moneys in Fund 7002 designated for the Department of 130061
Transportation's Diesel Emissions Reduction Grant Program. 130062

Private entities eligible to receive funds under section 130063
122.861 of the Revised Code and CMAQ shall be reimbursed at the 130064
direction of the local public agency sponsor and upon approval of 130065
the Department of Transportation, through direct payments to the 130066
vendor in the prorated share of federal/state participation. These 130067
reimbursements shall be made from moneys in Fund 7002 designated 130068
for the Department of Transportation's Diesel Emissions Reduction 130069
Grant Program. There shall be no new appropriations from Fund 7002 130070
for the Diesel Emissions Reduction Grant Program in fiscal year 130071
2016. New appropriations from Fund 7002 for the Diesel Emissions 130072
Reduction Grant Program shall not exceed \$5,000,000 in fiscal year 130073
2017. 130074

Any allocations under this section represent CMAQ program 130075
moneys within the Department of Transportation for use by the 130076
Diesel Emissions Reduction Grant Program by the Environmental 130077
Protection Agency. These allocations shall not reduce the amount 130078
of such moneys designated for metropolitan planning organizations. 130079

The Director of Environmental Protection, in consultation 130080
with the Director of Transportation, shall develop guidance for 130081
the distribution of funds and for the administration of the Diesel 130082
Emissions Reduction Grant Program. The guidance shall include a 130083
method of prioritization for projects, acceptable technologies, 130084
and procedures for awarding grants. 130085

Section 512.60. CASH TRANSFERS AND ABOLISHMENT OF FUNDS 130086

(A) On July 1, 2015, or as soon as possible thereafter, the 130087
Director of Budget and Management shall transfer the cash balance 130088
from each of the funds as indicated in the table below to the fund 130089
also indicated in the table below. Upon completion of each 130090
transfer and on the effective date of its repeal by this act, 130091
where applicable, the fund from which the cash balance was 130092
transferred is hereby abolished. 130093

User	Transfer from:	Transfer to:	
Agency	Fund	Fund	
Code	Code Fund Name	Code Fund Name	
AGR	5750 Agricultural Financing Commission Administration	GRF General Revenue Fund	130094 130095 130096 130097
DAS	5HU0 Construction Reform Demonstration Compliance	1880 Equal Opportunity Division - Operating	130098
DAS	4P30 Departmental MIS	1330 Information Technology	130099
DAS	5LA0 Building Operation	1320 Building Management	130100
DPS	5CM0 Investigative Unit - Treasury Contraband	3GT0 Investigative Unit - Treasury Contraband	130101
DSA	5HJ0 Motion Picture Tax Credit Program Operating	4510 Business Assistance	130102
DSA	5S80 Rural Development Initiative Program	7037 Facilities Establishment	130103
DSA	5AR0 Industrial Sites Improvements Program	5M50 Advanced Energy Loan Program	130104
DSA	4Z60 Rural Industrial Park Loan	7037 Facilities Establishment	130105
EPA	4U70 Construction and Demolition Debris	4K30 Solid Waste	130106
EPA	6600 Infectious Waste Management	4K30 Solid Waste	130107

FCC	4T80	Cultural Facilities Administration Fund	7030	Cultural and Sports Facilities Building	130108
FCC	N087	Education Facilities Trust	7021	Public School Building	130109
FCC	5E30	Ohio School Facilities Commission Fund	7021	Public School Building	130110
LOT	2310	Charitable Gaming Oversight	7044	State Lottery	130111
MCD	5Q90	Supplemental Inpatient Hospital	5GF0	Hospital Assessment Fund	130112
MCD	5CR0	Children's Hospital - State	GRF	General Revenue Fund	130113
MCD	5HA0	Health Care Services - Other	GRF	General Revenue Fund	130114
MHA	5DG0	Recovery Assistance	4P90	Mental Health Trust	130115
MHA	4C50	Revolving Loans for Recovery Homes	4P90	Mental Health Trust	130116
MHA	5BR0	Tobacco Use Prevention and Control	4P90	Mental Health Trust	130117
MHA	5DV0	Criminal Justice Prevention and Treatment Collaborative	4P90	Mental Health Trust	130118
MHA	5V20	Non-Federal Grant	4P90	Mental Health Trust	130119
MHA	5JW0	Board Match Reimbursement	4P90	Mental Health Trust	130120
MHA	6920	Mental Health Board Risk	4P90	Mental Health Trust	130121
MHA	3J80	Medicaid Legacy Costs Support	3B10	Community Medicaid	130122
PAY	8140	Cost Savings	8060	Accrued Leave	130123
RAC	5640	Quarter Horse Development	5620	Thoroughbred Race Fund	130124
SOS	4130	Information Systems	5990	Corporate and Uniform Commercial Code Filing	130125

(B) On July 1, 2015, or as soon as possible thereafter, the	130126	
Director of Budget and Management shall cancel any existing	130127	
encumbrances against each appropriation item as indicated in the	130128	
table below and reestablish them against the appropriation item	130129	
also indicated in the table below. In addition, if any other	130130	
existing encumbrances must be cancelled and reestablished to	130131	
properly close out the funds identified in division (A) of this	130132	
section, the Director is hereby authorized to carry out those	130133	
necessary transactions. These amounts are hereby appropriated.	130134	
Cancel existing encumbrances	Reestablish encumbrances	130135
against:	against:	
Fund	Fund	130136
Code Appropriation Item	Code Appropriation Item	130137
5CM0 767691 - Equitable Share	3GT0 767691 - Equitable Share	130138
Account	Account	
5HU0 100655 - Construction	1880 100649 - Equal	130139
Reform Demo Compliance	Opportunity Division -	
	Operating	
4T80 230603 - Community Project	GRF 230458 - State	130140
Administration	Construction Management	
	Services	
4P30 100603 - DAS Information	1330 100607 - IT Services	130141
Services	Delivery	
5LA0 100660 - Building Operation	1320 100631 - DAS Building	130142
	Management	
6600 715629 - Infectious Waste	4K30 715649 - Solid Waste	130143
Management		
4U70 715660 - Construction and	4K30 715649 - Solid Waste	130144
Demolition Debris		
5E30 230644 - Operating Expenses	GRF 230321 - Operating	130145
	Expenses	
4130 050601 - Information	5990 050603 - Business	130146
Systems	Services Operating	

Expenses

(C) The following funds, used by the Department of 130147
Rehabilitation and Corrections, shall be abolished on the 130148
effective date of their repeal by this act: the Laboratory 130149
Services Fund (Fund 5930), the Adult Parole/Probation Service Fund 130150
(Fund 5A30), the Sex Offender Supervision Fund (Fund 5CL0), and 130151
the Confinement Cost Reimbursement Fund (Fund 5D50). 130152

(D) The following funds, used by the Department of Public 130153
Safety shall be abolished on the effective date of their repeal by 130154
this act: the Justice Assistance Grant - FFY06 Fund (Fund 3CB0), 130155
the Justice Assistance Grant - FFY07 Fund (Fund 3CC0), the Justice 130156
Assistance Grant - FFY08 Fund (Fund 3CD0), the Justice Assistance 130157
Grant - FFY09 Fund (Fund 3CE0), the Justice Assistance Grant 130158
Supplemental FFY08 Fund (Fund 3CV0), the Justice Assistance Grant 130159
Fund (Fund 3DE0), and the Federal Stimulus Justice Programs Fund 130160
(Fund 3DH0). 130161

Section 512.70. MEDICAID RESERVE FUND TRANSFERS AND BALANCE 130162

On July 1, 2015, or as soon as possible thereafter, the 130163
Director of Budget and Management shall transfer \$158,000,000 cash 130164
from the Medicaid Reserve Fund (Fund 5Y80) to the General Revenue 130165
Fund and \$72,000,000 cash from Fund 5Y80 to the School District 130166
TPP Supplement Fund (Fund 5RE0), used by the Department of 130167
Education. The remaining balance in Fund 5Y80 shall be transferred 130168
to the Budget Stabilization Fund. 130169

Section 512.90. Notwithstanding any provision of law to the 130170
contrary, not later than thirty days following the effective date 130171
of this section, the Director of Budget and Management shall 130172
transfer \$2,500,000 in cash from the Budget Stabilization Fund 130173
(Fund 7013) to the Tax Amnesty Promotion and Administration Fund 130174
(Fund 5BW0), which is hereby created in the state treasury. The 130175

money shall be used by the Department of Taxation to pay expenses 130176
incurred in promoting and administering the tax amnesty program 130177
that is to be conducted from January 1, 2016, to February 15, 130178
2016, pursuant to Section 757.130 of this act. 130179

After receiving the revenue receipts from the tax amnesty 130180
program, the Director of Budget and Management shall transfer the 130181
first \$2,500,000 in payments from the amnesty program to the 130182
Budget Stabilization Fund as repayment, the next \$10,000,000 to 130183
the General Revenue Fund, and the remaining excess fund balance to 130184
the Budget Stabilization Fund. 130185

Section 515.10. (A) On the effective date of the enactment of 130186
section 3734.49 of the Revised Code by this act, the functions, 130187
together with the assets and liabilities, of the Solid Waste 130188
Management Advisory Council created in section 3734.51 of the 130189
Revised Code, as repealed by this act, and the Recycling and 130190
Litter Prevention Advisory Council created in section 3736.04 of 130191
the Revised Code, as repealed by this act, are transferred to the 130192
Materials Management Advisory Council created in section 3734.49 130193
of the Revised Code, as enacted by this act. 130194

(B) Any business commenced but not completed by the Solid 130195
Waste Management Advisory Council and the Recycling and Litter 130196
Prevention Advisory Council on the effective date of the transfer 130197
shall be completed by the Materials Management Advisory Council. 130198
Any validation, cure, right, privilege, remedy, obligation, or 130199
liability is not lost or impaired solely by reason of the transfer 130200
required by this section and shall be administered by the 130201
Materials Management Advisory Council in accordance with this act. 130202

(C) All of the determinations of the Solid Waste Management 130203
Advisory Council and the Recycling and Litter Prevention Advisory 130204
Council in relation to those Advisory Councils continue in effect 130205
as determinations of the Materials Management Advisory Council 130206

until modified or rescinded by the Materials Management Advisory Council. 130207
130208

(D) Whenever the Solid Waste Management Advisory Council or the Recycling and Litter Prevention Advisory Council or the chairperson of the applicable Advisory Council is referred to in any law, contract, or other document, the reference shall be deemed to refer to the Materials Management Advisory Council or to the chairperson of the Materials Management Advisory Council, whichever is appropriate in context. 130209
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(E) Any action or proceeding pending on the effective date of the enactment of section 3734.49 of the Revised Code by this act is not affected by the transfer of the functions of the Solid Waste Management Advisory Council and the Recycling and Litter Prevention Advisory Council by this act and shall be prosecuted or defended in the name of the Materials Management Advisory Council. In all such actions and proceedings, the Materials Management Advisory Council, upon application to the court, shall be substituted as a party. 130216
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Section 518.10. GENERAL OBLIGATION DEBT SERVICE PAYMENTS 130225

Certain appropriations are in this act for the purpose of paying debt service and financing costs on general obligation bonds or notes of the state issued pursuant to the Ohio Constitution and acts of the General Assembly. If it is determined that additional appropriations are necessary for this purpose, such amounts are hereby appropriated. 130226
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Section 518.20. LEASE RENTAL PAYMENTS FOR DEBT SERVICE 130232

Certain appropriations are in this act for the purpose of making lease rental payments pursuant to leases and agreements relating to bonds or notes issued by the Treasurer of State, or previously by the Ohio Building Authority, pursuant to the Ohio 130233
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Constitution and acts of the General Assembly. If it is determined 130237
that additional appropriations are necessary for this purpose, 130238
such amounts are hereby appropriated. 130239

Section 518.30. AUTHORIZATION FOR TREASURER OF STATE AND OBM 130240
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 130241

The Office of Budget and Management shall process payments 130242
from general obligation and lease rental payment appropriation 130243
items during the period from July 1, 2015, through June 30, 2017, 130244
relating to bonds or notes issued under Sections 2i, 2k, 2l, 2m, 130245
2n, 2o, 2p, 2q, 2r, 2s, and 15 of Article VIII, Ohio Constitution, 130246
and Chapters 151., 152., and 154. of the Revised Code. Payments 130247
shall be made upon certification by the Treasurer of State of the 130248
dates and the amounts due on those dates. 130249

Section 521.10. STATE AND LOCAL REBATE AUTHORIZATION 130250

There is hereby appropriated, from those funds designated by 130251
or pursuant to the applicable proceedings authorizing the issuance 130252
of state obligations, amounts computed at the time to represent 130253
the portion of investment income to be rebated or amounts in lieu 130254
of or in addition to any rebate amount to be paid to the federal 130255
government in order to maintain the exclusion from gross income 130256
for federal income tax purposes of interest on those state 130257
obligations under section 148(f) of the Internal Revenue Code. 130258

Rebate payments shall be approved and vouchered by the Office 130259
of Budget and Management. 130260

Section 521.20. STATEWIDE INDIRECT COST RECOVERY 130261

Whenever the Director of Budget and Management determines 130262
that an appropriation made to a state agency from a fund of the 130263
state is insufficient to provide for the recovery of statewide 130264
indirect costs under section 126.12 of the Revised Code, the 130265

amount required for such purpose is hereby appropriated from the 130266
available receipts of such fund. 130267

Section 521.30. TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 130268
COST ALLOCATION PLAN 130269

The total transfers made from the General Revenue Fund by the 130270
Director of Budget and Management under this section shall not 130271
exceed the amounts transferred into the General Revenue Fund under 130272
section 126.12 of the Revised Code. 130273

The director of an agency may certify to the Director of 130274
Budget and Management the amount of expenses not allowed to be 130275
included in the Statewide Indirect Cost Allocation Plan under 130276
federal regulations, from any fund included in the Statewide 130277
Indirect Cost Allocation Plan, prepared as required by section 130278
126.12 of the Revised Code. 130279

Upon determining that no alternative source of funding is 130280
available to pay for such expenses, the Director of Budget and 130281
Management may transfer cash from the General Revenue Fund into 130282
the fund for which the certification is made, up to the amount of 130283
the certification. The director of the agency receiving such funds 130284
shall include, as part of the next budget submission prepared 130285
under section 126.02 of the Revised Code, a request for funding 130286
for such activities from an alternative source such that further 130287
federal disallowances would not be required. 130288

The director of an agency may certify to the Director of 130289
Budget and Management the amount of expenses paid in error from a 130290
fund included in the Statewide Indirect Cost Allocation Plan. The 130291
Director of Budget and Management may transfer cash from the fund 130292
from which the expenditure should have been made into the fund 130293
from which the expenses were erroneously paid, up to the amount of 130294
the certification. 130295

The director of an agency may certify to the Director of Budget and Management the amount of expenses or revenues not allowed to be included in the Statewide Indirect Cost Allocation Plan under federal regulations, for any fund included in the Statewide Indirect Cost Allocation Plan, for which the federal government requires payment. If the Director of Budget and Management determines that an appropriation made to a state agency from a fund of the state is insufficient to pay the amount required by the federal government, the amount required for such purpose is hereby appropriated from the available receipts of such fund, up to the amount of the certification.

Section 521.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS 130307

Notwithstanding any provision of law to the contrary, on or before the first day of September of each fiscal year, the Director of Budget and Management, in order to reduce the payment of adjustments to the federal government, as determined by the plan prepared under division (A) of section 126.12 of the Revised Code, may designate such funds as the Director considers necessary to retain their own interest earnings.

Section 521.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT 130315

Pursuant to the plan for compliance with the Federal Cash Management Improvement Act required by section 131.36 of the Revised Code, the Director of Budget and Management may cancel and re-establish all or part of encumbrances in like amounts within the funds identified by the plan. The amounts necessary to re-establish all or part of encumbrances are hereby appropriated.

Section 521.60. FISCAL STABILIZATION AND RECOVERY 130322

To ensure the level of accountability and transparency required by federal law, the Director of Budget and Management may

issue guidelines to any agency applying for federal money made 130325
available to this state for fiscal stabilization and recovery 130326
purposes, and may prescribe the process by which agencies are to 130327
comply with any reporting requirements established by the federal 130328
government. 130329

Section 610.01. That Section 755.40 of Sub. H.B. 53 of the 130330
131st General Assembly be amended to read as follows: 130331

Sec. 755.40. (A) There is hereby created the Joint 130332
Legislative Task Force on Department of Transportation Issues. The 130333
Task Force shall consist of three members of the House Finance and 130334
Appropriations Committee, one of whom is a member of the Minority 130335
party, all of whom shall be appointed by the Speaker of the House 130336
of Representatives; and three members of the Senate Transportation 130337
Committee, one of whom is a member of the Minority party, all of 130338
whom shall be appointed by the President of the Senate. In making 130339
Minority party appointments, the Speaker shall consult with the 130340
Minority Leader of the House of Representatives, and the President 130341
shall consult with the Minority Leader of the Senate. 130342

(B)(1) The Task Force shall study methods for increasing the 130343
speed on, and access to, rural highways and freeways in Ohio. ~~The~~ 130344
~~Task Force also shall study~~ and methods for saving money on 130345
license plates, including specifically a single license plate 130346
requirement. 130347

(2) In addition to the areas of study specified in division 130348
(B)(1) of this section, the Task Force shall study the cost and 130349
feasibility of establishing a limited driving privilege license 130350
that: 130351

(a) Contains embedded information, accessible only to law 130352
enforcement officers, that specifies the period during which the 130353
license holder may exercise limited driving privileges and the 130354

purposes for which limited driving privileges have been granted; 130355

(b) Is issued to any person to whom any of the following 130356
applies: 130357

(i) The person's driver's license has been suspended and the 130358
person has been granted limited driving privileges under section 130359
4510.021 of the Revised Code; 130360

(ii) The person's driver's license was previously suspended, 130361
the period of suspension has ended, and the person is complying 130362
with a Bureau of Motor Vehicles fee installment plan under O.A.C. 130363
4501:1-1-45 in order to pay the person's reinstatement fees; or 130364

(iii) The person's driver's license was previously suspended, 130365
the period of suspension has ended, and the person has been issued 130366
a court order under division (D)(2) of section 4510.10 of the 130367
Revised Code that authorizes the person to operate a vehicle until 130368
the person can pay the reinstatement fees. 130369

(3) Not later than December 15, 2015, the Task Force shall 130370
issue a report containing its findings and recommendations with 130371
regard to the areas of study specified in division (B)(1) and (2) 130372
of this section to the President of the Senate, the Minority 130373
Leader of the Senate, the Speaker of the House of Representatives, 130374
and the Minority Leader of the House of Representatives. 130375

(C)(1) The Task Force shall examine the funding needs of the 130376
Ohio Department of Transportation and shall study specifically the 130377
issue of the effectiveness of the Ohio motor fuel tax in meeting 130378
those funding needs. The Task Force also shall study alternative 130379
methods for funding the construction and maintenance of Ohio's 130380
roadways and infrastructure. 130381

(2) Not later than December 15, 2016, the Task Force shall 130382
issue a report containing its findings and recommendations with 130383
regard to the areas of study specified in division (C)(1) of this 130384
section to the President of the Senate, the Minority Leader of the 130385

Senate, the Speaker of the House of Representatives, and the 130386
Minority Leader of the House of Representatives. At that time, the 130387
Task Force shall cease to exist. 130388

Section 610.02. That existing Section 755.40 of Sub. H.B. 53 130389
of the 131st General Assembly is hereby repealed. 130390

Section 610.10. That Sections 125.10 and 125.11 of Am. Sub. 130391
H.B. 59 of the 130th General Assembly be amended to read as 130392
follows: 130393

Sec. 125.10. (A) Sections 5168.01, 5168.02, 5168.03, 5168.04, 130394
5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 130395
~~5168.12~~, 5168.13, 5168.99, and 5168.991 of the Revised Code are 130396
hereby repealed, effective October 16, ~~2015~~ 2017. 130397

(B) Any Notwithstanding the repeal by this act of section 130398
5168.12 of the Revised Code, any money remaining in the 130399
Legislative Budget Services Fund on ~~October 16, 2015~~, the 130400
effective date of the repeal of that section ~~5168.12 of the~~ 130401
~~Revised Code is repealed by division (A) of this section~~, shall be 130402
used solely for the purposes stated in then former section 5168.12 130403
of the Revised Code. When all money in the Legislative Budget 130404
Services Fund has been spent after then former section 5168.12 of 130405
the Revised Code is repealed ~~under division (A) of this section~~, 130406
the fund shall cease to exist. 130407

Sec. 125.11. Sections 5168.20, 5168.21, 5168.22, 5168.23, 130408
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 130409
Code are hereby repealed, effective October 1, ~~2015~~ 2017. 130410

Section 610.11. That existing Sections 125.10 and 125.11 of 130411
Am. Sub. H.B. 59 of the 130th General Assembly are hereby 130412
repealed. 130413

Section 610.14. That Section 745.10 of Am. Sub. H.B. 483 of the 130th General Assembly be amended to read as follows:

Sec. 745.10. (A) There is hereby created the Maritime Port Funding Study Committee. The committee shall consist of the following ten members who shall be appointed not later than thirty days after the effective date of this section:

(1) Two members of the Senate, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the President of the Senate;

(2) Two members of the House of Representatives, one of whom shall be a member of the majority party and one of whom shall be a member of the minority party, both appointed by the Speaker of the House of Representatives;

(3) Two members appointed by the Governor, one of whom shall be from the Ohio Department of Transportation and be knowledgeable about maritime ports and one of whom shall be from the Development Services Agency;

(4) Four members appointed jointly by the President of the Senate and the Speaker of the House of Representatives, each of whom shall represent maritime port interests on behalf of a major maritime port and none of whom shall represent the same maritime port.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular

offices or employments. 130444

(C) The Committee shall study alternative funding mechanisms 130445
for maritime ports in Ohio that may be utilized beginning in 130446
fiscal year 2016-2017. Not later than January 1, ~~2015~~ 2016, the 130447
Study Committee shall issue a report of its findings and 130448
recommendations to the Governor, the President of the Senate, the 130449
Minority Leader of the Senate, the Speaker of the House of 130450
Representatives, and the Minority Leader of the House of 130451
Representatives. After submitting the report, the Study Committee 130452
shall cease to exist. 130453

Section 610.15. That existing Section 745.10 of Am. Sub. H.B. 130454
483 of the 130th General Assembly is hereby repealed. 130455

Section 610.17. That Section 10 of Am. Sub. H.B. 487 of the 130456
130th General Assembly be amended to read as follows: 130457

Sec. 10. (A) For the 2014-2015 and 2015-2016 school ~~year~~ 130458
years, no school district, community school, STEM school, 130459
college-preparatory boarding school, or chartered nonpublic school 130460
shall be required to administer in an online format any 130461
assessments prescribed by sections 3301.0710 and 3301.0712 of the 130462
Revised Code. However, a district or school may administer any of 130463
those assessments in an online format at the discretion of the 130464
district board or school governing authority, or in any 130465
combination of online and paper formats. The Department of 130466
Education shall furnish, free of charge, all such assessments for 130467
that school year regardless of the format selected by the district 130468
or school. School districts and schools are encouraged to 130469
administer the assessments in an online format. 130470

(B) Not later than December 31, 2014, the Department shall 130471
submit a report to the Governor and the General Assembly, in 130472
accordance with section 101.68 of the Revised Code, on the 130473

security of student data with regard to the administration of 130474
online assessments. 130475

(C) Not later than July 1, 2015, the Department shall publish 130476
the number of districts and schools that administered the 130477
assessments required under sections 3301.0710 and 3301.0712 of the 130478
Revised Code in all of the following formats: 130479

(1) Completely in an online format; 130480

(2) Completely in a paper format; 130481

(3) In any combination of online and paper formats. 130482

Section 610.18. That existing Section 10 of Am. Sub. H.B. 487 130483
of the 130th General Assembly is hereby repealed. 130484

Section 610.20. That Sections 207.70, 207.200, 221.20, 130485
235.10, 245.10, 259.10, and 509.60 of Am. H.B. 497 of the 130th 130486
General Assembly be amended to read as follows: 130487

Sec. 207.70. CLT CLARK STATE COMMUNITY COLLEGE 130488

Higher Education Improvement Fund (Fund 7034) 130489

C38519 Energy Efficiency Improvements \$ 2,100,000 130490

C38520 Springfield Downtown Parking Facility \$ 250,000 130491

C38521 Springfield UAS Hangar \$ 500,000 130492

C38522 Food and Bioscience Training Center \$ 1,000,000 130493

TOTAL Higher Education Improvement Fund \$ 3,850,000 130494

TOTAL ALL FUNDS \$ 3,850,000 130495

SPRINGFIELD DOWNTOWN PARKING FACILITY 130496

The foregoing appropriation item C38520, Springfield Downtown 130497
Parking Facility, may be used for transportation and community 130498
strategic planning, including, but not limited to, construction of 130499
a parking garage, studies of parking issues, and long-term 130500
strategic community planning. 130501

Sec. 207.200.	NCC NORTH CENTRAL TECHNICAL COLLEGE			130502
	Higher Education Improvement Fund (Fund 7034)			130503
C38010	Kehoe Center Infrastructure Renovation	\$	350,000	130504
C38014	IT Data Infrastructure Upgrade Project	\$	1,400,000	130505
C38015	Crawford County Higher Education Center	\$	850,000	130506
C38016	MEDAL Talent Innovation Network	\$	500,000	130507
C38017	Ashland University College of Nursing	\$	1,000,000	130508
	TOTAL Higher Education Improvement Fund	\$	4,100,000	130509
			<u>3,100,000</u>	
	TOTAL ALL FUNDS	\$	4,100,000	130510
			<u>3,100,000</u>	

Sec. 221.20. The Treasurer of State is hereby authorized to 130512
issue and sell in accordance with Section 2i of Article VIII, Ohio 130513
Constitution, and Chapter 154. of the Revised Code, particularly 130514
section 154.20 of the Revised Code, original obligations in an 130515
aggregate principal amount not to exceed ~~\$40,000,000~~ \$41,000,000 130516
in addition to the original issuance of obligations heretofore 130517
authorized by prior acts of the General Assembly. These authorized 130518
obligations shall be issued, subject to applicable constitutional 130519
and statutory limitations, as needed to provide sufficient moneys 130520
to the credit of the Mental Health Facilities Improvement Fund 130521
(Fund 7033) to pay costs of capital facilities as defined in 130522
section 154.01 of the Revised Code for mental hygiene and 130523
retardation. 130524

Sec. 235.10.	DEV DEVELOPMENT SERVICES AGENCY			130525
	Coal Research and Development Fund (Fund 7046)			130526
C19505	Coal Research and Development	\$	3,000,000	130527
	TOTAL Coal Research and Development Fund	\$	3,000,000	130528
	<u>Service Station Cleanup Fund (Fund 7100)</u>			130529

<u>C19507</u>	<u>Service Station Cleanup</u>	\$	<u>20,000,000</u>	130530
<u>TOTAL</u>	<u>Service Station Cleanup Fund</u>	\$	<u>20,000,000</u>	130531
<u>TOTAL ALL FUNDS</u>		\$	<u>3,000,000</u>	130532
			<u>23,000,000</u>	
	<u>SERVICE STATION CLEANUP FUND</u>			130533
	<u>(A) For purposes of this section:</u>			130534
	<u>(1) "Political subdivision" means a county, municipal</u>			130535
	<u>corporation, township, or port authority.</u>			130536
	<u>(2) "Class C release" has the same meaning as in section</u>			130537
	<u>3737.87 of the Revised Code.</u>			130538
	<u>(3) "Property assessment" means a property assessment</u>			130539
	<u>conducted in accordance with section 3746.04 of the Revised Code</u>			130540
	<u>or a corrective action process or source investigation process</u>			130541
	<u>under section 1301:7-9-13 of the Ohio Administrative Code.</u>			130542
	<u>(4) "Property owner" means a political subdivision and an</u>			130543
	<u>organization that owns publicly owned lands.</u>			130544
	<u>(5) "Cleanup or remediation" means any action at a Class C</u>			130545
	<u>release site to contain, remove, or dispose of petroleum or other</u>			130546
	<u>hazardous substances or remove underground storage tanks used to</u>			130547
	<u>store petroleum or other hazardous substances.</u>			130548
	<u>(6) "Publicly owned lands" includes lands that are owned by</u>			130549
	<u>an organization that has entered into a relevant agreement with a</u>			130550
	<u>political subdivision.</u>			130551
	<u>(B) The Abandoned Gas Station Cleanup Grant Program is</u>			130552
	<u>established in the Development Services Agency for the purpose of</u>			130553
	<u>cleanup and remediation of Class C release sites to provide for</u>			130554
	<u>and enable the environmentally safe and productive reuse of</u>			130555
	<u>publicly owned lands by the remediation or cleanup, or planning</u>			130556
	<u>and assessment for that remediation or cleanup, of contamination</u>			130557
	<u>or by addressing property conditions or circumstances that may be</u>			130558

deleterious to public health and safety or the environment or that 130559
preclude or inhibit environmentally sound or economic reuse of the 130560
property as authorized by Section 2o of Article VIII of the Ohio 130561
Constitution. Under this program, the Director of Development 130562
Services may do either or both of the following: 130563

(1) Award a grant of up to \$100,000 to a property owner for 130564
purposes of a property assessment on a Class C release site; 130565

(2) Award a grant of up to \$500,000 to a property owner for 130566
purposes of cleanup or remediation of a Class C release site. 130567

Grants under divisions (B)(1) and (2) of this section shall 130568
be used by a property owner to create a site that provides 130569
opportunities for economic impact through redevelopment. The 130570
Director of Development Services may consult with the 130571
Environmental Protection Agency, the State Fire Marshal, the Ohio 130572
Water Development Authority, and the Ohio Public Works Commission 130573
in connection with this program and the awarding of these grants. 130574
Sections 122.651 to 122.658 of the Revised Code do not apply to 130575
this program. 130576

(C) A property owner applying for a grant under division 130577
(B)(1) or (2) of this section shall submit an application for the 130578
grant on a form prescribed by the Director of Development 130579
Services. 130580

An authorized representative of the property owner shall sign 130581
and submit an affidavit with the application certifying that the 130582
property owner did not cause or contribute to any prior release of 130583
petroleum or other hazardous substances on the site. 130584

Upon receipt of an application, the Director shall examine 130585
the application and all accompanying information to determine if 130586
the application is complete. If the Director determines that the 130587
application is not complete, the Director shall promptly notify 130588
the property owner that the application is not complete, provide a 130589

description of the information that is missing from the 130590
application, and return the application and all accompanying 130591
information to the property owner. The property owner may resubmit 130592
the application. 130593

If the Director approves an application under this section, 130594
the Director may enter into an agreement with the property owner 130595
to award a grant to the property owner. The agreement shall be 130596
executed prior to paying or disbursing any grant funds approved by 130597
the Director under this section. 130598

(D) The Service Station Cleanup Fund (Fund 7100) is hereby 130599
created in the state treasury. The fund shall consist of moneys 130600
transferred to it pursuant to this section from the Clean Ohio 130601
Revitalization Fund (Fund 7003) created in section 122.658 of the 130602
Revised Code. Investment earnings of the fund shall be credited to 130603
the fund. Moneys in the fund shall be used to award grants 130604
pursuant to the Abandoned Gas Station Cleanup Grant Program 130605
established in this section. 130606

(E) At the request of the Director of Development Services 130607
the Director of Budget and Management may transfer up to 130608
\$20,000,000 cash from the Clean Ohio Revitalization Fund (Fund 130609
7003) to the Service Station Cleanup Fund (Fund 7100) as needed to 130610
provide for grants awarded by the Director of Development Services 130611
under this section. 130612

Sec. 245.10. PWC PUBLIC WORKS COMMISSION 130613

State Capital Improvements Fund (Fund 7038) 130614

C15000 Local Public Infrastructure/State CIP \$ 300,000,000 130615

TOTAL State Capital Improvements Fund \$ 300,000,000 130616

State Capital Improvements Revolving Loan Fund (Fund 7040) 130617

C15030 Revolving Loan \$ 69,000,000 130618

TOTAL State Capital Improvements Revolving Loan \$ 69,000,000 130619

Fund

Clean Ohio Conservation Fund (Fund 7056)			130620
C15060 Clean Ohio Conservation Program	\$	75,000,000	130621
TOTAL Clean Ohio Conservation Fund	\$	75,000,000	130622
<u>Sewer Development Advancement Fund (Fund 7101)</u>			130623
<u>C150RX Sewer Development Advancement</u>	\$	<u>960,000</u>	130624
<u>TOTAL Sewer Development Advancement Fund</u>	\$	<u>960,000</u>	130625
TOTAL ALL FUNDS	\$	444,000,000	130626
		<u>444,960,000</u>	

LOCAL PUBLIC INFRASTRUCTURE 130627

The foregoing appropriation item C15000, Local Public 130628
 Infrastructure/State CIP, shall be used in accordance with 130629
 sections 164.01 to 164.12 of the Revised Code. The Director of the 130630
 Public Works Commission may certify to the Director of Budget and 130631
 Management that a need exists to appropriate investment earnings 130632
 to be used in accordance with sections 164.01 to 164.12 of the 130633
 Revised Code. If the Director of Budget and Management determines 130634
 pursuant to division (D) of section 164.08 and section 164.12 of 130635
 the Revised Code that investment earnings are available to support 130636
 additional appropriations, such amounts are hereby appropriated. 130637

If the Public Works Commission receives refunds due to 130638
 project overpayments that are discovered during a post-project 130639
 audit, the Director of the Public Works Commission may certify to 130640
 the Director of Budget and Management that refunds have been 130641
 received. In certifying the refunds, the Director of the Public 130642
 Works Commission shall provide the Director of Budget and 130643
 Management information on the project refunds. The certification 130644
 shall detail by project the source and amount of project 130645
 overpayments received and include any supporting documentation 130646
 required or requested by the Director of Budget and Management. 130647
 Upon receipt of the certification, the Director of Budget and 130648
 Management shall determine if the project refunds are necessary to 130649

support existing appropriations. If the project refunds are 130650
available to support additional appropriations, these amounts are 130651
hereby appropriated to appropriation item C15030, Revolving Loan. 130652

REVOLVING LOAN 130653

The foregoing appropriation item C15030, Revolving Loan, 130654
shall be used in accordance with sections 164.01 to 164.12 of the 130655
Revised Code. 130656

If the Public Works Commission receives refunds due to 130657
project overpayments that are discovered during a post-project 130658
audit, the Director of the Public Works Commission may certify to 130659
the Director of Budget and Management that refunds have been 130660
received. In certifying the refunds, the Director of the Public 130661
Works Commission shall provide the Director of Budget and 130662
Management information on the project refunds. The certification 130663
shall detail by project the source and amount of project 130664
overpayments received and include any supporting documentation 130665
required or requested by the Director of Budget and Management. 130666
Upon receipt of the certification, the Director of Budget and 130667
Management shall determine if the project refunds are necessary to 130668
support existing appropriations. If the project refunds are 130669
available to support additional appropriations, these amounts are 130670
hereby appropriated to appropriation item C15030, Revolving Loan. 130671

STATE CAPITAL IMPROVEMENTS REVOLVING LOAN FUND 130672

Revenues to the State Capital Improvements Revolving Loan 130673
Fund (Fund 7040) shall consist of all repayments of loans made to 130674
local subdivisions for capital improvements, investment earnings 130675
on moneys in the fund, and moneys obtained from federal or private 130676
grants or from other sources for the purpose of making loans for 130677
the purpose of financing or assisting in the financing of the cost 130678
of capital improvement projects of local subdivisions. 130679

If the Public Works Commission receives refunds due to 130680

project overpayments that are discovered during the post-project 130681
audit, the Director of the Public Works Commission may certify to 130682
the Director of Budget and Management that refunds have been 130683
received. If the Director of Budget and Management determines that 130684
the project refunds are available to support additional 130685
appropriations, such amounts are hereby appropriated. 130686

CLEAN OHIO CONSERVATION GRANT REPAYMENTS 130687

Any amount in grant repayments received by the Public Works 130688
Commission and deposited into the Clean Ohio Conservation Fund 130689
pursuant to section 164.261 of the Revised Code is hereby 130690
appropriated through the foregoing appropriation item C15060, 130691
Clean Ohio Conservation. 130692

SEWER DEVELOPMENT ADVANCEMENT 130693

On August 31, 2015, or as soon as possible thereafter, the 130694
Director of Budget and Management shall transfer \$1,000,000 cash 130695
from the General Revenue Fund to the Sewer Development Advancement 130696
Fund (Fund 7101). 130697

The foregoing appropriation item C150RX, Sewer Development 130698
Advancement, shall be used for the purposes described in section 130699
164.13 of the Revised Code. 130700

Reappropriations

Sec. 259.10. DAS DEPARTMENT OF ADMINISTRATIVE SERVICES			130701
Administrative Building Fund (Fund 7026)			130702
C10000 Governor's Residence	\$	376,384	130703
C10010 Office Services Building Renovation	\$	776,561	130704
C10011 Statewide Communications System	\$	199,723	130705
C10015 SOCC Renovations	\$	333,180	130706
C10016 Hamilton St/Local Government Center - Plan	\$	57,500	130707
C10019 25 S. Front Street Renovations	\$	367,932	130708

C10020	North High Building Complex Renovations	\$	10,685,993	130709
C10021	Office Space Planning	\$	4,796,323	130710
C10022	Governor's Residence Security Upgrade	\$	24,250	130711
C10023	eSecure Ohio	\$	160,043	130712
C10025	eGovernment Infrastructure	\$	82,675	130713
C10026	DAS Building Security	\$	11,067	130714
C10031	Operations Facilities Improvement	\$	191,978	130715
TOTAL Administrative Building Fund		\$	18,063,609	130716
General Revenue Fund (GRF)				130717
C10008	Urban Areas Community Improvement	\$	20,000	130718
TOTAL General Revenue Fund		\$	20,000	130719
TOTAL ALL FUNDS		\$	18,083,609	130720

MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM 130721

There is hereby continued a Multi-Agency Radio Communications 130722
System (MARCS) Steering Committee consisting of the designees of 130723
the Directors of Administrative Services, Public Safety, Natural 130724
Resources, Transportation, Rehabilitation and Correction, and 130725
Budget and Management, and the State Fire Marshal or the State 130726
Fire Marshal's designee. The Director of Administrative Services 130727
or the Director's designee shall chair the Committee. The 130728
Committee shall provide assistance to the Director of 130729
Administrative Services for effective and efficient implementation 130730
of MARCS as well as develop policies for the ongoing management of 130731
the system. Upon dates prescribed by the Directors of 130732
Administrative Services and Budget and Management, the MARCS 130733
Steering Committee shall report to the Directors on the progress 130734
of MARCS implementation and the development of policies related to 130735
the system. 130736

The Committee may establish a subcommittee to represent MARCS 130737
users on the local government level. If the Committee establishes 130738
such a subcommittee, the chairperson of the subcommittee also may 130739
serve as a member of the MARCS Steering Committee. 130740

The foregoing appropriation item C10011, Statewide Communications System, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, multi-agency equipment at the Emergency Operations Center/Joint Dispatch Facility, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers and between towers and the State of Ohio Network for Integrated Communication (SONIC) system. The Director of Administrative Services shall, with the concurrence of the MARCS Steering Committee, determine the specific use of funds.

The amount reappropriated for the foregoing appropriation item C10011, Statewide Communications System, is the unencumbered and unallotted balance as of June 30, 2014, in appropriation item C10011, Statewide Communications System, plus \$66,092. Prior to the expenditure of this reappropriation, the Director of Administrative Services shall certify to the Director of Budget and Management canceled encumbrances in the Administrative Building Fund (Fund 7026) in the amount of at least \$66,092. Spending from this appropriation item shall not be subject to Chapters 123. and 153. of the Revised Code.

SOCC RENOVATIONS

The amount reappropriated for the foregoing appropriation item C10015, SOCC Renovations, is the unencumbered and unallotted balance as of June 30, 2014, in appropriation item C10015, SOCC Renovations, plus \$36,166. Prior to the expenditure of this reappropriation, the Director of Administrative Services shall certify to the Director of Budget and Management canceled encumbrances in the Administrative Building Fund (Fund 7026) in the amount of at least \$36,166.

NORTH HIGH BUILDING COMPLEX RENOVATIONS

The amount reappropriated for the foregoing appropriation 130773
item C10020, North High Building Complex Renovations, is the 130774
unencumbered and unallotted balance as of June 30, 2014, in 130775
appropriation item C10020, North High Building Complex 130776
Renovations, plus \$845,454. Prior to the expenditure of this 130777
reappropriation, the Director of Administrative Services shall 130778
certify to the Director of Budget and Management canceled 130779
encumbrances in the Administrative Building Fund (Fund 7026) in 130780
the amount of at least \$845,454. 130781

OFFICE SPACE PLANNING 130782

The amount reappropriated for the foregoing appropriation 130783
item C10021, Office Space Planning, is the unencumbered and 130784
unallotted balance as of June 30, 2014, in appropriation item 130785
C10021, Office Space Planning, plus \$60,126. Prior to the 130786
expenditure of this reappropriation, the Director of 130787
Administrative Services shall certify to the Director of Budget 130788
and Management canceled encumbrances in the Administrative 130789
Building Fund (Fund 7026) in the amount of at least \$60,126. 130790

ESECURE OHIO 130791

The amount reappropriated for the foregoing appropriation 130792
item C10023, eSecure Ohio, is the unencumbered and unallotted 130793
balance as of June 30, 2014, in appropriation item C10023, eSecure 130794
Ohio, plus \$31,590. Prior to the expenditure of this 130795
reappropriation, the Director of Administrative Services shall 130796
certify to the Director of Budget and Management canceled 130797
encumbrances in the Administrative Building Fund (Fund 7026) in 130798
the amount of at least \$31,590. 130799

Sec. 509.60. CAPITAL RELEASES BY THE DIRECTOR OF BUDGET AND 130800
MANAGEMENT 130801

Notwithstanding section 126.14 of the Revised Code, 130802

appropriations for appropriation items C50100, Local Jails, and 130803
C50101, Community-Based Correctional Facilities, appropriated from 130804
the Adult Correctional Building Fund (Fund 7027) to the Department 130805
of Rehabilitation and Correction shall be released upon the 130806
written approval of the Director of Budget and Management. The 130807
appropriations from the Public School Building Fund (Fund 7021), 130808
the Education Facilities Trust Fund (Fund N087), and the School 130809
Building Program Assistance Fund (Fund 7032) to the School 130810
Facilities Commission, from the Transportation Building Fund (Fund 130811
7029) to the Department of Transportation, from the Clean Ohio 130812
Conservation Fund (Fund 7056) ~~to the Public Works Commission, and~~ 130813
~~appropriations from~~ the State Capital Improvement Fund (Fund 130814
7038) ~~and~~ the State Capital Improvements Revolving Loan Fund 130815
(Fund 7040), and the Sewer Development Advancement Fund (Fund 130816
7101) to the Public Works Commission shall be released upon 130817
presentation of a request to release the funds, by the agency to 130818
which the appropriation has been made, to the Director of Budget 130819
and Management. 130820

Section 610.21. That existing Sections 207.70, 207.200, 130821
221.20, 235.10, 245.10, 259.10, and 509.60 of Am. H.B. 497 of the 130822
130th General Assembly are hereby repealed. 130823

Section 610.22. That Section 2 of Am. Sub. S.B. 1 of the 130824
130th General Assembly be amended to read as follows: 130825

Sec. 2. (A) As used in this section: 130826

(1) "Institution" means any of the following: 130827

(a) A state institution of higher education, as defined in 130828
section 3345.011 of the Revised Code; 130829

(b) A private career school, as defined in section 3332.01 of 130830
the Revised Code; 130831

(c) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(e) A career-technical center, joint vocational school district, comprehensive career-technical center, or compact career-technical center offering adult training.

(2) "Workforce training program" includes any of the following:

(a) Courses, programs, or a degree from an institution;

(b) Vocational education classes offered to adult learners;

(c) Any other training program designed to meet the special requirements of a particular employer.

(B)(1) The OhioMeansJobs Workforce Development Revolving Loan Program is hereby established for the purpose of assisting with job growth and advancement through training and retraining. The Chancellor of ~~the Ohio Board of Regents~~ Higher Education shall ~~administer the program and shall~~ award funds to an institution that the institution shall use to award loans to participants in a workforce training program that is approved by the Chancellor and that is administered by the institution.

(2) In awarding funds under this section, the Chancellor shall give a preference to an institution for a workforce training program in which the institution partners with a business that is willing to repay all or part of the loan on behalf of a program participant or with a business that also provides funding for the program, in comparison to a program that does not have such a

partnership. The Chancellor shall consider a program that has 130862
employment opportunities in areas that are in demand, including, 130863
but not limited to, energy exploration. 130864

(3) The Chancellor also shall consider all of the following 130865
factors when determining whether to award funds under this section 130866
to an institution for a workforce training program, to the extent 130867
that these factors apply to the program: 130868

(a) The success rate of the workforce training program 130869
offered by the institution; 130870

(b) The cost of the workforce training program based upon a 130871
comparison of similar workforce training programs offered in this 130872
state; 130873

(c) The rate that the workforce training program participants 130874
obtain employment in the field in which they receive training 130875
under the program; 130876

(d) The willingness of the institution to assist a 130877
participant in paying for the costs of participating in the 130878
workforce training program; 130879

(e) The extent to which the program has demonstrated support 130880
from business partners. 130881

(4) After the initial funds are awarded to institutions under 130882
this section, the Chancellor, in awarding subsequent funds under 130883
this section, shall give greater weight to the factors listed in 130884
division (B)(3)(a) of this section in comparison to the other 130885
factors listed in division (B)(3) of this section, but shall not 130886
give that factor greater weight than the preference given in 130887
division (B)(2) of this section. 130888

(C) Funds shall be disbursed to successful applicants using 130889
moneys from the OhioMeansJobs Workforce Development Revolving Loan 130890
Fund established in section 6301.14 of the Revised Code. The 130891

Chancellor shall not award to an institution more than one hundred thousand dollars per workforce training program per year under this section. An institution receiving funds under this section shall establish, in consultation with the ~~Board of Regents~~ Department of Higher Education, eligibility requirements that a participant in the workforce training program for which the institution received the funds shall satisfy to receive a loan under this section, and the institution shall ~~disburse~~ apply the loan proceeds to program costs for those participants who satisfy those requirements. A loan ~~awarded~~ applied by an institution to a program costs for a participant under this section shall not exceed ten thousand dollars per program in which the participant participates.

(D) Except as provided in the rules adopted by the ~~Chancellor~~ Treasurer of State pursuant to division ~~(E)-(3)~~(G) of this section, a loan to a program participant shall remain interest-free until six months after the date the participant successfully completes the workforce training program, if the participant also continues to reside in this state. Beginning on the earlier of the date that is six months after the individual completes the workforce training program for which the participant received a loan under this section, the date the individual terminates enrollment in the workforce training program without completion, or the date the participant ceases to reside in this state, the ~~Chancellor~~ Treasurer of State shall assess a rate of interest of not more than four per cent per annum on any outstanding principal balance of that loan. The ~~Chancellor~~ Treasurer of State shall not assess a zero per cent interest rate. The ~~Chancellor~~ Treasurer of State shall establish a payment schedule not to exceed seven years after the date a participant successfully completes the workforce training program.

(E) The Chancellor shall prescribe, by rule adopted in

accordance with Chapter 119. of the Revised Code, procedures 130924
necessary to carry out this section, including all of the 130925
following: 130926

(1) Application procedures for funds under this section, 130927
which shall require an applicant to include a description of the 130928
workforce training program for which the institution intends to 130929
award loans and the number of individuals who will be 130930
participating in that program; 130931

~~(2) Terms for repayment of a loan;~~ 130932

~~(3) Assessment of interest on loans for a participant who 130933
fails to comply with continuing eligibility requirements, who 130934
fails to complete the workforce training program for which the 130935
participant received the loan, or whose participation in the 130936
program is on a staggered basis;~~ 130937

~~(4) A method to determine the amount of funds awarded to an 130938
institution based on the costs of the workforce training program 130939
for which a program participant receives a loan and the number of 130940
individuals the institution estimates will participate in the 130941
program;~~ 130942

~~(5) Disbursement of funds to an institution;~~ 130943

~~(6)~~(3) The process by which the Chancellor approves workforce 130944
training programs for which loans are granted under this section. 130945

(F) The Treasurer of State shall ~~serve as an agent for the~~ 130946
~~Chancellor in the~~ be responsible for making of deposits and 130947
withdrawals and ~~maintenance of~~ maintaining records pertaining to 130948
the OhioMeansJobs Workforce Development Revolving Loan Fund. 130949

(G)~~(1) The Chancellor may designate either the Treasurer of~~ 130950
~~State or a third party to serve as the Chancellor's agent in~~ 130951
~~servicing the loans described in this section. The agent~~ 130952
~~designated by the Chancellor pursuant to this division is~~ 130953

~~authorized to take such actions and to enter into such contracts 130954
and to execute all instruments necessary or appropriate to service 130955
loans described in this section. If the Chancellor or an agent of 130956
the Chancellor designated by the Chancellor who is not the 130957
Treasurer of State services the loans described in this section, 130958
the Chancellor shall adopt rules in accordance with Chapter 119. 130959
of the Revised Code to establish a fee to be charged to a loan 130960
recipient to offset the cost of servicing the loan. 130961~~

~~(2) If the The Treasurer of State is designated the agent 130962
pursuant to this division, the Treasurer of State shall service 130963
the loans described in this section and may designate a third 130964
party to serve as an agent of the Treasurer of State in servicing 130965
the loans. The A third party designated by the Treasurer of State 130966
is authorized to take such actions, to enter into such contracts, 130967
and to execute all instruments necessary or appropriate to service 130968
those loans. ~~If the The Treasurer of State or an agent of the 130969
Treasurer of State services the loans pursuant to this division, 130970
the Treasurer of State shall adopt rules pursuant to section 130971
111.15 of the Revised Code to establish do all of the following: 130972~~~~

~~(1) Establish a fee to be charged to a loan recipient to 130973
offset the cost of servicing the loan; 130974~~

~~(2) Establish terms of repayment for a loan; 130975~~

~~(3) Assess interest on loans for a participant who fails to 130976
comply with continuing eligibility requirements, who fails to 130977
complete the workforce training program for which the participant 130978
received the loan, or whose participation in the program is on a 130979
staggered basis; 130980~~

~~(4) Disburse funds to an institution. The 130981~~

~~(H) The Treasurer of State may adopt any additional rules 130982
pursuant to section 111.15 of the Revised Code that the Treasurer 130983
of State considers necessary to implement ~~this~~ division (G) of 130984~~

this section. 130985

~~(3)~~(I) The loan servicing fee established pursuant to 130986
division (G)(1) ~~or (2)~~ of this section shall not exceed the actual 130987
cost of servicing the loan. 130988

~~(H)~~(J)(1) The Chancellor shall prepare a report outlining the 130989
amount each institution received under this section during the 130990
previous year, including the amount awarded to each individual 130991
workforce training program. ~~The Chancellor may include in the~~ 130992
~~report any recommendations for legislative changes to the Program~~ 130993
~~that the Chancellor determines are necessary to improve the~~ 130994
~~functioning and efficiency of the Program.~~ 130995

(2) Beginning on July 1, 2014, and continuing every year 130996
thereafter for so long as the Chancellor awards funds under the 130997
Program, the Chancellor shall submit the report prepared in 130998
division ~~(H)~~(J)(1) of this section to the Governor, the Speaker 130999
and Minority Leader of the House of Representatives, and the 131000
President and Minority Leader of the Senate. 131001

Section 610.23. That existing Section 2 of Am. Sub. S.B. 1 of 131002
the 130th General Assembly is hereby repealed. 131003

Section 610.30. That Section 5 of Am. Sub. S.B. 314 of the 131004
129th General Assembly be amended to read as follows: 131005

Sec. 5. (A) There is hereby established a five-year pilot 131006
program to test a new funding mechanism for the state's travel and 131007
tourism marketing. The funding mechanism shall begin operation in 131008
fiscal year 2014 and be calculated as follows: 131009

(1)(a) Not later than the twentieth day of October of each 131010
year, starting in 2013 and ending in 2017, the Tax Commissioner 131011
shall calculate the growth in fiscal year sales tax revenue from 131012
certain defined categories that are related to tourism and certify 131013

that amount to the Director of Budget and Management. 131014

(b) Not later than the twentieth day of October of each year, 131015
starting in 2013 and ending in 2017, the Commissioner shall 131016
calculate and certify to the Director the difference, if greater 131017
than zero, between the revenue collected from the tax imposed 131018
under section 5739.02 of the Revised Code during the twelve-month 131019
period ending on the last day of the preceding June and the 131020
revenue collected during the same twelve-month period one year 131021
earlier, for all vendors classified under the industry codes 131022
identified in division (A)(2) of this section. On or before the 131023
last day of October of each year, starting in 2013 and ending in 131024
2017, the Director of Budget and Management shall transfer from 131025
the General Revenue Fund to the Tourism Fund created in section 131026
122.072 of the Revised Code the amount certified by the 131027
Commissioner under this division, except that the transfer shall 131028
not exceed ten million dollars for any fiscal year. 131029

(c) Each fiscal year, beginning in fiscal year 2015, the Tax 131030
Commissioner shall adjust the ten million annual dollar limit on 131031
transfers to the Tourism Fund. The adjustment shall be made by 131032
~~adding to the annual limit the product of~~ multiplying the limit 131033
for the preceding fiscal year by the sum of one plus the 131034
percentage ~~increase~~ change in the Consumer Price Index for all 131035
urban consumers for the Midwest region, as determined by the 131036
United States Bureau of Labor Statistics, for the twelve-month 131037
period corresponding to the preceding fiscal year. The result 131038
shall be rounded to the nearest one thousand dollars. The 131039
calculation of the percentage increase in the Consumer Price Index 131040
shall be done by taking the average index value over the twelve 131041
months of the last completed fiscal year and comparing that to the 131042
average index value over the twelve months of the immediately 131043
preceding fiscal year. 131044

(2) The following industries included in the industrial 131045

classification system used by the Tax Commissioner shall be used 131046
in the computations under division (A)(1) of this section: air 131047
transportation; water transportation; interurban and rural bus 131048
transportation; taxi service; limousine service; other transit and 131049
ground passenger transportation; scenic and sightseeing 131050
transportation; support activities for air transportation; 131051
automotive equipment rental and leasing; travel arrangement and 131052
reservation services; performing arts companies; spectator sports; 131053
independent artists, writers, and performers; museums, historical 131054
sites, and similar institutions; amusement parks and arcades; 131055
gambling industries; hotels and motels; casino hotels; 131056
bed-and-breakfast inns; other travel accommodations; recreational 131057
vehicle parks and recreational camps; full-service restaurants; 131058
limited-service eating places; drinking places (alcoholic 131059
beverages). 131060

(B) The pilot program shall terminate when the last transfer 131061
of funds made in accordance with division (A)(1)(b) of this 131062
section occurs in fiscal year 2018, specifically in October 2017. 131063
At that time, the Director of Development Services, the Director 131064
of Budget and Management, and the Tax Commissioner shall jointly 131065
review the pilot program and make recommendations to the Governor 131066
and the General Assembly on whether to make the funding mechanism 131067
permanent and, if so, whether any changes should be made to it. If 131068
the recommendation is to make the funding mechanism permanent, the 131069
Director of Development Services, the Director of Budget and 131070
Management, and the Tax Commissioner shall also study and make 131071
recommendations to the Governor and the General Assembly as to 131072
whether the Office of TourismOhio and its functions should be 131073
removed from the Development Services Agency and established as a 131074
private nonprofit corporation or a subsidiary corporation of 131075
JobsOhio. 131076

Section 610.31. That existing Section 5 of Am. Sub. S.B. 314 131077

of the 129th General Assembly is hereby repealed. 131078

Section 610.32. That Section 9 of Am. Sub. H.B. 386 of the 131079
129th General Assembly, as amended by Am. Sub. H.B. 59 of the 131080
130th General Assembly, be amended to read as follows: 131081

Sec. 9. (A) As used in this section, ~~"permit:~~ 131082

"Permit holder" and "track" have the same meanings as in 131083
Section 7 of this act. 131084

"Eligible entity" means a municipal corporation or township 131085
that received moneys from the Casino Operator Settlement Fund 131086
under Section 10 of Am. Sub. H.B. 386 of the 129th General 131087
Assembly, as subsequently amended. 131088

(B) ~~The Governor, in consultation with the State Racing~~ 131089
~~Commission, shall discuss, negotiate in good faith, and reach an~~ 131090
~~agreement with necessary parties regarding providing five hundred~~ 131091
~~thousand dollars per year, with the first payment by December 31,~~ 131092
~~2014, and annually thereafter, to the municipal corporations or~~ 131093
~~townships receiving moneys from the Casino Operator Settlement~~ 131094
~~Fund under Section 10 of Am. Sub. H.B. 386 of the 129th General~~ 131095
~~Assembly, as subsequently amended~~ Each eligible entity shall 131096
receive a total of one million dollars in the following manner: 131097

(1) The Director of Budget and Management shall pay two 131098
hundred fifty thousand dollars to each eligible entity not later 131099
than December 31, 2015, from the Casino Operator Settlement Fund; 131100

(2) The permit holder of a track located in an eligible 131101
entity shall pay two hundred fifty thousand dollars to each 131102
eligible entity not later than December 31, 2015; 131103

(3) The Director of Budget and Management shall pay two 131104
hundred fifty thousand dollars to each eligible entity not later 131105
than December 31, 2016, from the Casino Operator Settlement Fund; 131106

and 131107

(4) The permit holder of a track located in an eligible 131108
entity shall pay two hundred fifty thousand dollars to each 131109
eligible entity not later than December 31, 2016. 131110

Section 610.33. That existing Section 9 of Am. Sub. H.B. 386 131111
of the 129th General Assembly, as amended by Am. Sub. H.B. 59 of 131112
the 130th General Assembly, is hereby repealed. 131113

Section 610.35. That Section 7 of Sub. H.B. 532 of the 129th 131114
General Assembly be amended to read as follows: 131115

Sec. 7. (A) This section applies only to a city school 131116
district that currently leases an athletic field to the governing 131117
authority of a chartered nonpublic school. 131118

(B) Notwithstanding ~~section~~ sections 3313.41 and 3313.413 of 131119
the Revised Code, the board of education of a school district to 131120
which this section applies may offer for sale an athletic field 131121
that it owns in its corporate capacity to the chartered nonpublic 131122
school that is the current leaseholder of that property prior to 131123
offering that property for sale under the provisions of ~~section~~ 131124
sections 3313.41 and 3313.413 of the Revised Code. 131125

(C) This section shall expire on December 31, ~~2015~~ 2017. 131126

Section 610.36. That existing Section 7 of Sub. H.B. 532 of 131127
the 129th General Assembly is hereby repealed. 131128

Section 610.37. That Section 4 of Sub. S.B. 171 of the 129th 131129
General Assembly, as most recently amended by Am. Sub. H.B. 59 of 131130
the 130th General Assembly, be amended to read as follows: 131131

Sec. 4. The following agencies are retained under division 131132
(D) of section 101.83 of the Revised Code and expire on December 131133

31, 2016:		131134
AGENCY NAME	REVISED CODE OR UNCODIFIED SECTION	131135
Academic Distress Commission	3302.10	131136
Advisory Board of Governor's Office of Faith-Based and Community Initiatives	107.12	131137
Advisory Board to Assist and Advise in the Operation of the Ohio Center for Autism and Low Incidence	3323.33, 3323.34	131138
Advisory Council on Amusement Ride Safety	1711.51, 1711.52	131139
Office of Enterprise Development Advisory Board	5145.162	131140
Advisory Council for Wild, Scenic, or Recreational River Area(s)	1547.84	131141
Advisory Committee on Livestock Exhibitions	901.71	131142
Agricultural Commodity Marketing Programs Operating Committees	924.07	131143
Agricultural Commodity Marketing Programs Coordinating Committee	924.14	131144
Alternative Energy Advisory Committee	4928.64(D)	131145
AMBER Alert Advisory Committee	5502.521	131146
Apprenticeship Council	Chapter 4139.	131147
Armory Board of Control	5911.09, 5911.12	131148
Automated Title Processing Board	4505.09(C)(1)	131149
Backflow Advisory Board	3703.21	131150
Banking Commission	1123.01	131151
Board of Directors of the Great Lakes Protection Fund	1506.22 (6161.04)	131152
Board of Directors of the Medical Liability Underwriting Association Stabilization Fund	3929.631	131153
Board of Directors of the Ohio Appalachian Center for Higher Education	3333.58	131154

Board of Directors of the Ohio Health Reinsurance Program	3924.08 - 3924.11	131155
Board of Governors of the Commercial Insurance Joint Underwriting Association	3930.03	131156
Board of Governors of the Medical Liability Underwriting Association	3929.64	131157
Board of Voting Machines Examiners	3506.05	131158
Budget Planning and Management Commission	Section 509.10, H.B. 1, 128th G.A.	131159
Brain Injury Advisory Committee	3304.231	131160
Bureau of Workers' Compensation Board of Directors	4121.12	131161
Capitol Square Review and Advisory Board	105.41	131162
Child Care Advisory Council	5104.08	131163
Child Support Guideline Advisory Council	3119.024	131164
Children's Trust Fund Board	3109.15 - 3109.17	131165
Citizen's Advisory Council	5123.092, 5123.093	131166
Clean Ohio Trail Advisory Board	1519.06	131167
Coastal Resources Advisory Council	1506.12	131168
Commission on African-American Males	4112.12, 4112.13	131169
Commission on Hispanic-Latino Affairs	121.31	131170
Commission on Minority Health	3701.78	131171
Committee on Prescriptive Governance	4723.49 - 4723.492	131172
Commodity Advisory Commission	926.32	131173
Consumer Advisory Committee to the Opportunities for Ohioans with Disabilities Commission	3304.16 (3304.14), Section 803.40	131174
Continuing Education Committee	109.80(B)	131175
Council on Alcohol and Drug Addiction Services	3793.09	131176

Council on Unreclaimed Strip Mined Lands	1513.29	131177
County Sheriff's Standard Car Marking and Uniform Commission	311.25 - 311.27	131178
Credential Review Board	3319.65	131179
Credit Union Council	1733.329	131180
Criminal Sentencing Advisory Committee	181.22	131181
Data Collection and Analysis Group	3727.32	131182
Dentist Loan Repayment Advisory Board	3702.92	131183
Department Advisory Council(s)	107.18, 121.13	131184
Development Financing Advisory Council	122.40, 122.41	131185
Early Childhood Advisory Council	3301.90	131186
Education Commission of the States (Interstate Compact for Education)	3301.48, 3301.49	131187
Education Management Information System Advisory Board	3301.0713	131188
Educator Standards Board	3319.60	131189
Electrical Safety Inspector Advisory Committee	3783.08	131190
Emergency Response Commission	3750.02	131191
Engineering Experiment Station Advisory Committee	3335.27	131192
Environmental Education Council	3745.21	131193
Environmental Protection Agency Advisory Board(s)	121.13, 3704.03, 3745.01	131194
Broadcast Educational Media Commission	3353.02 - 3353.04	131195
Ex-Offender Reentry Coalition	5120.07	131196
Farmland Preservation Advisory Board	901.23	131197
Financial Planning and Supervision Commission(s) for Municipal Corporation, County, or Township	118.05	131198
Financial Planning and Supervision Commission for a school district	3316.05	131199
Forestry Advisory Council	1503.40	131200
Governance Authority for a State University or College	3345.75	131201

Governor's Council on People with Disabilities	3303.41	131202
Governor's Policy Information Working Group	Section 313, H.B. 420, 127th G.A.	131203
Governor's Residence Advisory Commission	107.40	131204
Grain Marketing Program Operating Committee	924.20 - 924.30	131205
Great Lakes Commission (Great Lakes Basin Compact)	6161.01	131206
Gubernatorial Transition Committee	107.29, 126.26	131207
Help Me Grow Advisory Council	3701.611	131208
Hemophilia Advisory Subcommittee of the Medically Handicapped Children's Medical Advisory Council	3701.0210	131209
Homeland Security Advisory Council	5502.011(E)	131210
Hospital Measures Advisory Council	3727.31	131211
Housing Trust Fund Advisory Committee	174.06	131212
Industrial Commission Nominating Council	4121.04	131213
Industrial Technology and Enterprise Advisory Council	122.29, 122.30	131214
Infant Hearing Screening Subcommittee	3701.507	131215
Infection Control Group	3727.312(D)	131216
Insurance Agent Education Advisory Council	3905.483	131217
Interstate Rail Passenger Advisory Council	4981.35	131218
Joint Select Committee on Volume Cap	133.021	131219
Labor-Management Government Advisory Council	4121.70	131220
Legislative Programming Committee of the Ohio Government Telecommunications Service	3353.07	131221
Legislative Task Force on Redistricting, Reapportionment, and Demographic Research	103.51	131222
Maternity and Newborn Advisory Council	3711.20, 3711.21	131223
Medically Handicapped Children's Medical Advisory Council	3701.025	131224
Midwest Interstate Passenger Rail Compact Commission	4981.361	131225

Milk Sanitation Board	917.03 - 917.032	131226
Mine Subsidence Insurance Governing Board	3929.51	131227
Minority Development Financing Advisory Board	122.72, 122.73	131228
Multi-Agency Radio Communications System (MARCS) Steering Committee	Section 15.02, H.B. 640, 123rd G.A.	131229
National Museum of Afro-American History and Culture Planning Committee	149.303	131230
New African Immigrants Commission	4112.31, 4112.32	131231
Ohio Accountability Task Force	3302.021(E)	131232
Ohio Advisory Council for the Aging	173.03	131233
Ohio Agriculture License Plate Scholarship Fund Board	901.90	131234
Ohio Arts Council	Chapter 3379.	131235
Ohio Business Gateway Steering Committee	5703.57	131236
Ohio Cemetery Dispute Resolution Commission	4767.05, 4767.06	131237
Ohio Civil Rights Commission Advisory Agencies and Conciliation Councils	4112.04(B)(4)	131238
Ohio Commercial Market Assistance Plan Executive Committee	3930.02	131239
Ohio Commission on Dispute Resolution and Conflict Management	179.02 - 179.04	131240
Ohio Commission on Fatherhood	5101.34	131241
Ohio Community Service Council	121.40 - 121.404	131242
Ohio Council for Interstate Adult Offender Supervision	5149.22	131243
Ohio Cultural Facilities Commission	Chapter 3383.	131244
Ohio Cystic Fibrosis Legislative Task Force	101.38	131245
Ohio Developmental Disabilities Council	5123.35	131246
Ohio Expositions Commission	991.02	131247
Ohio Family and Children First Cabinet Council	121.37	131248
Ohio Geographically Referenced Information Program Council	125.901, 125.902	131249

Ohio Geology Advisory Council	1501.11	131250
Ohio Grape Industries Committee	924.51 - 924.55	131251
Ohio Historic Site Preservation Advisory Board	149.301	131252
Ohio Historical Society Board of Trustees	149.30	131253
Ohio Judicial Conference	105.91 - 105.97	131254
Ohio Lake Erie Commission	1506.21	131255
Ohio Legislative Commission on the Education and Preservation of State History	Section 701.05, H.B. 1, 128th G.A.	131256
Ohio Medical Quality Foundation	3701.89	131257
Ohio Parks and Recreation Council	1541.40	131258
Ohio Peace Officer Training Commission	109.71, 109.72	131259
Ohio Private Investigation and Security Services Commission	4749.021, 4743.01	131260
Ohio Public Defender Commission	120.01 - 120.03	131261
Ohio Public Library Information Network Board of Trustees	3375.65, 3375.66	131262
Ohio Quarter Horse Development Commission	3769.086	131263
Ohio Small Government Capital Improvements Commission	164.02(C)(D)	131264
Ohio Soil and Water Conservation Commission	1515.02	131265
Ohio Standardbred Development Commission	3769.085	131266
Ohio Subrogation Rights Commission	2323.44	131267
Ohio Thoroughbred Racing Advisory Committee	3769.084	131268
Ohio Transportation Finance Commission	5531.12(B) to (D)	131269
Ohio Tuition Trust Authority	3334.03, 3334.08	131270
Ohio University College of Osteopathic Medicine Advisory Committee	3337.10, 3337.11	131271
Ohio Vendors Representative Committee	3304.34, 20 USC 107	131272
Ohio War Orphans Scholarship Board	5910.02 - 5910.06	131273

Ohio Water Advisory Council	1521.031	131274
Ohio Water Resources Council Advisory Group	1521.19	131275
Ohio Water Resources Council	1521.19	131276
Oil and Gas Commission	1509.35	131277
Operating Committee of the Oil and Gas Marketing Program	1510.06, 1510.11	131278
Organized Crime Investigations Commission	177.01	131279
Pharmacy and Therapeutics Committee of the Department of Medicaid	5164.7510	131280
Physician Assistant Policy Committee of the State Medical Board	4730.05, 4730.06	131281
Physician Loan Repayment Advisory Board	3702.81	131282
Power Siting Board	4906.02	131283
Prequalification Review Board	5525.07	131284
Private Water Systems Advisory Council	3701.346	131285
Public Utilities Commission Nominating Council	4901.021	131286
Public Utility Property Tax Study Committee	5727.85(K)	131287
Radiation Advisory Council	3748.20	131288
Reclamation Commission	1513.05	131289
Reclamation Forfeiture Fund Advisory Board	1513.182	131290
Recreation and Resources Commission	1501.04	131291
Recycling and Litter Prevention Advisory Council	1502.04	131292
School and Ministerial Lands Divestiture Committee	501.041	131293
Savings and Loan Associations and Savings Banks Board	1181.16	131294
Second Chance Trust Fund Advisory Committee	2108.35	131295
Service Coordination Workgroup	Section 751.20, H.B. 1, 128th G.A.	131296
Ski Tramway Board	4169.02	131297
Small Business Stationary Source Technical and Environmental Compliance Assistance Council	3704.19	131298

Solid Waste Management Advisory Council	3734.51	131299
Special Commission to Consider the Suspension of Local Government Officials	3.16	131300
Speed to Scale Task Force	Section 375.60.80, H.B. 119, 128th G.A.	131301
State Agency Coordinating Group	1521.19	131302
State Audit Committee	126.46	131303
State Council of Uniform State Laws	105.21 - 105.27	131304
State Criminal Sentencing Commission	181.22 - 181.26	131305
State Fire Council	3737.81	131306
State Library Board	3375.01	131307
State Victims Assistance Advisory Council	109.91(B) and (C)	131308
Statewide Consortium of County Law Library Resource Boards	3375.481	131309
STEM Committee	3326.02	131310
Student Tuition Recovery Authority	3332.081	131311
Sunset Review Committee	101.84 - 101.87	131312
Tax Credit Authority	122.17(M)	131313
Technical Advisory Committee to Assist Director of the Ohio Coal Development Office	1551.35	131314
Technical Advisory Council on Oil and Gas	1509.38	131315
Transportation Review Advisory Council	5512.07 - 5512.09	131316
Unemployment Compensation Advisory Council	4141.08	131317
Unemployment Compensation Review Commission	4141.06	131318
Veterans Advisory Committee	5902.02(K)	131319
Volunteer Fire Fighters' Dependents Fund Boards (private volunteer)	146.02 - 146.06	131320
Volunteer Fire Fighters' Dependents Fund Boards (public)	146.02 - 146.06	131321
Water and Sewer Commission	1525.11(C)	131322

Waterways Safety Council	1547.73	131323
Wildlife Council	1531.03 -	131324
	1531.05	
Workers' Compensation Board of Directors	4121.123	131325
Nominating Committee		

Section 610.38. That existing Section 4 of Sub. S.B. 171 of the 129th General Assembly, as most recently amended by Am. Sub. H.B. 59 of the 130th General Assembly, is hereby repealed.

Section 610.40. That Section 20.15 of H.B. 215 of the 122nd General Assembly be amended to read as follows:

Sec. 20.15. Departmental MIS

The foregoing appropriation item 100-603, Departmental MIS Services, may be used to pay operating expenses of Management Information Systems activities in the Department of Administrative Services.

Notwithstanding any other language to the contrary, the Director of Budget and Management may transfer in total up to \$683,000 cash from any fund administered by the Department of Administrative Services in the General Services Fund Group or Intragovernmental Service Fund Group to the Departmental MIS Services Fund (Fund 4P3) to pay operating costs of the Departmental MIS program.

After final payments are made from fiscal year 1997 encumbrances in the Computer Services Fund, the Department of Administrative Services shall reconcile fiscal year 1997 financial activity in the Computer Services Fund and determine the amount of the fund cash balance due to Management Information System program operations.

Not later than June 30, 1998, the Director of Administrative

Services shall make a determination of any cash transfer which is 131350
required to finalize the transfer of Management Information 131351
Systems program operations from the Computer Services Fund to the 131352
Departmental MIS Services Fund. Upon concurrence with this 131353
determination, the Director of Budget and Management may transfer 131354
this amount between the Computer Services Fund and the 131355
Departmental MIS Fund. 131356

Notwithstanding any other language to the contrary, the 131357
Director of Budget and Management may transfer up to \$1,530,643 of 131358
fiscal year 1998 appropriations and up to \$1,837,860 of fiscal 131359
year 1999 appropriations from appropriation item 100-603 to any 131360
Department of Administrative Services appropriation item in the 131361
General Services or Intragovernmental Service Fund Groups. The 131362
appropriations transferred shall be used to make payments for 131363
Management Information Systems services. 131364

Notwithstanding any other language to the contrary, the 131365
Director of Budget and Management may transfer up to \$696,104 of 131366
fiscal year 1998 appropriations and up to \$715,287 of fiscal year 131367
1999 appropriations from appropriation item 100-409, Departmental 131368
Information Services, to any Department of Administrative Services 131369
appropriation item in the General Revenue Fund. The appropriations 131370
transferred shall be used to make payments for Management 131371
Information Systems services. The Department of Administrative 131372
Services shall establish charges for recovering the costs of 131373
Management Information Systems activities. These charges shall be 131374
deposited to the credit of the Departmental MIS Information 131375
Technology Fund (Fund ~~4P3~~ 1330), ~~which is hereby created in~~ 131376
section 125.15 of the Revised Code. 131377

Section 610.41. That existing Section 20.15 of H.B. 215 of 131378
the 122nd General Assembly is hereby repealed. 131379

Section 610.50. That Sections 221.10, 223.10, and 223.40 of 131380
Am. H.B. 497 of the 130th General Assembly, as amended by Am. Sub. 131381
H.B. 483 of the 130th General Assembly, be amended to read as 131382
follows: 131383

Sec. 221.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION 131384
SERVICES 131385

Mental Health Facilities Improvement Fund (Fund 7033) 131386

C58001 Community Assistance Projects \$ 15,000,000 131387

C58007 Infrastructure Renovations \$ 2,000,000 131388

C58021 Providence House \$ 191,640 131389

C58022 Talbert House \$ 300,000 131390

C58023 Cornerstone of Hope Butterfly Treehouse \$ 40,000 131391

C58024 Bellefaire Jewish Children's Home \$ 1,500,000 131392

C58025 Nancy's Place Replacement \$ 500,000 131393

C58026 Cocoon Shelter \$ 47,500 131394

C58027 Ashland University College of Nursing \$ 1,000,000 131395

TOTAL Mental Health Facilities Improvement Fund \$ ~~19,579,140~~ 131396

20,579,140

TOTAL ALL FUNDS \$ ~~19,579,140~~ 131397

20,579,140

COMMUNITY ASSISTANCE PROJECTS 131398

The foregoing appropriation for the Department of Mental 131399

Health and Addiction Services, C58001, Community Assistance 131400

Projects, may be used for facilities constructed or to be 131401

constructed pursuant to Chapter 340., 3793., 5119., 5123., or 131402

5126. of the Revised Code or the authority granted by section 131403

154.20 of the Revised Code and the rules issued pursuant to those 131404

chapters and shall be distributed by the Department of Mental 131405

Health and Addiction Services subject to Controlling Board 131406

approval. Of the forgoing appropriation item C58001, Community 131407

Assistance Projects, \$5,000,000 shall be used to expand access to 131408
recovery housing in accordance with the guidelines contained in 131409
Section 327.83 of Am. Sub. H.B. 59 of the 130th General Assembly, 131410
as amended by Am. Sub. H.B. 483 of the 130th General Assembly. 131411

Sec. 223.10. DNR DEPARTMENT OF NATURAL RESOURCES 131412

Wildlife Fund (Fund 7015) 131413

C725K9 Wildlife Area Building \$ 6,400,000 131414
Development/Renovations

TOTAL Wildlife Fund \$ 6,400,000 131415

Administrative Building Fund (Fund 7026) 131416

C725D5 Fountain Square Telephone Improvements \$ 2,250,000 131417

C725D7 MARCS Equipment \$ 2,490,150 131418

C725E0 DNR Fairgrounds Areas Upgrading \$ 485,000 131419

C725N7 District Office Renovations \$ 2,000,000 131420

TOTAL Administrative Building Fund \$ 7,225,150 131421

Ohio Parks and Natural Resources Fund (Fund 7031) 131422

C72549 Facilities Development \$ 1,250,000 131423

C725C2 Canals Hydraulics Work and Support \$ 200,000 131424
Facilities

C725E1 Local Parks Projects Statewide \$ 7,945,485 131425

C725E5 Project Planning \$ 2,749,000 131426

C725J0 Natural Areas/Preserves \$ 1,000,000 131427
Maintenance/Facilities

C725K0 State Park Renovations/Upgrading \$ 1,027,940 131428

C725N5 Wastewater/Water Systems Upgrades \$ 12,055,000 131429

C725N8 Operations Facilities Development \$ 2,500,000 131430

C72501 The Wilds \$ 500,000 131431

C725T3 Healthy Lake Erie Initiative \$ 10,000,000 131432

C725U0 Cleveland Zoological Society Savannah \$ 500,000 131433
Ridge Project

TOTAL Ohio Parks and Natural Resources Fund \$ 39,727,425 131434

Parks and Recreation Improvement Fund (Fund 7035)			131435
C725A0	State Parks, Campgrounds, Lodges, Cabins	\$ 44,650,000	131436
C725B2	State Park Maintenance Facility	\$ 3,000,000	131437
	Development		
C725B5	Buckeye Lake Dam Rehabilitation	\$ 4,000,000	131438
		<u>14,000,000</u>	
C725E2	Local Parks Projects	\$ 47,006,120	131439
C725E6	Project Planning	\$ 5,901,000	131440
C725M5	Lake Erie Island State Park/Middle Bass	\$ 6,000,000	131441
	Island State Park		
C725R3	State Park Renovations Upgrades	\$ 12,000,000	131442
C725R4	Dam Rehabilitation - Parks	\$ 41,100,000	131443
TOTAL Parks and Recreation Improvement Fund		\$ 163,657,120	131444
		<u>173,657,120</u>	
Clean Ohio Trail Fund (Fund 7061)			131445
C72514	Clean Ohio Trail Fund	\$ 12,500,000	131446
TOTAL Clean Ohio Trail Fund		\$ 12,500,000	131447
Waterways Safety Fund (Fund 7086)			131448
C725A7	Cooperative Funding for Boating	\$ 9,200,000	131449
	Facilities		
C725N9	Operations Facilities Development	\$ 820,000	131450
C725Q6	Facilities Development	\$ 5,363,274	131451
TOTAL Waterways Safety Fund		\$ 15,383,274	131452
TOTAL ALL FUNDS		\$ 244,892,969	131453
		<u>254,892,969</u>	
FEDERAL REIMBURSEMENT			131454
All reimbursements received from the federal government for			131455
any expenditures made pursuant to this section shall be deposited			131456
in the state treasury to the credit of the fund from which the			131457
expenditure originated.			131458
<u>Of the foregoing appropriation item C725B5, Buckeye Lake Dam</u>			131459

Rehabilitation, \$10,000,000 shall be used by the Director of 131460
Natural Resources for dam construction projects at Buckeye Lake. 131461
The Director may enter into contracts with qualified construction 131462
companies to complete dam construction projects. Any such contract 131463
shall include incentives for the early completion of construction 131464
projects. 131465

LOCAL PARKS PROJECTS 131466

Of the foregoing appropriation item C725E2, Local Parks 131467
Projects, an amount equal to two per cent of the projects listed 131468
may be used by the Department of Natural Resources for the 131469
administration of local projects, \$15,000,000 shall be used for 131470
the Veterans Memorial, \$5,000,000 shall be used for the City of 131471
Cleveland - Lakefront Access Project, \$4,000,000 shall be used for 131472
the Banks Project - Phase IIIA, \$1,500,000 shall be used for the 131473
Fifth Third Field Sports Plaza, \$1,500,000 shall be used for the 131474
Lima Stadium Park, \$1,000,000 shall be used for the Little Miami 131475
Scenic Trail- Bridge Construction, \$500,000 shall be used for the 131476
Shaker Heights Van Aken District, \$500,000 shall be used for the 131477
Cascade Plaza Renovation, \$500,000 shall be used for the Olentangy 131478
Greenway Trail Highbanks Connector, \$500,000 shall be used for 131479
Hilliard Station Park, \$500,000 shall be used for the MidPointe 131480
Crossing - Swift Park, \$500,000 shall be used for the Smale 131481
Riverfront Park, \$500,000 shall be used for the Green Township 131482
Harrison Avenue Hike/Bike Fitness Trail, \$300,000 shall be used 131483
for the Historic Loveland Bike Trail Parking Spur, \$400,000 shall 131484
be used for the City of Sylvania River Trail, \$285,545 shall be 131485
used for the Celina Westview Park Quad, \$250,000 shall be used for 131486
the New Bremen Lions Park Development, \$250,000 shall be used for 131487
the Montgomery County Agricultural Facility Improvements, \$250,000 131488
shall be used for Northam Park, \$250,000 shall be used for the 131489
Urban Youth Academy - Roselawn Park, \$250,000 shall be used for 131490
the Miamisburg Riverfront Park, \$218,000 shall be used for Laurel 131491

Park, Winesburg, \$165,000 shall be used for the Fredericktown Bike 131492
Path, \$150,000 shall be used for the Logan County Agricultural 131493
Facility Improvements, \$150,000 shall be used for the Help All 131494
Kids Play Hilliard Fields Sports Complex, \$150,000 shall be used 131495
for York Township Park, \$150,000 shall be used for Eastview Park, 131496
\$120,000 shall be used for the Shelby County Agricultural Facility 131497
Improvements, \$100,000 shall be used for the Ohio to Erie Trail, 131498
\$100,000 shall be used for Mt. Vernon Foundation Park, \$100,000 131499
shall be used for the Shanes Park Expansion, \$92,000 shall be used 131500
for the Defiance County Agricultural Facility Improvements, 131501
\$50,000 shall be used for the Moonville Rail Trail Bridges and 131502
Construction, \$50,000 shall be used for the All-Pro Freight 131503
Stadium Improvements, \$50,000 shall be used for the Bowling Green 131504
Nature Center, \$49,000 shall be used for the Lynchburg Old School 131505
Park, \$45,000 shall be used for the Bruce L. Chapin Bridge - 131506
Northcoast Inland Trail, \$40,000 shall be used for Pyramid Hill 131507
Sculpture Park, \$35,000 shall be used for Coldwater Memorial Park, 131508
\$32,300 shall be used for the Norwalk Soccer Shelter, \$30,000 131509
shall be used for the Round Town Bike Trail, and \$27,750 shall be 131510
used for the Shalersville Park Walking Trail, \$3,500,000 shall be 131511
used for the Flats East Gateway and Riverfront Park, \$1,000,000 131512
shall be used for the City of Celina Boardwalk, \$1,000,000 shall 131513
be used for the Middletown River Center, \$1,000,000 shall be used 131514
for the Voice of America Multi-Purpose Field and Athletic Complex, 131515
\$1,000,000 shall be used for the Euclid Waterfront Improvements 131516
Plan - Phase II Implementation, \$875,000 shall be used for the 131517
Preble County Agricultural Facility Improvements, \$500,000 shall 131518
be used for the New Economy Neighborhood - Phase II, \$500,000 131519
shall be used for the Nimisila Spillway Replacement Project, 131520
\$350,000 shall be used for the Perry Township Park Lakeshore 131521
Stabilization, \$300,000 shall be used for the Fairfield Sports 131522
Complex Entrance, \$250,000 shall be used for the Riverfront 131523
Enhancement, \$250,000 shall be used for the Earl Thomas Conley 131524

Riverside Park ~~Campground~~ Waterpark, \$150,000 shall be used for 131525
the Treasure Island River Corridor Improvement, \$150,000 shall be 131526
used for the Russ Nature Reserve, \$100,000 shall be used for the 131527
Hillsboro North High Trail and Pedestrian Bridge, \$100,000 shall 131528
be used for the PASA Field Lighting, \$100,000 shall be used for 131529
the Gallipolis Riverfront Project - Phase I, \$80,000 shall be used 131530
for the Black River Landing Pavilion, \$50,000 shall be used for 131531
the Loudonville Public Swimming Pool, \$35,000 shall be used for 131532
the A.S.K. Playground, \$30,000 shall be used for the Medina 131533
Community Recreation Center, \$25,000 shall be used for the Newbury 131534
Veterans' Memorial Park, and \$21,525 shall be used for the Black 131535
Swamp Education Center Parking Lot. 131536

Sec. 223.40. The Treasurer of State is hereby authorized to 131537
issue and sell, in accordance with Section 2i of Article VIII, 131538
Ohio Constitution, and Chapter 154. of the Revised Code, 131539
particularly section 154.22 of the Revised Code, original 131540
obligations in an aggregate principal amount not to exceed 131541
~~\$165,000,000~~ \$175,000,000, in addition to the original issuance of 131542
obligations heretofore authorized by prior acts of the General 131543
Assembly. These authorized obligations shall be issued, subject to 131544
applicable constitutional and statutory limitations, as needed to 131545
provide sufficient moneys to the credit of the Parks and 131546
Recreation Improvement Fund (Fund 7035) to pay the costs of 131547
capital facilities for parks and recreation as defined in section 131548
154.01 of the Revised Code. 131549

Section 610.51. That existing Sections 221.10, 223.10, and 131550
223.40 of Am. H.B. 497 of the 130th General Assembly, as amended 131551
by Am. Sub. H.B. 483 of the 130th General Assembly, are hereby 131552
repealed. 131553

Section 610.53. That Section 239.10 of Am. H.B. 497 of the 131554

130th General Assembly, as most recently amended by Am. Sub. S.B.			131555
243 of the 130th General Assembly, be amended to read as follows:			131556
Sec. 239.10. FCC FACILITIES CONSTRUCTION COMMISSION			131557
Lottery Profits Education Fund (Fund 7017)			131558
C23014	Classroom Facilities Assistance Program	\$ 100,000,000	131559
	- Lottery Profits		
TOTAL Lottery Profits Education Fund			\$ 100,000,000 131560
Public School Building Fund (Fund 7021)			131561
C230V9	School Security Grants	\$ 17,345,000	131562
TOTAL Public School Building Fund			\$ 17,345,000 131563
Administrative Building Fund (Fund 7026)			131564
C23016	Energy Conservation Projects	\$ 3,000,000	131565
C230E5	State Agency Planning/Assessment	\$ 500,000	131566
TOTAL Administrative Building Fund			\$ 3,500,000 131567
Cultural and Sports Facilities Building Fund (Fund 7030)			131568
C23022	Woodward Opera House Redevelopment	\$ 100,000	131569
C23023	OHS - Ohio History Center Exhibit	\$ 840,750	131570
	Replacement		
C23024	OHS - Statewide Site Exhibit Renovation	\$ 420,000	131571
C23025	OHS - Statewide Site Repairs	\$ 1,152,700	131572
C23027	OHS - Zoar Village Building Restoration	\$ 502,500	131573
C23028	OHS - Basic Renovations and Emergency	\$ 850,000	131574
	Repairs		
C23030	OHS - Rankin House State Memorial	\$ 653,000	131575
C23031	OHS - Harding Home State Memorial	\$ 250,000	131576
C23032	OHS - Ohio Historical Center	\$ 985,000	131577
	Rehabilitation		
C23033	OHS - Stowe House State Memorial	\$ 300,000	131578
C23038	OHS - Fort Amanda State Memorial	\$ 395,000	131579
C23042	Tecumseh - Sugarloaf Mountain	\$ 33,500	131580

Amphitheatre			
C23044	OHS - Ohio River Museum	\$	52,200 131581
C23045	OHS - Lockington Locks Stabilization	\$	358,900 131582
C23057	OHS - Online Portal to Ohio's Heritage	\$	1,246,000 131583
C23059	Lake Erie Nature and Science Center	\$	300,000 131584
C23068	Huntington House	\$	75,000 131585
C23077	Columbus Museum of Art: Expansion and Renovation Phase 3	\$	1,101,000 131586
C23083	Stan Hywet Hall & Gardens Restoration	\$	1,560,522 131587
C23091	Ohio Theatre - Toledo	\$	201,000 131588
C23098	Twin City Opera House	\$	400,000 131589
C230A1	Preble County Historical Society	\$	50,000 131590
C230A6	Secrest Auditorium Renovation	\$	125,000 131591
C230B1	Karamu House	\$	1,060,522 131592
C230C5	OHS - Collections Storage Facility Object Evaluation	\$	212,000 131593
C230C6	OHS - Historic Site Signage	\$	300,000 131594
C230C8	OHS - Serpent Mound	\$	397,900 131595
C230D1	OHS - Great Circle Earthworks	\$	75,000 131596
C230D4	OHS - Fort Laurens	\$	45,000 131597
C230E6	OHS - Exhibits for Native American Sites	\$	500,000 131598
C230E7	OHS - Hayes Presidential Center	\$	50,000 131599
C230E8	OHS - Armstrong Air and Space Museum	\$	45,000 295,000 131600
C230E9	OHS - Museum of Ceramics	\$	223,850 131601
C230F1	OHS - Campus Martius Museum	\$	145,200 131602
C230F2	Second Century Project	\$	200,000 131603
C230F3	Stuart's Opera House	\$	500,000 131604
C230F4	The Gordon, Hauss, Folk Company Mill	\$	250,000 131605
C230F5	Thatcher Temple Art Building	\$	37,500 131606
C230F6	Fitton Center for Creative Arts	\$	100,000 131607
C230F7	Oxford Community Arts Center	\$	450,000 131608
C230F8	Gammon House Improvements	\$	75,000 131609
C230F9	Clark State Community College Performing	\$	275,000 131610

	Arts Center			
C230G1	Murphy Theatre	\$	150,000	131611
C230G2	Johnson-Humrick House Museum	\$	57,960	131612
C230G3	Public artPARK	\$	200,000	131613
C230G4	Schines Art Park	\$	357,500	131614
C230G5	Bedford Historical Society	\$	100,000	131615
C230G6	Rainey Institute - Safe Parking	\$	125,000	131616
C230G7	Ukrainian Museum - Archives	\$	125,000	131617
C230G8	Cleveland African American Museum	\$	150,000	131618
	Restoration and Expansion			
C230G9	Great Lakes Science Center Omnimax Theatre	\$	500,000	131619
C230H1	Cleveland Music School Settlement - Burke Mansion Performing Arts Center	\$	255,000	131620
C230H2	Cozad Bates House	\$	365,131	131621
C230H3	Beck Center	\$	402,349	131622
C230H7	Western Reserve Historical Society	\$	750,000	131623
C230H9	Gordon Square Arts District	\$	1,000,000	131624
C230J4	Cleveland Museum of Natural History	\$	2,500,000	131625
C230J5	Phillis Wheatley - Hunter's Cove House	\$	350,000	131626
C230J6	West Side Market Renovation	\$	500,000	131627
C230J7	Cardinal Center	\$	75,000	131628
C230J8	War of 1812 Bicentennial Native American Bowery Education Center	\$	24,913	131629
C230J9	St. Clair Memorial Hall	\$	500,000	131630
C230K1	Historic Strand Theatre Renovation	\$	150,000	131631
C230K2	Delaware Veterans Memorial Plaza	\$	320,000	131632
C230K3	African-American Legacy Project	\$	75,000	131633
C230K4	Ohio Glass Museum Furnace System	\$	10,000	131634
C230K5	Saylor House and Reese-Peters House Preservation	\$	20,000	131635
C230K6	Victoria Opera House Restoration Phase 2	\$	30,000	131636
C230K7	Georgian Museum Storage Facility	\$	30,000	131637

C230K8	Sherman House Museum	\$	35,000	131638
C230K9	Washington Court House Auditorium Project	\$	100,000	131639
C230L1	McCoy Community Center of the Arts - Video Projection System	\$	50,000	131640
C230L2	Glass Axis Relocation	\$	150,000	131641
C230L3	Harmony Project	\$	300,000	131642
C230L4	CCAD Cinematic Arts and Motion Capture Studio and Auditorium	\$	750,000	131643
C230L5	Columbus Theater-Based Community Development Project	\$	1,000,000	131644
C230L6	Franklin Park Conservatory Joint Recreation District	\$	1,000,000	131645
C230L7	Sauder Village - 1920 Homestead	\$	300,000	131646
C230L8	Fulton County Visitor and Heritage Center	\$	1,000,000	131647
C230L9	Ariel-Ann Carson Dater Performing Arts Centre	\$	100,000	131648
C230M1	French Art Colony/Riverby Theatre Guild	\$	100,000	131649
C230M2	Geauga County Historical Society	\$	56,000	131650
C230M3	Chardon Lyric Theatre	\$	50,000	131651
C230M4	Chardon Heritage House	\$	200,000	131652
C230M5	Incline Theater Project	\$	550,000	131653
C230M6	Cincinnati Art Museum - Make Room for Art	\$	825,000	131654
C230M7	Hamilton County Memorial Hall	\$	2,000,000	131655
C230M8	Cincinnati Zoo	\$	2,000,000	131656
C230M9	Union Terminal Restoration	\$	5,000,000	131657
C230N1	Cincinnati Music Hall Revitalization	\$	5,000,000	131658
C230N2	Kan Du Community Arts Center	\$	520,000	131659
C230N3	Findlay Central Auditorium	\$	1,000,000	131660
C230N4	Appalachian Forest Museum	\$	100,000	131661
C230N5	Logan Theater	\$	25,000	131662

C230N6	Willard Train Viewing Platform	\$	50,000	131663
C230N7	Markay Theatre Renovation	\$	150,000	131664
C230N8	Grand Theater Restoration Project	\$	140,000	131665
C230N9	South Leroy Historic Meeting House Restoration	\$	15,000	131666
C230P1	Willoughby Fine Arts Association - Facility Expansion	\$	500,000	131667
C230P2	Ironton Cultural Arts Operations Facility	\$	100,000	131668
C230P3	Sterling Theater Revitalization Project	\$	200,000	131669
C230P4	Logan County Veterans' Memorial Hall	\$	250,000	131670
C230P5	Columbia Station 1812 Block House Project	\$	28,000	131671
C230P6	Avon Isle Renovation Phase 2	\$	82,775	131672
C230P7	Oberlin Gasholder Building/Underground Railroad Center	\$	200,000	131673
C230P8	Carnegie Building Renovation	\$	500,000	131674
C230P9	Toledo Zoo	\$	750,000	131675
C230Q1	Imagination Station Improvements	\$	695,000	131676
C230Q2	War of 1812 Exhibit	\$	35,000	131677
C230Q3	Columbus Zoo and Aquarium	\$	1,000,000	131678
C230Q4	Toledo Repertoire Theatre	\$	150,000	131679
C230Q5	Valentine Theatre Initiative	\$	136,000	131680
C230Q6	Southern Park Historic District	\$	250,000	131681
C230Q7	Butler Institute of Art	\$	279,717	131682
C230Q8	Stambaugh Auditorium	\$	500,000	131683
C230Q9	Marion Palace Theatre	\$	731,000	131684
C230R1	Bradford Rail Museum	\$	275,000	131685
C230R2	K12 and TEJAS Building Project	\$	50,000	131686
C230R3	River Run Murals Project	\$	82,500	131687
C230R4	Dayton Contemporary Dance Company Studio Renovations	\$	125,000	131688
C230R5	Wright Company Factory Project	\$	250,000	131689

C230R6	Victoria Theatre and Metropolitan Arts Center	\$	825,000	131690
C230R7	Preserving & Updating the Historic Dayton Art Institute	\$	2,198,500	131691
C230R8	National Ceramic Museum and Heritage Center Renovation	\$	100,000	131692
C230R9	Opera House Project	\$	100,000	131693
C230S1	Tecumseh Theater - Opera House Restoration	\$	140,000	131694
C230S2	Perry County Historical and Cultural Arts Center	\$	341,600	131695
C230S3	Hayden Auditorium - Hiram	\$	260,854	131696
C230S4	Majestic Theater Renovation	\$	36,000	131697
C230S5	Lucy Webb Hayes Heritage Center Exterior Replacement and Restoration	\$	100,000	131698
C230S6	Pumphouse Center for the Arts	\$	130,000	131699
C230S7	Historic Sidney Theatre	\$	500,000	131700
C230S8	Pro Football Hall of Fame	\$	10,000,000	131701
C230S9	Park Theater Renovation	\$	159,078	131702
C230T1	Akron Civic Theater	\$	530,261	131703
C230T2	John Brown House and Grounds	\$	50,000	131704
C230T3	Hale Farm	\$	500,000	131705
C230T4	Urichsville Clay Museum	\$	150,000	131706
C230T5	Mason Historical Society	\$	350,000	131707
C230T6	Cincinnati Zoo - Big Cat Facility	\$	1,000,000	131708
C230T7	Historic Theatre Restoration	\$	500,000	131709
C230T8	County Line Historical Society	\$	46,000	131710
C230T9	Pemberville Opera House Elevator Project	\$	220,000	131711
C230U1	Wood County Historical Center & Museum Accessibility Project	\$	600,000	131712
C230U2	Avon Lake - Folger House	\$	150,000	131713
C230U3	DeYor Performing Arts Center	\$	100,000	131714
TOTAL	Cultural and Sports Facilities Building Fund	\$	74,840,182	131715

School Building Program Assistance Fund (Fund 7032)			131716
C23002 School Building Program Assistance	\$	575,000,000	131717
TOTAL School Building Program Assistance Fund	\$	575,000,000	131718
TOTAL ALL FUNDS	\$	770,685,182	131719

SCHOOL SECURITY GRANTS 131720

The foregoing appropriation item C230V9, School Security 131721
Grants, shall be used by the School Facilities Commission to 131722
provide funding to all public and chartered nonpublic schools for 131723
the purchase and installation of one Multi-Agency Radio 131724
Communications System (MARCS) unit per school building and a 131725
security door system, consisting of a security camera, an 131726
intercom, and remote access, at one main entrance per school 131727
building. If law enforcement agencies with jurisdiction over all 131728
or a portion of the geographical area of a public or chartered 131729
nonpublic school do not use MARCS, a public or chartered nonpublic 131730
school may purchase one emergency communications system compatible 131731
with the system or systems in use by law enforcement agencies with 131732
jurisdiction over the school territory. A public or chartered 131733
nonpublic school may apply to the School Facilities Commission for 131734
reimbursement up to \$2,000 for one MARCS unit or other emergency 131735
communications system per school building and up to \$5,000 for 131736
costs incurred with the purchase of a security door system 131737
installed on or after January 1, 2013. A public or chartered 131738
nonpublic school may receive reimbursement for either a MARCS unit 131739
or another emergency communications system, but not both. A school 131740
previously awarded funds for one of the grant items under this 131741
program may not receive a second award for that same grant item. 131742

STATE AGENCY PLANNING/ASSESSMENT 131743

The foregoing appropriation item C230E5, State Agency 131744
Planning/Assessment, shall be used by the Facilities Construction 131745
Commission to provide assistance to any state agency for 131746
assessment, capital planning, and maintenance management. 131747

GEAUGA COUNTY HISTORICAL SOCIETY	131748
Of the foregoing appropriation item C230M2, Geauga County Historical Society, \$12,000 shall be used for Geauga Historical Society - White Barn Restoration, \$18,000 shall be used for Geauga Historical Society - Maple Museum, and \$26,000 shall be used for Geauga Historical Society - Lennah Bond Center.	131749 131750 131751 131752 131753
SCHOOL BUILDING PROGRAM ASSISTANCE	131754
The foregoing appropriation item C23002, School Building Program Assistance, shall be used by the School Facilities Commission to provide funding to school districts that receive conditional approval from the Commission pursuant to Chapter 3318. of the Revised Code.	131755 131756 131757 131758 131759
Section 610.54. That existing Section 239.10 of Am. H.B. 497 of the 130th General Assembly, as most recently amended by Am. Sub. S.B. 243 of the 130th General Assembly, is hereby repealed.	131760 131761 131762
Section 690.10. That Sections 701.10 and 701.61 of Am. Sub. H.B. 59 of the 130th General Assembly, Section 13 of Sub. H.B. 477 of the 130th General Assembly, Sections 551.10 and 733.20 of Am. Sub. H.B. 483 of the 130th General Assembly, and Section 13 of Am. Sub. H.B. 487 of the 130th General Assembly are hereby repealed.	131763 131764 131765 131766 131767
Section 695.10. That Section 5 of Am. Sub. H.B. 486 of the 130th General Assembly is hereby repealed.	131768 131769
Section 701.20. CLASSIFICATION PLAN RULE RESCISSION	131770
The following Ohio Administrative Code rules in effect on June 30, 2015, are hereby permanently rescinded upon the effective date of the amendments to sections 124.14 and 124.15 of the Revised Code:	131771 131772 131773 131774
Ohio Administrative Code rule 123:1-7-15 (State managerial	131775

and supervisory classifications);	131776
Ohio Administrative Code rule 123:1-7-21 (Classifications for the office of the Attorney General);	131777 131778
Ohio Administrative Code rule 123:1-7-24 (Classifications for the office of the Secretary of State);	131779 131780
Ohio Administrative Code rule 123:1-7-25 (Classifications for the Auditor of State);	131781 131782
Ohio Administrative Code rule 123:1-7-26 (Classifications for the office of the Treasurer of State).	131783 131784
Section 701.30. TORT LIABILITY SELF-INSURANCE STUDY	131785
The Department of Administrative Services shall conduct a study of the state's current liability insurance program to determine, generally, whether its statutory framework is protecting and maintaining the financial integrity of the state's assets compared to similar programs in other states. The study shall examine the possibility of expanding the state's self-insurance program to include non-vehicle tort liability claims, including those for which private insurance is either unavailable or is cost-prohibitive, in addition to identifying which types of claims should be covered by a self-insured tort liability program. The study may include an analysis of the current practice by which state agencies pay for unplanned losses from operating funds. Additionally, the study shall include an actuarial analysis of the Risk Management Reserve Fund to determine required reserves should additional tort liability claims be investigated, settled, and paid through the fund. The analysis shall include estimated premium allocations to be paid by state agencies based on each agency's history of paid losses. The study may recommend changes to the current statutory framework to allow the Office of Risk Management to settle or compromise	131786 131787 131788 131789 131790 131791 131792 131793 131794 131795 131796 131797 131798 131799 131800 131801 131802 131803 131804 131805

non-vehicle tort liability claims. 131806

Section 701.40. The Ohio Geographically Referenced 131807
Information Program Council, as revised by the amendments of this 131808
act to section 125.901 of the Revised Code, constitutes a 131809
continuation of the Ohio Geographically Referenced Information 131810
Program Council established by section 125.901 of the Revised Code 131811
as that section existed prior to the effective date of those 131812
amendments. 131813

Section 701.80. JOINT LEGISLATIVE COMMITTEE ON MULTI-SYSTEM 131814
YOUTH 131815

(A) As used in this section, "multi-system youth" is a youth 131816
that is in need of services from two or more of the following: 131817

- (1) The child welfare system; 131818
- (2) The mental health and addiction services system; 131819
- (3) The developmental disabilities services system; 131820
- (4) The juvenile court system. 131821

(B) There is hereby created the Joint Legislative Committee 131822
on Multi-system Youth consisting of the following members: 131823

(1) Five members appointed by the President of the Senate, 131824
three from the majority party and two from the minority party; 131825

(2) Five members appointed by the Speaker of the House of 131826
Representatives, three from the majority party and two from the 131827
minority party. 131828

(C) The Committee shall: 131829

(1) Identify the services currently provided to multi-system 131830
youths and the costs and outcomes of those services; 131831

(2) Identify existing best practices to eliminate custody 131832
relinquishment as a means of gaining access to services for 131833

multi-system youths;	131834
(3) Identify the best methods for person-centered care	131835
coordination related to behavioral health, developmental	131836
disabilities, juvenile justice, and employment;	131837
(4) Identify a system of accountability to monitor the	131838
progress of multi-system youths in residential placement; and	131839
(5) Recommend an equitable, adequate, sustainable funding and	131840
service delivery system to meet the needs of all multi-system	131841
youths.	131842
(D) The Committee, in the performance of its duties, may	131843
consult with any of the following:	131844
(1) The Directors of the following:	131845
(a) Office of Health Transformation;	131846
(b) Department of Youth Services;	131847
(c) Department of Mental Health and Addiction Services;	131848
(d) Department of Medicaid;	131849
(e) Department of Developmental Disabilities;	131850
(f) Department of Job and Family Services;	131851
(g) Office of Human Services Innovation;	131852
(h) Ohio Family and Children First Cabinet Council;	131853
(i) Department of Insurance.	131854
(2) The Superintendent of Public Instruction;	131855
(3) Representatives of any of the following organizations:	131856
(a) Public Children Services Association of Ohio;	131857
(b) Ohio Association of Child Caring Agencies;	131858
(c) National Alliance on Mental Illness of Ohio;	131859
(d) Autism Society of Ohio;	131860

(e) Ohio Association of County Boards Serving People with Developmental Disabilities;	131861 131862
(f) Ohio Council of Behavioral Health and Family Services Providers;	131863 131864
(g) Ohio Association of County Behavioral Health Authorities;	131865
(h) Juvenile Justice Coalition;	131866
(i) Children's Defense Fund-Ohio;	131867
(j) Ohio Family Care Association;	131868
(k) Ohio Children's Hospital Association;	131869
(l) County Commissioners Association of Ohio;	131870
(m) Center for Innovative Practices;	131871
(n) Disability Rights Ohio;	131872
(o) The ARC of Ohio.	131873
(E) Appointments to the Committee shall be made not later than fifteen days after the effective date of this section.	131874 131875
Appointments to fill vacancies shall be filled in the same manner as the original appointments.	131876 131877
(F) Meetings of the Committee shall take place at the call of the chairperson, and the first meeting shall occur not later than forty-five days after the effective date of this section. At the first meeting, the Committee shall elect a chairperson and vice-chairperson.	131878 131879 131880 131881 131882
(G) The departments listed in division (D)(1) of this section and the Department of Education shall cooperate with the Committee and provide, upon request, any information that will assist the Committee in the performance of its duties.	131883 131884 131885 131886
(H) Not later than December 31, 2015, the Committee shall prepare a report of its findings and recommendations and submit the report to the General Assembly and the Governor. Upon	131887 131888 131889

submission of its report, the Committee shall cease to exist. 131890

Section 701.80. (A) The Sunset Review Committee, which is 131891
convened to operate in calendar years 2015 and 2016, shall hold 131892
hearings to receive the testimony of the public and of the chief 131893
executive officer of each agency listed below, and otherwise shall 131894
consider and evaluate the usefulness, performance, and 131895
effectiveness of the agency: 131896

(1)Motor Vehicle Repair Board; 131897

(2)Ohio Landscape Architects Board; 131898

(3)Architects Board; 131899

(4)State Board of Optometry; and 131900

(5)Ohio Optical Dispensers Board. 131901

(B) The Committee specifically shall consider and make 131902
recommendations to the General Assembly, by June 1, 2016, 131903
regarding whether or not continuation of the Motor Vehicle Repair 131904
Board is necessary or if the board should be eliminated; whether 131905
or not the Ohio Landscape Architects Board and the Architects 131906
Board should be combined to improve efficiency and save costs; and 131907
whether or not the State Board of Optometry and the Ohio Optical 131908
Dispensers Board should be combined to improve efficiency and save 131909
costs. 131910

(C) After the completion of the committee's consideration and 131911
evaluation under this section, the committee shall prepare and 131912
publish a report of its findings and recommendations. The 131913
committee shall furnish a copy of the report to the President of 131914
the Senate, the Speaker of the House of Representatives, the 131915
Governor, and each affected agency. The report shall be made 131916
available to the public in the offices of the House and Senate 131917
Clerks during reasonable hours. The committee's report may be in 131918
the form of a bill prepared for introduction in the Senate or in 131919

the House of Representatives. 131920

Section 701.90. The Third Frontier Commission shall operate, 131921
for fiscal years 2016 and 2017, the Ohio Third Frontier Internship 131922
Program to contribute to the expansion of a technologically 131923
proficient workforce in Ohio, and to encourage the retention in 131924
Ohio of highly knowledgeable and talented students through 131925
employing them upon graduation at for-profit companies doing 131926
business in Ohio. 131927

Section 701.100. (A) The Ohio Judicial Conference shall form 131928
an advisory committee consisting of five members of the Conference 131929
who are not justices of the Supreme Court. 131930

(B) Not later than October 31, 2015, the advisory committee 131931
shall submit a report to the President and Minority Leader of the 131932
Senate and the Speaker and Minority Leader of the House of 131933
Representatives that describes all of the following: 131934

(1) By which of the following methods the advisory committee 131935
recommends that the interests of the courts of appeals, common 131936
pleas courts, probate courts, juvenile courts, municipal courts, 131937
and county courts of this state be represented to the General 131938
Assembly and the reasons for that recommendation: 131939

(a) By an independent association that does not receive 131940
public funds; 131941

(b) By the staff of the Supreme Court in the manner directed 131942
by the Chief Justice of the Supreme Court; 131943

(c) By any other method the advisory committee considers to 131944
be appropriate. 131945

(2) The manner in which the committee recommends that the 131946
staff of the Supreme Court carry out the Ohio Judicial 131947
Conference's current statutory functions, other than representing 131948

the interests of the courts of appeals, common pleas courts, 131949
probate courts, juvenile courts, municipal courts, and county 131950
courts of this state to the General Assembly. 131951

Section 701.110. The Department of Development Services shall 131952
conduct a study of means to convert the historic rehabilitation 131953
tax credit authorized by section 149.311 of the Revised Code into 131954
a program authorizing grants for the rehabilitation of historic 131955
buildings under qualification criteria the same as or similar to 131956
those of the current tax credit. The Department shall prepare a 131957
report of its findings and recommendations and transmit the report 131958
to the President of the Senate, the Speaker of the House of 131959
Representatives, and the Minority Leader of each chamber not later 131960
than December 31, 2015. 131961

Section 703.10. The amendments to sections 349.01, 349.03, 131962
349.04, 349.06, 349.07, and 349.14 of the Revised Code enacted by 131963
this act apply to any proceedings commenced after the amendments' 131964
effective date, and, so far as their provisions support the 131965
actions taken, also apply to proceedings that on their effective 131966
date are pending, in progress, or completed, notwithstanding the 131967
applicable law previously in effect or any provision to the 131968
contrary in a prior resolution, ordinance, order, advertisement, 131969
notice, or other proceeding. Any proceedings pending or in 131970
progress on the effective date of those amendments shall be deemed 131971
to have been taken in conformity with the amendment. 131972

Section 707.10. (A) Notwithstanding anything to the contrary 131973
in sections 709.24 and 709.27 of the Revised Code, until January 131974
1, 2017, in a chartered county with a population of at least one 131975
million, petitions presented to the legislative authority for an 131976
annexation under section 709.24 of the Revised Code shall be 131977
signed by resident electors who voted at the last regular 131978

municipal election, numbering not less than ten per cent of the electors who voted in such election in the territory proposed to be annexed.

(B) If, within thirty days after receipt of a certified copy of an ordinance from a municipal corporation proposing annexation designating its three commissioners, the legislative authority of the municipal corporation with which annexation is proposed fails to pass an ordinance designating three commissioners to represent it in annexation negotiations, then, on receipt of a petition signed by resident electors of a number not less than ten per cent of the number of electors voting at the last regular municipal election of the municipal corporation with which annexation is proposed, petitioning the legislative authority to take such action as is necessary to initiate proceedings and to appoint three commissioners to represent it therein, the legislative authority shall pass an ordinance appointing those commissioners.

Section 709.20. For purposes of the transfer by this act of the Agricultural Soil and Water Conservation Program established prior to the effective date of the amendment of the statutes governing the Program by this act under Chapter 1511. of the Revised Code from the Department of Natural Resources to the Department of Agriculture, all of the following apply:

(A) The Director of Natural Resources shall enter into a memorandum of understanding with the Director of Agriculture regarding the transfer of the Program. The Director of Natural Resources shall identify in the memorandum of understanding all applicable rules regarding the Program.

(B) On the date on which the two Directors sign a memorandum of understanding under division (A) of this section, the Director of Natural Resources shall provide the Director of Agriculture

with both of the following: 132009

(1) Copies of all operation and management plans, or 132010
applicable portions of such plans, developed or approved by the 132011
Chief of the Division of Soil and Water Resources under Chapter 132012
1511. of the Revised Code or the supervisors of a soil and water 132013
conservation district under Chapter 1515. of the Revised Code for 132014
the abatement of the degradation of the waters of the state by 132015
residual farm products, manure, and soil sediment, including 132016
attached substances, that were developed or approved prior to the 132017
effective date of the amendment of the statutes governing the 132018
Program by this act; 132019

(2) Copies of all operation and management plans, or 132020
applicable portions of such plans, and accompanying information 132021
that were submitted for approval by the Chief or the supervisors 132022
of a soil and water conservation district under Chapter 1511. or 132023
1515. of the Revised Code, as applicable, prior to the effective 132024
date of the amendment of the statutes governing the Program by 132025
this act for the abatement of the degradation of the waters of the 132026
state by residual farm products, manure, and soil sediment, 132027
including attached substances. 132028

(C) The Director of Agriculture shall adopt rules in 132029
accordance with Chapter 119. of the Revised Code that are 132030
identical to the rules that are identified in the memorandum of 132031
understanding signed under this section, except that references to 132032
the Division of Soil and Water Resources in the Department of 132033
Natural Resources shall be replaced with references to the 132034
Department of Agriculture, and references to the Chief of the 132035
Division of Soil and Water Resources in the Department of Natural 132036
Resources shall be replaced with references to the Director of 132037
Agriculture. If necessary to ensure the integrity of the numbering 132038
system of the Administrative Code, the Director of the Legislative 132039
Service Commission shall renumber the rules to reflect their 132040

transfer to the Department of Agriculture. 132041

On the effective date of the rules adopted by the Director of 132042
Agriculture, the rules adopted by the Chief of the Division of 132043
Soil and Water Resources as identified in the memorandum of 132044
understanding are abolished. 132045

(D) Any business commenced but not completed by the Chief of 132046
the Division of Soil and Water Resources relating to the Program 132047
on the effective date of the amendment of the statutes governing 132048
the Program by this act shall be completed by the Director of 132049
Agriculture. Any validation, cure, right, privilege, remedy, 132050
obligation, or liability is not lost or impaired solely by reason 132051
of the transfer required by this act and shall be administered by 132052
the Director of Agriculture in accordance with this act. 132053

(E) All of the orders and determinations of the Chief of the 132054
Division of Soil and Water Resources relating to the Program 132055
continue in effect as orders and determinations of the Director of 132056
Agriculture until modified or rescinded by the Director. 132057

(F) Subject to the layoff provisions of sections 124.321 to 132058
124.328 of the Revised Code or the applicable collective 132059
bargaining agreement, all of the employees of the Division of Soil 132060
and Water Resources in the Department of Natural Resources 132061
relating to the Program are transferred to the Department of 132062
Agriculture and retain their same positions and all benefits 132063
accruing thereto. 132064

(G) All equipment and assets relating to the Program are 132065
transferred from the Division of Soil and Water Resources to the 132066
Department of Agriculture. 132067

(H) Whenever the Division of Soil and Water Resources or the 132068
Chief of the Division of Soil and Water Resources, in relation to 132069
the Program, is referred to in any law, contract, or other 132070
document, the reference shall be deemed to refer to the Department 132071

of Agriculture or to the Director of Agriculture, whichever is 132072
appropriate in context. 132073

(I) Any action or proceeding pending on the effective date of 132074
the amendment of the statutes governing the Program by this act is 132075
not affected by the transfer of the functions of that Program by 132076
this act and shall be prosecuted or defended in the name of the 132077
Department of Agriculture. In all such actions and proceedings, 132078
the Department of Agriculture, upon application to the court, 132079
shall be substituted as a party. 132080

(J) As used in this section: 132081

(1) "Soil and water conservation district" has the same 132082
meaning as in section 940.01 of the Revised Code as amended by 132083
this act. 132084

(2) "Manure," "residual farm products," "operation and 132085
management plan," and "waters of the state" have the same meanings 132086
as in section 939.01 of the Revised Code as enacted by this act. 132087

Section 709.30. Operation and management plans that were 132088
developed or approved under Chapter 1511. or 1515. of the Revised 132089
Code prior to the amendment of those chapters by this act continue 132090
in effect as operation and management plans under Chapter 939. or 132091
940. of the Revised Code as enacted or amended by this act, as 132092
applicable. 132093

Section 709.40. The Agricultural Pollution Abatement Fund 132094
that is created in section 939.10 of the Revised Code, as enacted 132095
by this act, is a continuation of the Agricultural Pollution 132096
Abatement Fund that was created in section 1511.071 of the Revised 132097
Code prior to its repeal by this act. Money credited to the Fund 132098
under section 1511.071 of the Revised Code, as repealed by this 132099
act, shall be used for the purposes specified in section 939.10 of 132100
the Revised Code, as enacted by this act. 132101

Section 709.50. The Ohio Soil and Water Conservation Commission created within the Department of Agriculture by section 940.02 of the Revised Code, as amended and renumbered by this act, is a continuation of the Ohio Soil and Water Conservation Commission created within the Department of Natural Resources by section 1515.02 of the Revised Code prior to its amendment and renumbering by this act.

Section 715.20. On the effective date of this section and for the purposes of Chapters 1521., 1522., and 1523. of the Revised Code, as amended by this act, all of the following apply:

(A) The Division of Soil and Water Resources in the Department of Natural Resources is renamed the Division of Water Resources.

(B) The Division of Soil and Water Resources' functions, and its assets and liabilities, are transferred to the Division of Water Resources.

(C) The Division of Water Resources is successor to, assumes the obligations and authority of, and otherwise continues the Division of Soil and Water Resources. No right, privilege, or remedy, and no duty, liability, or obligation, accrued under the Division of Soil and Water Resources is impaired or lost by reason of the renaming and shall be recognized, administered, performed, or enforced by the Division of Water Resources.

(D) Business commenced but not completed by the Division of Soil and Water Resources or by the Chief of the Division of Soil and Water Resources shall be completed by the Division of Water Resources or the Chief of the Division of Water Resources in the same manner, and with the same effect, as if completed by the Division of Soil and Water Resources or the Chief of the Division of Soil and Water Resources.

(E) All of the Division of Soil and Water Resources' rules, 132132
orders, and determinations continue in effect as rules, orders, 132133
and determinations of the Division of Water Resources until 132134
modified or rescinded by the Division of Water Resources. 132135

(F) The Director of Budget and Management shall determine the 132136
amount of unexpended balances in the appropriation accounts that 132137
pertain to the Division of Soil and Water Resources and shall 132138
recommend to the Controlling Board their transfer to the 132139
appropriation accounts that pertain to the Division of Water 132140
Resources. The Chief of the Division of Soil and Water Resources 132141
shall provide full and timely information to the Controlling Board 132142
to facilitate the transfer. 132143

(G) Whenever the Division of Soil and Water Resources or the 132144
Chief of the Division of Soil and Water Resources is referred to 132145
in a statute, contract, or other instrument, the reference is 132146
deemed to refer to the Division of Water Resources or to the Chief 132147
of the Division of Water Resources, whichever is appropriate in 132148
context. 132149

(H) No pending action or proceeding being prosecuted or 132150
defended in court or before an agency by the Division of Soil and 132151
Water Resources or the Chief of the Division of Soil and Water 132152
Resources is affected by the renaming and shall be prosecuted or 132153
defended in the name of the Division of Water Resources or the 132154
Chief of the Division of Water Resources, whichever is 132155
appropriate. Upon application to the court or agency, the Division 132156
of Water Resources or the Chief of the Division of Water Resources 132157
shall be substituted. 132158

Section 715.30. For purposes of the transfer of the 132159
Silvicultural Assistance Program established prior to the 132160
effective date of the amendment of the statutes governing the 132161
Program by this act under Chapter 1511. of the Revised Code from 132162

the Division of Soil and Water Resources in the Department of 132163
Natural Resources to the Division of Forestry in that Department, 132164
all of the following apply: 132165

(A) On the effective date of this section, the Chief of the 132166
Division of Soil and Water Resources shall provide the Chief of 132167
the Division of Forestry with both of the following: 132168

(1) Copies of all operation and management plans, or 132169
applicable portions of such plans, developed or approved by the 132170
Chief of the Division of Soil and Water Resources under Chapter 132171
1511. of the Revised Code or the supervisors of a soil and water 132172
conservation district under Chapter 1515. of the Revised Code for 132173
the abatement of the degradation of the waters of the state by 132174
soil sediment, including attached substances, from silvicultural 132175
operations that were developed or approved prior to the effective 132176
date of the amendment of the statutes governing the Program by 132177
this act; 132178

(2) Copies of all operation and management plans, or 132179
applicable portions of such plans, and accompanying information 132180
that were submitted for approval by the Chief or the supervisors 132181
of a soil and water conservation district under Chapter 1511. or 132182
1515. of the Revised Code, as applicable, prior to the effective 132183
date of the amendment of the statutes governing the Program by 132184
this act for the abatement of the degradation of the waters of the 132185
state by soil sediment, including attached substances, from 132186
silvicultural operations. 132187

(B) The Chief of the Division of Soil and Water Resources 132188
shall identify all applicable rules regarding the Program. The 132189
Chief of the Division of Forestry shall adopt rules in accordance 132190
with Chapter 119. of the Revised Code that are identical to the 132191
rules that are identified by the Chief of the Division of Soil and 132192
Water Resources under this section, except that references to the 132193

Division of Soil and Water Resources shall be replaced with 132194
references to the Division of Forestry, and references to the 132195
Chief of the Division of Soil and Water Resources shall be 132196
replaced with references to the Chief of the Division of Forestry. 132197
If necessary to ensure the integrity of the numbering system of 132198
the Administrative Code, the Director of the Legislative Service 132199
Commission shall renumber the rules to reflect their transfer to 132200
the Division of Forestry. 132201

On the effective date of the rules adopted by the Chief of 132202
the Division of Forestry, the rules adopted by the Chief of the 132203
Division of Soil and Water Resources as identified by the Chief 132204
under this section are abolished. 132205

(C) Any business commenced but not completed by the Chief of 132206
the Division of Soil and Water Resources relating to the Program 132207
on the effective date of the amendment of the statutes governing 132208
the Program by this act shall be completed by the Chief of the 132209
Division of Forestry. Any validation, cure, right, privilege, 132210
remedy, obligation, or liability is not lost or impaired solely by 132211
reason of the transfer required by this act and shall be 132212
administered by the Chief of the Division of Forestry in 132213
accordance with this act. 132214

(D) All of the orders and determinations of the Chief of the 132215
Division of Soil and Water Resources relating to the Program 132216
continue in effect as orders and determinations of the Chief of 132217
the Division of Forestry until modified or rescinded by that 132218
Chief. 132219

(E) Whenever the Division of Soil and Water Resources or the 132220
Chief of the Division of Soil and Water Resources, in relation to 132221
the Program, is referred to in any law, contract, or other 132222
document, the reference shall be deemed to refer to the Division 132223
of Forestry or to the Chief of the Division of Forestry, whichever 132224
is appropriate in context. 132225

(F) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Division of Forestry. In all such actions and proceedings, the Division of Forestry, upon application to the court, shall be substituted as a party.

(G) As used in this section:

(1) "Soil and water conservation district" has the same meaning as in section 940.01 of the Revised Code as amended by this act.

(2) "Operation and management plan" and "waters of the state" have the same meanings as in section 939.01 of the Revised Code as enacted by this act.

Section 715.40. Operation and management plans regarding silvicultural operations that were developed or approved under Chapter 1511. or 1515. of the Revised Code prior to the amendment of those chapters by this act continue in effect as timber harvest plans under sections 1503.50 to 1503.55 and 1503.99 of the Revised Code as enacted by this act.

Section 731.10. On the effective date of this section, all child abuse and child neglect prevention advisory boards established under section 3109.18 of the Revised Code are abolished. The board or boards of county commissioners that oversee operation of an advisory board shall provide procedures for the transfer of any advisory board assets and liabilities.

Any business commenced but not completed by the effective date of this section by an advisory board shall be completed by the appropriate board or boards of county commissioners. The board or boards of county commissioners may delegate to a child abuse

and child neglect regional prevention council any of the duties 132256
described in this section. 132257

Section 733.30. (A) The Competency-Based Education Pilot 132258
Program is hereby established. Under the Program, the Department 132259
of Education shall provide grants to city, local, and exempted 132260
village school districts, including municipal school districts as 132261
defined in section 3311.71 of the Revised Code, joint vocational 132262
school districts, community schools established under Chapter 132263
3314. of the Revised Code, and STEM schools established under 132264
Chapter 3326. of the Revised Code, and consortia of one or more 132265
school districts, community schools, and STEM schools led by one 132266
or more educational service centers for designing and implementing 132267
competency-based models of education for their students during the 132268
2016-2017, 2017-2018, and 2018-2019 school years. 132269

(B)(1) A district, community school, STEM school, or 132270
consortium shall submit an application to participate in the 132271
Competency-Based Education Pilot Program to the Department not 132272
later than November 1, 2015. The application shall be submitted in 132273
a form and manner prescribed by the Department. 132274

(2) Not later than March 1, 2016, the Department shall select 132275
not more than five districts, schools, or consortia to participate 132276
in the Program. The Department shall require a district, school, 132277
or consortium to agree to an annual performance review conducted 132278
by the Department as a condition of participating in the Program. 132279

(C) The competency-based education offered by a district, 132280
school, or consortium selected to participate in the Program under 132281
division (B) of this section shall satisfy all of the following 132282
requirements: 132283

(1) Students shall advance upon mastery. 132284

(2) Competencies shall include clear, measurable, 132285

transferable learning objectives that empower students. 132286

(3) Assessments shall be meaningful and a positive learning 132287
experience for students. 132288

(4) Students shall receive timely, differentiated support 132289
based on their individual learning needs. 132290

(5) Learning outcomes shall emphasize competencies that 132291
include application and creation of knowledge, along with the 132292
development of work-ready skills. 132293

(6) It shall incorporate partnerships with post-secondary 132294
institutions and members of industry. 132295

(D) A district, school, or consortium selected to participate 132296
in the Program under division (B) of this section shall remain 132297
subject to all accountability requirements in state and federal 132298
law that are applicable to that district, school, or consortium. 132299

(E)(1) If a district is selected to participate in the 132300
Program or is selected to participate in the Program as part of a 132301
consortium under division (B) of this section, each student 132302
enrolled in the district who is participating in competency-based 132303
education shall be considered to be a full-time equivalent student 132304
while participating in competency-based education for purposes of 132305
funding under Chapter 3317. of the Revised Code, as determined by 132306
the Department. 132307

(2) If a community school is selected to participate in the 132308
Program or is selected to participate in the Program as part of a 132309
consortium under division (B) of this section, each student 132310
enrolled in the school who is participating in competency-based 132311
education shall be considered to be a full-time equivalent student 132312
while participating in competency-based education for purposes of 132313
funding under Chapter 3314. of the Revised Code, as determined by 132314
the Department. 132315

(3) If a STEM school is selected to participate in the Program or is selected to participate in the Program as part of a consortium under division (B) of this section, each student enrolled in the school who is participating in competency-based education shall be considered to be a full-time equivalent student while participating in competency-based education for purposes of funding under Chapter 3326. of the Revised Code, as determined by the Department.

(F)(1) Not later than January 31, 2017, the Department shall post on its web site a preliminary report that examines the planning and implementation of competency-based education in the districts, schools, and consortia selected to participate in the Program under division (B) of this section.

(2) Not later than December 31, 2018, the Department shall post on its web site a report that includes all of the following:

(a) A review of the competency-based education offered by the districts, schools, and consortia selected to participate in the Program under division (B) of this section;

(b) An evaluation of the implementation of competency-based education by the districts, schools, and consortia selected to participate in the Program and student outcomes resulting from that competency-based education;

(c) A determination of the feasibility of a funding model that reflects student achievement outcomes as demonstrated through competency-based education.

Section 733.40. Notwithstanding section 3305.062 of the Revised Code, as enacted by this act, if between July 1, 2015, and the effective date of section 3305.062 of the Revised Code, as enacted by this act, the State Teachers Retirement Board increases the percentage of an electing employee's compensation contributed

to the State Teachers Retirement System by a public institution of 132346
higher education under division (D) of section 3305.06 of the 132347
Revised Code, all of the following are the case: 132348

(A) The percentage is four per cent until the amount 132349
specified in division (B) of this section is repaid to each public 132350
institution employing an electing employee. 132351

(B) The Board shall repay to each public institution 132352
employing an electing employee an amount equal to the difference 132353
between the percentage established by the Board during the time 132354
period described in this section and the percentage specified 132355
under section 3305.062 of the Revised Code. 132356

(C) The public institution that employs an electing employee 132357
shall credit the amount specified in division (B) of this section 132358
to the investment provider the employee has selected under section 132359
3305.053 of the Revised Code. 132360

(D) The Board shall reimburse each public institution 132361
employing an electing employee an amount equal to the reasonable 132362
costs of reprogramming the institution's computers and other 132363
administrative expenses related to increasing the percentage. 132364

Section 737.10. The Legislative Committee on Public Health 132365
Futures is re-established. The committee shall review the June 132366
2012 report of the Public Health Futures Project Steering 132367
Committee of the Association of Ohio Health Commissioners, and the 132368
October 2012 report of the previous Legislative Committee on 132369
Public Health Futures that was established by Am. Sub. H.B. 487 of 132370
the 129th General Assembly. The Legislative Committee shall review 132371
the effectiveness of recommendations from those reports that are 132372
being or that have been implemented. And, based on the knowledge 132373
and insight gained from its reviews, the Legislative Committee 132374
shall make legislative and fiscal policy recommendations that it 132375
believes would improve local public health services in Ohio. 132376

The Legislative Committee, not later than January 31, 2016, 132377
shall prepare a report that describes its review of the reports 132378
and its review of the recommendations that are being or that have 132379
been implemented, and that states and provides explanations of the 132380
Committee's new policy recommendations. 132381

The Legislative Committee shall transmit a copy of its report 132382
to the Governor, the President and Minority Leader of the Senate, 132383
and the Speaker and Minority Leader of the House of 132384
Representatives. Upon transmitting its report, the Legislative 132385
Committee ceases to exist. 132386

Each of the following associations shall appoint one 132387
individual to the Legislative Committee: the County Commissioners 132388
Association of Ohio, the Ohio Township Association, the Department 132389
of Health, the Ohio Public Health Association, the Ohio 132390
Environmental Health Association, the Ohio Boards of Health 132391
Association, the Ohio Municipal League, and the Ohio Hospital 132392
Association. The Association of Ohio Health Commissioners shall 132393
appoint two individuals to the Legislative Committee. The 132394
President and Minority Leader of the Senate each shall appoint two 132395
members to the Legislative Committee. The Speaker and Minority 132396
Leader of the House of Representatives each shall appoint two 132397
members to the Legislative Committee. Of the two appointments made 132398
by each legislative leader, one shall be a member of the General 132399
Assembly from the appointing member's chamber. Appointments shall 132400
be made as soon as possible but not later than thirty days after 132401
the effective date of this section. Vacancies on the Legislative 132402
Committee shall be filled in the same manner as the original 132403
appointment. 132404

As soon as all members have been appointed to the Legislative 132405
Committee, the President of the Senate shall fix a time and place 132406
for the committee to hold its first meeting. At that meeting, the 132407
committee shall elect from among its membership a chairperson, a 132408

vice-chairperson, and a secretary. The Director of Health shall 132409
provide the Legislative Committee with meeting and office space, 132410
equipment, and professional, technical, and clerical staff as are 132411
necessary to enable the Legislative Committee successfully to 132412
complete its work. 132413

Section 737.13. Not later than sixty days after the effective 132414
date of this section, the director of health shall grant or deny 132415
all variance applications under section 3702.304 of the Revised 132416
Code that are pending on that effective date. A variance 132417
application that has not been granted within sixty days of the 132418
effective date of this section is considered denied. 132419

Section 737.20. The Board of Building Standards shall adopt 132420
rules pursuant to section 3781.106 of the Revised Code not later 132421
than one hundred eighty days after the effective date of this 132422
section. 132423

Section 737.30. Any provision of the State Fire Code that is 132424
in conflict with the amendments by this act to section 3737.84 of 132425
the Revised Code is unenforceable. 132426

Section 737.40. For purposes of the transfer by this act of 132427
the Storm Water Management Program established prior to the 132428
effective date of the amendment of the statutes governing the 132429
Program by this act under Chapter 1511. of the Revised Code from 132430
the Department of Natural Resources to the Environmental 132431
Protection Agency, all of the following apply: 132432

(A) The Director of Natural Resources may enter into a 132433
memorandum of understanding with the Director of Environmental 132434
Protection regarding the transfer of the Program. 132435

(B) The Director of Natural Resources shall rescind rules in 132436
accordance with Chapter 119. of the Revised Code regarding the 132437

Program that were in effect immediately preceding the effective 132438
date of this section. 132439

(C) Any business commenced but not completed by the Chief of 132440
the Division of Soil and Water Resources relating to the Program 132441
on the effective date of the amendment of the statutes governing 132442
the Program by this act shall be completed by the Director of 132443
Environmental Protection. Any validation, cure, right, privilege, 132444
remedy, obligation, or liability is not lost or impaired solely by 132445
reason of the transfer required by this act and shall be 132446
administered by the Director in accordance with this act. 132447

(D) All of the orders and determinations of the Chief of the 132448
Division of Soil and Water Resources relating to the Program 132449
continue in effect as orders and determinations of the Director of 132450
Environmental Protection until modified or rescinded by the 132451
Director. 132452

(E) Subject to the layoff provisions of sections 124.321 to 132453
124.328 of the Revised Code or the applicable collective 132454
bargaining agreement, all of the employees of the Division of Soil 132455
and Water Resources in the Department of Natural Resources 132456
relating to the Program are transferred to the Environmental 132457
Protection Agency and retain their same positions and all benefits 132458
accruing thereto. 132459

(F) All equipment and assets relating to the Program are 132460
transferred from the Division of Soil and Water Resources to the 132461
Environmental Protection Agency. 132462

(G) Whenever the Division of Soil and Water Resources or the 132463
Chief of the Division of Soil and Water Resources, in relation to 132464
the Program, is referred to in any law, contract, or other 132465
document, the reference shall be deemed to refer to the 132466
Environmental Protection Agency or to the Director of 132467
Environmental Protection, whichever is appropriate in context. 132468

(H) Any action or proceeding pending on the effective date of the amendment of the statutes governing the Program by this act is not affected by the transfer of the functions of that Program by this act and shall be prosecuted or defended in the name of the Environmental Protection Agency. In all such actions and proceedings, the Environmental Protection Agency, upon application to the court, shall be substituted as a party.

Section 745.10. (A) There is hereby created the Deputy Registrar Funding Study Committee. The Committee shall consist of six members, three of whom are appointed by the President of the Senate and three of whom are appointed by the Speaker of the House of Representatives. The President and Speaker, respectively, shall appoint the members not later than thirty days after the effective date of this section.

(B) The Committee shall select a chairperson and vice-chairperson from among its members. The Committee first shall meet within one month after the effective date of this section at the call of the President of the Senate. Thereafter, the Committee shall meet at the call of its chairperson as necessary to carry out its duties. Members of the Committee are not entitled to compensation for serving on the Committee, but may continue to receive the compensation and benefits accruing from their regular offices or employments.

(C) The Committee shall study the long-term financial solvency of deputy registrars in this state and whether the existing statutory charges that may be levied by deputy registrars are sufficient. Not later than six months after the effective date of this section, the Committee shall issue a report of its findings and recommendations to the Governor, the President of the Senate, the Minority Leader of the Senate, the Speaker of the House of Representatives, and the Minority Leader of the House of

Representatives. After submitting the report, the Committee shall 132500
cease to exist. 132501

Section 745.20. The Director of Transportation shall relocate 132502
the traffic light that is currently located at the intersection of 132503
the off ramp of the northeast bound lanes of interstate route 132504
seventy-one and state route seventy-three to the intersection of 132505
state route seventy-three and state route three hundred eighty. 132506

Section 745.30. The Department of Transportation shall submit 132507
a quarterly report on MBE/EDGE compliance to the majority and 132508
minority leaders of the General Assembly and the Governor to 132509
reaffirm compliance with federal and state mandates. 132510

Section 747.10. The intent of the General Assembly, when 132511
enacting Am. Sub. H.B. 394 of the 130th General Assembly, was to 132512
amend section 4731.22 of the Revised Code. The inclusion of the 132513
section in H.B. 394's first repeal clause (Section 2) as an 132514
outright repeal was a typographical error. The General Assembly's 132515
intent that section 4731.22 of the Revised Code be amended, rather 132516
than repealed outright, is demonstrated in H.B. 394's title, the 132517
first amending clause (Section 1), and the portion of the first 132518
repeal clause (Section 2) that listed the section among other 132519
Revised Code sections that were being repealed only to the extent 132520
that their existing versions were being replaced by amended 132521
versions. This intent is further demonstrated by H.B. 394's 132522
amendment of a future version of section 4731.22 of the Revised 132523
Code, effective April 1, 2015 (Sections 3 and 4). 132524

Section 747.20. The two hours of study in prepackaged soft 132525
contact lens dispensing required by division (A)(1) of section 132526
4725.411 of the Revised Code shall satisfy the requirements of 132527
division (A)(1)(a)(ii) of section 4725.51 of the Revised Code. 132528

Section 747.30. The members of the State Board of Cosmetology 132529
prior to the effective date of this act shall be appointed to the 132530
State Board of Barbers and Cosmetology. The members shall complete 132531
their terms as appointed under the prior State Board of 132532
Cosmetology. 132533

Section 747.40. Upon the effective date of this section, the 132534
State Barber Board and the State Board of Cosmetology are 132535
abolished and all of their functions, and assets and liabilities, 132536
are transferred to the State Board of Barbers and Cosmetology. The 132537
State Board of Barbers and Cosmetology is thereupon and thereafter 132538
successor to, assumes the obligations of, and otherwise 132539
constitutes the continuation of the State Barber Board and the 132540
State Board of Cosmetology. 132541

Any business commenced but not completed by the State Barber 132542
Board or the State Board of Cosmetology on the effective date of 132543
this section shall be completed by the State Board of Barbers and 132544
Cosmetology in the same manner, and with the same effect, as if 132545
completed by the State Barber Board or the State Board of 132546
Cosmetology. No validation, cure, right, privilege, remedy, 132547
obligation, or liability is lost or impaired by reason of the 132548
transfer required by this section and shall be administered by the 132549
State Board of Barbers and Cosmetology. All of the State Barber 132550
Board and the State Board of Cosmetology's rules, orders, and 132551
determinations continue in effect as rules, orders, and 132552
determinations of the State Board of Barbers and Cosmetology, 132553
until modified or rescinded by the State Board of Barbers and 132554
Cosmetology. If necessary to ensure the integrity of the numbering 132555
of the Administrative Code, the Director of the Legislative 132556
Service Commission shall renumber the State Barber Board and the 132557
State Board of Cosmetology's rules to reflect their transfer to 132558
the State Board of Barbers and Cosmetology. 132559

The Director of Budget and Management shall determine the amount of the unexpended balances in the appropriation accounts that pertain to the State Barber Board or the State Board of Cosmetology and shall recommend to the Controlling Board their transfer to the appropriation accounts that pertain to the State Board of Barbers and Cosmetology. The State Barber Board and the State Board of Cosmetology shall provide full and timely information to the Controlling Board to facilitate this transfer.

Wherever either the State Barber Board or the State Board of Cosmetology is referred to in any law, contract, or other document, the reference shall be deemed to refer to the State Board of Barbers and Cosmetology.

No action or proceeding pending on the effective date of this act is affected by the transfer, and shall be prosecuted or defended in the name of the State Board of Barbers and Cosmetology. In all such actions and proceedings, the State Board of Barbers and Cosmetology, upon application to the court, shall be substituted as a party.

Section 749.10. (A) Not later than ninety days after the effective date of this section, the Public Utilities Commission shall establish a collaborative process with all of the following, to address the internet-protocol-network transition:

- (1) Incumbent local exchange carriers;
- (2) Any competitive local exchange carriers that provide basic local exchange service and are affected by the transition;
- (3) The Office of the Ohio Consumers' Counsel;
- (4) A representative of cable operators, as defined in section 1332.21 of the Revised Code;
- (5) At the invitation of the Commission, other interested parties and members of the General Assembly.

(B) The collaborative process shall focus on the internet-protocol-network transition processes underway at the Federal Communications Commission and the issues of universal connectivity, consumer protection, public safety, reliability, expanded availability of advanced services, affordability, and competition. The collaborative process shall ensure that public education concerning the transition is thorough.

(C) The collaborative process shall include a review of the number and characteristics of basic-local-exchange-service customers in Ohio, an evaluation of what alternatives are available to them, including both wireline and wireless alternatives, and the prospect for the availability of alternatives where none currently exist. The collaborative process shall embark on an education campaign plan for those customers' eventual transition to advanced services. If the collaborative process identifies residential basic-local-exchange-service customers who will be unable to obtain voice service upon the withdrawal or abandonment of basic local exchange service, the Public Utilities Commission may find those customers to be eligible for the process under division (B) of section 4927.10 of the Revised Code, regardless of whether they have filed petitions under that division.

(D) The collaborative process shall, pursuant to the rules of the Public Utilities Commission, respect the confidentiality of any data shared with those involved in the process.

(E) All officers, boards, or commissions of this state and any political subdivision of this state shall furnish to the Public Utilities Commission, upon request, any data or information that will assist the commission in carrying out this section.

Section 749.20. Notwithstanding division (B)(2)(b)(ii) of section 4906.20 of the Revised Code and division (B)(2) of section

4906.201 of the Revised Code, the setback requirement that applies 132621
to the existing certificate for an electric generating plant, as 132622
described in section 4906.201 of the Revised Code, or for an 132623
economically significant wind farm, as defined in section 4906.13 132624
of the Revised Code, shall apply to an amendment to that 132625
certificate if all of the following apply regarding the amendment: 132626

(A) The sole purpose of the amendment is to make changes to 132627
one or more turbines that are approved under the existing 132628
certificate but have not yet been installed. 132629

(B) The amendment does not increase the number of turbines to 132630
be installed under the existing certificate. 132631

(C) The person seeking the amendment applies to make the 132632
amendment not later than ninety days after the effective date of 132633
this section. 132634

(D) The type of turbine to be installed is more efficient or 132635
otherwise more technologically advanced, as determined by the 132636
Power Siting Board, than the type planned to be installed under 132637
the existing certificate. 132638

(E) The type of turbine to be installed is not more than 132639
eight per cent taller, as measured from its base to the tip of its 132640
highest blade, than the height of the type of turbine, measured in 132641
the same manner, that is approved to be installed under the 132642
existing certificate. 132643

(F) The amendment applies to an economically significant wind 132644
farm or an electric generating plant, as applicable, that is 132645
obligated by contract to provide wind energy to one mercantile 132646
customer that consumes at least seven million kilowatt-hours per 132647
year. For purposes of this section, "mercantile customer" has the 132648
same meaning as in section 4928.01 of the Revised Code. 132649

(G) The turbine or turbines to be installed will be installed 132650

in the same spot where it is or they are approved to be installed 132651
under the existing certificate. 132652

Section 751.10. INDEPENDENT PROVIDER STUDY 132653

(A) As used in this section, "independent provider" means a 132654
provider who provides any of the following services on a 132655
self-employed basis and does not employ, directly or through 132656
contract, another person to provide those services: 132657

(1) Aide services, as defined in section 5164.77 of the 132658
Revised Code; 132659

(2) Nursing services, as defined in section 5164.77 of the 132660
Revised Code; 132661

(3) Services covered by a home and community-based services 132662
Medicaid waiver component, as defined in section 5166.01 of the 132663
Revised Code; 132664

(4) Services covered by the Helping Ohioans Move, Expanding 132665
(HOME) Choice demonstration component, as authorized by section 132666
5164.90 of the Revised Code. 132667

(B) It is the intent of the General Assembly to study the 132668
issue of Medicaid provider agreements with independent providers 132669
and to resolve the issue not later than December 31, 2015. 132670

Section 751.20. Not later than January 1, 2017, the Ohio 132671
Department of Medicaid shall submit to the General Assembly, in 132672
accordance with section 101.68 of the Revised Code, a report 132673
evaluating the Medicaid program's effect on clinical care and 132674
outcomes for the group described in section 132675
1902(a)(10)(A)(i)(VIII) of the "Social Security Act," 42 U.S.C. 132676
1396a(a)(10)(A)(i)(VIII), including the effects on physical and 132677
mental health, health care utilization and access, and financial 132678
hardship. 132679

Section 751.30. There is hereby created the Workgroup to 132680
Study the Feasibility of Medicaid Recipients' ID and Benefits 132681
Cards. The Workgroup shall consist of the following members: 132682

- (1) The Director of Public Safety or the Director's designee; 132683
- (2) The Medicaid Director or the Director's designee; 132684
- (3) The Director of Aging or the Director's designee; 132685
- (4) The Director of Development Services or the Director's 132686
designee; 132687
- (5) The Director of Developmental Disabilities or the 132688
Director's designee; 132689
- (6) The Superintendent of Public Instruction or the 132690
Superintendent's designee; 132691
- (7) The Director of Health or the Director's designee; 132692
- (8) The Director of Insurance or the Director's designee; 132693
- (9) The Director of Job and Family Services or the Director's 132694
designee; 132695
- (10) The Director of Mental Health and Addiction Services or 132696
the Director's designee; 132697
- (11) The Executive Director of Opportunities for Ohioans with 132698
Disabilities or the Executive Director's designee. 132699

The Director of Public Safety or the Director's designee 132700
shall serve as chairperson of the Workgroup. The Department of 132701
Public Safety shall provide staff and all other support functions 132702
for the Workgroup. 132703

In order to reduce enrollee and provider fraud and abuse, the 132704
Workgroup shall evaluate the feasibility of using state-issued 132705
licenses and identification cards to establish an individual's 132706
eligibility for all state public assistance programs and benefits 132707

under them, such as Medicaid, the Home Energy Assistance Program, 132708
the Supplemental Nutrition Assistance Program, the Temporary 132709
Assistance for Needy Families program, and child care. Upon 132710
conclusion of such evaluation, the Workgroup shall develop 132711
findings and formulate recommendations. 132712

Not later than July 1, 2018, the Workgroup shall submit a 132713
report that contains its findings and recommendations to the 132714
General Assembly. The Workgroup shall submit the report in 132715
accordance with section 101.68 of the Revised Code. Upon 132716
submission of the report, the Workgroup shall cease to exist. 132717

Section 751.40. There is hereby created in the state treasury 132718
the Health and Human Services Fund. The Fund shall consist of 132719
money appropriated or transferred to it. The Fund shall be used to 132720
pay any costs associated with programs or services provided by the 132721
state to enhance the public health and overall health care quality 132722
of citizens of this state. 132723

If any unexpended, unobligated cash remains in the Fund as of 132724
June 30, 2017, that cash shall be transferred by the Director of 132725
Budget and Management to the Budget Stabilization Fund. 132726

Section 751.50. MENTORING CARE AND JOB CONNECT PILOT PROJECT 132727

(A) The Governor's Office of Health Transformation, in 132728
consultation with the Department of Job and Family Services, 132729
Department of Medicaid, and the Governor's Office of Workforce 132730
Transformation, shall establish and monitor the Mentoring Care and 132731
Job Connect Pilot Project to be in effect during fiscal years 2016 132732
and 2017. 132733

(B) The purpose of the pilot project shall be to help pilot 132734
project participants find meaningful employment through the 132735
assistance of mentoring services that help participants access, 132736
connect, and coordinate their benefits and services from federal, 132737

state, and local government programs and programs offered by 132738
nonprofit or not-for-profit entities. The pilot project shall 132739
connect and coordinate such programs and services as the 132740
following: 132741

(1) Health care services; 132742

(2) Educational programs; 132743

(3) Job training, placement, and retention programs; 132744

(4) Transportation options; 132745

(5) Child care services; 132746

(6) Disability services; 132747

(7) Other benefits and services that would maximize 132748
employment opportunities for participants. 132749

(C) Not later than September 1, 2015, the Executive Director 132750
of the Office of Health Transformation shall release a request for 132751
grant applications to seek private, nonprofit or for-profit 132752
entities who can demonstrate effective strategies to meet the 132753
purposes outlined in division (B) of this section and to increase 132754
job placement for both of the following: 132755

(1) Long-term unemployed individuals who, for purposes of 132756
this initiative, are individuals who have been out of the 132757
workforce for fifteen weeks or longer and who are unlikely or 132758
unable to obtain permanent, full-time employment that will lead to 132759
economic self-sufficiency; 132760

(2) Individuals who are receiving benefits under the 132761
Supplemental Nutrition Assistance Program under the Food and 132762
Nutrition Act of 2008. 132763

(D) Not later than December 1, 2015, the Executive Director 132764
shall select an entity to administer the pilot project from among 132765
the entities that respond to the request for grant applications 132766
under division (C) of this section. 132767

(E) The entity selected to administer the pilot project under 132768
division (D) of this section shall establish an application 132769
process for the pilot project and shall select pilot project 132770
participants from among eligible applicants. 132771

(F) The pilot project shall operate in a minimum of one urban 132772
region and one rural region of the state as determined by the 132773
Executive Director. 132774

(G) The Executive Director, in consultation with the 132775
Department of Job and Family Services, Department of Medicaid, and 132776
the Governor's Office of Workforce Transformation, shall establish 132777
a system to evaluate the pilot project. The evaluation, at a 132778
minimum, shall include aggregate measurements of participants' 132779
employment outcomes, healthy practices, and personal 132780
responsibility. 132781

Section 753.10. (A) The Governor is hereby authorized to 132782
execute a release of any and all rights of reversion for the 132783
benefit of the state and any deed restrictions and covenants with 132784
respect to the construction on or use of certain real estate 132785
located in the City of Moraine, Montgomery County, Ohio, described 132786
in the deed from the state as follows: 132787

That certain Director's Deed to The City of Moraine, 132788
Montgomery County, Ohio, as grantee, dated October 4, 1978, and 132789
recorded in Deed Microfiche 78-578E02 of the Montgomery County, 132790
Ohio, Records, including rights of reversion, covenants, and 132791
restrictions set forth in said deed or any prior deeds. 132792

(B) The Auditor of State, with the assistance of the Attorney 132793
General, shall prepare the release. The release shall be executed 132794
by the Governor in the name of the state, countersigned by the 132795
Secretary of State, sealed with the Great Seal of the State, 132796
presented in the Office of the Auditor of State for recording, and 132797
delivered to The City of Moraine, Montgomery County, Ohio. The 132798

City of Moraine, Montgomery County, Ohio, or its designee shall 132799
present the release for recording in the office of the Montgomery 132800
County Recorder. 132801

(C) This section expires one year after its effective date. 132802

Section 753.20. (A) The Governor may execute a deed in the 132803
name of the state ("grantor") conveying to the City of Toledo or 132804
to a grantee to be determined, and to the grantee's heirs and 132805
assigns or successors and assigns, all of the state's right, 132806
title, and interest in the following described real estate: 132807

Situate in the City of Toledo, County of Lucas, State of 132808
Ohio: 132809

All of Lots Number 1051, 1052 and 1053 AND All of Lots 1057, 132810
1058, 1059, and 1409½ in the VISTULA DIVISION in the CITY OF 132811
TOLEDO, LUCAS COUNTY, OHIO. 132812

Subject to right-of-way, easements and restrictions of 132813
record. 132814

Prior Instrument Reference: 20120229-0009405 Lucas County, 132815
Ohio Recorder's Office. 132816

Parcel Number: 15-48072 132817

The foregoing description may be adjusted by the Department 132818
of Administrative Services to accommodate any corrections 132819
necessary to facilitate recordation of the deed. 132820

The real estate shall be sold as an entire tract and not in 132821
parcels. 132822

(B)(1) The conveyance shall include improvements and chattels 132823
situated on the real property, and is subject to all leases, 132824
easements, covenants, conditions, and restrictions of record; all 132825
legal highways and public rights-of-way; zoning, building, and 132826
other laws, ordinances, restrictions, and regulations; and real 132827

estate taxes and assessments not yet due and payable. The real 132828
property shall be conveyed in "as-is, where-is, with all faults" 132829
condition. 132830

(2) The deed may contain restrictions, exceptions, 132831
reservations, reversionary interests, and other terms and 132832
conditions the Director of Administrative Services determines to 132833
be in the best interest of the state. 132834

(3) Subsequent to the conveyance, any restrictions, 132835
exceptions, reservations, reversionary interests, or other terms 132836
and conditions contained in the deed may be released by the state 132837
or the Department of Administrative Services without the necessity 132838
of further legislation. 132839

(4) If conveyed to the City of Toledo, the deed to the real 132840
estate shall include the following deed restriction: 132841

Subsequent to the transfer of the deed to Grantee, in the 132842
event Grantee determines the real estate interest herein described 132843
shall no longer be needed for Grantee's use and purpose, Grantee 132844
shall notify Grantor and offer to return title of the real estate 132845
herein described to Grantor conditioned upon written agreement 132846
from Grantor to accept said title. Should Grantor decline to 132847
accept this reversion of title interest not later than ninety days 132848
after receipt of notice, Grantee shall be authorized to proceed 132849
with any subsequent transfer, conveyance, or disposal of the real 132850
estate Grantee determines to be in its best interest. 132851

(C) The Director of Administrative Services shall offer the 132852
real estate to the City of Toledo, or to a grantee to be 132853
determined, through a real estate purchase agreement prepared by 132854
the Department of Administrative Services. Consideration for the 132855
conveyance of the real estate shall be at a price acceptable to 132856
the Director. 132857

If the City of Toledo, or the grantee to be determined, does 132858

not complete the purchase of the real estate within the time 132859
period provided in the real estate purchase agreement, the 132860
Director of Administrative Services may offer to sell the real 132861
estate to an alternate grantee, through a real estate purchase 132862
agreement prepared by the Department of Administrative Services. 132863
Consideration for the conveyance of the real estate to an 132864
alternate grantee shall be at a price acceptable to the Director. 132865

(D) The grantee shall pay all costs associated with the 132866
purchase, closing, and conveyance, including surveys, title 132867
evidence, title insurance, transfer costs and fees, recording 132868
costs and fees, taxes, and any other fees, assessments, and costs 132869
that may be imposed. 132870

(E) The net proceeds of the sale shall be deposited into the 132871
state treasury to the credit of the General Revenue Fund. 132872

(F) Upon payment of the purchase price, the Auditor of State, 132873
with the assistance of the Attorney General, shall prepare a deed 132874
to the subject real estate. The deed shall state the consideration 132875
and shall be executed by the Governor in the name of the state, 132876
countersigned by the Secretary of State, sealed with the Great 132877
Seal of the State, presented in the Office of the Auditor of State 132878
for recording, and delivered to the grantee. The grantee shall 132879
present the deed for recording in the office of the Lucas County 132880
Recorder. 132881

(G) This section expires three years after its effective 132882
date. 132883

Section 757.10. For the purpose of division (A)(18)(d) of 132884
section 5709.93 of the Revised Code as enacted by this act, the 132885
county auditor of each county shall certify to the Tax 132886
Commissioner not later than July 31, 2015, the amount distributed 132887
from the county library fund in 2014 to each public library that 132888
received a distribution under section 5727.86 or 5751.22 of the 132889

Revised Code in 2014. 132890

Section 757.20. For the purpose of sections 5709.92 and 132891
5709.93 of the Revised Code as enacted by this act, a school 132892
district, joint vocational school district, public library, or 132893
local taxing unit may appeal a levy classification or any amount 132894
used in the calculation of total resources as defined under those 132895
sections. Such an appeal shall be filed in writing, including via 132896
electronic mail, with the Tax Commissioner. Upon receiving such an 132897
appeal, the Tax Commissioner shall make a determination of the 132898
merits of the appeal and, if the appeal is upheld, make necessary 132899
changes within the classifications or calculations. The 132900
determination of the Tax Commissioner is final and not subject to 132901
appeal. After June 30, 2016, no changes shall be made in the 132902
classifications or calculations. 132903

Section 757.40. The Tax Commissioner shall evaluate the 132904
effectiveness of any measures the Commissioner uses to reduce 132905
fraud with respect to the tax levied under section 5747.02 of the 132906
Revised Code by requiring a taxpayer to verify information about 132907
the taxpayer for the purpose of verifying the taxpayer's identity. 132908
On or before August 30, 2016, the Commissioner shall submit a 132909
report of that evaluation and recommended improvements to such 132910
measures to the Speaker of the House of Representatives, the 132911
President of the Senate, and each member of the House of 132912
Representatives and Senate standing committees dealing primarily 132913
with issues related to taxation. 132914

Section 757.50. (A) There is hereby created the Ohio 2020 Tax 132915
Policy Study Commission to review the state's tax structure and 132916
policies and make recommendations to the General Assembly on how 132917
to maximize Ohio's competitiveness by the year 2020, on how to 132918
transition Ohio's personal income tax to a flat tax of three and 132919

one-half per cent or three and three-quarters per cent beginning 132920
in tax year 2018, and on how to reform Ohio's severance tax in a 132921
way that maximizes competitiveness and enhances the general 132922
welfare of the state. The Commission shall consist of the 132923
following members: 132924

(1) Three members of the House of Representatives appointed 132925
by the Speaker of the House of Representatives who meet the 132926
following requirements: 132927

(a) Two shall be members of the majority party, one of whom 132928
shall be the Chairperson of the House Ways and Means Committee; 132929

(b) One shall be a member of the minority party. 132930

(2) Three members of the Senate appointed by the President of 132931
the Senate who meet the following requirements: 132932

(a) Two shall be members of the majority party, one of whom 132933
shall be the Chairperson of the Senate Ways and Means Committee; 132934

(b) One shall be a member of the minority party. 132935

(3) The Director of the Office of Budget and Management. 132936

(B)(1) The Chairpersons of the House and Senate Ways and 132937
Means Committees shall serve jointly as Co-chairpersons of the 132938
Commission. 132939

(2) Members of the Commission shall serve without 132940
compensation or reimbursement. 132941

(3) Vacancies on the Commission shall be filled in the same 132942
manner as original appointments. 132943

(C) The Legislative Service Commission shall provide 132944
necessary services to the Commission. 132945

(D) To aid in its review, the Commission shall utilize 132946
dynamic analytical tools. Not later than October 1, 2015, the 132947
Commission shall publish its findings and recommendations 132948

regarding Ohio's severance tax and submit its report to the 132949
members of the General Assembly. Not later than October 1, 2017, 132950
the Commission shall publish its findings and recommendations 132951
regarding all other matters before the Commission and submit its 132952
report to the members of the General Assembly. Upon submission of 132953
both reports, the Commission shall cease to exist. 132954

Section 757.90. The amendment by this act of section 5727.80 132955
and division (A) of section 5727.031 of the Revised Code is 132956
intended to clarify and be declaratory of the law as it existed 132957
before such amendments. 132958

Section 757.100. (A) On or before August 1, 2015, the Tax 132959
Commissioner, in consultation with the Director of Budget and 132960
Management, shall do all of the following: 132961

(1) Identify every provision, including every appropriation, 132962
of this act that was vetoed by the Governor and that would have 132963
required an expenditure from the General Revenue Fund of at least 132964
five million dollars in fiscal year 2016 and at least six million 132965
dollars in fiscal year 2017; 132966

(2) Determine the total amount of expenditures that will not 132967
be made as a result of the veto of the provisions identified in 132968
division (A)(1) of this section; 132969

(3) Determine the percentage that the amount determined in 132970
division (A)(2) of this section is of the amount of revenue the 132971
Director and Commissioner estimate will be received from the tax 132972
levied under section 5747.02 of the Revised Code in the current 132973
fiscal biennium without regard to any reduction in rates under 132974
this section or division (B) of that section. 132975

(B) The income tax rates prescribed in section 5747.02 of the 132976
Revised Code as amended by this act shall be reduced by the 132977
percentage certified under division (A)(3) of this section. The 132978

reduction shall apply to all taxable years beginning on or after 132979
January 1, 2015. The reduction shall not apply to the rates at 132980
which employers are required to withhold taxes under section 132981
5747.06 of the Revised Code before July 1, 2017. 132982

(C) Nothing in this section shall affect the right of the 132983
General Assembly to reconsider and repass any provision of this 132984
act in accordance with Section 16, Article II of the Ohio 132985
Constitution. 132986

Section 757.110. (A) The amendment by this act of division 132987
(B)(42) of section 5739.02 of the Revised Code applies on and 132988
after the effective date of this section. 132989

(B)(1) Except as provided in division (B)(2) of this section, 132990
the Tax Commissioner shall abate any unpaid taxes, penalties, and 132991
interest charged and payable under Chapters 5739. and 5741. of the 132992
Revised Code for transactions described by division (B)(42)(p) of 132993
section 5739.02 of the Revised Code occurring before the effective 132994
date of this section regardless of whether an assessment has been 132995
issued therefor. The Commissioner shall not make an assessment 132996
under Chapter 5739. or 5741. of the Revised Code for taxes, 132997
penalties, and interest charged and payable with respect to 132998
transactions described by division (B)(42)(p) of section 5739.02 132999
of the Revised Code and occurring before the effective date of 133000
this section. 133001

(2) Division (B)(1) of this section does not apply to any 133002
person that has not, as of September 1, 2015, paid all taxes, 133003
penalties, and interest charged and payable on or before that date 133004
under Chapters 5739. and 5741. of the Revised Code for 133005
transactions other than those described by division (B)(42)(p) of 133006
section 5739.02 of the Revised Code. 133007

Section 757.120. The amendment by this act of division 133008

(A)(31) of section 5747.01 of the Revised Code shall not affect 133009
the additional deduction authorized by Section 512.70 of Am. Sub. 133010
H.B. 59 of the 130th General Assembly as amended by Section 610.20 133011
of Am. Sub. H.B. 483 of the 130th General Assembly. 133012

Section 757.130. (A) As used in this section: 133013

(1) "Qualifying delinquent taxes" means any tax levied under 133014
Title LVIII of the Revised Code, including the taxes required to be 133015
withheld under Chapters 5747. and 5748. of the Revised Code, which 133016
were due and payable from any person as of May 1, 2015, were 133017
unreported or underreported, and remain unpaid. 133018

(2) "Qualifying delinquent personal property taxes" means a 133019
tax for which a return is filed under section 5711.02 of the 133020
Revised Code. 133021

(3) "Qualifying delinquent taxes" and "qualifying delinquent 133022
personal property taxes" do not include any tax for which a notice 133023
of assessment or audit has been issued, for which a bill has been 133024
issued, which relates to a tax period that ends after the 133025
effective date of this section, or for which an audit has been 133026
conducted or is currently being conducted. 133027

(B) The Tax Commissioner shall establish and administer a tax 133028
amnesty program with respect to qualifying delinquent taxes and 133029
qualifying delinquent personal property taxes. The program shall 133030
commence on January 1, 2016, and shall conclude on February 15, 133031
2016. The Tax Commissioner shall issue forms and instructions and 133032
take other actions necessary to implement the program. The Tax 133033
Commissioner shall publicize the program so as to maximize public 133034
awareness and participation in the program. 133035

(C)(1) During the program, if a person pays the full amount 133036
of qualifying delinquent taxes owed by that person and one-half of 133037
any interest that has accrued as a result of the person failing to 133038

pay those taxes in a timely fashion, the Tax Commissioner shall 133039
waive or abate all applicable penalties and one-half of any 133040
interest that accrued on the qualifying delinquent taxes. 133041

(2) During the program, if a person who owes qualifying 133042
delinquent personal property taxes files a return with the Tax 133043
Commissioner, in the form and manner prescribed by the Tax 133044
Commissioner, listing all taxable property that was required to be 133045
listed on the return required to be filed under section 5711.02 of 133046
the Revised Code, the Tax Commissioner shall issue a preliminary 133047
assessment certificate to the appropriate county auditor. Upon 133048
receiving a preliminary assessment certificate issued by the Tax 133049
Commissioner pursuant to this division, the county auditor shall 133050
compute the amount of qualifying delinquent personal property 133051
taxes owed by the person and shall add to that amount one-half of 133052
the interest prescribed under sections 5711.32 and 5719.041 of the 133053
Revised Code. The county treasurer shall collect the amount of tax 133054
and interest computed by the county auditor under this division by 133055
preparing and mailing a tax bill to the person as prescribed in 133056
section 5711.32 of the Revised Code. If the person pays the full 133057
amount of tax and interest thereon on or before the date shown on 133058
the tax bill all applicable penalties and one-half of any interest 133059
that accrued on the qualifying delinquent personal property taxes 133060
shall be waived. 133061

(3) No payment required under division (G) of section 321.24 133062
of the Revised Code shall be made with respect to any person who 133063
pays qualifying delinquent personal property taxes under division 133064
(C)(2) of this section. 133065

(4) Notwithstanding any contrary provision of the Revised 133066
Code, the Tax Commissioner shall not furnish to the county auditor 133067
any information pertaining to the exemption from taxation under 133068
division (C)(3) of section 5709.01 of the Revised Code insofar as 133069
that information pertains to any person who pays qualifying 133070

delinquent personal property taxes under division (C)(2) of this section. 133071
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(D) The Tax Commissioner may require a person participating in the program to file returns or reports, including amended returns and reports, in connection with the person's payment of qualifying delinquent taxes or qualifying delinquent personal property taxes. 133073
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(E) A person who participates in the program and pays in full any outstanding qualifying delinquent tax or qualifying delinquent personal property tax and the interest payable on such tax in accordance with this section shall not be subject to any criminal prosecution or any civil action with respect to that tax, and no assessment shall thereafter be issued against that person with respect to that tax. 133078
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(F) Taxes and interest collected under the program shall be considered as revenue arising from the tax to which the payment relates, and shall be distributed accordingly. 133085
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Section 757.140. The amendment by this act of section 5726.01 of the Revised Code is remedial in nature and is intended to clarify the law as it existed prior to the amendment of that section by this act. The amendment of that section shall apply to tax years beginning on and after January 1, 2014. 133088
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Section 757.150. The amendment by this act of section 5736.01 of the Revised Code applies to tax periods beginning on or after July 1, 2015. 133093
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Section 757.160. The amendment by this act of section 5736.02 of the Revised Code applies to tax periods beginning on or after July 1, 2015. 133096
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Section 757.163. The Tax Commissioner shall prepare a list of the tax expenditures, as defined in section 5703.95 of the Revised Code in existence on April 15, 2015, and shall provide a copy of the list to the chairperson of the Tax Expenditure Review Committee created by section 5703.954 of the Revised Code. The Committee thereupon shall prepare a schedule under section 5703.95 of the Revised Code for appraising one-half of the listed tax expenditures so that the appraisal and the report required for those tax expenditures under section 5703.952 of the Revised Code will be completed not later than November 1, 2016. The schedule shall provide for the appraisal of the remaining tax expenditures during the 2017 calendar year, in accordance with section 5703.95 of the Revised Code.

Section 757.165. Not later than thirty days after the effective date of the enactment of section 5703.954 of the Revised Code, the Governor, with the advice and consent of the Senate, shall make the Governor's initial appointment to the Tax Expenditure Review Committee under that section. The member thus appointed shall be a member for a term ending on December 31, 2017. Thereafter, the gubernatorial appointment and term shall be as prescribed in that section.

Not later than thirty days after the effective date of the enactment of that section, the President of the Senate and the Speaker of the House of Representatives each shall make their initial appointments to the Tax Expenditure Review Committee under that section. The members thus appointed shall be members for terms ending as prescribed in that section.

Section 757.170. (A) As used in this section:

(1) "Certificate owner" and "qualified rehabilitation expenditures" have the same meanings as in section 149.311 of the

Revised Code. 133129

(2) "Taxpayer," "tax period," "excluded person," "combined taxpayer," and "consolidated elected taxpayer," have the same meanings as in section 5751.01 of the Revised Code. 133130
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(3) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 133133
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(B) A taxpayer that is the certificate owner of a rehabilitation tax credit certificate issued under section 149.311 of the Revised Code may claim a credit against the tax levied by section 5751.02 of the Revised Code for tax periods ending on or before June 30, 2017, provided that the taxpayer is unable to claim the credit under section 5725.151, 5725.34, 5726.52, 5729.17, 5733.47, or 5747.76 of the Revised Code. 133135
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The credit shall equal the lesser of twenty-five per cent of the dollar amount of the qualified rehabilitation expenditures indicated on the certificate or five million dollars. The credit shall be claimed for the calendar year specified in the certificate and after the credits authorized in divisions (A)(1) to (4) of section 5751.98 of the Revised Code, but before the credits authorized in divisions (A)(5) to (7) of that section. 133142
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If the credit allowed for any calendar year exceeds the tax otherwise due under section 5751.02 of the Revised Code, after allowing for any other credits preceding the credit in the order prescribed by this section, the excess shall be refunded to the taxpayer. However, if any amount of the credit is refunded, the sum of the amount refunded and the amount applied to reduce the tax otherwise due for that year shall not exceed three million dollars. The taxpayer may carry forward any balance of the credit in excess of the amount claimed for that year for not more than five calendar years after the calendar year specified in the certificate, and shall deduct any amount claimed in any such year 133149
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from the amount claimed in an ensuing year. 133160

A person that is an excluded person may file a return under 133161
section 5751.051 of the Revised Code for the purpose of claiming 133162
the credit authorized in this section. 133163

If the certificate owner is a pass-through entity, the credit 133164
may not be allocated among the entity's owners in proportions or 133165
amounts as the owners mutually agree unless either the owners are 133166
part of the same combined or consolidated elected taxpayer as the 133167
pass-through entity or the director of development services issued 133168
the certificate in the name of the pass-through entity's owners in 133169
the agreed-upon proportions or amounts. If the credit is allocated 133170
among those owners, an owner may claim the credit authorized in 133171
this section only if that owner is a corporation or an association 133172
taxed as a corporation for federal income tax purposes and is not 133173
a corporation that has made an election under Subchapter S of 133174
Chapter 1 of Subtitle A of the Internal Revenue Code. 133175

The credit authorized in this section may be claimed only on 133176
the basis of a rehabilitation tax credit certificate with an 133177
effective date after December 31, 2013, but before June 30, 2017. 133178

A person claiming a credit under this section shall retain 133179
the rehabilitation tax credit certificate for four years following 133180
the end of the latest calendar year in which the credit was 133181
applied, and shall make the certificate available for inspection 133182
by the tax commissioner upon request. 133183

Section 757.180. As used in this section, "qualified 133184
property" means territory leased by the state under section 133185
1506.11 of the Revised Code, the lease of which has been assigned 133186
to a municipal corporation as lessee, and having unpaid taxes, 133187
penalties, and interest charged against it exceeding the assessed 133188
value of the property for tax year 2014. 133189

Notwithstanding section 5713.081 and division (F) of section 133190
1506.11 of the Revised Code, when qualified property used 133191
exclusively for a public purpose for the purposes of section 133192
5709.08 of the Revised Code has not received tax exemption under 133193
that section, the lessee municipal corporation, at any time on or 133194
before December 31, 2015, may file with the Tax Commissioner an 133195
application requesting that the property be placed on the 133196
tax-exempt list and that unpaid taxes, penalties, and interest 133197
charged and payable after December 31, 1999, on the property be 133198
abated, provided that taxes, penalties, and interest charged and 133199
payable for any tax year the property was used in the operation of 133200
a business may not be abated. 133201

The application shall be made on the form prescribed by the 133202
Tax Commissioner under section 5715.27 of the Revised Code and 133203
shall list the name of the county in which the property is 133204
located; the property's parcel number or legal description; its 133205
assessed value; the amount in dollars of the unpaid taxes, 133206
penalties, and interest charged and payable after December 31, 133207
1999; and any other information required by the Tax Commissioner. 133208
The county auditor shall supply the required information upon 133209
request of the applicant. 133210

After receiving and considering the application, the 133211
Commissioner shall determine if the applicant meets the 133212
qualifications set forth in this section. If so, the Commissioner 133213
shall issue an order directing that the property be placed on the 133214
tax-exempt list of the county and that unpaid taxes, penalties, 133215
and interest charged and payable after December 31, 1999, be 133216
abated except for taxes, penalties, and interest charged and 133217
payable for any tax year that the property was used in the 133218
operation of a business. Such taxes, penalties, and interest shall 133219
be abated even if the property was subject to more than one lease 133220
during the period for which the abatement was requested. If the 133221

Commissioner finds that the property is not now being used for an 133222
exempt purpose or is otherwise ineligible for abatement of taxes, 133223
penalties, and interest under this section, the Commissioner shall 133224
issue an order denying the application. 133225

If the Commissioner finds that the property is not entitled 133226
to tax exemption and the abatement of unpaid taxes, penalties, and 133227
interest, the Commissioner shall order the county treasurer of the 133228
county in which the property is located to collect all taxes, 133229
penalties, and interest due on the property in accordance with 133230
law. 133231

The Commissioner may apply this section to any qualified 133232
property that is the subject of an application for exemption 133233
pending before the Commissioner on the effective date of this 133234
section without requiring the property owner to file an additional 133235
application. 133236

Section 757.190. The amendment by this act of section 5709.17 133237
of the Revised Code applies to applications for exemption that are 133238
pending on, or are filed on or after, the effective date of this 133239
section. 133240

Section 759.10. (A) The Director of Veterans Services shall 133241
adopt rules as required by section 5101.98 (5902.05) of the 133242
Revised Code as amended by this act. Upon the taking effect of 133243
those rules, rules 5101:10-2-01 and 5101:10-2-02 of the 133244
Administrative Code are void. 133245

(B) Pending the taking effect of rules adopted by the 133246
Director of Veterans Services under division (A) of this section, 133247
rules 5101:10-2-01 and 5101:10-2-02 of the Administrative Code 133248
remain in effect, but the Director and Department of Veterans 133249
Services, rather than the Director and Department of Job and 133250
Family Services, shall administer the rules, and references in the 133251

rules to the Director of Job and Family Services shall be read as 133252
if they referred to the Director or Department of Veterans 133253
Services. In applying the rules, the Director of Veterans Services 133254
shall read the eligibility of an individual for a grant from the 133255
Military Injury Relief Fund as if it had been expanded to include 133256
individuals who served after October 7, 2001. 133257

Section 759.20. Not later than six months after the effective 133258
date of this section, the Director of Veterans Services, in 133259
consultation with the Ohio Recorders Association, shall establish 133260
initial material and design standards for Ohio veterans 133261
identification cards, as required by section 5902.09 of the 133262
Revised Code. The initial material and design standards shall be 133263
prescribed in rules adopted under Chapter 119. of the Revised 133264
Code. 133265

Section 761.10. Sections 164.13, 317.08, 929.03, 6103.052, 133266
6117.062, 6117.51, 6117.52, 6117.521, 6117.522, 6119.60, 6119.601, 133267
and 6119.602 of the Revised Code as amended or enacted by this act 133268
do not apply to an existing sewer construction project authorized 133269
under Chapter 6117. of the Revised Code or an existing waste water 133270
facility construction project authorized under Chapter 6119. of 133271
the Revised Code regarding which a board of county commissioners 133272
or the board of trustees of a regional water and sewer district, 133273
respectively, has done either of the following: 133274

(A) Expended funds to authorize and has entered into 133275
contracts for the services of registered professional engineers 133276
for the planning of such a project prior to January 1, 2016; 133277

(B) Entered into a contract or agreement with the legislative 133278
authority of another political subdivision, prior to January 1, 133279
2015, for the provision of sewerage collection, treatment, or 133280
disposal services or that provides for connection to a sewerage 133281

system, the performance of which is executory in nature. 133282

Section 763.10. (A) There is hereby established the 133283
Montgomery County Workforce Study Committee, which shall study all 133284
of the following: 133285

(1) Workforce development system options for in-demand jobs 133286
in the Montgomery County region; 133287

(2) Establishing a workforce sector network to develop a 133288
common agenda and shared performance measures in aerospace and 133289
manufacturing; 133290

(3) Identifying the supply and demand of in-demand job areas 133291
over multi-time horizons and using this data to establish 133292
short-term and long-term targets for the Montgomery County 133293
region's in-demand jobs that are approved and shared by the 133294
network's partners; 133295

(4) Identifying and implementing clear pathways and 133296
incentives for meeting educational and experiential objectives; 133297

(5) Identifying a collaborative strategy to expand the number 133298
of internships that are available and to recommend targeted 133299
matching or seed funding to complement existing efforts or to 133300
generate new "gap filler" efforts for students interested in 133301
careers in aerospace and manufacturing industries; 133302

(6) Creating innovative loan forgiveness programs and 133303
providing targeted matching or seed funding to complement existing 133304
efforts or generating new "gap filler" efforts for students who 133305
are completing a post-secondary credential in a high-demand 133306
workforce area. 133307

(B) Not later than June 30, 2017, the Committee shall issue a 133308
report of its findings and shall deliver that report to the 133309
Governor, the President and Minority Leader of the Senate, and the 133310
Speaker and Minority Leader of the House of Representatives. 133311

(C) The Committee shall consist of the following members: 133312

(1) Four representatives of the manufacturing industry, two 133313
of whom shall be appointed by the President of the Senate and two 133314
of whom shall be appointed by the Speaker of the House of 133315
Representatives; 133316

(2) Four representatives of the aerospace industry, two of 133317
whom shall be appointed by the President of the Senate and two of 133318
whom shall be appointed by the Speaker of the House of 133319
Representatives; 133320

(3) Six representatives from institutions of higher 133321
education, three of whom shall be appointed by the President of 133322
the Senate and three of whom shall be appointed by the Speaker of 133323
the House of Representatives; 133324

(4) Four representatives of the Department of Higher 133325
Education, the Governor's Office of Workforce Transformation, the 133326
Montgomery County Educational Services Center, OhioMeansJobs - 133327
Montgomery County, or another state or county agency involved with 133328
education or workforce development, two of whom shall be appointed 133329
by the President of the Senate and two of whom shall be appointed 133330
by the Speaker of the House of Representatives. 133331

(D) The President of the Senate and Speaker of the House 133332
shall appoint members in accordance with division (C) of this 133333
section within thirty days after the effective date of this 133334
section. Within thirty days after the last appointment is made to 133335
the Committee, the Committee shall meet and select a chairperson 133336
and vice chairperson from among its members. Thereafter, the 133337
Committee shall meet at the call of its chairperson as necessary 133338
to carry out its duties. 133339

(E) Members of the Committee are not entitled to compensation 133340
for serving on the Committee but may continue to receive the 133341
compensation and benefits accruing to them from their regular 133342

offices or employment.	133343
(F) The Committee may hire staff in consultation with Learn to Earn Dayton.	133344 133345
(G) The Montgomery County Educational Services Center shall be the Committee's fiscal agent.	133346 133347
(H) Upon submission of the report required under division (B) of this section, the Committee is abolished.	133348 133349
Section 803.01. The amendment by this act of section 718.01 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.	133350 133351 133352
Section 803.03. The amendment by this act of section 718.05 of the Revised Code applies to municipal taxable years beginning on or after January 1, 2016.	133353 133354 133355
Section 803.05. The amendment of section 5124.67 of the Revised Code is not intended to supersede the earlier repeal, with delayed effective date, of that section.	133356 133357 133358
Section 803.07. The amendment by this act of section 5725.22 of the Revised Code applies to taxable years ending in and after 2016.	133359 133360 133361
Section 803.70. The amendment by this act of sections 5747.01, 5747.05, 5747.055, 5747.08, 5747.71, and 5747.98 of the Revised Code applies to taxable years beginning on or after January 1, 2015.	133362 133363 133364 133365
Section 803.140. The amendment or enactment by this act of sections 5701.03, 5713.031, and 5713.30 of the Revised Code applies to tax year 2015 and every tax year thereafter.	133366 133367 133368

Section 803.160. The amendment by this act of sections 133369
718.01, 718.04, and 718.05 of the Revised Code is not intended to 133370
accelerate the application of the amendment of those sections by 133371
H.B. 5 of the 130th General Assembly as provided by Section 3 of 133372
that act. 133373

Section 803.170. The repeal by this act of section 5739.212 133374
of the Revised Code applies to any tax or rate increase imposed 133375
under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or 133376
5741.023 of the Revised Code on or after July 1, 2015. 133377

Section 803.180. The amendment or enactment by this act of 133378
sections 5703.057, 5703.36, and 5703.361 of the Revised Code apply 133379
on and after January 1, 2016. 133380

Section 803.210. The amendment by this act of sections 133381
3769.03, 3769.08, 3769.083, 3769.086, 3769.087, and 3769.101 of 133382
the Revised Code apply on and after January 1, 2016. 133383

Section 803.220. (A) As used in this section, "net additional 133384
tax" means, in the case of a wholesale dealer, the net additional 133385
amount of tax resulting from the amendment by this act of section 133386
5743.02 of the Revised Code, less the discount allowed under 133387
section 5743.05 of the Revised Code as a commission for affixing 133388
stamps, that is due on all packages of Ohio stamped cigarettes and 133389
on all unaffixed Ohio cigarette tax stamps that the wholesale 133390
dealer has on hand as of the beginning of business on July 1, 133391
2015, and, in the case of a retail dealer, means the net 133392
additional amount of tax resulting from the amendment by this act 133393
of section 5743.02 of the Revised Code that is due on all packages 133394
of Ohio stamped cigarettes that the retail dealer has on hand as 133395
of the beginning of business on July 1, 2015. 133396

(B) In addition to the return required under section 5743.03 133397
of the Revised Code, each wholesale dealer and each retail dealer 133398
shall make and file a return on forms prescribed by the Tax 133399
Commissioner showing the net additional tax due and any other 133400
information that the commissioner considers necessary to apply 133401
sections 5743.01 to 5743.20 of the Revised Code in the 133402
administration of the net additional tax. On or before September 133403
30, 2015, each wholesale dealer and each retail dealer shall 133404
deliver the return to the Commissioner, together with remittance 133405
of the net additional tax. 133406

(C) Any wholesale or retail dealer who fails to file a return 133407
or remit net additional tax as required under this section shall 133408
forfeit and pay into the state treasury a late charge equal to 133409
fifty dollars or ten per cent of the net additional tax due, 133410
whichever is greater. 133411

(D) Unpaid or unreported net additional taxes and late 133412
charges may be collected by assessment in the manner prescribed 133413
under sections 5743.081 and 5743.082 of the Revised Code. 133414

(E) All amounts collected under this section shall be 133415
considered revenue arising from the tax imposed by section 5743.02 133416
of the Revised Code. 133417

Section 803.230. The amendment by this act of sections 133418
5743.02 and 5743.32 of the Revised Code applies on and after July 133419
1, 2015. 133420

Section 803.240. As used in this section, "tax incentive" has 133421
the same meaning as in division (B) of section 122.942 of the 133422
Revised Code. 133423

The amendment by this act of section 122.942 of the Revised 133424
Code applies to all tax incentives approved by the tax credit 133425
authority on or after the effective date of this section. 133426

Section 803.250. The amendments by this act to division (K) 133427
of section 122.17 and division (J) of section 122.171 of the 133428
Revised Code apply only to original agreements approved by the tax 133429
credit authority on or after January 1, 2014, and amendments to 133430
such agreements under division (R) of section 122.17 of the 133431
Revised Code. 133432

Section 803.260. The amendment by this act of division (I) of 133433
section 5741.01 and section 5741.17 of the Revised Code applies on 133434
and after July 1, 2015. 133435

Section 803.270. The amendment by this act adding division 133436
(B)(54) of section 5739.02 of the Revised Code applies beginning 133437
October 1, 2015. 133438

Section 803.280. The amendment by this act of sections 133439
5743.01, 5743.51, 5743.62, and 5743.63 of the Revised Code apply 133440
to invoices dated on or after July 1, 2015. 133441

Section 803.290. Notwithstanding any other provision of 133442
Chapter 718. of the Revised Code, the deadline for filing an 133443
ordinance or resolution to levy the tax authorized in division (G) 133444
of section 718.04 of the Revised Code with the board of elections 133445
for the election to be held on November 3, 2015, shall be fifteen 133446
days after the effective date of the amendment of that section. 133447

Section 803.300. The amendment by this act of section 133448
5747.113 of the Revised Code applies to taxable years beginning on 133449
or after January 1, 2015. 133450

Section 803.310. Subject to the limitations on the time to 133451
apply for a refund or issue an assessment under section 5751.08 or 133452
5751.09 of the Revised Code, respectively, the amendment by this 133453

act of division (F)(2)(jj) of section 5751.01 of the Revised Code 133454
applies to tax periods beginning on or after July 1, 2005, and 133455
shall be construed as clarifying the law as it existed prior to 133456
the effective date of that amendment. 133457

Section 803.330. The amendment or enactment by this act of 133458
sections 351.021, 353.06, and 5739.08, divisions (B)(3)(v), (II), 133459
and (TTT) of section 5739.01, division (N) of section 5739.09, and 133460
divisions (I)(2)(h) and (V) of section 5741.01 of the Revised Code 133461
applies on and after October 1, 2015. 133462

Section 803.340. The amendment by this act of section 5751.01 133463
of the Revised Code adding division (F)(2)(kk) to that section 133464
applies to tax periods beginning on or after July 1, 2015. 133465

Section 803.350. Notwithstanding division (C) of section 133466
5736.02 of the Revised Code as amended by this act, the Department 133467
of Taxation shall post the first average wholesale price of a 133468
gallon of propane not later than July 31, 2015, for the calendar 133469
quarter that begins July 1, 2015. 133470

Section 803.353. The amendment by this act of sections 133471
5727.06, 5727.11, 5727.15, and 5727.75 and divisions (B) and (C) 133472
of section 5727.031 of the Revised Code applies to tax years 133473
beginning on or after January 1, 2016. 133474

Section 803.360. The developmental center closure process, 133475
established in the amendment by this act to section 5123.032 of 133476
the Revised Code, applies to a developmental center for which the 133477
Governor has given notice of the Governor's intention to close the 133478
developmental center, but for which the closure of the center has 133479
not been completed. Not later than seven days after the effective 133480
date of the amendment to section 5123.032 of the Revised Code by 133481

this act, the officials who are to appoint members to a 133482
developmental center closure commission shall appoint members to a 133483
developmental center closure commission for each center for which 133484
the Governor has given the closure notice. 133485

Section 806.10. The items of law contained in this act, and 133486
their applications, are severable. If any item of law contained in 133487
this act, or if any application of any item of law contained in 133488
this act, is held invalid, the invalidity does not affect other 133489
items of law contained in this act and their applications that can 133490
be given effect without the invalid item of law or application. 133491

Section 809.10. An item of law, other than an amending, 133492
enacting, or repealing clause, that composes the whole or part of 133493
an uncodified section contained in this act has no effect after 133494
June 30, 2017, unless its context clearly indicates otherwise. 133495

Section 812.10. Except as otherwise provided in this act, the 133496
amendment, enactment, or repeal by this act of a section is 133497
subject to the referendum under Ohio Constitution, Article II, 133498
section 1c and therefore takes effect on the ninety-first day 133499
after this act is filed with the Secretary of State or, if a later 133500
effective date is specified below, on that date. 133501

The amendment or enactment of sections 164.13, 317.08, 133502
929.03, 6103.052, 6112.01, 6112.03, 6112.06, 6117.062, 6117.51, 133503
6117.52, 6117.521, 6117.522, 6119.60, 6119.601, and 6119.602 of 133504
the Revised Code takes effect January 1, 2016. 133505

The amendment of sections 173.47, 5165.15, 5165.151, 133506
5165.152, 5165.192, and 5165.23 of the Revised Code takes effect 133507
July 1, 2016. 133508

The amendment of section 4501.01 of the Revised Code in 133509
Section 101.01 of this act takes effect January 1, 2016. 133510

For multiple employer welfare arrangements that have a valid certificate of authority from the superintendent of insurance on the effective date of the amendments to section 1739.13 of the Revised Code, the requirements imposed by that section as amended by this act shall take effect two years from the effective date of those amendments.

The enactment of new section 5165.25 of the Revised Code takes effect July 1, 2016.

The repeal of sections 5165.25 and 5165.26 of the Revised Code takes effect July 1, 2016.

The amendment or enactment of sections 145.56, 145.571, 742.462, 742.47, 2919.21, 3115.101 3115.102, 3115.103, 3115.104, 3115.105, 3115.201, 3115.202, 3115.203, 3115.204, 3115.205, 3115.206, 3115.207, 3115.208, 3115.209, 3115.210, 3115.211, 3115.301, 3115.302, 3115.303, 3115.304, 3115.305, 3115.306, 3115.307, 3115.308, 3115.309, 3115.310, 3115.311, 3115.312, 3115.313, 3115.314, 3115.315, 3115.316, 3115.317, 3115.318, 3115.319, 3115.401, 3115.402, 3115.501, 3115.502, 3115.503, 3115.504, 3115.505, 3115.506, 3115.507, 3115.601, 3115.602, 3115.603, 3115.604, 3115.605, 3115.606, 3115.607, 3115.608, 3115.609, 3115.610, 3115.611, 3115.612, 3115.613, 3115.614, 3115.615, 3115.616, 3115.701, 3115.702, 3115.703, 3115.704, 3115.705, 3115.706, 3115.707, 3115.708, 3115.709, 3115.710, 3115.711, 3115.712, 3115.713, 3115.801, 3115.802, 3115.901, 3115.902, 3115.903, 3305.08, 3305.21, 3307.371, 3307.41, 3309.66, 3309.671, 5505.22, and 5505.261 and the repeal of sections 3115.01, 3115.02, 3115.03, 3115.031, 3115.04, 3115.05, 3115.06, 3115.07, 3115.08, 3115.09, 3115.10, 3115.11, 3115.12, 3115.13, 3115.14, 3115.15, 3115.16, 3115.17, 3115.18, 3115.19, 3115.20, 3115.21, 3115.22, 3115.23, 3115.24, 3115.25, 3115.26, 3115.27, 3115.28, 3115.29, 3115.30, 3115.31, 3115.32, 3115.33, 3115.34, 3115.35, 3115.36, 3115.37, 3115.38, 3115.39, 3115.40, 3115.41,

3115.42, 3115.43, 3115.44, 3115.45, 3115.46, 3115.47, 3115.48, 133543
3115.49, 3115.50, 3115.51, 3115.52, 3115.53, 3115.54, 3115.55, 133544
3115.56, 3115.57, 3115.58, and 3115.59 of the Revised Code take 133545
effect on January 1, 2016. 133546

Section 812.20. This paragraph does not apply to the 133547
amendment by this act of Section 2 of Am. Sub. S.B. 1 of the 130th 133548
General Assembly. The amendment, enactment, or repeal by this act 133549
of the sections listed below is exempt from the referendum under 133550
Ohio Constitution, Article II, section 1d and section 1.471 of the 133551
Revised Code and therefore takes effect immediately when this act 133552
becomes law or, if a later effective date is specified below, on 133553
that date. 133554

Sections 5709.92, 5709.93, 5727.81, 5727.811, 5727.84, 133555
5727.85, 5727.86, 5751.02, 5751.20, 5751.21, and 5751.22 of the 133556
Revised Code and Sections 757.10 and 757.20 of this act take 133557
effect July 1, 2015. 133558

Sections 5741.01 and 5741.03 of the Revised Code take effect 133559
July 1, 2015. 133560

Sections 5743.02 and 5743.32 of the Revised Code and Section 133561
803.220 of this act take effect July 1, 2015. 133562

Sections 5743.51, 5743.62, and 5743.63 of the Revised Code 133563
and Section 803.210 of this act take effect July 1, 2015. 133564

Sections of this act prefixed with section numbers in the 133565
200s, 300s, 400s, 500s, and 600s. 133566

Sections or parts of sections that state that referenced 133567
sections in whole or in part are exempt from the referendum. 133568

Section 812.40. Section 340.034 of the Revised Code takes 133569
effect September 15, 2016. 133570

Section 812.70. (A) The amendment, enactment, or repeal of 133571
sections 121.04, 305.31, 717.01, 901.08, 901.21, 901.22, 903.082, 133572
905.31, 905.323, 931.01, 931.02, 939.01, 939.07, 941.14, 953.22, 133573
1501.022, 1501.04, 1503.50, 1503.51, 1503.52, 1503.53, 1503.54, 133574
1503.55, 1503.99, 1506.01, 1511.01, 1511.04, 1511.06, 1511.07, 133575
1511.08, 1511.99, 1514.08, 1514.13, 1521.03, 1521.031, 1521.04, 133576
1521.05, 1521.06, 1521.061, 1521.062, 1521.063, 1521.064, 1521.07, 133577
1521.10, 1521.11, 1521.12, 1521.13, 1521.14, 1521.15, 1521.16, 133578
1521.18, 1521.19, 1522.03, 1522.05, 1522.11, 1522.12, 1522.13, 133579
1522.131, 1522.15, 1522.16, 1522.17, 1522.18, 1522.20, 1522.21, 133580
1523.01, 1523.02, 1523.03, 1523.04, 1523.05, 1523.06, 1523.07, 133581
1523.08, 1523.09, 1523.10, 1523.11, 1523.12, 1523.13, 1523.14, 133582
1523.15, 1523.16, 1523.17, 1523.18, 1523.19, 1523.20, 3701.344, 133583
3714.073, 3718.03, 3734.029, 3745.70, 4115.03, 5301.68, 5301.69, 133584
5537.05, 6109.21, 6111.03, 6111.04, 6111.044, 6111.12, 6111.44, 133585
and 6131.23 of the Revised Code and Sections 709.20, 709.30, 133586
709.40, 709.50, 715.20, 715.30, 715.40, and 737.50 of this act 133587
take effect on January 1, 2016. 133588

(B) The amendment, amendment for the purpose of adopting new 133589
section numbers as indicated in parentheses, or both of sections 133590
1511.02 (939.02), 1511.021 (939.03), 1511.022 (939.04), 1511.03 133591
(939.06), 1511.05 (939.05), 1511.071 (939.10), 1511.10 (939.08), 133592
1511.11 (939.09), 1515.01 (940.01), 1515.02 (940.02), 1515.03 133593
(940.03), 1515.05 (940.04), 1515.07 (940.05), 1515.08 (940.06), 133594
1515.081 (940.07), 1515.09 (940.08), 1515.091 (940.09), 1515.092 133595
(940.10), 1515.093 (940.11), 1515.10 (940.12), 1515.11 (940.13), 133596
1515.13 (940.14), 1515.14 (940.15), 1515.15 (940.16), 1515.16 133597
(940.17), 1515.17 (940.18), 1515.18 (940.19), 1515.181 (940.20), 133598
1515.182 (940.21), 1515.183 (940.22), 1515.184 (940.23), 1515.185 133599
(940.24), 1515.19 (940.25), 1515.191 (940.26), 1515.192 (940.27), 133600
1515.193 (940.28), 1515.21 (940.29), 1515.211 (940.30), 1515.22 133601
(940.31), 1515.23 (940.32), 1515.24 (940.33), 1515.28 (940.34), 133602

and 1515.29 (940.35) of the Revised Code takes effect on January 1, 2016. 133603
133604

(C) The amendment of division (D) of section 3734.02, 133605
division (VV) of section 5705.19, and division (M) of section 133606
6111.01 takes effect on January 1, 2016. 133607

(D) The following amendments take effect on January 1, 2016: 133608

(1) "Chapter ~~1515.~~ 940." in section 505.101 of the Revised 133609
Code; 133610

(2) "~~the division of soil and water resources in the~~ 133611
~~department of natural resources,~~" and "Chapter ~~1515.~~ 940." in 133612
division (A) of section 903.11 of the Revised Code; 133613

(3) "~~1511.01~~ 939.01", "~~chief of the division of soil and~~ 133614
~~water resources in the department of natural resources under~~ 133615
~~section 1511.02~~ director of agriculture under section 939.02", and 133616
"~~1515.08~~ 939.02" in section 903.25 of the Revised Code; 133617

(4) "~~1515.14~~ 940.15" in division (A)(2) of section 3734.901 133618
of the Revised Code; 133619

(5) All of the amendments to section 1501.011 of the Revised 133620
Code, except a notice published by the department of natural 133621
resources regarding an activity, project, or improvement shall be 133622
published as contemplated in section 7.16 of the Revised Code. 133623

(6) Renumbering of sections 1515.14 to 940.15 of the Revised 133624
Code; and "~~natural resources agriculture~~", "~~local~~", "~~1515.10~~ 133625
940.12", "~~local~~", "~~1515.10~~ 940.12", and "~~local~~" in division (A) of 133626
renumbered section 940.15 of the Revised Code. 133627

Section 815.10. The General Assembly, applying the principle 133628
stated in division (B) of section 1.52 of the Revised Code that 133629
amendments are to be harmonized if reasonably capable of 133630
simultaneous operation, finds that the following sections, 133631
presented in this act as composites of the sections as amended by 133632

the acts indicated, are the resulting versions of the sections in 133633
effect prior to the effective date of the sections as presented in 133634
this act: 133635

Section 109.572 of the Revised Code as amended by both Am. 133636
Sub. H.B. 483 and Am. Sub. S.B. 143 of the 130th General Assembly. 133637

Section 122.85 of the Revised Code as amended by both Am. 133638
Sub. H.B. 508 and Am. Sub. H.B. 510 of the 129th General Assembly. 133639

Section 124.181 of the Revised Code as amended by both Am. 133640
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 133641

Section 124.392 of the Revised Code as amended by both Am. 133642
Sub. H.B. 1 and Am. Sub. H.B. 16 of the 128th General Assembly. 133643

Section 317.08 of the Revised Code as amended by both Sub. 133644
H.B. 9 and Sub. H.B. 72 of the 130th General Assembly. 133645

Section 321.24 of the Revised Code as amended by both Sub. 133646
S.B. 353 of the 127th General Assembly and Am. Sub. H.B. 1 of the 133647
128th General Assembly. 133648

Section 2151.421 of the Revised Code as amended by both Am. 133649
Sub. H.B. 213 and Am. Sub. H.B. 483 of the 130th General Assembly. 133650

Section 2923.122 of the Revised Code as amended by both Am. 133651
Sub. H.B. 495 and Am. Sub. S.B. 337 of the 129th General Assembly. 133652

Section 3301.57 of the Revised Code as amended by both Am. 133653
Sub. H.B. 1 and Sub. S.B. 79 of the 128th General Assembly. 133654

Section 3314.03 of the Revised Code as amended by Sub. H.B. 133655
264, Sub. H.B. 362, Sub. H.B. 393, and Am. Sub. H.B. 487, all of 133656
the 130th General Assembly. 133657

Section 3314.08 of the Revised Code as amended by both Am. 133658
Sub. H.B. 483 and Am. Sub. H.B. 487 of the 130th General Assembly. 133659

Section 3319.22 of the Revised Code as amended by both Am. 133660
Sub. H.B. 487 and Am. Sub. S.B. 3 of the 130th General Assembly. 133661

Section 3326.11 of the Revised Code as amended by Sub. H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th General Assembly.	133662 133663 133664
Section 3328.24 of the Revised Code as amended by Sub. H.B. 264, Sub. H.B. 393, and Am. Sub. H.B. 487, all of the 130th General Assembly.	133665 133666 133667
Section 3333.048 of the Revised Code as amended by both Sub. H.B. 484 and Am. Sub. S.B. 3 of the 130th General Assembly.	133668 133669
Section 3333.0411 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	133670 133671
Section 3501.01 of the Revised Code as amended by Am. Sub. H.B. 59, Am. Sub. S.B. 109, and Am. Sub. S.B. 193 all of the 130th General Assembly.	133672 133673 133674
Section 3701.74 of the Revised Code as amended by both Sub. H.B. 232 and Am. Sub. H.B. 483 of the 130th General Assembly.	133675 133676
Section 3714.073 of the Revised Code as amended by both Am. Sub. H.B. 487 and Sub. S.B. 294 of the 129th General Assembly.	133677 133678
Section 4501.21 of the Revised Code as amended by Am. Sub. H.B. 23, Sub. H.B. 206, Am. H.B. 474, and Am. S.B. 186, all of the 130th General Assembly.	133679 133680 133681
Section 5104.09 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. Sub. S.B. 316 of the 129th General Assembly.	133682 133683
Section 5104.38 of the Revised Code as amended by both Am. Sub. S.B. 316 of the 129th General Assembly and Am. Sub. H.B. 483 of the 130th General Assembly.	133684 133685 133686
Section 5705.34 of the Revised Code as amended by both Am. Sub. H.B. 487 and Am. S.B. 321 of the 129th General Assembly.	133687 133688
Section 5747.113 of the Revised Code as amended by both Am. Sub. H.B. 59 and Am. H.B. 112 of the 130th General Assembly.	133689 133690